

**A Report of the
Commission on Human Rights of the Philippines
to the
11th Annual Meeting of the Asia Pacific Forum
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Suva, Fiji**

For the past year and during the early part of 2006, the Commission on Human Rights of the Philippines has been working in the midst of surmounting human rights concerns, which include among others the spate of killings of human rights workers belonging to non-government organizations; the increasing number of journalists being killed for criticizing the government and powerful politicians; the violent dispersal of rallies and demonstrations as allowed by the Calibrated Preemptive Response (CPR) policy of the government and the continuing human rights abuses committed against the citizens. The Commission has intensified its efforts through three (3) pronged approach consisting of human rights protection, promotion and the rights based advocacy in engaging the government and private sectors.

I. Human Rights Protection

Human rights protection activities have been intensified through appropriate investigation of cases involving:

- A.** Attacks on Human Rights Defenders. The CHRP through resolutions of cases and issuances of advisories, called on the President of the Philippines and the highest chain of command of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) to honor governments commitment to state obligations on human rights and International Humanitarian Law (IHL). These same agencies were called upon and advised to conduct the necessary investigation regarding the killings and report violations.
- B.** Killing of Journalists and Media Men. The CHRP in its advisory noted the pattern of acquiescence of complacency on the cases of killings, individually and collectively. It also stated that impunity presages the absence of the rule of law that is essential in maintaining order and stability.
- C.** Violent Dispersal of Rallies and the Calibrated Preemptive Response (CPR) Policy of the Government. The CHRP conducted several activities on the proper response of men in uniform during rallies of citizens in the exercise of their right to freedom of assembly and petition the government for redress of grievances. The CHRP also stood firm on its stand that CPR is contrary to law and that it should be scrapped for being violative of human rights enshrined in the statutes, the Constitution and in International Instruments. Further to this, upon consultation requested by the Philippine National Police, the Commission has

guided the formulation of the revised guidelines in the conduct of police actions in cases of rallies and mass actions.

- D. Summary Executions.** The Commission is continuous in its effort to conduct vigorous investigations of cases of summary executions and enforced disappearances, particularly those that involve state agents as alleged respondents. In a case of summary execution, the Commission conducted a public hearing on the death of three (3) suspected carnappers who were summarily executed. Forensic investigation was employed in the process to determine the extent of this violation on the right to life of these young individuals.
- E. Other Forms of Human Rights Violations in the Form of Torture, Arbitrary Arrest/Detention and Other Inhumane Treatment of Prisoners/Detainees.** The CHRP has been active in the recognition, documentation and reporting of cases of torture and other cruel, inhumane or degrading treatment and punishment of prisoners and detainees. The regional offices have documented and investigated cases where suspects were tortured after their arrest by members of the Philippine National Police. Several cases of illegal arrest and detention were also reported before the CHRP. There were also allegations that some of these individuals remained in custody for the period longer than their stated jail terms. Police in a number of cases arbitrarily arrest and detain citizens even if the Philippine Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding of prisoners in secret places of detention.

The CHRP has also actively lobbied for the passage of the bill on torture which is still pending in Congress. It also issued a Position Paper on the Request for Assistance in Rehabilitation of Victims of Torture

II. Human Rights Protection and Promotion of Vulnerable Groups

A. Children

1. **Muslim Women and Children Detainees.** The CHRP strongly condemns the discrimination and stereotyping of Muslims as terrorists as it violates the principles and standards set forth in the international treaties. The CHRP in partnership with the Office of Muslim Affairs (OMA) and Women Lawyers Circle (WILOCI) has now broadened its 2004 initial survey of all detention centers in Metro Manila, to include detention facilities in Muslim Mindanao. The objectives of this project are to establish data on Muslim women and children detained on account of their relationship with suspected Muslim terrorists and render legal assistance for the immediate release of children and illegally detained women.

The CHRP also actively lobbied for the passage of the Comprehensive Juvenile Justice Bill, which was signed into law last April 2006 as the Juvenile Justice

Welfare Act of 2006. In this law, children 15 years old and below are exempt from criminal liability.

2. Baseline Survey of Basic Services for Children in Conflict with the Law. The CHRP thru its Child Rights Center with funding support from UNICEF conducted a baseline survey services for children in conflict with the law (CICL). This survey is aimed at determining the human rights situation of CICL and monitoring Philippine Government's compliance with international treaty obligations and observance of Rules in international law affecting CICL. The survey concluded that the State failed in its obligations to protect the rights of children in conflict with the law. The Commission recommended that the treatment of CICL needs a lot of improvement, radical changes, in order that the children may be fully protected of their rights. It further recommended that the government should strengthen its existing mechanisms for data collection and develop monitoring indicators in the area of child justice, and use these data and indicators to formulate policies and programmes for the effective implementation of the Convention on the Rights of the Child.
3. Children in Armed Conflict Areas. Another pressing concern that the CHRP dealt with during the year was the involvement of children, including being combatants, in the continuing armed conflicts. Girl children were undergoing training for guerilla warfare in the New People's Army. Some were captured while working with the New Peoples Army as combatants, couriers, guides or spies. CHRP gathered a report which noted that some members of the Citizens Armed Forces Geographical Units (CAFGU) and Civilian Voluntary Organization (CVOs) are children.
4. In partnership with the Swedish Ombudsman for Children, the Commission conducted a Logical Framework Approach Workshop for State Actors in the Child Justice System in the early part of February 2006. Participated in by stakeholders from the five pillars of the criminal justice system and by children in conflict with the law, now in the custody of government and NGO run facilities, the workshop seeks to identify gaps in the child justice system, and specific activities that should be undertaken by State actors to enhance the Philippine child justice system.
5. Under the same partnership, a conference to Strengthen the Philippine Child Justice System was held and aimed at getting the commitment of policy makers and stakeholders to better implement the Convention on the Rights of the Child and make our criminal justice system more child sensitive. The conference culminated with the participants signing a pledge of commitment to lobby for the passage of the comprehensive juvenile justice law, and for the stakeholders to formulate a National Plan of Action for children in conflict with the law. This and the previous activities contributed to the speedy enactment of Republic Act No. 9344 – the Juvenile Justice and Welfare Act of 2006 – signed by the President on April 28, 2006.

B. Women

Republic Act 9262 or the Anti-violence Against Women and Their Children which took effect on 04 March 2004 is a domestic legislation that institutionalizes the principle of non-discrimination against women in terms of gender-based violence advanced in Article 1 of the UN Convention on the Elimination of all forms of Discrimination Against Women or CEDAW for brevity. To make R.A. 9262 efficacious, the inter-agency council (IAC-VAWC) which consists of government agencies is integrated as an implementing mechanism. The Commission on Human Rights is part of the IAC-VAWC and since the enactment of the law, it has been actively involved in the areas of advocacy, capability building, policy development, and monitoring. The CHR thru its newly established Women Human Rights Center also provides legal counseling for VAW victims and assists in the drafting of application and/or petition for protection orders. The Strategic Plan for the implementation of R.A. 9262 covering the period of 2006-2010 is ongoing and CHR thru the same Center, has been identified as member of the technical working group. The strategic plan is expected to be presented for review and approval of agency chairpersons and department secretaries tentatively on August 2006.

C. Death Penalty

The CHRP and the European Union organized a series of dialogues on death penalty and restorative justice in three (3) key cities in the Philippines (Cebu, Davao and Manila). The CHRP, together with the heads of various institutions, NGOs and organizations believe in Restorative Justice and have a common vision of instituting changes in the Philippine Criminal Justice System. It issued an advisory strongly supporting the abolition of the death penalty. It has also submitted position paper to the Supreme Court to stay the execution of some convicts.

Last June 24, 2006, Republic Act 9346 –“The Act Prohibiting the Imposition of the Death Penalty in the Philippines” was passed into law. All death sentences are now commuted to *reclusion perpetua* or life imprisonment without parole.

III. Rights-Based Advocacy

The CHRP has effectively established collaborative mechanisms with government agencies, non-government organizations, and civil society organizations for the inclusion of RBA in their plans, programs and activities. Also, seminars, trainings, lectures and talks were conducted for LGUs, Regional Line Agencies, government officials and employees, teachers, students, in the different regions.

Memorandum of Agreement/Understanding for the adoption of RBA was forged with various government agencies. At present, the Commission is involved in institutionalizing in local government units realization of the Millennium Development Goals through the rights-based approach in six (6) pilot cities nationwide.