



# 2011 ANNUAL REPORT

*Annual Accomplishment Report of the  
Commission on Human Rights of the Philippines*

Prepared by the Strategic Development and Planning Office (SDPO)

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## EXECUTIVE SUMMARY

### Executive Summary

**ON** the eve of its silver anniversary, the Commission on Human Rights embarked on a redesigned roadmap for human rights anchored on its primary role as a national comprehensive monitor.

At the first quarter of 2011, the Commission adopted its updated CHRP Strategic Plan for 2010-2015 which enunciates the focus areas for its human rights protection, promotion and policy advisory programs and services. Under the Strategic Plan, the Commission shall: level-up its protection service delivery system; contribute to the strengthening of the human rights mechanism in the country; promote a culture of human rights for peace and national development; institutionalize a comprehensive human rights monitoring framework; and as its program strategy, forge alliances and partnerships at the national and local levels and harness solidarity with the international human rights community. Underneath these strategic thrusts is the necessity to strengthen the foundation of the CHRP as the national human rights institution of the country through its own Charter.

The first year implementation of the Strategic Plan in 2011 yielded significant outcomes and results from its major outputs accomplished at varying performance levels.

#### HR PROTECTION SERVICES

In monitoring the human rights situation in 2011, the Commission received a total of 2,988 complaints of different types of human rights violations involving 3,476 victims and 3,766 perpetrators. Disaggregation of data according to sex showed much more male (1,238) than female (814) victims; similarly, there were more male (1,980) than female (264) perpetrators.

Based on the preliminary evaluation of 2,115 complaints, only 237 required full blown investigation, while majority or 1,807 needed legal aide and counseling services. Some 32 complaints were found to be outside of the CHR jurisdiction, which were immediately referred to other agencies.

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## *Extra-Judicial Killings, Enforced Disappearances and Torture*

The total number of extra-judicial killings, enforced disappearances and torture as documented decreased in 2011 with only 132 incidents and 215 victims from last year's record of 183 incidents and 408 victims. Among the high profile cases investigated include the killing of Fr. Fausto "Pops" Tentorio, the Italian missionary who was known for advocating the interest of Lumads in Cotabato; the death of Erick Joseph Apura due to hazing at the Philippine Merchant Marine Academy; the death of Nicanor Mariano and wounding of his brother, Norman, due to indiscriminate firing allegedly committed by the soldiers of the 56<sup>th</sup> Infantry Brigade; the ambush of the Scout Rangers of the Philippine Army in Sumilip, Basilan; and the arrest and torture of Abdulkhan Balinting Y Ajid, a suspected Abu Sayaf member whose warrant of arrest contained a different name. The Commission also greatly contributed to the peaceful resolution of the 3-day hostage taking by five armed men from the Manobo tribe in Prosperidad, Agusan del Sur in April this year.

The Commission resolved a total of 675 cases during the year disposed as follows: filing and monitoring in courts and relevant agencies for either prosecution and/or administrative action (256 cases); dismissal/termination (23 cases); settlement under Alternative Dispute Resolution or ADR (63 cases); archiving (8 cases); and revert for further investigation (1 case). In addition to the cases filed for prosecution and/or administrative action, there were 278 closed/terminated cases and 46 archived cases wherein the Commission established the existence of human rights violation and recommended other remedial measures, including the grant of financial assistance.

On violations of child rights, the CHR regional offices investigated a total of 64 cases of child abuse. Out of this number, three (3) cases were closed for monitoring and 14 cases were referred to different agencies, such as Department of Education (DepEd), National Police Commission (NAPOLCOM), and Ombudsman.

The number of resolved cases in 2011 included incidents from the previous years and three high profile cases resolved by the Commission *en Banc*. These are: the Capitanea case involving the killing of an agent of the Philippine Drugs Enforcement Agency (PDEA) attributed to the agency itself; the abduction and torture of Melissa Roxas, a member of

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Habi-Arts and Bayan US Chapter; and the displacement of the residents of Didipio, Kasibu, Nueva Vizcaya due to mining operations.

The Commission continued to investigate and monitor other high profile cases of incidents in previous years. In the killing of botanist Leonard Co and his two companions, the Commission gathered more information and evidence to support its earlier findings on the culpability of the respondents. Also, in the two incidents of hazing of trainees of the Philippine National Police captured in two videos, the Commission's investigation led to the identification of the victims and the alleged respondents, and thereafter, the filing of administrative and criminal charges against the Police trainers.

In the conduct of independent investigations, the Commission's Forensic Center attended to 188 cases requiring independent medico-legal services including autopsies and exhumations. The forensic cases include 31 incidents of torture and various allegations of maltreatment of suspects while in the custody of the police.

At the central and regional levels, the Commission issued a total of 2,294 clearances and certificates of no pending human rights violation to police and military personnel seeking promotion or applying for scholarships and further studies abroad. About 1,181 clearances were issued to members of the police force, 982 to the members of the Armed Forces of the Philippines, and 89 to other civil servants. As for certifications, 29 were issued to the police force, 10 to the members of the Armed Forces of the Philippines, and 3 to other civil servants.

The Commission's free legal aid and counseling services benefitted a total of 2,684 complainants and victims. They came mostly from vulnerable groups, particularly children, women and youth, and poor litigants who were up against those who abuse their power. One of them is a rape victim, "Anna" a minor, whose case was dismissed by a Regional Trial Court in Cabanatuan on the basis that she gave birth ten months after the alleged date of rape.

As the Ombud for Women and Children, the Commission provided legal assistance to "Anna" and her mother. The CHR assisted the minor victim in filing a Petition for *Certiorari* before the Court of Appeals under Rule 65, questioning the grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Judge in dismissing the rape

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charges without providing “Anna” the chance to present her case, denying her due process, and in dismissing the case on the basis of her pregnancy and date of delivery – matters which are not elements of rape by sexual assault.

## ***Assistance and Visitorial Services***

Through the regular and on-the-spot jail visitations, the Commission reached a total of 46,170 prisoners/detainees nationwide of which 148 were children in conflict with the law (CICL). Aside from monitoring incidents of torture and other cruel and degrading treatment, and CICL in the detention facilities, the Commission’s visitorial services include legal counseling, review of case records, referral of requests for better detention facilities and services, recommendation for pardon and parole, among others. A total of 3,552 prisoners/detainees received legal counseling and assistance on their cases, including 27 prisoners recommended to the Board of Pardons and Parole for grant of parole or executive clemency.

The Commission granted a total of P1,672,500.00 as financial assistance to 228 human rights violations victims and their families while some claims for financial assistance amounting to P 7,226,000.00 have been approved for processing. In addition, the Commission allocated a portion of its budget to the needs of the five (5) witnesses in high profile HRV cases under the Witness Protection Program.

The recent landmark decision of the Federal District Court of Hawaii to compensate human rights victims of the Martial Law Regime allowed the Commission to assist counsels for the class suit members, Attorneys Robert Smith and Rod Domingo, to meet with the claimants for the implementation of the order to distribute partial compensation equivalent to \$1000.00 concerning 7,526 claimants recognized by the court as eligible class members. Other human rights victims during the Martial Law who were not part of the Hawaii Court case were encouraged to lobby for the passage of the Compensation Law.

## **HR PROMOTION SERVICES**

Promoting a culture of human rights for peace and national development in support of the President’s Social Contract with the Filipino People requires a sustained human rights

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education and information program for priority stakeholders. Along this line, CHR widened its network of partners and cooperators in the security sector, law enforcement sector, education sector, local government units, national government agencies, non-government organizations and civil society groups. The 2<sup>nd</sup> National Human Rights Educators Congress held in the middle of the year gathered 380 participants from at least 16 agencies and organizations in this multi-sectoral stakeholders' forum.

This year, 735 HR Education activities were conducted consisting of 264 seminars/trainings with 18,536 trainees, 253 lectures/talks with 26,484 participants and 218 other information dissemination activities with 27,603 attendees. All in all, the Commission directly reached a total of 72,623 people from all walks of life. Among the priority sectors are the uniformed men numbering to 18,999.

HR lectures and talks covered various topics and relevant laws implementing the Child Rights Convention (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) particularly the domestic law- the Magna Carta of Women; the Anti Torture Law and its Implementing Rules and Regulations, which is the domestic application of the Convention Against Torture; International Humanitarian Law; Trafficking in Persons; Migrant Workers; among many others.

CHR also conducted a total of 653 inter-agency meetings and dialogues with national and local government agencies, as well as government organizations covering different sectoral activities and concerns. These activities have reached out to a total of 25,040 participants while the information materials distributed totaled to 933.

Along the standards-setting for human rights education and training, the Commission developed a Pilot Module for Security Guards and a Training Manual on a Human Rights Based Approach to Community Empowerment for Muslim Women Leaders. The latter was piloted in three (3) training workshops covering 75 aleemats and ustazdas (Muslim women religious scholars and teachers). Likewise, the Human Rights-International Humanitarian Law (HR-IHL) Modules for the Philippine National Police Academy (PNPA); and the HRE Curricula

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for Law Enforcement, Security and Intelligence Agents (LESI) in South East Asian countries, namely, the Philippines, Thailand, Indonesia and Malaysia were also pilot tested.

Moreover, the Commission distributed a total number of 25,059 human rights information materials comprised of 2,861 human rights flyers; 1,344 human rights primers; 190 handbooks/other briefer on human rights; and 20,664 other lecture materials. This year, new human rights materials, learning tools and teaching aides developed and published were the following: Humanity Amidst Conflicts – Proceedings of the National Summit on International Humanitarian Law (IHL) in the Philippines; R.A. 9745 Anti-Torture Act of 2009 and its IRR; 1<sup>st</sup> National Educators' Congress on Human Rights Education (1NECHRE) Report of Proceedings and Communique'; The State of Human Rights Education (HRE) in the Philippines: Issues, Concerns and Directions; and the initial copies of the Aleemat Modules. The year also saw the roll-out by the Commission of several tools integrating human rights-based approaches in the following areas of work: legislating children's rights; the legislative liaison system; human rights education and training; immigration detention; and management of detention facilities in order to prevent torture.

International milestone events on human rights provide a high platform for human rights discourse and promotion. During the annual "National Human Rights Consciousness Week" and "International Human Rights Day" in December 2011, the Commission spearheaded a number of commemorative activities, such as, Logo Making Contest, Human Rights Film Festival, Photo Exhibit, HR Quiz Bee for Students, Essay Writing Contest, Solidarity Run, HR Music Festival and participation in the Annual Pride March. This year also marked the first time that the CHR participated in the annual Pride March – the only delegation coming from a government agency - to underscore fundamental principles of equality and non-discrimination in the fight against violence, social stigma and HIV-AIDS.

Other milestone events celebrated with activities generating media attention on human rights issues include the Children's month, International Women's Month, Prison Week, among others.

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## *Never Again, Martial Law!*

As a fitting celebration of International Human Rights Day on December 10, 2011, the Commission and its partners in the academe, the Department of National Defense (DND), and human rights Non-Government Organizations (NGOs), launched the Martial Law Files (MLF) Project following the transfer of the declassified Martial law files from the DND to the CHR. The MLF Project is one concrete undertaking to "contribute to the painstaking process of national reconciliation and healing in a long journey to end impunity and make human rights a way of life in the country." The Commission has supported the call for the President to issue directives on the faithful preservation and systematic archival of all Military and Police records pertaining to victims of human rights violations during the Martial Law period.

## HR POLICY AND ADVISORY SERVICES

Consistent with its role as a national comprehensive monitor, the Commission has successfully intervened not only in cases of civil and political rights violations but also in complaints involving violations of economic, social and cultural rights. Noteworthy to mention are the interventions that resulted in the disapproval by the Department of Labor and Employment (DOLE) of gender-discriminatory economic provisions in the collective bargaining agreement between the Philippine Airlines and the Flight Attendants and Stewards Association of the Philippines (FASAP); the reinstatement of 29 illegally dismissed local government employees in Taft, Eastern Samar; and the stoppage or postponement of forced evictions of several urban poor communities.

## *Business and Human Rights*

The Commission's interventions in human rights issues involving national and multinational corporations is bolstered by the unanimous acceptance of the UN Human Rights Council in June 2011 of the Guiding Principles on the "*Respect, Protect and Remedy*" Framework on Business and Human Rights. Thus, CHR has looked into the case of the Korean firm, Hanjin Corporation based at the Subic Bay Industrial Zone involving the accidental deaths of workers, inhumane treatment and abuse by Korean Officials, inadequate safety and health standards, among others.

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Through the Women's Human Rights Center, the Commission galvanized a multi-sectoral activism that led to the repeal of Manila's infamous EO 3 or the ban on artificial contraceptives, a local measure that violates a woman's right to reproductive health. Also, under the Child Rights Center, it was able to shape the discourse on the responsibility of media to protect children's rights following the brouhaha of the "Willing-Willie" show, as well as against calls to amend the Juvenile Justice Welfare Act to lower the age of criminal responsibility from 15 to 12 years, which is below international standards as set by the Convention on the Rights of the Child.

The Commission also issued several human rights advisories and position papers on issues such as the fake arrests and arbitrary detention of innocent civilians by the Police; human rights implications of the acquisition and eventual use by the Philippine National Police (PNP) of the so-called non-lethal sonic devices for crowd control; local standards of fulfillment of the right to housing; the Philippine Airlines' policy and practice on Compulsory Retirement and Pregnancy Leave or the FASAP case; and the call to accord former President Marcos a state funeral at the *Libingan ng mga Bayani*; and the recent hostilities in Mindanao.

### *Universal Periodic Review of Government's HR Performance*

With the 2<sup>nd</sup> cycle of the Universal Periodic Review (UPR) of the Philippine State scheduled in 2012, the Commission organized a series of national and regional consultation workshops with civil society organizations on the process and content of this international monitoring mechanism. As the national human rights institution, the Commission prepared its own independent report which was submitted to the Human Rights Council through the Office of the High Commissioner for Human Rights (OHCHR) in November 2011. The independent report focused on the status of the recommendations to the government during the first UPR and raised other equally important human rights issues, such as Lesbians, Gays, Bisexual, and Transgender (LGBT) rights, political participation of person deprived of their liberties, business and human rights, among others.

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On the strengthening national human rights mechanisms, the Commission has been working hard to secure the passage of vital human rights legislations and has actively participated in the technical working group meetings on the following priority bills: (1) the CHR Charter which would vest it with expanded powers, including prosecution of human rights offenses; (2) Anti-enforced Disappearance Bill; (3) Compensation of Victims of Martial Law; (4) Protection of Internally Displaced Persons Bill; and (5) Anti-extrajudicial Killings Bill, (6) National Preventive Mechanism and Internal Displacement of Persons; (7) Strengthening the Witness Protection Program, as well as in other human rights related bills such as the Whistle Blowers' Act and the National ID System.

### COOPERATION ON HUMAN RIGHTS

The Commission has been able to accomplish significantly more than what its regular budget would have allowed by pursuing collaborative undertakings at all levels of governance, both domestic and international. Partnerships with local organizations have also been intensified. The Commission has partnered with the Medical Action Group (MAG) in training municipal health officers in forensic investigation; the Philippine Alliance of Human Rights Advocates (PAHRA) on conducting case conferences; Ecowaste Coalition on defining the nexus between human rights and chemical safety; the National Commission on Muslim Filipinos on Training Muslim Community Paralegals; Rainbow Rights Coalition on Advocating for LGBT Rights in the Workplace; ESCR-Asia and the International Movement of Development Managers on the Conduct of the 2<sup>nd</sup> National Human Rights Educators Congress; Likhaan and ReproCen on Combating Gender Discriminatory and Anti-RH Policies at the Local Level; Alternative Law Groups on Facilitating Community-based Human Rights Dialogues with the Armed Forces of the Philippines; and the Philippine Center for Islam and Democracy on the Provision of Human Rights Training for "*aleemats*" or the Women Scholars of Islam and their Communities; Mindanao Human Rights Action Center on Community-based Monitoring of Human Rights, among others.

Through the funding support of the United Nations Population Fund (UNFPA), CHR through the Women's Rights Center conducted consultative meetings with representatives of local chief executives of Metro Manila on issues pertaining to their reproductive health programmes. A regional conference was also organized for the development of operational guidelines on processes and functions of CHR as Gender Ombud.

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At the last quarter of 2011, the Commission accepted a new international funding partner, the *Agencia Espanola de Cooperacion Internacional para el Desarollo* (AECID) for a three-year project on Institutional Strengthening of the CHR. It also maintains its strong partnership with the United Nations High Commissioner for Refugees (UNHCR) on the ground-level monitoring of the situation of internally displaced persons in Mindanao; the Australian Government (AusAID) on empowering indigenous communities, improving forensic capabilities and enhancing case management; the Asia Foundation and USAID on developing a Martus-based HR Executive Information System; the United Nations Development Program UNDP under its democratic governance portfolio and other United Nations agencies including the Office of the High Commissioner for Human Rights. The Commission has been engaging with the Asia Pacific Forum and the International Coordinating Committee of National Human Rights Institutions.

Although the EU-assisted project "Enhancing the Role of National Human Rights Institutions in the Development of an ASEAN Human Rights Mechanism" was completed in February this year, the regular engagements among members of the Southeast Asian NHRI Forum (SEANF) has been continuing to achieve critical synergies in business and human rights, reproductive health, anti-discrimination, and prevention of torture. This year, the forum prepared a collective stand on the drafting of the ASEAN Human Rights Declaration and submitted a position paper on the content of the declaration and process of drafting to the ASEAN Intergovernmental Commission on Human Rights (AICHR).

## INSTITUTIONAL BUILDING AND ORGANIZATION DEVELOPMENT

As a dynamic and evolving organization, the Commission continues to make room for internal reforms consistent with the updated Strategic Plan. The new *Manual on Investigation and Case Management Process* adopted in December 2011 is one complete set of procedures and guidelines for the staff to improve delivery of services. Likewise, it has completed the final draft of its first Omnibus Rules of Procedures (ORP) for official release in 2012.

The CHR has also updated its Organizational Performance Indicator Framework (OPIF) to allow for seamless integration with the Philippine Development Plan. By clarifying

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its major services and outputs into three main categories: promotion, protection and policy, it is expected to generate a more coherent understanding of its accountabilities to the people.

For its capacity building and professional growth of its staff from the management level to the rank and file, the Commission relies on support from local and international donors and organizations. This year, 10 officers and staff from central and regional offices were sent to international trainings on human rights including foreign scholarships from Sydney University and Hong Kong University.

### ***Staff Complement***

As of December 2011, the Commission has a total manpower complement of 548 personnel, wherein additional 11 positions were filled-up from the total of 537 manpower complement in 2010. Of the 548 personnel, 250 are assigned at the Central Office and 298 are at the 15 Regional Offices. Of these number, 290 are male while 258 are female.

### ***CHR Budget and Expenditure***

For 2011, the Commission worked on a total funding of Php 330,719,000.00 which included the amount of Php 9,583,000.00 allotment balance carried over from FY 2010. The FY 2011 appropriations has been reduced by Php 16,449,000.00 as compared to the FY 2010 budget. Out of the Php 330,719,000.00, a sum of Php 323,347,000.00 was expended by the Commission for its operational functions.

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## Human Rights Protection Services

### DOCUMENTATION OF HUMAN RIGHTS COMPLAINTS

CHR's improved use of the Martus-Based Information Executive System (MAREIS) enabled the Commission to generate a significant number of complaints received by each regional office, including the victims and perpetrators therein.

**Table 1.**  
**Number of Complaints Received by Source**

January – December 2011

| Source                   | Number       |
|--------------------------|--------------|
| Walk-in/ Regional Office | 2,707        |
| Investigative Monitoring | 26           |
| BHRAC                    | 15           |
| Motu Proprio             | 240          |
| <b>Total</b>             | <b>2,988</b> |

**Source:** MAREIS

From the 2,988 complaints received nationwide, a total of 3,476 victims and 3,766 perpetrators were registered. Sex-disaggregation of data reveals much more male (1,238) than female (814) victims. Consistently, there were more male perpetrators (1,980) than female (264). However, the gender of 1,493 victims and 1,411 perpetrators was not indicated.

A total of 2,115 complaints have undergone preliminary evaluation to determine CHR jurisdiction as well as the kind of services or actions to be undertaken. Of the cases evaluated, only 237 complaints required full-blown investigation while 1,807 needed legal counseling services.

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**Table 2.**  
**Number of Cases Evaluated**  
**January-December 2011**

| Source            | Number       |
|-------------------|--------------|
| Legal Counseling  | 1,807        |
| For Investigation | 237          |
| Not Specified     | 36           |
| No HRV/Referred   | 32           |
| For Consolidation | 3            |
| Total             | <b>2,115</b> |

Source: MAREIS

- ✓ Extra-Judicial Killings (EJKs), Enforced Disappearance (ED) and Torture

The number of EJK, ED and torture incidents decreased in 2011 as compared in the last 2 years:

**Table 3.**  
**Verified Cases of EJK/ED/Torture by Year and by Victim**

| Case Type | 2009            |                   | 2010            |                   | 2011            |                   |
|-----------|-----------------|-------------------|-----------------|-------------------|-----------------|-------------------|
|           | Number of Cases | Number of Victims | Number of Cases | Number of Victims | Number of Cases | Number of Victims |
| EJK       | 103             | 194               | 85              | 149               | 75              | 121               |
| ED        | 31              | 42                | 37              | 123               | 7               | 28                |
| Torture   | 22              | 32                | 61              | 136               | 50              | 66                |

Source: LIO

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Among the 2011 high profile cases being investigated are the following:

### ➤ **Killing of Father Fausto "Pops" Tentorio**

On 17 October 2011, Fr. Fausto Tentorio, an Italian missionary of the Pontifical Institute for Foreign Missionary (PIME) was shot dead by a lone gunman at the premises of the Mother of Perpetual Help Parish Convent in Arakan, Cotabato while said priest was about to open his car. Fr. Fausto has been known for advocating the interest of the Lumads in Cotabato and opposing the operation of certain banana plantations, mining, logging, and the construction of a dam in the area.

On 29 December 2011, the alleged gunman, Jimmy Ato was captured in the same Arakan Township in Cotabato Province, where the Reverend had served as a parish priest when he was killed outside his church.

### ➤ **Death of Erick Joseph Apura Due to Hazing**

On 7 May 2011, Erick Apura, a 17-year old probationary midshipmen trainee of the Philippine Merchant Marine Academy (PMMA) died at Divine World Hospital, Tacloban City where he was confined due to physical injuries inflicted by senior midshipmen in PMMA. According to NBI-CELRO's finding, the victim died due to hazing. Prior to his death, the victim was able to confide in his brother Excel Apura, Jr., of the facts of his ordeal, thus prompting his parents to file criminal and administrative cases against perpetrators.

An investigating group was dispatched to probe on the case, and was tasked to coordinate with the concerned government agencies, particularly NBI-CELRO. The group was able to gather documents such as a copy of the findings of the NBI-CELRO, affidavit of Ted Lawrence Tuy y Banata, and a copy of the letter of Excel Apura, Jr. addressed to Ombudsman Conchita Carpio Morales.

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On 17 August 2011, the Prosecutor's Office conducted a preliminary investigation. There is a pending administrative case with the Office of the Ombudsman for Luzon against the school officials, as filed by the victim's father. The Commission is continuously monitoring the case.

### ➤ Arrest and Torture of Abdulkhan Balinting Y Ajid

On 23 July 2011, Abdulkhan Balinting, an alleged Abu Sayyaf member was arrested on the strength of a warrant by the Philippine Army but on a different name. The soldiers ransacked the victim's house but could not find any firearms, thus taking the victim with them on board a military vehicle.

On 26 July 2011, the family of the victim received reports that Balinting was seen under the custody of the military inside the brigade compound, with his feet tied. Subsequently, the victims' family filed a Petition for the Issuance of a Writ of Habeas Corpus which the court granted. On 27 July 2011, the apprehending military officers produced the body of the victim before the court with signs of torture, particularly severe burnt injuries in the different parts of the body.

On 1 August 2011, CHR officially requested the Zamboanga City Police to provide security to the victim while confined in the Zamboanga Medical City Center due to his worsened physical condition.

On 2 August 2011, the Commission interviewed the victim and drafted the latter's sworn affidavit. On the following day, said victim was informed by the Commission that the military personnel involved in his maltreatment/torture were already identified. The victim and his family engaged the services of a private counsel.

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### ➤ Hostage Taking in Agusan del Sur

On Friday, 1 April 2011, five armed men from the Manobo tribe hosted 16 civilians in the municipality of Prosperidad, Agusan del Sur, most of whom were teachers and schoolchildren coming from a graduation ceremony. The hostage-takers demanded the release of their relative, Ondo Perez, who is incarcerated for charges of murder and hostage-taking of some 75 people back in 2009. They also asserted their right to their ancestral domains which, according to them, was not being recognized and respected by the government.

The CHR was one of the first agencies contacted by the group of Ondo Perez to help negotiate with the hostage-takers. When the local government unit formed the Crisis Management Committee (CMC), the CHR took the lead in the legal team tasked to review and expedite the legal processes in relation to the pending cases of Ondo Perez. The legal team is also composed of the Department of Justice (DOJ), Public Attorney's Office (PAO) and the National Commission on Indigenous Peoples (NCIP).

The CHR Office in Caraga, directly participated in the negotiations with the hostage-takers who then released and abandoned their hostages when they learned of the progress in the pending cases of Ondo Perez.

### ➤ Indiscriminate Firing at Doña Remedios Trinidad

On 19 July 2011, an indiscriminate firing allegedly committed by the soldiers of the 56<sup>th</sup> Infantry Battalion (IB) resulted to the death of Nicanor Mariano and wounding of Norman Mariano while both men were sleeping inside their hut situated at Sitio Batong Munti, Brgy. Camachile, Doña Remedios Trinidad, Bulacan. The said soldiers have mistaken the victims to be members of the New People's Army (NPA). Norman, the surviving victim alleged that during his confinement at V. Luna Hospital, he was forced by the soldiers of the 56<sup>th</sup> IB to admit that he is a member of the NPA and out of fear, he was forced to sign a blank paper.

The Commission obtained the sworn statements of key witness, conducted an ocular inspection of the crime scene, and recovered 43 empty shells from unknown caliber of

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firearms which were then endorsed to the Philippine National Police (PNP) Regional Crime Laboratory Office III for comparison with the slugs found inside the buttocks of Norman and the cadaver of Nicanor. It then requested Armed Forces of the Philippines (AFP) to allow members of the 56<sup>th</sup> IB of the Philippine Army (PA) to submit their respective issued firearms for ballistic examination and cross matching with the recovered 43 shells and 2 slugs.

### ➤ Ambush of Scout Rangers in Basilan

On 18 October 2011, elite forces (Scout Ranger) of the Philippine Army were ambushed in Al-Barka, Basilan which resulted in the death of its 19 soldiers and the wounding of 14 members, when they tried to serve the warrant of arrest against MILF Commander Dan Asnawi for multiple murder and a certain Abu Sayyaf Commander Lung Malat.

On 24, October 2011, another ambush carried out by an unidentified group resulted to the killing of five rubber tappers and the wounding of several others in Sumisip, Basilan. As a result of the conflicts, based on the Department of Social Welfare and Development (DSWD) Provincial Office record, the total number of internally displaced persons (IDPs) rose from 11,372 to 12,800.

The CHR investigating team made a follow up investigation of the ambush incident and they were able to gather information that the victims have no known enemies, except that the cooperative where they were employed received an extortion letter from the alleged group of Moro Islamic Liberation Front (MILF) in their area. The affidavit of the surviving spouses of the deceased and the wounded victims were taken in preparation for their claim of financial assistance from the CHR. The Commission also found out that the displaced residents have not returned to their respective homes for fear that the Philippine government will retaliate and undertake offensive action against the perpetrators.

### ➤ Burning of Twelve Victory Liner Buses and a Pick-up Truck

On 25 September 2011, the members of the local communist movement called "Pinagsanib na Sangay ng Tarlac-Zambales (PNS-TARZAM) burned 12 buses and a pick-up truck owned by Victory Liner Inc., in Capas, Tarlac. Prior to the burning of the buses, a security guard on

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duty sustained an injury in his middle finger, which was hit by a bullet that ricocheted when one of the armed men shot at a barking dog. Further, these armed men took three 9 mm. issued pistols of the security guards of Victory Liner Inc. as well as their cellular phones.

On 29 September 2011, the Commission issued an advisory condemning in the strongest sense, the unjustified burning of 12 buses and pick-up truck owned by Victory liner Inc. The advisory also stated that a similar incident occurred at the same place on 21 July 2010, wherein armed men claiming to be members of New People's Army (NPA) entered the compound and burned two buses as an offshoot of the bus company's refusal to lend support by paying revolutionary taxes to the NPA.

As of 29 September 2011, manhunt operation has been undertaken by the joint elements of the Provincial Public Safety Company and the 3<sup>rd</sup> mechanized battalion of the Philippine Army (PA) and appropriate criminal charges have been prepared.

- ✓ **Business and Human Rights/ESCR Cases**

- **Taganito Mining**

On 3 October 2011, the facilities of Taganito Mining Corporation (TMC), Taganito High Pressure Acid Leaching Plant (THPAL-Sumitomo, a sister company of TMC), and Platinum Group Metals Corporation (PGMC) were attacked by rebels. The smelting plant and guest house, 132 dump trucks, 22 backhoes, 9 barges, 2 cranes, 2 bulldozers, excavators, a compactor and a grader were set on fire and the newly-constructed heavy duty wharf of the nickel firm was also blasted. Some of the rebels were New People's Army (NPA) members mostly composed of young and indigenous people armed with high-powered firearms while some were identified as workers of the nickel firms and residents nearby.

During the raid, the rebels disarmed the companies' security guards and seized their firearms and briefly took hostage of several company workers and mining executives whom they

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released later. The rebels have also voiced out their demand to increase the minimum wage and equal rights for workers.

The Commission conducted investigations and it was found out that 14 high school students, mostly children of the affected workers who were left jobless after mining operations stopped requested for certificate of transfer. A public condemnation against NPA communist guerillas belonging to the Pulang Diwata Command of the North-Eastern Mindanao Region for launching an attack against the mining firms which are not considered as military targets, resulting in business and job losses was recommended. Moreover, a close monitoring of the case is being undertaken for possible human rights violations which might have been committed against civilians after the Armed Forces of the Philippines (AFP) ordered offensives against the raiders including other rebel groups.

➤ **Alleged Forcible Eviction (Demolition), Harassment Against the Members of San Miguel Neighborhood Association, Puerto Princesa City, Palawan**

A letter-complaint dated 31 August 2011 was filed by Ana Liza Landicho, President of the San Miguel Neighborhood Association (SMNA) of Puerto Princesa City alleging the following: 1) they experienced and continue to experience harassment and intimidation, human rights violation from officers and personnel of the 570<sup>th</sup> Composite Tactical Wing, Philippine Air Force (PAF), Antonio Bautista Airbase, particularly B/Gen. Esteban Castro, Commanding Officer, Col. Raymundo Elefante, Deputy Commander, Maj. Atty. Rubelito Rumpon, Wing Staff Judge Advocate, and Mr. Antonio Reyes, Director, Bantay Puerto, Puerto Princesa; 2) demolition of temporary structures they built on the disputed property with the use of a bulldozer; 3) fencing, by the Armed Forces of the Philippines (AFP), a part of the disputed property that the residents have utilized before; and 4) unlawful issuance of a demolition order by the City Mayor of Puerto Princesa. She has also alleged that there was also threat of arson.

The Commission created a fact-finding team that investigated the allegations in the complaint. Moreover, the CHR Team had an ocular inspection of the demolition site and a dialogue with the officers alleged in the complaint and the stakeholders. A post dialogue was

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held between the CHR Chairperson; 3 officials of the PAF namely Lt. Col. Andres S. Sunio, Jr., Lt. Col. Roper John B. Estepa; Col. Joven F. Ronan, the Chairman of the National Anti-Poverty Commission (NAPC); and Hon. Edward Hagedorn, the incumbent Mayor of Puerto Princesa City.

As of 9 October 2011, Mayor Hagedorn ordered an indefinite suspension of the impending demolition until all stakeholders will come into a dialogue to be presided by the CHR Chairperson and the Mayor.

### ✓ Child Rights Violations

The CHR conducted investigations, fact-finding missions, Multi-sectoral quick reaction team (MSQRT) and alternative dispute resolution (ADR) on various violations on children's rights. A total of 64 cases of child abuse were investigated by the CHR regional offices, and out of this number, three (3) cases were closed for monitoring while a total number of 14 cases were referred to different agencies such as Department of Education (DepEd), National Police Commission (NAPOLCOM) and Ombudsman. Likewise, Region 10 conducted one (1) fact-finding mission regarding a custody complaint filed against the Department of Social Welfare and Development (DSWD) and Philippine National Police (PNP) and one MSQRT on a custody and support complaint of a father.

## RESOLUTION OF HRV CASES

In 2011, the Commission resolved a total of 675 cases including those cases that were filed during the previous years. Of this number, 37.93% were resolved for filing and monitoring in courts or other agencies for prosecution or administrative action, while 9.33% were resolved thru alternative dispute resolution (ADR). In addition to the cases filed in courts/agencies, another 48% of resolved cases were established to be human rights violations although these were archived or closed/terminated.

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**Table 4.**  
**Breakdown of Cases Resolved by Disposition**

January – December 2011

| Region       | ADR       | Archived | Archived with HRV | Dismissed/<br>Closed<br>Terminated | Closed/<br>Terminated<br>with HRV | Filing and<br>Monitoring | Revert for<br>Further<br>Investigation | Total      |
|--------------|-----------|----------|-------------------|------------------------------------|-----------------------------------|--------------------------|--|------------|
| NCR          | 5         | -        | -                 | -                                  | 39                                | 21                       | -                                      | 65         |
| CAR          | 10        | -        | 1                 | -                                  | 21                                | -                        | -                                      | 32         |
| I            | -         | -        | -                 | -                                  | -                                 | 2                        | -                                      | 2          |
| II           | 7         | 1        | -                 | -                                  | 12                                | 10                       | -                                      | 30         |
| III          | 35        | -        | 3                 | -                                  | 8                                 | 12                       | -                                      | 58         |
| IV           | -         | -        | 7                 | -                                  | 32                                | 2                        | -                                      | 41         |
| V            | 6         | -        | 3                 | -                                  | 44                                | 26                       | -                                      | 79         |
| VI           | -         | 6        | -                 | -                                  | 20                                | 31                       | -                                      | 57         |
| VII          | -         | -        | 1                 | 5                                  | 8                                 | 13                       | -                                      | 27         |
| VIII         | -         | -        | 13                | -                                  | 33                                | 42                       | -                                      | 88         |
| IX           | -         | -        | 14                | 6                                  | 45                                | 57                       | -                                      | 122        |
| X            | -         | -        | -                 | 4                                  | 2                                 | 2                        | -                                      | 8          |
| XI           | -         | -        | 1                 | -                                  | 8                                 | 10                       | -                                      | 19         |
| XII          | -         | 1        | 0                 | 8                                  | -                                 | 17                       | 1                                      | 27         |
| CARAGA       | -         | -        | 3                 | -                                  | 6                                 | 11                       | -                                      | 20         |
| <b>Total</b> | <b>63</b> | <b>8</b> | <b>46</b>         | <b>23</b>                          | <b>278</b>                        | <b>256</b>               | <b>1</b>                               | <b>675</b> |

Source: LIO

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### ✓ En banc Case Resolutions

#### ➤ **Resolution on the Alleged Abduction and Torture of Melissa Roxas, Juanito Carabeo and John Edward Jandoc at La Paz, Tarlac on May 19, 2009**

On 9 May 2009 at the house of Mr. Jesus Paulo in Brgy. Kapanikian, La Paz, Tarlac, Melissa Roxas, a member of Habi-Arts and Bayan's United States Chapter along with two others identified as John Edward Jandoc and Juanito Carabeo were forcibly taken against their will. For several days, she was subjected to various forms of torture and was forced to sign a document stating that she was a member of the New People's Army (NPA).

The Commission found out that complainant Melissa Roxas was forcibly taken by unidentified men along with two of her companions and was kept in captivity against her will. Hence, constituting violation of her human right to be secured as a person, her right to liberty and her right not to be arbitrarily and involuntarily detained.

The Commission recommended that the case be forwarded to Philippine National Police (PNP) and National Bureau of Investigation (NBI) for further investigation particularly in terms of identifying the perpetrators of the human rights abuses and the crimes committed against complainant and her companions. Moreover, the Commission reminded that concerned government agencies such as the PNP and AFP together with the CPP-NPA of their duties and obligations under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) particularly the Geneva Convention.

Further, the Commission also recommended that the government ratify the International Convention for the Protection of All Persons from Enforced Disappearance and as for the Non-Government Organizations (NGOs) to place proper safeguards in the conduct of their immersion and/or exposure programs to avoid any eventuality of disappearance and killing.

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### ➤ Resolution on the Displacement Complaint of Residents of Didipio, Kasibu, Nueva Vizcaya

On 24 June 1994, President Ramos entered into Financial and Technical Assistance Agreement (FTAA) with Arimco Mining Corporation (AMC) now known as Oceana Gold Philippines, Inc. (OGPI), a foreign company, for the exploration, development and utilization of minerals located in about 37,000 hectares of land situated in the provinces of Nueva Vizcaya and Quirino including the area of Barangay Didipio in Kasibu, Nueva Vizcaya.

In June 2008, reports and complaints were filed with the CHR alleging that OGPI had illegally and violently demolished some 187 houses in Didipio. This was allegedly done despite failing to secure writs or special orders of demolition from the court, unaccompanied by the Sheriff, without payment and just compensation, and without providing alternative options for relocation and resettlement. These demolitions were reported to have been attended by unnecessary violence and destruction such as: residents who resisted and tried to save their homes had been beaten, including their neighbors who helped them; houses had been bulldozed off cliffs and set on fire. The residents of Didipio were deprived of their social and economic activities when OGPI fenced off large sections of the roads and pathways which were relied upon by the community to transport their farm products and to make it worse, the PNP-Regional Mobile Group serves as a private security force of OGPI.

The Commission conducted investigations since 02 October 2009 and has continuously monitored the situation. Moreover, the Commission in its 10 January 2011 resolution found that human rights violations were indeed committed. Hence, it recommended the government to consider the probable withdrawal of the Financial and Technical Assistance Agreement (FTAA) granted to OGPI; for other concerned government agencies to submit reports to the Commission regarding concrete actions they have taken to respect, protect and fulfill the rights of the affected community in Didipio, Nueva Vizcaya within 30 days upon receipt of the CHR Resolution and to continue monitoring the human rights situation in the said area; for OGPI to conduct a policy orientation on the conduct of mining operation; and directed the CHR Region II office to actively advocate for the human rights of the affected community.

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## ✓ Cases for Filing and Monitoring

Table 5 below illustrates that a total of 234 resolved cases for filing and monitoring were filed with the courts and different agencies. Of this number, 58% were filed with the Prosecutor's Office, followed by the Ombudsman with 21% and DOJ with 7.6%

**Table 5.**  
**Breakdown of Resolved Cases for Filing and Monitoring by Court or Agency**

**January – December 2011**

| <b>Result</b>          | <b>Number</b> |
|------------------------|---------------|
| 1. Prosecutor's Office | 135           |
| 2. Ombudsman           | 48            |
| 3. DOJ                 | 18            |
| 4. RTC                 | 12            |
| 5. AFP                 | 5             |
| 6. NAPOLCOM            | 5             |
| 7. PLEB                | 4             |
| 8. PNP/IAS             | 4             |
| 9. DILG                | 2             |
| 10. CSC                | 1             |
| <b>Total</b>           | <b>234</b>    |

**Source:** MAREIS

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### ✓ Status of 2010 HR High Profile Cases

#### ➤ Ampatuan- Maguindanao Massacre

The CHR has constantly monitored the multiple murder case filed against the Ampatuans pending before the Quezon City Regional Trial Court Branch 221, by attending court proceedings as observers, and through tri-media and other sources.

As of 1 December 2011, presentation of evidences for the Prosecution and the hearing for the petition for bail filed by the accused were held. Of the 196 total number of accused, only 93 were arrested. Of the 93 arrested, 65 were already arraigned, while 28 were not yet arraigned.

#### ➤ Binayug Case

An exclusive torture video of a suspected robber being tortured by a police officer inside a precinct in Asuncion, Tondo, Manila has been handed over to the media. It was believed that the victim in the said video died due to the torture he suffered.

On 6 October 2010, the CHR issued a resolution creating a CHR composite team that closely monitored the proceedings of the criminal and administrative cases filed against P/SI Joselito Binayug. The police officers involved have been criminally charged for violation of the Anti-Torture Law while P/SI Binayug was dismissed from the police service effective January 2011 due to the administrative case of Grave Misconduct filed against him.

On 3 November 2011, Judge Alisuag of the Manila Regional Trial Court issued arrest warrants against the seven Manila Policemen in connection with the aforesaid case, namely, Inspector Rogelio Rosales Jr., Senior Inspector Joselito Binayug, SPO3 Joaquin de Guzman, SPO1 Rodolfo Ong Jr., SPO1 Dante Bautista, PO1 Nonito Binayug and PO1 Rez Binayug.

#### ➤ Leonard Co

On 15 November 2010, the team of Dr. Leonard Co, a Biodiversity Consultant of Energy

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Development Corporation (EDC) went to Sitio Mahi-aw in Brgy. Lim-ao, Kananga, Leyte, for a field work on the Binhi Project of EDC. Around 12 noon, a volley of gun shots was heard.

Officers of the 19<sup>th</sup> Infantry Battalion (IB) of the Philippine Army (PA) filed a blotter report before the Kananga Police Station re: the 19<sup>th</sup> IB encounter with more or less ten (10) persons armed with long fire arms believed to be members of Communist Terrorists, and that after the firefight, during clearing operations, they found three (3) dead bodies, including that of Dr. Co. The cadavers were then brought to Kananga Community Hospital and later to the Funeral Homes for Post Mortem Examination.

In response to the blotter report, officers from the Kananga Police Station proceeded to the encounter site to investigate. However, they were informed by the 19<sup>th</sup> IB that pursuit operations were still ongoing, preventing the police to conduct immediate investigation. On 16 November 2010, PNP SOCO was able to visit and inspect the site.

CHR established a Quick Investigation Team in CHR Region VIII to investigate the case. It also established a CHR Composite Investigation Team composed of the CHR VIII Regional Director, CHR lawyers and doctors from the Central Office, among others. Further, it deputized a forensic pathology expert, Dr. Racquel Fortun.

On 12-14 December 2010, a Fact Finding Mission to Kananga Leyte was led by Commissioner Norberto Dela Cruz. This was followed by Public Inquiries held on 26-27 January 2011 in Tacloban and on 21 February 2011 in Manila. Likewise on 13 June 2011, a Case Conference was held on the result of the ballistics examination of the twenty seven firearms.

CHR submitted documents and participated in the Preliminary Investigation conducted by the Department of Justice (DOJ) panel in the case of Dr. Leonard Co, et al. Moreover, it has issued an Order dated August 2011 addressed to National Bureau of Investigation (NBI) and PNP VIII for the submission and examination by the PNP Crime laboratory, Crame of FCCs and metal/bullet fragments. It has also ordered 19<sup>th</sup> IB for the resubmission of the 10 firearms for retesting and such CHR order was served on 12 August 2011. On 6 December 2011, pursuant to the order, the nine (9) firearms were test fired in Palo Leyte for the purpose of obtaining standards for the ballistic examination.

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### ➤ Davao Death Squad

This case involves a wave of unexplained killings of more than 800 people in Davao City since 1998. Many of the victims are purportedly with criminal records, giving rise to suspicions that the killings were the work of the so-called Davao Death Squad (DDS), a vigilante group. The victims included 73 children. The DDS was attributed to the former Mayor of Davao City, who denied the existence of the vigilante group and blamed the killings on gang wars, rivalries in the illegal drugs trade and personal grudges.

The CHR conducted a series of Public Inquiries in Davao City and Manila to find out the truth about the existence of the death squad, determine the extent of human rights violations, examine the causes of the killings and study measures to address them, and seek the support of government agencies and civil society groups in order to expedite an investigation. The Commission is set to issue its Resolution on the findings of its investigations and public inquiries.

### ➤ Bataan City Jail Riot

On 16 October 2010, the Bureau of Jail Management and Penology (BJMP) suspended the visitation rights of prisoners in Bataan City jail due to the construction of the permanent structures for the prisoners' conjugal visits. About 600 inmates staged a noise barrage protesting the dismantling of the "kubols" being undertaken by the BJMP. Simultaneously, the inmates started to damage and destroy cell padlocks, gate barrel bolts, galvanized iron plates, drainage steel coverings and other properties. Concerned that the situation might go out of control, the BJMP decided to use force. Fifty-seven (57) inmates were injured in the incident.

The CHR investigated the violent and inhuman treatment of the said inmates who staged a protest at the Bataan City Jail. It held a meeting with Governor Tet Garcia and BJMP Officials; and its Forensic Team conducted medico legal examinations on the injured inmates.

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Upon the recommendations of the CHR, the welfare of the inmates and their families were given immediate and proper attention by BJMP and Provincial Government; the Jail Warden was relieved from his post; and BJMP Region III filed an administrative case against the BJMP respondents.

### ➤ Arrest and Torture of Ronnel Victor Cabais

On 5 April 2010, Ronnel Victor Cabais was arrested without warrant by soldiers of the 2<sup>nd</sup> Infantry Battalion (IB), 9<sup>th</sup> IB, Philippine Army at Sitio Mararag, San Jose Libon Albay. He was allegedly tortured by said soldiers from the time of his warrantless arrest until the time he was brought to the detachment located at Villa Petrona, Libon, Albay, where complainant was severely interrogated and further tortured by several persons, forcing him to admit his supposed affinity with the NPA.

Cabais only identified Cpl. Bienvenido I. Ajero as one of his torturers because he was blindfolded by his captors. More so, Cabais personally saw Cpl. Ajero as the one who filed the criminal cases for rebellion/insurrection and violation of the COMELEC gun ban against him at the Prosecutor's Office – Ligao City. Said charges were filed based on the alleged retrieval of subversive documents and unlicensed firearms and ammunitions inside the backpack of Cabais.

The Commission conducted an independent investigation on the matter and found the existence of human rights violation. On 12 October 2010, a resolution was issued recommending for the filing of criminal case for violation of the Anti-Torture Act of 2009 against respondents and the grant of financial assistance to Cabais.

On 7 December 2010, the Office of the Provincial Prosecutor of Albay resolved that there is probable cause to indict Cpl. Bienvenido Ajero for the crime of torture. Likewise, Lt. Joel M. Santos, the immediate commanding officer and/or senior public official was indicted under the principle of command responsibility.

As of 1 December 2011, the case filed against the respondents was archived because they cannot be located. The subpoena issued by the Office of the Provincial Prosecutor was not

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served to the respondents as they were no longer assigned at the 2<sup>nd</sup> Infantry Battalion, 9<sup>th</sup> Infantry Division, Philippine Army. CHR wrote a letter dated December 1, 2011 to then Chief of Staff Gen. Eduardo Oban, requesting for assistance in locating the respondent-soldiers.

### ➤ Erick, Raymund and Rosmel Miraflores

In the early morning of 2 June 2010, an encounter between the government forces and the elements of another armed group occurred. The bodies of the Miraflores Brothers were found dead on a private farm lot located at Sitio Lomboy, Brgy. Malabon, Candelaria, Zambales. The re-autopsy on the cadavers conducted by Dr. Eduardo T. Vargas Jr., Medico-Legal Officer of NBI Regional Office 3, revealed that there are signs that the victims were tortured; but the burns on their bodies caused by a lighted cigarette were not conclusive if they were still alive when said act was committed. The family of the victims denied that they were members of the Rebolusyonaryong Hukbo ng Bayan (RHB) that are based in Zambales and fighting the government.

The Commission made an ocular inspection on the farm lot where the cadavers were found and recovered pieces of evidence which made them conclude that an encounter between the government forces and another armed group occurred. However, it was not settled if the victims were actually involved in the encounter which resulted to their killings, since there are no witnesses to prove the same. Hence, the case is pending and the final investigation report containing the resolution of the issue posed is yet to be prepared and submitted.

### ➤ Taysan 3

On 3 June 2010, Ronilo Baes and Romiel Cañete were blindfolded and taken by some elements of the 743<sup>rd</sup> Combat Group of the Philippine Air Force (PAF) to their camp where the two underwent interrogations. During the interrogation, a PAF soldier aimed his gun at Ronilo and boxed him. When said victim asked for water, he was given water which tasted like soap. As for Romiel, PAF soldiers pierced the former's head with a ball pen. The former passed out and thereafter, softdrinks were poured on him. He was also boxed and kicked and wires were tied to his wrists which were tightened. For the next 4 days until their transfer to Batangas Provincial Jail, the two men continued to experience force and one Maricon

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Montajes, was hit by shrapnels after she heard some gunshots. Moreover, a gun was aimed at her and her hands were tied at the back during said transfer.

The three detainees were charged with violations of PD 1866 (Illegal Possession of Firearms) before the Regional Trial Court (RTC) Branch 87, Rosario, Batangas.

On 18 August 2011, a team from CHR IV Office went to Batangas Provincial Jail for investigative monitoring after a verbal referral phone call from Congressman Antonio Tinio on the said matter.

The trial is still on-going and CHR is continuously monitoring the case. Ronilo Baes was charged with frustrated Homicide, while Romiel Cañete and Maricon Montajes were released.

### ➤ **Illegal Arrest and Torture of Lenin Salas , Et Al. Case**

On the night of 3 August 2010, Lenin Salas, Rodwyn Tala, Jose Gomez, Daniel Navarro and Jerry Simbulan were illegally arrested by joint elements of Pampanga PNP/PPSC and PNP/RMG in Barcelona Village, Brgy. Sindalan, San Fernando City, Pampanga on suspicion that they were members of the Rebolusyonaryong Hukbo ng Bayan. They were allegedly tortured for 18 hours in Pampanga Police Office led by Col. Madzgani Mukaram and were charged with illegal possession of fire arms, ammunitions and explosives and murder.

On 6 August 2010, the Commission visited the Pampanga Provincial Jail and interviewed Salas and company and secured their sworn statements on the alleged torture done by concerned PNP personnel.

On 9 August 2010, the CHR Forensic team conducted physical/medical examinations on the victims and found the injuries seen were suggestive of torture and ill-treatment.

On 21 September 2010, the Commission in behalf of the victims filed before the Office of the City Prosecutor a formal complaint for violation of RA 9745 (Anti-Torture Law) against Police Supt. Madzgani Mukaram and several John Does of Camp Diosdado De Leon, PNP City of San Fernando, Pampanga. Said complaint was dismissed on 21 July 2011 by the Prosecutor's Office for insufficiency of evidence as a result of victim's failure to positively identify

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respondent Mukaram as the person who allegedly tortured them and since at the time the respondent policemen were talking to them, they were all blindfolded.

On 5 September 2011, a Motion for Reconsideration on the said resolution was filed by Atty. Dante G. Ilaya, lawyer of the victims.

### ➤ PNP Hazing at Camp Eldridge, Los Baños, Laguna

Two video clips have reached the Commission via email of CHR Chairperson Loretta Ann P. Rosales. The first video was of the Philippine National Police (PNP) Scout training held on 24 September 2010 for Class Pinagbuklod 2010-04. The said video showed police trainees being required to eat red chili peppers and drink water, and then lick the logo of the Regional Public Safety Battalion engraved at the flagpole located at the RPSB Compound, Camp Eldridge, Los Baños, Laguna.

The second video occurred on February 2010 at Lakewood Subd., Brgy. Lalakay, Los Baños, Laguna concerning Class Mabalas 2008-02 who underwent orientation/refresher training. This showed police trainees, wearing only undershorts, being compelled to march in a single file after their armpits, genitalia, and anus were swiped with chili liquid solution by the PNP personnel clad in camouflage green uniform.

Most of the alleged victims however believed that the said rites are not uncommon in their unit and positively viewed it as part of their training, based on their sworn statements. Nevertheless, the PNP leadership stressed that it does not condone cruel, inhuman, and degrading acts.

The Commission coordinated with Department of Interior and Local Government (DILG) and was able to interview and gather evidence and documents relative to the case which led to the identification of the alleged victims and perpetrators. Subpoenas were issued to the identified police personnel in the two videos. On 15-16 September 2011, a clarificatory investigation was held in CHR Region IV wherein respondents made a manifestation and

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invoked their right to self incrimination. They contended that they will no longer participate in the clarificatory hearing by CHR Region IV due to the fact that the case is pending with their respective offices due to criminal and administrative charges filed against them. Nevertheless, the Commission still monitors the status of the case by attending and monitoring the hearing on the administrative complaint lodged before the Regional Internal Affairs Office.

### ➤ Torture of Rodolfo B. Miras, Jr.

On 29 September 2010, Rodolfo B. Miras Jr. was arrested by the operatives of Tukuran police for the alleged crime of theft and was detained at Tukuran Municipal Station. Jocelyn Miras Peroso, the sister of the said victim, narrated that in one of her visits, she noticed a severe black eye in her brother's left eye. Her brother likewise narrated to her the ill-treatment he suffered from respondents PSI Gilzen R. Manese and PO3 Christopher Dumaguing in their desire to obtain a confession from him.

On 4 October 2010, Rodolfo was found dead inside his locked-up cell and according to the police, the latter committed suicide. At the funeraria, Jocelyn noticed that there are contusions on the different body parts of the corpse of her brother. In Jocelyn's Complaint-Affidavit, she identified PO3 Christopher Dumaguing and PSI Gilzen R. Manese as respondents, based also on the positive identification of her nephews Marvin and Marjun, sons of the deceased. They claim that they actually saw their father being mauled, struck with a wood and stone inside the latter's cell. They were likewise handcuffed by the police for a few minutes after they were caught watching the incident.

CHR IX resolved the case on 27 July 2011 against the respondents after they failed to submit their counter-affidavits within the period given to them. The Commission likewise recommended that the entire records of the case be forwarded to the Deputy Ombudsman for the Military and other Law Enforcement Officers, Quezon City for further investigation and the filing of appropriate criminal and administrative charges for Murder, Violation of the Anti-torture Act of 2009 (Section 5, R.A. 9745) and Grave Misconduct.

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### ➤ Hanjin Case

From February 2007 to November 2008, Subic Bay Metropolitan Association (SBMA) and Department of Labor and Employment (DOLE) recorded seventeen (17) accidental deaths in Hanjin due to several causes. Then from October 2006 to December 2008, seven (7) other deaths were added in the list of Peoples' Task Force on Hanjin and Subic Bay Inc.

According to DOLE investigation, the causes of deaths of the Hanjin workers were due to labor standards violations and occupational safety and health hazards.

The DOLE, in the exercise of its visitorial powers visited Hanjin, and from there stated that it will renew its efforts in ensuring Hanjin's compliance with labor standards and occupational and health standards.

SBMA, for its part, recommended the (a) temporary suspension of operations; (b) issuance of show cause order; (c) indefinite suspension from SBMA; (d) issuance of notices of violations; and (c) issuance of cease and desist order.

On 5 February 2010, the on-site inspection led by Senator Jinggoy Estrada found that (a) there were only two doctors on duty from 8 to 5 pm; b) not all workers wear their helmets while at work; (c) some workers wear dilapidated shoes; (d) some workers complain of not having insurance; (e) some canals are left open; and (f) workers complain that they work even on Sundays.

The Hanjin workers explained that the violations continued even after the investigation of DOLE, SBMA and the Senate. Particularly, they complain of:

- Inhumane treatment of Korean officials of Hanjin consisting of physical, verbal and psychological abuses;
- That they were fed spoiled food more fit for pigs than for men;

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- Discrimination towards union members in the form of transfers from one position to another, without reason, and even to the extent of allegedly falsely accusing workers of theft and having them transferred to distant plants (like Mindanao);
- Inadequate health facilities and health personnel within the plant;
- Failure still of Hanjin to comply with safety and health standards in the plant; and
- That the subcontractors of Hanjin are not legitimate but are labor-only-contractors and as such, the real employer of the workers are not the sub-contractors but Hanjin.

The CHR for its part, recommended in its 13 January 2009 report the following: the interview and gathering of information from family and relatives of victims; the close monitoring of the actions of DOLE and SMBA; and the assistance to People's Task Force on Hanjin.

On 9 December 2010, CHR participated in a round-table discussion which focused on the plight of Hanjin Shipyard Workers. The objectives of which were to revisit the issue of the Hanjin workers; to provide a venue where stakeholders and concerned government agencies may hold a dialogue regarding the case; and how best to approach the problems and issues put forward by the Hanjin workers.

On 4 October 2011, the CHR Central Office spearheaded a Social Dialogue to thresh out issues with regard to the case of the Hanjin Workers. The said event was attended by Hanjin workers, Hanjin Management, and DOLE. The dialogue tackled several issues such as the incidents of deaths, the hospital requirement, issue of contracting and subcontracting, and benefits.

The CHR required the DOLE, Hanjin and the Hanjin workers to submit their respective Position Papers. Hanjin and the Hanjin workers have already complied with the said requirement.

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## FORENSIC SERVICES

### ✓ Medico-Legal Examinations and Autopsies

In 2011, CHR Forensic Center attended to 188 cases of medico-legal services comprised of 31 medico-physical examinations including torture cases, 3 autopsies, 7 exhumations/autopsies and 304 medical consultations. Most complaints were allegations of maltreatment of suspects while in the custody of the police. At the same time, a number of cases of alleged torture were brought to the attention of the Center for examination. The cases came from CHR Region III, Region IV and CHR Region VIII. The autopsies on three (3) bodies were on cases investigated by the CHR-NCR, CHR-Region III and CHR-CAR.

## LEGAL AID, ASSISTANCE, AND OTHER SERVICES

### ✓ Legal Aid and Counseling

The CHR rendered free legal aid and counseling to a total number of 2,684 victims and complainants. The highest number is from Region IX with 649, followed by Region VIII with 494, and CARAGA with 329.

**Table 6.**  
**Breakdown of Legal Aid and Counseling**

| January – December 2011 |       |
|-------------------------|-------|
| Region                  | Total |
| Central                 | 144   |
| NCR                     | 5     |
| CAR                     | 91    |
| I                       | 148   |

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|              |              |
|--------------|--------------|
| II           | 77           |
| III          | 91           |
| IV           | 64           |
| V            | 71           |
| VI           | 123          |
| VII          | 27           |
| VIII         | 494          |
| IX           | 649          |
| X            | 91           |
| XI           | 224          |
| XII          | 56           |
| CARAGA       | 329          |
| <b>Total</b> | <b>2,684</b> |

Source: LIO

### ✓ Assistance to Prisoners/Detainees

The Commission extended legal assistance to 3,552 prisoners/detainees. It likewise recommended 27 prisoners were recommended to the Board of Pardons and Parole for grant of parole or executive clemency.

### ✓ Financial Assistance to HRV Victims

The Commission granted a total of one million six hundred seventy-two and five hundred thousand pesos (P1,672,500.00) for financial assistance to 228 beneficiaries, of which P 920,000.00 was given as Survivor's Benefits; P533,000.00 for Medical Assistance; P189,000.00 for Community Assistance and P30,000.00 for Rehabilitation Assistance.

## HUMAN RIGHTS PROTECTION SERVICES

However, a total of 784 beneficiaries have pending financial assistance claims amounting to seven million two hundred twenty-six thousand pesos (P 7,226,000.00).

**Table 7.**  
**Financial Assistance to Victims and Their Families**  
**January-December 2011**

| Region       | Amount                | No. of Beneficiaries |
|--------------|-----------------------|----------------------|
| NCR          | 85,000.00             | 9                    |
| CAR          | 205,000.00            | 59                   |
| I            | 80,000.00             | 8                    |
| III          | 120,000.00            | 12                   |
| IV           | 150,000.00            | 16                   |
| V            | 280,000.00            | 30                   |
| VIII         | 200,500.00            | 28                   |
| IX           | 309,000.00            | 40                   |
| XI           | 63,000.00             | 8                    |
| XII          | 170,000.00            | 12                   |
| CARAGA       | 10,000.00             | 1                    |
| <b>TOTAL</b> | <b>P 1,672,500.00</b> | <b>228</b>           |

**Source:** Consolidated Report by AVO

### ✓ Witness Protection

For 2011, the CHR has spent the amount of one hundred fifty two thousand three hundred ten thousand pesos (P152,310.00) for five (5) witnesses in connection with its Witness Protection Program.

## HUMAN RIGHTS PROTECTION SERVICES

### ✓ Compensation to Martial Law Victims

For the first semester of 2011, CHR was privileged to have been tasked to assist in the historical implementation of the Federal District Court of Hawaii Decision of Judge Manuel Real to compensate human rights victims of the Martial Law Regime. The Commission was allowed to assist counsels for the class suit members, Attorneys Robert Smith and Rod Domingo, to meet with the claimants for the implementation of the order to distribute partial compensation equivalent to \$1,000.00 covering 7,526 claimants recognized by the Hawaii Court as eligible class members. Other human rights victims during Martial Law who were not part of the Hawaii Court case were encouraged to lobby for the passage of the Compensation Law for victims of Martial Law.

Earlier, EPJUST conducted a Forum on the German Experience on Giving Reparations to Victims of Human Rights Violations through which relevant officers of the Commission gained knowledge on the experience of Germany in recognizing and compensating human rights victims of the Stasi Police.

Finally, CHR through its Government Linkages Office offered a draft House Resolution which was filed as Resolution No. 1035 entitled, "Urging His Excellency President Benigno S. Aquino III to Immediately Issue an Executive Order Ordering the Faithful Preservation and Systematic Archival of All military and Police Records Pertaining to Victims of Human Rights Violations During the Martial Law Period from 21 September 1972 to 26 February 1986 and Opening such Records to Public Access and Scrutiny," filed by Congressman Rene Relampagos, Chair of the House Committee on Human Rights, on March 1, 2011.

### ✓ Issuance of Human Rights Clearance

The Commission issued a total of 2,294 human rights clearances and certifications of no pending case of human rights violations to uniformed personnel who were due for promotion or applied for further studies abroad.

## HUMAN RIGHTS PROTECTION SERVICES

**Table 8.**  
**Number of Clearance Issued**  
**January-December 2011**

| Branch of Service          | No. of Clearance Issued | No. of Certifications Issued |
|----------------------------|-------------------------|------------------------------|
| Philippine National Police | 1,181                   | 29                           |
| Philippine Army            | 505                     | 7                            |
| Philippine Navy            | 274                     | 2                            |
| Philippine Air Force       | 203                     | 1                            |
| Others                     | 89                      | 3                            |
| <b>TOTAL</b>               | <b>2,252</b>            | <b>42</b>                    |

**Source: CHR Records Section**

## VISITORIAL SERVICES

### ✓ Jail Visitation

A total of 1,032 jail visitations were conducted by the Commission all over the country. The Commission has reached out to 46,170 inmates, of which, 148 were children in conflict with the law (CICL). Likewise, a total of 3,552 detainees were provided legal assistance.

# HUMAN RIGHTS PROTECTION SERVICES

**Table 9.**  
**Jail Visitations Conducted Per Region**  
**January-December 2011**

| Region               | No. of Jail Visitation Activities | No. of Detainees Provided Legal Assistance |
|----------------------|-----------------------------------|--|
| NCR                  | 57                                | 492  |
| CAR                  | 74                                | 526  |
| I                    | 102                               | 728  |
| II                   | 11                                | 7  |
| III                  | 139                               | 1,012                                      |
| IV                   | 64                                | 268  |
| V                    | 125                               | 35   |
| VI                   | 74                                | 38   |
| VII                  | 26                                | -  |
| VIII                 | 53                                | 18   |
| IX                   | 78                                | -  |
| X                    | 23                                | -  |
| XI                   | 82                                | 184  |
| XII                  | 59                                | 13   |
| CARAGA               | 45                                | 81   |
| AVO (Central Office) | 20                                | 150  |
| <b>TOTAL</b>         | <b>1,032</b>                      | <b>3,552</b>                               |

Source: Consolidated Report From Central and Regional Offices

# HUMAN RIGHTS PROMOTION

## Human Rights Promotion

### HUMAN RIGHTS EDUCATION, TRAINING, AND ADVOCACIES

The Commission conducted a total of 735 human rights education and promotion activities consisting of 264 seminars/trainings; 253 lectures/talks; and, 218 information dissemination activities. From these human rights activities, the Commission directly recorded 72,623 participants in which 18,536 participated in seminars/trainings; 26,484 participants in lectures/talks; and, 27,603 from other information dissemination activities.

**Table 10.**  
**Human Rights Education Activities**

**January-December 2011**

| <b>HUMAN RIGHTS ACTIVITY</b>    | <b>NO. OF ACTIVITIES</b> | <b>NO. OF PARTICIPANTS</b> |
|---------------------------------|--------------------------|----------------------------|
| Seminars/Trainings              | 264                      | 18,536                     |
| Lectures/Talks                  | 253                      | 26,484                     |
| Other Information Dissemination | 218                      | 27,603                     |
| <b>TOTAL</b>                    | <b>735</b>               | <b>72,623</b>              |

**Source: Consolidated Monthly Accomplishment Reports from the Regional Offices**

The largest audience was filled in by Other Sectors composed of public officials/government employees; general public; and other professionals with 18,600; Uniformed Men ranked second with 18,999; and the Vulnerable Sectors ranked third with 7,421.

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**Table 11.**  
**No. of Participants According to Priority Sector**

**January-December 2011**

| Priority Sector           | NO. OF PARTICIPANTS<br>IN SEMINARS/<br>TRAININGS | NO. OF PARTICIPANTS<br>IN LECTURES/<br>TALKS |
|---------------------------|--|--|
| <b>Vulnerable Sectors</b> | 2,557  | 4,864  |
| <b>Uniformed Men</b>      | 8,385  | 10,614                                       |
| <b>Other Sectors</b>      | 7,594  | 11,006                                       |
| <b>TOTAL</b>              | <b>18,536</b>                                    | <b>26,484</b>                                |

**Source:** Consolidated Monthly Accomplishment Reports from the Regional Offices

Moreover, the Commission distributed a total number of 25,059 human rights information materials namely: human rights flyers (2,861); human rights primers (1,344); handbooks/other briefer on human rights (190); and other lecture materials (20,664).

Furthermore, the Commission conducted a total of 653 inter-agency meetings and dialogues with national and local government agencies, as well as government organizations covering different sectoral activities and concerns. The various activities conducted have reached out to a total of 25,040 participants while the information materials distributed totaled to 933.

✓ **National Programs and Activities**

➤ **2<sup>nd</sup> National Human Rights Educators' Congress**

The 2<sup>nd</sup> National Educators' Congress on Human Rights Education with the theme "Human Rights Education: Changing Culture Towards Peace and Good Governance", was held at the Development Academy of the Philippines (DAP) in Tagaytay City from 20-22 July 2011. A

## HUMAN RIGHTS PROMOTION

total of 380 participants from the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Department of Education (DepEd), Commission on Higher Education (CHED), Department of Justice (DOJ), United Nations Development Program (UNDP), the academe, and security sectors have attended the said event.

Day one commenced with two plenary sessions: Human Rights Development Framework of the Philippines; and the State of Human Rights Education. The participants in concurrent sessions discussed the following themes: Accountability of the Security Forces and Law Enforcement Sector on Human Rights and International Humanitarian Law; Human Rights Praxis in the Security Forces; and Ensuring Human Rights Education in the Legal Profession.

Day two was another round of plenary sessions with four themes: Mainstreaming Human Rights Education in Tertiary Education; Mainstreaming of Human Rights Education in the Security Force and Other Duty Bearers; Theories and Practices on Culture-Based Human Rights Education; and Roles in Enhancing Human Rights Education in Other Critical Sectors. Concurrent sessions were also held simultaneously with the following topics: Mainstreaming Human Rights Education in Non-Formal Education; Mainstreaming Human Rights Education in Law-Making Bodies; Teaching Exemplars in Mainstreaming Human Rights-Based Approaches; Gender, Peace, Human Rights and Rule of Law Education in Formal Education; and Culture-Based Grouping on Emerging Theories. After their respective discourses, each breakout group presented their findings and recommendations.

Day three had the lone plenary session of the day, which discussed the Trends and Challenges on Human Rights Education followed by the Strategic Planning activity where the five basic sectors—security sector, public safety and law enforcement, civil society organizations, tertiary education and basic school education went into another set of simultaneous breakout sessions. They reviewed the Decade Plans of Action, the 1<sup>st</sup> National Educators' Congress on Human Rights on Education Indicative Plans of Action and World Programme on Human Rights Education Phase 2 Plan of Education and Training. The last day culminated with the presentation of the Declaration of Commitment to Human Rights Education and Training.

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### ➤ HRBA Seminar-Workshop for the Department of Budget and Management (DBM) Participants

A two-day learning workshop on human rights and human rights-based approach (HRBA) for the Department of Budget and Management (DBM) and technical staff who are directly formulating budget, preparing budget framework and guidelines was conducted last 28-29 November 2011. The activity introduced HRBA and its application to development planning, programming and budgeting. At the end of the activity, the participants were able to understand human rights and its relation to development; they became equipped with the necessary knowledge and skills in applying human rights norms and standards in policy making, planning, programming and budgeting; they were provided with HRBA tools and the applications of these under specific conditions; they gained greater consciousness among participants on the use of HRBA; and were able to understand the parameters and processes that were established for the integration of HRBA in budgeting.

### ➤ Muslim Youth Para-Legal Seminar

On May 6, 2011, the Muslim Youth Para-legal Seminar was held at the CHR Conference Hall. It was participated in by 38 volunteer-workers composed of 13 female and 25 male.

The activity aimed to create a frontline legal team for the Muslim Filipino community that can immediately respond to legal issues and problems affecting them, especially during arrest, search and seizure operation of law enforcement agents.

### ➤ Forum on 'Prison Culture'

With the recent media exposès about special privileges being accorded to certain VIP prisoners and other problems in the National Bilibid Penitentiary in Muntinlupa City, the Commission held a forum entitled "Understanding Filipino Prison Culture".

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The goal of this forum is to come up with policy recommendations for a rights-based prison management reforms. The forum tackled the following topics: Law Reforms in Relation to Management of Persons Behind Bars; The Bureau of Corrections in Relation to the Five Pillars of Criminal Justice Towards Rights-Based Management of Correctional Institutions; and the experiences of a former Bilibid inmate, Raymond Narag, in the unusual practices and incidents inside the detention cells.

### ➤ **Training of Detention Authorities on Anti-Torture and Human Rights**

Pursuant to Section 21 of Republic Act No. 9745 or the Anti-Torture Law, the Commission conducted a training entitled, "Training of Detention Authorities on Anti-Torture and Human Rights" held from 11-13 October 2011 for Luzon; 8-10 November 2011 for Mindanao; and 15-17 November 2011 for Visayas. The participants were members of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) administering detention facilities, Bureau of Jail Management and Penology (BJMP) personnel, and provincial jail personnel. The said training discussed the important topics such as the concepts, principles and foundations of human rights, the UN Standard Minimum Rules on the Treatment of Prisoners, the Convention Against Torture and its Optional Protocol, Republic Act No. 9745, and Republic Act No. 9344 or The Juvenile Justice and Welfare Act of 2006.

### ➤ **Orientation on Human Rights**

In April 2011, the Commission conducted a one-day orientation on human rights for the NCRPO Police Force. Two hundred (200) Philippine National Police (PNP) participants for deployment during the Labor Day Celebration on May 1, 2011, attended the said orientation. The goal of this orientation is to inculcate police awareness on Civil Disturbance Management known as B.P. 880 or the Public Assembly Law.

## HUMAN RIGHTS PROMOTION

- ✓ **Development and Piloting of HR Curricula and Training Modules**

- **Human Rights Education to Muslim Women**

The CHR conducted three separate workshops for the members of the Noorus Salam (Light of Peace) on July 3-5, 9-12 and 25-27 in Mindanao. A total of 75 aleemats and utadzas (muslim women religious scholars and teachers), muslim women civil society and community leaders who are all members of the Noorus Salam were trained by the CHR to become Community Human Rights Educators and Monitors. They come from Zamboanga City, Basilan, Sulu, Tawi-Tawi, Cagayan de Oro City, Marawi City, Lanao Del Norte, Lanao Del Sur, Maguindanao, Sultan Kudarat, North Cotabato and Cotabato City. These trainings were held in Muslim communities using a module specially designed by the CHR for the Muslim women. Human rights concepts were discussed within the context of Islamic faith. The aleemats and ustazdas provided a unique character since they teach Islam in the madrasah or educational institution. The participants are aimed to be empowered and expected to teach human rights in their communities, advocate women and children's rights and, to equip the community with full knowledge of their social and economic rights. Through these series of seminars, the Muslim communities can be a source of baseline information for improving local and national responses for HR violations such as political, economic, social and religious. A Memorandum of Agreement (MOA) between the CHR and the Philippine Center for Islam and Democracy (PCID) was forged to pave the way for the conduct of these workshops.

- **Pilot Module for Security Guards**

In response to the request from the Great Star Security Guards and Management, a non-government agency for a human rights orientation for their security guards and employees, the CHR developed a Pilot Module for Security Guards. The said module will be pilot-tested with CHR Security Guards before its implementation outside CHR.

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### ➤ Pilot-testing of the HR-IHL Modules for Phil. National Police Academy (PNPA)

The Commission conducted the Pilot testing of the HR-IHL Modules for PNPA in two batches. The first batch, participated in by 223 cadets was held on 17-19 May 2011 and the second batch with 217 cadets as participants on 14-16 June 2011. The said pilot testing was done to determine the validity of the curriculum, to check whether the perceptions written is true or not and to justify the learning intent they have written and the reasons why they need to include the objectives in their curriculum.

### ➤ HRE Curricula for LESI (Second Phase)

In preparation for the development of a Graduated Human Rights Education Curricula for Law Enforcements, Security and Intelligence (LESI) agents in Southeast Asia, a consultation/pre-implementation workshop was held on January 26-27, 2011 at Ciudad Christia, San Mateo, Rizal. Participants were curriculum writers from the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), and Commission on Human Rights information officers and training specialist, who developed the framework for the implementation of the 2<sup>nd</sup> Phase of LESI and identified the institutional HRE experiences and best practices.

The 2<sup>nd</sup> Phase of the Southeast Asia Regional Writing Workshop on the Development of HRE Curricula for LESI agents in Southeast Asia took place on February 26-28, 2011 at the Meralco Management and Leadership Development Center, Antipolo City. Twenty-four (24) regional participants from Philippines, Malaysia and Thailand were present during the workshop. Each country delegation shared their best practices and experiences on the pilot-testing of their respective curriculums. They also shared how far they have gone in the action plans that they drafted in the previous year.

It shall be recalled that the Phase 1 of this project took place in 2010 at the Eugenio Lopez Training Center in Antipolo City, where the Curriculum Developers/Writers of the country representatives gathered to develop their own graduated HR IHL Education Curricula.

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This second installment of the workshop enabled the participants to present their outputs and share their country's experiences, issues and problems relating to the implementation of the curricula.

- ✓ **Printing of HR Materials and Tools**

For 2011, the Commission published five (5) human rights materials and tools namely: *Humanity Amidst Conflicts – Proceedings of the National Summit on International Humanitarian Law (IHL) in the Philippines*; *R.A. 9745 Anti-Torture Act of 2009 and its Implementing Rules and Regulations (IRR)*; *1<sup>st</sup> National Educators' Congress on Human Rights Education (1NECHRE) Report of Proceedings and Communique'*; *The State of Human Rights Education (HRE) in the Philippines: Issues, Concerns and Directions*; and the *initial copies of the Aleemat Modules*.

- ✓ **Barangay Human Rights Action Center (BHRAC)**

The BHRAC National Secretariat assisted the CHR Region 7 office in the conduct of Barangay Human Rights Action Officers' training in Loay, Bohol on 12-14 April 2011. A total of 50 participants composed of barangay officials, barangay secretaries, and BHRAOs participated in this event. In May, a joint project by the CHR-HERO and the National Commission on Muslim Filipinos (NCMF) lectured on the BHRAC program to the Muslim youth during the Muslim Youth Paralegal Seminar held at the CHR Conference Room. This activity, attended by 38 Muslim youths, aimed to uplift the human rights of the Muslim community and create a frontline legal team for the Muslim Filipino community that can immediately respond to the legal issues and problems during arrests, search and seizure operations of law enforcement agencies.

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Other BHRAC activities were the following:

➤ **CHR on the Cases of Terminated BHRAOs**

Because of a seemingly lack of understanding on the part of some Barangay Captains in Parañaque City, five (5) Barangay Human Rights Action Officers (BHRAOs) were reported to have been illegally terminated by the former due to various reasons.

On January 11 2011, through the BHRAC focal Commissioner Jose Manuel Mamauag, the Commission on Human Rights was behooved to act on the matter, not in so much as to give justice to the five (5) BHRAOS, but more so to determine the causes of their termination.

The reasons for termination of the BHRAOs were allegedly due to their partisan political activities, non-performance of functions, and the misconception that their terms of office is co-terminus with that of the Barangay Chair.

Commissioner Mamauag sent a letter to the concerned Barangay heads for their immediate action on the cases of the terminated BHRAOs. These were promptly settled and resulted in the dismissal of two on the grounds of non-performance of functions and partisan political activities, the resignation of one to become a member of the Lupong Tagapamayaya, and the reinstatement of the other two which was due to the mistaken notion that their terms were co-terminus with their former Barangay Chairs.

The five (5) barangays involved were San Dionisio, San Isidro, Moonwalk, Tambo, and Marcelo Green, all of Parañaque City.

➤ **Second Capability Building Workshop of Parañaque City BHRAOs**

The BHRAC National Secretariat assisted the Commission on Human Rights – National Capital Region (CHR-NCR) in the conduct of the second Capability Building Workshop of the Parañaque Association of BHRAOs (PABHRAOs) on September 26, 2011. The activity was aimed to update the BHRAOs with the knowledge on local laws such as RA 9745 or the Anti-

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Torture Law, Juvenile Justice and Welfare Act or RA 9344 and the Anti-Violence Against Women and their Children or RA 9262. A workshop on the Human Rights-Based Approach (HRBA) was also given emphasis to capacitate the BHRAOs on their role of monitoring a rights-based barangay governance. The activity was hosted by the PABHRAO. The occasion was graced by no less than Mayor Florencio Bernabe of Parañaque City and DILG City Director Gloria Aguilar. A total of 16 BHRAOs from the 16 barangays of Parañaque City, some Brgy. Chairmen, and Brgy. Secretaries also attended the workshop.

### ➤ **Media Reporting on Human Rights**

A lecture on Human Rights-Based Media Reporting, and the Concept and Principles of Human Rights was conducted by the BHRAC National Secretariat during the Seminar Workshop on Media Reporting and Human Rights hosted by the Union of Journalists of Northern Samar (UJNS) and the Samar Island Press Club (SIPC), held on November 12, 2011 at Hotel Alejandro, Tacloban City. The activity which aimed to build a culture of human rights in the media reporting, was attended by 50 participants who are members of the working press all over Samar Island, campus journalists from the University of Eastern Philippines, and information officers of the 8<sup>th</sup> Infantry Division, Philippine Army based in Camp Maulong, Catbalogan City and the PNP Region 8.

### ✓ **Children's Rights Advocacy**

One of the highlights of the advocacy for children's rights for 2011 is the campaign for the full implementation of RA 9344 or the Juvenile and Justice Welfare Act of 2006 and maintaining the minimum age of criminal liability to 15 years old. In both houses, the House of Representatives and in the Senate, several bills to amend RA 9344 particularly, lowering the age of the minimum age of criminal responsibility are being pushed by legislators. The CHR through the Child Rights Center (CRC) actively participated in the campaign for the law's full implementation. Through attendance in several meetings with the members of the Juvenile Justice and Welfare Council; participation in the conceptualization and development of an action plan (concerted effort) on how to respond to the attacks against RA 9344 and also formulated key messages to properly inform the public regarding the law; meetings with

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known personalities who are against RA 9344 to convince them to change their positions; and several television interviews and appearances to support the law and oppose the lowering of the minimum age of criminal responsibility.

Moreover, to promote and protect the rights of children, the CHR through its Child Rights Center, participated and monitored the localization of the Comprehensive Program for Child Protection with other agencies like the DOJ, DSWD, DILG, CWC and the PNP; participated and provided technical assistance in the on-going review of the Comprehensive Program for 2012 to 2016; Protocol on Case Management of Children who are victims of abuse, exploitation, and neglect; and revision of the National Human Rights Action Plan (NHRAP) of the Presidential Human Rights Committee, specifically on the chapter on children; consolidation of the draft bills in the House of Representative and in the Senate regarding children in situations of armed conflict.

Furthermore, the Commission with the Friedrich Ebert Stiftung formulated and developed the Youth Barometer – an in-depth and comprehensive description and measurements system for youth rights. It is a self-assessment exercise based on criteria from international protocols and declarations; developed a Child Rights Module fro the training for the Aleemats entitled "Empowering the Aleemats, Muslim Women Leaders and their Communities as Human Rights Defenders; and took part in the drafting of the questionnaire fro the National Baseline Study on violence against children to determine the prevalence of violence, to identify potential risk and protective factors for violence, and to assess the knowledge and utilization of health, legal, and welfare services available.

The CHR has likewise participated in several activities nationwide from lectures, meetings, trainings, workshops to public hearings, investigation, fact finding missions and case monitoring.

### ➤ Trainings and Workshops

On 27-28 April, 2011, the central office thru the CRC conducted a training orientation for the CHR regional lawyers, special investigators and information officers on Republic Act 9775 or

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"The Anti-Child Pornography Act of 2009", the Convention on the Rights of the Child and other relevant laws protecting the rights of the children. As a result, the regional offices formulated their action plan in the implementation of the new law.

Likewise, the Commission has also participated in several workshops, to wit; 1) Strategic Planning Workshop of the Juvenile Justice for the Welfare of Children (JJWC) held on 9-11 May 2011 in Clark Field, Pampanga; 2) Series of Activities of the Special Committee for the Protection of Children (SCPC) for the Local Implementation of the Comprehensive Program for Child Protection (CPCPC) held on 15-21 May 2011 in Boracay, Aklan; 3) Workshop on Developing an Action Plan: Towards Equity for Children on 21-23 June 2011 at Marriott Hotel, Pasay City; 4) Basic Facilitators' Training on Mental Health and Psychosocial Support During Crises, Emergencies and Disasters held on 22-24 June 2011 in Clark Field, Pampanga; 5) A 2-day Multi-sectoral Consultation Workshop on the Implementation of the Juvenile Justice and Welfare Act and Communication Planning Workshop held on 28-29 June 2011 at Imperial Palace Suites, Quezon City; 6) SCPC Assessment of the Comprehensive Program for the CPCP 2006-2010 held on 6-8 July 2011 in Tagaytay City; and 7) A 3-day Strategic Work Planning on "Emerging Challenges, Development Priorities and Implications on Child Rights Monitoring and Reporting" held on 12-14 July 2011 in Lubao, Pampanga. Recently, the Child Rights Center participated in the Anti-torture Training of the CHR-Assistance and Visitorial Office where police, military, prison personnel and LGUs of Luzon, Visayas and Mindanao were oriented on the salient features of RA 9344.

## ➤ Lectures and Focus Group Discussions (FGDs) on Relevant Laws

Child Rights Advocacy was promoted by the Regional Offices thru the conduct of lectures and focus group discussions on relevant laws regarding children's rights and some on gender and human rights. The lectures and seminars conducted are, to wit: On Rights of Children and other related laws in Baguio City Jail for CICL; Barangay and Municipal Councils for the Protection of Children of Kibungan, Benguet; Orientation-Seminar on Human Rights Related Sectoral Laws (CRC, RA 9344 and RA 9262) and the BHRAC Program for Barangay Officials and Functionaries of Itogon, Benguet; Human Rights and UN CRC Orientation for Alternative Learning System (ALS) Clients of Saving Neighborhood Network (SNN) and NGO; UN CRC Lecture in the Capability Building for Law Enforcement Officers of Baguio City

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Handling Children in Need for Special Protection (CNSP); and g) Series of Orientation-Seminars for the Strengthening of the Barangay Council for the Protection of Children (BCPC) for the 128 barangays of Baguio City; Lecture on RA 7610 at the Dila Katarungan Pambarangay Seminar which was participated by Barangay Officials of Brgy. Dila City, Sta. Rosa; Lecture on RA 9344 to students and faculty members of the University of San Agustin, College of Law held at the University of San Agustin, College of Law, Iloilo City; Regional Special Training Unit for PNP on RAs 7610 and 9262 on January 21, 2011 at Mercedes, Zamboanga City; Barangay Maasin Training on Human Rights, GAD and RAs 72610 and 9262 for PBO, Tanod and Women's Groups, Regional Special Training Unit, Provincial Office, Philippine Public Safety College on HR, GAD and RAs 7610 and 9262 for PNP Zamboanga City; Human Rights, GAD and RAs 7610 and 9262 Training for PN Staff on June 24, 2011 at Philippine Navy Naval Forces, South Lower Calarian, Zamboanga City; PN Staff on June 30, 2011 at the Philippine Navy Naval Forces South, Lower Calarian, Zamboanga City; Lecture to PNP Personnel at Public Safety College, Regional Training School and in various occasions both in Davao City Police and Regional Office in their regular refresher courses; and Lectured with the AFP different Battalions in connection with the Peace and Development Programs at the AFP Division Training Unit (DTU) for their Candidate Soldiers Course.

Aside from lectures, the regional offices also conducted focus group discussions on related laws pertaining to children's rights. Particularly, in CAR, two FGDs were conducted - the Orientation on the Rights of the Child and the Anti-Pornography Act sponsored by CHR and the Verification of the Situation of Children in Conflict with the Law at the Social Development Center (SDC) of Baguio City of alleged violations of their rights as published in the Local Daily. In Regions XI and XII, they attended and participated on FGDs, gatherings and occasions organized with partner GOs, IOs, NGOs, CSOs and LGUs, and others. Likewise in CARAGA, the regional directors agreed to hold one meeting in a quarter relative to the Regional Committee for the Welfare of Children (RCWC).

### ✓ **Human Rights-Based Approach to Legislation**

In partnership with the House of Representatives Committee Affairs Department, CHR-Government Linkages Office spearheaded the project on the drafting of a "Child Rights-Based Legislative Checklist". With a core group composed of select Committee Secretaries

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and other key Legislative Officers, several meetings were held to draft, review, revise and finalize the legislative checklist. Meetings with various child rights experts were also conducted to gather their comments and inputs on the matter. To date, the core group is in the stage of finalizing the checklist. Thereafter, the same will be validated and pilot-tested.

This Child Rights-Based Legislative Checklist aims to guide legislators, bill drafters, Committee Secretaries and other concerned stakeholders in the drafting, review and deliberation of proposed legislations on children.

### ✓ Women's Rights Advocacy

A highlight of the CHR's advocacy on women's rights this year was the celebration of the International Women's Month. Annually, the Commission participates in this monumental celebration by engaging in inter-agency activities and more often, by spearheading human rights activities for women.

For this year, CHR held the following activities: Film Showing of "Agaw-Buhay" and Orientation on Reproductive Health on 16 March 2011; CHR Orientation on Men Opposed to Violence Everywhere (MOVE) and Display of the Women's Month Tarpaulin which was also replicated in all regional offices. It also participated in the *Commitment Day Against Trafficking in Persons* organized by the Visayan Forum Foundation at Crowne Plaza, Ortigas on 15 March 2011.

CHR also provided various women-specific lectures relative to health and human rights: Orientation on the Magna Carta of Women held at the Bureau of Parole and Probation on 24 March 2011; Orientation on the Magna Carta of Women (Special Leave Benefits for Women with Gynecological Disorders and Problems) held at the Institute of Labor Studies, an agency under the Department of Labor and Employment on 29 March 2011; Anti-Trafficking in Persons Law, organized by the CHR's National Capital Region on 31 March 2011; Orientation on the Magna Carta of Women, held at the Bureau of Fisheries and Aquatic Resources, under the Department of Agriculture on 08 April 2011; Orientation on LGBT Rights with the Philippine Human Rights Committee; "Whistle Against VAW"; Second Consultative Meeting with Metro Manila LCEs Re Reproductive Health Programmes, Orientation Against Violence

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Against Women with UN Women and UST Legal Management Society; Completion of the CHR and Reprocen Dialogue with City of Manila Re EO 003 and the Issuance of Substitute Ordinance No. 30 that now allows access to artificial birth control methods; Likhaan Center for Women's Health Orientation on LGBT rights, CEDAW and the committee's concluding observation on the 5<sup>th</sup> and 6<sup>th</sup> country report co-convened with Rainbow Rights Philippines; Workshop on Operationalizing the Functions of CHR as Gender Ombud; First Consultative Meeting with Metro Manila Local Chief Executives on Reproductive Health Programmes; Gender Sensitivity Trainings for Central Office and Forum on Reproductive Health Bill.

For the advancement of women's rights, CHR engaged in the following significant local and international activities:

At the national level, the CHR participated in the following: a) UP Drafting committee on OFW Bill; b) Inter agency meeting on CEDAW Committee Country Visit; c) PHRC meeting on Mariquit Soriano CEDAW Case; d) REPROCEN on Manila EO 003; e) RH Advocacy Network; f) UN Women's National Multi-Stakeholders' Consultation; g) UN Women on Inter-Agency Sub Cluster on SGBV in Calamity Situations; and h) UNFPA Presentation on 7<sup>th</sup> Country Programme.

At the international level, three conferences were attended to wit: a) 55<sup>th</sup> Session UN Commission on Status of Women; b) UNFPA Conference on NHRI Capacity to Promote and Protect Reproduction Rights; and c) 9<sup>th</sup> SEANF TWG; and

Also, CHR attended four public hearings/dialogues/assemblies, to wit: a) With Manila City Council EO 003; b) Public Hearing on Brgy. Ayala Alabang Ordinance no. 001; c) Purple Ribbon Community Assembly on Women's Rights (PACO Manila); and d) Purple Ribbon Pre-SONA March;

Likewise, six lectures were also conducted namely: a) Magna Carta of Women in DOLE ILS; b) Magna Carta of Women in Bureau of Fisheries and Aquatic Resources Resources; c) Magna Carta of Women in the Board of Parole; d) Anti-Trafficking Law with CHR NCR; e) LGBT Rights with LEAP Inc.; and f) Role of NRIs on the Protection of Women's Human Rights in the ASEAN with Women's Legal Bureau.

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Moreover, four papers were prepared by CHR; to wit: a) CHR Presentation at the CSW55; b) CLAPR Presentation and Text of Presentation at the UNFPA Conference; c) CHR Comment to CEDAW Country Visit; and d) Chapter on Women in CHR's Omnibus Rules of Procedure.

Furthermore, two study visits were conducted, to wit: a) Laura Davis Fullbright Scholar held on 8 July; and b) East Asia Popular History Exchange Taiwan held on 15 July; and one Gender Sensitivity Training was conducted at the CHR Central Office: CHR Men Opposed to Violence Everywhere (MOVE); including an orientation on Gender Issues in celebration of the International Women's Day.

- ✓ **Commemoration of International Human Rights Events**

- **Children's Month**

The national theme for the Children's month in October was "Local Council for the Protection of Children Para sa Bright Child: Pakilusin, Palakasin, Pagtulungan Natin!." All regional offices conducted training/workshop on the rights of children with the local councils in their respective regions.

In the central office, the Child Rights Center (CRC) organized a children's party for the children of employees aged 2 to 12 years old. This is in cooperation with Knowledge Channel. The kids of the employees enjoyed audio visual and learning activities from Knowledge Channel. They also enjoyed games and prizes. A mass was also celebrated for the children to encourage child participation.

Also during the Children's month, a media forum for children was held last October at the UNILAB as a result of the incident that involved a child in a television show "Willing Willie". The CHR Child Rights Center, being a member of the Committee, helped in the planning and conceptualization of the forum. It was participated in by people in the TV networks, members of the KBP, association of advertising agencies, association of companies who advertise (Advertising Standards Council). This include advertisements in television, billboards etc. The

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forum mainly focused on how the government and the media can help and work together to ensure that children are protected in and by the media. The highlight of the activity is the Statement of Commitment wherein various organizations and companies made their commitments to the protection of the child through responsible communication policies and/or corporate social responsibility initiatives.

### ➤ Women's Month

The Commission celebrated the International Women's Month through the conduct of activities such as: Film Showing of "Agaw-Buhay" and Orientation on Reproductive Health; CHR Orientation on Men Opposed to Violence Everywhere (MOVE); and Display of the Women's Month Tarpaulin which was also replicated in all regional offices. It also participated in the *Commitment Day Against Trafficking in Persons* organized by the Visayan Forum Foundation.

### ➤ Official Launching of the Martial Law Files Project

As the culminating activity of the National Human Rights Consciousness Week and in celebration of the 63<sup>rd</sup> Anniversary of the Universal Declaration of Human Rights, an Official Launching of the Martial Law Files Project was held at the UP National College of Public Governance on 10 December 2011. The Keynote Speaker was Executive Secretary Paquito "Jojo" Ochoa, Jr.

Prior to the launch, a symbolic transfer of the documents happened on 21 September 2011 when Chairperson Rosales and Secretary Voltaire Gazmin of the Department of National Defense (DND) together with witnesses signed a common position that aims to "end impunity and build a culture of human rights". The Chair of the Committee on Human Rights of the House of Representatives, Rep. Rene L. Relampagos; the President of the National Defense College of the Philippines, Dr. Fermin R. De Leon, Jr.; and, the Chair of the Philippine Alliance for Human Rights Advocates (PAHRA), Chair Max de Mesa, were signatories to the joint communiqué on the symbolic turn-over of said declassified files.

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The transfer of the declassified martial law files from DND to CHR was an opportunity to contribute to, and hurdle the painstaking process of national reconciliation and healing in a long journey to end impunity and make human rights a way of life in the country. Specifically, the act of transfer spelled out the following objectives:

1. To make the files available to the public for their specific interests and needs;
  - To students, faculty, media, historical institutions, libraries, archives and the like for purposes of research, education and public information;
  - To survivors and victims of human rights violations relevant data for purposes of validating their claims for compensation and for redress of grievances;
  - To the civilian branches of government for purposes of legislation and policy reform; and,
  - To the security forces and their academies for purposes of reform policies with the security sector.
2. To make available to the present and future generation of Filipinos literature on martial law to set the record straight on the fourteen years of one-man-rule under Marcos and its impact on the lives of the people.
3. To engage in round table discussions with various stakeholders in a common agenda arrived at through Memoranda of Understanding (MOUs) for the following purpose: develop consensus on martial law realities towards a process of working collectively to cultivate a human rights environment conducive to putting an end to impunity.
4. Through collective effort, to create knowledge products from the digitized files that will include, but not be limited to the following:
  - A documentary of the entire project from the time of its inception and soft launch on 21 September 2011 to its completion on 21 September 2015.

# HUMAN RIGHTS PROMOTION

- A documentary of the heroic stories and narratives of human rights activists and defenders.
  - A proposed publication of research and study of the evolution of the Marcos Constitution in its various phases with the objective to legitimize one-man-rule through fourteen years of dictatorship.
  - A proposed publication of a study of the Marcos policies and decrees that legitimized economic plunder over a period of fourteen years of rule.
5. To memorialize through stone monuments the history of local struggles and inspiring stories of courage by human rights defenders and activists.
  6. To come up with a museum of film, visual art pieces, essays, music and literature that were created and nurtured by the people's struggle and revolution to restore freedom, justice and democracy, culminating in the ouster of the dictator in February of 1986.

## ✓ CHR Preparation for the 25<sup>th</sup> Year Anniversary

### ➤ Logo Making Contest

The Logo Making Contest was launched last November 2011 as part of the CHR's preparation for its 5<sup>th</sup> Anniversary Celebration. Seven entries were submitted on 5 December 2011, the official deadline of the submission of entries. Tomas E. Arao of University of the East Caloocan bagged the grand prize while Angelo Roe S. Calizar also from UE Caloocan and Syril P. Bobdilla of De La Salle College of St. Benilde won consolation prizes. The winning logo was declared on 8 December 2011 and was awarded during a simple ceremony last January 2012.

The winning logo is currently being used on the institution's official communication documents and is hoped to be displayed in strategic places to promote CHR's 25 years of existence and milestone.

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## ➤ Human Rights Film Festivals with Human Rights Orientation

The films were pre-screened human rights films which was held last 7 December 2011 followed by an orientation-workshop on human rights of the youth sector. The said program was attended by leaders of different student councils of universities and colleges around Metro Manila.

## ➤ Photo Exhibit

A two-week long photo exhibit which highlighted the 25 years of human rights protection and promotion projects and activities of the institution was displayed at the CHR Central Office last 1-8 December 2011.

## ➤ HR Quiz Bee

A Human Rights Quiz Bee was launched last December 5, 2011 and was culminated last 16 February 2012. About 100 participants representing 34 secondary institutions joined the competition. The first placers are (1) John Carlo G. Tan; (2) Rendcel M. Isip and (3) Kate Louis L. Matriano from St. Mary's Academy Mandaluyong with 185 points. Followed by representatives from Bagumbong High School as second placers, namely (1) Edzel M. dela Cruz; (2) Joey C. Marano and (3) Dakila C. Batan with 180 points. Third placers are from Las Pinas National High School represented by (1) Vaughn Mark Cualing ; (2) Von Joseph Granado and (3) Princess Mae Dialogo who earned 155 points.

## ➤ Let's Hear it From the Young Minds

A half-day Essay Writing Contest on human rights issues was held last 21 November 2011. The English and Filipino categories were participated in by around one hundred (100) students representing thirty (36) secondary institutions. Winners in the English category were: first place – Alyanna Jane Zarate from Balara High School with an essay entitled "Never Too Young", followed by second place – Justin Gabrielle A. Manay of Manila Science High School for an essay entitled "You for Youth: Human Rights Education for your Development". The third place was awarded to Khriscielle Yalao from St. Scholastica's Academy of Marikina for

## HUMAN RIGHTS PROMOTION

her essay "A Call for Freedom and Equality" and Chantal Covarubias of Flora A. Ylagan High School for her essay entitled "Young Blood: Treat us Right!"

The winners in the Filipino category are: first place – Raiza P. Catabona of Don Alejandro Roces Sr. Science Technology High School for her essay "Anak-Dalita"; second place – Mavel C. Arive of Marikina High School for the essay "Ang Lahat ng Tao ay Isinilang na Malaya at may Karapatan" and third place – Jennica R. Rayel of Diliman Preparatory School for the essay "Siklab Para sa Lampara".

- ✓ **Human Rights Week Celebration**

- **Run for Human Rights**

To kick off the year's festivities, last 3 December, the Commission on Human Rights spearheaded the holding of a 'Solidarity Run for Human Rights,' in partnership with major stakeholders from government and non-government organizations, civil society and advocacy groups.

Around 35 organizations were mobilized to join the event, and aside from the CHR contingent, some of the estimated 1500 participants came from the Department of Education, the Commission on Higher Education, the Armed Forces of the Philippines, the National Bureau of Investigation, the Philippine Alliance of Human Rights Advocates, the Philippine National Police, the Indigenous Peoples Advocate Balay Foundation, and the Metro Manila Development Authority, among others.

All the groups started assembling at 5:30 in the morning at the Disco Area of the Quezon Memorial Circle. By 6:00 in the morning, the groups were completed, and the signal was given to start the Run. The CHR contingent, carrying the first article of the UDHR, led the Run, followed by PAHRA with article no. 2, the AFP with article no. 3, and so on up to the 30<sup>th</sup> article, with the rest of the pack tailing them.

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PAHRA, which is very active in mass actions against previous administrations, stood out in the Run with most of their participants visibly coming from impoverished communities, some of whom are even barefooted.

A highlight of the program was CHR Chairperson Loretta Ann Rosales calling on all the representatives of each organization, and leading them to the recital of the *Panunumpa sa Karapatang Pantao*. This was followed by CHR Dir. Ofreneo reciting the Pledge of Commitment, to which the representatives held out their hands to touch the document as a symbol of their pledge.

This Solidarity Run - down to the smallest detail - was the brainchild of Col. Domingo Tutaan, Jr., the Human Rights Affairs Officer of the AFP. This is attributed to the strong partnership of the CHR with the AFP and the PNP, as well as the intensive education and information campaigns being conducted by the former on the officers and men of the two institutions.

The CHR will be celebrating its 25<sup>th</sup> foundation next year, and this Solidarity Run reflects and strongly symbolizes its own 25-year arduous and painful run towards the pursuit of human rights protection and promotion.

### ➤ **Human Rights Festival (Ala Woodstock)**

The National Human Rights Consciousness Week celebration culminated on 9 December 2011 at the CHR grounds flooded with a resounding music from the well renowned Filipino musicians. Such musical encounter entitled "Human Rights Music Festival" was graced by the very talented patriotic artist singer, Mr. Noel Cabangon and band performances by Halogen, Filtered, Much Room, and Yano.

Aside from the CHR staff, a huge part of the audience were from students from various colleges and universities in Metro Manila who stayed the whole night to celebrate human rights week with fun and music.

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Chairperson Loretta Ann Rosales was pleased with the success of this program and signified to hold a bigger concert on CHR's 25<sup>th</sup> Anniversary in 5 May 2012.

### ➤ **CHR's Participation in the Annual Pride March on 3 December 2011**

In celebrating the National Human Rights Week, and pursuant to the goal of making human rights a way of life, the CHR, strongly expresses its stand for recognition of the rights of the LGBT sector; and, in solidarity with the Lesbian, Gays, Bisexuals and Transgender (LGBT) community, sent a delegation to the 17<sup>th</sup> Annual Manila Pride March on 3 December 2011 with the theme "Pride of the Orient".

The CHR espouses the same objective with the Task Force Pride (TFP) in seeing the Pride March as an opportunity to surface the issues confronting the LGBT community, and to assemble in solidarity with the different LGBT groups – for the protection, promotion and full enjoyment of their human rights. The CHR likewise sees the Pride March as an opportunity to provide visibility to the LGBT community, promote acceptance, respect and non-discrimination, and a chance to once again stress that LGB rights are human rights.

### ✓ **Media Advocacy**

The CHR circulated twenty (20) Press/Media Releases to major dailies, television and radio programs on human rights issues like beheading and mutilation of marines in Patikul, Sulu, Pasig City demolition, hostage taking in Mindanao, execution of the three Filipinos in China, child abuse in the TV program Willing-Willie, Manila Mayor's shoot to kill order, National Bureau of Investigation (NBI) denial of entry to HIV-positive Theater-Director, PAL-FASAP labor dispute on age and gender discrimination, human rights situation in Brgy. Didipio, Kasibu, Nueva Vizcaya, case of Leonardo Co and the incident implicating a police officer from Manila Police District (MPD) who raped a woman inside the MPD headquarters. Moreover, the Chairperson and Commissioners appeared in nine (9) media interviews in both television and radio programs.

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

### Human Rights Standard Setting and Policy Advisory Services

#### HUMAN RIGHTS POLICY ADVISORY

Consistent with its role as a national comprehensive monitor, the Commission has successfully intervened not only in cases of civil and political rights violations but also in complaints involving violations of economic, social and cultural rights. Noteworthy to mention are the interventions that resulted in the disapproval by the Department of Labor and Employment (DOLE) of gender-discriminatory economic provisions in the collective bargaining agreement between the Philippine Airlines and the Flight Attendants and Stewards Association of the Philippines (FASAP); the reinstatement of 29 illegally dismissed local government employees in Taft, Eastern Samar; and the stoppage or postponement of forced evictions of several urban poor communities.

The Commission's interventions in human rights issues involving national and multinational corporations is bolstered by the unanimous acceptance of the UN Human Rights Council in June 2011 of the Guiding Principles on the "*Respect, Protect and Remedy*" Framework on Business and Human Rights. Thus, CHR has looked into the case of the Korean firm, Hanjin Corporation based at the Subic Bay Industrial Zone involving the accidental deaths of workers, inhumane treatment and abuse by Korean Officials, inadequate safety and health standards, among others.

Through its Women's Human Rights Center, the Commission galvanized a multi-sectoral activism that led to the repeal of Manila's infamous EO 3 or the ban on artificial contraceptives, a local measure that violates a woman's right to reproductive health. Also, under its Child Rights Center, it was able to shape the discourse on the responsibility of media to protect children's rights following the brouhaha of the "Willing-Willie" show, as well as against calls to amend the Juvenile Justice Welfare Act to lower the age of criminal responsibility from 15 to 12 years, which is below international standards as set by the Convention on the Rights of the Child.

# HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

## ✓ **Advisories**

### ➤ **Advisory on Fake Arrest and Arbitrary Detention of Innocent Civilians by the Police**

The Commission had expressed its alarm over the incidents of fake arrest and arbitrary detention of innocent civilians by the police.

The case of Joy Reyes y Lagman is an example of the said incident. She was arrested without any warrant of arrest by SPO1 Gerardo Rivera and PO2 Jason Magbitang and was detained for more than 48 hours before the said police officers filed a criminal complaint against her for violation of Sections 5 and 11 of R.A. No. 9165 otherwise known as "An Act Instituting the Dangerous Drugs Act of 2002". However, the City Prosecutor of Manila issued a Resolution dismissing the complaint against Joy Reyes.

On automatic review, the Department of Justice (DOJ) affirmed the Resolution of the City Prosecutor of Manila. The DOJ found Joy Reyes to be a victim of human rights violation and ordered the City Prosecutor of Manila to cause the immediate release of the said victim and to send the records of the case to the Office of the Ombudsman as basis for its administrative investigation against the perpetrators.

The Commission condemns acts of fake arrests and arbitrary detention of civilians by the police as gross violations of human rights. This act must be abated for it is the policy of the State, as provided under Article II Section 11 of the Constitution to value the dignity of every human person and guarantee full respect for human rights.

The Commission is likewise concerned of the fact that during the automatic review of the Office of the President on resolutions on dismissed cases, the detainee is incarcerated which is a deprivation of the right to liberty of a person. Hence, the Commission called on members of the PNP to desist from committing fake arrests and arbitrary detention, and be the guardians and protectors of human rights of the Filipino people and for the release of detainees in drug cases, the complaints against whom had been dismissed by the prosecutor.

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

- **Advisory on the Human Rights Implications of the Acquisition and Eventual Use by the PNP of the So-called Non-Lethal Sonic Device for Purposes of Crowd Control**

The state through the Philippine National Police has decided to purchase and use Non-Lethal Sonic Device (NLSD) also commonly known in the West as Long Range Acoustic Device (LRAD) for crowd control. The NLSD emits sound pressure levels ranging from 137-153 decibels that can result to permanent eardrum injury; permanent and serious organ damage; and, even death to persons indiscriminately, i.e. not only those involved in a mass action but also by standers/non-participants so long as they will be within the range to get such impact.

The purchase and possible use of the NLSD for crowd control is contrary to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). General Comment No. 14, paragraph 33 states that: "The right to health, like all human rights, imposes three types or level of obligations on State parties: the obligation to respect, protect and fulfill. In turn, the obligation to fulfill contains obligations to facilitate, provide and promote. The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of the right to health. The obligation to protect requires States to take measures that prevent third parties from interfering with article 12 guarantees. Finally, the obligation to fulfill requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right to health."

The Commission therefore advises that use of NLSD can result to human rights violations, particularly on the right to health in relation to rights to human dignity and life, freedoms of association, assembly, and movement.

- **Advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers**

All throughout the country, various forcible evictions and demolitions have caused abuses and violations of rights against informal settlers, thus making them vulnerable.

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

As the National Human Rights Institution mandated to promote and protect the human rights of all Filipinos, the Commission issued an advisory on the Right to Adequate Housing and Humane Treatment of Informal Settlers containing the guidelines and standards to be observed and implemented as to the conduct of eviction and demolition; and in providing relocations to informal settlers vis a vis their rights to adequate housing. In essence, the advisory serves as a guideline to strengthen the capacity and effectiveness of concerned government agencies and instrumentalities in pursuing a rights-based approach to urban development, housing and treatment of informal settlers.

### ✓ Position Papers

#### ➤ **Position on the Philippine Airlines' (PAL) on Compulsory Retirement and Pregnancy Leave**

The Flight Attendants' and Stewards' Association of the Philippines (FASAP), comprised by flight attendants under the employ of the PAL Incorporated brought to the attention of the CHR and requested for examination, the policies of the latter on compulsory retirement and pregnancy leave.

The policies being questioned are embodied in the November 22, 1996 Collective Bargaining Agreement (CBA) executed by FASAP and PAL. Section 144, Article 29 sets the compulsory retirement age of cabin attendants at 55 for females and 60 for males for those hired before the signing of the agreement, and at 45 and 40 for all cabin attendants hired after the signing and after 22 November 2000, respectively.

Moreover, Section 81, provides that on the third month of her pregnancy, the cabin attendant concerned shall be placed on pregnancy leave without pay until such period when the provision of the law on maternity leave becomes effective. All earned vacation leaves and earned days off by the cabin attendant prior to being placed on pregnancy leave shall be exhausted. While on pregnancy leave and after exhaustion of all earned vacation leaves, benefits shall no longer accrue. Sick leave benefits may not be availed of in lieu of pregnancy leave. Cabin attendants accrue seniority during pregnancy leave.

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

The same retirement and maternity/pregnancy leave policies were adopted in succeeding CBA's, the last of which was supposed to cover the period from 16 July 2005 to 15 July 2010.

On 09 September 2010, The FASAP filed a Notice of Strike with National Conciliation and Mediation Board and on 6 October 2010, the Secretary of Labor and Employment, Hon. Rosalinda D. Baldoz, issued an order assuming jurisdiction over the dispute on the basis of Article 236 (g) of the Labor Code and on the conclusion that the national interest is clearly affected by such dispute.

In a decision dated 23 December 2010, the Secretary of Labor and Employment, fixed the retirement age of flight attendants at 60 years old, subject to company grooming standards, and ordered PAL to credit pregnancy and maternity leave in line with the standards set forth in the said decision.

The Commission issues its position declaring that the retirement, pregnancy and maternity policies embodied in the PAL-FASAP CBA are discriminatory practices violative of fundamental guarantees against such practices embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Covenant on the Elimination of All Forms of Discrimination Against Women and the Philippine Magna Carta of Women; and full support on the decision of the Secretary of Labor and Employment in striking down the discriminatory provisions of the PAL-FASAP CBA.

### ➤ Position on Ferdinand Marcos' Burial at the Libingan ng mga Bayani

The Commission felt a deep sense of duty to respond to the pressing issue on the possibility of former President Ferdinand Edralin Marcos being buried at the Libingan ng mga Bayani since, the Commission was created under the 1987 Philippine Constitution in response to the vast number of human rights violations committed during the Marcos Regime.

The Commission strongly opposes the burial of former President Marcos at the Libingan ng mga Bayani as well as rendering of full military honors because allowing the premier human

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rights violator in Philippine history to be buried in the said hallowed grounds is like giving to the dogs the very essence and soul of the existence of the Commission on Human Rights. It is tantamount to turning a blind eye to the atrocities committed during the Marcos regime. It is justifying the disregard for human life and dignity in exchange for power and position. It is swallowing a bitter pill and forgetting one of the root causes of the state of poverty and corruption we are in now. It is negating the memories of individual victims whose lives were changed forever due to the pain of the past. It is allowing a re-writing of Philippine history by affirming a human rights violator a hero.

### ➤ Declaration of the Commission on Human Rights on the Recent Hostilities in Mindanao

The Commission on Human Rights condemned in the strongest possible terms the encounters in Basilan on 18 October 2011, and the latest in Zamboanga Sibugay on 24 October 2011, which served to instill fear, terror and suffering for innocent civilians, particularly women, children and persons with disabilities, whose human rights are gravely affected. It likewise condemned atrocities committed by any party in Mindanao or in any other part of the country under similar circumstances. In particular, the CHRP strongly denounced the atrocities of the rogue elements under International Humanitarian Law (i.e. 6/19 soldiers were captured and still alive but later executed; with one-half of the dead bodies were mutilated). Under the peace process, the CHR strongly suggested that both parties return to the negotiating table and review the terms of their ceasefire agreement and that those rogue elements are investigated and made accountable in accordance with IHL tenets.

The CHR appealed to the MILF leadership to exhaust all means to prevent other violent episodes from taking place and abate the spread of hostilities, and commends General Oban and the armed forces of the Philippines for their humanity and ability to see the bigger picture.

The CHR emphasized its approval of the prudent decision of President Aquino on opting for "all out justice" and continued trust and investment in the peace process. All parties must pursue their goals within the framework of the Universal Declaration of Human Rights, International Humanitarian Law, the 1987 Constitution and other related domestic laws. The

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

Philippine Government and the MILF must revisit the ceasefire mechanism and all relevant agreements and treaties entered or adopted with a view to strengthening the interim peace agreement. Both the government and the MILF should come to the negotiation table in good faith and with genuine peace as the utmost objective.

Meanwhile, other sectors and stakeholders also have responsibility for the realization and maintenance of peace in Mindanao and in other parts of the country. The Filipino people are urged to rise above the situation and unite in breaking the Muslim versus Christian; MILF versus GRP mindsets.

### HUMAN RIGHTS TREATY MONITORING

Pursuant to its mandate to “monitor government’s compliance with international human rights obligations” and “to recommend to Congress effective measures to promote human rights”, the CHR continues to engage relevant stakeholders in government and civil society to ensure that government complies with international human rights standards in the execution of executive, legislative, judicial and other government functions, systems and processes. Towards this, the following are the accomplishments:

- ✓ **Legislative Monitor**

With Commission’s issuance of its Human Rights Legislative Agenda for the Fifteenth Congress through Resolution CHR (IV) No. A2010-208 last December 23, 2010, CHR continues to monitor legislative proposals that translate international human rights standards to domestic legislation. This agenda serves as a guide to legislators on immediate and pressing human rights issues which needs legislation.

Together with relevant focal offices, and consistent with its priorities under the Human Rights Legislative Agenda for the Fifteenth Congress, CHR has actively participated in the technical working group meetings of the proposed bills on Strengthening the Witness Protection Program, Compensation to Human Rights Victims, Anti-Enforced Disappearance, National Preventive Mechanism and Internal Displacement of Persons, among others.

## HUMAN RIGHTS STANDARD SETTING AND POLICY ADVISORY SERVICES

The Commission has likewise actively participated in other proposed legislations on human rights such as the bills on Whistleblowers and the National ID System.

On the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), CHR-Government and Linkages Office has submitted the draft position on the matter and has attended in the public hearing for its ratification.

As for the Anti-Torture Law, the Commission spearheaded the transmittal of copies of the law to various government agencies. Also, as initial implementation of the law, the Commission has written to P/Supt Roberto Rongavilla of the Manila Police District requesting for a mapping of all police stations in Manila.

### ✓ Universal Periodic Review

In line with the upcoming review of the Philippines to the second cycle of the Universal Periodic Review (UPR) on 2012, the CHR spearheaded the conduct of a UPR orientation for key officers and officials in July of 2011. Resource person was Dr. Cecilia Jimenez of the Geneva Forum.

After said orientation, each regional office of the CHR was tasked to conduct their own local UPR orientation-workshops inviting both government agencies and civil society. Goals of the orientation-workshop include the gathering of information on the implementation of the previous recommendations of the Human Rights Council during the first cycle of review as well the gathering of information on various local human rights issues in the area.

Submissions made by the regional as well as central offices served as basis of the Report submitted by CHR to the Human Rights Council on November 2011 for the second cycle of the Universal Periodic Review.

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### ✓ Other Treaty Monitoring Activities

The Commission also took part in giving inputs to the draft Executive Order implementing the Plant Treaty as well as its implementing rules and regulations.

Focus Group Discussions were also conducted by the Philippine National Police Human Rights Affairs Office (PNP HRAO) on human rights violations cases committed by PNP Personnel directly related in the actual performance of duty.

Further, pursuant to the Persons Deprived of Liberty (PDL) Summit held last November 2010, CHR, through its Government Linkages Office (GovLink) attends as observer to the Inter-Agency Executive Committee to Monitor the Implementation of the Commitments made in the 2010 National Summit of Persons Deprived of Liberty. This representation is being made until the Commission has decided on a permanent representative to this Executive Committee.

## PARTNERSHIP AND COOPERATION AT VARIOUS LEVELS

### Partnership and Cooperation at Various Levels

#### PARTNERSHIP AND COOPERATION

As a strategy for effective and efficient program delivery, the CHRP continues to forge alliances and partnerships with various stakeholders on human rights at the international, regional, national and grassroots levels. Through the years, the Commission has reached a wider and more strategic level of partnership with local and international organizations.

- ✓ **Non-Government Organizations, Civil Society Organizations and Government Organizations' Cooperation**

The CHR actively participates in several activities spearheaded by NGOs and CSOs relative to various human rights issues needing multi-sectoral involvement.

Early this year, Libertas invited the CHR, along with COMELEC and other civil society organizations to discuss the election concerns of persons with disabilities and the elderly. CHR also engaged with Balay Rehabilitation Center on the ratification of OPCAT, the national preventive mechanism and internal displacement. Also, the CHR joined the Ecowaste Coalition in several meetings for the drafting of a paper on the Right to Chemical Safety. In relation to concerns of persons deprived of liberty, CHR attended several meetings with the Coalition Against Death Penalty. Further, the Commission became involved in human rights advocacy/legislative agenda with Philippine Legislators' Committee on Population and Development (PLCPD), in a comparative country study project on security sector governance and conflict management with Institute for Strategic and Development Studies, Inc. (ISDS), the right to water with UNDP and DILG and the preparation of a Forum on Economic Social and Cultural Rights (ESCR) with Philrights.

The CHR, through the BHRAC, forged a Memorandum of Agreement with the Philippine Center in Islam and Democracy (PCID) that led to the development of Human Rights Training Modules for the Women Community Leaders in Muslim Mindanao suited to the cultural activities in ARMM. This project aimed to promote greater awareness on the dimensions of

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human rights violations, especially violence against women and trafficking but most particularly to the potential role of the Aleemat -Muslim women leaders and Muslim women in responding to such violations. It further aims to increase women's knowledge on the human rights framework and train them on educating their communities on human rights monitoring and reporting; strengthen the role of the Aleemat and Muslim women in human rights advocacy, peace-building, conflict resolution and national development. The HR Modules have already been pilot-tested in three (3) selected regions in Mindanao: Regions IX (Zamboanga), Reg. X (Cagayan De Oro) and Region XII (Cotabato).

### ✓ **Membership in Inter-Agency Councils and Committees**

The Commission participated in the following meetings as a member of different Councils and Committees: 1) Child Protection Working Group (CPWG) First Regular Meeting of the Year; 2) Sixth Country Programme for Children (CPC) 6<sup>th</sup> National Steering Committee (NSC) Meeting; 3) National Committee on Child and Youth Participation (NCCYP) 3<sup>rd</sup> Regular Meeting; 4) Philippine Action for Youth Offenders Regular Meeting; 5) One-day Orientation on the Triple P-Positive Parenting Program; 6) 6<sup>th</sup> Special Committee for the Protection of Children (SCPC) Regular Meeting; 7) JJWC SGM Meeting regarding Age of Discernment; 8) Special Committee for the Protection of Children (SCPC) Localization; 9) FGD Meeting; 10) JJWC Regular Meeting; and 11) Small Group Meeting of the Committee on Family and Alternative Parental Care (ComFAPC).

At the regional level, CHR-CAR had three inter-agency linkages to wit: 1) Boy's Abuse and Exploitation – Creating a greater awareness of the community about the plight of boys who are abused and exploited; 2) Regional Council for the Welfare of Children (RCWC) Meeting and Orientation on the Revised Tool for Child Friendly Municipality/City Accomplishment Reports, Priority Concern for the last semester such as Street Children, Indigenous Children, CICL's and Children with Disabilities; and 3) National Youth Commission (NYC) Regional Advisory Cluster Meeting and Planning.

CHR also actively participated in the following working groups in the advancement of women's rights: Reproductive Health Advocacy Network for the Reproductive Health Bill;

## PARTNERSHIP AND COOPERATION AT VARIOUS LEVELS

Inter-agency Council Against Violence Against Women and their Children (Implementing Agency and Council Member). As implementing agency, CHR is mandated to assist victims in the filing and/or preparation of protection orders; Inter-agency Council Against Trafficking (observer status). CHR is not a council member but through the invitation of Vice President Jejomar Binay, the Commission now has observer status with Inter-Agency Council Against Trafficking of Women and enables it to offer advisory opinion to policy issues; Interagency sub-cluster on Gender Based Violence in emergency situations (formulations plans on how to address GBV in emergency situations.

- ✓ **International Engagements and Collaboration: New and Continuing Projects**
  - *Enhancing the Role of National Human Rights Institutions in the Development of an ASEAN Human Rights Mechanism in the Region*

The European Union -assisted project that supported the South East Asia National Human Rights Institutions Forum (SEANF) was formally concluded in February 2011 with concrete outputs of each thematic sub-project relating to issues of Migration, Anti-Trafficking, ESCR and HR Education, in place. As a concluding activity, the CHR hosted the 9<sup>th</sup> TWG of the SEANF held from 24 to 25 February 2011 at Eastwood Richmonde Hotel, Quezon City, Philippines. In this meeting, the body agreed to hold a Strategic Planning Workshop to craft a strategic plan that will define its vision, mission and long-term objectives, looking towards a national and regional reach. With a 5-year Strategic Plan in place, the SEANF, a network of the Human Rights Commissions of Indonesia, Malaysia, Philippines, Thailand and the Provedor for Human Rights and Justice of Timor Leste continues to exert influence in shaping the human rights framework in the ASEAN. During its 8<sup>th</sup> Annual Meeting held in Manila in October, SEANF raised its concerns on the content of the ASEAN Human Rights Declaration and process of drafting being undertaken by the ASEAN Intergovernmental Commission on Human Rights and thus, submitted its collective position paper on the AHRD.

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- *Institutional Strengthening of the Commission on Human rights of the Philippines (CHRP) under the Agencia Espanola de Cooperacion Internacional para el Desarrollo (AECID)*

The Grant is awarded to the Republic of the Philippines, through the Commission on Human Rights (CHR) with recognized legal personality, capacity to act, and technical and economic solvency to implement the grant. The grant amounts to two million seven hundred fifty thousand euros (€2,750,000.00).

The Grant funding aims at developing CHR's capacities to implement and advocate the Human Rights-Based Approach (HRBA) in local and national plans and policies, improving CHR effective field presence and outreach and levels of awareness and coordination with other official institutions and the civil society. To achieve such purpose, two main results are sought:

1. Strengthened capabilities in CHR to deliver human rights protection, promotion and policy services leading to institutionalized human rights standards, principles and techniques in the work of local government units and regional inter-agency bodies.
2. A culture of human rights, where empowered communities are able to participate in and determine their own development.

The project to be implemented through this grant shall have a duration of thirty-six (36) months and will commence upon receipt of funds.

- *CHR-UNCHR Project for the Protection of Internally Displaced Persons in Mindanao*

In pursuit of this mandate to protect persons who are most vulnerable and whose rights have been violated such as Internally Displaced Persons (IDPs) in Mindanao, the CHR notes the

## PARTNERSHIP AND COOPERATION AT VARIOUS LEVELS

need for continuing programmes to further its protection agenda in cooperation with other protection agencies such as the United Nations High Commissioner for Refugees (UNHCR).

In 2011, the Commission on Human Rights (CHR) forged a partnership with the United Nations High Commissioner for Refugees (UNHCR) in pursuit of a common goal of protecting the rights of persons who are displaced due to armed conflict situations in Mindanao.

In fulfillment of the goal, the Commission utilized CHR Regional Offices X (Cagayan De Oro), XI (Davao) and XII (Cotabato) to develop a work plan that shall operate within the framework of protection monitoring, which essentially delves with establishing networks in the region and conducting ground-laying activities with the local government units including barangays, which in effect shall facilitate a systematic flow of information and reporting with regard to displacement situations in certain areas.

As accomplishments, CHR was able to organize the IDP Units in the regional offices in Mindanao and in the course of initial implementation of the project, the CHR regional teams were able to set their agenda on the field, as evidenced by their reports that illustrate CHR's extent to communities at risk/displaced due to armed conflict. Following the extensive field works and ground-laying activities is the acceptance of the partners of the project purpose and parameters that enabled referral system among the network organizations.

Through this partnership, the IDP Monitoring Tool, which was jointly crafted by CHR and Balay Rehabilitation Center, Inc. in June 2010 became an important reference document in carrying out the project operations and in enhancing the relationship between and among partners. Furthermore, CHR was able to acquire specific and actual information on the situation of the displaced population or at risk of displacement that the five (5) regional offices in Mindanao, including Region IX and Caraga were able to gather on the ground.

In 2012, the CHR will embark on a renewed partnership with the UNHCR that will still operate within IDP Protection Monitoring in Mindanao having the same regional and central office staff, with CHR Regions IX and CARAGA now officially on board. To be able to fulfill the task

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for the year, the team agreed to work on a common framework of action that shall be under the theme, RULE OF LAW. Within this framework are three components: (1) PARALEGAL Training for members of the community and selected duty bearers; (2) DEVELOPMENT OF IEC MATERIALS that tackle the unique role of the Commission on Human Rights as a national human rights institution in IDP protection as well as the role of duty bearers on internal displacement; and (3) Integration of Human Rights-Based Approach to internal displacement.

### ➤ *Australian Support to Promotion of Human Rights in the Philippines*

Signed in 2010, the Declaration of Cooperation between Australia and the Philippines signifies partnership between the two countries to support the activities that will enhance CHR's investigation and education capacity. This 4-year joint project is particularly aimed at improving the investigative capabilities of the CHR through technical assistance provided by the Peruvian Forensic Anthropology Team or Equipo Peruano de Antropología Forense (EPAF) and fulfilling the Commission's education and training mandate that will include building capacities of other actors.

The Proposal & Financing Agreement for the upcoming project on the training for CHR Investigators in Forensic Anthropology Techniques has been finalized and shall be conducted by the Peruvian Forensic Anthropology Team. The first phase, which was the interview of candidates, was conducted in June and July with 82 candidates, consisting of lawyers and investigators from the Regional Offices.

### ➤ *Development of Martus-Based HR Executive Information System by the Asia Foundation*

Since its operationalization in 2009, the project of Asia Foundation with CHR on information technology-based assistance to human rights organizations in collecting, safeguarding, organizing and disseminating information about human rights abuses using the Martus software has improved in terms of facilitating internal monitoring of statistics. Nonetheless, much work has to be done in bridging the gap between NGO and CHR in the documentation

## PARTNERSHIP AND COOPERATION AT VARIOUS LEVELS

of human rights abuses. The Martus System is now upgraded to MAREIS or Martus Executive Information System and being utilized in the central and regional offices.

With the same funding institution providing support to CHR, the Commission has finally approved a new Manual on Investigation and Case Management Processes. Copies of the manual have already been produced. With supplemental support of the Australian Government, it is intended that this manual and soon-to-be adopted Omnibus Rules of Procedure (ORP) serve as the basis for improvements in the Martus-based Executive Information System in order to facilitate professional case management and more accurate statistical analysis.

- **Pilot-testing of the Child Rights Violations Module under the Martus-Based HR Executive Information System**

The Child Rights Center (CRC) and the Information and Systems Management Office (ISMO) held a three (3) day training last August 2011 for the regional investigators and lawyers of the Commission who handle cases concerning children. The training was to pilot-test the Child Rights Violations Module developed under the Martus-Based HR Executive Information System and the User's Manual created for that purpose. The User's Manual for the CRVM was presented to the participants for their validation. Additional inputs and suggestions by the participants were added in the final User's Manual.

The development of the module, the training and the printing of the manuals were all funded by the UNICEF.

# ADMINISTRATION, FINANCE, AND MANAGEMENT

## Administration, Finance, and Management

### INSTITUTIONAL STRENGTHENING OF THE CHR

#### ✓ CHR Charter

The proposed Charter of the CHR seeks to strengthen and further define and elaborate its Constitutional powers and mandates, organizational structure and fiscal autonomy.

As of date, the Senate Committee on Justice and Human Rights has already conducted technical working group meetings to discuss the proposed CHRP Charter. The Senate Committee is already in the process of finalizing its Committee Report.

At the House of Representatives, on the other hand, technical working group meetings were set in August of 2011 as per Agenda of the House Committee on Human Rights.

The Commission continues to fervently push for this measure as a way to strengthen its organizational and functional structures.

#### ✓ Internal Reforms

To improve the delivery of human rights protection services, the Commission has been able to finalize its Omnibus Rules of Procedures (ORP). This year, the Commission-en-Banc will be able to formally approve and direct its publication as well as its submission to the Office of the National Administrative Register of the UP Law Center.

With support from the European Union and The Asia Foundation, the CHR has finally approved a new Manual on Investigation and Case Management Processes. It is intended that this manual and the soon-to-be adopted ORP serve as the basis for improvements in the Martus-based Executive Information System in order to facilitate professional case management and more accurate statistical analysis.

## ADMINISTRATION, FINANCE, AND MANAGEMENT

AusAID has also committed significant resources to help CHR upgrade its tools and techniques in human rights investigation through forensic science. This will help speed up resolution of high profile cases and improve documentation of findings and evidences for prosecution-ready reports.

CHR has also updated its Organizational Performance Indicator Framework (OPIF) to allow for seamless integration with the Philippine Development Plan. By clarifying the institution's major services and outputs into three main categories namely promotion, protection and policy, we expect to generate a more coherent understanding of our accountabilities to the people.

### ✓ **Agency Strategy Plan and Performance Report**

Based on the Strategic Options in place, the Commission reviewed the strategies vis-à-vis the Road Map towards Comprehensive Monitoring enunciated by the Chairperson. This review resulted in (1) the consolidation of the strategic options pertaining to the institutional growth of the CHRP, e.g. finance and resources, internal processes, and learning and growth into one major priority area; and (2) elaboration of and identification of new strategies relating to its client stakeholders or right-holders as well as strategies relating to partner-stakeholders and duty-bearers. These updated options are summarized into Priority Thrusts and Directions: namely, strengthening the human rights mechanisms in the country; enhancing the human rights delivery system; building alliances and partnerships at various levels; intensifying human rights monitoring; nurturing a culture of human rights in Philippine society; and institutional strengthening of the CHRP.

Under each strategic direction, outcomes and outputs shall be identified as the bases for the annual performance review of the agency.

# ADMINISTRATION, FINANCE, AND MANAGEMENT

## ✓ Capability Building

### ➤ Local Trainings and Seminars

To improve employees' knowledge and skills in monitoring and evaluation, the Commission funded two (2) employees from the Central Office to undergo the trainings on Statistics offered by the Statistical Research and Training Center. The two trainings were about the Administration of Surveys and FGDs with Qualitative Data Analysis held on June 27 – July 1, 2011 and Basic Statistics for Research held on July 4-8, 2011.

The Commission also organized Training on Preventive Monitoring of Torture and Ill-Treatment, held from 20-22 November 2011. This was participated in by 45 CHR regional personnel, four CHR central personnel, and representatives from three non-government organizations (NGOs), namely: Balay Rehabilitation Cente, Inc., Medical Action Group (MAG), and Task Force Detainees of the Philippines (TFDP).

The training had built practical skills on specific methodology of preventive monitoring during the different phases of a visit; discussed and analyzed the follow-up on monitoring visits, in particular the drafting of reports and effective recommendations; and identified priority areas and next steps for the detention monitoring program in CHR.

### ➤ International Scholarships and Trainings

- **Workshop on Corporate Social Responsibility (CSR) within an ASEAN Human Rights Framework**

The Singapore Working Group for ASEAN Human Rights Mechanism (Locally known as MARUAH) organized a two-day seminar for the regional body- The Working Group for ASEAN Human Rights Mechanism. The Singapore Working Group partnered with other local bodies in this effort aimed at raising awareness to the intersections between Corporate Social Responsibility (CSR) and Human Rights among government officials, academe corporations and key national civil society organizations. The two-day seminar fulfilled the following aims:

## ADMINISTRATION, FINANCE, AND MANAGEMENT

(1) raised awareness to United Nations Framework on Business and Human Rights; (2) raised awareness to efforts at the ASEAN level on Corporate Social Responsibility in the context of the protection of and respect for human rights; (3) shared best practices amongst governments, the private sector, corporations and civil society on CSR and human rights; and (4) reviewed how CSR was about ensuring environmental sustainability, social development and building best models to meet the triple bottom-line of profits, people development and planet sustainability.

This workshop was attended by representatives from the ASEAN Intergovernmental Commission on Human Rights (AICHR), Ministry Representatives from Trade and Industry, Labour and Environment, International Key Members of the Business Community, Regional or National NGOs and the SEANF Working Group Members.

- **Scholarship at the University of Sydney in Australia**

This year, the Commission granted the request of CHR personnel Ms. Sarah Claire Sison for study leave as a European Commission Scholar for the Masters of Human Rights Democratisation Programme at the University of Sydney, Australia, from July 15 2011 to July 15, 2012.

- **Scholarship for LLM at the Hong Kong University**

The Commission believes in the opportunity for its personnel to acquire expertise in their chosen field, and in effect strengthening the Commission's programs and services. In view of this, the Commission authorized the attendance on official time of CHR regional personnel Mr. Edwin P. Solis and Central Office lawyer Atty. Gemma F. Parojinog as Sohmen Human Rights Scholars at the University of Hong Kong for their Masters of Laws in Human Rights Programme from September 1, 2011 to August 30, 2012.

# ADMINISTRATION, FINANCE, AND MANAGEMENT

## Regional and International Engagements

January-December 2011

### Engagement with UN and HR Bodies

| Activity  | Date                      | Venue             |
|---|---------------------------|-------------------|
| 1) 55 <sup>th</sup> Session of the United Nations Commission on the Status of Women | February 22-March 4, 2011 | New York, USA     |
| 2) Briefing on the Universal Periodic Review  | September 6-7, 2011       | Bangkok, Thailand |

### Engagements with NHRI Networks

| Activity   | Date                        | Venue                  |
|--|-----------------------------|------------------------|
| 1) Asia Pacific Rule of Law Conference   | January 26-28, 2011         | Kuala Lumpur, Malaysia |
| 2) The Kick-off and Research Meeting for Representatives from National Human Rights Institutions (NRHIs) and Academic Institutions in Regional Asia  | January 31-February 2, 2011 | Bangkok, Thailand      |
| 3) Asia Pacific Regional Dialogue of the Global Commission on HIV and the Law  | February 16-17, 2011        | Bangkok, Thailand      |
| 4) Pre- Session Meeting of the ICC Bureau, 24 <sup>th</sup> Annual Meeting of the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights, and Workshop on the Role of Prevention in the Promotion and Protection of | May 16-20, 2011             | Geneva, Switzerland    |

# ADMINISTRATION, FINANCE, AND MANAGEMENT

| Human Rights   |                     |                        |
|--|---------------------|------------------------|
| 5) Strategic Planning Workshop of the South East Asia National Human Rights Institutions Forum (SEANF)   | June 9-11, 2011     | Jakarta , Indonesia    |
| 6) UNFPA-AFP Reproductive Rights Consultation  | June 20-21, 2011    | Kuala Lumpur, Malaysia |
| 7) 16 <sup>th</sup> Annual Meeting and Biennial Conference of the Asia Pacific Forum of NHRIs  | September 6-8, 2011 | Bangkok, Thailand      |
| 8) ICC Bureau Meeting, Asia-Pacific Regional Conference on Business and Human Rights for National Human Rights Institutions, and ICC Working Group on Business Group and Human Rights Meetings | October 10-14, 2011 | Seoul, Korea           |
| 9) 4 <sup>th</sup> Regional Consultation on ASEAN and Human Rights"  | Nov. 27-29, 2011    | Bali, Indonesia        |

## Participation in HR Conferences, Workshops, Trainings and Other Fora

| Activity  | Date                 | Venue                   |
|---|----------------------|-------------------------|
| 1) Regional Expert Symposium on Securing the Fundamental Principles of a Fair Trial for Persons Accused of Terrorist Offenses | February 17-18, 2011 | Bangkok, Thailand       |
| 2) High Level Dialogue  | March 13-17, 2011    | Male, Maldives          |
| 3) Senior Executive Officer Roundtable  | March 23-25, 2011    | Male, Maldives          |
| 4) 2 <sup>nd</sup> Phase of the Programme- The Rights of the Child, A Practical Approach                                      | May 2-5, 2011        | Cape Town, South Africa |

## ADMINISTRATION, FINANCE, AND MANAGEMENT

|   |                       |                          |
|---|-----------------------|--------------------------|
| 5) US Foreign Policy and Human Rights   | June 13-July 1, 2011  | United States of America |
| 6) 7 <sup>th</sup> Annual Course on the Law of Internal Displacement  | June 7-12, 2011       | Sanremo, Italy           |
| 7) Face to Face Training on Blended Learning Course on the Equal Status and Human Rights of Women in Southeast Asia for National Human Rights Institutions and Academic Institution in Southeast Asia                             | June 26-July 2, 2011  | Bangkok, Thailand        |
| 8) Democracy and Human Rights Developments and Trends under the Aquino Administration   | June 29-30, 2011      | Berlin, Germany          |
| 9) 1 <sup>st</sup> General assembly of the Steering Committee of the Asian Consortium for Human Rights-Based Approach to Access to Justice (HRBA2J-Asia) with a theme " <i>Building Unities on HRBA2J and Expanding Our Reach</i> | August 2-4, 2012      | Chiang Mai, Thailand     |
| 10) International Academy for Leadership Seminar on " <i>Equity and Justice in a Globalized World- A Liberal Review</i>   | September 18-30, 2011 | Gummersbach, Germany     |
| 11) Conference on " <i>Human Rights and Business: Plural Legal Approaches to Conflict Resolution, Institutional Strengthening and Legal Reform</i> "  | Nov. 28-Dec. 1, 2011  | Bali, Indonesia          |

**Source:** COMSEC

## ADMINISTRATION, FINANCE, AND MANAGEMENT

### ✓ HEALTH PROMOTION AND MAINTENANCE OF EMPLOYEES

#### ➤ Health and Wellness

During the 1<sup>st</sup> semester of 2011, 23 personnel of the CHR sought medical consultation at the CHR Forensic Center. These were mostly cases of upper respiratory tract infection, both viral and bacterial, for which, medications were dispensed. Concurrently, the Center recorded 171 instances of blood pressure monitoring.

The Forensic Center with assistance from pharmaceutical companies was able to invite members of the medical community to the CHR to give short talks on the importance of vaccinations against viral influenza and cervical cancer. These talks were followed by vaccination drives. 37 persons availed of the opportunity to be vaccinated against viral influenza, while 41 women-employees were given the 1<sup>st</sup> dose (out of 3) of anti-cervical cancer vaccine.

The Forensic Center is also pushing through with the acquisition of its laboratory equipment which was deferred during the previous year. The funds and process have been placed with the Procurement Service of the DBM and initial discussions between this agency and the CHR regarding the conduct of the bidding were held late in the 2<sup>nd</sup> Quarter. The bidding is expected to push through in the 2<sup>nd</sup> Semester of 2011.

The Commission has also organized an Orientation on HIV and Human Rights for the CHR regional and central office personnel as a response to the alarming situation of increasing HIV incidents in the Philippines. The orientation helped raise the awareness of CHR personnel on the issue of HIV and realized the need to respect, protect and fulfill the rights of persons living with HIV. The orientation was held on 23 November 2011 for the regional office personnel and on 1 December 2011 for the central office personnel.

# ADMINISTRATION, FINANCE, AND MANAGEMENT

## ✓ STAFFING COMPLEMENT

As of December 2011, the Commission has a total manpower complement of 548 personnel, of which 250 are assigned at the Central Office and 298 at the 15 Regional Offices. Of these numbers, 290 are males while 258 are females.

The tables and figures below present the gender distribution and pluralist representation of the Commission staff:

**Table 12.**  
**Number of Technical CHRP Staff**

| Position                           | Central<br>Office | Regional<br>Office | Total         |        | Total |
|------------------------------------|-------------------|--------------------|---------------|--------|-------|
|                                    | Filled-Up         | Filled-Up          | Filled-<br>Up | Vacant |       |
| Professionals/<br>Lawyers          | 20                | 47                 | 67            | 46     | 113   |
| Investigators                      | 29                | 113                | 142           | 16     | 158   |
| Trainors/<br>Education<br>Officers | 18                | 20                 | 38            | 16     | 54    |

**Table 13.**  
**Gender Balance**

| Gender | Commission<br>En Banc | 3 <sup>rd</sup> Level<br>Positions | 2 <sup>nd</sup> Level<br>Positions | 1 <sup>st</sup> Level<br>Positions | Total |
|--------|-----------------------|------------------------------------|------------------------------------|------------------------------------|-------|
| Male   | 2                     | 4                                  | 183                                | 101                                | 290   |
| Female | 3                     | 6                                  | 152                                | 97                                 | 258   |
| Total  | 5                     | 10                                 | 335                                | 198                                | 548   |

## ADMINISTRATION, FINANCE, AND MANAGEMENT

**Table 14.**  
**Sector-Based**

|                        | Indigenous Employees | People with Disabilities |
|------------------------|----------------------|--------------------------|
| <b>Central Office</b>  | <b>2</b>             | <b>2</b>                 |
| <b>Regional Office</b> | <b>19</b>            | <b>0</b>                 |
| <b>Total</b>           | <b>21</b>            | <b>2</b>                 |

Source: HRDD

### ✓ CHR BUDGET AND EXPENDITURES

For 2011, the Commission worked on a total funding of Php 330,719,000.00 which included the amount of Php 9,583,000.00 allotment balance carried over from FY 2010. From the total budget, the Php 285,466,000.00 was appropriated for its Regular Programs and Projects including the Automatic Appropriations (Life and Retirement Premiums) pursuant to the FY 2011 General Appropriations Act (GAA). The Php 35,670,000.00 additional appropriations under the Miscellaneous Personnel Benefits Fund (MPBF) and Pension Gratuity Fund (PGF) was allotted for the Salary Standardization Law III (SSL III) adjustments and Terminal Leave Benefits. The FY 2011 appropriations has been reduced by Php 16,449,000.00 as compared to the FY 2010 budget.

The Summary of Expenditures reflects that the amount of Php 323,347,000.00 was expended out of the Php 330,719,000.00 and the allotment balance of Php 7,372,000.00 shall be treated as Continuing Appropriations for FY 2012.

# ADMINISTRATION, FINANCE, AND MANAGEMENT

**Table 15.**  
**FY 2011 BUDGET**  
**RA 10147**

| PARTICULARS                                 | In Thousand Pesos |               |    |                |
|---|-------------------|---------------|----|----------------|
|   | PS                | MOOE          | CO | TOTAL          |
| <b>Regular</b>                              |                   |               |    |                |
| Program                                     | 207,548           | 56,027        |    | 263,575        |
| Locally-Funded Projects                     |                   | 3,325         |    | 3,325          |
| Sub-Total                                   | <b>207,548</b>    | <b>59,352</b> | -  | <b>266,900</b> |
| <b>Automatic Appropriations</b>             |                   |               |    |                |
| Retirement & Life Insurance Premiums (RLIP) | 18,566            |               |    | 18,566         |
| Total Programs & Projects                   | <b>226,114</b>    | <b>59,352</b> | -  | <b>285,466</b> |
| <b>Additional Appropriations</b>            |                   |               |    |                |
| MPBF/PGF                                    | <b>35,670</b>     |               |    | <b>35,670</b>  |
|   | <b>261,784</b>    | <b>59,352</b> |    | <b>321,136</b> |
| <b>Continuing Appropriations</b>            |                   |               |    |                |
| 2010 Allotment Balance                      |                   | 9,583         |    | 9,583          |
| <b>TOTAL</b>                                | <b>261,784</b>    | <b>68,935</b> | -  | <b>330,719</b> |

Source: FMO

# ADMINISTRATION, FINANCE, AND MANAGEMENT

**Table 16.**  
**FY 2011 SUMMARY OF EXPENDITURES**

| PARTICULARS                                 | In Thousand Pesos |               |    |                |
|---|-------------------|---------------|----|----------------|
|   | PS                | MOOE          | CO | TOTAL          |
| <b>Regular</b>                              |                   |               |    |                |
| Program                                     | 207,548           | 49,924        |    | 257,472        |
| Locally-Funded Projects                     |                   | 2,056         |    | 2,056          |
| Sub-Total                                   | <b>207,548</b>    | <b>51,980</b> | -  | <b>259,528</b> |
| <b>Automatic Appropriations</b>             |                   |               |    |                |
| Retirement & Life Insurance Premiums (RLIP) | 18,566            |               |    | 18,566         |
| Total Programs & Projects                   | <b>226,114</b>    | <b>51,980</b> | -  | <b>278,094</b> |
| <b>Additional Appropriations</b>            |                   |               |    |                |
| MPBF/PGF                                    | <b>35,670</b>     |               |    | <b>35,670</b>  |
|   | <b>261,784</b>    | <b>51,980</b> | -  | <b>313,764</b> |
| <b>Continuing Appropriations</b>            |                   |               |    |                |
| 2010 Allotment Balance                      |                   | <b>9,583</b>  |    | <b>9,583</b>   |
| Sub-Total                                   |                   |               |    |                |
| <b>TOTAL</b>                                | <b>261,784</b>    | <b>61,563</b> | -  | <b>323,347</b> |

**Source:** FMO

**Note:** The unexpended balance of P7,372 M shall be treated as Continuing Appropriations for FY 2012 pursuant to Section 65 of the FY 2011 GAA, RA 10147.

## ANNEX

### Annex

#### CHR MILESTONES FOR THE 2011 STRENGTHENING THE HUMAN RIGHTS INFRASTRUCTURE PROJECT UNDER THE UNDP DEMOCRATIC GOVERNANCE PORTFOLIO

##### **Country Programme Action Plan (CPAP) Outcome:**

*"More responsive national, sub-national and local institutions providing efficient service delivery."*

UNDP supported CHR's participation in international activities in preparation to the 2<sup>nd</sup> cycle of the UNIVERSAL PERIODIC REVIEW (UPR) and other relation activities that relates to the monitoring on UN Treaty Conventions, Special Procedures and Concluding Observations being a an NHRI monitor.

##### **1. Participation to the 24<sup>th</sup> ICC Annual Conference and Asia Pacific NHRI Conference on Business and HR. in Geneva**

- The venue provided opportunity to update the institutional knowledge on NHRI engagement with the international human rights framework, particularly on the reforms on the procedures of the UN Human Rights Council on UPR & Special Procedures and CHR's Status A - NHRIs entitlement,
- Expanded the list of core human rights instruments to include the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) which was adopted in 2006, entered into force 2010 and CHRP's participation in the OHCHR-HRC Workshop on the Role of Prevention in the Promotion and Protection of Human Rights\_institutional knowledge on the following preventive practices were enhanced; and
- These activities, provided opportunity for CHR to maximize its engagement with the international human rights system of UN bodies and other international treaties. It also sought to address the gap in current knowledge on the Universal Periodic Review, Special Procedures and Treaty Bodies which have recently updated their procedures in regard to the participation of NHRIs like CHRP.

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2. **Participation to the Asia Pacific National Human Rights Institutions (NHRIs) Business and Human Rights Conference in Seoul, South Korea**

- As a response to the Edinburgh Declaration and Conference in September 2010 the conference provided an opportunity for the NHRIs to address the corporate related human rights violations within their mandates. About 24 NHRI international and regional representatives from the 4 regions of Africa, America, Europe and the Asia Pacific gathered with the NGOs and business sector from Korea. Among the lessons learned during the Conference are as follows:
  - Participation in ICC/OHCHR/HRC activities should be institutionalized in order to maintain a healthy link between local human rights promotion, protection and policy services with the international human rights framework.
  - “Institutionalization” would require a constant process of sharing information, conducting joint activities, and pursuing a common agenda with international organizations such as the UN and its constituent organs, ICC, sub-regional NHRI groupings and non-governmental organizations.
  - Participation in international activities contributed directly and indirectly to institutional capacity development.
  - Enabled CHRP to gain greater insight into the relationship of its human rights protection and promotion services to the international human rights framework, thus providing substantive basis for CHRP's new operational thrust centered on Comprehensive Monitoring.

3. **Participation to the Asia-Pacific Regional Dialogue of the Global Commission on HIV and the Law in Bangkok, Thailand**

To achieve the establishment of *the necessary measures and mechanisms to promote and protect the peoples' civil and political, economic and cultural rights, and the right to development especially among the poor*, the participation of the CHR in the Regional Dialogue last February 2011 contributed to the cumulative accomplishment of the following immediate /results –

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- Awareness of the latest data on HIV in the Philippines, specifically the disaggregation of the numbers into the most affected groups such as sex workers, men who have sex with men, overseas contract workers, the youth, and the prisoners;
- Appreciation of the legal and policy barriers existing in the Philippines that are not endemic but in fact common in most parts of the Asia-Pacific Region;
- Strengthened resolve to mainstream HIV response in the programs and activities of the CHR, using a rights-based approach and targeting the most vulnerable groups;
- Decision to collaborate with other agencies of the government, especially the House of Representatives and the Senate, the Department of Health, the Department of Justice, the National Youth Commission, the National Commission on Filipino Women, and key local government units, as well as local and international non-government organizations to address HIV more effectively; and
- Contribution to the efforts of the Global Commission on HIV and the Law to develop actionable, evidence-informed and human rights-based recommendations for effective HIV responses.

4. **Participation to the 1<sup>st</sup> General Assembly of the Steering Committee of the Asian Consortium for Human Rights Based Approach to Access to Justice -Pacific in Chiang Mai, Thailand**

The participation of the CHR provided the Steering Committee and participants of the training workshop with the human rights context / perspective. It also helped in the finalization of three (3) important manuals which contributed to the development of tools to strengthen the capacities of access to justice practitioners from both government and civil society on how to apply human rights norms, standards and principles in the design, development and programming interventions for Equal Access to Justice (EA2J).

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### **Supported GOVERNMENT AND NGO/ CSO's advocacy and lobbying in SUPPORT FOR THE UPR, UN TREATY CONVENTIONs/ CONCLUDING OBSERVATIONS AND SPECIAL PROCEDURES**

5. *Supported the Center for Migrant Advocacy (CMA) to Participate in Treaty Reporting on the UN Convention on the Protection on the Rights of All Migrant Workers and Members of their Families.*

The project enabled CMA to achieve the following results: (1) collectively gathered and compiled information on how government has complied with the Concluding Observations from concerned agencies, from migrant NGOs and from OFWs and members of their families, particularly in Mindanao; (2) OFWs and CSO representatives and concerned government agencies in Mindanao were consulted and participation solicited; and (3) CMA enjoined and enabled CHR to continue its immersion in issues concerning the promotion, protection and fulfilment of the rights of Filipino migrant workers that started in the first joint alternative reporting project in 2008-2009; and (4) Participation of the CHR in the alternative reporting process and network building.

6. *Conducted a Multi-Stakeholders Evaluation of the Current Social and Economic Situation of Persons with Disabilities in the Philippines to be included in the NGO Report on Monitoring the Implementation of the UN-CRPD.*

In line with efforts to ensure that Government, as a primary duty holder will be cognizant of their obligations as State Party to the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD), the following results achieved were:

- Identified the barriers faced by persons with disabilities when looking for suitable work and opportunities to earn a living;
- Gathered the detailed data and concerns which support a comprehensive picture of the present situation and will be the basis of establishing if progress was made on ensuring that persons with disabilities (PWD) to have adequate access to economic activities to earn a living and fully participate in society;

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- Identified 10 structured approaches which facilitated economic participation of persons with disabilities and represented comprehensively the opportunities open to persons with disabilities and their families related to employment programs that cater to mainstream of society;
- Revisited and reviewed the programs thru conduct of focused group discussions and interviews to enable them to participate and have greater access to Economic Social and Cultural Rights, particularly relating to the enjoyment of adequate standard of living to empower them as people ; and

Prepared an evaluation report that integrates the summary of the NGO Report on Monitoring and the Implementation of the UN-CRPD.

### ON ELECTORAL AND POLITICAL REFORM

**CHR co-convened with UNDP on the conduct the Asian Electoral Community of Practice (COP).**

COP served as a forum for practitioners in the region to share lessons, identify capacity, guidance and knowledge, challenges, and chart a strategic course of action for UNDP in the electoral assistance in Asia. National partners from the electoral management bodies and civil society were able to interact.

1. Enhanced intra-Asian region exchange of experiences, over-all will help guide and inform GPES in its future implementation.
2. Provided UNDP national partners with an opportunity to learn more about the Electoral Cycle Approach and its relevance for UNDP programming in the region, with specific relevance in identifying how violence can erupt throughout the electoral cycle and what the preventive measures are that can be taken in order to prevent electoral violence.
3. Established the way forward in enhancing women's participation in political life by illustrating the platforms and processes to enhance the participation of women in politics at national and local levels.
4. Furthermore, COP provided the opportunity for the participants to:

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- Review and understand UN policy on electoral assistance and share lessons from electoral assistance practice in the region;
- Strengthen the knowledge of relevant staff of EU, UN/ UNDP and Electoral Management Bodies on general and specific patterns of electoral violence and its relations with Electoral Processes;
- Support electoral management bodies and other electoral stakeholders in the delivery of professional, transparent and credible national and local elections thru knowledge development and south-south cooperation on electoral reform and political party engagement;
- Illustrate the pathways and platforms that can be implemented so women and indigenous peoples can overcome constraints that limit their participation and leadership; and
- Highlight the issue of continued inequality between men and women in political leadership and discuss some of the innovative initiatives in order to increase representation.

### **CHR and UNDP assisted in the convening of the Working Group Meeting to Establish the Consortium on Political Party Reforms in the Philippines (CPPR)**

The Aquino government can be expected to be open to democratic reforms, for it was voted into power by largely reformed constituents. It is not as much a captive of traditional political processes as past administrations were and has a greater leeway to undertake difficult transitional reforms. The people themselves, particularly those who voted for Aquino on the basis of the promise of change and reform, are the more decisive factor. This is around 40-50% of the voting population. They potentially provide the change constituency necessary for democratic reforms. They form the basis for strengthening the political party system within the framework of existing democracy.

The Consortium for Political Party Reforms (CPPR) has the general objective of strengthening Philippine democracy and the specific mandate to establish and strengthen a democratic and genuine political party system.

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1. Attended by representatives from 12 organizations and 3 individuals who supported the formation of the Consortium and its advocacy to reform the Political Party System of the Philippines. Some affiliated institutes or groups of the Major Political Parties of the Philippines were able to attend the activity, while there are those who committed to join the activity, however, due to some unavoidable circumstances were not able to come.
2. In its first activities, the CPPR has touched base with the authors of the bill in both Houses and made a realistic assessment of the prospects for the passage of the bill. On the whole, there is now a fairly optimistic chance for its passage before the advent of the 2013 election campaign, assuming the same situation prevails next year.
3. The CPPR agreed that a window of opportunity has opened until June 2012 for the passage of the political party strengthening bill. However, it also pointed out that a lot of work needs to be done, in Congress, with the political parties, and with the general public to ensure such an outcome.
4. This view is shared by the authors and many other stakeholders. They pointed out that there is not much opposition this time although there is still a need for a heightened public information campaign to explain its importance for political and electoral reforms. It is also to be noted that the passage of the bill is still highlighted in the Philippine Development Plan (PDP) and that the Executive Department is still committed and pledged to help pass the bill.

The successful implementation of the project may be attributed to the presence of the organizations directly supporting the passage of the bill to reform the political party system of the Philippines and the increasing awareness for political and electoral reforms in the country. With all the groups readily available for the advocacy work on political party system reform, all that is needed is to have a lose coalition that will pool them together. There is an existing need to bring together all stakeholders in order to have a venue where political party reform advocates can discuss and come up with agreements and process to pass the bill and implement its provisions later.

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### ON HUMAN RIGHTS-BASED APPROACH

#### HRBA Mainstreaming into the Philippine Development Plan (PDP)

##### 1. *Launching of the HRBA Toolkit and webpage*

The launch was graced by UNRC Dr Badcock, NEDA Secretary Paderanga and Chairperson Rosales. Officers and personnel from various national government agencies and nonogovernment organizations were present to witness the launch of the HRBA book & webpage. HRBA Toolkit for Development Planning and webpage were published, produced and launched.

##### 2. *Review and Assessment of the Medium –Term Philippine Development Plan (MTPDP) 2011-2016 Chapters.*

Prior to the launching with the NEDA and national government agencies, evaluations for the HRBA trainers were conducted to determine the effectiveness of the applied training and workshop.

The Human Rights Based Approach (HRBA) to development is a framework that integrates the norms, principles, standards and goals of the international human rights system into the plans and processes of development. It is characterized by methods and activities that link the human rights system and its inherent notion of power and struggle with development. More importantly, it seeks the constant improvement of the well being of the entire population, supports an economy that guarantees full, equal and universal enjoyment of all human rights, promotes a political environment that guarantees inclusion and respect for human rights, values a society that welcomes diversity with tolerance yet is socially cohesive, strengthens a people able to responsibly exercise and claim their human rights and enjoy a sustained quality of life consistent with human dignity. It is important therefore that the people's right to food, water, housing, health, education, etc. should be upheld.

The analysis is an attempt to determine whether the principles of the human rights based approach have been integrated/mainstreamed/reflected in the Philippine Development Plan for 2011-2016.

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### HRBA Mainstreaming into the Legislative Processes

#### **1. Capacity building for the Members of Legislative Liaison System through a Learning-Workshop on the Legislative Process, Lobbying and the Human Rights-Based Approach to Legislation and Policy Development**

This is a collaborative effort of the Commission on Human Rights (CHR), the Presidential Legislative Liaison Office (PLLO), the LEDAC Secretariat and the National Economic and Development Agency (NEDA), with the support of the United Nations Development Program (UNDP). The Learning-Workshop is said to be a milestone in the promotion of HRBA in legislation and policy development - - the first HRBA training that has ever been conducted with the convergence of key government officials and employees from the entire national bureaucracy.

Beyond enhancing the participants' knowledge and skills on the legislative process, dynamics and lobbying, the Learning-Workshop was designed (a) in line with the HRBA-compliant Philippine Development Plan (PDP) which is anchored on the President's social contract with the Filipino people, (b) to institutionalize human rights as policy and development standards, and (c) to strengthen institutional linkages and foster strategic partnership with various stakeholders involved in policy-making and development and governance processes.

The Learning-Workshop is envisioned as the start of a cyclical process (SONA TO SONA) wherein the LLOs of national government agencies and counterparts in constitutional bodies will meet before or right after the next SONA, every year, to assess/review the President's Priority Legislative Agenda and the Common Legislative Agenda of LEDAC vis-a-viz the priority bills identified in the Philippine.

The Philippine Development Plan (PDP). The holding of a more regular and dynamic cluster meetings or conferences within the LLS is likewise envisioned to be institutionalized. Currently, the LLS has five clusters: Good Governance and Anti-Corruption; Economic Development; Human Development and Poverty Reduction; Security, Justice and Peace; and Climate Change Adaptation and Mitigation.

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Strategically, the learning-workshop provides greater opportunities for the CHR in the pursuit of its mandate and consistent with its roadmap. For one, it serves as an impetus towards the institutionalization of HRBA and the promotion of a human rights culture within the government bureaucracy. It also serves as an impetus towards comprehensive monitoring and the strengthening of the human rights infrastructure. And in the process, it can prompt the organizing of human rights defenders among public servants.

The CHR has already trained no less than 75 percent of the Committee Secretaries and committee staff of the House of Representatives, no less than 50 percent of the Senate Committee Secretaries and two to three Legislative Liaison Officers from 59 government agencies. At least 80 percent of these government employees and officials are permanent and regular while some are career service professional officers (CESO). To be included here also are the educators and students network of ERO and the Human Rights Officers from the Security Sector. In some Regions, our CHR Regional directors have also built/organized a good network among local government officials and employees.

After the learning workshop, a user's guidebook has been drafted for the purpose of giving the lobbyist and advocacy practitioners guidance how the legislative mill works with the end in view that the legislative liaison achieve more milestone laws are enacted for the benefit of the people.

This activity was attended by Legislative Liaison Officers (LLOs) under the Legislative Liaison System (LLS) from 59 national government agencies (NGAs), including the Presidential Management Staff (PMS), the Office of the Executive Secretary (OES), counterparts from constitutional bodies and a representative from the United Nations Civil Society Advisory Council (UNCSAC).

His Excellency, President Benigno S. Aquino III gave the keynote address/ send-off during the opening program at Malacañang Palace. Secretary Antonino P. Roman (Presidential Legislative Adviser and PLLO Head), Secretary Cayetano W. Parenga, Jr. (Socio-Economic Planning Secretary and NEDA Director General), Chairperson Loretta Ann P. Rosales of the CHR and Dr. Jacqui Badcock (UN Resident Representative) also gave their messages.

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### HRBA Mainstreaming into the CHR Human Rights Priority Legislative Agenda

*Efforts on HRBA into CHR Legislative Agenda was able to come with a common framework/ plan of action/ recommendations both for the executive and legislative impact on the policy maker and dutybearers.*

In view of the foregoing, the Legislative Advocacy Plan of the CHRP is anchored on the overarching objective of strengthening the human rights infrastructure in the Philippines, as espoused by the UNDP. Accordingly, the human rights based approach in governance and development processes, particularly in legislation and policy development shall be mainstreamed under this thrust.

- The CHR Charter Bill has been reported out by the Senate Committee on Justice and Human Rights and is now under the period of interpellation at the plenary level. At the House of Representatives, the bill is under TWG
- The Compensation Bill for HR Victims of Martial Law has been reported out by the Senate Committee on Justice and Human Rights and is now under the period of sponsorship/ interpellation at the plenary level. Its counterpart bill in the House of Representatives has been approved by the Committee on Human Rights but remains pending with the Committee on Appropriations since March 2010, according to the Committee Secretariat.
- The Anti-Enforced Disappearance has been approved on third and final reading by the Senate in July 2011. The counterpart bill has been approved by the Committee on Justice on August 16, 2011, adopting the 14<sup>th</sup> Congress version as filed by Rep. Edcel Lagman and refilled by the same this 15<sup>th</sup> Congress.
- The IDP bill (internally displaced persons) has been approved by the House Committee on Human Rights but remains pending with the Committee on Appropriations since March 2011 according to the Committee Secretariat. The Senate counterpart bill is under TWG level.

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- The **EJK bills** are still pending with the Senate Committee on Justice and Human Rights and the House Committee on Justice.

The active engagement of the CHRP in crafting enabling laws and their IRRs is imperative. The Commission's experiences in monitoring, investigating, promoting and protecting human rights must be translated into state policies to institutionalize the needed reforms that would consequently strengthen the institution in performing its duties as independent constitutional body.

Given this predicament of the CHRP, legislative advocacy is critical in the pursuit of its constitutional mandate to promote and protect human rights. Legislative advocacy is of great value to the CHRP due to the following:

- 1) Equipped the CHRP with enabling laws, including the CHRP Charter, with their implementing rules and regulations (IRR) that would promote and protect the fundamental rights of the people (civil, political, economic, social and cultural);
- 2) Mobilized congressional support in investigating cases of human rights violations against state and non-state actors; and
- 3) Mobilized congressional support in monitoring State compliance to HR laws/policies including International HR instruments to which the Philippines is a signatory.

Aside from actively participating in law-making, it is likewise imperative for the CHRP to tap the oversight powers of the legislature through legislative inquiries or investigations. Although, technically, legislative inquiries are in "*aid of legislation*", such inquiries have been proven to be effective in providing:

- 1) Immediate remedial measures not contrary to law which government agencies generally follow in the absence of clear guidelines or policies and pending legislation;
- 2) Influence to the executive body and the military in ensuring compliance to HR treaties and international instruments and local HR laws and policies;
- 3) Immediate identification of policy gaps and the necessary policy reforms and other possible legislative action; and,

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- 4) Influence and weight in preventing violations of human rights or the further perpetration of such against public, military and police officers in the executive body and/or government agencies or state instrumentalities.

### HRBA Mainstreaming into the Human Rights Education of the Tertiary and Security Sector Forces and other Duty-Bearers thru the *conduct of the 2<sup>nd</sup> National Human Rights Educators Congress*

In the past two decades, the UN General Assembly adopted two policies on human rights education (HRE). In 1994, it declared 1995-2004 as the UN Decade of HRE (UNDHRE). Both UNDHRE and WPHRE consolidate the obligations of the State to widely disseminate information on the contents, ideals and principles of human rights that are contained in every international human rights instrument. They both provide the international frameworks for the teaching of international human rights laws.

The Congress was able to: (1) provide a platform for sharing and exchanges of HRE stakeholders/ Security Sector; (2) establisho the Situation of Human Rights Education in the Security Sector; (3) compile the HRE Best Practices of the AFP and PNP; and (4) produced and published an HR Education Sourcebook for the Military and Police.

For the Security forces and other duty-bearers the congress provided -- (1) AFP strategic intent is winning the peace. Hence, the strategic approaches employs a whole-of-nation and people-centered. Since 1995, HR and IHL are subjects that have been incorporated in all military training schools; (2) PNP too has HR mandatory trainings for its officers and men; however, like the AFP, it acknowledged that there are areas for improvement for HR to be really inculcated; (3) DILG support of CHR BHRAC program, it has issued a memorandum circular enjoining all barangays to pass and adopt appropriate resolutions for the establishment of a Human Rights Action Center in their locality; and (4) NBI with an expanded definition of HR to "interface" with the indigenous values was pointed out by the newly appointed Chairperson of the NCIP who talked about HRE among the Indigenous Peoples. It emphasized that everyone NBI will capacitate its people to "absorb human rights not only in the mind by also by heart.

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The HRE Congress was participated roughly by three hundred (300) from the education sector (tertiary level), security sector agencies (AFP, PNP, DND, DOJ, NBI), academe (CHED, DepEd & TESDA), and NGOs.

### ON HUMAN RIGHTS PROMOTION/EDUCATION

#### *Formal Launching and Turn Over of Martial Law Declassified Files from AFP-DND-CHR*

A symbolic ceremony expressing the commitment of the Armed Forces of the Philippines - Department of National Defense to turn over the declassified martial law files to appropriate civilian institutions, to be held on September 21, 2011 at Camp Aguinaldo, Quezon City on the 39<sup>th</sup> Anniversary of the Proclamation of Martial Law (Proclamation 1081). A joint Communiqué by representatives of the Commission on Human Rights and Department of National Defense, and other concerned organizations from government, academe, civil society, and media expressing the significance of the occasion and the commitments of the parties involved. This serves as a kick-off to series of related activities leading to the commemoration on May 5, 2012 CHR Anniversary.

### ON INTEGRITY AND HUMAN RIGHTS

#### *3<sup>rd</sup> Integrity and Human Rights Conference*

Fighting corruption runs parallel to safeguarding human rights. A deep understanding of corruption will emphasize the harm it directly causes to individuals, i.e., when corruption is widespread, citizens do not enjoy basic services, do not have access to the rule of law, are not secure, and cannot protect their means to support life. However, the impact of corruption on human rights is often neglected if not unnoticed.

The Ombudsman and the Commission on Human Rights co-convene the pioneering effort under the theme "Karapatan Kontra Katiwalian", with the support of various stakeholders from government agencies, the private sector, CSOs, NGOs, academe, religious groups and the media.

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The 3<sup>rd</sup> integrity and human rights conference is the start of a unified process of multi-stakeholders fora on anti-corruption, good governance and human rights campaign anti corruption ad human rights. The shared experiences and practices will help address the adverse effects of corruption on both civil and political rights and economic, social and cultural rights with the end in view of implementing human rights-based anti-corruption strategies anchored on international standards.

### **United Nations Development Programme (UNDP) supported the 2011 RESEARCH/ STUDY, WRITTEN WORKS/ DOCUMENTATION, VIDEOS AND PUBLICATIONS OF CHR INCLUDING HR ADVOCATES**

1. Economic, Social And Cultural Rights (ESCR) Handbook
2. Human Rights Based Approach (HRBA) Toolkit And Webpage
3. Updated Primer On Political Party Reforms
4. Chasing The Wind: Philippine Assessment on Democracy and Governance After 25 Years Of EDSA
5. Research on The State of Human Rights Education in the Philippines and the Documentation of the 1<sup>st</sup> National Human Rights Educator's Congress
6. Human Rights Based Access To Justice: The Maguindanao Case
7. Security Sector Reform Index (Draft -For Oversight Institutions in the Security Sector On Governance & Reform)
8. Armed Forces Of The Philippines: Historical Perspective On Human Rights (Draft)
9. Guidebook On The Legislative Mill (Draft)
10. Documentation and video on the Learning Workshop on Legislative Processes, Lobbying & HRBA to Legislation & Policy Development\*

These knowledge products (KPs) are intended for the following sectors: National and regional Government Agencies/ NEDA in particular development Planners and Partners; Legislative-Executive Development Advisory Council (LEDAC)Legislative chambers i.e. the HR Committee Secretariat, PLLO- Legislative Liaison Officers; CHR national & regional offices; international donor communities/ diplomatic corps; Offices of the President and Vice President,, political & electoral parties, academic sector, media sector, KBP, youth, student,

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women and other sectors nationwide; Human rights defenders, lawyers, HR educators', Security Sector agencies namely AFP, DND, PNP, OPAPP, DECS, CHED & NGOs/ CSOs advocates and human rights defenders.