



2010 ANNUAL REPORT

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

Prepared by the Strategic Development and Planning Office (SDPO)

TABLE OF CONTENTS

Contents

Executive Summary _____	1
Human Rights Protection _____	8
Human Rights Promotion _____	26
Human Rights Policy Advocacy and Standard Setting _____	31
Human Rights Treaty Monitoring _____	46
Special Report: The Right of Suffrage _____	49
Cooperation and Partnerships _____	57
Administration, Finance, and Management _____	72

EXECUTIVE SUMMARY

Executive Summary

All citizens have the right to participate in managing the affairs of the State which is guaranteed through the conduct of periodic, free and honest election.

In 2010, being election year, the Commission on Human Rights took extra efforts on top of its regular tasks, to help ensure that the electoral exercise reflects the genuine will of the Filipino People.

The CHR has always been at the forefront in the promotion and protection of the right of suffrage. It advocated for zero disenfranchisement in the 2010 elections particularly for the vulnerable sectors, namely: the first time voters or youth, the indigenous peoples (IPs), the internally displaced persons (IDPs), persons deprived of their liberty (PDLs), persons with disabilities (PWDs), elderly, and migrant workers. In partnership with different government bodies and civil society organizations (CSOs), it raised the issue of disenfranchisement of a large portion of our society represented by those vulnerable groups, as a human rights issue of national concern. As such, it required changes in policy and procedures of the duty bearers of the right of suffrage, particularly the Commission on Elections (COMELEC).

In February 2010, COMELEC heeded the CHR's petition for the issuance of a resolution implementing the right to vote of persons deprived of their liberty. COMELEC passed E.M. Resolution No. 09-005 and the subsequent Rules and Regulations on Detainee Voting. Of the estimated 49,000 PDLs around the country, 24,149 were able to register which allowed them to vote in the 2010 national elections. Of those registered, 17,336 PDLs actually voted or a 71% turnout.

SERIOUS CONCERNS FOR ELECTORAL REFORMS

Detainee voting is truly a milestone in the same breath as the automated national and local elections was the first in the country. Amidst nagging fears about a failure of elections, the Commission stood firm in its advocacy for zero disenfranchisement, thus, during Election Day, it deployed monitoring teams nationwide to observe the exercise of the right to vote and whether it is a free, honest, fair and peaceful election. In its election monitoring report published in the CHR News Bulletin, the Commission expressed "serious concerns on the

EXECUTIVE SUMMARY

manner in which the electoral exercise has been conducted". The Commission identified seven major issues on which to build the next steps for reform: 1) disenfranchisement due to administrative lapses and inefficiencies; 2) bastardization of the Party-List System; 3) mudslinging, black propaganda, character assassination, personal attacks and assaults on human dignity characterize the campaign strategies; 4) the role of mass media as a credible and neutral pillar in ensuring a free, honest and fair elections; 5) election-related violence that remain unabated; 6) electoral irregularities, anomalies and fraud that continued to be practiced; and 7) questions regarding the integrity of computerization brought about by the deviations from the statutorily prescribed safeguards.

Throughout the year, the Commission remained vigilant in the protection of civil and political rights and the promotion and fulfillment of economic, social and cultural rights. This year, the Commission received 2,964 complaints involving 3,405 victims and 3,856 respondents.

MORE KILLINGS AND TORTURE

Notable among these new HRV cases investigated was the extra-judicial killing of eminent botanist Dr. Leonard Co and his two companions namely Sofronio Cortez and Julius Borromeo, and the alleged human rights violations against the health workers undergoing training collectively known as the 'Morong 43' victims. The Commission continued to investigate other cases of national interest, such as the disappearance of farmer-organizer Jonas Burgos and the alleged torture of Fil-Am activist Melissa Roxas, among others. Also, it continued to monitor the Ampatuan-Maguindanao Massacre where 58 individuals were killed, 30 of which were members of media, and other HRV cases filed in courts.

To enhance its investigation work with forensics, the Commission upgraded its Forensic Unit into a Forensic Center with much help from the international community. For this year, the Center performed a total of 10 exhumations and autopsies, and 68 medico-legal examinations of prisoners, detainees, and complainants including so called "Morong 43" victims and those involved in the Bataan City Jail riots.

Likewise, the Commission issued its Guidelines on Witness Protection to rationalize and strengthen the program, thereby helping in the prosecution of human rights violation

EXECUTIVE SUMMARY

cases filed in courts. Unfortunately, the full operation of the Witness Protection Program under these guidelines require additional capital outlay and operational costs which were not granted to the Commission, thus, the admission of new witnesses was suspended until new funds are available.

The Commission resolved 936 cases this year. The number includes cases filed in previous years. A total of 365 cases were resolved for filing/monitoring; 445 cases closed/terminated/dismissed; 61 cases for archived; and 65 cases resolved through alternative dispute resolution (ADR).

Together with the Department of Justice (DOJ), the Commission crafted the Implementing Rules and Regulations of Republic Act No. 9745 or otherwise known as the "Anti-Torture Act of 2009." The IRR was signed on the occasion of the International Human Rights Day Celebration held at Malacañang Palace on December 10, 2010.

As its first test case, police officers inflicting torture on a suspected robber, were caught in video and shown in local news in August this year. The Commission strongly condemned this inhuman act which resulted to the relief of the police officers. They are currently charged for violation of the Anti-torture law.

The ratification of the Optional Protocol of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment is thus imperative as it will further strengthen the Commission's power to visit jails and detention centers. This year, the Commission conducted 520 jail visitations nationwide. Apart from evaluating the conditions of inmates and detainees if at par with the human rights standards, medical and legal assistance were also extended to 78 prisoners and detainees. It has also provided free legal aide and counseling to 1,410 complainants. In addition to its legal services, the Commission has been providing financial assistance to victims of human rights violations and their families. The financial assistance was granted to 243 victims/beneficiaries and reached the total amount of P 2,214,500.00, of which P1,180,000.00 was given as Survivor's Benefits; P1,014,500.00 for Medical Assistance; and P20,000.00 as Rehabilitation Assistance.

EXECUTIVE SUMMARY

The Commission has issued a total number of 2,220 human rights clearances to different government agencies particularly to the uniformed personnel who were certified “with no pending case of human rights violations.” A total of 1,547 human rights clearances were issued by the central office while 673 were from the regions.

HUMAN RIGHTS ADVISORIES

In the promulgation of human rights norms and standards, the Commission released several issuances in the form of human rights advisories, resolutions, position papers and statements to remind the government and other stakeholders of the international standards and norms on human rights. The Human Rights Advisories are the following: 1) Aerial Spraying and the Right to Health and Environmental Protection, 2) Implementation of the Accessibility Law for Persons with Disabilities, 3) Continuing Practice of Detaining Children in Jails and Police Precincts, 4) City of Manila Ordinance E.O. No.003 Regarding Non-Procurement of Products and Services in Hospitals and Health Centers which were not in Category of Natural Planning, 5) Permit-to-Campaign Scheme Imposed by the NPAs and Other Non-State Groups.

In addition to the advisories, the Commission issued resolutions to address other human rights issues and concerns, such as, 1) condemning the violence and destruction caused by armed men in the Basilan Bombing; 2) seeking judicial intervention on the discrimination against *Ang Ladlad* LGBT Party from the Party List System; 3) urging the President and the Presidential Human Rights Committee (PHRC) to effect publication of RA 9851 of the Philippine Act on Crimes Against International Humanitarian Law, Genocide and other Crimes of Humanity signed in 2009; 4) Witness Protection Program; 5) reiterating the call for the Senate’s Concurrence on the Rome Statute Establishing the International Criminal Court; 6) assistance in the distribution of the compensation to HRV victims who are claimants in the case against a Marcos Crony; and 7) adopting the priority Human Rights Legislative Agenda for the 15th Congress.

In its Resolution on the COMELEC decision Denying the Petition for Registration of the *Ang Ladlad* LGBT Party for the Party List System, the Commission “finds that the right against discrimination and the right to electoral participation are at issue in this instance and resolves to file before the Supreme Court in G.R. No. 190582 a motion to Intervene or to

EXECUTIVE SUMMARY

Appear as Amicus Curiae and Comment-In-Intervention". The Supreme Court granted the CHR's petition and ordered the COMELEC to include the Ang Ladlad in the Party List system.

The Human Rights Agenda for the 15th Congress, formulated in consultation with various stakeholders from both government and civil society, covers 31 proposed bills to implement and/or translate international human rights standards into domestic laws for the eight core Human Rights Instruments acceded to by the Philippine Government, i.e., the covenants on civil and political rights, economic, social and cultural rights, elimination of racial discrimination, elimination of discrimination against women, children's rights, torture and other degrading and inhumane punishment, and migrant workers. It also includes International Instruments for signing and/or ratification.

PROMOTION AND ADVOCACY

In the promotion of human rights, the Commission continued to conduct seminars, trainings and lectures to a wide variety of audience, particularly to state actors namely, men and women in uniform. This year, a total of 639 human rights education and promotion activities were undertaken with about 45,645 participants nationwide. This include advocacies on the human rights issues of priority vulnerable and marginalized groups – children, women, PWDs, IPs, PDLs, IDPs, LGBTs, migrant workers, as well as thematic issues, e.g. rights-based electoral reforms, among others.

For its child rights advocacy, the Commission has actively engaged in various inter-agency bodies on children where it contributed to the drafting of proposed means on child protection.

The celebration of human rights milestone events provide a venue for public discussion on human rights issues and raise the public's consciousness to respect and promote human rights. In addition to the annual celebration of the Human Rights Week every December 4-10, and International Human Rights Day on December 10, the Commission also commemorated the National Correctional Consciousness Week in October, Women's Rights Day in March, Children's Month in October and the Ampatuan-Maguindanao Massacre in November.

EXECUTIVE SUMMARY

COOPERATION AND PARTNERSHIP

The Commission's active partnership with local NGOs, civil society organizations, and the academe has made the activities for the promotion of human rights possible. The partner NGOs and CSOs have provided the Commission with financial, technical and logistical support in its activities for the promotion and monitoring of human rights. Some of our partners are the Philippine Working Group (PWG), Ateneo School of Government (ASOG), Philippine Human Rights Advocates (PAHRA), Alternative Law Groups (ALG), Libertas, Likhaan Kababaihan Incorporated, ReproCen, and Visayan Forum.

The Commission has established cooperation and bilateral arrangements with partners to support its programmes and activities, such as EU-Philippine Justice Support Programme (EPJUST) on Human Rights Monitoring of Enforced Disappearance and Extra-Legal Killings; Fostering Democratic Governance-Strengthening Human Rights Infrastructures under the United Nations Development Programme (UNDP); Australia Support to Promotion of Human Rights in the Philippines; The Asia Foundation on the Development of Martus-Based HR Executive Information System; UNICEF-Funded Project on the Integration of a Secondary Source Data and Research on Children Affected by Armed Conflict; and the CHR-EU Grant Contract on "Enhancing the Role of NHRIs in the Development of an ASEAN Human Rights Mechanism".

In the Southeast Asia Sub-region, the Commission successfully concluded a protocol against trafficking with the three other human rights commissions in ASEAN. A Memorandum of Understanding Against Trafficking of Women and Children was signed in March 2010 among the members of South East Asia NHRI Forum (SEANF). The MOU seeks to establish a mechanism to ensure that victims are able to get access to effective legal remedy and to be recognized as victims of human rights violation, and that traffickers will be prosecuted and punished. SEANF is comprised of the National Human Rights Institutions (NHRIs) of Indonesia, Malaysia, Philippines, Thailand and Timor Leste. Another program measure for the sub-region is the development of a human rights education module for Law Enforcement, Security and Intelligence (LESI) agencies.

For CHR, 2010 was another transition year, a change in leadership with the appointment of the Chairperson Leila M. de Lima to head the Department of Justice (DOJ)

EXECUTIVE SUMMARY

under the new administration. In September 2010, Loretta Ann P. Rosales, a seasoned human rights activist and former party list representative took over the reign of CHR leadership. The new chair has envisioned the Commission to become a “comprehensive monitor” for human rights to underscore the natural and inherent mandate of national human rights institutions around the world.

CHALLENGES AND OPPORTUNITIES

The human rights situation in the country remains precarious despite the government’s avowed declaration on its commitments on human rights standards and ratification of all major human rights instruments. This poses a challenge to the Commission to be more proactive and vigilant in ensuring that the State complies with its obligations.

Unresolved cases of violations of civil and political rights, particularly enforced disappearances, extra-judicial killings, and arbitrary deprivation of life and liberty contribute to a growing perception of state impunity. The non- resolution of human rights violations is mostly attributed to lack of witnesses and insufficiency of evidences. Moreover, domestic laws to penalize enforced disappearances and extra-judicial killings have yet to be enacted by Congress. A critical concern of the Commission is how to address “justiciability” of Economic, Social and Cultural Rights (ESCR) violations, in such issues as homelessness, hunger, social security, and other human rights degradation attributable to poverty and hunger suffered by the poor and vulnerable sectors in many parts of the country.

The Commission looks forward to strengthening the human rights mechanisms in the country and enhancing the human rights service delivery system under the new administration of President Aquino.

HUMAN RIGHTS PROTECTION

Human Rights Protection

DOCUMENTATION OF COMPLAINTS OF HUMAN RIGHTS VIOLATIONS

For the year 2010, the Commission using the MARTUS Executive Information System (MAREIS) documented 2,964 new complaints involving 3,405 victims and 3,856 perpetrators.

Table 1
Number of Complaints, Perpetrators and Victims by Region
January – December 2010

REGION	NUMBER OF COMPLAINTS RECEIVED	NUMBER OF VICTIMS	NUMBER OF PERPETRATORS
NCR	157	191	277
I	129	138	151
II	38	40	50
III	228	278	306
IV	73	90	88
V	145	163	224
VI	155	164	190
VII	101	122	151
VIII	431	452	484
IX	780	833	927
X	86	104	109
XI	197	278	274
XII	169	221	239
CAR	37	42	47
CARAGA	238	289	339
TOTAL	2,964	3,405	3,856

Note: No Entry on the record of victim found in the complaint/case (1,321)

No Entry on the record of respondent found in the complaint/case (1,312)

HUMAN RIGHTS PROTECTION

Region IX registered the most number of complaints received with 780, followed by Regions VIII with 431, CARAGA with 238, and III with 228.

Of the 2,964 complaints, 2,643 came from walk-in complainants while 304 were looked into upon the initiative of the Commission or *motu proprio* and 17 were referred by the Barangay Human Rights Action Officers (BHRAO).

- **Sex Disaggregation of Victims and Perpetrators**

Of the 3,405 reported victims, 38.36% are men, 22.85% are women, while a very significant figure with no entry totaling to 1,321. But of the 3,856 alleged perpetrators, only 7% are females while 58.97% are males which show a vast difference of 1 female to 11 males.

Table 2
Number of Victims of HRV by Sex and by Region
January – December 2010

REGION	NUMBER OF VICTIMS		
	Male	Female	No Entry
NCR	111	75	5
I	48	64	26
II	19	21	0
III	128	60	90
IV	30	38	22
V	88	50	25
VI	74	57	33
VII	64	27	31
VIII	80	44	328
IX	101	46	686
X	62	41	1
XI	201	71	6
XII	134	71	16

HUMAN RIGHTS PROTECTION

CAR	15	10	17
CARAGA	151	103	35
TOTAL	1,306	778	1,321
GRAND TOTAL	3,405		

Table 3
Number of Perpetrators of HRV by Sex and by Region
January – December 2010

REGION	NUMBER OF PERPETRATORS		
	Male	Female	No Entry
NCR	230	39	8
I	105	14	32
II	47	2	1
III	205	39	62
IV	65	7	16
V	167	26	31
VI	135	17	38
VII	114	8	29
VIII	158	7	319
IX	253	2	672
X	88	10	11
XI	229	25	20
XII	179	23	37
CAR	28	5	34
CARAGA	271	46	22
TOTAL	2,274	270	1,312
GRAND TOTAL	3,856		

HUMAN RIGHTS PROTECTION

- **Rights Violated**

Using the Martus Executive Information System (MAREIS), the Commission was able to generate a total of 1,490 HRV cases that are classified according to specific rights. The table below shows the various rights violated under civil and political rights and economic, social and cultural rights.

Table 4
Number of HRV Cases Classified According to Rights
January – December 2010

	Total
Civil and Political Rights	1,157
Freedom from Torture	114
Freedom of Religion	1
Right not to be Deprived of Property Arbitrarily	88
Right to Due Process	35
Right to Freedom from Arbitrary Interference	48
Right to Freedom from Discrimination	23
Right to Liberty and Security	126
Right to Liberty of Movement	25
Right to Life	427
Right to Marry	4
Right to Name and Nationality	3
Right to Protection of Honor and Reputation	189
Rights of the Accused	61
Right to Freedom of Expression	3
Right to Self Determination	8
Right to Take Part in the Government of His Own Country	1
Economic, Social and Cultural Rights	333

HUMAN RIGHTS PROTECTION

Accessibility (non-discrimination, physical, economic, information)	3
Creation of Conditions which Would Assure to All Medical Services/ Attention	3
Improvement of All Aspects of Environment and Industrial Hygiene	2
Prevention, Treatment and Control of Epidemic, Endemic and Occupational Diseases	2
Right of Every Person to Equal Access to Cultural Opportunities	3
Right to Access to Education	13
Right to Adequate Food/ Water	5
Right to Appropriate Health Care and Services	15
Right to Clothing	1
Right to Enjoyment of the Highest Attainable Standard of Physical and Mental Health	6
Right to Access to Public Service	13
Right to Equal Opportunity in Promotion	1
Right to Equal Rights/ Responsibilities as to Marriage	74
Right to Form and Join Trade Unions	1
Right to Dispose of Their Natural Wealth	5
Right to Holiday Pay Well as Remuneration to Public Holidays	1
Right to Housing	25
Right to Own Property	44
Right to Protection and Special Assistance of Children	56
Right to Pursue Their Cultural Development	2
Right to Pursue Their Economic Development	6
Right to Pursue Their Social Development	3
Right to Reasonable Working Hours	1
Right to Receive Fair Wages and Equal Remuneration	12
Right to Rest and Recreation	1
Right to Social Security and Insurance	8

HUMAN RIGHTS PROTECTION

Right to Strike	1
Right to the Continuous Improvement of Living Condition	16
Right to Work and Employment Opportunities	17

INVESTIGATION AND PUBLIC INQUIRIES ON CASES OF NATIONAL INTEREST

Among the new incidents in 2010 are the following cases:

➤ **Extralegal Killing of Dr. Leonard Co, Sofronio Cortez and Julius Borromeo in Kanaga, Leyte**

The Commission on Human Rights (CHR) investigated the death of Leonard Co, one of the country's top botanists, and his two companions while collecting plant specimens in a forest in Kananga, Leyte in November 15, 2010. The military claimed that Dr. Co and his companions who worked for the Energy Development Corporation Conservation Project, died in the crossfire of a skirmish between government security forces and communist rebels. In aid of investigation, the CHR established a *Quick Investigation Composite Team*, headed by CHR Region VIII and composed of a Forensic Doctor, Investigator and Lawyers. The Commission also tapped the services of a *forensic pathology expert*, Dr. Raquel Fortun to conduct the autopsy examinations on the cadavers of Dr. Co, Sofronio Cortez and Julius Borromeo. On December 12-14, 2010, the Commission deployed a *fact finding mission* to Kanaga, Leyte led by Commissioner Norberto dela Cruz.

Thus far, the Commission has already gathered relevant information and important documents from the witnesses and other concerned individuals and agencies and is still waiting for other pertinent documents and interviews gathered.

➤ **Alleged Human Rights Violations Against the Morong 43 Victims**

On 6 February 2010, military and police officers arrested several health workers, collectively known as "Morong 43", while on training, in Rizal on charges of being

HUMAN RIGHTS PROTECTION

communist members. It was alleged that the military and police officers illegally arrested, detained and tortured the said group.

During the course of the public inquiries being conducted on the “Morong 43” case, some of the respondents assailed the jurisdiction of the Commission on Human Rights before the Court of Appeals and Regional Trial Court, on the ground that the issues raised before the Commission are alleged to be the same issues raised in the criminal case filed against the members of the “Morong 43”, pending before the RTC of Morong, Rizal.

The Department of National Defense (DND) and Armed Forces of the Philippines (AFP), represented by the Solicitor General, filed a Petition for Injunction and Temporary Restraining Order before the Court of Appeals, Seventh Division.

Respondents Judge Cesar Mangrobang and Atty. Cyrus Jurado also filed a Petition for Prohibition and Preliminary Injunction with Prayer for Temporary Restraining Order (TRO) before the Court of Appeals. The latter court issued a TRO in favor of Judge Mangrobang and Atty. Jurado, which caused the momentary cessation of the Commission’s public inquiry. The application for the Writ of Preliminary Injunction, pursuant to the Court’s Resolution dated May 26, 2010 is now submitted for Resolution.

Respondent State Prosecutor II Romeo Senson also filed a Petition for Prohibition and Preliminary Injunction before the RTC Q.C. Br. 105, which was later on dismissed for failure of the petitioner to pursue the same for an unreasonable length of time.

On September 28, 2010, the Commission conducted regular visits to the members of the Morong 43 to ensure that their rights, such as their right to counsel and health, are protected. Two of the detained members of the Morong 43, Ms. Carino Judilyn Oliveros and Mercy Icban Castro, gave birth at the Philippine General Hospital and were allowed to stay in the said hospital until January 21, 200.

HUMAN RIGHTS PROTECTION

On December 2010, during the Human Rights Day Celebration held in Malacanang Palace, President Aquino ordered the release of the Morong 43 and directed the Secretary of Justice Leila M. De Lima to facilitate their immediate release.

➤ **The Tondo Torture Case**

An exclusive video of a suspected robber being tortured by a police officer inside a precinct in Asuncion, Tondo, Manila was handed over to the media. It showed a naked man in a fetal position on the floor of the said precinct with his genitals supposedly bound by the rope while a man was whipping the victim's face and torso with a rope and heaping curses on him. It was also shown that the man ordered the victim to remove his hands from his genitals while pulling the rope, thus making the victim scream in pain. The said video was from Emil (not his real name) who acquired it from a friend who witnessed the said torture and gone into hiding for fear of suffering the same fate of the tortured man. It was believed that the victim in the said video died due to the torture he suffered.

The CHR played a major role in the investigation and close monitoring of the case. As a direct result of these efforts, the police officers involved in the torture have been relieved and criminally charged for violation of the Anti-Torture Law.

➤ **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.

HUMAN RIGHTS PROTECTION

The CHR investigated the violent and inhuman treatment against the said inmates who staged a protest at the Bataan City Jail. Upon its recommendations, the welfare of the inmates and their families were given immediate and proper attention by the Bureau of Jail Management and Penology and Provincial Government. Also, the Jail Warden was relieved from his post.

➤ **Violent Dispersal of Kuliglig Drivers**

The CHR investigated the violent dispersal of the rally organized by the so-called “Kuliglig” (motorized pedicabs) drivers in the city of Manila. CHR Chairperson Etta Rosales held a dialogue with the drivers and operators together with the Municipal officials. CHR also sought the opinion of the Land Transportation Office (LTO) and learned that the motors used by the kuliglig drivers cannot be registered. In a courtesy call made by Chairperson Rosales to Manila Mayor Alfredo Lim, the latter agreed that the local government will provide loans to the kuliglig drivers to purchase motors recognized by LTO.

The Commission continued its investigation on other high profile cases that occurred in previous years, such as the:

➤ **Abduction and Enforced Disappearance of Jonas Burgos**

Since 28 April 2007, Jonas Burgos has not been seen after gunmen dragged him from Hapag Kainan restaurant in Ever Gotesco Mall along Commonwealth Avenue, Quezon City, to a waiting Toyota Revo whose license plate was traced to another vehicle that was impounded in 2006 at the 56th Infantry Battalion camp in Bulacan.

Pursuant to the Supreme Court Resolution dated June 22, 2010, in the consolidated cases of Edita T. Burgos vs. President Gloria Macapagal Arroyo, et al., the Commission on Human Rights, acting as the Court's directly commissioned agency for purposes of the Rule on the Writ of Amparo, conducted investigative proceedings. Initial actions undertaken by the Commission included field investigations; a case conference with the DOJ Secretary and top brass AFP and PNP; investigation cum follow-through case

HUMAN RIGHTS PROTECTION

conferences with civilian authorities; law enforcement agencies and military services; and gathering of documents.

➤ **Abduction and Torture of Melissa Roxas**

On 9 May 2009, Melissa Roxas, a member or Habi-Arts and Bayan's United States Chapter was abducted in La Paz, Tarlac along with two others identified as John Edward Jandoc and Juanito Carabeo. 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.

In a Supreme Court Decision dated September 7, 2010, re: Petition for Writ of Amparo of Melissa C. Roxas, the Court ordered the Commission on Human Rights, among others, to be the lead agency tasked with conducting further investigation regarding the abduction and torture of Petitioner and to furnish the Court of Appeals a copy of its investigation and corresponding recommendations. The CHR Legal and Investigation Office prepared and drafted the Resolution of the said case as well as the Compliance Report to be submitted before the Court of Appeals.

➤ **Extralegal Killing of Mr. Nathaniel Capitanea**

On 22 August 2009, former Police Inspector Nathaniel Capitanea was killed in an alleged shootout with Philippine Drug Enforcement Agency (PDEA) operatives who were serving a search warrant against Hong Chun Chan, a suspected member of a Chinese triad while in a posh condominium unit in Makati City.

The death of Capitanea is the subject of a CHR investigation. In October 2009, Gerald Capitanea, the brother of Nathaniel filed a complaint with the CHR-National Capital Region Investigation Office, alleging that his brother was executed belying PDEA claims that there was a shootout. Subsequently, he alleged that PDEA operatives have repeatedly threatened him since the death of his brother.

HUMAN RIGHTS PROTECTION

The Commission ordered the PDEA to submit all firearms issued to the operatives relative to this case for ballistic examination by the Philippine National Police (PNP) Crime Laboratory. Likewise, the CHR sent letters to the management of Joya Tower and the owners/occupants of unit 3812 where the killing took place as well as nearby unit 3811 to allow the Commission's lawyers and investigators to conduct ocular inspection thereon for purpose of comparing the furniture/fixture of the building's units.

➤ **Extralegal Killings and Hostage Taking in Agusan del Sur**

On January 28-29, 2010 CHR conducted a public inquiry on the extra-legal killings and hostage taking in Agusan del Sur and the objectives of the public inquiry were: (1) To gather substantial data, information and evidence to facilitate the expeditious resolution of the unsolved string of extralegal killings in Agusan del Sur; (2) To draw out an action plan to address related issues and concerns of witnesses and relatives; and (3) To formulate specific and effective intervention from relevant government agencies for a more effective investigation and resolution of the extralegal killings. Particular attention of the public inquiry was given to the unsolved killings emanating from the conflict between two members of indigenous people tribe, the Ondo Perez clan and its rival, the group of Joel Tubay which allegedly is supported by Calpito Egua, a.k.a. Datu Calpit. The war between these two groups culminated in the hostage crises from December 10 – 13, 2009, in which 75 civilians (men, women and children) were taken hostage.

➤ **PICOP Six**

CHR took cognizance to monitor the case with the Provincial Prosecutor of Agusan del Sur regarding the new case of Multiple Murder filed by the parents of PICOP six workers who were kidnapped by a certain Cpl. Rodrigo Billones of the 62nd IB, 8th ID, PA based at Sta. Maria, Trento, Agusan del Sur, resulting to his conviction on July 11, 2008.

HUMAN RIGHTS PROTECTION

The case was filed with the Prosecutor's Office docketed under NPS Docket Number 13-03-INV-100-053 for Multiple Murder against the Commanding Officer and 12 other soldiers because of the testimony of SGT ESEQUIAS DUYOGAN, a former soldier of the said army battalion who was present during the torture and killing of the victims and buried inside the camp. The next day, victims were transferred to Km. 57 (Rapid) and were burnt to hide the corpus delicti.

CHR recommended SGT DUYOGAN for admission to the Witness Protection Program together with his wife and two children because of the threats of the respondents who were his former comrades and several attempts to silence him. Witness and his family are now in Manila through the help of the Families of Involuntary Disappearance (FIND).

RESOLUTION OF CASES

In 2010, the Commission resolved 936 cases that include cases filed in previous years. This number covers those resolved by the regional offices. Of the total number of resolved cases, 39% were resolved for filing and monitoring, 48% were closed/terminated/ or dismissed, 6% were archived and 7% were resolved through alternative dispute resolution (ADR).

Table 5
Number of Resolved Cases
January – December 2010

REGION	Filing and Monitoring	Closed Terminated/ Dismissed	Archived	ADR	Total
NCR	54	48			102
I	4	3		31	38
II	41	6			47
III	3	80	1	26	110
IV	31	1	8		40
V	24	40		5	69

HUMAN RIGHTS PROTECTION

VI	20	19	16		55
VII	11	16	1		28
VIII	49	43	10		102
IX	62	60	12		134
X	3	7			10
XI	15	58			73
XII	16	31	13		60
CAR	3	15	0	3	21
CARAGA	29	18			47
Total	365	445	61	65	936

JUDICIAL INTERVENTIONS

As mandated to provide legal measures for the protection of human rights of all persons within the Philippines as well as Filipinos abroad, the CHR legally intervened on the following cases, to wit:

➤ **Stewart Garon Case**

A petition for Writ of Amparo and Habeas Data was filed against several officers and men of the Philippine Army at the Regional Trial Court (RTC) in Tuao, Cagayan. The Court granted the Writ and issued an Order removing the name of the petitioner from the list of the Order of Battle of the Philippine Army.

➤ **Leomar Bueno Case**

The petitioner, Leomar Bueno, is a minor and was granted Writ of Protection against respondents, Mayor Mamba, et al. The Writ of Protection is also extended to the family of petitioner and CHR officers who handled the said case. CHR-LIO, in behalf of the petitioner, also filed a Comment before the Supreme Court, where the case is pending appeal.

HUMAN RIGHTS PROTECTION

➤ **Robin Rodriguez Case**

Robin Rodriguez is one of the minors covered by the Writ of Amparo prayed for in the Leomar Bueno case. In the course of providing assistance, the lives of CHR Regional Office II personnel were put at risk. CHR-LIO then coordinated the provision of PNP personnel in the regional office for additional security. However, the case was not appealed as Robin escaped from DSWD's custody.

➤ **Joseph Anton Kafhmpman (German National) Case**

True to the mandate of the Commission in protecting the rights of all persons within the Philippines, the Commission filed a Petition for Change of Venue for Six Cases of Murder and Frustrated Murder before the court on the case of a German national, Joseph Anton Kafhmpman, who was not provided with an interpreter by the Regional Trial Court. The CHR made clear that the absence of an interpreter is a violation of his right to due process. The Supreme Court granted the petition of the Commission in this regard.

➤ **Extralegal Killings of Alberto Ocampo and Jose Gonzales**

The Commission filed a Petition for Review with the Supreme Court on the Dismissal of the Petition for Writ of Amparo filed with Balanga, Bataan, Regional Trial Court Branch 2 for and in behalf of Imelda Zulueta, common-law wife of one of the extralegal killing victims, Alberto Ocampo.

ISSUANCE OF HUMAN RIGHTS CLEARANCE

A total of 2,220 Human Rights clearances have been issued by the Commission to different government agencies particularly to the uniformed personnel who were certified with no pending case of Human Rights violations. Of this number, 1,547 were issued by the central office while 673 were from the regions.

HUMAN RIGHTS PROTECTION

Table 6
Number of Clearance Issued
January – December 2010

Branch of Service	No. of Clearance Issued
Philippine National Police	1,139
Philippine Army	649
Philippine Navy	166
Philippine Air Force	205
Others	61
TOTAL	2,220

FORENSIC SERVICES

In aid of investigation, the following forensic services were undertaken:

- Three exhumations and two autopsies of bodies in Buguey, Cagayan, and in Ipil, Zamboanga;
- Exhumation of five Manobos facilitated by CHR Caraga Region and PNP Crime Laboratory of Police Region 13 and re-autopsy of three alleged victims of crossfire between Zambales Provincial Police and Rebolusyonaryong Hukbo ng Bayan (RHB) assisted by CHR-III Regional Office;
- Medico-physical/medical examinations of 68 people comprised of complainants and prisoners, to include some of the detainees involved in the Morong 43 case.

ASSISTANCE TO COMPLAINANTS AND VICTIMS OF HRVs

The CHR provided free legal aid and counseling to 1,410 complainants. In addition to its legal services, the Commission has been providing financial assistance to victims of human rights violations and their families. For the year 2010, financial assistance was granted to 243 victims/beneficiaries in cases of human rights violations under arbitrary deprivation of life, violation of the rights of a child and enforced disappearance. The total financial assistance reached two million two hundred fourteen thousand five hundred pesos (Php 2,214,500.00), of which, Php 1,180,000.00 was given as Survivor's Benefits; Php 1,014,500.00 for the Medical Assistance, and Php 20,000.00 for the Rehabilitation Assistance.

HUMAN RIGHTS PROTECTION

Table 7
Financial Assistance to Victims and Their Families
January – December 2010

<u>REGION</u>	<u>AMOUNT</u>	<u>NO. OF BENEFICIARIES</u>
NCR	90,000.00	9
II	230,000.00	23
III	225,000.00	23
IV	260,000.00	26
V	227,000.00	26
VI	28,000.00	4
VII	34,000.00	4
VIII	470,500.00	58
IX	80,000.00	11
XI	140,000.00	15
XII	350,000.00	35
CAR	80,000.00	9
TOTAL	2,214,500.00	243

VISITORIAL SERVICES

- Jail Visitation and Prisoners Assisted**

The CHR exercises oversight function over all detention facilities through its Visitorial Services Program. Its primary purpose is to assess/evaluate the jail and prison conditions in accordance with the international and national human rights standards for the treatment of prisoners, provide legal aide and counseling, generate awareness on the present conditions of jails, prisons and persons deprived of liberty among the government and the general public and make recommendations to relevant authorities for proper action.

For 2010, the CHR conducted a total number of 520 jail visitations. Region IX conducted the highest number of jail visitations with 80 followed by Region III with 70 and Region XI with 58.

HUMAN RIGHTS PROTECTION

- **Legal assistance to inmates**

After reviewing the carpeta of qualified inmates, the CHR recommended to the Board of Pardons and Parole the grant of parole or executive clemency to 78 inmates. Of this number, 13 inmates were already released; while requests of the others are still pending deliberation by the Board.

Table 8
JAIL VISITATIONS CONDUCTED PER REGION
January - December 2010

REGION	NO. OF JAIL VISITATION ACTIVITIES
NCR	44
I	32
II	11
III	70
IV	7
V	31
VI	-
VII	-
VIII	33
IX	80
X	58
XI	68
XII	20
CARAGA	42
CAR	24
TOTAL	520

HUMAN RIGHTS PROTECTION

- **Implementing Rules and Regulations (IRR) of the Anti-Torture Law**

After a series of national and regional consultations with various stakeholders, the Implementing Rules and Regulations (IRR) of the Republic Act No. 9745 or the Anti-Torture Law was signed last 10 December 2010. The CHR Chair and Justice Secretary signed the IRR in the presence of the President as part of the celebration of the International Human Rights Day.

To ensure that maximum inputs from the stakeholders in the formulation of the IRR, the CHR Assistance and Visitorial Office (AVO) spearheaded the meetings with the different organizations and civil societies which have a vital role in the protection and promotion of the rights of the torture victims. Series of regional consultations were held last 30 March 2010, 21 April 2010, 22-23 June 2010, 14-16 and 28-30 July 2010; 28-30 July 2010; 11-13, 19, 25-27 August 2010; 8-10 and 22-24 September 2010; 7, 14, 21 & 28 October 2010 and participated by the steering committee from government and non-government agencies.

HUMAN RIGHTS PROMOTION

Human Rights Promotion

EDUCATION AND TRAINING

From January to December of 2010, the Commission conducted a total of 639 human rights education and promotion activities in which 281 were seminars/trainings; 199 were lectures/talks; and, 159 were other information dissemination activities. From these human rights activities, there were 45,645 participants in which 18,879 participated in seminars/trainings; 26,268 participants in lectures/talks; and, 498 were from other information dissemination. The largest audience was filled in by the General Public with 10,948; the next were the public officials/government employees with 7,504 participants and the police with 8,267.

Table 9
Human Rights Activity
January – December 2010

<u>HUMAN RIGHTS ACTIVITY</u>	<u>NO. OF ACTIVITIES</u>	<u>NO. OF PARTICIPANTS</u>
Seminars/Trainings	281	18,879
Lectures/Talks	199	26,268
Other Information Dissemination	159	498
TOTAL	639	45,645

Moreover, a total of 17,063 human rights information materials were distributed by the Commission from January to December of 2010 namely: 365 human rights flyers; 1103 human rights primers; 449 handbooks/other briefer on human rights; and, 15,144 other lecture materials.

Training programs implemented at the national level include the Human Rights Advocacy Courses for Uniformed Men covering 54 trainings; National Human Rights Trainor's Training Program for the Armed Forces of the Philippines (AFP) Officials and Trainors on HR-IHL and Rights of the Child; and advocacy courses for Local Government Units under the Regular Orientation Seminar and Regional Capability Building Program.

HUMAN RIGHTS PROMOTION

There were also series of Seminar-Workshops on the Human Rights-Based Approach to Legislation conducted by the Commission to equip and capacitate key officers of Congress and local legislators with necessary human rights knowledge to help them in crafting laws – both substantially and procedurally. For the year, the Commission conducted its fifth installment, and the third and final for the House of Representatives, covering all House Committee Secretariat last November 2-6, 2010.

At the regional level, a total of 197 trainings/seminars for priority sectors were conducted. The most active region in terms of carrying out seminars/trainings was led by Region IX with 118 activities followed by Region V and I with 26 and 24, respectively. The seminars/ trainings were attended by 41,965 participants covering various sectors.

In terms of inter-agency activities, a total of 336 activities were conducted in which there were 34,632 participants and 544 information materials distributed.

COOPERATION WITH MEDIA

Thru print, radio or TV broadcast, the Commission informs the public on different human rights issues including updates on high profile cases of alleged human rights violations.

For the year, 38 Press/Media Statements were circulated by the CHR thru major dailies, like the Morong 43, Zamboanga del Sur killings, grant of Writ of Amparo in favor of minor Leomar Bueno, Cebu Pacific's alleged discrimination against a special child, issue on whistleblowers, ambush in Compostela Valley, attacks in Basilan, Tondo torture case, case of former Police Chief Inspector Nathaniel Capitanea, case of Leonardo Co, detainee voting and general monitoring of the Barangay and Sangguniang Kabataan Elections, banning of kuliglig drivers in major thoroughfares, to name a few.

Also, the Chairperson and Commissioners made various appearances in television and radio programs responding to queries about CHR's stand to pressing human rights issues.

HUMAN RIGHTS PROMOTION

MATERIALS DEVELOPMENT AND PRODUCTION

In relation to its efforts to monitor the 2010 national and local elections, the Commission published a handbook on *"Rights-Based Approach to Monitoring Elections and the Right to Political Participation"*. This is a tool for Barangay Human Rights Action Officers (BHRAOs) in monitoring that the right of suffrage of the following six (6) vulnerable sectors is exercised to the fullest during the elections: elderly, indigenous peoples, first time voters/youth, persons with disabilities, internally displaced persons, and detainees.

Apart from special publications being supported by international partners, the Commission regularly publishes its News Bulletin and Annual Reports.

CHILD RIGHTS ADVOCACY

Through its Child Rights Center (CRC), the Commission has been actively engaged in various inter-agency bodies on children, such as the Council for the Welfare of Children (CWC), the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC), the Country Task Force on Monitoring and Reporting of the Six Grave Child Rights Violations (CTFMR), and the Child Protection Working Group (CPWG) Philippines which was established in Manila initially to address the impacts of Tropical Storm Ondoy (Ketsana) and Typhoon Peping (Parma). As such, it contributed to the drafting of the proposed amendment to EO 275, series of 1995 creating the Special Committee for Children; Implementing Rules and Regulations (IRR) of RA 9775 otherwise known as An Act Defining the Crime of Child Pornography, Prescribing Penalties Thereof and For Other Purposes; the Comprehensive Bill on Protection of Children in Armed Conflict; the Guidelines on Regulation of Children Participating in Rallies; and in the preparation and conduct of the Workshop on the Protocols on Case Management of Children- Victims, program conceptualization and the findings of recovered children- victims who can speak of their experience in the justice system.

CHR-CRC has also signed up in the Memorandum of Understanding (MOU) between Government and Non-government agencies for child sensitive handling of children in armed conflict including those displaced by reason of armed conflict in 2000.

The Center is also part of the technical working group of the CWC – ComFAPC (Council for the Welfare of Children- Committee on Family and Alternative Parental Care) to address

HUMAN RIGHTS PROMOTION

the issue of children borne of migrant workers abroad especially in circumstances where they (children) cannot return home by legal or administrative reasons. ComFAPC is one of the five main sectoral committees of the Council purposely created to coordinate and monitor policies and programmes relating to children deprived of a family environment.

WOMEN'S HUMAN RIGHTS ADVOCACY

Under its Women's Human Rights Center (WHRC), the CHR completed two program measures at the regional level: the Memorandum of Understanding Against Trafficking of Women and Children, signed by the members of the Southeast Asia NHRIs composed of Philippines, Indonesia, Malaysia and Thailand; and the Memorandum of Understanding for the Promotion and Protection of the Human Rights of Migrants between CHR and the National Human Rights Commission of South Korea (NHRCK). These MOUs aim to strengthen partnership between the two Commissions in the areas of advocacy and capacity building of their respective personnel on migration issues.

To ensure the efficient implementation of the Magna Carta of Women, a new provision in the CHR Omnibus Rules of Procedures – Rule 6 on Women was incorporated to provide for the processes in the exercise of the Commission's role as Gender Ombud.

WHRC spearheaded the participation of the Commission in the 2010 Women's Day Inter-Agency celebration held on March 8, which likewise marked the launching of RA 9710 or the Magna Carta of Women's Implementing Rules and Regulations, to which CHR is also part of the Technical Drafting Committee.

CELEBRATION OF HUMAN RIGHTS MILESTONE EVENTS

- In celebration of the National Human Rights Consciousness Week (4-10 December) and International Human Rights Day (10 December), the Commission spearheaded the following activities: **"Run for Human Rights"**, and the **"Human Rights Film Festival"** which was in partnership with DAKILA – Phil Collective for Modern Heroism. The Commission also served as a co-organizer in the activity headed by the UNDP entitled **"Republiko: Ang Republika, Ang Publiko at Ako"** with the theme "Promoting Human Rights, Justice, Integrity and Democracy."

HUMAN RIGHTS PROMOTION

- On 10 December, in celebration of the International Human Rights Day and the 62nd Anniversary of the Universal Declaration of Human Rights, the Commission together with RA 9201 National Committee headed the commemorating activity with the theme “**Karapatang Pantao: Kilalanin, Ipatupad, Pagyamanin**” which was held at the Heroes Hall, Malacañang Palace, Manila. The signing of the “Implementing Rules and Regulations of the Anti-Torture Law” was the highlight of the event.
- In line with the celebration of the **National Correctional Consciousness Week**, with this year’s theme: “Towards Justice that Moves Beyond Punishment”, the CHR Assistance and Visitorial Office, together with the National Capital Region Office and the Forensic Center celebrated the week with the conduct of medical mission and legal assistance for the detainees at the Valenzuela City Jail and Navotas City Jail on October 27, 2010 and Metro Manila District Jail and Taguig District Jail on October 28, 2010. Toiletries, clothes and medicines were also disseminated to prisoners.
- On 23 November 2010, the CHR held a candle-lighting ceremony to commemorate the **Ampatuan, Maguindanao Massacre**. It also issued press statements with respect to human rights aspect of the case, its social cost and its trial aspect.
- During the **Children's Month** celebration, CRC joined the team headed by AVO that conducted jail visitations in the following detention centers to determine the human rights situation of detained children: (a) Tuguegarao City Jail and Cagayan Provincial Jail (October 21, 2010) in Region 2; (b) Malaybalay City Jail and Valencia City Jail (November 24, 2010) in Region 10; (c) Iligan City Jail and Cagayan de Oro City Jail (November 25, 2010) also in Region 10.
- CHR Regional Offices also engaged in other human rights milestones celebrations such as the International Women’s Day, PNP Anniversary Day, IHL Day, Autism Consciousness Week, among others.

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

Human Rights Policy Advocacy and Standard Setting

ADVISORIES, POSITION PAPERS, AND RESOLUTIONS

The Commission envisions becoming the duly comprehensive monitor of human rights. As such, it should publicize its findings, observations and assessments of the government's compliance to its human rights obligations and of the nation's situation.

For this year, CHR issued statements on various human rights concerns that it deemed appropriate to address with urgency and importance. Mindful of the impact of these issuances, the Commission believes that with faith, more people, more Filipinos will appreciate human rights over time.

➤ ***Advisory on Aerial Spraying and the Right to Health and Environmental Protection***

Acting upon the letter of concerned citizens on the reported harms caused by the continued practice of aerial spraying of pesticides in banana plantations, particularly in the Mindanao region, the Commission issued this Advisory on January 22, 2010.

Striking the balance between the human rights to clean and healthy environment for the benefit of those whose conditions of life are threatened and the right of corporations to business and profit and the impact of loss of profits on the livelihood of its workers, the Commission said that,

"The right to a healthy and clean environment is intrinsically related to the fulfillment and enjoyment of many human rights. Indeed, environmental concerns often directly impact human rights. According to one environmentalist,¹

"Most of our basic human rights are affected by environmental degradation. The right to health is affected by environmental abuse, such as water, air and noise contamination. The right to property is often violated by commercial exploitation... The value of our property is

¹ Daniel Taillant, Director of the Argentina-based Center for Human Rights and the Environment

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

also affected by environmental pollution. The right to equality is greatly affected by the unequal burden shared by certain sectors of society who are the targets of environmental contamination. Toxic dumps systematically appear where certain sectors of the population are less able to defend themselves or to protest against such abuses, resulting in *environmental discrimination*... At a philosophical level, the right to a pure and clean environment falls within the scope of the right to a mere physical existence... Everything and anything that influences the environment directly influences our human condition, and a violation of the environment is a violation of our human rights.”²

xxx

“Aerial spraying for as long as it has been a practice has always been a contentious issue. Nevertheless, amidst the present conflicting claims and studies, the CHR supports the Rio principle on precautionary measures³ and highly urge the Government to shelve the practice of aerial spraying until a thorough and evidence-based study will show the possible hazards of aerial spraying of pesticides and recommendations on how it should be practiced or banned to protect the environment and the right to health and well being of the people.

“Human rights and environmental protection are closely interconnected. Many human rights cannot be realized if the environment is not protected. And many human rights especially the vulnerable are violated when there is environmental degradation. Thus, economic and social progress must depend critically on the preservation of the natural resource base with effective measures to prevent environmental degradation.”

² Picollotti, Romina and Jorge Daniel Taillant, *Linking Human Rights and the Environment*, University of Arizona Press, 2003, p. 123

³ The Rio Precautionary Approach Principle states that: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

Mainly, the Advisory called for the shelving of the practice until a time-bound multi-disciplinary, comprehensive, independent and integrated study on the matter by a competent team of experts shall have been done. The Commission further called for a more sustainable solution and responsible farming throughout the country. Independent investigation was also recommended as well as the dissemination of information to affected stakeholders, among others.

As a result of this Advisory, the Office of the President has requested comment from the Commission on its proposed Executive Order on the matter.

➤ ***Advisory On the Permit-to-Campaign Scheme Imposed by the NPAs and Other Non-State Groups***

As a form of extortion being perpetrated by the New Peoples' Army and other non-state actors, the "Permit to Campaign Scheme" is repugnant in all possible ways to value human rights principles and standards, not only of candidates and political parties, but of the individual voters as well. Similarly, it disenfranchises eligible voters who reside in the so-called "territories" of these non-state actors from fully exercising their right of suffrage. Without their consent, these voters were prevented from receiving valuable information like meeting and knowing the candidates face to face and hearing their programs of government that will help them choose their candidates and express their true will.

The Commission called the attention of different government agencies/offices as well as political parties, candidates and voters to adhere to the effective implementation and to observe strict compliance of the relevant provisions of the Omnibus Election Code, Republic Act No. 9006 or the Fair Elections Act. Likewise, non-state actors, including insurgency groups as well as factions and members thereof, should strictly adhere to the provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

➤ ***Advisory on the Local Ordinance E.O. No. 003 by the City of Manila***

On 09 September 09 2010, a group of women from the City of Manila, who were also petitioners in the case of *Osil v. Mayor of Manila*, had a dialogue with the Commission on Human Rights. It discussed E.O. No. 003 which was issued on 29 February 2000, by then City Mayor Lito Atienza, that resulted to non-procurement of products and services in city health centers and hospitals, which were not in the category of natural planning method stipulated in the fiat.

In line with this issue, the Commission had four recommendations on the matter. First, the revocation of the EO and assurance of the availability of artificial birth control devices. Second, the issuance of an apology to all sectors affected by the EO. Third, the development or strengthening of advocacy programmes on reproductive and sexual health rights education. Lastly, the consideration of the RTC on the petition of the Osil group.

➤ ***Advisory on the Implementation of the Accessibility Law***

This Advisory was issued, on September 20, 2010, in response to the letter of the National Anti-Poverty Commission as well as its attached Resolution No. 29,⁴ calling upon the Commission to look into the implementation of Batas Pambansa Blg. 344,⁵ otherwise known as "*The Accessibility Law*" in relation to Republic Act

⁴ With title, "*Resolution Calling the Attention of the Department of Transportation and Communication (DOTC), Land Transportation Franchising and Regulatory Board (LTFRB), Maritime Industry Authority (Marina), Air Transportation Office (ATO), Civil Aeronautics Board (CAB), and Other Concerned Agencies to Strictly Implement the Accessibility for Transportation as Stated in B.P 344 Otherwise Known as 'The Accessibility Law' and for the Commission on Human Rights of the Philippines (CHR) to Call the Attention of the Concerned Agencies,*" dated November 26, 2009

⁵ With title, "*An Act to Enhance the Mobility of Disabled persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices*" and signed by President Ferdinand E. Marcos on February 25, 1983

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

No. 7277⁶ or the "*Magna Carta for Persons with Disabilities*" as amended by Republic Act No. 9442.⁷

The Commission, in this Advisory, had the occasion to remind the government of its obligations under its recently ratified Convention on the Rights of Persons with Disabilities as well as existing national laws on the matter which highlights accessibility, to wit:

"While the Accessibility Law has been in existence for 27 years already, yet, implementation of this law remains inadequate if not manifestly scarce. It is not hard to see how buildings and the public transport system remain oblivious, if not utterly neglectful, to the special needs of persons with disabilities. Worse, this vulnerable sector of society remains discriminated against by the transport providers as well the general riding public.

"The Commission reminds the government that implementation of the law should not be subject to expedience nor convenience but is an obligation that must be complied with.

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"We also underscore the obligation of the Government to ensure that 'Reasonable Accommodation' is provided to Persons With Disabilities, through necessary means and appropriate modifications if needed in certain cases without imposing disproportionate and undue burden to them, so that they can enjoy and exercise on equal basis with all others all human rights and fundamental freedoms."

⁶ With title, "*An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Person and their Integration into the Mainstream of Society and for Other Purposes*" and signed by President Corazon C. Aquino on March 24, 1992

⁷ With title, "*An Act Amending Republic Act No. 7277, Otherwise Known as the 'Magna Carta for Disabled Persons,' and For Other Purposes*" and signed by President Gloria Macapagal Arroyo on April 30, 2007

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

The Advisory called upon relevant government agencies, such as the Department of Public Works and Highways (DPWH), Department of Transportation and Communication (DOTC), Department of Justice (DOJ), Land Transportation Franchising and Regulatory Board (LTFRB), Maritime Industry Authority (Marina), Air Transportation Office (ATO), Civil Aeronautics Board (CAB), Manila International Airport Authority (MIAA), Land Transportation Office, (LTO), Light Rail Transportation Authority (LRTA), Metro Rail Transportation Authority (MRTA), Philippine National Railway (PNR), Department of Interior and Local Government (DILG) and Presidential Human Rights Committee (PHRC) to ensure that obligations under international and national laws on the accessibility of persons with disabilities are properly complied with.

➤ ***Advisory on the Continuing Practice of Detaining Children in Jails and Police Precincts***

The continuing detention of children in conflict with the law (CICL) in jails and precincts and the subhuman conditions in detention places is alarming. In the jail and police precincts visits conducted by the Commission, it was observed that domestic practices on children's detention continue to contravene the obligations under the Convention on the Rights of the Child (CRC) and the national legislation on RA 9344, Juvenile Justice and Welfare Act of 2000 (JJW Act of 2000).

Thus, the following recommendations are set forth by the Commission: 1) for the law enforcement officers to immediately, not later than eight (8) hours from apprehension, turn over the custody of the child to the Department of Social Welfare and Development (DSWD); or other accredited non-government organizations; 2) for the Office of the Court Administrator to intensify its "Justice on Wheels" Program to speed up the trial of the cases of detained children; 3) for the local government to prioritize the establishment and/or strengthening of a local comprehensive juvenile delinquency program and to comply with their obligation to build youth detention homes under the Family Courts; and 4) for DILG to monitor the compliance of LGUs with its mandate under the JJW Act of

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

2006, report on LGUs performance and recommend solutions for gaps in the law and practice.

- ***Position on the Libel/Slander case filed by Rep. Reynaldo Uy against Nancy Rumohr-Johnson, a resource person/ witness in the CHR Public Inquiry held on 19 November 2009 at CHR Region VIII, Calbayog City.***

The Commission *en banc* held a Public Inquiry in Calbayog City on 19 November 2009, wherein one of the resource persons was Mrs. Nancy Rumohr-Johnson. She testified accusing Congressman Reynaldo Uy as one of the masterminds on the bombing incident of her house on 7 May 2007 and harbouring goons and individuals supposedly involved in criminal activities. She also elaborated on how local officials were carrying powered firearms.

Subsequently, a criminal complaint of libel was filed against her by Rep. Reynaldo Uy. She, then sought clarification on whether or not her statements given during the said CHR Public Inquiry, is a privileged communication which she can interpose as a defense against the complaint filed against her. The Commission cited that in *Zurbito vs. Bayot*, the Court held that statements made in communication to Commissioners appointed to consider claims against an estate, in opposition to the allowance of claim against the estate are privileged. By way of analogy, statements made in the course of a Public Inquiry held by the CHR are considered privilege communication. Hence, the statements uttered by witness/resource person Mrs. Nancy Rumohr-Johnson is considered privileged communication given that the same was uttered in the course of the exercise of the Commission's investigative powers.

- ***Resolution on the Atrocities in Basilan***

In the morning of April 13, 2010 in Isabela City, Basilan Province, armed men detonated bombs then, fired on fleeing civilians. The first bomb went off at around 10:30 a.m. at the grandstand of a stadium in Barangay Sampurna outside the Department of Education building. The second bomb, rigged a motorcycle parked near the Sta. Isabel Cathedral, went off minutes later. Another bomb was

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

recovered in front of Judge Principe's house at Sunrise Village near the city hall but was immediately detonated by the police "Explosive Ordinance Disposal" elements. The blasts and the ensuing gun battle between government forces and the suspects resulted in the death of 15 people and wounded 13 civilians (*The Philippine Star*, April 14, 2010).

The indiscriminate killings and wounding of innocent civilians by the said non-state armed group are acts clearly aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted governments. Verily, there is no cause, purpose or belief that would justify these condemnable acts.

The Commission condemns the strongest terms possible, these atrocities and violations of human rights and to remind everyone of their duty to respect human rights and be vigilant, as well, of any attempts for violations thereof; and to call on Government forces and other state actors that, in taking measures to restore peace and order in Basilan, only those in accordance with human rights laws and humanitarian laws should be adopted.

➤ ***Resolution on the Non-Publication of RA 9851***

In compliance with its international human rights obligation, the President of the Philippines signed Republic Act No. 9851, or the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity" on December 11, 2009. Article 2 of the New Civil Code provides that "Laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless it is otherwise provided." Such is the responsibility of the President under the Constitutional mandate in Article VI of the Constitution. Apparently, such requirement has not yet been met more than two (2) months after the President signed R.A. No. 9851 into law.

The Commission on Human Rights, in its Resolution No. A2010-034, underscored the importance of the soonest possible effectivity and implementation of Republic

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

Act No. 9851 for human rights protections and peace-building; and to urge the President of the Philippines to order the immediate publication of Republic Act No. 9851 through the Office of the President or other relevant offices in the Executive Branch of government such as the Department of National Defense (DND), the office of the Presidential Adviser on the Peace Processes (OPAPP) or the Presidential Human Rights Committee (PHRC).

➤ ***Resolution Reiterating the Request of the Commission on Human Rights for Senate's Concurrence on the Rome Statute Establishing the International Criminal Court***

The Commission promulgated Resolution No. A2010-139-A, urging the President Benigno Simeon C. Aquino III to transmit the Rome Statute Establishing the International Criminal Court to the Philippine Senate; and pursuant to its constitutional function of recommending to Congress effective measures to promote human rights, reiterates its request to the Philippine Senate to immediately ratify the Rome Statute establishing the International Criminal Court in accordance with Section 21, Article VII of the 1987 Constitution.

The said treaty, when ratified will benefit the Philippines for the following reasons:

1. The treaty's complementarity principle allows national courts the first opportunity to investigate or prosecute cases using its domestic judicial system and national legislation;
2. The treaty provides for victims' participation in ICC proceedings and establishes a Victims' and Witnesses' Unit to provide "protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses." The ICC has also established an Office of Public Counsel for Victims, to provide support and assistance to victims and their legal representatives. Further the treaty establishes a Trust Fund to make financial reparations to victims and their families; and

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

3. Further applying the complementarity principle, the ICC could be an option to seek redress when serious crimes are committed involving Filipino nationals, locally and abroad, especially where the crime is committed are 'unable and unwilling' to try such cases.

➤ ***Resolution on the Grant of Compensation to the Filipino Human Rights Violations Victims Against the Estate of Ferdinand Marcos***

The Commission resolved to grant the request of Mr. Robert A. Swift, lead counsel of the 9,359 Filipino human rights victims to Chairperson Loretta Ann P. Rosales to assist in the distribution of the Ten Million Dollars (USD 10,000,000.00) settlement of litigation against a Marcos crony out of the total amount of judgment of Two Billion Dollars (USD 2,000,000,000.00). An office space was designated in every CHR regional office for the purpose of distributing the settlement amount to the eligible class members⁸.

The Commission further resolved to enter into a Memorandum of Agreement with Mr. Swift and his Philippine counterparts, in representation of the claimants, indicating there in the areas of cooperation between the concerned parties toward the successful distribution of compensation to the eligible or qualified class members against the Marcos Estate.

➤ ***Resolution on CHR Witness Protection Program***

With the increasing incidence of extra-judicial killings, enforced disappearances, torture and other violations of human rights, the CHR sees the necessity to strengthen its Witness Protection Program (WPP) to assist willing witnesses and to help prosecute human rights violators/offenders.

⁸ In the Class Counsel's Memorandum of law in Support of Motion for Final Approval of Class Action Settlement, dated November 10, 2010. It was stated that the number of eligible class members is 7,526. Eligible class members are those of the 9,359 who have satisfied the criteria of the Hawaii Federal Court for a distribution.

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

To provide protection and assistance to any witness whose testimony and possession of documents are of vital importance to the investigation and/or prosecution of human rights violation cases, the Commission resolved to implement its guidelines on the Commission on Human Rights Witness Protection Program (CHRWPP).

➤ ***Resolution on the Decision of COMELEC Denying the Petition for Registration of the Ang Ladlad LGBT Party for the Party List System***

On November 11, 2009, the Commission on Elections (COMELEC), Second Division, promulgated its decision denying the petition for registration of the *Ang Ladlad LGBT Party* for the Party List System of Representation in the House of Representatives. The said decision was affirmed by a majority vote of the members of the COMELEC En banc on December 16, 2009, when it denied the motion for reconsideration filed by *Ang Ladlad*, prompting the latter to elevate the case to the Supreme Court via a Petition for Certiorari, docketed as G.R. No. 190582.

The Commission on Human Rights is of the view that denial of *Ang Ladlad's* petition for registration as a party list organization on moral grounds is violative of the standards and principles of the 1987 Constitution and international human rights instruments.

The Commission finds that the right against discrimination and the right to electoral participation are at issue in this instance and resolves to file before the Supreme Court in G.R. No. 190582 a motion to Intervene or to Appear as Amicus Curiae and Comment-In-Intervention and further resolves to authorize CHR Chairperson Leila M. De Lima to file and pursue, in behalf of the Commission, the said Motion to Intervene or to Appear as Amicus Curiae and Comment-In-Intervention before the Supreme Court.

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

➤ *Resolution Adopting the Human Rights Legislative Agenda for the 15th Congress*

In CHR Resolution No. A2010-208 issued on 23 December 2010, the Commission adopted the following priority Legislative Agenda for the 15th Congress:

▪ **ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)**

1. CHRP Charter
2. Internal Displacement
3. Anti-Enforced Disappearance
4. Law on Extra-Judicial Killings
5. Compensation to Marcos Human Rights Victims
6. Rights of the Accused
7. Law on Lesbians, Gays, Bisexuals and Transgenders (LGBTs)
8. Law on “Curative Filing of Cases” in Habeas Corpus

▪ **ON THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR):**

1. CHRP Charter: expansion of mandate to include economic, social and cultural rights.

▪ **ON THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT):**

1. CHRP Charter: expansion of mandate to include economic, social and cultural rights
2. Adequate Compensation for Victims of Unjust Imprisonment or Detention
3. National Preventive Mechanism (NPM) on OPCAT with CHR as lead Agency for NPM
4. Strengthening the Witness Protection Program

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

- **ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**
 1. Repeal of the Marital Infidelity Provisions in the RPC Amendment of Articles 96 and 124 of the Family Code
 2. Night Work Prohibition under Article 130 of the Labor Code
 3. Decriminalization of Prostitution
 4. Improvement of the Reproductive Health Rights for Women

- **ON THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)**
 1. CHRP Charter: Increased Resources for the Child Rights Center
 2. An Act to Increase the Age of Statutory Rape (from 12 years old to 16 years old)
 3. Anti-Corporal Punishment

- **ON THE CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD)**
 1. A comprehensive national legislation against racial discrimination based on CERD definition
 2. Indigenous Peoples Rights Act (IPRA) vis-à-vis Mining
 3. A free-prior-informed consent (FPIC) process that is in accordance with the spirit and letter of the IPRA and set realistic time frames for consultation processes with indigenous peoples
 4. Ways to Protect Children from the Effects of IPRA
 5. Alternative Dispute Resolution on Racial Discrimination Violations/Issues
 6. Strengthening the Right to Vote of Indigenous Peoples

- **ON THE CONVENTION ON THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (CMW)**
 1. Magna Carta for Migrant Workers
 2. Special Courts for Migrant Workers (Especially on Illegal Recruitment)

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

3. Amending the Overseas Workers Welfare Administration (OWWA) Charter
4. Repeal of unfavorable provisions of RA 10022 (An Act Amending RA 8042 – Magna Carta for Women for Migrant Workers) e.g. mandatory insurance
5. Proposed Integrated and Coordinated System of Dealing with Migrant Workers
6. Oversight Powers of Congress
7. Review of Bilateral Agreements
8. Law on Children of Migrant Workers
9. Law on Domestic Work

▪ **ON THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)**

1. Amend Sec. 5 Chapter 1 – RA 7277 (Magna Carta for Persons with Disabilities) and other provisions in accordance with CRPD
2. Amendment of BP 344 (Accessibility Law)

▪ **ON THE RIGHT TO SUFFRAGE**

1. Right to Suffrage of Detained Persons
2. Amendment to Party List Law

The CHRP along with the human rights community continues to encourage the government to sign and ratify the latest International Conventions and Protocols to ensure state commitment and accountability to human rights.

➤ **FOR SIGNING AND/OR RATIFICATION**

1. International Convention on Enforced Disappearance
2. International Criminal Court/Rome Statute
3. Optional Protocol II to the ICCPR
4. Optional Protocol to CAT
5. Ratification of ILO 169 (Employment Policy Recommendations)

HUMAN RIGHTS POLICY ADVOCACY AND STANDARD SETTING

6. Ratification of the Amendments to Article 8, paragraph 6 of CERD
7. Optional Declaration provided for in CAT and CERD on Individual Communications Procedure
8. Signing of the Optional Protocol on ICESCR

Human Rights Treaty Monitoring

LEGISLATIVE REVIEW

In monitoring government compliance with international treaty obligations, the Commission reviewed the performance of the legislature (the 14th Congress) in translating international human rights standards into domestic laws. A Human Rights Legislative Agenda is presented at the commencement of every Congress. This Human Rights Legislative Agenda is derived from consultation with various stakeholders – the Commission, government agencies and non-governmental organizations. It is aimed to present a common agenda for human rights advocates and provide Congress with a “scorecard” to base its performance in enacting laws that address human rights protection and promotion. Likewise, this is also a medium to assist the Legislature in implementing the country’s legal obligations to harmonize and translate within the domestic sphere its commitments to human rights standards and principles.

The Commission organized and conducted a forum-workshop on Human Rights Legislative Agenda on April 6-8, 2010 for the purposes of (1) presenting the review of performance of the 14th Congress (2001-2010) vis-à-vis the Human Rights Legislative Agenda for the 14th Congress; and, (2) facilitating a workshop/consultation for the formulation of the Human Rights Legislative Agenda for the 15th Congress (2010-2013). It was participated by representatives from various agencies of government as well as civil society organizations representing all nine core international human rights instruments.

In its report on the Human Rights Performance of the 14th Congress, the Commission noted the significant gains and losses on human rights vis-à-vis the 14th Legislative Agenda.

- **Human Rights and Human Rights Related Laws Passed**

A milestone in human rights legislation is the passage of Anti-Torture Law, after 23 years. Other notable laws include the Magna Carta of Women, the law Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Universally Accessible Cheaper and Quality Medicines Act, Anti-Photo and Video Voyeurism and laws on child protection.

HUMAN RIGHTS TREATY MONITORING

The bulk of laws passed by the 14th Congress centered on education/school-related laws such as: the establishment of national high schools, integrated national schools, annex schools, science high schools and national agro-industrial schools; conversion to state universities, national high schools and integrated schools, and the like. These laws comprise around 386 or more than half of the total laws passed. The Commission notes, however, that the same responds to obligations provided under the ICESCR and CRC, specifically on the right to education. It is acknowledged that these laws aim to improve the education system in the country by giving greater accessibility to free and affordable primary and secondary education, better facilities and higher salary to teachers, among others.

- **Human Rights Laws Losses**

While there are remarkable milestones on human rights legislations, there are major casualties, so to speak, which cannot be ignored and taken for granted.

For example, to implement the ICCPR, passage of the proposed bills on extra-judicial killings, internal displacement, anti-enforced disappearance, compensation to human rights victims, rights of the accused particularly on the public display of suspects, amendment to the Public Assembly Act, the call for a unified penitentiary system under one agency and the necessary legislative amendments to give life to the right to suffrage of persons deprived of their liberty remained distant.

Still, one of the major setbacks is the non-passage of the proposed Charter of the Commission on Human Rights which seeks to strengthen and further define and elaborate its Constitutional powers and mandates, organizational structure and fiscal autonomy. While the proposed Charter has successfully passed third reading at the House of Representatives, it has not passed Committee level at the Senate.

- **Ratification of International Human Rights Instruments**

Ratification of international human rights instruments is part of the Human Rights Legislative Agenda. Under the Constitution, the power to ratify is vested in the President, subject to the concurrence of the Senate. In the 14th Congress, another missed opportunity is the ratification of the Optional Protocol to the Convention

HUMAN RIGHTS TREATY MONITORING

Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) which seeks to establish a national preventive mechanism to ultimately put an end to the occurrence of torture and other cruel, inhuman or degrading treatment or punishment in the country. Also, the signing and the ratification of the Convention Against Enforced Disappearance as well as the ratification of the Rome Statute were not given priority.

OTHER TREATY MONITORING ACTIVITIES

The Commission likewise, provides technical assistance and advice to the government in the preparation of its report on its compliance with international treaty obligations, such as the Country Report under the International Covenant on Civil and Political Rights. The Commission has also continued to invoke its role as a national human rights institution in human rights treaty and UN Charter based mechanisms, and gave submission on its comments, observations or information as required by such bodies and institutions, such as the International Coordinating Committee (ICC) and Asia Pacific Forum (APF).

Follow-up and continuous monitoring of the concluding observations of these treaty bodies such as Economic, Social and Cultural Rights (ESCR), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Convention on the Rights of the Child (CRC) and Convention on the Elimination of Racial Discrimination (CERD) are also being undertaken by the Commission.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

Special Report: The Right of Suffrage

INTRODUCTION

Every citizen has a right to participate in managing the affairs of the state and this right is guaranteed by the conduct of a periodic, free, and fair elections. The Commission is concerned about ensuring that the right of suffrage of every Filipino is respected, promoted, and protected by the state. Thus, it undertook various initiatives to help address the perennial issues and problems in the electoral exercise.

To ensure the conduct of a peaceful election, the Commission and the Philippine National Police signed a Memorandum of Agreement to establish close coordination and engage in the established National and Regional Election Monitoring Centers addressing election-related violent incidents, gun ban violations, among other tasks.

Months before the election, the Commission organized a Kapihan on the Human Rights Situation as a venue to gather multi-sectoral constituents in order to garner commitments and present the Human Rights Agenda for Presidential contenders. Thus, a forum was held last January 12, 2010 and another in February 23, 2010 that was simultaneously conducted with the 2nd Integrity and Human Rights Conference where the presidential aspirants articulated their human rights and anti-corruption agenda. In addition, the Forum with "Peace and Human Rights Covenant" was conducted last April 13, 2010 in partnership with the Multi-Partisan Advocates for a Peace Covenant. It aimed at gathering commitments of presidential candidates for peaceful and violence-free elections.

The right to vote of persons deprived of liberty (PDL) was given importance during the 2010 national and local elections. It was a precedent setting – first time for the detainees to exercise their right to suffrage. In a partnership project with the Ateneo School of Government (ASOG) called "G-watch" technology, CHR and ASOG worked together to strengthen the monitoring activities during election and developed a monitoring tool that was used to measure the PDL's enjoyment of the right to suffrage (International Covenant on Civil and Political Rights (ICCPR)). Pursuant to this, the CHR-AVO also conducted monitoring on the exercise of the right to vote of PDLs.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

At the grassroots, the CHR in partnership with Libertas, conducted a workshop among Barangay Human Rights Action Officers (BHRAOs) on monitoring the flow of election. Outputs of this workshop were consolidated in a publication entitled, "Rights-Based Approach to Monitoring Elections and the Right to Political Participation."

Further to promoting equal right to political participation, the Commission filed a Motion for Intervention to assist '*Ang Ladlad*' in a petition before the Supreme Court for its accreditation as a Party List Organization to run in the 2010 Elections. The said motion championed the right of the members of abovementioned group to stand for elections. The Supreme Court favorably recognized the role of the Commission as *amicus curiae* and granted the petition in favor of '*Ang Ladlad*'. The Supreme Court's decision included the language of Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and invoked the principle of non-discrimination. Moreover, the Supreme Court effectively delivered its decision to fulfill the claim of '*Ang Ladlad*' to participate in the electoral process, which is in accordance with laws.

MONITORING REPORT

On DDay – election day, the Commission deployed monitoring teams nationwide to observe the exercise of the right to vote. The CHR's report on the 2010 National and Local Elections was published shortly through the CHR News Bulletin. The main part of the Report is herein provided.

There is much to be thankful for, given how the May 10 National and Local Elections on May 10, 2010 took place.

First, the CHR shares the general sense of relief that, despite initial glitches and doubts, the Commission on Elections (COMELEC) managed to pull things through, and was thus able to make this historic event a reality. The verdict of many is that the automated elections were generally successful.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

Second, the results of the elections were broadcast swiftly to the public mere hours after the polls closed, which was a pleasant surprise for many, and was beyond expectations. This change bolsters not only the right of the public to information but demonstrates its interconnection with the right to security of person, particularly of election workers.

The reduced total duration of the electoral process lessened the opportunities for cheating and fraud as well as intimidation, harassment and violence at the precinct and canvassing levels. At best, the automated elections greatly reduced the threats to life of election workers because it diluted the avenues for manipulation of results at the precinct level.

Third, the CHR lauds institutions and sectors, namely, the media, civil society organizations, the academe, COMELEC-accredited citizens' arms, such as the Parish Pastoral Council for Responsible Voting (PPCRV), Legal Network for Truthful Elections (Lente) and the Citizens' Coalition for ARMM Electoral Reform (C-CARE), and all volunteers.

The efforts undertaken by these organizations, especially in areas fraught with election-related tension or violence, helped to protect the right of persons to life, security of person, freedom of opinion and expression, peaceful assembly, and freedom of association.

Their voter education campaigns, and dissemination of information and updates, helped breathe life into the right of persons to receive information, and to vote. Much of the general success of the automated elections is rooted in this collective effort on the part of many sectors of Philippine society.

The CHR particularly commends the members of Board of Election Inspectors (BEI) and their support staff, who bore the brunt of the work on Election Day, who made adjustments on the ground in order to try to facilitate the flow of voters, who attempted to aid voters who were elderly, pregnant or persons with disabilities, and who in certain cases put their own personal security on the line, in order to safeguard the integrity of the voting process. Much credit for the general success of the polls goes to those teachers who were at the frontline.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

Fourth, the CHR is greatly pleased that the 2010 elections finally ushered in the reality of detainee voting, en masse. For far too long, these thousands of individuals have languished behind bars willingly forgotten by society while waiting for their trials to commence or continue. And despite the presumption of their innocence, this segment of the population was repeatedly denied the right to vote.

These elections have begun the process of ending this disenfranchisement, and it is hoped that political leaders will now seriously heed the concerns of this group, such as the subhuman conditions to which too many of them are routinely exposed. Credit for this great progress goes to the COMELEC, the Bureau of Jail Management and Penology (BJMP), and the many other civil society organizations and international institutions, which partnered with the CHR on this initiative.

The CHR continues to hope that succeeding elections will usher in even greater enfranchisement of other vulnerable groups, such as first-time voters, migrant workers, the elderly, persons with disabilities, internally displaced persons and indigenous peoples.

Nevertheless, **serious concerns** on the manner in which the electoral exercise has been conducted, and the environment which prevailed, remain and we must recognize them to enhance the right to electoral participation. It is in this respect that the CHR raises the following issues as the way forward:

First of all, it is clear that there may have been **scores of qualified voters** who were **disenfranchised** during the last elections, through no fault of their own. Reports have come in of individuals who couldn't find their names on voters' lists, of long lines forcing many voters to wait for several hours and causing numerous individuals to give up and leave, and of ballots which were being rejected by the Precinct Count Optical Scan (PCOS) machines for different reasons, as well as other causes of disenfranchisement. The CHR remains seriously concerned regarding this clear denial of the human right to vote.

The Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR), an inter treaty which, among other things, creates binding legal obligations on the part of government. Article 25 of that treaty states that:

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

"xxx

"(b) **To vote** and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, **guaranteeing the free expression of the will of the electors;**" (Emphasis supplied)

The ICCPR further provides that:

"Each State Party to the present Covenant **undertakes to respect and to ensure** to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Emphasis supplied)

The United Nations Human Rights Committee, which is the body tasked with monitoring implementation of the ICCPR, released General Comment No. 25 on the right to vote. In that General Comment, it states that:

"States must take **effective measures** to ensure that all persons entitled to vote **are able to exercise that right.**" (Emphasis supplied)

Therefore, it is not enough for the government to state that it respects the right of the people to vote. It must take effective measures to ensure that qualified voters are in fact able to cast their ballots. When names are unreasonably or mysteriously struck off voters' lists, when voters are forced to wait for four hours or more, in hot conditions, just so that they can vote, when voters' ballots are rejected unreasonably by PCOS machines, then violations of the right to vote exist, and the government is in breach of its international obligations.

These must be corrected in time for the next electoral exercise, and accountability must be brought to bear on those who failed to effectively discharge their duties. In the same light, accountability must also be brought down to the individual level. Availing of the services to register and validate their names in the list early on could have also prevented their disenfranchisement.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

Second, the Commission minces no words at the **bastardization of the Party List System** as many legitimate marginalized sector-based organizations have been denied the right to stand for elections and others of dubious advocacies and representations have been allowed to participate in this election. Efforts must be undertaken to give legal flesh to the definition of 'marginalization' to curb the casual accreditation process of partylist organizations.

Third, the nation bore witness during the campaign period to much **mudslinging, black propaganda, character assassination, personal attacks, and assaults on human dignity**. These unfortunate acts appear to have been the order of the day, in the run up to the 2010 elections. The CHR issues a reminder to those individuals, parties and groups who engaged in this type of activity, and to any who intend to do so in the next elections, that while there is a fundamental human right to freedom of expression (Art. 19, ICCPR), this right also "carries with it special duties and responsibilities," in line with the need to respect "the rights or reputations of others." (Article 19, ICCPR).

Fourth, while the CHR has lauded the media for its coverage of the 2010 elections, and for the key informational and educational role that it has played, certain misgivings and significant concerns exist. Specifically, **the election coverage carried out by certain media personalities and organizations has opened them up to credible accusations of a lack of neutrality or objectivity**. The election reporting done by some of these individuals and institutions has appeared to smack of partisanship and unfairness, an observation which has been expressed even by other members of media. This is a truly regrettable development.

The credibility of the media, and its strength as one of the bastions of democracy, stems from the trust of the public at large, in its ability to uncover and broadcast facts and analysis, in an accurate and impartial manner, without fear or favor. Where this brand of public trust is undermined by the appearance of partiality, bias or favoritism on the part of a number of media workers or outfits, then the integrity of the media as a whole is weakened, thereby empowering those individuals and interests who would benefit from a greater lack of transparency and accountability in Philippine society.

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

Fifth, while the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), as well as other parties, have described the 2010 elections as “generally peaceful,” the CHR notes that **election-related violence remained prevalent**.

The PNP has logged at least 82 incidents of poll-related violence since January 10, which included 27 deaths and 42 persons injured. While this figure may be lower than in previous elections, it embodies an unacceptably high number of violations of the right to life and security of person.

This is made even more apparent when the massacre in Maguindanao, which took place before January 10, or the start of the election period, is included. There is no doubt that that atrocity was election-related, and that one incident alone resulted in the deaths of 57 persons, including journalists, human rights advocates, lawyers and women.

The CHR also continues to monitor the situation, for reports of election-related violence which may take place after Election Day.

Sixth, while the automated elections have potentially made it more difficult for some forms of cheating to take place, it is clear that **electoral irregularities, anomalies and fraud remained widespread**. Reports of massive vote-buying in many places have surfaced. People have also reportedly been paid to vote more than once or not to vote at all. Reports have also come in of coercion, intimidation and harassment carried out by armed individuals or groups. Voters in certain places have alleged that they were forcibly inked. Foreign observers have also stated that they were subjected to instances of intimidation, by both military forces and suspected private armed groups. Partisan armed groups reportedly terrorized certain communities. And all these were clearly aimed at denying persons their right to vote, and at undermining the possibility of free, fair and genuine elections.

Seventh, while the automated elections were generally successful, **credible issues** have been raised by election and information technology watchdogs and experts, **regarding the integrity of the process**. To name a few, the disabling of the PCOS machines’ ultraviolet scanners, and in their stead, 76,000 portable UV-detection lamps were

SPECIAL REPORT: THE RIGHT OF SUFFRAGE

purchased and distributed but were hardly used or used selectively on election day; the COMELEC's express instructions to the BEIs not to digitally sign the electronically transmitted election returns; the adoption of a no ballot replacement rule; the non-adoption of a voter verification mechanism whereby the voter is able to find out whether the machine has registered his choice – all these and more, which are **deviations from the statutorily-prescribed safeguards**, are a cause for serious concern.

In addition, the review carried out by SysTest Labs Inc., an American company which certifies voting software, of the Smartmatic source code used for the automated elections is not encouraging. Among other things, SysTest appears to have stated that the Ballot Production tool was not subjected to the full certification process, and therefore should not be used in the May elections. SysTest also appears to have stated that the modem firmware, which is required for transmissions, was not subjected to the full certification process, and it advised COMELEC to request the source code from Smartmatic, and thoroughly review it before the elections.

The CHR looks forward to further disclosure on the part of the COMELEC, of the nature and security of all equipment, including their hardware and software components, used in the automated elections. As the Supreme Court held in *Guingona, Jr. v. COMELEC* (G.R. No. 191846, May 6, 2010):

"Respondent COMELEC cannot shirk its constitutional duty to disclose fully to the public complete details of all information relating to its preparations for the 10 May 2010 elections without violating the Constitution and relevant laws."

Again, it is imperative that the right to vote be respected, through the holding of elections whose results truly embody the will of the electorate.

The CHR also closely follow post-election reviews and assessments of the automated election process, as well as conduct its own rights-based analysis, in order to improve the current system in time for the next elections.

COOPERATION AND PARTNERSHIPS

Cooperation and Partnerships

CIVIL SOCIETY ORGANIZATION COOPERATION

CHR has been active in its partnership with local NGOs, civil society organizations and the academe, particularly in joint projects that further promote human rights. For the longest time, the Commission has been engaging with these organizations for mutual support, advocacy and capability enhancement.

With the national and local election as this year's highlight, the Commission through the financial, technical and logistical support from partner NGOs and CSOs, the CHR was able to engage in many activities that promote and monitor the right to suffrage.

On January, the traditional Kapihan cum Forum on the Human Rights Situation with the Philippine Working Group (PWG) for the establishment of an ASEAN Human Rights Mechanism, served as a venue to gather multi-sectoral constituents in order to garner commitments and present a Human Rights Agenda for Presidential contenders. A second installment followed on February 23, 2010, which was simultaneously conducted with the 2nd Integrity and Human Rights Conference where presidential aspirants had the chance to articulate their human rights and anti-corruption agenda. Subsequently, on April 13, the Forum with "Peace and Human Rights Covenant" was held in partnership with the Multi-Partisan Advocates for Peace Covenant, aimed at gathering commitments of presidential candidates for peaceful and violence-free elections.

With the proclamation of the new President, the PWG, of which the CHR is an active member, consolidated the results of the multi-sectoral consultation on a human rights agenda into a paper on Recommendation for an Executive Human Rights Agenda and submitted to the new President.

On November 2010, relevant government agencies and concerned civil society organizations came together at the PDL National Summit to foster collaborative partnership towards enhancing the dignity of persons deprived of liberty. Parallel to this is a partnership project with the Ateneo School of Government (ASOG) of the Ateneo De Manila University, called "G-watch" technology. CHR and ASOG worked together to strengthen the monitoring

COOPERATION AND PARTNERSHIPS

activities during election and developed a monitoring tool that was used to measure the PDL's enjoyment of the right to suffrage (International Covenant on Civil and Political Rights (ICCPR)). Continuously, in recognition of the right of suffrage, CHR fosters collaborative partnership with NGOs and Civil Society towards enhancing the dignity of persons deprived of liberty.

In the same month, CHR graced the invitation of the Philippine Alliance of Human Right Advocates (PAHRA) to a Joint Orientation on the Anti-Torture Law, International Humanitarian Law and Human Rights Situation in Regional Office III. For 2010, CHR-Region III had a share of NGO participants in its lecture on the Rights of Persons with Disabilities. The NGOs likewise provided audience to a Paralegal training on Habeas Data, Habeas Corpus and Anti-Torture Law.

Consistently, partnerships and collaborations widen the engagement of Alternative Law Groups with regional offices. The CHR Reg. XI-ALG partnership, in cooperation with the Benigno and Cory Aquino Foundation focuses on creating venues, through series of community-based dialogues between the AFP and PNP, CSOs and local communities.

At the grassroots, the CHR partnered with Libertas on a workshop among Barangay Human Rights Action Officers (BHRAOs) to monitor the flow of election. Outputs of this workshop were consolidated in a publication entitled, "Rights-Based Approach to Monitoring Elections and the Right to Political Participation".

The CHR through the Women's Human Rights Center also made collaborative efforts to strengthen or build partnerships with non-governmental organizations working on women's issues such as reproductive rights, violence against women, trafficking and migration. These NGOs include the Likhaan ng Kababaihan Incorporated, ReproCen and Visayan Forum.

INTERNATIONAL COOPERATION

- **European Union-Assisted Project: "Enhancing the Role of National Human Rights Institutions in the ASEAN Region"**

COOPERATION AND PARTNERSHIPS

As the project holder of the EU-assisted project, the CHR managed and coordinated the implementation of the joint activities of the South East Asia NHRI Forum, the network of the Human Rights Commissions of Indonesia, Malaysia, Philippines, and Thailand, and the Provedor for Human Rights and Justice of Timor Leste. These activities include:

➤ ***Regional Workshop on Preventive Legislation and its Impact on Human Rights***

The South East Asia NHRI Forum (SEANF) participated in a Regional Workshop and Focus Group Discussion spearheaded by Komnas Ham (Indonesian Human Rights Commission) entitled, "*Information Exchange on Measures Taken at the National Level to Combat Terrorism While Respecting Human Rights*" held at Jakarta, Indonesia on May 1, 2010. In the said workshop/FGD, the four NHRIs unanimously stressed that human rights protection should be always considered in the context of combating terrorism. Former Komnas Ham Commissioner, Prof. Enny Soeprapto further suggested for NHRIs to recommend to ASEAN the adoption of a Supplementary Protocol to the ASEAN Convention on Counter-Terrorism to ensure that human rights and fundamental freedoms are respected while measures for the prevention and suppression of terrorism by the respective governments within the region are being sustained.

➤ ***Technical Working Group Meetings of the Southeast Asia National Human Rights Forum***

The Commission participated in two (2) technical working group (TWG) meetings of the Southeast Asia National Human Rights Forum (SEANF) held in Kuala Lumpur, Malaysia on January 19 and in Jakarta, Indonesia on February 19-20. The former was convened as a venue for its members to discuss and comment on the draft Rules of Procedures of SEANF, which was prepared by SUHAKAM. The latter, on the other hand, was conducted for SEANF members to sign the Rules of Procedures. Further discussions were made on updates of

COOPERATION AND PARTNERSHIPS

the joint projects – Economic, Social and Cultural Rights (ESCR); Human Rights Education (HRE); Migrant Workers; Terrorism; and Trafficking in Women and Children, including engagements with relevant ASEAN bodies and non-governmental organizations (NGOs).

In addition, a TWG meeting was organized and held in the Philippines on June 29-30, 2010 wherein the progress of SEANF cooperation program was tackled. The highlight of this meeting was the signing of the Memorandum of Understanding Against Trafficking of Women and Children. Members of the SEANF have declared that in order to effectively combat and to prevent trafficking of women and children in Southeast Asia, the fundamental guideline should be the rule of law, complemented by the principle of equal worth and dignity of women and children as members of the human family; and, measures to be undertaken should ensure that victims are able to get access to effective legal remedy, and to be recognized as victims of a human rights violation, and that traffickers will be prosecuted and punished.

➤ ***ESCR Action Planning and Study Visit***

Under the cooperation program of SEANF, CHRP engaged in a joint activity (action planning and study visit) on ESCR as contribution to the expected outputs of the project on ESCR. This project, being spearheaded by the National Human Rights Commission of Thailand (NHRCT) was held on June 19-20 2010 in Iloilo City in which the priority ESCR activities were chosen to be undertaken by all regional offices based on the proposals. The participants visited the field in Baje, Leon, Iloilo City and documented the proceedings therein.

➤ ***Study Visit to the Philippines of the Joint Working Group for the Establishment of an Independent National Human Rights Commission in Cambodia***

COOPERATION AND PARTNERSHIPS

On May 24-26, 2010, the CHRP hosted a study visit of the Cambodian Joint Working Group to the Philippines. The study visit aided the Joint Working Group in understanding the nature and functions of an independent National Human Rights Institution (NHRI), learning first-hand the operations of the Commission and had a dialogue with the other human rights institutions in the Philippines and learned how they co-exist and work with CHR.

➤ ***Strategy Meeting on the Establishment of an Independent National Human Rights Commission in Cambodia***

The CHRP, in partnership with the Philippine Working Group on the Establishment of an ASEAN Human Rights Mechanism, organized a strategy meeting with the Cambodian Working Group on June 25-26, 2010 in Siem Reap, Cambodia. The said meeting is conducted in connection with the project, *“Enhancing the Role of National Human Rights Institutions in the Establishment of an ASEAN Human Rights Mechanism.”* Members of the SEANF participated in the meeting wherein members contributed their best efforts to advocate for the establishment of the Cambodian NHRI. Challenges and issues involved in the advocacy were identified and analyzed.

• **EU-Philippine Justice Support Programme (EPJUST) Human Rights Monitoring of Enforced Disappearance and Extra-Legal Killings**

The European Union is also supporting a programme of CHR that assists government agencies, constitutional bodies and civil society in addressing the issue of extralegal killings and enforced disappearances through provision of technical assistance including necessary equipments. The programme also capacitates the CHR in enhancing the capacity and effectiveness of CHR in fulfilling its mandate pertaining to extra-legal killings and enforced disappearances through technical assistance, training and procurement of equipment. Through the EU support, CHR was provided with technical equipment to facilitate its forensic investigation; able to conduct a 2-day Training for CHR Central and Regional Investigators on Crime Scene Processing; and

COOPERATION AND PARTNERSHIPS

given a rare chance to participate in an Exchange Visit to Germany and Sweden Forensic Laboratories in May.

On Legal and Investigation, the EP-JUST experts provided technical assistance in the revision of the Commission's Investigation Manual and producing the initial draft. In the series of workshops held, experts stressed on the importance of electronic evidence in investigation in the field of human rights and making this prosecution-ready.

- ***CHRP-NZHRC Community Development Programme***

The 3-year CHR-NZHRC Community Development Project in three, Indigenous People (IP) communities, namely: the Kankana-ey of Kibungan, Benguet, Higaonan of Esperanza, Agusan del Sur, and Sama Dilaut or the Badjao of Zamboanga has produced outcomes at all various levels. The outcomes have been sourced from community and project teams reviews and from the end-project external evaluation, such as:

1. Indigenous communities are able to identify and prioritize their human rights issues, develop and implement plans to address them and to monitor the outcomes.
2. Implementation of strategies to deal with the prioritized human rights issues has begun in all communities. In some case outcomes have been achieved. In others they are ongoing. Others have not been addressed. Collective ownership of actions to be taken is clear.
3. There have been specific achievements in each of the community as follows: communities have taken control over those issues that have most oppressed them; improved infrastructure, such as water and roading, has enabled increased economic activity and productivity; Communities are more able to travel freely and safely. Apart from other benefits such as accessing school and

COOPERATION AND PARTNERSHIPS

being able to meet with neighbouring communities, this has enhanced the farm to market activity; negotiations have occurred with hydro-electric and fishing companies enhancing communities' access to their own resources; and, there are skilled human rights advocates in all of the communities.

4. Relationships between indigenous leaders and local agencies, specifically local government, Philippine National Police, National Commission on Indigenous Peoples, and the Armed Forces of the Philippines have improved.
5. State and local government agencies (regional, provincial and barangay) have been involved at community level.
6. State agencies have been involved at a national level report on improved awareness of the practice of human rights. There is evidence of change in the practices of some.
7. All communities report an improvement in the relationship with the CHRP, an enhanced knowledge of the role of CHRP and its services, and confidence to approach the CHRP.
8. The three regional teams are able to facilitate a human rights community development project from beginning to end.
9. The CHRP is in the process of adopting a policy focused on the Commission's obligations to indigenous peoples. The policy also highlights a commitment to human rights community development as a core Commission approach.
10. The CHRP is changing its way of working by promoting proactive engagement with its communities and sectors.

COOPERATION AND PARTNERSHIPS

11. A common attitude in the Philippines is that “to be indigenous is to be inferior.” Several staff involved in the project has explored their indigenous background and feel confident to identify such.
12. Sustainability measures are in place.
13. There have been advances in international collaboration.

Moreover, concepts of partnership between the Commissions have been explored, tested and extended; and discussions between the New Zealand and Australian Commissions, AusAid and the CHRP have resulted in the targeted use of AusAid funding to strengthen the CHRP focus on, and capacity to work with indigenous peoples.

- ***Fostering Democratic Governance – Strengthening Human Rights Infrastructures under the United Nations Development Programme (UNDP)***

The programme, *Fostering Democratic Governance – Strengthening Human Rights Infrastructures in the Philippines* is a multilateral partnership that aims to address human rights-based governance, human rights issues, strengthening human rights institutions, building constituencies for the advancement as well as mainstreaming of human rights and gender rights. To date, CHRP, in partnership with the National Economic Development Authority (NEDA) conducts the Human Rights-Based Approach Seminar Workshop in Planning and Development (HRBA) with various government agencies to be able to integrate and reflect human rights-based approach in all its development plans and programs.

The Barangay Human Rights Action Officers (BHRAOs), with financial support from the United Nations Development Programme (UNDP), served as the Commission’s independent monitors of the right to suffrage and political participation of six (6) vulnerable sectors in the May 2010 elections.

COOPERATION AND PARTNERSHIPS

As a framework to this monitoring effort, the Commission through the BHRAC, employed the rights-based approach using the internationally recognized human rights standards and election guide. In this light, the first election monitoring tool was printed and reproduced entitled, *"Rights-Based Approach to Monitoring Elections and the Right to Political Participation: A Handbook"*. The BHRAOs used this handbook in monitoring the human rights situation during the May 2010 elections.

The handbook comprehensively tackles all the facets of the right to suffrage of the identified vulnerable sectors to ensure their participation in the democratic government.

Another recent project⁹ of BHRAC with UNDP ran from August to December 2010. One of the expected target outputs under this component is **Strengthening of the Local Government and Community Levels HR Infrastructures**. Its key activity is the conduct a National Review and Capacity Assessment of Local HR Related Institutions and Mechanisms Including the BHRAC/BHRAO. This activity is deemed significant as it focuses on BHRAC program. The two-pronged objectives of the study were: 1) to ascertain the preparedness and functionality of the BHRACs/ BHRAOs in performing their mandated functions, and (2) to identify performance gaps, problem areas, and factors that affect the performance of these functions positively or negatively, internal or external to the barangay. The assessment has three components: 1) Functionality Assessment, 2) Institutional Support Assessment, and 3) Policy Assessment.

The report concluded that there is a need to institutionalize the BHRAC through legislation. In the absence of legislation, it is further recommended to establish the BHRAC in phases or in pilot areas particularly in a) areas with high incidence of HRVs, b) with supportive LCEs to the BHRAC program, c) in regional offices that can effectively reach the areas, d) with support from CHR National Office, e) with program partners that can allocate funds and operational supervision over the program.

⁹ Project Completion Report, UNDP.

COOPERATION AND PARTNERSHIPS

- ***Australian Support for the Promotion of Human Rights in the Philippines***

Australia and the Philippines signed the Declaration of Cooperation between Australia and the Philippines to support activities that will enhance the capacity of the Commission on Human Rights of the Philippines. The project is a four-year partnership that aims to enhance the investigative capabilities of the CHR through technical assistance provided by the Peruvian Forensic Anthropology Team or Equipo Peruano de Antropologia Forense (EPAF) with a fund amounting to PhP 20 million per year with initial grant of PhP 5.2 million.

- ***The Asia Foundation***

- ***Development of Martus-Based HR Executive Information System***

The project of Asia Foundation with CHR is an information technology-based assistance to human rights organizations in collecting, safeguarding, organizing and disseminating information about human rights abuses using the Martus software to bridge the gap between NGO and CHR in documenting human rights abuses. The Martus System (now upgraded to MAREIS or Martus Executive Information System) began to operationalize in August 2009 and is now being utilized in the central and regional offices.

- ***Formulation of the Implementing Rules and Regulations (IRR) of the Anti-Torture Law***

The Asia Foundation also supports CHR's project on Anti-Torture. On 10 November 2009, R.A. No. 9745 also known as Anti-Torture Act of 2009 was enacted wherein Section 24 provides for the issuance of Implementing Rules and Regulations (IRR) tasking the DOJ, CHR, and members of select NGOs (Balay Rehabilitation Center, Medical Action Group [MAG], Philippine Alliance of Human Rights Advocates (PAHRA), and Philippine Network Against Torture (PNAT) to formulate the IRR and to disseminate to various law enforcement

COOPERATION AND PARTNERSHIPS

agencies. A total grant of PhP 2,470,600.00 is allotted for this contract which will run from 7 May 2010 to 31 December 2010.

- **UNICEF-Funded Project**

- ***Integration of a Secondary Source Data and Research on Children Affected by Armed Conflict***

Through the funding assistance of UNICEF, CHR was able to develop an information system management merging the *child rights violation intake form* and *Martus-based Executive Information System*. The project's main component is setting up an IT-based data collection mechanism that would generate inputs for the UN monitoring and reporting mechanism for children affected by armed conflict as a secondary source data and research collection mechanism.

REGIONAL AND INTERNATIONAL ENGAGEMENTS ON HUMAN RIGHTS

As a National Human Rights Institution (NHRI), the Commission on Human Rights (CHR) maintains its strong linkage with regional and international networks particularly with the United Nations (UN) and other human rights bodies. The engagements boost CHR global reach on a broader human rights perspective and further opens the Commission to opportunities to work on collaborative projects with international human rights organizations.

Table 10

Regional and International Engagements

January – December 2010

Engagements with UN and HR Bodies

Activity	Date	Venue
1) 54 th Session on the UN Commission on	March 1-7, 2010	New York, USA

COOPERATION AND PARTNERSHIPS

Status of Women		
2) Universal Periodic Review (UPR) Mechanism	March 2-3, 2010	Sydney, Australia

Engagements with NHRI networks, e.g., ICC, APF, SEANF

Activity	Date	Venue
1) 5 th Technical Working Group Meeting on the Rules of South East Asia NHRI Forum	January 19, 2010	Kuala Lumpur, Malaysia
2) Assessment of the Training Needs of the Asia Pacific Forum (APF) Member Institutions	February 1-2, 2010	Bangkok, Thailand
3) 6 th Technical Working Group Meeting of South East Asia NHRI Forum	February 19-20, 2010	Jakarta, Indonesia
4) 23 rd Meeting of the International Coordinating Committee of NHRIs	March 22-25, 2010	Geneva, Switzerland
5) Strategic meeting on the Establishment of an Independent national Human Rights Commission in Cambodia	March 25-26, 2010	Siem Reap, Cambodia
6) Regional Workshop on Preventive Legislation and Its Impact on Human Rights	May 1, 2010	Jakarta, Indonesia
7) 2 nd Staff Planning Workshop of South East Asia NHRI Forum	June 3-4, 2010	Jakarta, Indonesia
8) 15 th Annual Meeting of APF with National Human Rights Institutions	August 3-5, 2010	Bali, Indonesia
9) 8 th Technical Working Group Meeting of South East Asia NHRI Forum	October 21-22, 2010	Kuala Lumpur, Malaysia
10) 7 th Annual Meeting of South East Asia NHRI Forum	November 15-16, 2010	Kuala Lumpur, Malaysia

COOPERATION AND PARTNERSHIPS

Participation in HR Conferences, Workshops, Trainings and other Fora

Activity	Date	Venue
1) Conference and Meeting on the Convention on the Rights of Persons with Disabilities	February 20-21, 2010	Massachusetts, USA
2) Regional HIV/ AIDS and Human Rights Workshop for National Human Rights Institutions	March 10-12, 2010	Bangkok, Thailand
3) 15 th Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia Pacific Region	April 21-23, 2010	Bangkok, Thailand
4) RTD on Human Rights Issues in the Light of the Upcoming Elections in the Phils. And the Regional Human Rights Framework in the ASEAN	April 25-27, 2010	Brussels, Belgium
5) International Workshop on Enhancing Cooperation between Internal Human Rights System and Regional Human Rights Mechanisms for the Promotion and Protection of Human Rights	May 3-4, 2010	Geneva, Switzerland
6) 3rd Annual Summer Institute in International Humanitarian Law (IHL) and Human Rights	May 10-22, 2010	Bali and Aceh, Indonesia
7) EU – Philippine Justice Support Programme (EPJUST) Activity A6-Forensic Investigations	May 17-28, 2010	Germany/ Sweden
8) Conference on A Human Rights Approach to Combating Human Trafficking; Challenges and Opportunities Implementing the Recommended	May 27-28, 2010	Geneva, Switzerland

COOPERATION AND PARTNERSHIPS

Activity	Date	Venue
Principles and Guidelines on Human Rights and Human Trafficking		
9) Workshop on Reclaiming States Lives: Forensic Sciences and Human Rights Investigators	June 7-10, 2010	Jakarta, Indonesia
10) Second International Conference Against Trafficking in Migrant Women	June 28, 2010	Seoul, South Korea
11) 28th Warsaw Summer Course on International Humanitarian Law	June 28-July 8, 2010	Warsaw, Poland
12) Human Rights Migrant Workers Training Program	September 22-26, 2010	Lombok, Indonesia
13) 2010 Annual partnership Program for National Human Rights Institutions	September 27-October 1, 2010	Seoul, South Korea
14) Training Programme on the Rights of the Child- A Practical Approach	October 4-22, 2010	Stockholm, Sweden
15) Regional Expert Roundtable on Good Practices for the Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons in South East Asia	October 28-29, 2010	Bangkok, Thailand
16) Regional Conference on Human Rights Issues in the Asia and Pacific Region	November 20-21, 2010	Dhaka, Bangladesh
17) Regional Consultation on NHRIs and CSOs Engagement with the International Human Rights System: Enhancing the Protection of Human Rights on the Ground of Asia	November 22-23, 2010	Bangkok, Thailand
18) Conference on Human Rights Democratization Intensive	November 22-26, 2010	Sydney, Australia

COOPERATION AND PARTNERSHIPS

Activity	Date	Venue
19) Conference on Applying Corporate Social Responsibility within an ASEAN HR Framework	November 30- December 1, 2010	Singapore

ADMINISTRATION, FINANCE, AND MANAGEMENT

Administration, Finance, and Management

UPDATED CHR STRATEGIC PLAN: 2011 – 2015

With the assumption of the new Chairperson in September 2010, a Strategic Planning Workshop was convened to review and update the Commission's Strategic thrust and direction and to set up the platform under her watch. The workshop built on the assessments of the two directorate conference during the first semester of the year. The updated Strategic Plan integrates the Road Map Towards Comprehensive Monitoring articulated by the new Chairperson.

STAFF COMPLEMENT

The Commission on Human Rights has fifteen Regional Offices, namely: National Capital Region, Cordillera Administrative Region, Regions I to XII and Caraga Region. In 2010, the Commission has a total of 537 personnel. Of this number, 246 are in the Central Office while 291 are distributed nationwide. Of this number, 284 are males while 253 are females.

The Commission has only 61 lawyers, 140 investigators and 40 information officers. In 2010, the Commission hired 34 new employees.

CAPITAL OUTLAY UTILIZATION/OFFICE BUILDING IMPROVEMENTS

For this year, CHR was able to utilize its budget for building improvements, including the construction of additional office rooms, multi-purpose hall and ramp entrance to the building. These major improvements aim to ensure personnel and clientele safety. The construction of the ramp grants accessibility to persons with disabilities.

In Region II, the CHR regional office has finally transferred to the new building constructed at the Government Regional Center, Carig, Tuguegarao City. This relocation marks a milestone in the history of the Commission on Human Rights considering that this is the first CHR office building constructed in the entire country.

ADMINISTRATION, FINANCE, AND MANAGEMENT

CHR BUDGET AND EXPENDITURES

Annually, the Commission on Human Rights receives funding from the Department of Budget and Management pursuant to the General Appropriations Act (GAA).

For 2010, a total amount of Php 346,786,000.00 was released to CHR. The Php 301,915,000.00 was apportioned for Regular and Automatic Appropriations while an additional Php 44,871,000.00 was allotted for Additional Appropriations comprised of Miscellaneous and Personnel Benefit Funds (MBPF) and/or Personnel Gratuity Fund (PGF) and Continuing Appropriations.

The Summary of Expenditures reflects that a sum of Php 337,203,000.00 was expended out of the Php 346,786,000.00. The balance of Php 9,583,000.00 represents the incurred amount for the implementation of the Anti-Torture Law which has been treated as Continuing Appropriations for FY 2011 pursuant to Section 65 of the FY 2011 GAA, RA 10147.

Below is a presentation of CHR's Budget followed by a Summary of Expenditures for 2010:

Table 11
COMMISSION ON HUMAN RIGHTS
FY 2010 BUDGET
RA 9970

PARTICULARS	In Thousand Pesos			
	PS	MOOE	CO	TOTAL
Regular				
Program	183,440	89,124	10,000	282,564
Locally-Funded Projects		3,325		3,325

ADMINISTRATION, FINANCE, AND MANAGEMENT

Sub-Total	183,440	92,449	10,000	285,889
Automatic Appropriations				
Retirement & Life Insurance				
Premiums (RLIP)	16,026			16,026
Total Programs & Projects	199,466	92,449	10,000	301,915
Additional Appropriations				
MPBF/PGF	31,722			31,722
Continuing Appropriations		106	13,043	13,149
Sub-Total	31,722	106	13,043	44,871
TOTAL	231,188	92,555	23,043	346,786

Table 12

SUMMARY OF EXPENDITURES

PARTICULARS	In Thousand Pesos			
	PS	MOOE	CO	TOTAL
Regular				
Program	183,440	79,843	10,000	273,283

ADMINISTRATION, FINANCE, AND MANAGEMENT

Locally-Funded Projects		3,023		3,023
Sub-Total	183,440	82,866	10,000	276,306
Automatic Appropriations				
Retirement & Life Insurance				
Premiums (RLIP)	16,026			16,026
Total Programs & Projects	199,466	82,866	10,000	292,332
Additional Appropriations				
MPBF/PGF	31,722			31,722
Continuing Appropriations		106	13,043	13,149
Sub-Total	31,722	106	13,043	44,871
TOTAL	231,188	82,972	23,043	337,203