

**CONSTITUTIONAL CONTROL IN THE SECURITY SECTOR: ADHERENCE TO
HUMAN RIGHTS STANDARDS WITHIN THE ARMED FORCES OF THE
PHILIPPINES AND “COMMAND RESPONSIBILITY”**

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AS MANDATED BY THE 1987 CONSTITUTION, THE ARMED FORCES OF THE PHILIPPINES (AFP) IS THE PROTECTOR OF THE PEOPLE AND THE STATE. ITS MISSION IS TO PROTECT THE PEOPLE, UPHOLD THE SOVEREIGNTY OF THE STATE AND DEFEND THE INTEGRITY OF THE NATIONAL TERRITORY. IN THE PERFORMANCE OF THESE DUTIES, SOLDIERS ARE ENTRUSTED WITH THE AUTHORITY TO BEAR ARMS AND USE APPROPRIATE FORCE WHENEVER CALLED FOR BY MILITARY NECESSITY TO ACCOMPLISH THE MISSION. HOWEVER, MISAPPLICATION OF THIS AUTHORITY AND IMPRUDENT USE OF FORCE MAY TRAMPLE THE RIGHTS OF THE VERY PEOPLE THEY HAVE SWORN TO SERVE AND PROTECT. AMONG THE STATE ACTORS, THE ARMED FORCES ARE THE MOST PRONE TO HUMAN RIGHTS VIOLATIONS BECAUSE OF THEIR CONSTANT EXPOSURES TO CONFLICT SITUATIONS AND LAW ENFORCEMENT.

ARMED CONFLICTS OFTEN LEAD TO INFRINGEMENT OF HUMAN RIGHTS AND SUFFERINGS, PARTICULARLY CIVILIANS WHO ARE CAUGHT BETWEEN THE CONTENDING PARTIES. IT IS FOR THIS REASON THAT SO MUCH INTERNATIONAL EFFORTS HAD BEEN EXERTED TO UPHOLD THE DIGNITY AND FUNDAMENTAL RIGHTS OF PEOPLE IN THE AFTERMATH OF WORLD WAR II. EFFORTS BY THE UNITED NATIONS AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO REGULATE ARMED CONFLICTS LED TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN 1948, THE GENEVA CONVENTIONS OF 1949 AND THE INTERNATIONAL HUMANITARIAN LAW (IHL).

THE PHILIPPINES, AS A MEMBER-STATE OF THE UNITED NATIONS AND SIGNATORY TO INTERNATIONAL TREATIES AND CONVENTIONS, ASSUMES THE OBLIGATION AND RESPONSIBILITY TO UPHOLD, PROMOTE AND PROTECT THE FUNDAMENTAL RIGHTS OF EVERY INDIVIDUAL IN WAR OR IN PEACE. THE 1987 CONSTITUTION GUARANTEES AND PROTECTS HUMAN RIGHTS. SPECIFICALLY, ARTICLE III SET FORTH IN THE BILL OF RIGHTS AND ARTICLE XIII CREATED THE COMMISSION ON HUMAN RIGHTS (CHR) TO BE THE MAIN DUTY BEARER IN HUMAN RIGHTS PROMOTION AND PROTECTION BY THE STATE.

JUSTICE, EQUALITY AND RIGHTS OF EVERY PERSON ARE FURTHER ENSURED BY THE REVISED PENAL CODE AND ENACTED LAWS OF THE CONGRESS. AMONG OTHERS ARE THE FOLLOWING LAWS:

RA 9851 – AN ACT DEFINING AND PENALIZING CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE AND OTHER CRIMES AGAINST HUMANITY, ORGANIZING JURISDICTION, DESIGNATING SPECIAL COURTS, AND FOR RELATED PURPOSES

RA 9745 – AN ACT PENALIZING TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PUNISHMENT THEREFOR

RA 7438 – AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

RA 9372 – AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM

RA 6981 – AN ACT PROVIDING FOR WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM AND FOR OTHER PURPOSES

RA 7309 – AN ACT CREATING BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES AND FOR OTHER PURPOSES HUMAN RIGHTS

IN THE PHILIPPINE SETTING, THERE ARE ENOUGH CONSTITUTIONAL AND LEGAL CONTROLS TO UPHOLD HUMAN DIGNITY, EQUALITY AND RIGHTS OF EVERY PERSON. ADHERENCE OF STATE ACTORS RESTS ON HUMAN RIGHTS AWARENESS, RESPECT FOR THE RULE OF LAW, OBSERVANCE OF THE IHL, EFFECTIVE MONITORING, EFFICIENT JUSTICE SYSTEM AND, MOST IMPORTANTLY, STRONG INSTITUTIONAL WILL.

HUMAN RIGHTS SITUATION ATTRIBUTABLE TO ARMED CONFLICTS

ARMED CONFLICTS REMAIN AS THE PRIMARY CAUSE OF HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES. WHILE THE INTENSITY OF CONFLICT SITUATIONS HAS GREATLY DIMINISHED THROUGH THE YEARS, MUCH IS STILL TO BE DESIRED AS FAR AS ENFORCING THE IHL AND PROTECTING HUMAN RIGHTS ARE CONCERNED. DECADES-OLD INSURGENCY, SECESSIONISM, TERRORISM AND ORGANIZED CRIMINALITY ARE STILL MAJOR STUMBLING BLOCKS TO PEACE, DEVELOPMENT AND HUMAN SECURITY.

THE AFP, BEING THE INSTRUMENT OF THE STATE IN CONFRONTING THE INTERNAL CONFLICTS, GETS THE BRUNT OF ACCUSATIONS WHEN IT COMES TO HUMAN RIGHTS ISSUES AND CONCERNS. THE CONTINUED OCCURENCE OF EXTRALEGAL KILLINGS, ENFORCED DISAPPEARANCES AND OTHER HUMAN RIGHTS VIOLATIONS HAS BEEN A GREAT CONCERN IN THE PAST DECADE. WHILE UNDENIABLY THERE WERE ACTUAL INFRACTIONS BY MILITARY PERSONNEL, THE PREPONDERANCE OF THESE ACCUSATIONS REMAIN UNSUBSTANTIATED HENCE PROSECUTION OF SUSPECTS DOES NOT PROSPER. SOME OF THESE MAY ALSO BE CONCOCTED BY ADVERSARY GROUPS TO SMEAR THE IMAGE OF THE AFP. IT IS A COMMON KNOWLEDGE THAT KILLINGS DUE TO INTERNAL RIFTS AND PURGINGS OF SUSPECTED SPIES CONTINUE TO HAPPEN IN THE RANKS OF THE INSURGENTS, PARTICULARLY THE NEW PEOPLE'S ARMY (NPA). THE PERCEPTION AS HUMAN RIGHTS VIOLATOR STRIKES AT THE VERY CORE OF THE AFP'S

CONSTITUTIONAL MANDATE AS THE PROTECTOR OF THE PEOPLE. SINCE INSURGENCY IS ALWAYS A BATTLE FOR POPULAR SUPPORT, IT SERVES THE CONVENIENT INTEREST OF INSURGENT GROUPS TO PROJECT THE SOLDIERS AS VILLAINS RATHER THAN PROTECTORS OF THE PEOPLE.

ON THE OTHER SIDE OF THE COIN, NON-STATE ARMED GROUPS, BY THEIR ATROCITIES AND CRIMINALITIES, HAVE PERSISTENTLY INFRINGED ON THE RIGHTS OF OUR PEOPLE. THE AFP HAS CONSISTENTLY REPORTED THESE VIOLATIONS TO THE CHR.

FROM JANUARY 2001 TO JULY 2009, THE AFP FILED 417 FORMAL COMPLAINTS TO THE CHR AGAINST THE NPA. IN 2009 ALONE, THE NPA CARRIED OUT 115 KILLING INCIDENTS. FROM 2002 TO 2010, THERE WERE 523 ARSONS, 66 BOMBINGS AND 53 LANDMINE INCIDENTS ATTRIBUTED TO THE NPA WITH DAMAGE TO PUBLIC AND PRIVATE INFRASTRUCTURES AMOUNTING TO 1.3 BILLION PESOS. THE UNITED NATIONS REPORTS HAVE CONSISTENTLY LISTED THE NPA AS ONE OF THE NON-STATE ARMED GROUPS THAT CONTINUES TO EMPLOY CHILDREN IN THEIR ARMED STRUGGLE.

HUMAN RIGHTS ABUSES COMMITTED BY SOUTHERN PHILIPPINES SECESSIONIST GROUPS (SPSG'S) AND TERRORIST ABU SAYYAF GROUP HAVE BEEN COMMONPLACE IN RESTIVE SOUTHERN PHILIPPINES. ATTACKS DIRECTED TO BOTH CHRISTIAN AND MUSLIM COMMUNITIES HAVE DISPROVEN THE OLD NOTIONS OF RELIGIOUS OR CULTURAL CONFLICT. BOMBINGS, KIDNAPPINGS, EXTORTIONS, ARSON INCIDENTS, DISPLACEMENT OF CIVILIANS, AND RISK OF LANDMINES ARE JUST AMONG THE COMMON ATROCITIES IN AREAS WHERE THESE GROUPS OPERATE.

AFP'S ADHERENCE TO HUMAN RIGHTS STANDARDS

THROUGH THE YEARS, THE AFP PERSISTENTLY STRIVES TO ENHANCE ADHERENCE TO HUMAN RIGHTS AMONG ITS RANK AND FILE. AFTER THE DARK PERIOD OF MARTIAL LAW UNDER THE MARCOS DICTATORSHIP, INSTITUTIONAL EFFORTS TO PROFESSIONALIZE AND REFORM THE ARMED FORCES COMMENCED WITH CRAFTING OF THE CODE OF ETHICS. THIS PERIOD ALSO SAW THE CREATION OF THE PRESIDENTIAL COMMISSION ON HUMAN RIGHTS, THE FORERUNNER OF THE COMMISSION ON HUMAN RIGHTS WHICH WAS CREATED BY THE 1987 CONSTITUTION. THE RETURN OF DEMOCRACY UNDER THE CORAZON AQUINO ADMINISTRATION HEIGHTENED HUMAN RIGHTS CONSCIOUSNESS IN THE MILITARY ORGANIZATION.

ACTIVE ENGAGEMENT BY THE CHR THROUGH THE CONDUCT OF HUMAN RIGHTS DIALOGUES AND SEMINARS RAISED THE LEVEL OF AWARENESS IN THE AFP, AND SUBSEQUENTLY LED TO THE INSTITUTIONALIZATION OF HUMAN RIGHTS AND IHL MODULE IN SERVICE CAREER COURSES. COMPLETING THE CAREER COURSE AND CLEARANCE FROM THE CHR ARE AMONG THE REQUISITES FOR PROMOTION OF SENIOR RANKING OFFICERS.

IN NOVEMBER 1999, THE AFP, THROUGH THE PHILIPPINE ARMY, MADE A GREAT STRIDE IN ITS HUMAN RIGHTS ADVOCACY EFFORTS WITH THE PUBLICATION OF THE PHILIPPINE ARMY SOLDIER'S HANDBOOK ON HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, ASIA'S FIRST HUMAN RIGHTS BOOK WRITTEN BY THE MILITARY.

IN RESPONSE TO THE ALARMING REPORTS OF EXTRALEGAL KILLINGS AND ENFORCED DISAPPEARANCES, THE DOCTRINE OF COMMAND RESPONSIBILITY WAS PROMULGATED THROUGH A LETTER DIRECTIVE ISSUED BY THE CHIEF OF STAFF, AFP ON FEBRUARY 4, 2007. COMMAND RESPONSIBILITY IS THE ACCOUNTABILITY, RESPONSIBILITY OR ANSWERABILITY OF THE COMMANDER OF A MILITARY FORCE OR UNIT FOR THE ACTS OF HIS MEN, INCLUSIVE OF THE AUTHORITY TO ORDER, DIRECT, PREVENT OR CONTROL THE ACTS OF HIS MEN. THE TERM COMMANDER SPECIFICALLY REFERS TO MAJOR SERVICE COMMANDERS, AREA COMMANDERS, DIVISION COMMANDERS, BRIGADE COMMANDERS, BATTALION COMMANDERS, COMPANY COMMANDERS, PLATOON LEADERS AND DETACHMENT COMMANDERS, AND THEIR EQUIVALENT IN THE NAVY, AIRFORCE AND AFP-WIDE SERVICE SUPPORT UNITS. THE COMMANDER IS HELD DUTY-BOUND TO CLOSELY MONITOR, SUPERVISE, DIRECT, COORDINATE AND CONTROL THE OVERALL ACTIVITIES OF HIS SUBORDINATES WITHIN HIS AREA OF OPERATIONS, AND SHALL BE HELD ADMINISTRATIVELY ACCOUNTABLE FOR NEGLECT OF DUTY IN TAKING APPROPRIATE ACTION TO DISCIPLINE HIS MEN. THUS, A COMMANDER SHALL BE HELD ACCOUNTABLE FOR NEGLECT OF DUTY WHEN HE HAS KNOWLEDGE THAT A CRIME OR OFFENSE SHALL BE COMMITTED, IS BEING COMMITTED OR HAS BEEN COMMITTED BY HIS SUBORDINATES, OR BY OTHERS WITHIN HIS AREA OF RESPONSIBILITY AND DESPITE SUCH KNOWLEDGE, HE DID NOT TAKE PREVENTIVE OR CORRECTIVE ACTION EITHER BEFORE, DURING OR IMMEDIATELY AFTER ITS COMMISSION. THE COMMANDER CANNOT FEIGN KNOWLEDGE OF CERTAIN EVENTS, PARTICULARLY WHEN IRREGULARITIES OR ILLEGAL ACTS ARE SO WIDESPREAD IN HIS AREA WHEN THE SAID ACTS ARE REPEATEDLY OR REGULARLY COMMITTED; AND WHEN THE ILLICIT ACTS ARE COMMITTED BY IDENTIFIED MEMBERS OF HIS UNIT. (SOURCE: AFP DOCTRINE OF COMMAND RESPONSIBILITY)

A NOTEWORTHY INITIATIVE WAS THE CREATION OF THE AFP HUMAN RIGHTS OFFICE (AFPHRO) IN 2007 TO EFFECTIVELY ADDRESS HUMAN RIGHTS CONCERNS RELATIVE TO THE ORGANIZATION. RECENTLY, THE POSITION OF THE HEAD OF OFFICE WAS UPGRADED TO ONE-STAR GENERAL TO GIVE GREATER PERSONALITY IN DEALING WITH HUMAN RIGHTS CONCERNS AND GIVING DECISIVE ACTIONS.

HUMAN RIGHTS OFFICE HAS BEEN INSTITUTIONALIZED IN THE AFP MAJOR SERVICES AND OPERATIONAL UNITS DOWN TO THE BATTALION LEVEL WITH THE SECOND IN COMMAND DESIGNATED AS HUMAN RIGHTS OFFICER. THESE DESKS ARE TO PURSUE ADVOCACY ACTIVITIES AND ADDRESS HUMAN RIGHTS CONCERNS WITHIN THE UNIT'S AREA OF

OPERATION. WITH THESE DESKS, THE AFP HOPES TO WIDEN ITS NETWORK OF PARTNERSHIP WITH STAKEHOLDERS.

THE AFP HAS ISSUED RECENTLY THE “SOLDIER’S HANDBOOK ON HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW”, WHICH IS A CLEAR AND CONCISE GUIDE OF HUMAN RIGHTS POLICIES, IHL, RULES OF ENGAGEMENT, PROCEDURES ON THE PROPER CONDUCT OF ARRESTS AND SEARCHES, PROVISIONS ON UN CONVENTIONS, INTERNATIONAL PROTOCOL, PERTINENT LAWS AND OTHER IMPORTANT GUIDELINES.

ASIDE FROM THIS HANDBOOK, OTHER AFP BOOKLETS AND HANDBOOKS WERE EARLIER ISSUED MANIFESTING THE PERSISTENT INSTITUTIONAL EFFORTS TO ENSURE ADHERENCE TO HUMAN RIGHTS, NAMELY: HUMAN RIGHTS-BASED INTELLIGENCE OPERATIONS HANDBOOK, CODE OF ETHICS, CODE OF CONDUCT FOR COMBATANTS AND THE LAW OF ARMED CONFLICT ESSENTIALS FOR COMMANDERS.

WITH THE ADVENT OF THE AQUINO ADMINISTRATION, THE AFP MADE A RADICAL PARADIGM-SHIFT IN THE WAY IT IS CONDUCTING ITS INTERNAL SECURITY OPERATIONS WITH THE ISSUANCE OF INTERNAL PEACE AND SECURITY PLAN “BAYANIHAN” (COLLABORATION). FROM A PRE-DOMINANTLY COMBAT-CENTERED APPROACH, THE AFP HAS SHIFTED TO A PEOPLE-CENTERED STRATEGY. IT IS RECOGNITION THAT SOLUTION TO THE COUNTRY’S INTERNAL SECURITY PROBLEMS CANNOT BE IMPOSED THROUGH MILITARY SOLUTION, BUT WITH THE WILLING SUPPORT, COOPERATION AND COLLABORATION OF ALL STAKEHOLDERS IN ADDRESSING THE ROOT CAUSES. THUS, IT AIMS TO WIN PEACE THROUGH A WHOLE OF NATION APPROACH, RECOGNIZING THE INHERENT RIGHTS OF INDIVIDUALS AND GROUPS, AND THE INDISPENSABLE ROLE OF STAKEHOLDERS FOR A PEACEFUL, JUST AND NEGOTIATED SETTLEMENT. IF EVER MILITARY FORCE IS NEEDED TO CONTAIN ACTIONS OF RECALCITRANT ARMED GROUPS, FOCUSED OPERATIONS SHALL BE CONDUCTED WITH STRICT OBSERVANCE OF THE RULES OF ENGAGEMENT, RULE OF LAW AND IHL TO AVOID HARM TO CIVILIANS AND PROTECTED PERSONS.

IN RECENT TIMES, THE AFP HAS BEEN EARNESTLY PURSUING ITS OBLIGATION TO UPHOLD HUMAN RIGHTS AND RECEPTIVELY COOPERATING WITH INVESTIGATING BODIES. IT CONTINUES TO INTERACT WITH GOVERNMENT OFFICES AND AGENCIES VITAL TO THE PROTECTION OF HUMAN RIGHTS. SIGNIFICANTLY, ALONG THE SPIRIT AND INTENT OF “IPSP BAYANIHAN”, THE AFP HAS OPENED UP WITH VARIOUS SECTORS AND STAKEHOLDERS ON ISSUES AND CONCERNS AFFECTING THE SECURITY OF THE PEOPLE AND THE STATE.

DEFICITS AND WEAKNESSES

DESPITE THE SIGNIFICANT EFFORTS ALREADY EXERTED BY THE AFP, THERE ARE STILL GAPS TO BE FILLED IN TO MAKE IT A TRULY HUMAN RIGHTS ADHERENT ORGANIZATION. THESE DEFICITS AND WEAKNESSES ARE AS FOLLOWS: 1) TRANSLATING INDIVIDUAL HUMAN RIGHTS AWARENESS TO

A HIGHER LEVEL OF UNIT ADVOCACY; 2) FULL APPRECIATION OF THE NATURE OF LOW-INTENSITY CONFLICT SITUATION, AND THE INTERNALIZATION OF “PEOPLE-CENTERED” AND “WHOLE OF NATION” APPROACHES; 3) MONITORING, CORRECTIVE MEASURES AND DISCIPLINARY ACTIONS; AND 4) PARTNERSHIP AND COLLABORATION WITH STAKEHOLDERS.

WHILE MUCH HAS ALREADY BEEN DONE TO HEIGHTEN THE INDIVIDUAL SOLDIER’S AWARENESS, THIS HAS TO BE NURTURED AND TRANSLATED TO A HIGHER LEVEL OF UNIT ADVOCACY THROUGH A SUSTAINED HUMAN RIGHTS PROGRAM. THE MILITARY OPERATES AS A UNIT; HENCE, INDIVIDUAL ACTIONS ARE ALWAYS INFLUENCED BY OFFICIAL UNIT INTENTIONS. THE UNIT’S HUMAN RIGHTS PROGRAM SHALL COVER FOUR IMPORTANT ASPECTS, NAMELY: 1) EDUCATION AND ADVOCACY; 2) PREVENTION; 3) MULTI-STAKEHOLDERS MONITORING, FEEDBACK AND REPORTING SYSTEM; AND 4) CORRECTIVE MEASURES AND DISCIPLINARY ACTIONS. CONTINUITY OF THE PROGRAM IS KEY TO THE SUCCESS OF THIS EFFORT.

LOW-INTENSITY CONFLICT SITUATION IS COMPLICATED IN THE SENSE THAT INSURGENTS, TERRORISTS AND CRIMINALS LIVE AND OPERATE AMONG THE PEOPLE. IN RECENT TIMES, TROUBLED STATES HAVE USED MILITARY FORCE TO QUELL INTERNAL CONFLICT SITUATIONS BUT FAILED IN THE PROCESS. AS PEOPLE ARE HARMED BY HUMAN RIGHTS ABUSES AND COLLATERAL DAMAGES, THE MORE THE GOVERNMENT IS ALIENATED FROM THE PEOPLE. IN SUCH A DIFFICULT SITUATION, THE DILEMMA OF MILITARY UNITS IS HOW TO PROPERLY CONDUCT ITS OPERATION IN A WAY THAT THEY ACCOMPLISH THEIR CONSTITUTIONAL MANDATE OF PROTECTING THE STATE WHILE AT THE SAME TIME PREVENTING CIVILIANS FROM GETTING CAUGHT IN THE CROSSFIRE AND NOT VIOLATING HUMAN RIGHTS. WITHOUT A CLEAR APPRECIATION OF THIS SITUATION AND BARELY COGNIZANT OF THE LEGAL AND HUMAN RIGHTS IMPLICATIONS, UNITS HAVE THE TENDENCY TO USE TOO MUCH FORCE. THERE SHOULD BE PRUDENT UTILITY OF FORCE IN A LOW-INTENSITY CONFLICT SITUATION.

THE AFP MUST EXERCISE STRONG WILL IN POLICING ITS RANKS. WINNING BATTLES, BUT LOSING THE TRUST OF THE PEOPLE, DEFEATS ITS CONSTITUTIONAL MANDATE. BEING ALIENATED FROM THE PEOPLE IS A GREATER CONCERN TO NATIONAL SECURITY THAN THE THREAT POSED BY THE INSURGENTS. INSTEAD OF JUST RELYING ON COMPLAINTS AND PASSIVELY ASSUMING A DEFENSIVE STANCE, FIELD UNITS MUST PROACTIVELY REACH OUT AND WORK IN PARTNERSHIP WITH STAKEHOLDERS IN MONITORING AND INVESTIGATING HUMAN RIGHTS VIOLATION CASES. THE DOCTRINE OF COMMAND RESPONSIBILITY MUST ALWAYS PREVAIL. ONLY THEN CAN THE AFP INSTITUTE APPROPRIATE CORRECTIVE MEASURES WITHIN ITS RANKS AND IMPOSE DISCIPLINARY ACTIONS ON ERRING PERSONNEL.

AN ATMOSPHERE OF IMPUNITY DUE TO MANY UNRESOLVED HUMAN RIGHTS CASES HAS CAUSED SOCIETAL DIVIDES THAT NO ONE

ORGANIZATION CAN HOPE TO MITIGATE THE SITUATION ALONE. WHILE THE AFP HAS STARTED TO OPEN UP WITH OTHER STAKEHOLDERS, SUSTAINED PROGRAM IN CLOSING RANKS WITH OTHER HUMAN RIGHTS OFFICES AND ORGANIZATIONS IS STILL DESIRED. MULTI-SECTORAL PARTNERSHIP PROMOTES TRANSPARENCY WHICH IS NECESSARY FOR CONFIDENCE-BUILDING, MUTUAL RESPECT AND UNDERSTANDING, AND COLLABORATION. AREAS THAT MAY BE COVERED ARE ADVOCACY, MONITORING AND INVESTIGATION.

ASSESSMENT OF CURRENT ATTEMPTS FOR REFORMS IN THE AFP

UNDER THE PRESENT GOOD NATIONAL LEADERSHIP, THE AFP IS EXPECTED TO GAIN CONSIDERABLE HEADWAY IN HUMAN RIGHTS PROMOTION AND PROTECTION. THE PRESIDENT, WHO IS ALSO THE COMMANDER-IN-CHIEF OF THE ARMED FORCES, HAS OPENLY ENUNCIATED THE ADMINISTRATION'S HUMAN RIGHTS POLICIES IN HIS PUBLIC PRONOUNCEMENTS. HE HAS SPECIFICALLY DIRECTED THE AFP TO ALWAYS RESPECT AND UPHOLD HUMAN RIGHTS, AND AVOID COLLATERAL DAMAGES IN ITS OPERATIONS. LIKEWISE, THE NEWLY-ASSUMED CHIEF OF STAFF, AFP HAS GIVEN HIS COMMAND GUIDANCE WHEREIN HUMAN RIGHTS PROTECTION IS ONE OF THE CENTERPIECES.

THE AFP IS ON THE RIGHT TRACK WITH ITS INTERNAL PEACE AND SECURITY PLAN "BAYANIHAN". THE PARADIGM-SHIFT IN THE WAY IT IS CONDUCTING ITS INTERNAL SECURITY OPERATIONS AUGURS VERY WELL WITH THE NATION'S DESIRE FOR A REFORMED ARMED FORCES THAT IS TRULY RESPONSIVE TO ITS CONSTITUTIONAL MANDATE AS THE PROTECTOR OF THE PEOPLE AND THE STATE. IT IS NOTEWORTHY THAT IT CALLS FOR A PEOPLE-CENTERED STRATEGY AND FOCUSED MILITARY OPERATIONS IN ACCORDANCE WITH THE RULES OF ENGAGEMENT, RULE OF LAW AND IHL.

AS DIRECTED BY THE CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES, THE AFP HUMAN RIGHTS OFFICE IS ON THE PROCESS OF PREPARING A HUMAN RIGHTS ACTION PLAN. ON JUNE 2, 2011, IT HAS BEGAN OPEN CONSULTATION WITH STAKEHOLDERS, TO INCLUDE REPRESENTATIVES OF PROGRESSIVE HUMAN RIGHTS ORGANIZATIONS. WHILE IT IS STILL A WORK IN PROGRESS, IT IS HOPED THAT THIS ACTION PLAN WILL BE TRANSLATED TO SUSTAINED HUMAN RIGHTS PROGRAM IN THE MAJOR SERVICES AND OPERATIONAL UNITS.

BRIGHT PROSPECTS LIES AHEAD WITH THE ONGOING REFORMS BEING INSTITUTED IN THE MILITARY ORGANIZATION. SUCCESS WILL DEPEND ON STRONG INSTITUTIONAL WILL AND THE QUALITY OF CONSTRUCTIVE INTERACTION AND PARTNERSHIP WITH STAKEHOLDERS.