

BERLIN SEMINAR ON HUMAN RIGHTS

A View of the Human Rights Situation in the Philippines Loretta Ann P. Rosales

Weaknesses and Deficits within the Security Forces

In order for us to better understand the current status of the Philippine security forces, I shall have to give a broad overview on the socio-political context of the Philippines. In 1972, Ferdinand Marcos put the entire archipelago under martial law. What he really wanted was to cling to the Presidency long after he had exceeded his maximum two-terms in office. However, he knew that this was not possible because of the strong political opposition, the vibrant civil society, and the dynamic media that saw through his schemes. Thus, upon declaring Martial Law, Marcos curtailed civil liberties, closed down the Congress of the Philippines, and seized media establishments. A frenzied crackdown on all opposition followed, with the military and the constabulary abducting everyone merely suspected of harbouring anti-Marcos sentiments. Tens of thousands of journalists, students, labor activists and opposition leaders were detained at military camps, including then Senator Ninoy Aquino, the father of the current President of the Philippines. Marcos cleverly put a semblance of legality to these abductions by personally issuing Arrest, Search and Seizure Orders (ASSOs) and even Presidential Commitment Orders (PCOs). Because the writ of habeas corpus was suspended, torture and other dehumanizing treatment against civilians became prevalent. I can personally attest to this as I was one of the many victims of Martial Law: I was detained twice, and in the second time, I was physically tortured and molested. I consider myself even lucky – many of my friends disappeared, while others resurfaced as lifeless cadavers.

In 1986, the Filipino people stood up against Marcos and staged the first peaceful and bloodless revolution the world had never seen before. Millions gathered in the streets calling for the ouster of the dictator, staying there for days and nights, until Marcos had no other choice but to leave. It was our nation's *never again* moment – we swore in the name of those who died in the hands of the dictatorship that we will never again let our rights as human beings be spat at and trampled upon.

In 1987, the Filipino people ratified a new Constitution. It is a human rights-based Constitution, with a declaration of policy that, I quote, “The State *values* the dignity of every human person and guarantees *full respect* for human rights.” Article III of the Constitution was dedicated to a Bill of Rights, while Article XIII dealt with social justice and human rights. It was also this Constitution that established the CHR, and granted it various powers and mandates, including the power to investigate, cite for contempt, grant immunity, provide legal measures and legal aid services, visit jails and detention centers, monitor the government, and conduct research and education, among many others. Clearly, the CHR was born out of the horrific experience of Martial Law. It is an institution primarily intended to prevent the systematic violation of human rights, first by state-actors, and then by non-state actors. It is in this historical background of government abuse that the CHR has been closely monitoring and persistently intervening in government operations, especially those of the security forces.

The dark years of Martial Law fomented a culture of abuse of authority and a corollary culture of impunity. It is an abhorrent culture that unfortunately seems to have taken root in the corridors of government offices and has been carried over to this day. This culture once again showed itself so glaringly during the administration of Gloria Macapagal-Arroyo, when the security forces were deliberately used to silence political opposition through brute force. It was during this time that the number of Enforced Disappearances, Summary Killings and Torture in the Philippines rose to shocking levels that the entire international community could no longer ignore it.

State of Human Rights in the Philippines

Ladies and gentlemen, allow me to prove my claims by showing you some empirical data on Enforced Disappearance, Summary Killing and Torture from 2001 to June 2010. We focus on these three forms of human rights violations as they are the most gruesome as well as controversial issues that have plagued our society especially in the last decade. The following data are drawn from official records of the CHR only.

On Enforced Disappearances

From 2001 to June 2010, there were a total of 431 reported individual victims of enforced disappearances from all over the country, with the number of victims peaking in 2006 at 104 in that year alone. Geographically speaking, Region III has the most number of victims from 2001 to mid-2010 with a total number of 94 victims; followed by Region XI with 78 victims; and then Region VIII with 58 cases. In terms of Province, Bulacan has the most number of victims with a total number of 34, Samar and Davao City with 27 victims each, and Pampanga and Cotabato City with 24 victims each. We are intentionally projecting the geographical distribution of the victims so that we may know the areas we need to focus working on.

On Summary Killings

From 2001 to mid-2010, a total of 1,254 people were summarily killed. Note that the summary killings escalated in 2005 and 2006 with 188 and 204 victims respectively, then the numbers dropped to 135 in 2007 following Philip Alston's visit, and then peaked at a high of 211 the next year of 2008. The three regions with the most number of summary killings are Region XI with 299, Region VIII with 188 and Region III with 125. Davao City has the most number of summary killings with 106 victims, followed by Samar with 69, Maguindanao 57, Basilan 48, and Negros Occidental and Davao del Sur with 47 each.

From July 2010 to July 2011, there are a total of 64 reported victims of summary killings (which indicates an upward trend of summary killings under the new administration!) 24 of these killings occurred in Region XI alone.

On Torture

There are 381 reported victims of torture from 2001 to mid-2010. Noticeably, the number of victims spiked in mid-2010 with 97 reported victims. Others may attribute this to the Anti-Torture Law enacted in late 2009. However, the arrest and reported torture of what was called the "Morong 43" has obviously added to the number of torture victims in mid-2010. Most torture

incidents occurred in the NCR with 146 victims, followed by Region III with 51, and Region XI, 42. Rizal Province is on top of the list of local government units with most frequent occurrences (56 reported victims largely due to the Morong 43). It followed by Quezon City with 45 victims, Quezon Province with 27, and Bulacan and Surigao del Sur with 15 victims each.

Turning now to the current administration, there are 18 reported torture victims from July 2010 to July 2011 – a significant drop from 97 victims in the last 6 months of the former President Arroyo.

The Perpetrators

There is one crucial question that needs to be asked: who are the alleged perpetrators of these heinous crimes?

For Enforced Disappearances, 35 % are unidentified, but 31 % are reportedly committed by the military and 13 %, by the police. For torture, a staggering 49% are reportedly committed by the police, and a significant 20% reportedly perpetrated by the military.

What do these numbers tell us? They tell us that our security forces – the military and the police – are the foremost suspected perpetrators of enforced disappearances, summary killings and torture. Let me stress, *foremost suspected perpetrators*. This means that 25 years after the People Power Revolution and the promulgation of a human-rights based Constitution, the security forces remain detached from the people, with the militaristic mindset stuck in its institutional sub-consciousness. To a large extent, the security forces are still beholden to political warlords that make possible egregious crimes such as the Ampatuan Massacre, the summary killings by the Davao Death Squad and the systematic oppression of the indigenous peoples in their ancestral domains. They apparently lack a clear understanding of the root causes of insurgency and secession in the Philippines. Many of them continue to perceive human rights as diametrically opposed to their sworn duty, as essentially “leftist”, and as a mere legal tool used by the “enemies of the State” to cast a bad light on them.

The Way Forward

This does not mean, however, that all is lost. I believe that there is still hope for our security forces. In fact, there is a significant drop in the number of victims of enforced disappearances and torture under the new administration. While this is a good indicator, it is not good enough. One victim of ED or torture or summary killing is one too many. The good news is that the current Aquino government recognizes the weaknesses of the security forces, and strives to address them holistically by espousing a *paradigm shift* in the way the security forces conduct their operations. This crucial move finds manifestation in several policy issuances. Foremost of these is the Internal Peace and Security Plan (IPSP) of the AFP – a 5 year strategic plan that eschews draconian military tactics in favor of strategies that are guided by the imperatives of human rights, international humanitarian law and the rule of law. The process through which this strategic plan was formulated is in itself ground-breaking, with the AFP bringing together numerous government agencies and civil society organizations in public consultations and dialogues for the drafting of the plan’s actual text. The AFP also published its own Human Rights Manual which, although I don’t totally subscribe to everything written there, is nevertheless an

important step towards the right direction. Moreover, the Office of the Deputy Chief of Staff for Intelligence Operations came out with a Manual on Human Rights Based Intelligence Operations (as oxymoronic as it may sound). As for the PNP, it also published several Manuals, including the Human-Rights Based Approach Police Operations and the Manual for Human Rights Desk Officers, thanks to the invaluable help of the Hans Seidel Foundation.

To complement these policy issuances, the current administration is in the process of establishing human rights officers in every military battalion (about 80 all over the country) and every police station (about 1,774).

These efforts have a great potential to make genuine and meaningful changes in the security forces. Unfortunately, there is a huge gap between what is written in policy and what is happening on the ground. For instance, there is but nominal human rights officers in the AFP battalions. The Deputy Commander of the battalion is *ipso facto* the human rights officer, but he is not given any special education or training on how to perform his responsibilities as such. Moreover, it seems that the AFP and PNP are relying solely on their Human Rights Offices that are based in their headquarters to do the mainstreaming of these paradigmatic policy changes. These offices have skeletal staff support that cannot do all the work. There is a need for deliberate, concerted and focused effort in ensuring that these policy changes reach the bottom of the organization, and at the soonest possible time to consolidate what has been gained so far.

Needless to say, reforming the badly damaged security forces is a gargantuan task that the military and the police cannot do on their own. Civilian authorities and civil society must work together in this painful but worthy endeavor. The CHRP is doing all it can to help the military and police imbibe a human rights-based approach to their operations, at the same time that the CHRP re-examines itself to improve its capacities to better respond to the changing needs of the time. Civil society must continue sitting down with the military and the police in dialogues and consultations, notwithstanding differences in perspective and the perceived slyness of the latter.

Conclusion

To this day, human rights violations continue to happen all around the country, albeit considerably lower compared to the previous administration. But human rights violations are a slippery slope – condoning one violation will create the necessary condition for the next one. Introducing a good policy framework to address chronic and systemic problems will never be enough; follow through from all sectors of society is a must.

Thank you and good day.