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Human Rights in the Philippines

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Having signed and ratified all of the seven core international human rights treaties and a number of their protocols, and as a member of the United Nations Human Rights Council (HRC), the Philippines portrays the positive image of a South East Asian democracy that respects human rights. However, for human rights activists, church workers, journalists, and progressive opposition parties, the reality is very different.

Human Rights Seriously Jeopardized

Since President Gloria Arroyo assumed power in 2001, the human rights record of the country has been abysmal. Despite national and international outcries, extra-judicial killings, enforced disappearances and intense militarization have terrorized the Philippine population. A report released by the Alliance for the Advancement of People's Rights cites a total of 887 incidences of extra-judicial, summary or arbitrary executions, and 185 incidences of enforced or involuntary disappearances in the Philippines from the time Arroyo assumed power in 2001 to October 2007. Ironically, 277 of such killings have taken place since 2006, the year the Philippines was elected as a member of the HRC.¹

The majority of those victimized are human rights and labour activists, church workers, farmers, Indigenous people, and journalists. According to the National Union of Journalists of the Philippines, 51 journalists have been killed during Arroyo's time in power, making the Philippines the most dangerous country for journalists after Iraq. Particularly alarming is the systemic targeting and killing of church workers. Documented cases involved the killing of 25 church people. Four other church people survived attempts on their lives, and two church members committed suicide to escape further torture from the military.²

Killing with Impunity

Despite claims made by representatives of the Philippines to the HRC that the government is going to great lengths to address the killings, in reality there have been few if any credible investigations or prosecutions, and witnesses are still not guaranteed protection when they come forward with complaints. This lack of action is essentially granting impunity to those perpetrators committing even the gravest of human rights abuses.

However, in August 2006, under intense national and international pressure, President Arroyo established an investigating commission under the guidance of former Supreme Court Justice Jose Melo. The Commission released its report in January that there is "certainly evidence pointing the finger of suspicion at some elements and personalities in the armed forces."³

Philip Alston, the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions reinforced the Melo Commission's findings in his statement of February 2007: "The Armed Forces of the Philippines remains in a state of almost total denial...of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them."⁴

In response to Alston's report, President Arroyo vowed to intensify the prosecution and conviction of rogue policy and military elements, which she believed

made up less than one percent of all police and military personnel.⁵ And yet, extra-judicial killings at the hands of the military persist with impunity. A Human Rights Watch report on impunity and extra-judicial killings in the Philippines stated that they were “unable to uncover a single case of apparent extra-judicial killing in recent years for which a member of the armed forces was successfully prosecuted.”⁶

The War on Terror: A Justification for State-Sponsored Terror

With a number of insurgent groups in western Mindanao, and the archipelago-wide presence of the Communist Party of the Philippines (CPP) and its affiliated armed group the New People’s Army (NPA), the Philippines government has some legitimate security concerns. However, the Philippine government has responded by counter-insurgency operations and campaigns of extra-judicial killing, torture and intimidation.

A large number of victims of extra-judicial killings belonged to legal leftist political organizations, accused by the government of being sympathizers or “front” organizations for the CPP/NPA. As a result of the government’s counter terrorism efforts, legitimate political organizations like Bayan Muna, Anakpawis and New Patriotic Alliance are being labeled as “subversives,” and a threat to national security by government officials. While human rights violations against suspected “sympathizers” of the CPP/NPA were part of counter-insurgency campaigns in the 1970s, ‘80s and early ‘90s, it has been under the watch of the Arroyo administration that a resurgence of this type of labeling, and a corresponding increase in political killings has taken place.⁷

The Arroyo government continued to use the war on terror as a means to silence legitimate dissent through the enactment of the Human Security Act (HSA) in July 2007. With its overly broad definition of terrorism, and overly harsh mandatory penalties, the HSA allows the government to transform less serious offenses, such as legitimate acts of protest, into crimes punishable by a mandatory 40-year sentence.⁸ With the infusion of over \$160 million in United States military aid to the Philippines as an ally in the global war on terror, there is no limit to the capacity of the Philippines government to enforce this law.⁹ The expected consequence is a further increase in political killings, disappearances and other human rights abuses.

Economic Agenda Taking Precedence Over Human Rights

The Arroyo government’s pursuit of its critics extends to those challenging the country’s current economic

agenda. Advocates for worker rights have been systematically targeted and killed for demanding just wages and humane working conditions of foreign companies operating in the Philippines. In October 2006, Bishop Alberto Ramento of the Philippine Independent Church, chairperson of the Board of Directors of the Workers’ Assistance Centre (WAC) and a life-long advocate for the rights of Export Processing Zone (EPZ) workers, was stabbed to death in his church in Tarlac City. According to WAC, Bishop Ramento’s name had been put on the military’s “order of battle,” or hit list, before he was brutally murdered. His murder came in the midst of two significant strikes by garment workers in the Cavite EPZ. Striking workers have also been threatened and physically assaulted by armed gangs suspected of acting in cooperation with national police.

Also at risk are those who are openly critical of large-scale mining projects in the Philippines. The Arroyo government, spurred on by the World Bank, has made mining a focal point of its economic recovery program and proposed 24 large-scale mining projects as “priority projects.” National opposition to mining is widespread and well organized. Leaders of major religious organizations, including the Catholic Bishops’ Conference of the Philippines, have expressed concern over liberalized mining laws that allow for natural resources to be mined by foreign companies while repatriating the majority of their profits.¹⁰ According to Rodolfo Stavenhagen, the UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous people, the lethal combination of militarization and large-scale mining have led Indigenous people to coin the expression “development aggression,” which they blame for a wide range of human rights violations, including murders, massacres, and illegal detention.¹¹ Numerous Indigenous leaders, community organizers and mining activists speaking out against large-scale mining have received threats, have gone missing, and have even been killed.¹²

Of particular concern is the presence of Canadian mining company TVI Pacific, operating on Indigenous land in Canatuan, Zamboanga del Norte in the southern province of Mindanao. TVI’s operations have resulted in the displacement of community members, environmental degradation and the loss of livelihood for those living off the land. TVI’s presence has also contributed to the militarization of the region, as the paramilitary forces hired by the company have been known to threaten and physically assault those standing in opposition to the mine. As TVI expands its operations into the neighboring provinces of the Zamboanga peninsula, those refusing to give their free

prior and informed consent for TVI's projects risk being labeled a terrorist or subversive and being added to the military hit list of so called insurgents.

The corporate social behaviour of TVI spurred a hearing at Canada's Subcommittee on Human Rights and International Trade in 2004, where communities impacted by TVI's operations in the Philippines provided the subcommittee with their testimony. A subsequent report by the Standing Committee on Foreign Affairs and International Trade in 2005 highlighted the need for major policy and law reform to ensure that Canadian companies comply with international human rights and environmental standards when operating abroad. To date, the Canadian government has not implemented the recommendations outlined in the report.

Another company on the Toronto Stock Exchange, [Crew Gold](#), is in the process of getting its gold and silver mining operations off the ground on the island of Mindoro. Crew Gold's proposed mine also faces strong opposition by a broad coalition of local citizens. Under the guise of counterinsurgency, over 40 community activists have been killed in Mindoro in the past three years.¹³

Justice in the Philippines

Progress on the human rights front is difficult to detect in the Philippines. And yet, numerous initiatives were spearheaded by international civil society groups and governments in an attempt to hold the Arroyo administration accountable and demand an end to the extra-judicial killings. The Council of the European Union, the Asian Human Rights Commission, the governments of Finland, Spain, France, Canada and Japan, have all issued statements of concern, or outright condemnation. Various church groups and coalitions have also voiced their concern including the World Council of Churches, the World Alliance of Reformed Churches, the Uniting Church in Australia, The United Church and KAIROS Ecumenical Justice Initiates in Canada, as well as the United Methodist Church in the U.S. In an unprecedented move, the Joint Foreign Chambers of Commerce, comprising big business groups from the United States, Australia, New Zealand, Canada, Europe, Japan and Korea, and the Philippine Association of Multinational Companies Regional Headquarters also called on the Arroyo government to put a stop to the killings or risk losing foreign investment. On March 14, 2007, the United States Senate Committee on Foreign Relations, Sub-Committee on East Asian and Pacific Affairs, threatened to hold back foreign aid if the Arroyo government failed to address the human rights violations occurring under its watch.

The efforts of all of these groups have helped to strengthen the voices of civil society groups in the Philippines. They have also helped to put pressure on Arroyo and to send a strong message that the world is watching, and will not tolerate the killing of Philippine citizens.

In the Philippines itself, a positive development occurred in late 2007 when the Court of Appeals implicated General Jovito Palparan and his men in the abduction of brothers Reynaldo and Raymond Manalo. The Manalo brothers were abducted in 2006 and detained against their will for a year on the suspicion that they were communist sympathizers.¹⁴ While this is definitely a positive step in the direction of fighting impunity in the Philippines, Gernal Palparan is now retired, and many people are skeptical that he will face the consequences of his actions.

Regardless of what happens in the Palparan case, it is only through a genuine commitment to human rights and investigation of violations that the extra-judicial killings will cease, and the Philippines will live up to its human rights obligations.

Recommendations to the Members of the United Nations Human Rights Council:

1. Work to ensure the Philippines government acts upon the pledges made upon being granted membership at the Human Rights Council, and raise the issues presented in this paper during the Philippines periodic review process.
2. Request the following be appointed to inquire into the killings of human rights defenders in the Philippines:
 - Special Representative of the Secretary General on the situation of human rights defenders;
 - Working Group on enforced or involuntary disappearances;
 - Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;
 - Special Rapporteur of the Commission on Human Rights on the question of torture.
3. Urge the Philippines government to take action on the recommendations outlined by the November 2007 report of the Special Rapporteur on the situation of Human Rights and Fundamental Freedoms of Indigenous People.
4. Work to ensure that the government of the Philippines adequately complies with the recommendation made by the Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions following his investigation in February 2007.

Recommendations to the Government of Canada:

1. Conduct a joint investigation with Members of Parliament and civil society groups on the impacts of Canadian mining on human rights in the Philippines.
2. Promptly adopt the recommendations in the Final Report of the National Roundtables on Corporate Social Responsibility (CSR), and immediately implement the Canadian CSR framework as a first step to enacting binding legislation.
3. Conduct a hearing at the Standing Committee on Foreign Affairs and International Development with Philippine parliamentarians representing progressive party lists upon their visit to Canada in April 2008.
4. Review development assistance to, and security cooperation with the Philippines government and ensure that they are not aggravating the current situation of prevalent human rights violations.
5. Make a bold statement of concern at the UN Human Rights Council regarding the impunity surrounding the political killings of human rights defenders in the Philippines.
6. Endorse the recommendations made by the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions at the UN Human Rights Council.

Recommendations to the Government of the Philippines:

1. Immediately stop the political killings, abductions, torture and other forms of human rights violations.
2. Reform the criminal justice system so that it is centred on the enforcement of human rights, and on effective implementation of witness protection programs. Also, grant more powers to the Commission of Human Rights so it can press for effective prosecution, trial and appropriate punishment of alleged perpetrators of human rights violations.
3. Immediately take action to implement all recommendations stated in the report of the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions and those contained in the report of the Melo Commission.
4. Immediately repeal the Human Security Act.
5. Reform the Mining Act of 1995 so that it guarantees the protection and promotion of the rights of all communities impacted by mining and resource extraction projects.
5. Promptly take action on the recommendations outlined by the Special Rapporteur on the situation

of Human Rights and Fundamental Freedoms of Indigenous People, Dr. Rodolfo Stavenhagen, in his November 2007 report on the situation of human rights and fundamental freedoms of Indigenous people in Asia.

6. Invite the Special Rapporteur on the situation of Human Rights and Fundamental Freedoms of Indigenous People to conduct an investigation on the impact of mining on Indigenous communities in the Philippines.
7. Invite the Special Representative of the Secretary General on the Situation of Human Rights Defenders to conduct an investigation on the situation in the Philippines.

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Endnotes

¹ KARAPATAN. Dangerous Regime, Defiant People, December 2007.

² The National Council of Churches in the Philippines. Let the Stones Cry Out. An Ecumenical Report on Human Rights in the Philippines and a Call to Action. March, 2007.

³ Independent Commission to Address Media and Activist Killings, "Report," January 22, 2007.

⁴ UN Special Rapporteur Philip Alston, Press Statement, February 22, 2007.

⁵ Manila Standard Today. Arroyo, Esperon defend Army on Alston report. November 30, 2007

⁶ Human Rights Watch. Scared Silent: Impunity for Extrajudicial Killings in the Philippines. Volume 19, No.9(C), June 2007.

⁷ Amnesty International. Philippines: Political Killings, Human Rights and the Peace Process. August 15, 2006.

⁸ See Article 4 of the Philippines Human Security Act of 2007

⁹ The Philippines is the fourth-largest recipient of U.S. military aid worldwide.

¹⁰ A copy of the Bishops' statement can be found on the Mining Watch Canada website:

http://www.miningwatch.ca/index.php?/Newsletter_22/Political_Killings_Increase

¹¹ United Nations sixth session of the Human Rights Council. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. General considerations on the situation of human rights and fundamental freedoms of indigenous peoples in Asia. November 1, 2007

¹² Mining Watch Canada. Political Assassinations Increase Sharply in Philippines; Links to Mining Opposition, Wednesday, July 19, 2006.

¹³ Ibid.

¹⁴ Ernesto F. Herrera. The Manila Times. Still in a State of Denial? Tuesday, January 1, 2008