

## “THE GUIDELINES ARE PART OF OUR WORK”

*The Delegation of the European Commission is responsible for implementing the EU Guidelines on Human rights defenders and developing a local strategy. Felicitas Koch and Eric Janotta interviewed Romina “Beng” D. Sta. Clara (Programme Officer, Operations Section) and Nayia-Panagiota Barmaliou (Political and Human Rights Officer) in Manila.*



**Felicitas Koch**

23 years, Bachelor in political science and sociology, human rights observer with IPON in 2009/10.



**Eric Janotta**

28 years, Diploma in Demographics, human rights observer with IPON in 2009/10.

**What do the EU Guidelines on Human Right Defenders mean to you?**

**Barmaliou:** In a special way the guidelines try to give some practical tools for EU (European Union) representations. Specifically for human rights defenders, the decision was that we need to have a blueprint of how to protect the HRD since this is an overwatching element in our HR policy.

A part of HRD Guidelines is that EC (European Commission) delegations together with EU member states' representations and embassies and third countries should have a local HRD strategy. In the Philippines we have had drafts of a human rights defenders strategy. We finalized this after consultations with civil society and dialogues with EU member states to have a local way of addressing it.

**What is their meaning for your work?**

**Barmaliou:** The guidelines are incorporated in the way we deal with human rights issues and automatically part of our work.

**Which mechanisms from the guidelines do you use for your work in the Philippines?**

**Sta. Clara:** Through our regular contact with the civil society we get various information and complaints. There is an established network that we have with partners, human rights activists and defenders in the country. Our interest is to get the information if there is a problem and then bring it, discuss it and see if we can do something on a legal level.

After this we share the information with the rest of the colleagues and other missions.

**Barmaliou:** If an organisation refers to a case of gross human rights violations, this will definitely be discussed in the head of missions meetings

and it is part of a diplomatic political dialogue to bring it out to the government.

**What is the specific of the guidelines with the application to human rights defenders among the rural poor?**

**Sta. Clara:** The majority of the reported cases under extrajudicial killings and enforced disappearances involve agrarian reform issues in the country. So this particular program is a response also to human rights violations in agrarian context. I would say this is a concrete application. But the whole process from the dialogue until today affects not just one group - women, children and indigenous peoples are given emphasis too. The program is really huge.

**Through which channel do you get to know about questions concerning human rights and the situation of human rights defenders in the Philippines?**

**Barmaliou:** It is through partner organisations and also through NGOs who are active in the field, like yours for example. That would be the two major components.

Sometimes we get E-mails from European NGOs, or individuals, who were contacted through their partners in the field and wish to bring specific cases to our attention.

**Sta. Clara:** And sometimes we get information direct from the community for example during field visits we have seen the problems.

**Where do you see the weaknesses regarding the protection of human right defenders in the Philippines?**

**Barmaliou:** The weakness lies in an undeniable culture of impunity. That is the problem in the Philippines, with some periods that were better and some periods that were worse. The small

number of cases brought to justice and a handful of convictions points at this direction.

**Sta. Clara:** Yes, there is impunity. And if you go by social cultural Philippine settings, one thing that contributes is that there is less respect for human rights in the “hierarchical upbringing”. That is, you do not question the authority or competency of your elders or authorities. And when you start questioning you are looked upon as a ‘rebel” or someone bad so even the usefulness of the criticism is lost.

**Where do you see the improvements regarding the protection of human right defenders in the Philippines?**

**Barmpaliou:** There has been an improvement since 2007 in special terms. You can see the killings of HRD and of political activists as an indicator. It is an improvement that there is a smaller number of killings but the killings are still happening.

**Sta. Clara:** I think other improvements would be an activist orientation of the courts and that the Commission on Human Rights is investigating in most allegations of human rights violations.

The Supreme Court has also changed. It improved its mechanisms and internal processes of evidence presentation. So they come up with a more progressive way of looking on evidences. For example in child abuse cases, it is no longer required to bring a child into court for cross-examination. The media has been very useful too in raising public awareness on the situation of human rights. They have not stopped the reporting of abuses or killings.

**Where do you see the weaknesses regarding the support of human right defenders in the Philippines?**

**Sta. Clara:** I think the weakness could be that there are instances when HRD were affected and we do not have the time or capacity to submit under the EIDHR<sup>1</sup>. So that is one downside of our procedure because our procedure is demand-driven. Assistance would be limited to those who managed to submit proposals and fit into certain priorities because we do not have that much money and resources to spread around. But I think any support is a step towards protection.

**How do you support the Philippine State to protect human right defenders?**

**Barmpaliou:** The support to the Philippine State is a new program, the EU-Philippine Justice support program. This program comes in response to a request made by the Philippine government in early 2007 to consider providing the Philippines with technical assistance in addressing the problem of extra judicial killings. So the objective of the program is to provide technical assistance to the Philippines. We try to enhance the capacity of the justice system by improving investigation, forensic techniques and also prosecution through trainings. In that sense, we are assisting in a reform of the judicial system which is urgently needed. We also try to enhance the capacity of CHR<sup>2</sup> in the whole spectrum of its activities.

The program is aiming to make the Philippines responsible for its own cases. Its not a program of us investigating cases, it is a program for the Philippines to address a Philippine problem. And a basic component is to bring the government and civil society together to discuss this as

partners and to come up with a common solution that will hopefully be sustainable.

**Sta. Clara:** The way the state actors would be assisted is for them to realize the rules or understand the new laws because we have seen that those who are trained or are familiar with the new laws can act according to them. The ones who are working at the province level or in the regions, hardly get updated information so they are far behind on how to use these new laws.

The human rights education will involve State personnel so they would know what they are supposed to do with less misunderstandings. They know that there is a law but they do not understand how to use it effectively. This will be a way of helping the State become accountable.

**Thank you for the interview!**

<sup>1</sup> European Instrument for Democracy and Human Rights.

<sup>2</sup> Commission on Human Rights.