

## AQUINO ADMINISTRATION'S HUMAN RIGHTS DIRECTION: TRAVERSING A STRAIGHT PATH?



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*On May 2010, the Filipino people saw a brink of hope in the persona of Benigno Aquino III, who was elected President of the Republic of the Philippines, after 9 long years of the deeply-tainted Arroyo government. The heroic legacy of his parents, Ninoy Aquino Jr. and Corazon Aquino, earned him and his government the moral ascendancy that was lost and forgotten during the Arroyo administration.*

### Is the struggle still far from over?

Across administrations, there has been a conscious and conscientious effort to uphold and protect human rights in the country. The fact that the Philippines subscribed to eight core international treaties as early as 1967, is a testament of its determination to uphold and promote the rights of the Filipino people.

"Human rights has always become a focus of the past administrations post Martial law," says Mr. Nonoy Catura, Presidential Human Rights Committee Executive Director. "Understandably because the Philippines came from a dictatorial regime," he continues. Since 1988, Mr. Catura has been part of the Executive Branch's human rights arm. He has worked with past administrations, assessing and monitoring Philippine human rights situation on a continuing basis.

Last December 20, 2010 on the 62nd anniversary celebration of the Universal Declaration of Human Rights (UDHR), President Aquino declared in his speech how his administration tries to

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reaffirm and uphold these treaties. "We are now making certain that our commitments to these treaties do not remain paper promises because for the first time in nearly a decade, we have a government that is indeed serious about human rights," the President announced.

"Now, we have a President who has experienced firsthand the horrors of human rights violations," says Catura. "Having witnessed how his family was put on the receiving end of it during the dark years of Martial Law, the President personally vowed that human rights violations in the country shall be effectively addressed by way of applying full strength and force of the law against the violators," he continues.

### A review on the human rights situation under the Arroyo Administration

It has been said that the Aquino administration has inherited a gamut of human rights violations cases, either by commission or omission, from the previous administration. The audacious Maguindanao Massacre and the case of Morong 43<sup>1</sup> were just a couple of the high-profile human rights cases that happened and remained unresolved during the Arroyo Administration.

Having been installed in the country's highest position through Filipino people's valiant exercise of their rights and freedom, President Gloria Arroyo appallingly failed to live up to the people's high expectation on the improvement of human rights situation in the country after ousting President Joseph Estrada for graft. Instead, according to various human rights reports, the

1) The case of Morong 43 involved 43 health workers who were accused of being members of the New People's Army (NPA). On February 2010, they were illegally arrested and detained by the military, and were believed to have undergone physical and psychological trauma while in military custody. This was definitely a consequence of the aggressive counter-insurgency operations of the military under Arroyo Administration.



number of violations such as cases of extrajudicial killings, arbitrary arrest and detention, involuntary disappearance and torture grew higher and more intensely.

Task Force Detainees of the Philippines' (TFDP) explained that this unfortunate situation could be attributed to the "unanswered questions regarding the legitimacy of the rule of Mrs. Arroyo and her administration's strengthened campaign against insurgency." Throughout the leadership of Arroyo, conviction rates were low and the quality of the rule of law was very poor (Asian Development Bank 2009).

Philippine Alliance of Human Rights Advocate (PAHRA) described the underpinnings of President Arroyo's human rights direction as having "entrenched a culture of fear and impunity while campaigning against insurgencies and terrorism." The Anti-Terrorism law, Calibrated Pre-emptive Response (CPR), Executive Order 464 and Presidential Proclamation 1017 were some of the controversial directives by the former President which sprouted numerous protests from civil society and government officials. Not to mention her overall counter-insurgency policies which caused grave human rights violations in the country and further implanted the culture of terror and impunity among the operations of the military.

The passage of the Anti-terrorism Law was an assertion of support of the Arroyo Administration to United States' global war on terror under President George Bush's administration. In line with the Arroyo government's all out war on terror, the military instigated an offensive operation against the MILF, displacing about 400,000 civilians and causing trauma to many individuals and families. "Arroyo vowed to crush all terrorists in the country," TFDP straightforwardly said in its report.

The report further conveyed that, "The war against terrorism has resulted to outright violations of human rights and shortcuts in due process. It has led to further bias against and discrimination of Muslims."

Based on an extensive study in 2009 conducted by UN Special Rapporteur Philip Alston, it was found out that "security forces and government authorities have often failed to distinguish between peaceful activists and armed insurgents or terrorists, resulting in the vilification, unlawful arrest, detention, and killings or disappearances of human rights activists, union leaders, farmers and other individuals belonging to leftist organizations." These vulnerable groups were being classified as "fronts" of the leftists and then as "enemies of the State", that hastily become "legitimate targets" of the military. This practice has allowed or encouraged the extrajudicial killings of activists and other by state security forces and government-supported paramilitary units.

### Aquino Administration's Human Rights Direction

"There was an atmosphere of hope," said PAHRA representative on the new administration under President Benigno Aquino III.

Anchored on the platform of the administration or more commonly known as the social contract with the Filipino people, President Aquino's pledge of good governance and elimination of corruption, "Kung walang corrupt, walang mahirap" ("If no one is corrupt, no one will be poor."), are considered "foundations of the strong culture of human rights in the country"<sup>2</sup>.

According to PHRC's Executive Director, the human rights agenda of the Aquino

leadership "defines the State as duty-bearers and the Filipino people as claim holders, and shall be made to evolve through consensus-building."

CHR Chairperson Etta Rosales affirmed this by articulating, "human rights is at the center piece of the President's socio-political agenda." The President's people-centered platform steers the human rights policy direction of the administration that cut across all sectors and levels of governance, developing a rights-based approach to Philippine development. Human rights is now at the core of development efforts especially in the spheres of economy and governance, internal peace and security, law enforcement, military intelligence and education.

There was a change in the overall culture of governance - from a culture of fear, impunity and distrust that concealed the truth and tolerated extrajudicial acts - to a culture and atmosphere of hope, trust and confidence that protects and nurture the dignity of individuals.



© Yahoo! Philippines | President „Nonoy“ Aquino and his predecessor Gloria Macapagal Arroyo.

2) Interview with Mr. Marc Cebreros, Chief of Staff, Office of the Chairperson, Commission on Human Rights of the Philippines.

## On the economy

Interwoven in all development efforts, the protection and promotion of human rights is integrated in economic planning. There is a paradigm shift on how economic development is perceived. Now with human rights face, the National Economic Development Authority (NEDA) adapts a human rights based approach to development policy and program formulation and implementation, as it came up with toolkit on a Human Rights Based Approach Development (HRBA), in collaboration with the CHR and United Nations Country Team. The CHR emphasizes that this toolkit will serve as a “guide for all development programming actors in ensuring that human rights standards and the Millennium Development Goals (MDGs) are translated into concrete programs in the national expenditure and investment plans.”

## On military operations

“As a long-term solution to the killings, torture and disappearances that spiked in the previous administration, the President ordered careful efforts to achieve a paradigm shift from a militarist/hawkish approach to internal peace and security to one that is 90% political and only 10% military-oriented,” Chairperson Rosales explained.

Human rights advocates have been very critical about Arroyo government’s counter-insurgency plan known as Oplan Bantay Laya (Operation Guard Freedom), which had been linked to numerous extrajudicial killings. This strategy adapted by the previous government led to targeting and execution of unarmed activists or civilians connected with civil society organizations (GMA News 2011). The United Nations Special Rapporteur on extrajudicial killings Philip Alston had recommended the Arroyo administration to remove the counter-insurgency scheme that had precariously increased human rights violations in the country.

As a response to Alston’s recommendation, a series of workshops were conducted to develop a new military strategy that has a human rights dimension. Participated in by all stakeholders within and outside the defense establishment, including the CHR, Office of the Presidential

Adviser on Peace Process (OPAPP) and civil society/academe, the Department of Defense and the Armed Forces of the Philippines (AFP) came up with Oplan Bayanihan (Working Together) in lieu of the discredited Oplan Bantay Laya. Oplan Bayanihan is replete with references to human rights and the corresponding duties of the armed services under international human rights and humanitarian law. This actually drives home the point in the mindset of the soldiers that observance of human rights standards and principles is a legal obligation, and that human rights is not a leftist tool but part and parcel of the rule of law (Philippine Online Chronicles 2010).

This new counterinsurgency program essentially focuses on “building communities rather than hunting rebels”, by “focus[ing] on the needs of citizens and the effects of military operations on the communities rather than pursuing armed rebels,” commented President Aquino (Ibid.).

According to PHRC Exec. Dir. Catura, the current administration considers civil society as the backbone of human rights initiatives. “For instance, the human rights defenders such as PAHRA, Task Force Detainees and Alternative Law Groups partner with the government’s initiatives by acting as its conscience as they help reorient the military’s operational schemes,” he said.

## The National Monitoring Mechanism

A significant development in human rights program of Aquino leadership is the Comprehensive Monitoring (CM). Chaired by the CHR, this monitoring mechanism “is an evolving system of determining government compliance with human rights treaties in the execution of executive, legislative, judicial and other government functions, systems and processes with the end in view of harmonizing them with the standards and principles of human rights and recommending appropriate measures and actions” (CHR 2011).

CM hopes to address the chronic problem of aging human rights cases filed in courts and quasi-judicial bodies. Periodic monitoring and provision of regular advisories to courts and quasi judicial agencies are done to ensure that acting on human rights cases are expedited.



Another role of CM is tracking State's compliance with human rights treaties. This monitoring involves checking of processes to ensure the presence of safeguards against the abuse of power in the discharge of duties and development of indicators that assess the human rights based projects' effectiveness.

### Philippine Human Rights Action Plan

The mainstreaming of human rights in the plans and programs of government bodies is the main goal of the Philippine Human Rights Action Plan. The national HR plan is a product of collaborative effort by almost all government entities in the executive branch, with the support of the Commission on Human Rights, as well as in consultation with various non-government and civil society stakeholders throughout the country<sup>3</sup>.

This is where the concretization of the human rights dimension in the social contract of President Aquino with the Filipino people is clearly stipulated. "The President's human rights framework and mindset, including his initial issuances, directives and instructions to various agencies that bear on human rights promotion and protection, are articulated in this plan," PHRC Executive Director said.

"This is a treaty-driven plan," says Catura. "We identified the 8 core international treaties that the Philippine government subscribed to, and integrated the appropriate government sectors and

civil society organizations that will act as lead clusters in implementing and monitoring of the human rights programs."

The final National HR Plan of the Philippines will be reviewed by the president on the 3rd quarter of the year.

### The struggle lives on

As the new plans and policy direction of human rights is laid upon the Aquino government's *daang matuwid* (straight path), one can only surmise how the planning to implementation gap can be lessened or better yet, be closed.

Released on May 13, Amnesty International's 2011 report on the state of the world's human rights stated that there was no significant improvement in the human rights situation under the Aquino Administration. Nearly a year in the post, President Aquino's human rights directives have yet to be actualized. Aurora Parong, Al Philippines Director pointed out that there "had been a 'disconnect,' noting that Mr. Aquino had made good pronouncements when it came to human rights issues but these had yet to be implemented" (Inquirer 2011).

The annual report identified at least 200 cases of enforced disappearances and 305 cases of extrajudicial killings in the last ten years were remained unresolved (Amnesty International 2011).

Among AI's recommendations included the pursuance of peace talks between the Philippine government and the armed rebels to put an end to killings

involving civilians, indigenous people and the military. In line with this is dismantling private armed troops who have been responsible for a number of human rights abuses. The organization also emphasized the need for President Aquino to include the protection of reproductive and sexual rights in its agenda.

Parong expressed the organization's appreciation on the new administration's fight against corruption; however, she emphasized the need of the government to be keener on human rights issues that have not been appropriately attended. Nevertheless, she also conceded that the Aquino administration "was only on its first year and still evolving" (Inquirer 2011).

### Conclusion

The past administrations had their shares of good-in-paper human rights plans but had never been completely actualized and felt by the Filipino people. It is in the utmost hope of the Filipinos that the Aquino government will become more aggressive in responding to human rights problems in the country. But then again, the strength of the Aquino government is on the people. As what President Noynoy said, "Kayo ang aking lakas" (You are my strength). At the end of the day, it is truly a synergy between a willful government and a vigilant Filipino people that can uphold and improve the human rights situation in the country. ■

3) Interview with Mr. Severo Catura, Executive Director of Presidential Human rights Committee.

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