

IKAW NA BA, GINOONG AQUINO¹? – ARE YOU THE MAN, MR. AQUINO?

by Dominik Hammann

During Gloria Macapagal Arroyo's (GMA) two terms, human rights violations such as extrajudicial killings and enforced disappearances raised serious concerns within civil society and the international community. The 2010 presidential election was therefore strongly influenced by pre-electoral pledges concerning human rights policies by the presidential candidates. Hopes and demands for the new presidency increased in equal measure.

Elections and human rights

The right to be a part of government, the right to vote and the right to be elected - these are the three essential human rights regarding internationally standardized principles for elections (United Nations 1994: 4). The Universal Declaration of Human Rights (UDHR) mentions, that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (Art. 21 (3) UDHR). While the UDHR is only accredited by United Nations members, those rights have legal binding character for parties of the International Covenant on Civil and Political Rights (ICCPR). Additionally, the right to suffrage is protected by domestic law. In fact Art. 5 of the Philippine Constitution states "that suffrage shall be exercised by all citizens of the Philippines". Not only the proper conduct of a democratic election is protected by human rights principles, but human rights policies regarding their implementation play a crucial role in pre-electoral campaigns of parties and candidates. It is one of many topics, commonly used to canvass voters. A general rule says that a rise in human rights related conflicts is usually followed by an increase in public awareness on this topic. Human rights are rarely disputed by officials and consequently pledges for better human rights policies are popular among presidential candidates.

The Elections of 15th President of the Republic

After nine years of Arroyo administration, the Commission on Elections (COMELEC), chaired by Jose Armando Melo, organized and ran elections to vote for the 15th president of the republic. During a two-year period of campaigning several candidates announced and then withdrew their presidential bids and candidacies again. Eventually a list of ten presidential candidates emerged, amongst which the population was to choose. Pre-electoral polls by the two primary opinion polling companies "Social Weather Stations" and "Pulse Asia" already indicated, that these elections would be dominated by three key players: Benigno "Noynoy" Aquino III (Liberal Party), Manuel "Manny" Villar, Jr. (The Nacionalista Party) and Joseph "Erap" Estrada (Pwersa ng Masang Pilipino). Liberal Party's standard-bearer Aquino won the race by far with a total of 42.1% of valid votes, giving him the highest percentage of votes since 1986. He was followed by Estrada with a share of 26.3% and Villar with a share of 15.4%. The president of the Philippines was elected with a relative majority without runoff. With a turnout of approximately 74%, the 2010 presidential elections enjoyed broad support and participation of the population.

Although their impact on the final result was not decisive, several other candidates filed certificates of candidacy at COMELEC. Among those were Gilberto "Gibo" Teodoro Jr., Brother Eduardo "Eddie" Villanueva, John Carlos "JC" de los Reyes, Richard "Dick" Gordon, independent Maria "Jamby" Madrigal and Vetellano Acosta.

1) From February to March 2010 GMA Network's AM Radio Station DZBB launched the show "Ikaw na ba" interviewing the presidential candidates.

2) See also for more on the overthrow of Estrada: Sandoval, Raymond Vincent G. 2001.

Joseph Estrada rose to fame as an actor over several decades. His popularity led to his presidency from 1998 to 2001. It was then GMA who tripped him up with the so-called “People Power II”² half way through his term. Though Estrada turned out to become Aquino’s most serious opponent with a percentage of about 26%, many people saw property tycoon Manny Villar in an advantageous position. The self-made man from Manila was not only the candidate with “scandalously” high expenditures during the election campaign (Inquirer 2010), but also the chosen candidate who enjoyed Arroyo’s support. He was – to his disadvantage – Aquino’s biggest opponent and unpopular amongst other candidates as well. Worse even, he was accused of trying to buy two candidates out of the presidential race. While Richard Gordon openly accused him of doing so, Estrada just indicated, that there was an offer for his withdrawal from candidacy³ (GMA News 2010e, 2010a). The winner Benigno “Noynoy” Aquino III, son of Benigno “Ninoy” and former president Corazon “Cory”, started the presidential race as top candidate for the Liberal Party. He was one of the last to announce the presidential bids and it was rumored that he was pushed into his candidacy by his surroundings after the death of his mother on 1st August 2009. His political career began with his election to the House of Representatives in 1998, followed by his election to the Senate in 2001. He was “said to be short on charisma and [...] on achievement during his past 12 years as a legislator. But he is loved for his honesty and for his heritage” (BBC News 2010).

Candidates’ human rights agendas

The following information about the human rights agendas are based on debates, interviews and the presidential

candidates’ platforms⁴. Surprisingly, only four candidates mentioned human rights in their platforms: Teodoro, Villar, Villanueva and Aquino. Others addressed questions concerning economic, social and cultural rights, but did not classify them as human rights. In most cases human rights issues dealt with Indigenous Peoples’ rights, the death penalty and extrajudicial killings as well as enforced disappearances.

On economic, social and cultural rights

Just a few candidates mentioned economic, social and cultural rights such as health, work and education. The Reproductive Health Bill (RH Bill) clearly dominated health-related discussions. Villanueva opposed plans to implement the RH Bill, arguing that the state has no right to interfere with the individual’s choice of birth control measure (Andag/Icayan 2010). Ang Kapatiran candidate de los Reyes joined him in this opposition while the other candidates avoided clear statements on this highly controversial bill. Villar as well as Madrigal stressed the rights of workers whereby the latter also advocates the inclusion of union

rights. Teodoro further mentioned the protection of migrant workers, whereas Perlas had a six-pillar-platform referring to various programmes, which bore upon economic social and cultural rights. Education played a major role in his programme and Gordon supported him by naming education as one of the top three human rights issues. He demanded equal and equitable access to qualitative education (Philippine Human Rights Information Center 2009). As the only female presidential candidate in 2010, Senator Madrigal was one of the few to mention women’s equality in her platform. She demanded genuine equality, participation and protection of women in all areas of life. Discrimination in work and payment as well as abuse of spouses, sexual harassment and rape were also addressed in her programme. Perlas simply mentioned “true gender sensitivity” and Villanueva thought that women’s right had great importance as long as “the morality of a family” was not violated (Andag/Icayan 2010). Asked about women’s rights, de los Reyes replied that all Filipinos were entitled to the fullness of life. “The right of all people to participate in the political life of their country” is



© Jimmy Domingo | The force for landreform of HRDs during elections, Department of Agrarian Reform 2010.

3) However, senatorial candidate Bautista said, that Villar was the Person to most likely do so (GMA News 2010e).

4) The presented list of human rights issues mentioned during the pre-electoral campaigning period doesn’t claim to be complete. See also for a detailed overview of human rights agendas: Andag/Icayan 2010.

enshrined in the UDHR as well as in the ICCPR (United Nations Centre for Human Rights 1994: 4). Elections as such, manifest that these rights are already ensured to a certain degree. Different candidates also presented concepts on what political participation would look like in the Philippine democracy if they were elected president. The spectrum ranged from Aquino's and Madrigal's participatory democracy and Teodoro's and Perlas' support for non-governmental organizations to watch-dog democracies as presented by Villar (Andag/Icayan 2010).

Not all candidates stressed the importance of matters concerning Indigenous Peoples' rights. Teodoro proposed that cultural minorities should be particularly protected by law. The delineation of ancestral land should be hastened, so Indigenous Peoples would "be able to advance their economic and cultural interests through tourism ventures, agricultural projects, and partnerships with investors". In addition, Perlas pronounced the implementation of a new mining law, which specifically addressed Indigenous Peoples' rights, since they respected the environment as a crucial factor for development (ibid). Unfortunately, further statements regarding this issue were missing.

On the death penalty

Villanueva was the firmest advocate of restoring the death penalty (GMA News 2010c). This was not to be a general punishment for serious crimes, but especially a countermeasure to condemn plunder as well as syndicated warlordism and drug trafficking (Philippine Human Rights Information Center 2010). Others disagreed with those candidates planning to reestablish the death penalty. In particular Aquino wanted to defend, respect and preserve the human rights of all citizens, such as the right to life and security of person and therefore, he wanted to abolish the capital punishment. Singing with the same hymn book, Gordon specifically promised to protect basic human rights to life, liberty and property (ibid). Finally, it was de los Reyes, who demanded

the end of the death penalty in a survey on the presidential candidates' human rights policies (Andag/Icayan 2010).

On extrajudicial killings and enforced disappearances

Due to the shatteringly high numbers of extrajudicial killings and enforced disappearances under the Arroyo administration⁵, concepts on how to politically counteract that problem could be found in almost all party platforms. Human Rights Watch emphasized the importance of this matter in the run-up of the election and uttered, that all "presidential candidates should explain how they will put an end to the scourge of killings that has so discredited the Arroyo Government. Bare condemnation of killings is not enough - the country needs to see a commitment to action" (HRW 2010). As a result, it was not surprising that all candidates vowed to end extrajudicial killings and enforced disappearances. Within the group of candidates Aquino had a special standing regarding this drawback. He was himself accused of being responsible for killings that happened on the family-owned landholding Hacienda Luisita⁶. However, he was removed from the line of fire by affirming that only two of the seven killed farmers belonged to his hacienda (Bulatlat 2010). In contrast, Acosta addressed this issue in respect to conflicts in Mindanao. Although he was not able to present a political concept on how to decrease the number of extrajudicial killings and enforced disappearances, he stated that the eradication of private armies would lead to a new development (GMA News 2010d). Perlas demanded the re-opening of investigation and Madrigal supported him, saying that human rights violators, such as masterminds and perpetrators of extrajudicial killings and enforced disappearances of activists and journalists should be prosecuted (Andag/Icayan 2010). Surprisingly, Villar turned out to be the only candidate to specifically mention the implementation of the recommendations of Philip Alston, United Nations Special Rapporteur on extrajudicial killings and enforced disappearances, who published his final report⁷ in 2007 (HRW

5) Numbers vary within different reports of non-governmental organizations as well as the government's Melo Commission and the UN Alston report.

6) For more information on the Hacienda Luisita Massacre see Bulatlat 2004.

7) For the complete report on extra-judicial, summary or arbitrary execution, see also: Alston 2007.

2010). In contrast, Gordon specified those plans by emphasizing that these defects should be eradicated and that “the perpetrators of the crime are meted out the appropriate penalty” (Andag/Icayan 2010). To achieve this, he demanded a strong police and military as well as principled prosecutors and judges. Candidate Teodoro stressed the role of the Commission on Human Rights (CHR), saying that he would cooperate more closely with it to follow and investigate the Maguindanao massacre (ibid).

Are you the man, Mr. Aquino?

During the 2010 presidential election campaign, almost all candidates specifically addressed human rights. Topics varied from key human rights subjects such as participation on subjects on economic, social and cultural rights. Especially health, education and work, as well as women’s rights and Indigenous Peoples’ rights were mentioned. Due to huge grievances in the government, a special focus was placed upon extrajudicial killings and enforced disappearances. Not only candidates focused on this topic, but also public demands were brought to the new president (HRW

2010). It emerged that there were qualitative differences among the big three candidates. Particularly striking was the observation that Estrada did not have a specific human rights agenda. Being asked about the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, which he signed during his presidency, he was not able to say what this treaty consisted of, or whether he actually signed it or not (Bulatlat 2010). Villar mentioned several human rights topics, but it was Aquino, who provided the broadest approach to human rights policies (Andag/Icayan 2010). The issues he raised ranged from human rights and their protection, over the abolition of the death penalty to economic, social and cultural rights. In the latter the focus was placed upon a working judiciary for proper investigations and a renewed cooperation between the Office of the President and the CHR.

Although, almost all candidates more or less addressed human rights - it is nonetheless a cause for concern, that some candidates not only failed to provide a comprehensive human rights policy but also contravened human rights standards. Pledges to re-impose

the death penalty, to reject the RH Bill or to restore criminal liability to minors are incompatible with essential human rights.

Regarding the conduction of proper democratic elections it is worth mentioning that the election procedure itself raised concerns about election-related human rights standards⁸. The CHR published a summarized analysis of the 2010 election on 14th May. The commission complained about “scores of qualified voters who were disenfranchised during the election” (CHR 2010). Names could not be found on voters’ lists, long lines forced people to wait for several hours and the newly introduced automated counting machines rejected ballots for different reasons. Although the number of incidences decreased in comparison to the past, election-related violence remained prevalent. The National Police logged at least 82 cases including 27 deaths and 42 persons injured (ibid). Hence civil society hopes, “that the incoming administration will be one which meaningfully prioritizes the human rights and human dignity of all, not just on paper, but in reality” (ibid). ■

8) See also for a comprehensive analysis of the legality and regularity of the 2010 presidential elections: CHR 2010.

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