



# 2013 ANNUAL PERFORMANCE REPORT

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## INTRODUCTION

The obligations to respect, protect, and fulfill human rights lies with the State. The Commission on Human Rights, as the national human rights institution (NHRI), plays a major role within the framework of government. It is mandated by the Constitution and by virtue of the Paris Principles to monitor the State's compliance with its human rights treaty obligations.

The government has passed several human rights laws in the past three years. At the same time, there has been only minimal progress in terms of bringing perpetrators of serious human rights violations to justice. The country is still struggling to break the climate of impunity that engenders grave human rights violations and abuses. The Commission on Human Rights, forced to contend with meagre fiscal resources, is seeking new legislation to strengthen it and make its operations more effective and efficient.

Given this context, the Commission presents regular public reports, such as the ***Ulat sa Bayan (USB)***, which serves as a national assessment of its performance with regard to the human rights situation of the country. The 2013 Annual Performance Report of the CHR was drawn and expanded from the ***USB*** with the theme for the 2013 celebration of National Human Rights Consciousness Week: ***“Wakasan ang Kawalang Pananagutan, Tiyakinang Tapat na Pamamahala”*** (“End Impunity, Ensure Good Governance.”). It is divided into three major parts:



*The country is still struggling to break the climate of impunity.*



Part I – Human Rights Situation report, presents information on the climate of impunity based on complaints of incidents of human rights violations that occurred during the year.

Part II - CHR Responses, discusses the agency's Accomplishments, Outputs and Outcomes, in the light of its Major Final Outputs under the Organizational Performance Indicator Framework (OPIF).

Part III - Recommendations and Ways Forward, provides a



*The Commission on Human Rights is mandated to investigate human rights violations...monitor the State's compliance with its human rights obligations.*



set of recommendations to the State authorities on legislative, administrative and program measures as well as judicial actions for the protection and promotion of human rights in the country.

All statistical data presented in this report are sourced, unless otherwise stated, from the Martus-based Executive Information System (MarEIS), which serves as the official database of the Commission. The data were generated as of April 11, 2014.

## **CRITICAL HUMAN RIGHTS ISSUES AND CONCERNS**

In 2013, human rights incidents slightly decreased by 0.18% from the previous year. However, the number of people directly involved as well as directly affected by such incidents increased. The number of victims increased by 11% while the number of respondents went up by 0.25%. The increase in the number of victims is glaring in Region IX with more than one thousand victims recorded in 269 incidents. One incident alone, the Zamboanga siege claimed more than a hundred lives and caused the displacement of thousands of residents. (*Refer to Table 1*).

**Table 1: HRV Incidence and Number of Victims**

Region	2012			2013		
	Complaints	Victims	Respondents	Complaints	Victims	Respondents
<b>NCR</b>	122	167	224	65	74	95
<b>CAR</b>	141	164	188	82	91	90
<b>I</b>	78	81	97	73	88	94
<b>II</b>	51	55	65	52	100	85
<b>III</b>	96	108	133	104	141	125
<b>IV</b>	93	136	123	160	220	330
<b>V</b>	113	129	184	86	102	115
<b>VI</b>	67	80	81	83	107	116
<b>VII</b>	107	134	153	98	108	136
<b>VIII</b>	59	73	9	37	70	67
<b>IX</b>	92	127	139	231	1,069	307
<b>X</b>	179	227	225	241	282	303
<b>XI</b>	252	1,065	334	163	370	231
<b>XII</b>	165	208	216	152	276	182
<b>CARAGA</b>	74	93	100	56	82	83
<b>TOTAL</b>	<b>1,689</b>	<b>2,847</b>	<b>2,353</b>	<b>1,683</b>	<b>3,180</b>	<b>2,359</b>

Sex disaggregation of data on victims and perpetrators reveals that men are more prone to be perpetrators than women at 7:1 ratio. As victims, there are also more male victims than women as shown in Table 2 but at a much lower ratio of 2:1.

**Table 2: Victims and Perpetrators Disaggregated by Sex**

Type	Male	Female	No Entry	Total
<b>Victims</b>	2,918	1,625	1,498	5,541
<b>Respondents</b>	2,466	348	1,707	4,521

- **Rights Violated**

When disaggregated according to rights violated, the complaints yielded 1,007 cases of violations of civil and political rights and 242 cases of economic, social and cultural rights. Refer to Tables 3 and 4 for the list of rights violated.

***Table 3: Violations of Civil and Political Rights***  
*2013 Incidents*

<b>Type</b>	<b>Number of Cases</b>
Right to Life	302
Right to Protection of Honor and Reputation	171
Freedom from Torture	110
Right to Liberty and Security	107
Right not to be Deprived of Property Arbitrarily	106
Rights of the Accused	67
Right to Due Process	30
Right to Liberty of Movement	25
Right to Freedom from Arbitrary Interference	20
Right to Freedom of Expression	5
Right to Freedom from Discrimination	54
Right to Freedom of Assembly	1
Right to Self Determination	1
Right to Marry	1
Right to Freedom of Religion	1
Right to Take Part in the Government of his Country	6
<b>TOTAL</b>	<b>1,007</b>

It can be noted from the following figures that the most common violations of economic, social, and cultural rights are the rights to equal rights/responsibilities as to marriage and protection and special assistance of children.

***Table 4: Violations of Economic, Social, and Cultural Rights***  
*2013 Incidents*

<b>Rights Type</b>	<b>Number</b>
Accessibility (non-discrimination, physical, economic, information)	2
Improvement of All Aspects of Environmental	5

and Industrial Hygiene	
Right to Equal Access to Cultural Opportunities	1
Right of the Women to Equal Protection Before and After Birth	1
Right to Access to Education	7
Right to Adequate Food/Water	3
Right to Adequate Standards of Living	13
Right to Appropriate Health Care and Services	7
Right to Determine their Political Status	2
Right to Equal Access to Public Service	6
Right to Equal Opportunity in Promotion	2
Right to Equal Rights/Responsibilities as to Marriage	52
Right to Housing	25
Right to Own Property	25
Right to Protection and Special Assistance of Children	44
Right to Pursue their Economic Development	3
Right to Pursue their Social Development	1
Right to Reasonable Working Hours	2
Right to Receive Fair Wages and Equal Remuneration	5
Right to Social Security and Insurance	9
Right to the Continuous Improvement of Living Condition	7
Right to Work and Employment Opportunities	18
Right to Work under Safe and Healthy Working Conditions	2
<b>Total</b>	<b>242</b>

- **Extra Judicial Killing, Enforced Disappearance, and Torture**

The Commission recorded a decrease in the number of extrajudicial killing (EJK), enforced disappearance (ED), and torture cases - from 146 in 2012 to 138 in 2013. However, the number of victims increased by 12.6% in 2013 with 187. (*Refer to Table 5*). As for the perpetrators, the PNP has the highest number of recorded perpetrators. (*Refer to Table 6*).



**Table 5: Breakdown of EJK, ED, and Torture Cases and Victims  
2012-2013**

Case	2012		2013	
	Number of Cases	Number of Victims	Number of Cases	Number of Victims
<b>EJK</b>	72	81	52	90
<b>ED</b>	11	14	11	15
<b>Torture</b>	63	71	75	82
<b>TOTAL</b>	<b>146</b>	<b>166</b>	<b>138</b>	<b>187</b>

**Table 6: Perpetrators of EJK, ED, and Torture Cases  
2013**

Type of Perpetrators	EJK	ED	Torture
PDEA	-	-	3
NPA	12	4	1
BJMP	-	-	4
CIDG	-	-	1
AFP	7	-	4
PNP	6	2	60
CIVILIANS	-	-	1
GOV'T	2	-	3
OFFICIALS/EMPLOYEES (e.g. LGU)			
ARMED GROUPS/HIRED KILLERS CONNECTED TO POLITICIANS AND LGU	3	-	-
UNIDENTIFIED	24	5	-
<b>TOTAL</b>	<b>54</b>	<b>11</b>	<b>77</b>

Notable among the EJK cases this year is the Police rub-out in Atimonan, Quezon, Region IV, which claimed 13 victims plus one more innocent life in the case pertaining to the killing of Fernando “Pandoy” Morales. Another incident illustrating deaths of persons under police custody was the killing of two Ozamis Gang members. The results of CHR’s investigation showed lapses in the implementation of standard operating procedures on the establishment of check points and arrest of crime suspects, and the wanton disregard for the rights of suspects while in the custody of police officers. The investigation of the cited incidents aimed to stop impunity and the seemingly prevailing practice of the police in killing arrested persons while under their custody under the all too familiar alibi that the arrested person/s tried to escape by trying to disarm their police custodian.

The “Wheel of Torture” in Binan, Laguna is another major blow to human rights in 2013 that was unearthed and exposed in the early part of 2014. Showing a pattern of abuse of authority by elements of the PNP Laguna Provincial Intelligence Branch Biñan City District Office, the victims alleged of a systematic pattern of torture and extortion from the time of their arrests until during their detention. The wheel of torture was coined because of the roulette found in the premises of the PIB Biñan District Office during the course of the investigation; however, no direct evidence was gathered showing that it was used. This does not discount the fact though that the victims were allegedly beaten using baseball bats, punched, kicked and electrocuted. The victims are inmates charged with various illegal drugs offenses and were detained at a detention center inside the PIB Biñan District Office located in Brgy. Halang, St. Francis Subd., Biñan City. The incident highlights again how Standard Operating Procedures (SOPs) can be evaded, that there are unorthodox detention facilities where torture is practiced, and that the period between arrest and commitment to jail detention is a critical period when the threat of torture and other inhuman and degrading treatment are very pronounced.

In Region II, a Police Trainee, (PT) Lorish Conag was reported to have suffered cardiac arrest due to heat stroke and died during the trainee exercises at the Philippine Public Safety College (PPSC) in Cauayan, Isabela. However, investigation and forensic evaluation revealed otherwise, as hematomas were seen on some parts of the victim’s body. Based on the autopsy findings, a case for violations of Anti-Torture Act of 2009, Anti-Hazing Law, Misconduct and Abuse of Authority were filed in the Office of the Ombudsman.

A case of violation of International Humanitarian Law (IHL) otherwise known as RA No. 9851, against members of New Peoples Army was also investigated by the same office that involves the death of eight (8) members of the Philippine National Police-Special Action Force (PNP-SAF) who were ambushed while on their way to the hospital for electro-cardiograph examination. While traversing along the municipal road of Allacapan, Cagayan, they were hit by a landmine and thereafter were fired upon allegedly by members of the New People’s Army (NPA) under the Danilo Ben Command. Cases of violations of IHL and Human Security Act are now pending before the Provincial Prosecutions Office.

In the Bicol region, six (6) EJK cases were documented – three (3) in Albay and three (3) in Camarines Sur. Of these violations, five (5) were perpetrated by the New People’s Army (NPA) and (1) one was committed by unidentified armed men. Investigation findings link the killings to suspicion that the victim/s are military informants who may have established attachment or familiarity with government troops. Victim from the military was believed to be instrumental in combat operations that his existence is an imposing threat to the leftists. The theory of “*palit-ulo*” was likewise pressed on as further motive behind the killings. Thus, Vigilantism and EJK, insurgency and terrorism, and counter-insurgency and militarization, all go hand in hand. As the government pursues its anti-insurgency campaigns, armed clashes with the

insurgents occur in places where the NPA gained support from civilians. Not to be outdone, the insurgents conduct ambushes in the hinterlands time and again.

Alleged summary executions, enforced disappearance, torture, illegal/ unlawful detention among others are prevalent cases in Region XII. Reports of clan rid or “*rido*” likewise account for violation of civil rights. Though it appears to be a personal concern on the part of the adversaries, in some instances, the status of either of the parties being state functionaries facilitate the commission of acts resulting to the deprivation of life of the victims.

In CARAGA, one case of EJK claimed five Indigenous People (IP) victims who were allegedly executed by the NPAs. In the two (2) cases of torture reported in the region, one (1) involved two (2) minor members of the indigenous peoples tribe, allegedly perpetrated by members of the military.

- **Gender Based-Violations**

From January to December 2013, the Commission recorded 338 cases/complaints involving women (*Refer to Table 7*). Relevantly, the most common complaint is violence against women under RA 9262 with 111 cases (*Refer to Table 8*).

***Table 7: Regional Breakdown of Complaints/Cases Involving Women  
January to December 2013***

Region	Number of Complaints/ Case
NCR	1
CAR	3
I	19
II	14
III	6
IV	34
V	9
VI	20
VII	2
VIII	7
IX	74
X	72
XI	43
XII	11
CARAGA	23
<b>TOTAL</b>	<b>338</b>

**Table 8: Breakdown of Most Reported Cases Involving Women as Victims**  
January to December 2013

Violence Against Women	111
Child Support	26
Discrimination	15
Harassment	13
Grave Threats	11
Wife Battering	12

CHR Regional Office IX took cognizance of reports of cases of rape, attempted rape and child prostitution among women and children who were internally displaced in Zamboanga City due to the recent armed conflict. These incidents allegedly happened at Joaquin Enriquez Memorial Sports Complex that is the temporary shelters for affected residents. Local health officials have expressed fear of the increasing number of sexually-transmitted diseases (STDs) particularly the human immune virus-acquired immuno deficiency syndrome (HIV-AIDS) in evacuation centers. A suspected pimp was arrested through entrapment operation conducted by the police against illegal prostitution at the Joaquin Enriquez Memorial Sports Complex.

In Region V, the policy of a privately-owned agro-mechanical training center in Legazpi City that requires male applicants to pass a “masculinity test” before they can be certified fit for training smacks of discrimination against lesbians, gay, bisexual and transgender people (LGBTs). Likewise, some members of the local police exhibit lack of sensitivity in investigating cases involving LGBTs.

Two (2) other cases relating to discrimination in the LGBT/SOGIE community in education and work environment were filed with the Commission. The case filed at CHR Regional Office X was from a mother of a minor, a lesbian, who experienced bullying in school, while the other one is case filed at CHR-NCR Regional Office of alleged work place discrimination on the basis of complainant’s gender identity as a transwoman.

- **Violations of Children’s Rights**

Children, being the most vulnerable members of society, require special protection and promotion of their rights. They do not have the capacity to protect themselves from abuse and exploitation. Statistics would show that there is an alarming number of abuse, violence and exploitation against children. Thus, there is a need to create a protective environment for children.

From January to December 2013, the Commission has documented 403 complaints/cases involving children (*Refer to Table 9*). Moreover, child abuse is the most reported case involving children with 114 complaints/cases (*Refer to Table 10*).

**Table 9: Regional Breakdown of Complaints/Cases Involving Children**  
January to December 2013

Region	Number of Complaints/ Case
NCR	25
CAR	18
I	47
II	29
III	27
IV	53
V	20
VI	11
VII	6
VIII	11
IX	47
X	42
XI	35
XII	34
CARAGA	8
<b>TOTAL</b>	<b>403</b>

**Table 10: Breakdown of Most Reported Cases Involving Children as Victims**  
January to December 2013

Child Abuse	114
Rape	48
Child Support	50

In CHR Regional Office V, documented violations of children's rights are, most often than not, rape cases in which most of the victims were prospected to be lured and cajoled because of their tender age and weak disposition. One of the cases was perpetrated by his own paternal uncle and respondent succeeded raping the victim more than 30 times while the mother was working in Dubai and the father frequented to Metro Manila as a bus driver. Rape through sexual assault was also reported during the second quarter in which an eight-year old Grade 2 pupil was molested several times by an elementary graduate farmer.

In CHR Regional Office IX, minors suspected as MNLF members were arrested and brought to the CICL Center and were locked up inside a room per order of the City Mayor. They were subsequently released from this situation but their movement remained restricted. Further, a five-year old girl was raped inside an evacuation camp (Joaquin Enriquez Memorial Sports Complex).

“In Zamboanga City at the Philippine National Police’s Camp Batalla, three men and two boys aged 14 and 17 were handcuffed to each other. They were arrested after the police found a gun on one of the adults in the group. The five who were arrested knew each other as bottled water vendors at the city port and denied being members of the MNLF. Police officials said that the five were no longer suspects and would soon be released.”<sup>1</sup>

The CHR Regional Office CARAGA investigated a case involving the rape of a 14-year old female perpetrated by her stepfather. The case is now with the prosecutor’s office. In addition, the same office received a complaint against a German national for violation of Paragraph B, Section 10, Article 6 of RA 7610 in which the victims were five (5) male teenagers aging from 10 to 12 years old. A case of a 14-year old male child soldier who was recruited by the NPA was also documented by the same office.

Moreover, in the course of CHR’s jail visitations in 1,157 facilities with 54,152 inmates all over the country, there were 293 minors despite the prohibition to detain minors under RA 9344. Upon verification, the cases of the minor inmates are still pending and they have commitment orders issued by the courts.

#### • Demolition Cases

The Commission documented 29 cases of demolition with 73 victims/complainants (*Refer to Table 11*). In terms of respondents, there were 33 civilians, 2 police/military, and 9 others who were docketed in relation to demolition cases.

***Table 11: Breakdown of Demolition Cases, Victims, and Respondents***  
*January to December 2013*

Category	Number
Cases/Complaints	29
Victims	73
Respondents	
Civilian	33
Police/Military	2
Others	9

Cases of demolition and land disputes were docketed at CHR Regional Office II. One demolition case involved the market vendors of Cauayan City and the other emanated from a civil case involving the heirs of spouses Julia Tinio and Jose Torres vs. Eulogio Abrio, et al. In CHR Regional Office III, cases of land disputes demonstrating the plight of farmers and residents in rural areas in Brgy. Sumalo, Hermosa Bataan; Brgy.

<sup>1</sup>Philippines: Mistreatment, Hostage-Taking in Zamboanga, Human Rights Watch, <http://www.hrw.org/news/2013/09/19/philippines-mistreatment-hostage-taking-zamboanga>, viewed 25 November 2013.

Sapang Uwak and Hacienda Dolores, Porac Pampanga; Brgy. Tabun, Mabalacat, Pampanga; and Sicogon Island were investigated by the CHR and subsequently public hearings were conducted.

The agrarian dispute between tenants/claimants and alleged land owners mostly in the Bondoc Peninsula Region of the Quezon Province accounts for almost half of the cases involving land disputes documented by the CHR Regional Office IV. The problem may be attributed to the slow distribution of lands by the Department of Agrarian Reform (DAR) through the Comprehensive Agrarian Reform Program (CARP) and the harassment allegedly perpetuated by the land owners through the filing of criminal cases against the tenants/claimants without resorting to the referral system.

Incidents of forced demolition and eviction characterize almost half of the cases received by this region involving economic, social and cultural rights of the people, with seventeen (17) cases as of November of this year. Significant among them is the plight of the public market vendors of San Jose, Occidental Mindoro, which was the subject of the public inquiry/dialogue conducted by the Commission en Banc last February 2013.

CHR Regional Office CARAGA investigated a case of land dispute in Siargao Island involving residents of barangay Caridad, in the town of Pilar, who were harassed by the incumbent Vice Mayor, threatening them of their virtual ejection by setting up cyclone fences that encircled 114 houses, and claiming that the 4,000 square meters of encircled property was owned by him without any legal basis.

- **Internal Displacement**

The phenomenon of internal displacement is a timely issue for consideration as 2013 is a witness to so many ravages and violations of human rights wrought about by natural calamities, internal armed conflict, and generalized violence.

In February 2013 the occupation of Lahad Datu in Sabah, Borneo by some 235 men of Jamal Kiram III of the Sultanate of Sulu, resulted in massive displacements of Filipinos who were forced to return to Mindanao. Hundreds of women and children suffered from the process of enforced displacements, impacting on their rights to human dignity.

The so-called Zamboanga Siege by a faction of the Moro National Liberation Front (MNLF) in Zamboanga City, in September 2013 has taken a great toll on civil, political, economic, social and cultural rights of the people. The following excerpts from the Report of CHR Region IX summarizes the situation of the IDPs:

“The 23-day standoff between the Government troops and which started on September 9, 2013, affected 1,415.07 hectares covering several barangays. The series of fire incidents during the siege destroyed 10,160 houses while others were damaged.

As a result thereof, 23,794 families or 118,819 persons were displaced. Unfortunately, the flooding in early October 2013 increased the number of persons displaced by 12,292 individuals.

A number of the aforesaid affected people have already availed the back-to-province program of the government, some returned to the areas cleared by authorities, while others opted to leave the evacuation centers. Presently, there are 12,914 families or 77,392 people remain displaced. Most of the remaining IDPs are informal settlers.

There is a serious health risk faced by the evacuees in the evacuation centers especially in Joaquin Enriquez Memorial Sports Complex (also known as “the grandstand”) – the biggest evacuation center that has the highest number of evacuees. Currently, the Zamboanga City Health Office has recorded at least forty (40) casualties since September 10, 2013. Causes of deaths ranged from acute respiratory tract infection, common colds, asthma, diarrhea, malnutrition-dehydration, and hypertension. Several children have been identified to be either severely-acute malnourished or moderately-acute malnourished.

There were also reports concerning women engaged in prostitution in the evacuation center. A medical mission on November 12, 2013 indicated at least seven (7) people were positive to sexually transmitted disease. On November 15, 2013, a suspected pimp was arrested through entrapment operation conducted by the police against “illegal prostitution.” It was learned that pay-for-sex activities have been taking place in the portalet and improvised bathrooms.

On September 20, 2013, a 5-year old girl was raped by her 31 year-old paternal uncle while inside the grandstand where she and her family are staying. Another rape incident took place on December 2, 2013 wherein a 12 year-old girl was allegedly molested by her co-evacuee per record of the Women and Children’s Concern Section (WCCS). Cases were filed against the abusers and were committed to the Zamboanga City Reformatory Center (ZCRC).

Authorities have also received information about the drug operation in the evacuation center involving evacuees engaged in peddling of illegal drugs. A buy bust operation was launched on November 27, 2013 by police City Anti-illegal Drugs Special Operation Task Force leading to the arrest of three (3) female suspects involved in drug trade inside the center.

By reason of the terrible incidents and poor conditions of the evacuees, it can be said that the Joaquin Enriquez Memorial Sports Complex (or grandstand) can now be considered detrimental to the health and well-being of the IDPs. Although the CHR-Regional Office IX has monitored measures carried out by the duty bearers to counter



the high risk of gender-based violence, child abuse and trafficking, there is still a need for immediate decongestion in the evacuation centers.”<sup>2</sup>

Natural disasters have become more calamitous. Typhoon Pablo, which made a landfall in Davao Oriental, affected over 6.2 million people. Over 210,000 houses were damaged or destroyed. On 12 February 2013, the death toll stands at 1,146 with 834 people reported missing. There are still 8,925 people staying in evacuation centers, while 925,412 displaced people are seeking shelter elsewhere.

“The earthquake in Bohol and Cebu has left around 380,906 displaced people.”<sup>3</sup> “The super typhoon Yolanda (“Haiyan”) described as the strongest typhoon in this part of the world claimed almost ten thousand human lives.”<sup>4</sup> “Likewise, government agencies estimate that around 9 to 13 million people have been affected by said typhoon across nine regions. About 18% (2.3 million) of the affected population is concentrated in Eastern Visayas, Western Visayas, and Central Visayas regions.”<sup>5</sup> There still remain challenges to a human rights-based approach to humanitarian assistance and to durable solutions of the displaced and affected populations.

- **Indigenous Peoples**

From January to December 2013, the Commission has recorded 33 complaints/cases involving indigenous cultural communities (*Refer to Table 12*). Relatively, murder is the most commonly reported complaint involving indigenous cultural communities with 8 cases (*Refer to Table 13*).

**Table 12: Regional Breakdown of Complaints/Cases Involving Indigenous Cultural Communities**  
*January to December 2013*

Region	Number of Complaints/ Case
CAR	1
I	1
II	2
III	1
IX	9

<sup>2</sup> “Development in IDP Situation in Western Mindanao”, Atty. Sharon May P. Sales-Belisario, Multi Stakeholders Forum on the Promotion and Protection of Internally Displace Persons, the House of Representatives, 11 December, 2013.

<sup>3</sup>Philippines: Earthquake in Bohol Province Situation Report No. 4 (as of 21 October 2013), OCHA, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippinesBoholEarthquakeSitrepNo.4.21Oct2013.pdf>, viewed 3 December 2013.

<sup>4</sup>Philippines: Durable solutions still out of sight for many IDPs and returnees in Mindanao, <http://www.internal-displacement.org/countries/philippines>, viewed 26 November 2013.

<sup>5</sup>Philippines: Typhoon Haiyan Situation Report No. 10 (as of 16 November 2013), OCHA, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHAPhilippinesTyphoonHaiyanSitrepNo10.16Novemb er2013.pdf>, viewed 18 November 2013.

X	6
XI	5
XII	2
CARAGA	5
<b>TOTAL</b>	<b>33</b>

**Table 13: Breakdown of Most Reported Cases Involving Indigenous Cultural Communities**  
*January to December 2013*

Murder	8
Killing	6
Grave Coercion	3
Grave Threats	3

“Human rights violations against IPs are related to the following issues: land grabbing and disregard for the IPs free, prior and informed consent (FPIC); entry and proliferation of genetically modified organisms (GMOs) and toxic, banned and harmful farm inputs in IP’s lands and territories; construction of mega hydroelectric dams, multipurpose dams and other large-scale energy projects in IP’s lands and waters; bombings and forced evacuations; militarization of IP communities; and, other criminal acts against IPs are some of the troubling issues on hand.”<sup>6</sup> “There have been reports of Lumads being displaced in Regions XI and CARAGA brought about by both natural disasters and armed conflict.”<sup>7</sup>

CHR Regional Office II reported the complaint of the Agta Community in Palau Island, Sta. Ana, Cagayan of harassment from Philippine Navy Forces which prohibited the Agtas from repairing and building their houses in the said island. It was further alleged that the Department of Environment and Natural Resources (DENR) disregarded the rights of the IP residents and curtailed several of their customary as well as social and cultural rights. The basis of the Philippine Navy to prohibit and restrict the residents from constructing, repairing, and renovating their houses is Presidential Proclamation No. 201 dated 22 May 1967 stating that part of Palau Island is naval reservation area. Similarly, on 16 August 1994, Proclamation No. 447, series of 1994, was signed declaring the island as part of the marine reserve area, hence, it was placed under the supervision and control of the DENR subject to the provisions of DENR Administrative Order No. 92-95 dated 29 June 1992. Palau Island is also within the area of the Cagayan Export Processing Zone (CEZA, for brevity). As such, CEZA likewise

<sup>6</sup>Philippine Indigenous Peoples’ Agenda, <http://www.tebtebba.org/index.php/content/270-philippine-indigenous-peoples-agenda>, viewed 26 November 2013.

<sup>7</sup>Living in the Shadows: Displaced Lumads Locked into a Cycle of Poverty 2013 by the Norwegian Refugee Centre/Internal Displacement Monitoring Centre launched in Davao City October 5, 2013. [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/EB25C85978ACA26BC1257BC20049C700/\\$file/201308-as-philippines-living-in-the-shadows.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/EB25C85978ACA26BC1257BC20049C700/$file/201308-as-philippines-living-in-the-shadows.pdf)

exercise administrative control over the island and any activity conducted or introduced in the area must be with its concurrences. Recently, the popular TV series, *American Survivor*, was granted filming rights in Palau Island without the FPIC of the IP community affected.

In Cordillera Autonomous Region (CAR), some indigenous peoples' organizations complain about the conduct of FPIC in their ancestral domain alleging that most of them do not favor the building of a hydro-electric plant by the Cordillera Hydro-Electric Power Corporation (COHECO) in their town and nearby municipality of Kibungan. Likewise, some residents and indigenous groups in Mankayan, Benguet also protested against the operations of Far Southeast Gold Resources, Inc. (FSGRI) within their ancestral domain and lands. The FPIC carried out by the National Commission on Indigenous Peoples (NCIP) – Benguet Provincial Office was also questioned because it did not include in the process some residents allegedly affected.

- **Persons Deprived of Liberty**

Based on reports gathered by the CHR, there are about 7 national penitentiaries, 459 jails (manned by the Bureau of Jail Management and Penology) 100 provincial jails and 1,102 lock up cells of the Philippine National Police nationwide. In addition, there are detention facilities under other government agencies, such as the DSWD (15 Regional Rehabilitation Center for Youth), the PDEA (16), BI (1), NBI (1), and AFP (5). As discussed earlier, torture is still widely practised, specially in covert detention facilities and in the lock up cells.

In addition to the complaints of torture, conditions within the detention facilities and prisons remain inhuman putting the inmates at risk to cruel, inhuman or degrading treatment or punishment. Severe resource constraints have been cited as the primary reason for the appalling condition of jails and prisons in the country. The persons deprived of liberty are rights holders and have entitlements as enshrined under international human rights instruments to which the Philippines is a signatory such as the right to be treated with respect to humanity, right to adequate food of nutritional value and potable water, right to humane accommodation, right to be provided with adequate medical services, among others. On the other hand, the duty bearers are the detention and prison authorities that are responsible in providing the inmates with secured and human environment as well as promote their well-being and development.

In monitoring the living conditions of inmates in jails, the CHR uses the UN Standard Minimum Rules for the Treatment of Prisoners (SMRTP). The CHR received a total number of 32 complaints/cases pertaining to PDLs. Based on the 1,030 jail

visitations conducted, the following jail conditions have been observed/ documented which are in violation of the SMRTP<sup>8</sup>:

**a. Inaccurate register on detainee information and case status;**

Detainee records are not well maintained. There is lack of effective recording and documentation to account prisoners' well-being, their conditions inside the jail, and the status of their cases in court.

**b. Non-separation of detainees according to sex, age, untried prisoners from convicted prisoners, persons imprisoned for debt and other civil prisoners from criminal offenders, especially in police lock-up cells ;**

Majority of the lock-up cells of the police stations do not have separate facility for women and children.

Non-separation of youth offenders from adults does not only violate the UN Standard Minimum Rules on the Treatment of Prisoners, but also infringes upon the provision of Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006.

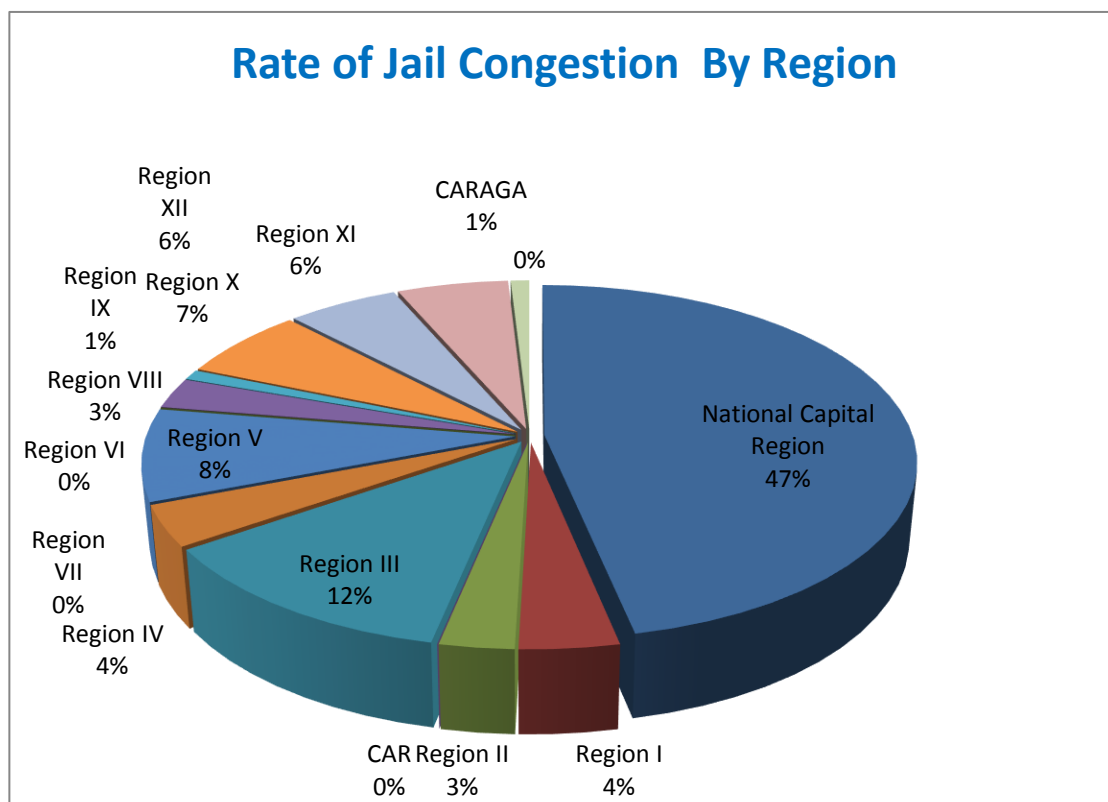
**c. Overcrowding in most jails, police lock-up cells, and other detention facilities;**

Overcrowded conditions and grossly deficient facilities are still the primary issues in penology that are not given the needed attention by the government. Most of the city and district jails had to struggle with persistent growth in inmate population thus inmates were crammed in cells. Delay in the judicial process and failure to post bail due to excessive amount, contribute to ever increasing number of detainees, and thus results to over congestion. The numerous postponements of court hearings and unavailability of complainants and witnesses are the main reason for the delay. These are the concomitant issues that adversely affect jail population. Adding to the congestion rate are drug dependents as they are treated as criminals under R.A. 9165 rather than as patients who need medical treatment and rehabilitation.

NCR has the highest congestion rate with 47% followed by Region III with 12% and Region X with 7%.

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<sup>8</sup>AVO 2013 HR Situation Report on Persons Deprived of Liberty



**d. Inadequate sanitation and insufficient ventilation (Sec. 11-14); and Lack of bed bunks and beddings and prison clothing (Sec.18-19);**

Most jails are dilapidated, unsanitary, and undersized. There are no beds in police lock-up cells, thus, detainees have to sleep on damp concrete floors infested by vermin. Cells are dark and poorly ventilated which constituted a claustrophobic and monotonous atmosphere. Artificial lighting is at best mediocre and is turned off most of the day. The electric switch is outside the cell and is controlled by the jailer. Temperature inside jails is usually high yet prison officers do not provide adequate measure to reduce the heat.

**e. Lack of water and inadequate food (Sec.20);**

There is also lack of water supply and food is inadequate. The budget for food ranges from P30.00 –P70.00, a day covering three meals is so miniscule considering the current prices of commodities in the market. Since the jails and detention centers cannot fully provide the basic needs of detainees, it necessary follows that humane safekeeping and development are negated.

**f. Lack of space/facility for exercises and sports (Sec.21);**

Plans for improvements or expansion of internal spatial division are restricted since jails are commonly located in buildings provided by local

governments which are not designed or equipped to cater to the needs of inmates.

**g. Scarcity of qualified medical personnel and medicines to address the immediate health concern of inmates/delay of medical services;**

In terms of medical services, there is also scarcity of qualified medical personnel and medicines to address the immediate health concern of inmates. Inmates may, upon request, have access to health services outside the detention facility, but often hampered by lack of transportation, budgetary allocation and security fears on the part of the prison officers. Delay of medical services can cause serious health consequences.

**h. Lack of newspapers, wireless transmissions, books and other reading materials which would keep detainees regularly informed and pre-occupied; and**

**i. Lack of library.**

Severe resource constraints have been cited as the primary reason for the appalling condition of jails and prisons in the Philippines. Without adequate public funding from the national and local government, the continued deterioration of detention facilities may be difficult to address.

Fortunately, there is an established mechanism wherein detainees can communicate with their family and other loved ones; and freedom of religion is guaranteed to the inmates to uplift their spirit.

**j. Right to Vote** - During the National and Local Elections on May 10, 2013, prisoners and detainees exercised their right to vote including inmates from the national penitentiaries of Bureau of Corrections nationwide participated in the May 10, 2013 local election. The Commission registered a total of 6, 748 prisoners/detainees who participated in the local election from 50 detention facilities comprised of National Prison, City/District, Municipal Jails and other Government Detention Facilities.

As contained in its election monitoring reports of persons deprived of their liberties (PDLs), on site election (barangay elections) should be done regardless of the number of PDLs entitled to vote so as to remove the shame these PDLs feel when they vote in their respective barangays as they are seen in handcuffs and wearing a detainee shirt.

## STATUS OF PHILIPPINE HUMAN RIGHTS INFRASTRUCTURE

The Philippines has ratified eight of the nine core international human rights instruments, as well as 4 Optional Protocols to such instruments. Despite the passage of the Anti-Disappearance Act in 2012, the International Convention for the Protection of all Persons from Enforced Disappearance has not been ratified. The following Optional Protocols have not been signed or ratified: OP II to the ICCPR, OP to the International Covenant on Economic, Social and Cultural Rights (ICESCR), OP No. 3 of the Convention of the Rights of the Child, OP to the Convention Against Torture (CAT).

As a party to such international treaties, the Philippine State is obliged to translate these into domestic laws, enact new laws to ensure harmony with international standards, and integrate human rights norms and standards in the national development plans, policies, and programs. The State likewise is duty bound to submit a country report on its compliance with the human rights laws.

- **National Human Rights Policies and Measures**

In terms of national human rights legislation, the House Committee on Human Rights can be credited for the introduction of a number of human rights bills. Civil society organizations from the child rights sector gave good marks for Congress “noting the various laws passed that promote and protect the rights of children. However, the Congress still received low mark citing that much time was wasted in unproductive legislative inquiries on less vital political and parochial issues among the lawmakers. Remarkably, the Senate was described as laggard compared to the House of Representatives in pushing for important human rights legislations.”<sup>9</sup>

The following are human rights and human right-relevant laws passed during the 15<sup>th</sup> Congress that ended in June 2013:

***Table 14: Laws Passed during the 15<sup>th</sup> Congress<sup>10</sup>***

Civil and Political Rights Convention (ICCPR)	<ol style="list-style-type: none"><li>1. Amendment of the Revised Penal Code on Subsidiary Imprisonment</li><li>2. Amendment in the Correction of Typographical Errors in Birth Certificates</li><li>3. Protecting Individual Information in IT Systems in Government and Private Sector and Creating the National Privacy Commission</li><li>4. Establishing Peoples Survival Fund to</li></ol>
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<sup>9</sup>Chairperson Loretta Ann P. Rosales, “The Fifteenth (15<sup>th</sup>) Congress and the Human Rights Legislative Agenda for the Sixteenth (16<sup>th</sup>) Congress , Legislative Advocacy Skills Learning Workshop at Holiday Inn – Clark Freeport Zone, Angeles City, Pampanga, Aug. 22-24, 2013.

<sup>10</sup>Ibid.

	Address Climate Change 5. Reparation and Recognition of Human Rights Violations Under the Marcos Regime 6. Recognizance Act to Grant Release of an Indigent Accused 7. Local Absentee Voting for Media
Economic, Social and Cultural Rights Convention (ICESCR)	1. Allowing the Employment of Night Workers 2. Batas Kasambahay 3. Strengthening Tripartism 4. Strengthening Conciliation/Mediation in Labor Dispute Cases 5. Early Release of Retirement and Other Benefits to Retiring Government Employees
Women's Convention (CEDAW)	1. Responsible Parenthood and Reproductive Health Law
Child Rights Convention (CRC)	1. Mandatory Basic Immunization for Infants and Children 2. Institutionalizing Kindergarten Education 3. Strengthening Early Childhood Care and Development 4. Enhancing the Philippine Basic Education System 5. Strengthening Foster Care
Migrant Workers Convention (CMW)	1. Policies to Eliminate Trafficking in Women and Children/Establish Institutional Mechanisms 2. Overseas Absentee Voting
Persons with Disability (PWD) Convention	1. Expanding Positions Reserved to PWDs 2. Establishment of Special Polling Places for PWDs and Elderly

The “losses” during the 15<sup>th</sup> Congress were:

1. Failure to pass the priority human rights bills such as “*Strengthening of the Commission on Human Rights*”, the Freedom of Information Act, the Protection Against Discrimination of Lesbians, Gays, Bi-sexual and Transgender (LGBT) Persons, the “Curative Filing of Cases” in Habeas Corpus, Adequate Compensation for Victims of Unjust Imprisonment or Detention, National Preventive Mechanism on OPCAT, Strengthening the Witness Protection Program, Repeal of the Marital Infidelity Provisions in the Revised Penal Code Amendment of Articles 96 and 97 of the Family Code; Decriminalization of Prostitution; An Act to Increase the Age of Statutory Rape; Anti-Corporal



Punishment; Protection Measures for Indigenous Peoples, including Strengthening their Right to Vote, a Free, Prior, and Informed Consent Process in accordance with the spirit and letter of the IPRA, Laws Protecting the Rights of Migrant Workers, Amendment of Sec. 5 Chapter 1 of RA 7277 (Magna Carta for Persons with Disabilities) and other provisions for harmonization with the Convention on the Rights of Persons with Disabilities, including the Accessibility Law; Right to Suffrage of Detained persons and Amendment to Party List Law.

2. Vetoed bills on *“Strengthening Early Childhood Care and Development”*, *“Internally Displaced Persons Act”*, *“Magna Carta of the Poor”*, *“Declaration of Agricultural Lands”*, *“Centenarian Law”*, and *“Special Privileges to Filipino Athletes Who Have Won International Competitions”*.<sup>11</sup>

At the local levels, human rights committees as regular standing committees in the Provincial, Municipal, city and barangay councils have yet to be institutionalized throughout the country as there are still provinces, towns, cities, and especially barangays which have not created human rights committees in their councils. These human rights committees are expected to shepherd the passage of local ordinances protecting and promoting human rights.

In Region V, the creation of a Human Rights Committee in each of the 70 barangay councils in Legazpi City by the Legazpi City Legislative Council is a most welcome measure to strengthen the local human rights infrastructure. Sponsored by Councillor Melencia Abadeza, the measure shall protect villagers from any human rights violation, ensure respect, and adhere to the primacy of human rights. This is in consonance with the HRAC & ROL (Human Rights Action Centers and Rule of Law) of the Commission where the HRACs shall be automatically manned by the Chair of the Human Rights Committee at the community level or barangays. The purpose of the presence of HRACs at all barangay level is to connect grassroots human rights programs to local governments and regional offices of the CHR. The goal is to strengthen the CHR as the NHRI that will champion the cultivation of a culture of human rights.

There are also regional networks on the protection of vulnerable groups. The Regional Inter-Agency Council Against Trafficking and Violence Against Women (RIACAT-VAWC) in Region V has prepared a resolution encouraging the creation of local committees on trafficking and violence against women (LCAT-VAWC) at the provincial/city/municipal levels. Focus shall be given to areas with high incidence of trafficking, i.e., Masbate and Camarines Sur.

IDP Caraga Link is the CHR’s primary partner in the promotion and protection of the human rights of internally displaced persons in the Caraga Region. Another is the Mindanao Human Rights Action Center or MinHRAC in which they have volunteer community-based humanitarian monitors who periodically provide timely information relative to armed conflicts and displacements.

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<sup>11</sup>Ibid.

The establishment of Inter-Agency Committee Against Trafficking in Region XI (IACAT-ONSE Network) headed by the Department of Justice (DOJ) led to the creation of Law Enforcement and Prosecution Cluster; Advocacy Cluster headed by DILG-XI; and, Social Protection Cluster headed by DSWD-XI. This is replicated in the local government units (LGUs) in the barangay, municipal, city, and up to the provincial levels.

Integration of human rights-based policies in local development plans, policies, and decision-making process resulted in the passage of CALABARZON Regional Development Council (RDC) Resolution No. IV-A-09-2013 that enjoins regional line agencies, LGUs, and state universities and colleges to integrate HRBA.

In response to domestic and international criticisms on failed prosecutions to deter EJKs and other human rights abuses in the country, the Philippine government has undertaken a series of specific measures to address these grave human rights violations. Specific measures include the issuance of Administrative Order No. 35 creating a nine-member "Inter-agency committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons. This AO was signed on the eve of the third anniversary of the infamous massacre of 58 people allegedly by members of the Ampatuan clan and their followers in Maguindanao in 2009.

The Committee is headed by the secretary of justice, the members of the committee include the chairman of the Presidential Human Rights Committee, the secretaries of the interior and local government and national defense, the presidential adviser on the peace process, the presidential adviser for political affairs, the chief of staff of the Armed Forces of the Philippines, the director general of the Philippine National Police and the director of the National Bureau of Investigation.

Serving as observers and resource persons to the committee are the chairman of the Commission on Human Rights and the Ombudsman. Nevertheless, CHR does not just sit as observer or resource person but as member of the Technical Working Group. Reports as of December 2013 still show a dismal record of convictions. On EJKs, there have been three (3) convictions and two (2) acquittals. Three (3) have been dismissed by the court and five (5) have been referred to the Ombudsman. On media killings, there have been 13 convictions, but three (3) have been dismissed; one (1) suspect died; and six (6) cases' status have yet to be verified by the NPS. Unfortunately, there have been five (5) acquittals.

## PART II: RESPONSES TO CRITICAL HUMAN RIGHTS ISSUES -

### 2013 CHR ACCOMPLISHMENT REPORT

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The Aquino administration aims to achieve inclusive growth and poverty reduction as its societal goal as set in the Philippine Development Plan: 2010-2016. The Commission contributes in the attainment of the sectoral goals of good governance and rule of law, as well as peace and security. Based on its mandates, the Commission seeks to contribute to achieve those sectoral goals by accomplishing the following organizational outcomes: (1) violations of human rights are effectively addressed and remedied; (2) the Philippine human rights mechanisms are strengthened; and, (3) a culture of human rights has evolved and being sustained in the country. It delivers the following major final outputs to the people: ***Human Rights Protection Services***, ***Human Rights Promotion Services***, and ***Human Rights Policy Advisory Services***.

#### HUMAN RIGHTS PROTECTION SERVICES

In 2013, the Commission directly assisted more than 12,000 victims and complainants of human rights violations through its various protection services, such as investigation, legal assistance, visitorial, financial and witness assistance, and medico-legal services. Half of this number are persons deprived of liberty (PDLs) who were provided legal assistance during the conduct of jail visitations.

***Table 1: Number of Persons Assisted***  
*January- December 2013*

Services	Number
Investigation	3,146
Legal Assistance	3,429
Jail Visitations	5,003
Financial and Witness Assistance	217
Medico-Legal	232
<b>Total</b>	<b>12,027</b>

Source: MAREIS and LIO, AVO, Forensic Report

- **Investigation and Case Management**

CHR documented from January to December, 2013 a substantial number of 3,660 new complaints including incidents in prior years. Out of the total number of complaints received, 87.62% (3,207) were directly filed in the regional offices, 443 or 12.10% were motu proprio or complaints taken cognizance by the Commission, and 10 or .27% received through the Barangay Human Rights Action Centers (BHRACs).

**Table 2: Number of Complaints Received by Source**

*January – December 2013*

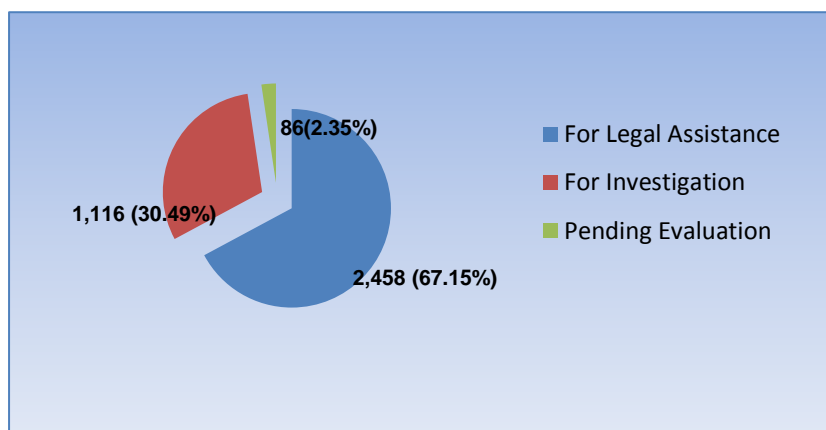
Source	Number
Walk-in/ Regional Offices	3,207
BHRAC	10
Motu Proprio	443
<b>Total</b>	<b>3,660</b>

Source: MAREIS

Based on the preliminary evaluation on the complaints received to determine the kind of intervention and services to be undertaken, 68.77 % complaints were evaluated requiring legal assistance services while 31.22% complaints went through the full investigation process.

**Complaints Evaluated Per Status**

*January – December 2013*



For the same period, the Commission resolved 1,036 cases, an increase of 123.76% from the 2012 performance of 463 resolved cases. Of this number, 230 are incidents during the current year, and the rest are pending cases in prior years.

A notable case resolved by the Commission is the **Capion Family Case**. This is an alleged case of extrajudicial killing by certain elements of the 27<sup>th</sup> Infantry Battalion, Philippine Army as a result of their military operation conducted on October 18, 2012, in Kiblawan, Davao, Del Sur. The victims killed were Juvy Capion, Jordan Capion and John Mark Capion, while Vicky Capion was seriously injured. Fortunately, Marissa Piang was not hurt.

CHR Region XII investigated and monitored the case. On June 18, 2013, CHR Region XII issued its resolution on Juvy Capion, et.al case recommending the filing of a criminal case for violation of RA No. 9851 or the Philippine Act on Crimes Against International Humanitarian Law (IHL), Genocide and Other Crimes Against Humanity and the filing of

administrative complaint against 1<sup>st</sup> Lt. Dante Jimenez et.al. The case filed by the regional office was forwarded to the Central Office of the Department of Justice for appropriate action after the Regional State Prosecutor of Region XI, Davao City endorsed the same. In the same vein, for the administrative complaint, it was already taken cognizance of the Office of the Ombudsman for Military Affairs. Hearing of the case filed at the Office of the Ombudsman is still on-going. The Judge Advocate General Office (JAGO) is also hearing the case.

Likewise a multiple murder case against the soldiers was filed by the family before the Office of the Provincial Prosecutor. However, Prosecutor Jayson B. Banjal, with the approval of Provincial Prosecutor Artemio A. Tajon, dismissed the case on the ground that the circumstantial evidence presented by the complainant was insufficient to establish probable cause.

In addition to those cases, 330 more were resolved for filing and monitoring in appropriate courts or agencies for prosecution and/or administrative action, and 46 cases were settled through Alternative Dispute Resolution (ADR). There were 660 cases terminated because of lack of interest of the complainants to pursue their case.

**Table 3: Breakdown of Cases Resolved by Disposition**  
*January – December 2013*

Case Disposition	No. of Cases
ADR	46
Dismissed/Closed Terminated	660
For Filing and Monitoring	330
<b>Total</b>	<b>1,036</b>

Source: MAREIS

The CHR office in Region III contributed immensely in the increase of the CHR's performance in resolution of cases as shown in the following table.

**Table 4: Regional Breakdown of Resolved Cases**  
*January to December 2013*

Region	ADR	DCT	FM	TOTAL
CAR	1	22	6	<b>29</b>
I	1	42	16	<b>59</b>
II	1	49	47	<b>97</b>
III	32	234	95	<b>361</b>
IV	2	27	9	<b>38</b>
V	2	43	27	<b>72</b>
VII	0	7	8	<b>15</b>
VIII	0	28	13	<b>41</b>
IX	6	70	74	<b>150</b>

X	0	19	7	<b>26</b>
XI	1	60	17	<b>78</b>
XII	0	59	11	<b>70</b>
<b>TOTAL</b>	<b>46</b>	<b>660</b>	<b>330</b>	<b>1,036</b>

As a result of the filing and referral of cases in the appropriate agencies, there were 493 persons who were able to access remedies including 48 complainants who availed of ADR. Under cases for filing and monitoring, a total of 445 persons were assisted in which 253 were male and 192 were female. In terms of ADR, there were 48 persons who were able to access remedies in which 20 were male and 28 were female. (*Refer to Table 5*). Victims have “access to remedies” when their complaints to the Commission result in the following: filing of cases in courts or agencies for prosecution, filing of administrative cases to CSC, Ombudsman, JAGO, etc.<sup>12</sup>

In the case of **Dr. Leonard Co, Sofronio Cortez and Julio Borromeo** who were arbitrarily deprived of their right to life by soldiers of Philippine Army in Leyte, the Commission formally transmitted the case and corresponding case records with the Department of Justice (DOJ) on 18 January 2013, and with the Office of the Ombudsman on 1 February 2013. Finding the killing as a human rights violation, the Commission recommended the filing of criminal and administrative charges against the squad of CPL Marlon Mores (including PFC Albert Belmonte, PFC William Bulic, PFC Elmer Forteza, PFC Alex Apostol, PFC Roger Fabillar, PFC Michael Babon, and PFC Gil Guimerey) for violation of RA 9851 in relation to the Revised Penal Code. Corresponding criminal charges and administrative charges for violation of RA 9851 were also recommended against superior officers Lt. Col. Federico Tutaan and 1Lt. Ronald Odchimar. There were also recommendations for the filing of Charges for obstruction of Justice against Lt. Col. Tutaan, and for Perjury against CPL Mores and Forteza for falsely testifying before the Commission En Banc that they were firing only from the ridge area, a claim contradicted by ballistic evidence.

***Table 5: Regional Breakdown of Victims/Complainants’ Access to Remedies  
Disaggregated by Sex  
January to December 2013***

Region	Filing and Monitoring			ADR			TOTAL
	Male	Female	Total	Male	Female	Total	
CAR	8	4	<b>12</b>	1	0	<b>1</b>	<b>13</b>
I	4	14	<b>18</b>	1	0	<b>1</b>	<b>19</b>
II	15	35	<b>50</b>	2	-----	<b>2</b>	<b>52</b>
III	73	48	<b>121</b>	12	20	<b>32</b>	<b>153</b>
IV	5	6	<b>11</b>	1	1	<b>2</b>	<b>13</b>
V	29	7	<b>36</b>	1	1	<b>2</b>	<b>38</b>

<sup>12</sup>CHR Manual on OPIF: The Commission’s Guide in Monitoring Targets and Performance, p. 13.

VII	10	1	<b>11</b>	---	---	---	<b>11</b>
VIII	9	7	<b>16</b>	---	---	---	<b>16</b>
IX	63	55	<b>118</b>	2	5	<b>7</b>	<b>125</b>
X	9	2	<b>11</b>	---	---	---	<b>11</b>
XI	18	10	<b>28</b>	0	1	<b>1</b>	<b>29</b>
XII	10	3	<b>13</b>	---	---	---	<b>13</b>
<b>TOTAL</b>	<b>253</b>	<b>192</b>	<b>445</b>	<b>20</b>	<b>28</b>	<b>48</b>	<b>493</b>

- **Visitorial Services**

A total of 1,030 Jail visitation activities were conducted by the CHR central and regional offices. Of the 1,030 jail visitation conducted with 21,580 inmates, 5,003 were provided legal assistance.

**Table 6: Jail Visitations Conducted Per Region**  
*January – December 2013*

<b>Regional Office</b>	<b>No. of Jail Visitation</b>	<b>No. of Inmates Provided Legal Assistance</b>
CAR	41	235
NCR	78	826
I	88	60
II	15	119
III	53	1,336
IV	32	1
V	203	48
VI	42	6
VII	-	-
VIII	31	60
IX	88	700
X	130	511
XI	121	461
XII	36	76
CARAGA	53	187
AVO	19	377
<b>TOTAL</b>	<b>1,030</b>	<b>5,003</b>

Source: MAREIS and AVO Report

In Section 7 of RA 9745, otherwise known as the Anti-Torture Act of 2009, all jail/detention facilities are mandated to regularly submit updated list of inmates in their respective jurisdiction to the CHR. To date, the following agencies are regularly

updating the list of inmates in their jurisdiction: Bureau of Jail Management and Penology (BJMP); Philippine Drug Enforcement Agency (PDEA); Philippine National Police (PNP) Correctional Institute for Women (CIW), Aklan Rehabilitation Center, Rizal Provincial Jail, San Ramon Penal Farm and Bureau of Immigration Detention Center. Armed Forces of the Philippines (AFP) submitted its compliance only once, while New Bilibid Prison (NBP) has not yet submitted any report despite request by the Commission.

Based on the lists, the Commission referred to the Office of Court Administrator for speedy trial the following: 61 criminal cases against Children in Conflict with the Law (CICL), 41 criminal charges against detainees who are already 70 years or older, and 90 criminal cases against detainees whose cases are pending for 10 years or more already.

Likewise, requests were made to the President of the Philippines to grant executive clemency to nine (9) convicted prisoners who are 70 years old and above. There were also prisoners who have already served the maximum of their sentence but are still in prison, a communication is sent to the Bureau of Corrections or to the detaining agency requesting for immediate release of the concerned prisoners. Also, the Commission has recommended before the President of the Philippines absolute pardon to terminally ill inmates.

Of these inmates, twenty-one (21) were permanently released from detention and two (2) were temporarily released. Thirty-five (35) were given priority in the court calendar and six (6) were submitted for resolution.

As a result of CHR's recommendations, 53 cases were resolved resulting in conviction of 12 inmates and acquittal and release of 41 inmates, 9 cases for resolution and the rest are still pending trial.

During the May 2013 local election, the Commission through its fifteen regional offices monitored the election process and ensured the participation of the PDLs. Other government agencies which supported and monitored the PDLs voting were the Department of Justice (DOJ), Bureau of Jail Management and Penology (BJMP), and Bureau of Correction (BUCOR).

The Barangay Election on October 28, 2013 was likewise monitored by the CHR Regional Offices.

- **Financial Assistance**

Through the Assistance and Visitorial Office (AVO), CHR granted a total of Two Million Eighty-Six Thousand Pesos (PhP 2,086,000.00) for financial assistance to 214 victims/and or beneficiaries of human rights violations.



**Table 7: Financial Assistance to Victims and Their Families**  
January– December 2013

Region	Amount	No. of Beneficiaries
NCR	200,000	20
CAR	141,000	15
I	120,000	12
II	90,000	9
III	230,000	23
IV	217,500	25
V	156,000	18
VI	45,000	5
VII	10,000	1
VIII	516,500	47
IX	140,000	12
X	-	-
XI	200,000	25
XII	20,000	2
CARAGA	-	-
<b>Total</b>	<b>2,086,000</b>	<b>214</b>

Source: Consolidated Report by AVO

- **Forensic Services**

As part of the investigation of cases of alleged human rights violations, 46 cases were referred to the Forensic Office for medico-physical examination. These cases were alleged maltreatment of suspects or torture while in the custody of the authorities. Cases were from Cagayan, Palawan, Puerto Princesa, Zamboanga City and NCR. Medical examinations were conducted on 11 persons alleged as New People's Army detained in Camp Alejo Santos, Malolos, Bulacan.

Fourteen exhumation/autopsies were also administered by the office in Regions NCR, I, II and VIII.

The Forensic Center also monitored the conditions of two (2) hunger strikers from PLDT/Digitel in Makati City in April.

During the National Correctional Consciousness Week, October 23-25, 2013, medical missions were also conducted in Correctional Institute for Women (CIW), Quezon City Jail and National Bilibid Prison. A total of 150 prisoners/detainees were given medical/physical examination.

- **Witness Protection Program**

Under the Witness Protection Program of the Commission, three (3) witnesses with their family are availing of the in-house protection of the Commission. Through the witness assistance program, the Commission provides for the daily expenses of the witnesses and their family.

- **Issuance of Human Rights Clearance**

The CHR has been issuing certifications and clearances to members of the police and military institutions, as well as to civilian public servants to ensure that the country's officers are apt for public service. Likewise, it does not only facilitate competence of duties in various public offices but also serves to safeguard human rights and screening possible violators. From January to December of 2013, a total of 3,169 human rights clearances of no human rights violations were issued by the Commission to uniformed personnel who applied for promotion, confirmation, nomination, retirement, for schooling and for UN Mission.

Also issued were certifications to 87 uniformed personnel who have pending cases of human rights violations.

***Table 8: Number of Human Rights Clearance/Certification Issued  
January – December 2013***

Branch of Service	No. of Clearance	No. of Certification
Philippine National Police	2282	61
Philippine Army	226	17
Philippine Navy	82	4
Philippine Air Force	109	2
Others	56	3
<b>TOTAL</b>	<b>3,169</b>	<b>87</b>

## **HUMAN RIGHTS PROMOTION SERVICES**

Human rights promotion enables information and knowledge about human rights to be disseminated to the general public and to specific target groups. It envisions a culture of human rights so that each individual in society shares the values that are reflected in the international and national human rights legal framework.<sup>13</sup>

- **Education and Training Activities**

For this period, the Commission conducted a total of 685 seminars/trainings/workshops with 54,879 participants from different sectors such as police, military, public officials/government employees and other vulnerable sectors.

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<sup>13</sup>Based from the context of **National Human Rights Institutions: History, Principles, Roles and Responsibilities**, Professional Training Series No. 4, 2010, p. 57.

These were conducted in cooperation with partners from the national and local governments, academe, civil society organizations and international development agencies, such as UNDP, UNHCR and AECID . In joint activities, the Commission provided various technical services, particularly in the development of training design or modules and teaching aides, reading materials, and resource persons.

**Table 9: Number of Education Activities and Participants by Region<sup>14</sup>**  
January – December 2013

Office/ Region	Number of Education Activities	Number of Participants
NCR	26	1,883
CAR	61	3,589
I	23	2,549
II	64	8,350
III	50	3,261
IV	27	2,642
V	56	4,171
VI	7	290
VII	39	1,666
VIII	14	742
IX	41	3,530
X	39	1,954
XI	134	9,565
XII	32	6,161
CARAGA	43	3,338
HERO	24	992
HRICD	5	196
<b>TOTAL</b>	<b>685</b>	<b>54,879</b>

The Commission focused its efforts on the enhancement of a client – based human rights education and training programs and modules/session plans/teaching aids/learners’ aids/ kits, and curricula. Among its recent collaboration was with the Philippine Military Academy (PMA) for the development of a Human Rights – IHL Education Curriculum. The *Click Human Rights*, organized on *March 18, 2013*, in cooperation with the Philippine National Police Human Rights Affairs Office (PNP-HRAO) and intended to produce a computer-based course on Human Rights and International Humanitarian Law (HR-IHL) was attended by 35 participants from CSOs and other stakeholders from Luzon.

In addition, a Rights-Based Approach to Peace Advocacy and Monitoring for the

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<sup>14</sup> Based from the consolidation of regional accomplishments reports by the Education and Research Office (ERO), including trainings and seminars funded by International Partners.

Government of the Philippines – Monitoring Committee – Office of the Presidential Adviser on the Peace Process (OPPAP) Secretariat was conducted. At the end of the year, another Trainors Training on Human Rights and International Humanitarian Law was conducted for the Philippine Public Safety College (PPSC) instructors, trainors and other key teaching personnel.

- **HR Information, Education and Communication Materials**

For 2013, the Commission produced five (5) information materials namely: (1) Universal Declaration of Human Rights in Tagalog; (2) Universal Declaration of Human Rights in English; (3) Human Rights Education Modules for Women; (4) Call to Undertake Action Points from the Second National Summit on IHL; and (5) Compilation of RTD on IHL specifically Proceedings of the 2013 IHL RTD (pre-summit), 2013 RTD on Making an IHL Operational Plans for Action Points, and RTD for CHR Regional Directors on IHL (Post Summit).

Under the UNDP project, five (5) research studies and documented best practices that promote human rights, participation and gender sensitivity among partners that were published and disseminated last year, namely: (1) *Guidebook for Prosecutors and Investigators on Human Rights Cases*; (2) *Human Rights Based Approach (HRBA) to Public Finance in the Philippines*; (3) *Primer on the Forum on the Four (4) Nodes of History: The Challenges in the Security Sector in the Philippines*; (4) *Primer on Business and Human Rights and the Concept of Ruggie Framework*; (5) *Narrative on Best Practices and Experiences in Philippine UPR, Establishment of RHRC in ARMM and Declassifying Martial Law and Passage of the Compensation Act; and Proceedings of the 2<sup>nd</sup> National IHL Summit*.

In addition, IEC materials in the form of Commission Statements were released thru the media to be disseminated to the public on the following issues/concerns:

**Table 10: Human Rights Press Statements Released**  
*January to December 2013*

<b>Title</b>	<b>Brief Description</b>
1) Statement during the Press Conference after Signing of the Human Rights Violations Victims Reparation and Recognition Act of 2013	The Statement emphasizes points on the significance of the law
2) Statement of Chairperson Rosales on recent development in the Jonas Burgos Case	Reactions/ comments/ commitments of the CHR Chairperson on the Jonas Burgos Case
3) Statement on the Attack on Mayor Ruth Guingona and Entourage by NPA Members on 20 April 2013	CHR Condemns the unconscionable and brazen attack on the entourage of Mayor Ruth Guingona by members of the New People's Army

4. ) CHR Statement for the Upcoming May 1, 2013 Rally	CHR's expression of commitment to monitor and ensure the conduct of peaceful rallies nationwide, in observance of Labor Day
5) Statement on the killings of Romie Almacin in Davao Oriental, Antonio Petalcorin in Davao City and the suspected kidnappers of Filipino- Chinese Business woman in Davao City	CHR calls on Mayor Duterte and all local government officials in Davao, local communities and other stakeholders to come up with effective, democratic and commonly acceptable ways to fight criminality and vigilantly keep peace and order in all communities
7) Statement on the Barangay Elections	CHR, as Gender Ombud, calls on the participation of women registered voters during the election on October 28, 2013
8) Court of Appeals issues a Writ of Amparo for residents of Sicogon Island in Carles, Iloilo	CHR views the issuance of the Writ of Amparo as a guarantee of timely judicial protection for Rowaldo Macario and his family, residents of Sicogon Island, Iloilo, pending the summary hearing on the Petition.

Moreover, the Commission issued 13 press releases to the media to inform the public of its programs, projects and activities.

- **National and Local Networks for HR Education**

To strengthen and increase the network for human rights education, the following *Memorandum of Agreements (MOA)* were forged in 2013:

1. CHR and the Philippine Public Safety College (PPSC) Memorandum of Agreement (MOA) was signed on June 18, 2013 in Fort Bonifacio, Taguig City to further strengthen the teaching of human rights in the PPSC system. Both parties agreed to work together to promote the concepts and principles of human rights among cadets/students of the PPSC and its constitutive units including member of the faculty, tactical staff and instructors and all other teaching personnel of the institution. These will be done by formulating and implementing the appropriate academy policies, incorporating human rights principles, standards and practices in all aspects of cadetship /academy and student life.
2. CHR and the Polytechnic University of the Philippines (PUP) forged a Memorandum of Agreement (MOA) on December 10, 2013 at the CHR Office to strengthen human rights curriculum in the university system.
3. A MOA between the Commission on Human Rights (CHR) and the Regional Human Rights Commission (RHRC) in Autonomous Region in Muslim Mindanao

(ARMM) was signed on October 17, 2013 at the CHR Multi-Purpose Hall to ensure peace and strengthen the protection of human rights in this region.

Chairperson Loretta Ann P. Rosales and RHRC Chairman Algamar Latiph signed the accord. Describing it as an “associative relationship”, the MOA specifies that both parties will have a mutual, coordinative and complimentary relationship. The two parties will uphold and implement the following human rights laws: Anti-Torture Act of 2009, Act on Crimes Against International Humanitarian Law, Genocides and Other Crimes Against Humanity, Magna Carta of Women, Anti-Enforced Disappearance Act of 2012 and other humanitarian laws.

4. CHR Regional Office in the Cordillera Administrative Region (CAR) has forged partnership with the Regional Development Council (RDC) in the information and education campaigns of the regional autonomy to the LGUs to include BHRAOs. The regional autonomy spells out the rights of indigenous cultural communities to self-determination and development.
5. **MOA on Human Rights Action Centers and Rule of Law Strategy** - The Commission has paved the groundwork for a partnership with the Department of the Interior and Local Government to embark on a more aggressive way of promoting human rights in the country through the Human Rights Action Center and Rule of Law (HRAC & RoL) strategy. Evolving from the BHRAC Program of the Commission, HRAC & RoL aims to strengthen the presence of CHR and its human rights network at the level of provinces, cities and municipalities. It entails the creation of standing human rights committees at all administrative tiers of local government. The Committees will be chaired by an elective official who is a member of the local legislative body. The local chief executives and members of the human rights committee will be capacitated on human rights for them to be able to integrate and address human rights concerns in their local legislations. This strategy helps to ensure that human rights services will be available at a closer range to the public as well as to strengthen collaboration at the various level of government. Under a Joint Memorandum Circular of DILG-CHR on the Creation of a Standing Human Rights Committee and Establishment of HRAC & RoL that is has been drafted, the Commission will assist the local government units to mainstream human rights in the six good governance parameters of DILG, namely, good financial Housekeeping (transparency and accountability), disaster Preparedness, Social Protection, Business Friendliness and competitiveness, Peace and Order and Environmental Management.

- **HR Milestone Events and Celebratory Activities**

The Commission implemented some 283 activities to highlight human rights awareness during annual celebrations of human rights and human rights-related milestone events. The primary celebratory events that CHR actively honors are the international human rights day and national human rights week in December, the

international women's rights day and national women's month, and national children's month.

**Table 11: Celebrated Milestone Events**  
*January – December 2013*

Milestone Events	CHR OFFICE															
	CO	NCR	1	2	3	4	5	6	7	8	9	10	11	12	CAR	CARAGA
International Women's Month/Day (March 8)	√	√	√	√	√		√	√	√	√	√		√	√		√
CHR Foundation Day (May 5)	√		√		√		√		√		√		√			√
International Day in Support of Victims of Torture (June 26)	√				√											
National Disability Prevention and Rehabilitation Week (July 17-23)	√			√		√	√				√		√			
International Humanitarian Law (August 10)	√		√		√	√	√	√		√	√	√	√			√
International Day of Peace/National Peace Consciousness Week (September 21)	√												√			
Commemoration of Martial Law (Sept. 21)					√		√			√						
Elderly Filipino Week (October 1)	√															
National Correctional Consciousness Week (October)	√												√			
National Children's Month (October)	√	√			√		√	√		√			√			√
Juvenile Justice and Welfare Consciousness Week (October 20-27)	√															
18 Day Campaign to End Violence (October)	√							√								√
International Day of Persons with Disabilities (December 1)	√			√	√	√	√					√				√
Pride March (LGBT) (December 7)	√															√
National Human Rights Consciousness Week (December 4-10)	√	√		√	√	√	√			√			√		√	√

### National Human Rights Week Celebration

The annual celebration of human rights week was marked with a theme: "Wakasan ang Walang Pananagutan, Tiyaikin ang Tapat na Pamamahala". A holy mass was celebrated on December 8, 2013 both in Channels 2 and 4. Various activities were held all over the country in the form of forum, orientation, lecture, jail visitation, seminars and summit on human rights. The highlights of the celebration were: the Kapihan sa La Breza, Forum on Women Peace and Security, Advocacy Lecture on UDHR, Seminar on the Role of BCPC in the Protection of Children and Sangguniang Barangay Members, Pasalugsogan: Child Rights Advocacy for Public School Pupils, Regional

Human Rights Summit Cum IEC in Cordillera Autonomous Region, Forum on National Preventive Mechanism with Stakeholders on the caring for Persons with Disabilities, Simultaneous recitation of Panata sa Karapatang Pantao, Personal Health Benefit with Blood Donation Drive, The Community Watch: Simultaneous Sectoral Community Mobilization, MOA signing with PUP, Ulat sa Bayan, Public Lecture “Ending Impunity”, the Forum on the Protection and Promotion of the Rights of IDPs and HR on Wheels.

### *Human Rights on Wheels*

The Commission launched the Human Rights on Wheels: Human Rights Community Program in 2012. This program seeks to bring culture of human rights at the grassroots level as well as the CHR’s human rights services closer to the people, such as legal aid, human rights knowledge fair and training sessions, seminar on HRBA, and health and wellness promotion activities.

For 2013, HR on Wheels activities were conducted in Phase 2 of Brgy.176 Bagong Silang, Caloocan City on June 5, 2013. Human rights seminar for 50 Barangay Tanods was conducted and in the course of the seminar legal counseling and assistance were given to 45 persons in the barangay. Moreover, two (2) violations against women and children were documented and they formalized their complaints to the Commission.

## **HUMAN RIGHTS POLICY ADVISORY SERVICES**

National Human Rights Institutions (NHRIs) are empowered to advise the government on human rights policies for the promotion and protection of human rights enshrined in the Paris Principles.<sup>15</sup> In relation to this, the Commission on Human Rights (CHR), being the NHRI in the country, is mandated to recommend and provide appropriate and effective measures for the promotion and protection of human rights. Thus, the Commission recently adopted *Human Rights Policy Advisory Services* as its third Major Final Output (MFO) under the revised Organizational Performance Indicator Framework (OPIF).

- **HR Policy Issuances and Measures: Advisories, Position Papers, Resolutions**

From January to December 2013, the Commission has issued and disseminated 19 policy issuances in the form of advisories, resolutions, and human rights guidelines/measures, to wit:<sup>16</sup>

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<sup>15</sup>Based from the context of **National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights**, Professional Training Series No. 4, 1995, p. 23.

<sup>16</sup>Based from policy issuances released and disseminated by the Office of the Commission Secretary (ComSec).



ADVISORIES	DESCRIPTION/SUMMARY
<p>CHR –A2013 – 001 – On The Human Rights and Humanitarian Situation of Filipinos amidst the Conflict in Sabah</p>	<p>The Commission issued this advisory to call on the Philippine and Malaysian Governments for unconditional guarantee to the protection of the human rights of all peoples in Sabah, regardless of status, particularly:</p> <p>For the Malaysian Government to immediately allow humanitarian access to affected areas in order to immediately address the needs of civilians displaced and/or injured during the conflict;</p> <p>For the Philippine and Malaysian Governments to accurately and faithfully document the number of Filipinos arrested and detained in relation to the Sabah crisis, clearly distinguishing those being directly involved in the Sabah conflict from those arrested and detained for failing to produce proper documents;</p> <p>For the Malaysian Government to unconditionally observe and respect the right of those Filipinos arrested and detained to due process and humane treatment;</p> <p>For the Philippine Government to immediately look into the condition of and provide assistance to the arrested and detained Filipinos;</p> <p>For the Philippine Government to address the urgent needs of displaced Filipinos from Sabah ensuring the sustainable provision of basic necessities to include the provision of food, water, medicine, and shelter, to long term interventions geared towards reintegration to society;</p> <p>Finally, the Commission calls on ASEAN through the ASEAN Inter-governmental Commission of Human Rights (AICHR) and the International Labour Organization (ILO) to monitor and take appropriate action to ensure the protection of human rights during the Sabah crisis and thereafter, in accordance with their respective mandates within the region.</p>
<p>CHR – A2013 – 002 – On the Wearing of Headscarves</p>	<p>This advisory on the issue of the wearing of headscarves and veils in the form of "hijabs," "burkas," and "niqabs, in schools, universities, and other training or learning institutions, is issued by the Commission to promote and protect human rights of all persons within Philippine jurisdiction as well as Filipinos here and abroad. In addition, this advisory is being issued by the CHR in its capacity as Gender Ombud under Republic Act No. 9710 or the Magna Carta of Women.</p>

	<p>As Gender Ombud, the Commission on Human Rights, calls the attention of the following and issues the following directives:</p> <p>For the Presidential Human Rights Committee under the Office of the President to craft a proposed appropriate issuance that would underscore the policy of the government to respect the wearing of headscarves or hijabs by Muslim women;</p> <p>For the Civil Service Commission to craft the appropriate issuance for compliance by all government agencies, to allow Muslim women to wear hijabs at work and to ensure that where there are security and identification concerns, that such processes are gender sensitive;</p> <p>For the Commission on Higher Education to reiterate or reissue with directive for strict compliance by all institutions of higher learning, technical or vocational schools and similar training centers, to allow the wearing of hijabs;</p> <p>For the Department of Labor and Employment to formulate policy guideline for implementation and compliance by private companies, on the mode of dressing and wearing of hijabs by female employees who are Muslim; and</p> <p>For the Universidad de Zamboanga, the Brent Hospital and College, Ciudad Medical Hospital, to communicate with the Commission on Human Rights on developments made following the issuance of this advisory for the improvement of university or company policy regarding the Muslim students who wish to attend classes or go to work wearing hijabs.</p>
<p>CHR (IV) – 2013 – 003 – Re: Hernandez vs Philippines, Human Rights Council Communication No. 1559/2009</p>	<p>The Commission on Human Rights issues this advisory in respect of the recent release of Communication No. 1559/2007 by the United Nations Human Rights Committee (HRC) which finds the Philippine Government in violation of the Right to Life and the Right to Effective Remedy under the Covenant on Civil and Political Rights (ICCPR) involving the killing of Ms. Benjaline Hernandez, the Deputy Secretary-General of KARAPATAN, Southern Mindanao Region and the Vice President of the College Editor’s Guild of the Philippines (CEGP).</p> <p>In line with the Commission’s mandate to “monitor the Philippine Government’s compliance with international treaty obligations on human rights” and in demonstration of its advisory role, the Commission call upon Government to regard this development as an opportunity for the new administration, as primary duty bearers, to enable compliance with human rights obligations set forth in the International Covenant on Civil and Political Rights and ensure the right to an effective</p>

	remedy for Benjaline and her family.
CHR (IV) A2013 – On Searches of Persons and Vehicles at Checkpoint Operations	The Commission renders this Advisory, as a supplement to and as a reiteration of the CHR Advisory issued 14 August 2000, re: On Searches of Persons at Police Checkpoints, particularly to the Chief of the Philippine National Police, and to all law enforcement entities engaged in the conduct of checkpoints, to call attention on the strict observance of human rights standards in the conduct of establishing and manning checkpoints.
CHR (IV) – A2013 – 005 – On the Plaque of Recognition Awarded to Oceana Gold Philippines, by the CHR Region II Office	<p>This advisory was issued to clarify that the Plaque of Recognition awarded to Oceana Gold Philippines, Inc. (OGPI) on May 07, 2012 by the CHR-Region II Office, for <i>“incorporating and observing a human rights perspective in the conduct of its business affairs and for giving due consideration to cultural rights as well as the social development of the Barangays impacted by the mining operations within the Provinces of Nueva Vizcaya and Quirino”</i>, was without the knowledge and participation of the Commission En Banc (CEB). Because of the said award, there is now confusion and wrong public impression that CHR has reversed its findings, as set forth in CEB Resolution (IV) A2011-004 dated January 10, 2011, of human rights violations committed by OGPI in the course of its mining operations in Brgy. Didipio, Kasibu, Nueva Vizcaya. Moreover, OGPI has been using the same Plaque to justify its “good” human rights record. Such being the case, the Commission revokes and disowns the Plaque of Recognition awarded by CHR-Region II Office to Oceana Gold Philippines, Inc.</p> <p>The Commission reiterates that it’s CHR (IV) En Banc Resolution No. A2011-004 stands and remains valid and effective.</p>
CHR (IV) – A2013 – 006 On the Permit –To – Campaign Scheme Imposed by the NPAs and Other Non-State Groups	<p>This is a re-issuance of the Commission HR Advisory on the Permit-to-Campaign Scheme Imposed By The New People’s Army (NPA) and Other Non-State Groups in light of the commencement of the campaign period for the upcoming barangay election.</p> <p>The Commission sets forth the following recommendations to address this recurring issue on permit-to-campaign scheme:</p> <ol style="list-style-type: none"> <li>1. For the Department of Interior and Local Government, all concerned local government units and law enforcers: <ol style="list-style-type: none"> <li>a. to ensure that all candidates and political parties are allowed unhampered entrance in every municipality and barangay of all level and incidents where permit to campaign are imposed be reported to appropriate government agencies including the Commission on Human Rights;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>b. to secure the peace and order in all areas, including those considered as hotbeds of insurgency, so that all candidates and political parties are given access to the electorate during the campaign period without intimidation or manipulation by any group;</li> <li>c. to ensure that all citizens, desiring to exercise their right to suffrage, are allowed, and encouraged in, and their rights protected when, participating in political assemblies and meetings, and in the dissemination and receipt of information on any and all election-related matters;</li> </ul> <ol style="list-style-type: none"> <li>2. For the COMELEC to ensure the effective/implementation of relevant provisions of the Omnibus Election Code, Republic Act No. 9006 or the Fair Elections Act, and its Implementing Rules and Regulations, and to promptly act upon complaints thereof;</li> <li>3. For all non-state actors, including armed insurgency groups as well as factions and members thereof, to strictly adhere to the provisions of the CARHRIHL, including the immediate cessation and desistance from the practice of requiring permits to campaign and other similar limitations to free expression, free assembly and the right to political participation, free from intimidation or coercion; and to prevent members and factions from implementing the practice and similar practices for the 2010 elections and future elections, plebiscites and referenda;</li> <li>4. For the Joint Monitoring Committee, established by the CARHRIHL, including the GRP Negotiating Panel, in which the Office of the Presidential Adviser on the Peace Process (OPAPP) plays a part, to take note of and investigate the human rights violations inherent in the practice of requiring permits to campaign and similar practices, as well as to uphold the CARHRIHL provisions towards peace building;</li> <li>5. For political parties, candidates, political groups, media and other concerned citizens to refrain from cooperating with the practice of requiring permits to campaign and other similar limitations to free expression, free assembly and the right to political participation free from intimidation or coercion;</li> <li>6. For the political parties, candidates, political groups, media and other concerned citizens, media and other concerned citizens to immediately report the incidents when permits to campaign are required and similar other violations of the right of free suffrage and right to electoral participation to appropriate authorities for proper action; and</li> <li>7. For the 16th Congress to seriously consider to enact a law specifically addressing and penalizing this practice.</li> </ol>
On the Philippine government's reservation on the resolution submitted to the	The Commission on Human Rights issued this advisory on the occasion of the International Day of Disabilities, celebrated in December to urge the Philippine Government to withdraw

Human Rights Council regarding the Right to Suffrage of Person Psychosocial and Intellectual Disability	“reservation” to the UN resolution on the right to suffrage of persons with psychosocial and intellectual disability.
CHR (IV) – A2013 – 006 On HIV/AIDS and HR Workplace Policy	<p>The Commission on Human Rights issued this advisory urging all offices, government and private institutions to adopt the WORKPLACE POLICY ON HIV and AIDS.</p> <p>Further, government employees are advised to report to the Civil Service Commission (CSC) any acts of discrimination against an individual seeking employment or in the course of employment because of his/her actual, perceived or suspected HIV status.</p>
CHR (IV) – A2013 – 009 Re: Quezon City Ordinance No. SP-1506, S.2005 (Anti-Littering Ordinance)	<p>The Environmental Protection and Waste Management Department (EPWMD) of Quezon City inquired into the human rights implications of deploying violators of City Ordinance No. SP-1506, S.2005 to litter-prone areas within the City where they will be tasked to carry out community service in the form of street-sweeping, picking-up of litter and other clean-up activities.</p> <p>In the process of amending the Ordinance, provide safeguards to ensure the basic human rights of violators and ensure the preservation of their dignity.</p> <p>The Commission on Human Rights lauds this initiative of the EPWMD of Quezon City in proactively inquiring into the human rights implications of a proposed action and encourages other local government units to adopt said practice.</p>
CHR(IV) – A2013 – 010 – Supplemental Advisory pm HR Standards on Housing Land and Property Rights of Population Affected by Tropical Storms and Other Natural Disasters	The Commission urges all stakeholders, especially local government units, relevant housing agencies, the police and other government agencies to adopt the standards and guidelines on housing land and property rights to address the various protection issues relative to disaster situations and to clarify issues relating more particularly on the rights of ICCs/IPs to their ancestral domain in relation to disaster situations.
<b>POSITION PAPERS</b>	
On the Proposed Merger of the Public Attorney’s Office and the Commission on Human Rights	<p>This is in reference to the proposal made by Senator Tito Sotto on the “merger of the Public Attorney’s Office (PAO) to be under the Commission on Human Rights (CHR)”.</p> <p>The Commission respectfully submits its opposition to the proposed merger considering that it raises issues relating to the sphere of competence and the broad mandate of the Commission</p>

On Senate Bill No. 1081 Entitled “Anti-Religious and Ethnic Stereotyping Act”	<p>In response to the request of Senator Francis G. Escudero, Chairman of the Senate Committee on Finance and author/sponsor of Senate Bill No. 1081, the Commission respectfully submits that Senate Bill No. 1081 is a very important bill and in full accord with the provisions of various international conventions/treaties on the elimination of religious and/or ethnic stereotyping/discrimination, the 1987 Philippine Constitution and other pertinent domestic laws.</p> <p>The Commission is strongly supporting and recommending the immediate passage of Senate Bill No. 1081 as this bill, if it becomes a law, will provide the “missing link” in our fight against stereotyping and discrimination.</p>
On Consolidated Senate Bill No. 3324/House Bill No. 6052 Amending RA 9344 or The Juvenile Justice and Welfare Act of 2006	<p>The CHR supports the approval of the consolidated enrolled bill SB No. 3324/HB No. 6052. The salient portions of the amendments supported by the CHR are the following:</p> <ul style="list-style-type: none"> <li>a) Minimum Age of Criminal Responsibility (MACR) is maintained to Fifteen (15) years of age. We have strongly opposed the proposals to lower the MACR below 15 years of age</li> <li>b) Creating and attaching the Juvenile Justice and Welfare Council under the Department of Social Welfare and Development (DSWD) and placing the Council under its administrative supervision rather than under the Department of Justice (DOJ).</li> <li>c) Creation of Regional Juvenile Justice and Welfare Committee (RRJWC) in each region and providing for their duties and functions.</li> <li>d) Treatment of children who committed serious crimes but are exempt from criminal responsibility and those who are repeat offenders (12 years of age up to 15 years of age).</li> <li>e) Maximum penalty for persons who exploit children.</li> <li>f) Establishment of <i>Bahay Pag-Asa</i>.</li> <li>g) Assistance to Victims of Offenses Committed by Children.</li> <li>h) Requirement that discernment be alleged in the information.</li> </ul>
<b>RESOLUTIONS</b>	
CHR (IV) No. A2013-122	The resolution calls for the strengthening of the CHR as recommended in the Capacity Assessment conducted by the Asia Pacific Forum (APF). The Commission resolved to approve the CHRP Charter with the agreed revisions as discussed.
CHR (IV) No. A2013-127	The Commission resolved to adopt the Human Rights Legislative Agenda (for the 16 <sup>th</sup> Congress)

The HR legislative agenda for the 16h Congress is the result of the series of consultations with government and civil society stakeholders that culminated in the Forum-workshop on Human Rights Legislative Agenda held in May 31, 2013. It is a set of priority measures to translate the core international human rights instruments into domestic application. The priority human rights measures are as follows:

#### **Civil and Political Rights Convention (ICCPR)**

- Protection and Promotion of the Rights of Internally Displaced Persons
- Anti-Extra Judicial Killing
- Freedom of Information
- Voting Mechanism for Inmates/Persons Deprived of their Liberty
- Law on Protection of Human Rights Defenders
- Anti-Discrimination Bills
- Students Rights and Welfare Law
- Alternatives to Imprisonment
- Medical Parole Act
- Enabling Law to Implement the Constitutional Provision on Local Sectoral Representation

#### **Economic, Social and Cultural Rights Convention (ICESCR)**

- Magna Carta of the Poor
- Amendments to Sec. 28 of UDHA – to conform to international standards under Article 2 of the Convention
- Magna Carta of Workers in the Informal Economy
- Magna Carta of Patients' Rights
- National Land Use Act
- Alternative Mineral and Mining Bill

#### **Anti-Torture Convention**

- Establishment of a National Preventive Mechanism to Implement the Optional Protocol

#### **Women's Convention (CEDAW)**

- Electronic VAW (E-VAW)
- Divorce
- Non-Discrimination in Employment Advertising

#### **Child Rights Convention (CRC)**

- Anti-Corporal Punishment
- Comprehensive Protection of Children affected by Armed Conflict
- Strengthening the Council for the Welfare of Children
- Increasing the Age for Statutory Rape from 12 to 16
- Removing the Distinction/
- Discrimination Against "Illegitimate Children" or Children Born Out of Wedlock
- Amendment to RA 8504 or the AIDS Law

#### **Migrant Workers Convention (CMW)**

- Magna Carta for Seafarers

- OWWA Charter

### **Persons with Disability Convention (CPD)**

- Establishment of LGU Disability Rehabilitation and Resource Centers
- Inclusive Education to Include the Creation of a Bureau on Special Education
- Further Improvement on Accessibility, Specifically Communications Accessibility
- Recognition of a National Sign Language

### **Racial Discrimination Convention (CERD)**

- Comprehensive Law on Discrimination

Moreover, the Commission added some proposals for the Elderly which include a proposal for a law against Abuse, Abandonment and Neglect of the Elderly. The Commission also included proposals for Ratification of the following international HR instruments, to wit: 1) Convention on Enforced Disappearance; 2) Optional Protocol to the Economic, Social, and Cultural Rights Convention; 3) Hague Convention on Child Trafficking; and 5) Optional Protocol No. 3 of the Child Rights Convention on Complaints Mechanism.

### **• Human Rights Treaty Reporting**

In addition to the “Ulat sa Bayan”, the Commission prepared and submitted periodic reports on the human rights situation, such as the following:

1. Country reports/questionnaires on human rights situation/cases for the 2013 Country Report on Human Rights, Embassy of the USA in the Philippines.
2. Developments in the IDP Situation in Western Mindanao – Presented at the Multi-Stakeholder Forum on the Protection and Promotion of Internally Displaced Persons at the House of Representatives, the report discusses the human rights situation of IDPs displaced by the Zamboanga siege to provide the situational bases for the need for IDP legislation and the basic elements/dimensions which needs to be addressed as well as update the various sectors of the government on the current situation of internal displacements in the Philippines.
3. Human Rights of Women - Providing the national legal framework and Treaty Commitment for Women’s Human Rights in the Philippines, the report was submitted and included as a Chapter in the Philippine Report on Beijing Platform for Action Implementation.
4. Regional Human Rights Situation Reports (I, III, IV, V, IX, XI, XII, CAR, and CARAGA)
5. On the Universal Periodic Review (UPR) Tripartite Mechanism, the Commission convened the Presidential Human Rights Committee and Philrights to further the



UPR such as to monitor implementation of the recommendations of UN Human Rights Committee on the UPR and to prepare mid-term report and in July 2013, prepared the initial draft of indicators for the UPR Tripartite.

6. On Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UNCMW), the Commission requested inputs on the CMW List of Issues Prior to Reporting (LOIPR) for consolidation and preparation of the Commission's submission to the UN Committee on CMW; coordinated funding for CMA for the conduct of regional consultations on the parallel submission by civil society to the CMW-LOIPR and conducted Forum Workshop on CMW-LOIPR.
7. On Arms Trade Treaty, the Commission attended inter-agency meetings for the Philippine position of the proposed Arms Trade Treaty and sent Letter to DFA extending support for the signature on the proposed Arms Trade Treaty with comments and emphasis on protection of victims.

- **Technical Assistance to HRVV-MC and HRVV-CB**

Under R.A. RA 10368, two new agencies created are attached to the Commission: the Human Rights Victims' Claims Board and Marcos Victims Memorialisation Commission. As the mother agency, CHR had to ensure the smooth establishment of the two agencies by providing the necessary technical and administrative support, such as in drafting the implementing rules and regulations, the organization of the memorialisation commission board of trustees, and the transition of the Marcos Files Project to the Memorialization Commission.

## **INTERNATIONAL COOPERATION PROJECTS**

- **Business and Human Rights**

In August 2013, Chairperson Loretta Ann P. Rosales assumed her post as the Chairperson of the Working Group on Business and Human Rights of the International Coordinating Committee of National Human Rights Institutions, the global network of human rights commissions under the United Nations and the Office of the High Commissioner for Human Rights. With this strategic position, the Commission was able to bring to the UN forum its concerns and advocacies regarding business-related human rights violations in the country, particularly extractive industries operated by multinational corporations. As one of the speakers in the UN Forum on Business and Human rights held in Geneva in December 2013, the CHR chair took the opportunity to raise the issue of extra-territorial obligations of companies as well as the negative impact business practices on the environment that further cause disastrous climate changes such as super typhoon Yolanda. As chair of the ICCWG, the Commission actively participated in the UN Forum and organized the pre-forum session for NHRIs entitled, "Strengthening Rights, Responsibilities, and Remedies, Bridging Accountability".

At the local level, the Commission organized advocacy activities, such as the *National Presentation of the Human Rights Impact Assessment (HRIA) of the Tampakan Mining Project on July 27, 2013*,

- **CHR – UNDP Project – Nurturing a Culture of Human Rights**

The Project continued its support to further strengthen the institutional mandates and capacities of the Commission on the following key result areas:<sup>17</sup>

- a) *Organizational and HRBA Reforms within CHR Institutionalized*, the project published the Guidebook on Prosecutors and Investigators on Human Rights; mobilized key stakeholders and organized advocacy activities to push for the passage of CHR Charter, HRBA and other vital HR legislative agenda, including the capacity building of 86 legislative liaison officers from the executive and legislative branches, constitutional and fiscal groups and GOCCs on HRBA advocacy and legislative processes.
- b) *On HR Mechanism Standards and Approached Mainstreamed*, the Project developed a security sector framework and multi-year plan and published the primer from the results of the research, *From the 4 Nodes of History: The Challenges of the Philippine Security Sector*; formulated the HRBA agenda for the Philippines from 2014-2016; developed a multi-year work plan and strategies on for CHR on BHR projects and supported the participation of CHR during ICC TWG and Annual Forum on BHR; and Organized and conducted Tripartite UPR monitoring processes towards State compliance to the HR obligations and implementation of international/national HR mechanism recommendations.
- c) *On Public Awareness and support for human rights promoted*, the project conducted series of dialogue on Islam and human rights practices; conducted follow-thru activities on Martial Law files project including advocacy and dissemination of the Compensation Act, drafting of the EO directing AFP and PNP Chief of Staffs, and the heads of other government agencies of the security sector to turn over custody of all military, police and law enforcement records and files pertaining and related to Martial Law period, Soft-launch of the 1<sup>ST</sup> Martial Law Commemorative Forest Museum, sign of MOU on Martial Law and Human Rights between CHR and 3 Mayors in Quezon, Capacity building for CHR personnel and CSOs on Martial Law archiving and recording, inventory list on Martial Law human rights violations, the convening of the Adhoc TWG of the Memorial Commission and Claimants Board.

The project further documented, shared and publish CHR human rights experiences in mainstreaming human rights in development and governance.

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<sup>17</sup> Based on UNDP Report (see full report)

- **CHR-AECID Fortaleza Project**

The CHR-AECID Fortaleza Project has substantially contributed in the strengthening of the CHR as the NHRI in the country by supporting several capacity building activities, upgrading its facilities and modernizing its equipment, assisting in improving internal processes.<sup>18</sup>

In enhancing the skills of CHR's staff, following activities were conducted: Human rights trainings/capacity buildings for CHR central staff such as: Operational Planning of General Administration Office (GAO) and Education and Research Office (ERO), Spanish lessons for CHR employees, Financial Administrative Capability Enhancement Seminar (FACES), Cascading of Organizational Performance Indicator Framework (OPIF) and Strategic and Performance and Management System (SPMS) Synchronization to CHR's mandate and HRBA trainings for staff of central and regional offices (VI, XI, and XII)

On enhancing systems and processes, the project provided Assistance in the reorganization of the CHR Gender and Development Focal Point System (GFPS) and Support to CHR's Women's Human Rights Center (WHRC) and the GFPS in developing guidelines for CHR's role as Gender Ombud as defined by the Magna Carta for Women (RA 9710). The research on human rights violations (extrajudicial killings, enforced disappearance, torture, and illegal arrest and detention) was carried out through the conduct of various forums such as: extra-judicial killings (EJKs) research, focus group discussions (FGDs) for the Visayas and Mindanao regions both with the civil society organizations (CSOs) and the CHR regional offices held on June 21-22, 2013 in Tacloban City and June 25-26, in General Santos City, National Forum on Arbitrary Deprivation of Life held on August 11-15, 2013. A Nationwide consultation of persons deprived of liberty (PDLs) and detention authorities was conducted on the establishment of the National Preventive Mechanism (NPM).

In upgrading of CHR facilities and modernizing equipment, AECID provided additional vehicles and computers to the central and regional offices.

The project, also contributed to Enlarge CHR's presence at the regional, municipal and community level by supporting the operations of the Human Rights Action Centers (HRAC) and rule of law (ROL) in the priority areas. CHR –AECID PMO in coordination with regional offices is working with its local partners to establish the culture and community of human rights through ordinance building and budget for the HRAOs and HRACs in the different level of governance – provincial, city, municipal, barangay; and organizing of the CSOs and HR Education Centers for sustainability. HR on Wheels is the main promotional mechanism.

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<sup>18</sup> Based on AECID Report (see full report)

- **AusAid Project on Forensic Investigation**

The Australian Agency for International Development (AusAID) has helped the CHR improve its capacities by supporting collaboration between the CHR and the Peruvian Forensic Anthropology Team (EPAF) to train CHR investigators in Forensic Investigation techniques. The final training component, Part 4 (Refresher) Course was held in 2 batches in Puerto Princesa City, Palawan, from September 8-13 and 15-20, 2013, and was attended by a total of 34 investigators and lawyers from the CHR's different regional offices, as well as by the forensic center personnel. This activity concluded with the drafting of a protocol for deploying CHR composite investigation teams in cases of national importance.

- **Second European Union-Philippines Justice Support (EPJUST II) Programme**

As defined by the EPJUST II, Access to Justice is the right of individuals and groups to obtain quick, effective and fair response to protect their rights, prevent or solve disputes and control the abuse of power, through transparent and efficient process, in which mechanisms are available, affordable and accountable.

Under this programme, the Human Rights Action Center and Rule of Law (HRAC and Rol) strategy is being utilized the Access of Justice Network in the grassroots.

A Barangay Level Access to Justice Network (AJN) is envisioned to be one-stop **"FIRST LEGAL AID"** shop in the barangay. It is an inter-agency and multi-stakeholder network of information providers at the Barangay, municipal and provincial level. The AJN will provide the poor and disadvantaged instant access to information about their legal, judicial and social rights and the resources available to enforce/promote/protect those rights.

Partner institutions who are participating in this project include the Department of Interior and Local Government (DILG), Department of Justice (DOJ), Supreme Court (SC), Local Government Units (LGUs), and Civil Society Organizations (CSOs) with the funding support from the Second European Union-Philippines Justice Support (EPJUST II).

- **CHR-IDP Project under the UNHCR Grant**

The CHR-IDP Project is supported by the UNHCR and characterized by an internal development of program for the IDPs and a continuous embarkation on promotion and protection activities on the issues of displacement. CHR established an IDP-PMO in the last quarter of 2013 to enhance program management and institutionalize integration of IDP concerns in field operations. It adds up to the visibility of the Commission on the issues surrounding evacuation through various

avenues: monitoring, campaigns and information management, networking, policy advocacy and capacity building.<sup>19</sup>

At the PMO level, missions were conducted in Zamboanga, Midsayap and Butuan in November and December. These missions introduced the team members to see and feel situations of displacement while monitoring situations of IDPs. They also grounded the team on the ongoing multi-stake holders initiatives on IDP in various regions while facilitating information on the current status of the National IDP Bill. On 27-29 October 2013, the PMO monitored the situation of the evacuation centers and the conditions of the IDPs in Zamboanga City resulting from the attempted siege of the Misuari faction of the Moro National Liberation Front (MNLF). On 30 November 2013, the PMO inputted updates and development on the National Bill on IDP at the gathering of IDPs-victims of the clashes between the AFP and member of BIFF. This led to recommendation of local legislation and/or Barangay Resolution on IDPs as build-up local support to a national policy change.

In support to the policy advisory services of the Commission, the PMO participated in the House of Representatives Human Rights Committee Technical Working Group on IDP Bill meeting on 10 December in discussions to initially consolidate various versions of the bill and helped organize and conduct a National Multi-Stake Holders Forum on the Promotion and Protection of Internally Displaced Persons on 11 December 2013 at the House of Representatives. It also drafted a National Advisory for the preparation and conduct by all CHR regions of the 2013 Human Rights Consciousness Week focusing on Internally Displaced Person. Moreover, the PMO provided inputs on development, contextualization, situation analysis of IDPs in various fora, such as the multi-stakeholders' forum organized by the UP Asian Centre and with the presence of the Government of the Philippines and MILF peace panel negotiators; the assessment meeting of CARAGA-Link, a multi-stakeholders' forum on internal displacement with active participation of the victims/IDPs, CHR-Caraga, receiving communities, security sector and government line agencies; solidarity-mobilization with national human rights non-governmental organizations at Quezon Memorial Circle in Quezon City to commemorate the 65<sup>th</sup> International Human Rights Day; and tool development during the internal-capacity seminar/training organized by the Regional Human Rights Commission for all its members, staff and employees.

A feature article on women and displacement was written by the IDP-PMO in The Mindanao Times, 4 Dec. 2013. The IDP Monitoring Web-information site on IDP and IDP-PMO work (<http://idpproject.wordpress.com>; <http://www.facebook.com/chrp.idp?fref=ts>) was also developed. Moreover, it provided Capacity building assistance to the Commission's regional offices situated in the devastated provinces of the Visayas.

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<sup>19</sup> Based on IDP Report (see full report)

At the field operations, CHR Regional Offices in Mindanao continuously dealt with the issues of displacement and IDPs, although on an uneven basis. Activities conducted in 2012 were carried over in 2013 as responses to the continuing effect of displacement based on a run-down survey of interventions conducted on these offices. Particularly for the period covered by this report:

In Region IX: Interventions were made particularly on the “Zamboanga Siege” through monitoring on the protection needs of IDPs and by providing assistance on drafting city legislation based on the guidelines on dealing with IDPs. These interventions led to awareness of IDP rights by duty-bearers, which facilitated a bearable condition in the evacuation centers. Investigation of alleged violations and monitoring of the needs of the IDPs resulted in the provision of basic services and legal relief to IDPs (e.g., relief goods, health services and shelter). In commemoration of the week against violence against women, a CHR region IX desk was set up in the Sports complex evacuation centre to raise awareness on gender issues and receive complaints. These impacts were made possible through coordination and involvement of the regional Commission in the deliberations, consultations, meetings and assessments of the Crisis Management Committee (CMC) and the Inter-Agency Cluster dealing with the IDPs/IDP rights. In November and December, the Region IX Commission started to monitor the relocation process.

In Region X: On top of monitoring displacement and IDP needs, series of capacity building, focused-group discussions and dialogues among various stakeholders on the rights of the IDPs and UNGPID in the local, municipal and provincial levels were facilitated. These led to formation of community-based monitors, which served as referral mechanism for cases that need quick responses and immediate access to remedies. In Bukidnon, “Bantula” a network composed of IDPs, IPs, NGOs/POs/CSOs and the security sector was established in response to the situation of displacement. A Protection Cluster was also established in Lanao del Norte/Sur.

Monitoring situation of IDPs in 2013 lead to establishing relations and contacts between the Commission and communities affected. It also strengthened coordination and collaboration with various stakeholders (government and non-government agencies and organizations) in the facilitation of needed protection and services for displaced persons and communities.

CHR Region X issued an advisory on Housing and Property Rights of the IDPs which became the basis of the National Commission en Banc to issue a National Advisory on *Human Rights Standards on Housing and Property Rights of Populations affected by Tropical Storms and other Natural Disasters* in 2012. This continued in 2013 to be a basis for interventions on the housing, land and property (HLP) issues in the region.

CHR Region XI's interventions on IDPs and displacement issues were on education and information on basic human rights including the rights of the IDPs, UNGPID, Law on Armed Conflict (LOAC)-IHL and on human trafficking as situations in evacuation centers expose victims to more vulnerabilities. Materials on these topics and issues were produced. Such activities aid to the empowerment of IDPs in the assertion of their rights. This is manifested in their vigilance and active participation in dialogues and consultation concerning conditions in evacuation centers. In the process, the Rights of Internally Displaced Persons Bill was drafted for the Commission's consideration.

The regular monitoring activities to the victims of the Typhoon Pablo has led to the immediate provision of assistance to victims by appropriate agencies. This was due to close cooperation, coordination and built-up referral system among various stakeholders and network concern of the plight of the evacuees.

In December 2013, it conducted a specific monitoring mission to victims of Typhoon Yolanda (Haiyan) who took refuge with their relatives in Davao City.

CHR Region XII is a member of the different clusters under the Mindanao Humanitarian Team. It conducted field missions, either alone or in coordination with various clusters, to monitor condition of IDPs. It offered remedial protection through legal counselling and guidance in utilizing and maximizing available grievance mechanisms; provided education and training-seminars on Law on Armed Conflict-International Humanitarian Law (LOAC-IHL), UNGPID for the security sector and Local Government Units (LGUs) especially those identified high-risk for displacement in the Region. Capacity building was provided in identified high-risk barangays in aid of crafting displacement contingency plans. This resulted to improved social awareness of the Barangays and its functionaries, empowerment of the community, establishment of pre-emptive social infrastructures and measures in case of internal displacement.

Being a member in various cluster formation, it became effective and efficient in responding to human rights violations cases through coordination and referral. As the regional office had earlier contributed to the crafting and development of manuals related to IDPs and displacement: *School-based Response Preparedness and Recovery for Education in Emergencies* under the Education Cluster which helped in the establishment of Temporary Learning Spaces (TLS), *Manual on the Operations Procedure in Handling Gender-Based-Violence during Internal Displacement* under Gender-Based Violence Sub-Cluster which was being localized and contextualized in the Central Mindanao setting, *DENR/DepEd/ARMM Election Response Network and Campaign for Optional Service of Teachers During Election in Identified Hot Spot Areas* which protected teachers from possible harassments, threats and intimidations – again, these standards were incorporated into the work of the regional office.

Caraga Region: Its regular field monitoring lessens commission of human rights violations with observable compliance of duty bearers to human rights standards.

Ocular inspections led to investigation, documentation and proper action of cases and the establishment of database as source of information and situationer. It also resulted to the setting up of community-based monitors which improved the exchanges of information on the ground, thereby strengthening an IDP network's (Caraga-Link) function of prompt action and resolution of cases related to IDPs and displacement. On 16-17 December 2013 Caraga-Link had its assessment of its IDP Manifesto and Demands issued a year before.

Partnership, networking and broad coordination on the issues of displacement was sustained through consultation with the Local Protection Cluster, networks and bilateral relations with the local government units in 2013. Clear provision of Child-Friendly Spaces in evacuation centers was the product of promoting and protecting the rights of a child even as victim of displacement. Coordination among partners and network also facilitated through the CHR the distribution of non-food items intended to build livelihood and reconstruct damaged facilities of the community.

Other interventions facilitated by CHR Caraga Region were through capacity building, which for 2013 focused on the psychosocial healing. Its advocacy and research works on the experiences of women in conflict areas resulted to increased knowledge and popularization of IDP issues by multi-stakeholders.

## **INTERNATIONAL REPRESENTATIONS AND ENGAGEMENTS ON HUMAN RIGHTS**

As a national human rights institution, the Commission on Human Rights (CHR) continuously maintains its strong linkage to the regional and international networks or other human rights bodies. These engagements paved way for the Commission to enhance and develop a broader human rights perspective as a National Human Rights Institution, and an opportunity to share with and learn best practices from other human rights institutions.

***Table 12: Regional and International Engagements***  
*January-December 2013*

Engagements with UN and HR Bodies

<b>Activity</b>	<b>Date</b>	<b>Venue</b>
1) 57 <sup>th</sup> Session of the United Nations Commission on Status of Women (CSW)	March 4-15, 2013	New York, USA
2) 26 <sup>th</sup> Annual Meeting of International Coordinating Committee of National Human Rights Institutions for Promotion and Protection of Human Rights	May 6-10, 2013	Geneva, Switzerland



3) Panel Discussion on the Contribution of Parliaments to the Work of the Human Rights Council	May 29, 2013	Geneva, Switzerland
4) Universal Periodic Review	June 13-14, 2013	Nay Pyi, Myanmar
5) Human Rights Delegation for an Information and Exchange Visit	June 1-8, 2013	Berlin, Brussels and Strasbourg
6) High Level Workshop on the Project Effectiveness of Parliamentary Oversight of Human Rights	November 13-14, 2013	London, United Kingdom
7) 13 <sup>th</sup> Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights: Human Rights and Advisory	October 21-23, 2013	Copenhagen, Denmark
8) Annual United Nations Forum on Business and Human Rights	December 2-4, 2013	Geneva, Switzerland

#### Engagements with NHRI networks, e.g., ICC, APF, SEANF

Activity	Date	Venue
1) Technical Working Group Meeting of the Southeast Asia NHRI Forum (SEANF)	March 19-20, 2013	Timor Leste
2) Asia Regional Consultation with UN Special Rapporteur on the Rights of the Indigenous Peoples on the Situation of the Indigenous People in Asia and Regional Consultation with SEANF on Indigenous People's Rights	March 12-14, 2013	Kuala Lumpur, Malaysia
3) Regional Exchange on Cooperation between National Stakeholders and UNDP in Engagement with the Universal Periodic Review and Other International Human Rights Mechanisms	June 17-18, 2013	Bangkok, Thailand
4) Sub-Regional Meeting on Extractive Industries and Indigenous People's Rights to Land and Natural Resources	June 24-25, 2013	Bangkok, Thailand
5) 10 <sup>th</sup> Southeast Asia National Human Rights Institutions	September 10-11,	Timor Leste

Forum	2013	
6) 18 <sup>th</sup> Annual Meeting and Biennial Conference of Asia Pacific Forum of National Human Rights Institutions	October 1-3,2013	Doha, Qatar
7) Blended Learning Course in Library and Information Resource Center Management	October 14-18, 2013	Bangkok, Thailand
8) 2 <sup>nd</sup> Jakarta Human Rights Dialogue (JHRD) on Prevention of Torture in ASEAN Region	November 2-3, 2013	Jakarta, Indonesia
9) Regional Dialogue with National Human Rights and Human Rights Mechanisms of the Association of the Southeast Asian Nations on Enhancing the Realization of Women's Rights and Access to Justice	November 4-6, 2013	Bogor, Indonesia
10) Government-NGO Dialogue on Promoting Justice for Women's Economic, Social and Cultural Rights in Southeast Asia	November 18-20, 2013	Putrajaya, Malaysia

#### Participation in HR Conferences, Workshops, Trainings and other Fora

Activity	Date	Venue
1) Sub-Regional Workshop on the Follow-Up of the Universal Periodic Review: South-East Asia	February 21-22, 2013	
2) Seminar on the Implementation of the OPCAT	February 19, 2013	Bangkok, Thailand
3) Face-to-Face Training Component of the South-East Asian Sub-Regional Blended Learning Course on National Inquiries	April 8-12, 2013	Bangkok, Thailand
4) Workshop on ASEAN Human Rights Mechanism: Challenges and Ways Forward	June 10-11, 2013	Bangkok, Thailand
5) International Human Rights Conference	June 26-28, 2013	Bangkok, Thailand
6) Bangkok Workshop on		Bangkok, Thailand

Human Rights and Agribusiness in Southeast Asia	August 7-9, 2013	
7) Blended Learning Course in Library and Information Resource Center Management	October 14-18, 2013	Bangkok, Thailand
8) Workshop on the Human Rights Implications of the ASEAN Community Blueprints	November 12-13, 2013	Jakarta, Indonesia
9) Follow-up Meeting on the Blended Learning Course on Equal Status of Women in Southeast Asia	November 21-23, 2013	Bangkok, Thailand
10) Face-to-Face Workshop on Regional Blended Learning Course for Representatives from National Human Rights Institutions in the Asia-Pacific	November 25-December 1, 2013	Bangkok, Thailand
11) AICHR Regional Workshop on the Post Millennium Development Goals 2013 and Human Rights	December 11-12, 2013	Jakarta, Indonesia
12) International Conference on Human Rights Education and Training or the Civil and Public Service	December 3-5, 2013	Dublin, Ireland

## SUPPORT TO OPERATIONS, ADMINISTRATION AND MANAGEMENT

The Commission developed and issued for adoption policies, guidelines, systems, processes, programs and other strategic initiatives to improve its operations, to wit:

***Table 13: Internal Policies/Resolutions***  
*January – December 2013*

INTERNAL POLICIES/RESOLUTION	
1) Policy in Addressing Issues and Situations on BHR, Designating a Focal Point and for Other Purposes	Approved as per Resolution No. A2013-121
2) Resolution on Strengthening, Institutionalization and Alignment/Rationalization of the GAD Focal Point System of CHR under its Role as Gender Ombud	Approved as per Resolution No. A2013-121

3) Resolution on the Adoption of the Performance Indicators and Targets	Approved as per Resolution No. A2013-084
4) Resolution on the Institutionalization of the Victims' Claims Board and Memorialization Commission Role of the CHR Martial Law Memorial Commission	Approved as per Resolution No. A2013 - 159-A
5) Policy on International Representations /Missions	Approved as per Resolution No. A2013-143 dated Sept. 4, 2013
6) Resolution on Classification and definition of CHR Issuances and Document Outputs	Approved as per Resolution No. A 2013-146 dated Sept 4, 2013
7) Training and Scholarship Placement Program	Approved as per Resolution No. A2013-144 dated Sept. 4, 2013
8) Human Rights Policy Research Agenda	Adopted
9) Drafted Organizational Performance Indicator Framework (OPIF) 10) Strategic Performance Management System (SPMS) Manual	Submitted to CSC
11) Reporting and Monitoring Tools/Forms on HR Education	Adopted by Regional Offices
12) Reporting Tool on HR Situation Report	Adopted by Regional Offices
13) Planning and Programming Tools	Adopted by Regional Offices for their Operations Planning
14) Survey Tool on CHR's Policy Advisories	Disseminated to Government Agencies

- **Staffing Complement**

For 2013, the Commission has a total of 539 filled-up positions which is composed of 247 personnel from the central office and 292 personnel from the regional offices. Of this number, 278 were male while 261 were female.

The Commission has 113 lawyers, 158 investigators and 54 trainers/education officers in the central and regional offices.

- **Financial Statement**

Pursuant to the FY 2013 General Appropriations Act, RA 10352, the CHR was provided with a budget appropriation of Php 326,330,000.00 for its programs and projects. There was also an allotment balance carried over from FY 2012 in the amount of Php 3,360,000.00, thus the Commission worked with a total budget of P329,690,000.00.

As reflected in the Summary of Expenditures, the total amount of Php329,542,000.00 represents the obligations incurred during the year 2013 with a remaining allotment balance of Php3,360, 000.00 which shall be treated as Continuing Appropriations for FY 2013 pursuant to Section 63 of the FY 2012 GAA, RA 10155.

### RECOMMENDATIONS

Based on the analysis of the various human issues and concerns and taking into consideration the CHR's responses, its limitations and lack of resources, the following are recommended:

#### A. For the Legislative Branch –

- Immediate passage of the CHR Charter which would expand and strengthen the CHR's mandate in the promotion and protection of human rights as well as provide adequate resources to carry out the programs, activities, and projects.
- Passage of law that would appropriate more resources to the jails in order that they may be compliant to the UN Standard Minimum Rules on the Treatment of Prisoners. Likewise, there should be integration of the jail system in one agency; creation of more courts to speed up the disposition of cases; codification of all laws, guidelines, rules and regulations pertaining to penology and correction; alternatives to imprisonment; and amendment of R.A. 9165 on the treatment of drug dependent as having an illness rather than as criminals.
- Setting up of human rights committees at every legislative level of the LGUs, provincial board, city councils, and municipal councils down to the barangay level in consonance with Sec. 50, Par. 1 (b) of the Local Government Code of 1991.
- Immediate passage of the IDP bill that supports the application of the human rights of displaced people based on the UN Guiding Principles on Internal Displacement as a framework for response, the IASC Framework on Durable Solutions; and, requires measures for prevention of gender based violence, trafficking, and recruitment of child soldiers.
- Drafting of bills and passage of the priority bills stated in the Human Rights Legislative Agenda for the 16<sup>th</sup> Congress

#### B. For the Executive Branch –

- Strengthen the Presidential Human Rights Committee (PHRC) and develop a National Human Rights Action Plan.
- Establishment of viable structure at the community level to serve as link of the CHR to the LGUs through an ordinance.

- Conduct strong alliance work with the LGUs and concerned line agencies in the implementation of CHR's mandates.
- Recognize that IDP situations, like refugee crises, require a response that extends beyond the emergency phase to include care and maintenance, early recovery, return or resettlement, and reintegration. Such involvement will require coordination and cooperation, with other governments and with a broad range of regional and international actors.
- Identify and affirm the principles to guide decisions on humanitarian aid so that they are transparent and inclusive of the persons of concern (e.g. refugees, IDPs, women and children at risk and other affected populations).
- Address the needs of special groups (e.g. women, children, the elderly, persons with disabilities, IDPs, stateless persons, victims of gender based violence).
- Set the parameters and conditions for military involvement in humanitarian aid, the comparative costs as well as the positive and negative consequences of military involvement as well as requirements for oversight.
- Promote a human rights based-approach in the disaster risk reduction management and humanitarian response through inter-agency capacity building programs.
- Maintain a separate and accurate register on detainee information; and update and improve the record of prisoner's status and their cases in court. This may help their families locate them once they are transferred from one prison to another.
- Set up hospitals/clinics inside detention facilities. Health care services and facilities need to be expanded and organized to better serve the health concerns of inmates. Jails and prisons must store enough medicines within the detention facility. Medical check-up of detainees should be done on a regular basis.
- Comply with the initial medical screening requirement to assess the health risks and needs of every inmate to prevent or reduce transmission of infectious diseases and other serious illness and to keep a complete and accurate medical record.

- Allow inmates to spend reasonable time outdoors to engage in exercise and other physical activity. Adequate amount of time each day in an open air is essential for the physical and mental health of inmates.
- Repair and rebuild new facilities. Architectural designs must allow adaptability to current and projected trends in prison population. Detention facilities must be flexible to alteration, division and/or external additions so they can serve the actual needs of detainees and avoid overcrowding. The additional facilities must also ensure that detainees are separated according to sex and age. Cell windows must meet the standards for access to natural light and fresh air while achieving the required security level. Showers and sanitary installations must be clean and private enough to ensure dignity and self-respect of the inmates.
- Improve the water system so as to provide inmates with sufficient water for personal cleanliness and hygiene.
- Increase budget for daily subsistence of inmates, taking into account the inflation in the prices of commodities and the consumer price index. Meal allowance should also be provided to detainees in PNP lock-up cells.
- Provide detainees sufficient information on legal remedies, status of their cases and free legal representation available to him/her.
- Comply with the reportorial requirement under Republic Act No. 9745.
- Come up with a policy on the reporting of torture and ill-treatment obtaining in detention centers and jails.

C. For the Judiciary –

- Lay down mechanisms for the speedy disposition of cases of human rights violations to include cases filed against its own ranks in the judiciary. There must be policies to discipline erring judges.
- The judges should have special training on handling cases involving victims of human rights violations like children, women, and other vulnerable sectors.
- Court should adopt strict measures to avoid judicial process delay, especially when an accused is incarcerated.
- Justice on Wheels Program of the Supreme Court should be intensified.



## **WAYS FORWARD**

The Commission aims to enhance its policy advisory services to continue its advocacy in recommending policies, laws, and human rights measures that would address human rights issues and concerns in the country. Likewise, more capacity building activities are taken into consideration to further the promotion as well as protection services.

Further, the CHR sees the phenomenon of internal displacements in Luzon, Visayas, and Mindanao broadly from a perspective of pro-active stance. The Commission desires to minimize conditions engendering human rights violations by reason of displacement. It aspires for a national IDP policy framework that lessens, if not totally eradicates possibilities of arbitrary displacement of persons and communities. The CHR is in a position to monitor the actual situations of internal displacements, inside and outside IDP evacuation camps from a human rights standpoint. The CHR has the continuing capacity to provide human rights guidance and advocacy towards IDPs and stakeholders, including government, which would guide for the protection of dignity, provision of aid and humanitarian services, and observance as well as adoption of the rule of law. The CHR can facilitate implementation of durable solutions through continuous monitoring and advisories to government on the protection from arbitrary displacement, protection during displacement, and promotion of durable solutions. The CHR, as Ombudsman for women and children, has the mandate to provide special focus on the rights of women and children who are internally displaced.

In addition to all these, the Commission needs to re-check its involvement and the necessity to further develop sympathy and empathy to the victims of human rights violations as impetus to CHR staff being human rights defenders. This is an assessment on how far the Commission's mandates are internalized by the very people who serve as champions for the protection and promotion of human rights in the country and to fully develop as human rights defenders.