

PRESENTATION: PHILIPPINES

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Good afternoon, fellow delegates, mabuhay ! In order to give you all a better picture of torture and the situation of human rights in the Philippines, I would like to give you a crash course on domestic politics; I hope you will bear with me.

North of Manila, a lady named Rohas was arrested as a Communist rebel. After several days, she was released and recounted being tortured. In an affidavit submitted to the courts, she stated, "I was always blindfolded and handcuffed except when I was allowed to take a bath. Plastic bags over my head and I could not breathe. I was interrogated continuously." Rohas was a citizen of the US and therefore her case commanded international attention. She had the courage to share her story. In April 2011, she highlighted in Geneva the bad state of human rights in the Philippines. During Arroyo's administration 2001 – June 2010, the documented number of cases reached 1000. The number of human rights abuses skyrocketed in the past decade, therefore strengthening lobbying for an anti-torture law which Arroyo passed, on November 10, 2009. I am proud to say that I was one of the legislators who supported and voted in favour of this law. Philippines throughout Marcos' rule (1972-1986) experienced martial law – tactics by the police to intimidate and extract confessions and information included mental and psychological torture. Police paraded suspects openly to humiliate them, although the suspects had not even been convicted. The paramilitary were used to harass and torture innocent civilians.

In Section 8, all evidence obtained by torture is inadmissible – these are legislative remedies, or safeguards against the use of torture on suspects. Section 12 states states should provide medical evidence for victims, information that can be used in prosecuting incidents of torture. Section 13 underscores command responsibility. A superior with knowledge of torture who did nothing to expose and remedy the act/practice can be sued in court too. Gloria was herself tried under this section. These days, human rights are taught also using popular culture references (in the movie about Batman and Joker) and questions are being asked about the validity of such methods.

In Philippines, you may be arrested on nothing more than your political affiliations – you're Communist, for instance. Suspects are then subjected to severe physical and psychological abuse. I listened to a testimony about torture inflicted that included repeated electric shocks, degrading treatment such as guards washing private parts of females, deprivation of food and severe beatings. Military and police are given carte blanche against "communist sympathisers", so strong is the bureaucracy's stance against Communists. Human rights violations have continued even under the supposedly progressive parliament of Benigno Aquino. "Impunity" is a word recently popularised in Philippines. A few days ago, the chairperson of the National Human Rights Commission of the Philippines complained that not a single perpetrator had been charged under Benigno III. And abuses are rampant especially in mining areas (top economic sector of Philippines), where workers endure impossibly harsh working conditions and are deprived of their socioeconomic and political rights.

The State has failed to distinguish combatants from non-combatants in their operations. The government's unrealistic deadlines to quell armed rebellion have only worsened the problem. The murder, torture and kidnapping of non-combatants by state actors has become commonplace. The Philippines has been facing since 1969 Maoist-influenced rebels, who have been conducting guerrilla war. Rebel groups are composed mainly of poor farmers attracted to radical communist ideologies that espouse equality in social status, standards of living and income.

The abolition of usury, confiscation of lands and inequitable land distribution in 7000 islands have forced past and present administrations to enact land reform laws rejected by the marginalised for favouring land owners. The incumbent's family owns the largest land holdings in Southeast Asia, and yet their political party credits longevity to popular support of farmers. This seems at odds with its aggressive land reform programme. The Communist Party claims to be operating a people's war. Its armed forces are strategically scattered (neither winning nor losing at the moment) to defy capture and extermination. With its effective strategies and appealing ideology, it's the largest security threat to the Philippines.

Between 1972 and 1986 Marcos' administration and the Communist Party sustained a democratic movement which gained prestige and strength. After Marcos' downfall, peacetalks between government and rebels broke down. An amnesty programme was offered but few surrendered. In the early 1990s, the Communist Party reaffirmed adherence to Marxist ideologies and proposed a model for advancing revolution. Some elements wanted a peaceful transition to socialism, and the party openly apologised for killings of some of its members for being suspected spies of the government. The Communist Party was most powerful in 1986, but there have been many splits since, none of which boded well for the existing situation of human rights. The rebel movement has, according to the government, kept Philippines in poverty by impeding economic development. There has been tacit approval from the government concerning the ready use of harsh military tactics in dealing with members of the extreme left. Since Marcos, the approach of the establishment against dissenting voices has always been violent, extreme and disproportionate (armed forces against unarmed men). Post 9/11, careless references to the threat of terrorism has been an easy way for the government to justify their high-handed methods.

In 2010, an "innovative approach" patterned after the military model of the USA was implemented to end the insurgency. It was a counter-insurgency programme supposed to create genuine peace. Instead, the situation was exacerbated. This was due to a failure to

1. Address and accommodate valid concerns of rebels (and significant parts of the population)
2. Place the peoples' safety and welfare at the heart of operations

These days, the government is redirecting engagement efforts to social services. The military is eager to win back public confidence and trust in public institutions. Human rights seminars are held and handbooks carried while performing duties. The Philippines army are most battle-tested. They need some respite from being constantly active against the Communists. Relying purely on military might is a strategy proven ineffective in resolving an insurgency deeply rooted in genuine concerns of the larger society (e.g. concerning ownership and equitable distribution of land). Peace advocates and human rights organisations are not convinced the government has addressed or is intending to address the most basic issues

(land reform, national sovereignty, democracy, social justice). A paradigm shift may or may not address past offences by military, bitter hurts endured and remembered by survivors and their families. The habit of branding all dissenting voices "Communist" has also become viewed as hypocrisy on the government's part. It seems to always be talking about peace but in reality, it still uses high-handed and unacceptable methods. There are three main points the Philippines government has to acknowledge:

1. The necessity of documenting abuse
2. Implementing law is insufficient. The process must begin with the legislature that lays down the law in the first place. Laws should be carefully considered, well designed and not internally contradictory. And yet...
3. Legislation is also inadequate. The mind-set of police officers and the military have to be changed. They cannot only behave always as if they are waging a war (and therefore justify the exercise of unnecessarily "extraordinary" powers and measures).

The National Human Rights Commission (NRHC) has suggested

1. Anti-torture and law-based rules and procedure be observed
2. Approval for the Memorandum of Understanding for the National Monetary Mechanism, which would ensure timely discussion and quick response actions to violations by state armed forces
3. Ratification of the Optional protocol to UN CAT.

After the anti-torture law, the National Preventive Mechanism (NPM) was implemented. This incorporated regular visits to all facilities concerning deprivation of liberty (juvenile detention and drug rehabilitation facilities included). There was a slight increase in the number of prosecutions concerning human rights violations and campaigns to raise awareness.

Bureaucratic and administrative reforms are insufficient in themselves. Legal remedies are, to some extent, available. Abuses continue despite open endorsement of ideals – why? It is impossible to mainstream human rights without restructuring public institutions.

Peace talks stalled after government refused to free more than 300 political prisoners. The government must review its counter-insurgency programme that has victimised thousands of innocents. Government should furthermore concentrate on provision of social services (an effective strategy to win over public sentiment and socioeconomically stabilise the country) and a high standard of living, particularly in the countryside. Some branches of the government are inclined to continue as they are. It will require popular support and political will to change the current situation. Again I repeat the three major legal documents that will greatly progress the situation of human rights in Philippines

- ◆ The Anti-Torture Law
- ◆ A Witness Protection Law
- ◆ OP CAT

Our work doesn't end with enactment but implementation and funding of these laws and mechanisms. Political leaders must adhere to the highest standards of democracy and rule of law. The best approach would be to encourage the rise of citizen movements to articulate issues that those in parliament treat as taboo or try to ignore.

Thank you very much for giving me this opportunity to speak about the situation in the Philippines. I hope as parliamentarians we will not only have the power but the courage to work for a better world.

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