

Setting the record straight on the Commission on Human Rights

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The Commission on Human Rights (CHR) is a constitutionally mandated independent office tasked to investigate violations of the people’s civil and political rights by state parties and actors. It was borne out of fourteen years of the Filipino people’s struggle against the Marcos fascist dictatorship and enshrined in the 1987 Philippine Constitution as a means for effecting “full respect for human rights” and as a mechanism for checks and balance within government on the matter of human rights.

Theoretically therefore, the CHR has the capability and the means, albeit limited, to make accountable state perpetrators of human rights violations such as members of the military or police forces and other persons in authority. Unfortunately, since its creation in May 1986, it has been severely deficient in exacting accountability whether from past and especially from current ruling regimes. In too many instances, it has even been complicit in whitewashing human rights violations by state security forces.

Recently, the House of Representatives (HOR) voted to allocate a meager PhP 1,000 annual budget for the CHR, effectively paralyzing if not abolishing it, in retaliation for its vocal criticism of the Duterte administration’s human rights record vis-a-vis its anti-illegal drugs campaign. The HOR move was widely denounced as part and parcel of the Duterte administration’s schemes to consolidate its fascist and tyrannical rule, in this instance by suppressing institutional checks and balances within government. When juxtaposed with Congressional approval of the staggering PhP 313 billion 2018 “Kill, Kill, Kill” budget allocation for the implementation of the Duterte counterinsurgency program, Oplan Kapayapaan, and the bloody “war on drugs”, it is clear that the aim is to silence the CHR’s criticisms against the rampant

drug-related extrajudicial killings and render ineffectual any attempts to remedy such an unacceptable situation.

Having said this, it is necessary to point out that historically the CHR has not been the vanguard nor has it set the bar high in upholding human rights in the country. Under the so-called democratic regimes post-EDSA1, the CHR has been rendered inutile in going after perpetrators of human rights violations (HRVs). For one, not a single human rights violator during the time of the Marcos dictatorship has been punished. Over the years, the CHR has proven to be very laid back and more so ineffective in investigating rights violations and rendering assistance to victims and their families. Instead, the CHR has been the instrument of every incumbent administration in covering up its unsavory human rights record domestically and internationally.

The too cozy relationship between the CHR, especially its regional offices, with the country’s top violators -- the military and the police establishments -- is a key factor. In fact the CHR has played an active role in giving credence to the military and police establishment’s deceptive guise as champions of human rights through what is euphemistically called “security sector reform”, a counterinsurgency component straight out of the United States Counterinsurgency Guide. This

“security sector reform” program has been utilized to conduct so-called human rights training for the police and military. Such training however, rather than improve these security forces’ human rights record, merely provide a cosmetically improved image belied by continuing violations in practice.

It was only during the incumbency of CHR Chairperson Leila De Lima that there was notable improvement. De Lima’s CHR was open to cooperating with human rights lawyers and independent human rights organizations. The De Lima CHR helped expose grievous HRVs under the Arroyo regime, especially the spike in extrajudicial killings of human rights defenders and unarmed social activists as a direct consequence of Oplan Bantay Laya. It conducted independent investigations and public hearings, helped undertake the search for abducted and illegally detained individuals, and provided sanctuary and other support services for victims of rights violations and their kin. The CHR also publicly put to task the Arroyo administration and the military for said violations.

Unfortunately, the CHR reverted to becoming the instrument to whitewash HRVs under the Benigno Aquino III administration. The CHR under the leadership of former Akbayan Congresswoman Loretta Ann “Etta” Rosales shifted its focus to

“non-state actors” pertaining mainly to the New People’s Army. This shift in the CHR focus from investigating state-perpetrated HRVs to focusing on so-called violations by “non-state actors” was a convenient distraction that effectively papered over blackened human rights record of the Aquino regime.

In the past months, the current CHR under Jose “Chito” Gascon has finally corrected itself on record and now clarifies to the public that it is indeed the accountability of state security forces that they should primarily be after. This is to refute President Rodrigo Duterte’s accusation, echoed by the HOR, that the Gascon CHR is biased (attributed to his being a former stalwart of the Liberal Party and an Aquino appointee) because it is not investigating the deaths of soldiers and policemen in the course of peace and order operations. Correctly, the Gascon CHR pointed out that alleged drug addicts/pushers who kill security personnel are considered criminals under the law and are already dealt with using the full force of the law. But when ordinary folk are victims of extrajudicial killings by state forces, they have much more limited recourse to seek justice, foremost of which should be the CHR.

But CHR resolutions in cases involving military generals, for

example in the case of the complaint filed by 43 health workers illegally arrested and tortured in Morong, Rizal versus Lt. Gen. Jorge Segovia, Col. Aurelio Baladad, then-Brig. Gen. Eduardo Año, among others, have constituted no less than reinforcement of injustice and impunity. Not only was the CHR resolution five years late in what came to be known as the “Morong 43” case, the delay has resulted in the promotion of implicated generals. In several other cases, the Rosales CHR, merely resorted to victim-blaming in investigations involving police brutality during protest actions and demolitions of urban poor shanty dwellings. The Rosales CHR constantly ignored the policy of forcible physical displacement and consequent economic displacement of urban poor communities, made crystal clear when she sided with the Aquino government, the local government, the Ayala Corporation, and the Philippine National Police in driving away the urban poor from their homes in North Triangle, Quezon City to make way for vast property’s commercialization.

The Gascon CHR, while consistent in denouncing HRVs committed by police forces waging Duterte’s “war vs drugs”, has conspicuously kept silent on atrocities by both the Aquino and

Duterte regimes in line with their counterinsurgency programs. CHR resolutions would recognize HRVs by state security forces, but would place equal blame on their victims. On April 1, 2016, around 4,000 starving farmers from Cotobato province took to the streets of Kidapawan City to demand rice from the authorities amid the ongoing severe drought affecting their farms. The police shot into the crowd, killed two farmers and severely wounded several others. They also illegally detained and filed trumped-up charges against scores of protesters. A CHR report dated May 27, stated that the police used excessive force and fired the first shot to disperse the protesting farmers, but blamed protest organizers as well, even recommending that criminal charges be filed against the farmer leaders. Likewise, in its resolution on the extrajudicial killings of a school head and a Lumad leader by paramilitary forces in what came to be known as the Lianga massacre on September 1, 2015, the CHR used its powers to shield the Aquino regime from accountability by continuously asserting that perpetrators are both state and non-state actors. Once more, this line conveniently disregards the fact that the military is supposed to be the protector of the people and should therefore uphold human rights. Instead they



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have been accorded authority and firepower to harass, displace and kill indigenous peoples and peasants, including bombing schools and communities, under US-instigated counterinsurgency programs. The CHR has been instrumental in parroting the military line that these communities are infiltrated by the NPA and are therefore legitimate targets of counterinsurgency operations, deliberately turning a blind eye on how, for example, the indigenous people of Mindanao or Lumad are under attack because they oppose land grabbing by mining and agribusiness interests of their ancestral land.

The CHR has also been remiss in using its budget and resources to investigate violations in the interior of rural areas. For example, in a dialogue with lumad leaders on September 2015, one of the CHR regional directors said that their officers were not able to go to Kitaotao, Bukidnon to look into reports of killings of Lumad and the forced closure of an alternative learning school for Lumad children, citing difficulties such as the distance of the place of incident. Such excuses are pitiful and lends itself to procrastination and outright laziness.

In sum, throughout the various leaderships of the CHR, the list of unresolved state-perpetrated killings continue to grow including the Hacienda Luisita massacre (2004), Capión massacre (2012), Ligiw massacre (2014), Caramoan massacre (2014), the Paquibato massacre (2015), the Lianga massacre

(2015), and Pangantucan massacre (2015). The forced mass evacuation of Lumad to Davao City since 2016 to the present and numerous other gross human rights violations in line with counter-insurgency programs are left to gather dust. When the CHR does issue its resolutions on outstanding cases, it resorts to victim-blaming while legitimizing police brutality and military atrocities. It is therefore not just a question of resources, but much more one of decisiveness and political will to truly investigate human rights violations especially when these are inflicted on the poor and powerless, regardless of the ideology, politics or organizational affiliation of the victims.

Current CHR Chair Chito Gascon's strong stand against drug-related killings may or may not be motivated by his alignment with the Liberal Party. What matters is that, objectively speaking, the Gascon CHR is under attack by President Duterte and his allies in Congress because he has openly denounced the mounting extrajudicial killings in Duterte's anti-drug war.

If the Gascon CHR courageously and consistently stands its ground on drug-related EJKs, and furthermore addresses other state-sponsored attacks against the people's civil and political rights -- especially in light of the looming proclamation of nationwide martial law -- it can expect support from human rights defenders and from progressives who have themselves become the victims of state repression. If not, this show of defiance from the CHR

becomes a mere uneven, inconsistent and biased application of its powers, reserved only for certain kinds of victims, reinforcing accusations that it is allowing itself to be used for partisan political purposes.

The attempt of Duterte henchmen in Congress to paralyze the CHR by allocating it a ridiculous PHP 1,000 annual budget merely underscores the dangerous de facto control of the legislative branch of government by the executive. Recent developments regarding the railroading of the impeachment of Supreme Court Chief Justice Maria Lourdes Sereno reveals President Duterte's scheme to also hold the Supreme Court by the neck. Already, the Court's past decisions manifest how much the majority of the justices are beholden to Malacañang. Should Duterte be successful in impeaching and convicting CJ Sereno, it is not farfetched to say that Duterte can turn the highest court in the land as a rubber stamp to legitimize its fascist policies and turn a blind eye to its corrupt shenanigans. The same may be said about Duterte's next target for impeachment, Ombudsman Conchita Carpio Morales. This points to a situation where Duterte will have consolidated his hold on all three branches of government and destroyed the system of checks and balances enough to push through with his regime's agenda to further the intolerable exploitation and oppression of the Filipino people.

Thus, at this juncture in history, the promotion, protection and defense of human rights and people's rights in the country, especially with the increasing suppression of civil liberties and wanton disregard of democratic rights, ultimately rest on the unity and active participation of the people in the broadest movement against the tyranny of the Duterte regime which forebodes another open fascist dictatorship ala Marcos.



CHR Chairperson Chito Gascon
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