

QUESTIONNAIRE ON NATIONAL HUMAN RIGHTS INSTITUTION AND HUMAN RIGHTS DEFENDERS

Submitted by the Philippine Alliance of Human Rights Advocates (PAHRA)

Question No. 1

- a) Please indicate if you are aware of any mechanisms that are in place within the National Human Rights Institution (hereafter ‘the Institution’) to ensure that human rights defenders at risk are protected (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases).
- The Commission on Human Rights of the Philippines (CHRP) has designated a Focal Person for HRDs but no protection program yet, no early warning system and we are not aware of any submission of specific complaints on HRDs to Regional or International mechanisms
- b) Please indicate whether a complaint has ever been submitted to the Institution on your behalf, or that of your organization. If applicable, please outline the Institution’s response to the grievance and whether it met with your expectations in line with international human rights standards.
- Yes complaints have been submitted but there is no systematic response in relation to the concerns of HRDs – the complaints are treated similar to treatment with cases of HRVs
Recent cause of Concerns among CSOs:
 - In July 2012, a CSO – HR Fact-Finding Team requested an endorsement of the team to Military, Police personnel and Local Government Units from the Institution to look into mass grave in Quezon Province, alleged by the Military as probable victims of purging of rebels among their ranks. The area is a known hot spot (militarized) where recent encounters took place. The Institution did not provide the team because according to them, they do not have a policy regarding endorsements of fact finding teams
 - Sept – Oct 2012, group of CSOs requested the Institution to intervene in behalf of an HRD detained, Temogen “Cocoy” Tulawie, to prevent or at least express concern over the Supreme Court’s decision to transfer case and the HRD from Davao City to Manila. Reliable information has informed the family of the HRD that his life would be in danger if he is transferred because the powerful politician, the Governor of Sulu who filed trumped up cases against the HRD had contacted some Abu Sayyaf

members who are incarcerated in the detention center where the HRD could be transferred. It is almost a month that the request to the Institution was lodged but still no action. The case folders have already been sent to Manila and the HRD may follow soon

- In the past the Institution has acted fast on the case of Mr. Tulawie as he was about to be incarcerated in his home province, Sulo where there is imminent danger to his life. The Institution was effective in preventing the transfer
- The reason allegedly for the non / (delayed) action on the current concern of the HRD according to the Institution is that the danger is not imminent

c) Please indicate whether your organisation has ever been consulted by the Institution about protection measures for human rights defenders in your country.

PAHRA has forged good relationship with the Institution's Focal Person for HRDs and currently with discussion to start designing a program for HRD protection. Relevant materials on HRD protection from fora and experiences of HRDs (national/ regional and international) are provided to the Focal Person for the development of program design

Question No. 2

a) Please indicate whether the Institution is perceived to be independent from the Government. If not, please provide details as to why this is the case.

- There are inconsistent actions of the Institution regarding their independence, sometimes they are strong and harsh in reminding/condemning the atrocities/weaknesses of the State and sometimes not saying anything .
- There are perceptions from several CSOs that the Institutions cannot be independent because the Commissioners are all appointed by the President and that the current Chairperson is a very close political ally
- There is a large sector of CSOs who are not relating with and not even submitting cases to the Institution because of perceived impartiality of the Chair of the Commission/political alignment with the party of the President

b) If applicable, please outline what steps could be taken by the State to ensure that the Institution is allowed to operate effectively to protect and promote human rights.

- The Institution should be strengthened with a legislated Charter (pending in Congress), the Institution was created in 1986 only through a Presidential Issuance (Executive Order)
- Full fiscal autonomy by the State should be accorded to the Institution and budget increased

Question No. 3

a) Please describe the general working relationship, if any, between your organisation and the Institution.

- At the national level, the relationship of PAHRA members and some networks with the Institution is good and strong, the Commissioners can easily be approached, but there are inactions and/or very delayed actions on several concerns brought to them
- There is good working relationships with the Directors but actions are limited based on the policies, permission provided by the Commissioners
- However, the situation at the local level (Regional) is different, there is very limited inter-actions between CSOs and the CHR
- It is at this level that most of the complaints against the Institution are experienced

b) Please indicate what measures could be taken to ensure better cooperation between the Institution and civil society, including human rights defenders. If applicable, please provide examples of good practice.

- The Institution should set a clear policy and guidelines on their relationships with the CSOs at all levels which should encourage strong partnership for the promotion and protection of human rights
 - Ex. PAHRA and network CSOs were able to forge partnership activities with the Institution on Business and Human Rights which should be replicated in the Regions where violations against HRDs in mining areas, land dispute areas are continuously happening
- The Institution should act on the long standing proposal of PAHRA on deputization of HRDs to supplement the lack of manpower and expertise of the Institution

Question No. 4

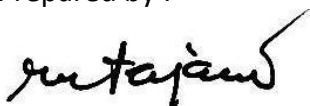
a) Please indicate whether Institution staff are considered to be human rights defenders in your country.

- Yes they are considered HRDs themselves but we doubt if all the 600 personnel of the Institution understand the concept of HRDs or even aware that there is a Declaration on HRDs

b) If so, please indicate whether any challenges or obstacles exist that may prevent the Institution from protecting and promoting human rights in your country.

- The challenges include as mentioned above :
 - A well defined Charter to strengthen the Institution which should also replace the current practice of appointment without a participatory nomination or selection process of Commissioners
 - Full fiscal autonomy and sufficient budget for the Institution
 - A good management and leadership of the current Commission
 - Full recognition of the roles of CSOs and HRDs in the promotion and protection of HR

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