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(AMP)

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State under Review: Philippines

Member Organisations of AMP: Amnesty International, Brot für die Welt, Human Rights Team of the Social Service Agency (Diakonisches Werk), Evangelischer Entwicklungsdienst, Misereor, Missio, philippinenbüro e.V., Vereinte Evangelische Mission



Human Rights Violations continue under the presidency of Aquino

Since the last UPR in 2008 hundreds of human rights defenders have been killed, abducted or tortured by armed security forces in the Philippines. The victims are journalists, members of political parties, church people, civil society members, trade unionists or land-reform and anti-mining activists. Up to now, only a few putative perpetrators and their backers among politicians, military, police or large landowners have been arrested and convicted. When the son of the democracy icons Benigno and Corazon Aquino was elected president of the Philippines on May 10, 2010, human rights organisations within and outside the country had high hopes that the human rights situation would improve under the presidency of "Noynoy" Aquino III. His election campaign was based on the promise of a fundamental change of policy leading to more justice and rule of law.

This report will

- A) assess the achievements, challenges and constraints in relation to some accepted recommendations;
- B) identify further achievements, challenges and constraints regarding the improvement of the human rights situation in the State under Review (SuR);
- C) present recommendations for action by the SuR.

A) Follow-up to the accepted recommendations

1) During the UPR in 2008 the Philippines adopted a recommendation to completely eliminate torture and extrajudicial killings (Holy See) and to intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible (Switzerland).

The real benchmark for the successful implementation of this recommendation will be a) a significant decrease up to the complete disappearance of cases of extrajudicial killings, b) a significant decrease up to the elimination of cases of torture, and c) the indictment and conviction of the perpetrators of these gross human right violations and their string pullers staying in the back. But up to now, this has not been the case.

1.1 On Extra Judicial Killings (EJKs)

During the last two and a half years of the presidential term of Gloria Macapagal-Arroyo (2008 to June 2010), the human rights organisation Karapatan registered almost 230 cases of political killings and 13 cases of enforced disappearances (EDs).¹ Although President Aquino has proclaimed his will to terminate EJKs, EDs and the impunity of perpetrators, he was not able to stop fundamental human rights violations. During the first year of Aquinos presidency the Philippine Commission on Human Rights (CHR) reported a total of 64 victims of summary killings, indicating an upward trend of summary killings under the new administration.² Further the human rights organisation Karapatan documented eight cases of EDs.³ These numbers of summary executions and EDs remain a cause for great alarm and reflect the failure to implement structural reforms in the justice and security sector.

The conviction rate of so-called political killings is just about 1.05%.⁴ The families and victims of the vast majority of EJKs and cases of ED are still waiting that those responsible are called to

1 Karapatan (2010): 2010 Year-End Report on the Human Rights Situation in the Philippines., p. 16f; Karapatan (2009): 2009 Year-End Report on the Human Rights Situation in the Philippines.,

2 Rosales, Loretta Ann (2011): A View of the Human Rights Situation in the Philippines. Weaknesses and Deficits within the Security Forces. <http://www.asienhaus.de/menschenrechte-philippinen/dokumente/Fachtagung2011RosalesSpeech.pdf>

3 <http://desaparesidos.wordpress.com/2011/09/02/enforced-disappearance-editorial-panay-news/>

4 Parreño, Atty Al A. (2010): Report on the Philippine Extrajudicial Killings (2001 – Aug, 2010). The Asia Foundation. Online reference: <http://www.scribd.com/doc/37530361/FULL-Report-on-the-Philippine-EJKs-2001-2010>

justice and held accountable for their deeds.⁵ In many cases there are strong evidences that the perpetrators belong to the Philippine Armed Forces (AFP) and their representatives. 31 percent of the perpetrators allegedly belong to the military while 13 percent belong to the police.⁶

Not included in the above numbers are the frequent extrajudicial executions of local urban poor alleged criminals, particularly in Davao City. The Coalition against Summary Execution (CASE) in the city counted 469 summary executions from 2008 until November 5, 2011 (with 180 victims in 2008, 100 in 2009, 101 in 2010 and 88 until November 5, 2011.)⁷ A report by the Commission on Human Rights (CHR) done in May 2009 about the numerous incidences of summary killings and the likely involvement of hired killers (the Davao Death Squad) by then Mayor Duterte is still not published.

The Department of Justice (DoJ) has set up a special task force to examine all "extrajudicial killings". This special task force is headed by an Undersecretary of the Department and assisted by prosecutors, state counsels and other officers to address all reported cases and unresolved cases of EJKs and enforced disappearance. It is difficult to assess the achievements of said task force as there are no accomplishments reports available.

1.2 On Torture

The human rights organisation Karapatan documented 29 cases of torture since President Aquino took office.⁸ More than 296 political prisoners are still detained in the overcrowded and badly equipped prisons. Unlawful arrests which are often followed by torture like in the prominent case of "Morong 43" are daily routine. From January to September 2010 TFDP documented 56 cases of illegal arrests of an overall 109 people. 45 of these 109 prisoners were tortured following their arrests.⁹ A staggering 49 percent of torture cases are reportedly committed by the police, and a significant 20 percent reportedly perpetrated by the military.¹⁰

Although the Philippines passed the *Anti-Torture Bill* on December 10, 2009 and formulated corresponding Implementing Rules and Regulations (IRR) for this law one year later, no single conviction of a torture case has so far been reported under the Anti-Torture Law, despite various documented torture cases.

This can be attributed to the lack of awareness and knowledge about the law on the side of the security forces and prosecutors: The Asian Human Rights Commission (AHRC) reported a case of torture of the then 17-year-old John Paul Nerio, who was arrested in Kidapwan City on 10 December 2010 by five policemen of the Special Weapons and Tactics (SWAT) unit and tortured without any reason. Subsequently, the prosecutor in charge filed charges for violation of the Special Protection of Children against Abuse, Exploitation and Discrimination Act, but not for violating the Anti-Torture Act. The AHRC heard about this case and urged the prosecutor in charge to apply the national law against torture.¹¹

The AHRC identifies as further problems the neglect to investigate resulting in victims losing interest to complain, the failure to investigate and conclude investigation promptly as required by law, the lack of competence and misunderstanding of officials' roles, an inadequate forensic analysis and medical reporting, and the lack of protection for victims complaining of torture and their families, who are subjected to intimidation and threats.¹²

This example shows that the Philippines are still miles away from a conscientious implementation of the existing laws. In the first respect, this is due to the weaknesses prevailing in the executive and judiciary.

5 There are many reasons for the delay or closure of trials. Among them is the insufficient knowledge of the prosecution and judges about recent human rights laws as well as the pay-off and harassment of judges, prosecutors and lawyers.

6 Rosales (2011): A View of the Human Rights Situation in the Philippines. Paper presented during a conference in Berlin. <http://www.asienhaus.de/menschenrechte-philippinen/dokumente/Fachtagung2011RosalesSpeech.pdf>

7 CASE (2011): Consolidated Data of Summary Executions as of November 5, 2011. Unpublished Document.

8 Karapatan (2011): Karapatan Monitor, April–June 2011, p.4April– June 2011

9 TFDP (2010): Ang Matuwid na Daan – The Road Not Taken? Unpublished paper.

10 Rosales 2011. *ibid*.

11 AHRC (2011): PHILIPPINES: Torture of a 17-year-old boy at the Women and Children Desk at a police station. Urgent Appeal. March 18, 2011. Online reference: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-063-2011> und <http://bit.ly/i3nLUV>.

12 AHRC (2011): The limitations of the Philippines' Anti-Torture Act. <http://www.article2.org/mainfile.php/1001/388/>

Further, the Philippines didn't implement its adopted recommendation to sign and ratify the Optional Protocol to the Convention against Torture (OPCAT).

2) The Philippines supported a recommendation to secure that members of the security forces are trained on human rights and on their responsibility to protect human rights and human rights defenders (Canada).

The Aquino government recognizes the weaknesses of the security forces, and strives to address them holistically by espousing a paradigm shift in the way the security forces conduct their operations with the aim of mainstreaming the human rights based approach.

2.1. Armed Forces of the Philippines (AFP)

Piece of that parcel is the designation of a Human Rights Officer in all units down to the battalion level with the task to receive and process complaints of human rights violations against military personnel.

One constraint to the effectiveness of the mandate of the Human Rights Officer lies in the lacking impartiality of his position as he is supposed to investigate against personnel in the same regional command. So far the Action Network Human Rights - Philippines (AMP) is not aware of any successful investigation of accusations of extrajudicial killings perpetrated by members of the military from the side of the AFP Human Rights Office.

With the support of the European Justice Support Program (EPJUST) the AFP launched its Human Rights Handbook and conducted training on human rights and International Humanitarian Law.¹³

The often criticised counterinsurgency programme "Oplan Bantay Laya II" established in June 2007 under Arroyo's presidential term, specifically targeted civil-society actors, categorised as subversive and registered on so-called "hit lists". According to Philip Alston, the former UN Special Rapporteur for extrajudicial, summary and arbitrary executions, this counterinsurgency strategy was one of the main reasons for political killings.¹⁴

Since January 2011 the new counterinsurgency strategy is in effect, also known as "Internal Peace and Security Plan" (IPSP) or "Oplan Bayanihan" (operation team work). According to the then chief of the AFP, General David, the recognition of human rights is an integral part of IPSP. Thus, terms like "neutralisation" and "destruction" were exchanged by "winning the peace". It remains to be seen if and to which extent this is just a form of "window dressing", as many critics assume. There are already growing reports that the military's new "Peace and Development Teams", who are instructed to implement Oplan Bayanihan, have molested civilians and staff of non-government organisations and tagged them as members of the communist New People's Army.¹⁵

2.2. Philippine National Police (PNP)

Reform Initiatives within the PNP (with the help of EPJUST and the CHR) focused on Training in Human Rights Awareness as well as Training in Case Management and Criminal Investigation Standards. Furthermore, regulations for the admission procedure of police recruits were adopted within the scope of the police-internal *Integrated Transformation Programme*. Now, a neuropsychiatric test has to be passed as well, in addition to the physical fitness test, which formerly used to be the sole admission criterion.¹⁶ With the help of a massive image campaign and trust-building measures the authorities plan to restore the lost trust in the police.

13 <http://www.gmanews.tv/story/197604/afp-prepares-human-rights-handbook>

14 Philip Alston (2007): PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston . Addendum* MISSION TO PHILIPPINES.

15 References: <http://www.afp.mil.ph/bayanihan.pdf>, <http://www.dailymirror.ph/Jan-2011/Jan172011/loc4.html>,

<http://bulatlat.com/main/2011/01/16/oplan-bayanihan-militarizing-civilian-functions/>,

<http://www.philstar.com/Article.aspx?articleId=641746&publicationSubCategoryId=200>

16 Personal interview of AMP with Superintendent Guinto and the head of the Task Force Usig, Police Director Arturo Cacdac, 24.02.2011

Unfortunately these initiatives are not yet attended by an improvement of the situation on the ground. Figures from the Philippine Human Rights Commission (CHR) show, that it received 2,408 complaints against the police due to human rights violations between 2005 and July 2009. But the conviction rate is at mere 16%.¹⁷ The then director of the PNP, General Raul Bacalzo, publicly confessed in 2010 that 90 percent of all arrests are subject to human rights violations and that most of the police forces misuse their authority and do not occupy themselves with human rights issues.¹⁸

But the police forces do not only have a lack in knowledge about human rights standards and their conscientious implementation. The prevailing climate of impunity is particularly dependent on the poor investigation techniques. There is a lack of standardised knowledge and skills on how to correctly secure a crime scene, secure the evidence and traces and find and interrogate witnesses. A recent example is the case of the chief of police of Mexico, Pampanga, Superintendent Wilson Santos IV, who was shown on TV holding with his bare hand a gun used in a shooting incidence.¹⁹ Eight of ten investigating officers in the Philippines have not received any formal training in investigation techniques, many police stations do not even have the simplest equipment – such as crime-scene tape or photo cameras – and the prosecutors do not cooperate with the police during the investigations²⁰. Therefore, in many cases charges are not filed and cases that are brought to court take years of processing, as there is only insufficient evidence.

B) Further achievements, challenges and constraints regarding the improvement of the human rights situation

There are some reform initiatives intending to improve the human rights situation in the country.

- President Aquino has resumed the peace talks with the communist National Democratic Front (NDF) and the Moro Islamic Liberation Front (MILF) that were put on hold for a long time. But both peace talks already reached a stalemate after some months of negotiations.
- The Rome Statute of the International Criminal Court was ratified by the Philippines on August 30 and entered into force on November 1, 2011.
- In February 2011, the President endorsed the amendment of the Witness Protection, Security and Benefit Act (RA 6981) as one of the administration's 23 priority bills sent to Congress and the Legislative Executive Development Advisory Council.
- The Department of Justice (DoJ) is working on a reform of the revised penal code. The German government gives financial support to this reform initiative.

Further Challenges and Constraints

1) Regarding Witness Protection

The Lack of an effective criminal and forensic investigation has resulted in the high dependency on witness testimonies for the prosecution. Due to the fact that witnesses have to fear for their lives, if they testify against perpetrators belonging to influential families, the police or military forces, many of them rather opt not to testify at all. In many cases, the latter are involved in the investigations and thus, the witnesses are denied the anonymity which is necessary for their safety. Not only fear but actual killings of witnesses contribute to this status of poor evidence.

17 Estella, Chit (2010): 3,000 AFP, PNP personnel face human rights raps, conviction rate low. Malaya, 13.12.2010. Online reference: www.malaya.com.ph/12132010/news8.html

18 Caluza, Desiree (2010): PNP chief says 90% of arrests tainted with rights violations. Philippine Daily Inquirer, 01.10.2010. According to a recent study of the University of the Philippines and the CORPS Foundation, ordinary police officers earn PHP 12,500 per month (EUR 200). Estimated 60% of the police forces live below the poverty line. They live in squatter settlements and cannot afford to send their children to school. Half of the inquired policemen and –women stated not to have any savings. This meagre livelihood makes the police forces prone to corruption, bribery and criminal actions (Adriano, Joel (2011): Cops as criminals in the Philippines. Asia Times, 05.02.2011. Online reference: http://www.atimes.com/atimes/Southeast_Asia/MB05Ae02.html)

19 Yap (2011): Handle evidence well, PNP Chief tells probers. Philippine Daily Inquirer, 07.10.11

20 Suerte Felipe, Cecille (2011): 8 of 10 cops lack skills-PNP. Phil. Star, 17.01.2011. According to Superintendent Guinto and the head of the Task Force Usig, Police Director Arturo Cacdac, a new directive of the Ministry of Justice instructs the prosecutors to provide at least one prosecutor to support each police investigation. Personal Interview, 24.02.11

During the last UPR the Philippines rejected the recommendation to strengthen the witness protection although former Special Rapporteur Philip Alston identified the failure to reform the witness protection programme as "one of the most significant causes of continued impunity in the Philippines".²¹

The proposed amendments of the Witness Protection, Security and Benefit Act do not address crucial reforms needed in the Witness Protection Program (WPP) as 1) providing an interim protection mechanism for persons awaiting the decision of the Department of Justice (DoJ) regarding their application to be enrolled into the program;(2) ordering a limit on waiting times for the DoJ to make a decision on a witness application for enrolment to the WPP; and (3) improving the support system provided by the WPP for the financial needs of witnesses, who may need to be in the WPP for many years.²²

2) *Regarding the National Human Rights Action Plan (NHRAP)*

In its Aide Memoire to the UN regarding the candidature to the Human Rights Council in March 2011 the Philippines stated that it is "fully engaging in the process (of the UPR) in a constructive and open spirit and adopting most of the recommendations which provided useful input for the formulation of the Philippines second Human Rights Action Plan".

3,5 years after the last UPR and 18 months after the inauguration of President Aquino there is still no National Human Rights Action Plan proving the existence of an overall national approach of the current administration to systematically address human rights problems in the country with clear cut solutions.²³ The release of the second NHRAP was already delayed twice after the Executive Director of the Philippine Human Rights Committee initially announced its release for April and then for September 2011.²⁴

3) *Regarding the Office of the Ombudsman*

The independent constitutional role of the Office of the Ombudsman is to investigate and prosecute government officials accused of crime. It is the Office of the Ombudsman for Military and Other Law Enforcement Offices (MOLEO) which has the power and authority to decide whether or not any members of the security forces – police and the military – could be prosecuted in court for criminal and administrative charges. No members of the PNP and the AFP who are accused of crimes under the Penal Code can be prosecuted in courts without their approval.

The role of the Ombudsman investigators is very crucial at the early stage of investigation process for cases involving security forces. The decision by the National Prosecution Service (NPS), the prosecution arm of the Department of Justice (DoJ), in determining the "probable cause" is subject to the review and approval of the Ombudsman.

The former Ombudsman Mercedita Gutierrez (2005- 2011) did not perform well in acting on complaints. Several impeachment complaints were filed against her for "illegal, unjust, improper or inefficient" handling of cases as well as inaction on and neglect of cases. In March 2011, the House of Representatives voted to impeach Gutierrez on charges of betraying the public trust, prompting her to resign.²⁵

In July 2011 President Aquino appointed the retired Supreme Court justice Conchita Carpio-Morales as the new Ombudsman of the Philippines. Ombudsman Carpio Morales vowed to

21 UN General Assembly (2009): A/HRC/11/2/Add.8. Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Addendum. Follow-Up to country recommendations – Philippines. p.10.

22 See Amnesty International (2011): Progress, Stagnation, Regression? The State of Human Rights in the Philippines under Aquino. <http://www.amnesty.org.ph/publications/pdfs/aquino.pdf>

23 The NHRAP-2 should include all policy directions, institutional plans and programs on which to further build a continuing advocacy of human rights.

24 Correspondence of the AMP with the PHRC.

25 <http://www.gmanews.tv/story/215844/nation/house-impeaches-ombudsman-for-betrayal-of-public-trust>,
<http://propinoy.net/2011/03/02/full-text-of-impeachment-complaint-against-ombudsman-merceditas-gutierrez/>,
<http://www.gmanews.tv/story/197688/another-impeachment-complaint-filed-vs-ombudsman-gutierrez>.

“enhance the efficiency, effectiveness, transparency, accountability, credibility and responsiveness” of the Office of the Ombudsman towards the “improvement of corruption prevention and control.” This should be guaranteed through “an intensive assessment and review of the existing systems and programs of the Office through a series of consultations and strategic planning during the transition phase.”²⁶

4) *Regarding the Judicial system*

To get justice in the Philippines is very much dependent on having the necessary resources – money, connections and power – to be able to enforce one’s rights. With respect to the executive forces this means that there won’t even be an indictment, if prosecutors are bribed or intimidated by powerful and wealthy people.²⁷ By the same token, trumped-up charges are filed against NGO-representatives, who are often labeled as so called ‘frontline organisations’. They are muzzled or imprisoned as a result of theft or murder charges, or have to hide over many years.²⁸ Moreover, the prosecutors often lack the knowledge of new legal requirements and how to apply them. Independence and impartiality of judges is rather the exception than the rule in the Philippine legal system. When a state lacks a functioning legal system and tolerates loyalties and networks between those, holding political power, justice degenerates into a personalised matter. Legal institutions are only accessible to people with good connections. Incorruptible judges, on the other hand, must fear for their lives. Since 1999 more than 20 judges were killed in the Philippines.²⁹ Considering political killings, a criminal trial takes five years, two months and eleven days on average.³⁰ Without financial resources this battle for justice is impossible to win. Moreover, the victims and their families are regularly subject to threats and harassment during a trial.

To date, there is no central body in the National Government that monitors and ensures that those who are convicted by final judgement actually go to jail and serve their sentences. There is no central database that collects the data to document that delinquents serve their time.

International donors like the European Union provided substantial support through its EPJUST program to enhance the capacity and effectiveness of the Philippine criminal justice system in the areas of technical assistance, training and advice, as well as a modest amount of forensic or computer equipment as appropriate for the key State agencies charged with the investigation, prosecution and judicial pursuit of extra-legal killings and enforced disappearances. One of the hindrances to the effective implementation of the program was the refusal of some Philippine authorities to cooperate and to give full support to the mandate of the program. In 2012 another EU-assisted justice reform is expected to begin.³¹

Also the German Government is recognizing the importance of judicial reform in the Philippines and is supporting a program to reform the countries revised penal code.³²

26 <http://www.ombudsman.gov.ph/index.php?navId=MTQ=&pressId=MjI1>

27 In the past years even some prosecutors fell victim to assaults.

28 As it is the case with the wellknown human rights activist “Cocoy” Tulawie, who is on the run since October 2009. He is accused to be the string puller of the bomb attack on the Governor of Sulu, Abdusakur Tan, on 13 May 2009. Tulawie denies the deed. In the meantime the two main eye witnesses have put on record that their confessions incriminating Tulawie were made under pressure. (For more details on the case of Cocoy Tulawie follow the link: www.mpc.org.ph).

29 See: <http://attylaserna.blogspot.com/2009/01/16-judges-killed.html>.

30 Parreño, Atty Al A. (2010): Report on the Philippine Extrajudicial Killings (2001 – Aug, 2010). The Asia Foundation. Online reference: <http://www.scribd.com/doc/37530361/FULL-Report-on-the-Philippine-EJKs-2001-2010>

31 The focuses of this program are lying on with the focuses to a) increase the accessibility of the civil and criminal justice systems to the poor and disadvantaged, b) to improve the ability of the criminal justice system to address the issue of impunity of major human rights violations by strengthening law enforcement, prosecution and judiciary capacities for the prevention, investigation, prosecution, and adjudication of the crimes of ELKs and EDs and c) to enhance the accountability of the justice system stakeholders by reinforcing and coordinating internal and external bodies and mechanisms in charge of the monitoring and oversight of the justice system in relation to access to justice and the prevention and repression of ELKs and EDs (Information received from the EU Delegation).

32 Information from the German Federal Foreign Office.

5) *Regarding the deployment of Militias and Private Armed Groups*

In his election campaign President Aquino promised the abolition of the Executive Order No. 546: This order was issued in 2006 by former President Arroyo and deals with the virtual legalisation of private armies as it directs the police to support the military in its counterinsurgency work, including the use of militias and private armed groups. In fact these private armed groups are beyond governmental control. The cruellest example of the scrupulous deployment of such private armies is the Maguindanao massacre of 23 November 2009. In the meantime, the President has backed away from this pre-election promise. Due to Aquino the abolition of EO 546 would be anachronistic and counterproductive; after all, the military would be dependent on the about 50,000 members employed by civil defence corps and private security forces.³³ In October 2011 Aquino approved the proposal of the Armed Forces of the Philippines to deploy militias to beef up security for mining corporations. These so-called Special CAFGU Active Auxiliary units (SCAAs) would be funded and directed by the mining companies.³⁴ Private Armed Groups, including the Citizens' Armed Forces Geographical Units (CAFGUs), have a long record of human rights violations in the Philippines. According to the Commission on Human Rights of the Philippines, CAFGUs have been responsible for arbitrary detention, torture, and killings of local community leaders.³⁵

6) *Regarding the Invitation of Special Procedures*

During the last UPR in 2008 the Philippines rejected the recommendations a) to enable the visit of the Special Rapporteur on the promotion and protection of human rights while countering terrorism as well as b) to consider extending a standing invitation to special procedures. For their candidature in the Human Rights Council of the UN in 2011 the Philippines nevertheless elaborated that "it is open to constructive dialogue and cooperation with human rights special procedures" and voluntarily committed themselves to a "continuing active engagement with the human rights treaty bodies, special procedures, the universal periodic review and other mechanisms of the Human Rights Council".³⁶

C) Recommendations for Action to the State under Review (SuR)

While some improvements to the normative environment of human rights legislation have been initiated, the real problem – the lack of implementation of existing laws and the climate of impunity – is still rampant. The members of the Action Network Human Rights-Philippines (AMP) therefore call on the Philippine government to seriously work on coming to terms with the human rights violations of the past to pave the ground for a process of reconciliation and giving justice to the victims.

The Philippines are further more requested to strengthen the efforts to implement all national and international Human Rights obligations.

The member organisations of the AMP are calling on the SuR to:

On A.1.1: Extrajudicial Killings and Enforced Disappearances

- Create a Presidential Accountability Commission to ensure diligent investigation and fair prosecution in cases of extrajudicial killings, enforced disappearances and torture;

33 Sisante, Jam L. (2010): Aquino thumbs down abolition of militia forces. GMA News TV, 23.11.2010. Online reference: <http://www.gmanews.tv/100days/story/206685/aquino-thumbs-down-abolition-of-militia-forces>.

In a global comparison, the Philippine Armed Forces have one of the lowest force levels.

34 Silverio, Ina Alleco R. (2011): Aquino gives go signal to deployment of CAFGUS to mining areas. Bulatlat.com, 14.10.11; Conde, Chichi (2011): Aquino OKs special militias for mining firms. InterAksyon.com, 12.10.11

35 http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/abthr039.pdf.

36 UN General Assembly (2011): A/65/790: Annex to the note verbal dated 11 February 2011 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly.

- Direct the DoJ task force on extrajudicial killings to publish monthly accomplishment reports with the current status of investigations;
- Sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearances;
- End the use of Death Squads.

On A.1.2: Torture

- Direct the state prosecutors to make full use of the Anti Torture Act (ATA);
- Direct the DoJ and the CHR to establish an effective sanction-mechanism to ensure that the investigations in torture cases are really completed within 60 days; as the ATA requires.

On A. 2.1.: Reform within the AFP

- Provide sufficient resources to the AFP Human Rights Offices (AFPHROs);
- Ensure that the investigations of the Human Rights Offices are not undertaken by military personnel in the same regional commands as the perpetrators;
- Direct the AFPHROs to issue monthly reports about the status of the cases they are investigating to the CHR and the DoJ;
- Require all members of the military to secure clearance from the CHR before they can be promoted;
- Conduct an independent investigation of allegations that the Peace and Development Teams of the AFP, tasked to implement Oplan Bayahinan, are harassing members of civil society organisations.

On A.2.2.: Reform within the PNP

- Increase the budget for criminal investigation equipment and case management training;
- Increase the number of professional and independent forensic experts;
- Direct the Task Force Usig of the PNP to issue a monthly report on the status of all cases it is investigating;
- Require all members of the police forces to secure clearance from the Commission on Human Rights before they can be promoted;
- Establish a clear documentation- and punishment mechanism for policemen who commit human rights violations.

On B.1.: Witness Protection

- Initiate all-embracing reforms of the government's witness protection program, like
 - a) the increase of the budget;
 - b) the provision of an interim protection mechanism for persons awaiting the decision of the DOJ regarding their application to be enrolled into the program;
 - c) the limitation of waiting times for the DoJ to make a decision on a witness application for enrolment to the WPP;
 - d) the improvement of the financial support system for witnesses, who may need to be in the WPP for many years;
 - e) the creation of an independent decision-taking committee, deciding on the admission of witnesses;
 - f) a 24-hour care of witnesses;
 - g) the relocation of trials to other regions, thus ensuring a higher level of witness protection;
 - h) a separation of witnesses and perpetrators during trials; and
 - i) the establishment for a mechanism to perpetuate witness testimonies;
- Allocate funds for a specialized program within the CHR for witnesses of human rights violations, where the implicated perpetrators are soldiers, police or state officials;

- Investigate all reports of harassment and bribery attempts against witnesses in cases of EJKs and EDs.

On B.2.: The National Human Rights Action Plan

- Release the Second National Human Rights Action Plan and make sure that it is implemented.

On B.3.: The Office of the Ombudsman

- Monitor and document the work of the Office of the Ombudsman;
- Demand that the Ombudsman concentrates on prosecuting high level government officials.

On B.4.: The Judicial System

- Enforce a comprehensive judicial reform including the revision and streamlining of lawsuit guidelines,
- Provide sufficient resources and mandate to state prosecutors to ensure that prosecution leads to convictions and reparations for the victims;
- Depoliticize the selection of judges, and fill the vacancies with qualified and well-trained members of the Judicial and Bar Council;
- Stop the practice of filing John Doe cases against human rights defenders;
- Strengthen the capability of the law enforcement agencies to solve extrajudicial killings and enforced disappearances by forensic and physical evidence instead of relying heavily on testimonial evidence;
- Improve the cooperation and coordination between the various national prosecution authorities;
- Insist that the Department of Justice evaluates its performance not just based on conviction rates but rather on actual service of sentence;
- Establish mechanisms for perpetuating the testimonies of material and protected witnesses. The Philippine Supreme Court should amend the Rules of Court to that end.

On B.5.: Militias and Private Armed Groups

- Revoke Executive Order 546 directing the recruitment of paramilitary groups for counterinsurgency;
- Disarm and ban all state sponsored private militias and take full control over security services sponsored by private businesses or persons.

On B.6.: Special Procedures

- In the light of the pledge to engage actively with the special procedures and treaty bodies issue a standing invitation for UN-Special Rapporteurs and UN-Working Groups to visit and inquire the Human Rights situation in the Philippines.