



**Strengthening Human Rights in the Philippines Program**

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## The Asia Foundation

### Strengthening Human Rights in the Philippines Program (Cooperative Agreement No. 492-A-00-07-00016-00) October 1, 2008 – September 30, 2009

#### SUMMARY

This annual report covers activities from October 1, 2008 to September 30, 2009 under The Asia Foundation's Strengthening Human Rights in the Philippines Program. The program is funded through a Cooperative Agreement with the United States Agency for International Development (USAID) and runs from October 1, 2007 to September 30, 2010. The program aims to introduce substantial and durable measures that will strengthen enforcement of human rights and rule of law in the Philippines through a three-pronged strategy to:

- (1) Promote respect for human rights and freedoms and progressively secure their effective recognition and observance;
- (2) Protect human rights of citizens in law and in reality through improved monitoring of violations; and
- (3) Prosecute human rights violations through capacity-building for better investigation, prosecution, and adjudication of cases.

This fiscal year is the program's second year of implementation. As extrajudicial killings and enforced disappearances continue (on a lesser scale than in previous years but they appear to be increasing again in the latter part of 2008 and 2009),<sup>1</sup> the Foundation focused on sustaining the momentum of strategies to combat impunity and building on the program's initial gains. It is also during this reporting period that the Foundation embarked on a mid-term results evaluation to assess the achievement of project outcomes and be guided in the completion of remaining activities.

On **promoting respect for human rights**, the University of the Philippines Institute of Human Rights completed the consultations for drafting human rights action plans in the cities of Naga and Calapan. For the **protection of human rights** component, the Center for Media Freedom and Responsibility (CMFR) uploaded the enhanced online database

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<sup>1</sup> In his April 2009 follow-up report to the UN Human Rights Council in Geneva, Special Rapporteur on Extrajudicial Killings Philip Alston noted a 70 percent decline in summary executions in the Philippines since 2007. However, summary deaths began to pick up in late 2008. Karapatan, a progressive alliance of human rights organizations, reported 27 killings from January to March 2009 alone, as compared to 19 extrajudicial killings reported for the same quarter in 2008. The Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL) reported 8 extrajudicial killings in 2008 and 22 extrajudicial killings from January to July 2009. The GRP-MC monitors state violations of the CARHRIHL in line with the government's peace negotiations with the National Democratic Front.

of media killings and continued posting updates about cases of slain journalists. With CMFR and the Public Trust Management Group, the Foundation conducted two seminars on human rights reporting for journalists. This period likewise saw the launch of the Commission on Human Rights' (CHR) Martus-based Executive Information System for documenting and reporting human rights violations.

Efforts toward the effective **prosecution of human rights violations** continued to gain ground as three Multi-Sectoral Quick Reaction Teams (MSQRT) were established in the provinces of Leyte, Albay, and Northern Samar. CHR investigators honed their forensic skills in a series of intensive trainings led by the Equipo Peruano de Antropología Forense (EPAF or the Peruvian Forensic Anthropology Team). The Foundation completed the last set of trainings for judges and prosecutors in partnership with the Philippine Judicial Academy and the Department of Justice, respectively. Two manuals -- the Manual on Human Rights for Private Lawyers and Public Attorneys, and the Manual on Civil and Administrative Remedies for Human Rights Abuses -- were finalized for printing and distribution to human rights defenders.

## **HIGHLIGHTS AND OUTCOMES OF SIGNIFICANT ACTIVITIES**

### ***I. Promoting respect for human rights***

**Development of Local Human Rights Action Plans.** The University of the Philippines Law Center's Institute of Human Rights (UP IHR), the Foundation's implementing partner for this project, completed the local stakeholder dialogues and consultations in the two pilot areas -- Calapan City, Oriental Mindoro and Naga City, Camarines Sur -- to gather inputs for the action plans.

In Naga City, at least 20 representatives from the city government, prosecutor's office, the Commission on Human Rights, academic institutions, youth organizations, and non-governmental organizations (NGOs) working on women's and human rights issues attended an orientation on the rights-based approach to development planning, and two consultations to identify issues and strategies to be incorporated in the three-year action plan.<sup>2</sup> Among the issues raised during the consultations was the police's inability to immediately respond to human rights violations. To address this, the participants emphasized the need for greater community participation in reporting and addressing such violations. They also suggested that the local police adopt a rights-based approach to law enforcement.

After separate dialogues with city government officials and non-government organizations in Calapan City, the UP IHR convened two multi-sectoral consultations to

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<sup>2</sup> The orientation was held on May 29, 2009. Consultations were held on July 9-10, 2009 and August 19-21, 2009.

develop the Calapan City Human Rights Action Plan.<sup>3</sup> At least 30 participants from the local government, the Commission on Human Rights, vendors' associations, farmer's groups, indigenous peoples groups, and other civil society organizations attended these activities. Although the participants highlighted economic, social, and cultural rights concerns,<sup>4</sup> they also discussed violations of civil and political rights especially among indigenous peoples and farmers in the context of insurgency and militarization.<sup>5</sup>

In the next reporting period, the UP IHR will consolidate inputs gathered from the consultations and present the draft human rights action plans for the approval of stakeholders in the respective cities.

## ***II. Protecting human rights of citizens***

### **Expansion and Interactivity of the CMFR Database on the Killings of Journalists.**

In December 2008, the Center for Media Freedom and Responsibility (CMFR) uploaded to its website the interactive map of media killings.<sup>6</sup> The online map translated CMFR's old database into a visually-appealing and more user-friendly presentation of trends and information about slain journalists. The map provides an up-to-date list of journalists killed since 1986, which can be viewed by administration (from President Corazon Aquino to President Gloria Macapagal-Arroyo), gender, region, medium (media, print, or television), and based on whether journalists were killed in the line of duty or not.

Based on CMFR's database, there were eight media killings from October 1, 2008 to September 30, 2009. Five of these incidents are considered work-related. Developments about cases of slain journalists are posted in the alerts section<sup>7</sup> of CMFR's website and have helped in the advocacy for the quick resolution of court cases, such as the case of block-timer Armando Pace which was decided by the Digos City Regional Trial Court in April 2009.<sup>8</sup>

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<sup>3</sup> Consultations were held on May 25, 2009 and June 4-5, 2009.

<sup>4</sup> E.g. duty of the government to provide access to potable water, properly enforce demolition orders against informal settlers, etc.

<sup>5</sup> Representatives of Mangyan Mission, a NGO advocating for the rights of the indigenous peoples in Mindoro, reported that Mangyans have been caught in crossfire between the New People's Army (NPA) and the Armed Forces of the Philippines. They also shared that some Mangyans were gunned down by the military for being NPA sympathizers even if they were not. Mangyans suggested that the military cease operations in their area, or at least coordinate with them so they can retreat and seek refuge in a safe place before a military encounter.

<sup>6</sup> [http://www.cmfr-phil.org/map/index\\_inline.html](http://www.cmfr-phil.org/map/index_inline.html)

<sup>7</sup> <http://www.cmfr-phil.org/flagship-programs/freedom-watch/alerts/>

<sup>8</sup> Pace, a hard-hitting broadcaster in Digos City, Davao del Sur, was gunned down on July 18, 2006. The court convicted his assassin of homicide.

During this reporting period, CMFR organized two Seminar-Workshops on Human Rights Reporting in Cebu City.<sup>9</sup> Around 60 mid-career journalists from tri-media outfits<sup>10</sup> from Visayas and Mindanao attended the seminars which included discussions on the meaning of human rights and related concepts; the role of the Commission on Human Rights; the state of human rights reporting in the Philippines; how to write fair, meaningful, and interesting human rights stories; as well as ethical principles and issues in human rights reporting. Among the resource speakers were Commission on Human Rights Chairperson Leila de Lima, Center for International Law Executive Director, Sulong CARHRIHL (Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law) Convenor, and experienced media practitioners from the International Herald Tribune, Mindanews, and the University of the Philippines College of Mass Communication. Each session was capped by a workshop on news writing where the participants' outputs (news reports about a human rights violation) were critiqued by veteran journalists, including CMFR's executive and deputy directors.

A good number of the participants have been actively reporting on human rights issues. They include the editor of Leyte-Samar Daily Express who has been writing about developments on the killing of human rights advocate Father Cecilio Lucero of Samar, and Mindanews reporters who have been extensively covering the plight of internally displaced people in Mindanao.

#### **Violence Against Media Project – Human Rights Orientation Seminars.**

The Public Trust Media Group, Inc. (Public Trust), in collaboration with the Philippine Center for Investigative Journalism (PCIJ), conducted a human rights orientation seminar for journalists on March 12 to 15, 2009 in Tagaytay City. Fourteen participants consisting of reporters from leading dailies, community, online, and school-based newspapers; radio broadcasters; and a blogger attended. The seminar was based on the module developed by PCIJ which included discussions on the history, theory, and laws pertaining to extrajudicial killings, as well as challenges and strategies in reporting human rights violations from seasoned investigative journalists, human rights workers, and lawyers. Practical matters such as safety measures in cases of threats and attacks were also imparted. Among the highlights of the seminar was the drafting of a Reporters' Protocol on covering extrajudicial killings and other human rights violations.<sup>11</sup> Participants' inputs to the protocol underscored the vigilance and sensitivity required in presenting human rights issues to the public.

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<sup>9</sup> The first batch was held on February 12 to 15, 2009 while the second one was held on September 10 to 13, 2009. The Canadian Embassy provided additional funds for the participation of two journalists in the first batch.

<sup>10</sup> Participants included journalists from ABS-CBN-Zamboanga and Davao, GMA7-Iloilo and Davao, Philippine Star, Philippine Daily Inquirer, Punto Central Luzon, The Visayan Daily Star, Sun Star Cebu, The Freeman, Leyte-Samar Daily Express, Aksyon Radyo Bacolod, Mindanao Times, Radio Mindanao Network, and Mindanao Insider.

<sup>11</sup> The draft protocol includes the duty of journalists to verify reports from government and non-government sources; avoid labeling especially of the victims and the accused; bring in the context of the incident; make the public aware of the human rights angle of an ordinary crime; and keep himself/herself abreast of pertinent domestic and international laws.

**Martus-based Executive Information System (MAREIS).** January 2009 saw the public launch of the Commission on Human Rights' (CHR) Martus-based Executive Information System (MAREIS). MAREIS is the enhanced and integrated version of the Martus Human Rights Bulletin System<sup>12</sup> and the CHR's own internal information system. During the launch, the CHR demonstrated how incidents of human rights violations may be reported and monitored through the web-based system. Around eighty guests from government offices, human rights NGOs, academe, media, and development partners and embassies, including U.S. Ambassador Kristie Kenney graced the event.

As project counterpart, the CHR provided refresher trainings and rolled out the MAREIS to its 19 regional offices. To ensure full use of the system, the Commission issued a memorandum<sup>13</sup> in June 2009 directing all field offices to report human rights abuses through the MAREIS. From January 1 to October 1, 2009, the CHR received 867 complaints of human rights violations through the MAREIS.<sup>14</sup> The CHR offices in Regions IX, VIII, and III reported the highest number of violations, with Region IX accounting for more than 40 percent of the reported incidents.<sup>15</sup>

To equip CHR personnel with skills to troubleshoot, properly maintain, manage, and further enhance the MAREIS, the Foundation and the CHR's Information Systems Management Office collaborated with the Pentaho project development team (a foreign information technology consultant) to develop a training design on the Pentaho Business Intelligence Platform.<sup>16</sup> This platform is the application system that enables various MAREIS functionalities such as generating statistical reports, chart formats, calculations, built-in alert systems, data integration, and authentication. Pentaho training of CHR personnel is slated for the next reporting period.

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<sup>12</sup> Martus is Greek for "witness". Martus is an open-source software that provides the benefits of encryption technology, and is customized for use by human rights organizations to capture, store, and disseminate information on human rights abuses. The Martus Project was initially funded by the Department of State through The Asia Foundation.

<sup>13</sup> Martus Investigation Module Full Implementation, Commission on Human Rights Memorandum MVVC-M-08G09.

<sup>14</sup> This figure includes all kinds of human rights violations. The breakdown based on type of violation (e.g. extrajudicial killings, torture, illegal arrest, etc.) has not been released pending issuance of the CHR's guidelines on public disclosure of MAREIS-generated information.

<sup>15</sup> Region IX (Zamboanga Peninsula) is composed of the provinces of Zamboanga del Norte, Zamboanga del Sur, and Zamboanga Sibugay. Region VIII (Eastern Samar) is composed of the provinces of Biliran, Eastern Samar, Leyte, Northern Samar, Samar, and Southern Leyte. Region III (Central Luzon) is composed of the provinces of Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales.

<sup>16</sup> The Pentaho BI Platform is an enterprise-class business intelligence platform that supports Pentaho's end-user reporting, analysis, and dashboard capabilities with back-end security, integration, scheduling, auditing, and more. See [http://www.pentaho.com/products/bi\\_platform/](http://www.pentaho.com/products/bi_platform/)

### **III. Prosecuting human rights violations**

**Forensic Training of Commission on Human Rights Investigators.** In April and May 2009, the Foundation partnered with the *Equipo Peruano de Antropología Forense* (EPAF or the Peruvian Forensic Anthropology Team)<sup>17</sup> and the CHR for the conduct of four batches of forensic trainings for 133 CHR investigators, doctors, lawyers, regional directors, laboratory aides, and crime photographers.<sup>18</sup> Forensic doctors from the University of the Philippines and civil society representatives of the Multi-Sectoral Quick Reaction Teams in Leyte province joined these trainings since they work hand-in-hand with the CHR in fact-finding missions.

The EPAF team consisting of the EPAF President<sup>19</sup> and a forensic archeologist/bio-anthropologist led the three-day trainings. Each session opened with classroom lectures on standard crime scene investigation procedures, including scientific and systematic documentation and analysis of human rights abuses. For field work, EPAF set up simulated incidents of extrajudicial killings and enforced disappearances, including an exhumation site with straw dummies. Participants investigated the sites in teams using readily-available materials such as ribbons to cordon off the crime scenes, improvised flags to mark evidence, disposable gloves and paper bags to handle artifacts, ordinary shovels to exhume bodies, and construction levels and measuring tapes to triangulate and draw the scenes. At the end of the trainings, participants presented their findings (reconstruction of what probably happened) for critiquing.

Based on their over-all assessment of the training experience, the participants found the exercises difficult but stimulating, and extremely relevant to their work. Weeks after the training, participants from the CHR's Region III office had a chance to immediately apply the exhumation procedures they learned when they excavated the body of a rebel returnee abducted in 2004.<sup>20</sup>

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<sup>17</sup> EPAF is a non-profit civil society organization based in Lima, Peru that applies forensic anthropology and other forensic sciences to investigate human rights abuses in Latin American countries. EPAF has documented more than 13,000 enforced disappearances in Peru and has undertaken exhumation missions in the Latin Americas and Kosovo.

<sup>18</sup> Two trainings were held in Clarkfield, Pampanga for participants from Luzon. The third training was held in Cebu City for Visayas participants, while the last was held in Cagayan de Oro for Mindanao trainees.

<sup>19</sup> The President of EPAF is a forensic anthropologist who served as expert witness in the International Criminal Tribunals for Yugoslavia and Rwanda, and the most recent trial of Peru's former President, Alberto Fujimori.

<sup>20</sup> This involved the case of Jimmy dela Cruz, an Aeta rebel returnee who went missing in December 2004. In May 2009, an investigation team from CHR Region III exhumed his remains in Pampanga based on accounts of an eye-witness who recently surfaced. Dela Cruz's relatives identified his remains through his clothing.

The Australian Agency for International Development co-funded the trainings.<sup>21</sup> The CHR paid for the transportation cost of the CHR participants as counterpart.

**Establishment of Multi-Sectoral Quick Reaction Teams (MSQRTs).** The Ateneo Human Rights Center's (AHRC) efforts to organize human rights stakeholders bore fruit this year as MSQRTs were established in three provincial hotspots (areas with the highest incidence of extrajudicial killings).<sup>22</sup> The first team was established in Leyte province in February 2009. Albay province followed suit in June 2009, while Northern Samar formed its team in September 2009 soon after the brutal killing of human rights defender Father Cecilio Lucero in Catarman, Northern Samar.<sup>23</sup> A team is composed of around 20 representatives from the local church diocese, provincial government, Commission on Human Rights, Integrated Bar of the Philippines, local universities, and civil society organizations who have agreed to work together to respond to extrajudicial killings and enforced disappearances in the province. In each province, the Social Action Center of the Catholic Church Diocese serves as the MSQRT Secretariat.

The MSQRTs in Albay and Samar drafted their respective operational procedures to facilitate prompt referral of complaints and smooth coordination of services among NGOs on the ground and investigating authorities. The Albay team called "Andurog" (which means "immediate assistance" in local parlance), agreed to assist victims of previous human right violations while no recent extrajudicial killing or enforced disappearance has been reported in the area. The Samar team will be working on the case of Father Lucero. The Leyte team, on the other hand, sent three of its civil society members to participate in the Forensic Training of CHR investigators in Cebu City in May 2009.

With the establishment of three MSQRTs, civil society organizations in other provinces now clamor for the introduction and setting-up of MSQRT teams in their areas in order to deal with killings and disappearances. The National Secretariat for Social Action of the Catholic Bishops Conference of the Philippines (CBCP-NASSA) realized the potential impact of MSQRTs that and have requested the AHRC to help set-up MSQRTs throughout the country. In fact, a discussion of the MSQRT was included in the program of the forthcoming general assembly of CBCP.

To strategically plan and coordinate activities for the setting-up of MSQRTs, the AHRC, in March 2009, convened nine networks of human rights NGOs to share about their past, current, and upcoming initiatives to address human rights violations, identify common

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<sup>21</sup> AusAID funds covered training expenses of participants from Luzon, Visayas, and Mindanao. USAID supported the travel, food, and accommodation of EPAF trainers, printing of the manuals, as well as training expenses of participants from the National Capital Region.

<sup>22</sup> Other hotspots include Bulacan, Pampanga, Nueva Ecija, Oriental Mindoro, Sorsogon, and Davao del Sur.

<sup>23</sup> Father Lucero was a staunch peace and human rights advocate. He was the Chairman of the Human Rights Committee of the Diocese of Catarman, Northern , Samar. He was gunned down by a group of unidentified armed men on September 6, 2009.

issues, challenges, gaps, as well as areas of coordination. AHRC presented the results of this knowledge-sharing forum to development partners during the Second Human Rights Donors' Meeting organized by the Foundation in the same month.<sup>24</sup>

Further, in July 2009, the AHRC convened the second meeting of national organizations who have agreed to support the establishment of MSQRTs. Around 16 representatives from government and civil society attended and renewed their commitment to mobilize their local counterparts to participate in the MSQRTs.<sup>25</sup> In the same month, the Foundation partnered with the Center for Community Journalism and Development in a dialogue to encourage members of the media and Barangay Human Rights Action Officers (BHRAOs) in Davao del Sur to take part in the MSQRTs.

**Multi-Sectoral and Skills-Building Seminar Workshops on Human Rights Issues: Extralegal Killings and Enforced Disappearances.** During this fiscal year, the Foundation and the Philippine Judicial Academy (PhilJA) organized 11 seminars for 672 regional trial court judges, public prosecutors, public attorneys, members of the Integrated Bar of the Philippines, Commission on Human Rights, and human rights organizations from the Sixth to the Twelfth Judicial Regions.<sup>26</sup> This completes the series of human rights trainings for judges in all the 13 judicial regions.<sup>27</sup>

Each training included lectures on what constitutes an extrajudicial killing and an enforced disappearance; state and command responsibility; protective writs that may be issued by courts; and human rights and international humanitarian law. A Filipino forensic pathologist oriented participants on the use and appreciation of forensic evidence in human rights cases. To facilitate interaction among participants, thematic problem solving workshops and multi-sectoral dialogues were incorporated in the program. The dialogues served as a venue for a candid exchange of experiences and views in handling cases of human rights violations. Specific issues on the application of the Rules on the Writ of Amparo and the Writ of Habeas Data were also discussed.

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<sup>24</sup> Fourteen representatives from the American Bar Association, Australian Embassy, Australian Agency for International Development, Australian National University, Asian Development Bank, British Embassy, Canadian Agency for International Development, European Commission, International Committee of the Red Cross, Netherlands Embassy, Spanish Embassy, United Nations Development Programme, and USAID attended.

<sup>25</sup> The Commission on Human Rights, Department of Justice, Government of the Republic of the Philippines – Monitoring Committee on the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), Department of Interior and Local Government, Department of Health, Philippine Judicial Academy, Integrated Bar of the Philippines, Philippine Alliance of Human Rights Advocates, Task Force Detainees of the Philippines, and the Catholic Bishops Conference of the Philippines.

<sup>26</sup> Except the Seventh Judicial Region where trainings were held the previous fiscal year. These regions cover provinces in Visayas and Mindanao.

<sup>27</sup> PhilJA conducted a total of 20 seminars for all the judicial regions. Ten of these seminars were funded by USAID through the Foundation.

Among the judges who benefitted from the seminar series is the Judge of Branch 20, Digos City Regional Trial Court. This is the Judge who subsequently issued the April 20, 2009 judgment convicting the assassin of slain journalist Armando “Rachman” Pace.<sup>28</sup> The Judge of Branch 63, Regional Trial Court of Cordillera, who issued the January 21, 2009 Writ of Amparo for missing activist James Balao, also attended the trainings.<sup>29</sup>

**Basic Orientation Seminar-Workshops for New Prosecutors (with emphasis on Human Rights).** In partnership with the Department of Justice (DOJ), the Foundation supported the conduct of four prosecutors’ seminars during this fiscal year. The trainings were conducted in Metro Manila, Iloilo City, Tacloban City, and Metro Manila for prosecutors from Regions IV to VII and XI to XIII. A total of 119 new prosecutors attended the sessions. This completes the series of eight batches of new public prosecutors trained under the program.

As in the previous trainings, a consultant forensic pathologist delivered a lecture on the use of forensics in prosecuting human rights violations. Apart from general topics on drafting resolutions, information, and other pleadings; inquest, preliminary investigation, and trial, the seminar incorporated a moot court of an extrajudicial killing case.

**In-depth Analysis of the Results of the Legal Audit of Extrajudicial Killing Cases.** In 2008, the Foundation, with support from the Australian Agency for International Development, partnered with the Integrated Bar of the Philippines (IBP) for the conduct of a legal audit of cases of extrajudicial killings in the Philippines. The audit involved an inventory of cases filed before courts and other quasi-judicial agencies such as the Commission on Human Rights, the Philippine National Police, and the National Prosecution Service. In the audit, the IBP identified 38 cases of extrajudicial killings pending in different courts. The Foundation embarked on a study to analyze these cases, identify causes of delay and other obstacles to the prosecution of extrajudicial killing cases, and recommend strategies to address them.

Through a consultant public interest lawyer, the Foundation examined the data gathered by the IBP and monitored the status of selected cases of slain political activists and journalists in courts. Among the cases monitored was that of Bayan Muna leader Edilberto Napoles, Jr.<sup>30</sup> The Regional Trial Court of Manila issued an August 26, 2009 decision acquitting Napoles’ alleged assassin due to insufficient evidence. The judge who issued the acquittal lamented that the prosecution’s recommendation to strike off charges against high-ranking military officials weakened the case. Failure of the key witness to testify in subsequent hearings also led to the acquittal. An in-depth analysis of this recent

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<sup>28</sup> See also previous section on the Expansion and Interactivity of the CMFR Database on the Killings of Journalists under the Protecting Human Rights component.

<sup>29</sup> James Balao is a co-founder of the Cordillera People’s Alliance. He went missing in October 2008 and has not surfaced to date. In granting the Petition for the Writ of Amparo filed by Balao’s family, the court recognized Balao’s case as an enforced disappearance, upheld the inclusion of President Gloria Macapagal-Arroyo as respondent, and ordered respondents to release Balao.

<sup>30</sup> Napoles was shot in Oriental Mindoro in 2002 allegedly by military agents.

decision will be included in the study which will be completed in the next reporting period.

**Publication of the Manual on the Use of Civil and Administrative Remedies and Manual on Human Rights for Private Lawyers and Public Attorneys.** These manuals were developed by consultant human rights lawyers under the program. The Manual on the Use of Civil and Administrative Remedies consists of a study entitled *Civil and Administrative Remedies as Instruments of Accountability for Violations of Human Rights* and an accompanying *Paralegal Training Manual*. The study includes a section on existing procedures for administrative complaints against state agents who commit human rights abuses. To ensure the accuracy of the manual's contents, the Foundation validated this section with the human rights offices of the Philippine National Police and the Armed Forces of the Philippines. The Foundation's intern from Georgetown University Law Center, who used to be a copyeditor, edited The Manual on Human Rights for Private Lawyers and Public Attorneys.<sup>31</sup> Layout and printing of the manuals will be completed in the next reporting period.

**Mid-term program evaluation.** In consultation with the Agreement Officer's Technical Representative for the program, the Foundation engaged an independent consultant, the Center for Public Resource Management Consultants, Inc. (CPRM), for a mid-term project results evaluation. CPRM's team of evaluators completed the review of relevant reports and documents about the Strengthening Human Rights in the Philippines Program, including the performance monitoring and evaluation plan. Apart from desk review, evaluators commenced interviews and focus group discussions among project partners and beneficiaries in Metro Manila and other sites.

Based on information gathered, the evaluation team will assess the merits of project framework, approach, strategy, and implementation process, including the mix of program activities. Overall achievements and results of the project, including constraints encountered, lessons learned, and key areas to be strengthened will also be identified. The evaluation will be completed in the next reporting period.

**Participation in other human rights activities.** Networking and coordination is essential to ensure that a broad range of stakeholders can contribute to and benefit from measures to promote and protect human rights. Part of the Foundation's commitment in implementing this program is to keep itself and USAID abreast with developments in the human rights scene, engage in meaningful discussions with stakeholders, and gain fresh insights about human rights. In doing so, the Foundation participated in various lectures, fora, and other activities organized by government institutions such as the Commission on Human Rights and the Philippine Judicial Academy, and by civil society organizations working on human rights issues in the Philippines and in the ASEAN.

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<sup>31</sup> This is the redesigned and expanded version of Special Section on Human Rights of the Revised Manual for Prosecutors, which was likewise developed under this program.

With its own resources, the Foundation also gathered international development agencies to a regular Donors' Forum and organized *KaSaMa* (or *Karapatan sa Malikhaing Paraan (Rights in a Creative Way): 2009 Search for Philippine Innovative Human Rights Initiative*) to bring in new partners, sustain interest in human rights concerns, and at the same time coordinate efforts and maximize resources within the donor community. Launched on October 13, 2009, *KaSaMa* is a multi-donor small grants competition that seeks to generate cutting-edge proposals to address human rights issues. A Donors' Panel composed of seven embassies and development partners, including the Foundation, will select innovative project ideas for funding. The Foundation acts as the *KaSaMa* Secretariat through support from USAID and The Royal Netherlands Embassy.<sup>32</sup>

## PLANS FOR THE NEXT PERIOD

As the program enters into its third year, the Foundation will intensify project implementation to ensure successful and timely completion of activities. It will continue to closely monitor and coordinate activities among partners to consolidate project impact. Moreover, with the recently approved extension and expansion of the program, the Foundation will remain sensitive and responsive to developments in the local human rights scene to ensure the relevance and effectiveness of program components.

To **promote respect for human rights**, the University of the Philippines Institute of Human Rights will work with local stakeholders to finalize the human rights action plans of Calapan City and Naga City.

On **protecting human rights**, the Center for Media Freedom and Responsibility (CMFR) will continue to update its online database of media killings and conduct another seminar on human rights reporting for community journalists from Luzon. The Commission on Human Rights will begin trainings to equip its personnel on the use of the new Martus-based Executive Information System (MAREIS) platform.

Breaking the pattern of impunity and **prosecution of human rights violations** will remain a priority. With the completion of the human rights trainings for judges and prosecutors, the Foundation, in partnership with the Supreme Court and the Philippine Judicial Academy, will support the development of a self-help book for judges on the adjudication of human rights cases. With the Department of Justice, the Foundation will conduct trainers' training on human rights for prosecutors.

Two manuals -- one on handling human rights cases for private prosecutors and public attorneys, and another on training paralegals and lawyers to avail of civil and administrative remedies for human rights abuses -- will be published and launched as part of the Human Rights Week Celebration in December 2009. The in-depth analysis of the

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<sup>32</sup> USAID shoulders the labor cost of Secretariat program staff, while the Netherlands Embassy funds other administrative costs, including the services of a project coordinator.

Integrated Bar of the Philippines' legal audit of extrajudicial killing cases is expected to be completed and provide concrete recommendations on how to address challenges in prosecuting cases.

At the local level, Multi-Sectoral Quick Reaction Teams (MSQRT) in Leyte, Albay, and Northern Samar will hold regular meetings and case conferences, and extend support to victims of past human rights violations and their families. The Ateneo Human Rights Center will continue to conduct probing visits and focus group discussions with community stakeholders to organize MSQRTs in other hotspots.

Additional activities will be included upon USAID's approval of the FY 2010 Workplan that the Foundation will submit for this current program and its extension and expansion.

## **CHALLENGES IN IMPLEMENTING THE PROGRAM**

Issues of distrust continue to haunt government and civil society interactions making it difficult for these key stakeholders to cooperate on human rights matters. Suspicions abound as to (1) the motives of both government and civil society organizations on many human rights issues – this led to a number of civil society organizations' disinclination to participate in initiatives which involved direct contact with government agencies; and (2) concern that coordination meetings and open discussions would expose participants to additional dangers or be a venue for finger pointing. The Foundation has thus undertaken a series of open exchanges between high-level government officials and representatives of human rights organizations in order to open the lines of communication, assuage the animosity, and contribute to building a better relationship between the two sectors.

Impunity continues as evidenced by the increase in the number of killings and disappearances,<sup>33</sup> a mere handful of cases which have progressed and resulted in convictions,<sup>34</sup> and the rise in other forms of human rights violations such as illegal arrests, arbitrary detentions, and torture.<sup>35</sup> Given this human rights landscape, the Foundation has heightened efforts to support activities that contributed to the prompt prosecution of cases of human rights violations. In the next fiscal year, the Foundation will also pursue work with human rights lawyers to craft overarching legal strategies to bring perpetrators before the law and to ward off harassment suits against lawyers and other human rights defenders.

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<sup>33</sup>Karapatan reported 98 extralegal killings and 6 enforced disappearances from January-June 2009. The Government of the Republic of the Philippines Monitoring Committee (GRP-MC) on the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL) reported 22 extrajudicial killings from January to July 2009.

<sup>34</sup> One conviction in April 2009 involving the death of media block timer, Armando "Rachman" Pace.

<sup>35</sup> Reports of Task Force Detainees of the Philippines reflect this. Latest data is 2008: arbitrary arrest/detention (93 victims); torture (16 victims); illegal search and seizure (5 victims)  
[http://main.tfdp.net/index.php?option=com\\_content&task=view&id=372&Itemid=62](http://main.tfdp.net/index.php?option=com_content&task=view&id=372&Itemid=62)

Well in advance of the official campaign period for the May 2010 elections, the focus of government and other stakeholders has shifted to the upcoming national elections. This means that human rights issues will be competing with other issues for local and international attention and support. To address this, the Foundation is working towards proper and ample coverage of human rights issues through engaging the media in human rights reporting. The Foundation is also helping develop local human rights action plans to ensure that human rights is mainstreamed and institutionalized in local governments and communities despite forthcoming changes in the political situation.