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PARADIGM SHIFT: ARMED FORCES OF THE PHILIPPINES UPHOLDS HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

AMPARO PAMELA FABE

Senior Fellow, Philippine Institute for Peace, Violence and Terrorism Research

The Philippine government has recognized the intertwining linkages between human rights violations, poverty, exclusion, vulnerability and conflict. A significant aspect of the solution is the vital role of human rights play in advancing social change; upholding a new state-society relations; breaking down the barriers faced by the poor in accessing services; and providing the basis for the integrity of the criminal justice systems needed for the emergence of a dynamic business environment. The current Aquino Administration has led to a more effective promotion and protection of human rights as part of a broader governance agenda and the integration of human rights principles into government programs and policies in a dramatic way.

Human rights reflects varied aspects of global moral and political values which is shared internationally. International human rights law has evolved to protect and safeguard the integrity and dignity of the person, by establishing legal obligations on states. Church-based groups, business associations and civil society organizations have strongly advocated for the promotion of human rights as the linchpin of any government policy and framework. The civil, political, economic, social and cultural rights refer to different but indivisible aspects of human dignity and security.

Human rights themselves are universal: they are the same for everyone everywhere, although the ways in which they are implemented vary between regions and countries. It is essential to point out that the Universal Declaration on Human Rights provides the basis for the international human rights treaties that have been conceptualized and ratified in the last 50 years. All United Nations member states have ratified at least one of the seven core human rights treaties, and 80% have ratified four more. The protection of human rights are enshrined in national constitutions .

President Benigno Simeon Aquino III appointed Lt. General Ricardo David as Chief of Staff of the Armed Forces of the Philippines on July 2, 2010. Lt. General David had declared in his inaugural speech that “We therefore evaluate and

recalibrate our current campaign plan for a more vigorous pursuit of this objective. In doing so, let us be guided by our non-negotiables: adherence to the rule of law, respect for human rights and international humanitarian law, and observance of the rules of engagement and the use of force”.

The Armed Forces of the Philippines has made good their commitment by partnering with the International Commission of the Red Cross and the European Union Economic Justice Support Group to produce the “AFP Soldier’s Handbook on Human Rights and the International Humanitarian Law”, “The Law of Armed Conflict-Essential for Commanders promotion of Human Rights and IHL and “First Aid Handbook for Soldiers. General David has also declared that 10,000 copies will be distributed to the soldiers in all the department commands and support units. He also directed that the AFP Human Rights Office will be a full department with a rank of General and that all the units will have a Human Rights Officer. This Human Rights unit will assess, evaluate and report any human rights violations done by military officers in the course of discharging their duties. General David further noted that any military officer who has been found guilty of committing human rights violations is be liable to face dire consequences.

The Philippine Commission on Human Rights (CHR) was established as “an independent office” by the 1987 Constitution of the Republic of the Philippines and exercises the following mandate: a.) “monitor the Philippine Government’s compliance with international treaty obligations on human rights”; b.) “provide appropriate legal measures for the protection of human rights of all persons within the Philippines ”;c.) “investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights”; and d.) “Exercise visitorial powers over jails, prisons, or detention facilities. Atty. Leila de Lima former chairperson of the CHR has cited “the inequity we face for standing on this side of the fence, in defense of human rights.

To defend a supply line bridge, infrastructure, and even human rights, we need an obscenely large margin of defenders over the number of violators. We need everyone to be on our side because weakness in our numbers so easily gives violators the opportunity to strike at the heart of human rights protection.” She further said that among perpetrators of human rights violations, they need no collaboration. However, she declared that to protect human rights, requires the contribution of everyone. She further reasoned that the victims, witnesses, human rights professionals, state security forces and the public at large must all be informed, aware and committed. She also cited that important role of the media in delivering critical information on human rights issues, abuses and the efforts to curb them.

The Armed Forces of the Philippines has established linkages with the International Commission of the Red Cross and the European Union Criminal Justice support program for the publication of the handbooks and the training of military officers and personnel on human rights and the International

Humanitarian Law. The ICRC has been working in the Philippines for 50 years. Its main advocacy is to visit detainees and assist people in need, many of them displaced because of military conflict. The ICRC reminds all parties to armed conflicts of their obligations under international humanitarian law (IHL), and the protection of civilians. It acts as a neutral and impartial intermediary to facilitate the handover of people captured and detained in relation with the conflicts to their families. The organization has been working to integrate IHL into national legislation, and promote knowledge of and respect for this body of law among local and national authorities, armed and security forces, university students, and civil society. The ICRC's efforts resulted in the Philippine government signing of a law punishing serious violations of IHL, genocide and other crimes against humanity.

The Philippine military continues to affirm human rights more comprehensively and firmly as a means to improve national security. They have adopted policies incorporating human rights in the conduct of security and tactical operations. Through the continuous training of military commanders, soldiers and auxiliary staff, the AFP hopes to address human rights more strategically in policy and practice. They believe that the promotion of human rights will strengthen the analysis of conflict and exclusion, and help the win the drive against insurgency and terrorism.

Through these three handbooks, the Philippine military is equipped with innovative tools to support human rights analysis and assessment, and help promote culturally-sensitive approaches in the battlefield.

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106 Sterten Place Condominium, 116 Maginhawa Street, Teachers Village East
Diliman, Quezon City, Philippines
Telephone: + 632 6665763; Fax: +632 4333870
www.pipvtr.com

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For further queries about the PIPVTR and its publications, please contact:

Prof. Rommel C. Banlaoi
Chairman of the Board and Executive Director
Email: rbanlaoi@pipvtr.com