

## Human Rights and the Peace Process

PRIVILEGE SPEECH

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Mr. Speaker, Honorable Colleagues, the preamble to the United Nations Charter unequivocally declares that its member States are determined to reaffirm their faith "in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." Consistent with this reaffirmation, the Universal Declaration of Human Rights likewise proclaims (in its preamble) "the inherent dignity and equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world."

It is lamentable that nearly six decades after this historic Declaration was adopted by the U.N. General Assembly, genuine freedom, justice and peace have been elusive in many parts of the world including the Philippines. Could this stark reality be a consequence of the failure of leaders to anchor governance and peace-building on fundamental human rights?

Mr. Speaker, Esteemed Colleagues, Supreme Court Chief Justice Reynato Puno (in his keynote address before the National Consultative Summit on Extrajudicial Killings and Enforced Disappearances that the highest tribunal spearheaded in July this year) chided the political branches of government or the electorally accountable officials for their failure to protect human rights. Elaborating on the main causes of the failure he said:

"Elected officials usually go for what is popular but the vindication of human rights sometimes demand taking unpopular decisions especially in instances where, due to technicalities, the right of the righteous is trumped by the rights of the wicked. Likewise, elected officials sometimes demur in making decisions that will displease their powerful constituencies. Such a tilted stance cannot be taken by protectors of human rights who must at all times maintain an even keel on the rights of the opposites...Also, it is the finding that elected officials are sometimes more interested in high profile issues or those with great impact on the larger number of their constituents. Oftentimes, however, human rights cases are low profile especially when they affect the marginalized, or people whose existence some would hardly recognize or worse, people dismissed as the invisibles of society."

Protection of human rights should be spared the buck passing that governmental branches are wont to engage in when burning issues such as extrajudicial killings and enforced disappearances absolve neither the Executive nor Congress. Even the Judiciary cannot escape part of the blame.

Government can effectively protect human rights if it could reformulate its flawed national security paradigm. The existing counter-insurgency model views combatants or armed rebels

and political activists without distinction: all are enemies of the State. Worse, it is feared that under the Human Security Act, they could all be labeled "terrorists". This, notwithstanding Gen. Hermogenes Esperon's clarifying that only those who advocate violence against the State are considered its "enemies".

Still, the list of political activists involuntarily disappearing, getting tortured and summarily killed gets longer. The usual suspect, the military, clings to the unfounded belief that the victims are enemies of the State who deserve to be eliminated.

Mr. Speaker, Distinguished Colleagues, recommendation upon recommendation on how to solve the killings and disappearances have been heaped on government. Allow me to quickly run-down those that were enumerated by my father, former Senator Wigberto Tañada in the same Supreme Court-sponsored National Consultative Summit on Extra Judicial Killings, as well as that of The Melo Commission's Report, Prof. Philip Alston's Report and lately, by visiting friends from International Alert from London:

***First, let us put human rights at the heart of the peace process.*** A return to principled peace negotiations has become an imperative. Putting primacy on the negotiated approach in dealing with the armed conflict means at the same time addressing the underlying factors which give rise to the armed struggle in the first place. The travails of the Sumilao farmers who walked for nearly two months from Sumilao to Metro Manila stares us right on our face. The problems of our farmers and their struggle for land continues.

Second, ***command responsibility must be enforced with the full force of the law.*** It is urgent for government to break the culture of impunity where these abominable State-perpetrated acts of violence thrive. Commanding officers or superiors who exercise effective command and control or effective authority and control over the subordinate perpetrators and have knowledge of the actual or imminent violation(s) or have the material ability to prevent the offense and punish the perpetrators but fail to do so must be held accountable or criminally liable for the same offense. The rule of law must reign supreme.

Third, we must ***reframe this pernicious national security paradigm and work to transform security mindsets.*** No doubt, it requires a deeper and more comprehensive human rights and humanitarian law education and training for the military. It certainly demands a strong political will that would translate verbal condemnation of human rights violations into concrete penal sanctions for the violators and offenders.

These can be done and should be done now, before another political activist disappears only to lie dead upon the altar of national security.

Finally, and perhaps the most difficult to do at this time, ***restoring trust between citizens and political leaders.***

Upholding the supremacy of the law in order to protect human rights necessarily commences with the legislature. Ironically, the distinguished gentleman from the First District of Makati City, the Honorable Teodoro L. Locsin, Jr. told the National Consultative Summit that: "The first and last resort of Congress is its power to do nothing until the problem is buried with the last activist."

The victims of extrajudicial killings must be turning over in their graves.

The House Committee on Human Rights chaired by this Representation is determined to exercise its power and do its bounden duty toward the enactment of human rights legislation. It will soon

report out for plenary consideration the substitute bill providing compensation to the Martial Law victims of human rights violations. It will also judiciously consider with dispatch the following bills and resolution that seek to:

- 1) prohibit and penalize discrimination on the basis of sexual orientation and gender identity (HB 956, Baraquel);
- 2) strengthen the constitutional right of the people to free expression, peaceably assemble and petition the government for redress of grievances (HB 957, Baraquel);
- 3) establish human rights resource centers throughout the country (HB 961, Baraquel);
- 4) provide reasonable compensation and rehabilitation for the loss of lives, injuries and damages to property suffered by noncombatant individuals in the course of operations by the military, police and/or other law enforcement agencies (HB 965, Baraquel);
- 5) protect noncombatants from the adverse effects of internal displacement (HB 966, Baraquel);
- 6) prohibit public display of suspects in criminal investigations before they are formally charged in court (HB 1239, Aurelio Gonzales, Jr.);
- 7) strengthen the Commission on Human Rights (HB 1240, Baraquel); and
- 8) urge the Philippine government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (House Resolution 172, Ocampo, et al.)

Needless to stress, there are other bills referred to various Committees that seek to respect, protect and fulfill human rights, be they civil, political, economic, social or cultural. These include the rights to health and medical care, food security, decent housing, adequate standard of living as well as the rights of workers, farmers, women and children. All these proposed measures must be enacted into laws.

Aside from the human rights violations victims compensation bill, the bills separately defining and penalizing enforced disappearance and torture that have been referred to the Committee on Justice were also passed on third reading by the previous Congress. Hence, human rights advocates within and without Congress are optimistic that the three proposed measures would once again hurdle the legislative mill.

Mr. Speaker, Honorable Colleagues, it is undeniable that Congress has always been criticized, sometimes rabidly, by those outside the institution and even by those from within. With or without the bashing, there are those who challenge Congress not to sit on the fence as the war on insurgents and terrorists rages and assaults human rights. And there are those who hope against hope that this august body will be able to muster sufficient courage and political will to protect human rights and uphold human dignity. Let us show our people that this 14<sup>th</sup> Congress can.

*Maraming salamat po..*