

HUMAN RIGHTS LEGISLATIVE AGENDA for the 14th CONGRESS

Prepared by the Government Linkages Office

In country where rule of law is the framework, the importance of the existing laws in the Philippine legal system assumes a very vital role. More importantly, the kind and quality of laws passed by the legislature are of paramount importance.

The Commission on Human Rights, in its mandate to ‘monitor Philippine Government compliance with international treaty obligations’ and ‘recommend to Congress effective measures to promote human rights. . .’¹ presents its review of the past Congress and recommends a legislative agenda set on the implementation of a human rights platform for the Philippines

It is a general rule of International Law that a State Party to a treaty has the legal obligation to take whatever legislative or other steps as may be necessary to enable it to comply with its treaty obligations.

The introduction of this legislative review and agenda aims to assist the Legislature to implement the Philippine’s legal obligations to harmonize, translate and interpret within the domestic sphere its commitments to human rights . . .

A Review of the 13th Congress

Laws passed

To date, the 13th Congress gave the Philippines around 86 laws, and counting, in their three-year period of legislation. This is an all-time low considering that its predecessor, the 12th Congress, boasts of 172 laws passed and immediately before that, the 11th Congress have 415 laws in their bag.

Rights-wise, of the laws enacted during the previous Congress eleven (11) directly respond to human rights and/or which are human rights relevant.

Notable human rights laws passed include RA 9344 or the “Juvenile Justice Law,” RA 9346 or the “Abolition of the Death Penalty Law” and RA 9372 or the much controversial “Human Security Act.”

Other rights relevant include the Rent Control Law (right to housing), the Handline Fishing Law (right to work), the Biofuel Law (right to environment), the Automated Election Law (right to suffrage), the Law amending the Urban Development Housing Authority (right to housing), the Law Redefining the Term ‘Veteran’ (right of elderly persons) and the recently passed Hospital Detention Law (right to health care). Finally, a Law on a Standby Fund for The Clean Up of the Guimaras Oil Spill, for the Relief Operations for the Victims of the Eruption of Mayon Volcano, and for the Emergency Repatriation Fund to be Used for the Repatriation, Evacuation and Relief of Overseas Filipino Workers and Other Filipino Nationals was likewise passed.

The rest of the laws passed cannot be said to reflect rights principles and standards: the most number of laws passed provided for charters of cities referring to a change from municipality to component city; second on the list are the laws on legislative franchises; third referred to laws on the conversion of municipal roads to national roads; fourth on laws on the creation of additional courts and laws on the amendment of the National Internal Revenue Code; fifth were on laws on the apportionment of legislative districts and laws on the conversion of schools; then on laws granting Philippine citizenship, laws creating local holidays and laws on budget; finally, there are one (1) law apiece for the following subjects – on the reorganization of the Public Attorney’s Office, special purpose vehicle law, amending the Bases Conversion Development Act, rationalizing the composition of the National Labor Relations

¹ Article XIII, Section 18, 1987 Constitution

Commission, fixing the regular election for ARMM, resetting the barangay and sangguniang kabaatan elections, tax amnesty, creating additional ranks in the Armed Forces of the Philippines and on accretion of land in favor of a certain municipality

Bills Proposed

For whatever reason the past Congress may have for producing the such a short supply of substantive laws, a look at the proposed bills pending with the different committees of both houses of Congress would show a great deal of significant laws on human rights which have slept, unfortunately, within the four corners of the said committees.

In the House Committees on Human Rights and Justice alone, such include bills on anti-torture, internal displacement, right to privacy, freedom of expression, peaceful assembly and petition for redress of grievances, CHRP strengthening, creation of human rights resource centers nationwide, compensation to Marcos victims and to non-combatants, rights of the accused under custodial investigation, rights of the accused from public display, the Philippine statute on crimes against international humanitarian law, enhancing the administration of the juvenile justice system, defining the crime of pedophilia, provision of separate cells for female prisoners and providing for a national ID system, among others. There was even a bill on the prohibition on human cloning.

Interestingly, seven (7) bills on human rights education include that of human rights awareness program to the media, mandatory human rights education in all public and private schools and mandatory and continuing human rights education to barangay tanods, to officers, members and trainees of the AFP, PNP, NBI and other law enforcement agencies, to officials and employees of the executive, legislative and judicial branches of government including GOCCs and LGUs.

In other Committees we see bills such as, *inter alia*, women and gender education in the workplace, expanding the prohibited acts of discrimination against women on account of sex, special protection and provisions for female employees and mothers, non-discrimination against the third sex, batas kasambahay, oil and marine pollution and other environment related bills, against child abuse and child exploitation, on persons with disabilities.

Unfortunately, all these great bills, and others not mentioned, on human rights never saw the light of day, so to speak. On the other hand, these bills need not lose their relevance for they may be improved and re-proposed in the present Congress especially those bills aimed at improving the human condition which is the heart of the human rights legislative agenda.

Proposed Human Rights Legislative Agenda

Thus, under the mandate of the Constitution given to the Commission on Human Rights “to recommend to Congress effective measures to promote human rights,” we are submitting the proposed Human Rights Legislative Portfolio for the 14th Congress, to wit:

On the International Convention on Civil and Political Rights (ICCPR)

1. Anti-enforced Disappearance with the inclusion of habeas corpus as a special remedy
2. Anti-torture
3. on Internal Displacement
4. on Extra-judicial killings
5. Laws on Non-discrimination
6. Compensation on Human Rights Victims
7. On the Rights of the Accused particularly the Prohibition of the Presentation/Public Display of Persons Accused
8. Amending BP 880 or the Law on Public Assembly
9. Access to Justice of Persons with Disabilities
10. Enhancing the Administration of the Juvenile Justice System

11. On the Enforcement/operationalization of Command Responsibility
12. On a Unified Penitentiary system under one agency

On the International Covenant on Economic, Social and Cultural Rights

1. on Human Rights Education
2. Protection to Environment
3. On a framework law on the Right to Food

Other Relevant Human Rights Issues

1. Strengthening of the Commission on Human Rights
2. Strengthening the Clearance system to include all employees of all branches of government
3. Strengthening the Witness Protection, Security and Benefit Program
4. Strengthening the Barangay Human Rights Action Centers Nationwide
5. International Humanitarian Bill (including universal jurisdiction)

Recommendations for Signing/Ratification of the following International Instruments

1. Optional Protocol for the Convention Against Torture (OPCAT)
2. Optional Protocol on the ICCPR aiming at abolition of the death penalty
3. Draft International Convention on Enforced Disappearances
4. International Criminal Court or the Rome Statute
5. Convention on the Human Rights of Persons with Disabilities

A Look Forward at the 14th Congress

Now that the elections is near its conclusion with 12 new senators and 236 new members at the House of Representatives, it is with great expectation and hope that the present Congress would be more receptive to the need of protection and promotion of human rights. It is believed that the culture of impunity in the country can greatly be reduced if laws are in place for the protection of the people.

If approved, the Government Linkages Office would like to give copies of the “Human Rights Legislative Agenda 2007” to the Office of the President, the Presidential Legislative and Liaison Office (PLLO) and the Legislative Executive Development Advisory Council (LEDAC) with the end view that the same be included in the legislative agenda of the President for the 14th Congress in her delivery of the State of the Nation Address. The President’s inclusion of the same in her SONA will greatly help in our advocacy for laws that will directly deal with the issue of human rights violations in the country.

Further, it is proposed that the Human Rights Legislative Agenda will be sent to relevant officers and offices such as the individual legislators themselves and branches of the executive. It may likewise be published as the legislative framework of the Commission on Human Rights for the 14th Congress.