

Towards Adhesion and Effective Implementation of the OPCAT in the Philippines



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Two separate but complementing campaign objectives

1. Prompt Ratification/Accession
2. Spadework for the establishment and effective implementation of the NPM
(Discourse & Activities on appropriate NPM/s for the Philippines)

Elements of a successful OPCAT campaign: Identified good practices

- OPCAT campaign lead organization/s- investments in building cooperative relationships with custodial authorities and national government: campaign going hand in hand with existing programs fostering a culture of dialogue and partnerships and preventive visits
- Develop collective strategy in coalition & integrate OPCAT ratification and NPM establishment advocacy into its objectives (spur NPM discourse early)
- Parallel campaigning-Passage of Freedom from Torture Law and OPCAT ratification
- Take advantage of the UN treaty system & HR red letter days to underscore OPCAT's importance & to put it on national agenda



Elements of successful OPCAT campaign: Identified good practices in the Philippines

- NHRI in tune with stands of coalition & HR groups
- Develop strong partnership with Presidential Human Rights Committee and Ministry of Foreign Affairs
- Even non-decision making government institutions must be engaged to stimulate support;
- Make use of digital activism. E.g. social media, websites, blogs and unwavering updates to advocacy partners through mailing list
- National Human Rights Action Plan should include OPCAT adherence and implementation.
- Desk & Field Study on Suitable NPM forms & prevalence of torture in places of deprivation of liberty.

National, regional and international actors working hand in hand: A core campaign machinery

Broad front promoting the right not to be tortured



OPCAT regional working group- 2006-2009
(Sri Lanka, Cambodia, Bangladesh, Philippines)

International groups dedicated to torture prevention work



Philippine OPCAT Working Group (POWG)

(Co-chaired by GO-CSO)

POWG existence to be made official through an A.O.

Established in 20 March 2009 after 4 years of BALAY lobby work- Result of recommendations at the September 23-24, 2008 NPM Workshop and 18 February 2009 OPCAT Public Forum.

Core Committee

- PHRC
- BALAY
- CHRPP
- Amnesty International Philippines
- Medical Action Group (MAG)
- Task Force Detainees of the Philippines (TFDP)
- Department of Justice (DOJ)
- Department of Foreign Affairs (DFA)
- Department of the Interior and Local Government (DILG)
- House & Senate Committees on Human Rights

Resource Committee

- BJMP
- BuCor
- DSWD
- PDEA
- Other custodial agencies

Advisory Members

- APT
- RCT

A multi-representative body composed of government agencies and civil society groups to do the spadework for the establishment of the NPM/s & push for the ratification of the OPCAT

- Move the consensus and constituency-building process forward
- Draft legislation
- Spearhead lobby work

OPCAT Ratification Strategy

BALAY, UATC,
PAHRA, APT, RCT
OPCAT RWG

Core campaign machinery

UN engagement

Contact building & Mobilization actors at the national level

- diplomatic community
- House of Representatives
- government institutions

Nationwide popularization of the OPCAT (IEC)

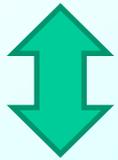
- LGUs, wardens detainees & prisoners & other PDLs
- Grassroots organizations
- Media Activities
- Schools
- Street Mobilizations

P O W G

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Lobbying the Concurring and Ratifying Entities

- Executive Departments'
- President's
- Committee on Foreign Relations
- Senators



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Research & Discourse on Effective & Practical NPM forms for the Philippines⁷

A consultative and participative process: Perspective of Persons Deprived of Liberty in campaign

Value- First hand account of conditions and challenges in living within places of deprivation of liberty as well as underlying systems (prison guard-detainee subculture).

Establish sense of OPCAT ownership and confidence building amongst
Persons Deprived of Liberty

Work undertaken

- Freedom from torture & rights of Persons Deprived of Liberty educational sessions.
- Prison Reform Advocacy network-Movement for Restorative Justice & CHRP consultations with detainees & prisoners (popularly identify problems & issues).

Challenges- most PDLs come from the poor & unacquainted with the custodial and correctional system. Engagement limited to, politicized individuals or those with certain level of social awareness and critical grounding (e.g. Political prisoners).

Engagement with parliamentarians at all stages of advocacy

Work	Some notable results
Political mapping project	House of Representatives Resolution urging President and Senate to ratify the OPCAT
Contact building in both chambers, establishing a network of Committee Secretaries, Chief of Staffs & develop relationships with Senators (courtesy calls and room to room visits and Round Table Discussions)	Facilitated work in securing ratification and NPM bill filing and passage
Absorb key legislative offices into Philippine OPCAT Working Group	<div data-bbox="1045 808 1818 1058" style="border: 1px solid black; padding: 10px; text-align: center;">At onset, involve kindred spirits within legislature & identify opposition to treaty</div>

Facilitating factors in Philippine context

- Philippine Government pledge in bid for UNHRC seat
- Strong freedom from torture & HR movement involved in most aspects of campaign
- Strong support from international NGOs and diplomatic community
- Forward looking legislators

Encountered challenges

1. Misconceptions and misguided attitudes due to stigma of how UN treaties work

Bureau of Corrections reservations

- May compromise national sovereignty
- Lack of provisions protecting Philippine officials

Armed Forces of the Philippines reservations

- We should undertake improvements of conditions of places of detention ourselves first before allowing the SPT to enter.

Resulted in Declaration to Opt-out to part III of treaty

2. Unpredictable/volatile political climate, changing government priorities & adhesion process lapse

- SPT not a grading/judgment passing body
- Value of prevention based on visits, dialogue and cooperation-intent of the OPCAT

Persistence in keeping the OPCAT in agenda

Reasons why the Philippines should ratify the OPCAT

- The Philippines can help set the tone in Asia-Pacific & realize our shared objective with APT- reach ratification critical mass in our part of the world
- Acquire moral high-ground to lobby OPCAT elsewhere to protect the sector Philippines relies heaviest on
- No efficient and pro-active official system for preventive visits in country, treatment of PDLs largely obscure
- Dysfunctional & decentralized, correctional & custodial system & alternative/under the table systems supersede official operations guidelines, disjoint between policy and practice
- Torture and CIDTP prevalent, most incidents go unreported
- Existing work of DVMs largely uncoordinated

Impact of adherence campaign and implementation advocacy strategies

- Better work coordination amongst actors advancing prison system reform (better monitor NPMs performance & collaborate with future NPM)
- POWG in place with potential to facilitate continuity of multi-stakeholder dialogue and cooperation on torture & ill treatment prevention work
- 2 Senators and 1 Representative wanting to champion proposed legislation
- Confidence building between civil society & government
- Helped strengthen institutional capacities of HR NGOs to pursue policy and procedural change
- Unified NHRI & Civil Society position on NPM form

Maraming salamat po (Thank you very much) and may we all have a gratifying and productive OPCAT Global Forum!