



Commission on Human Rights
of the Philippines (CHRP)

And Human Rights

Meaning of Human Rights

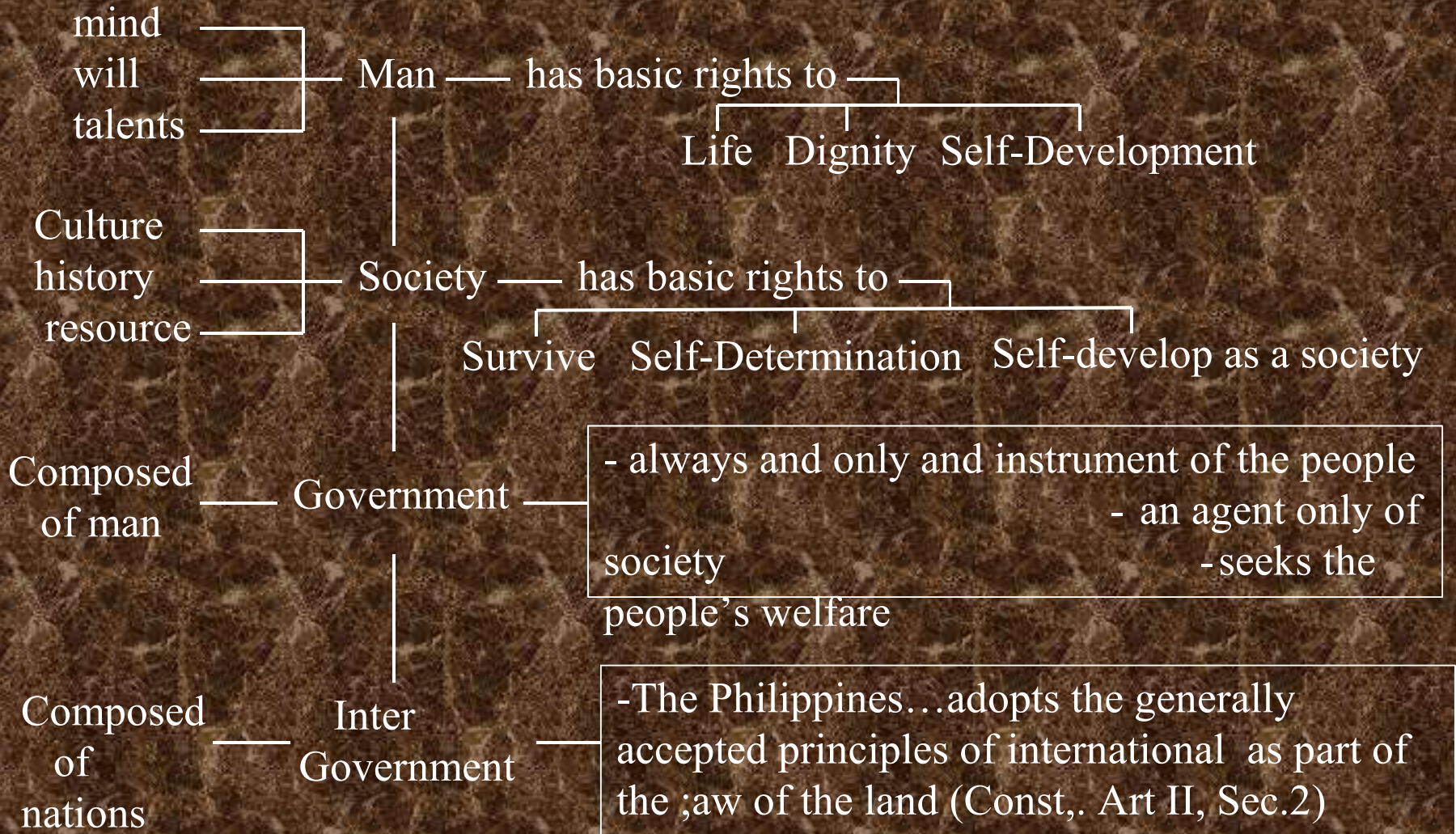
United Nations Definition

Human Rights are generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

CHRP's Definition

Human rights are the supreme, inherent and inalienable rights to life, to dignity and to self-development. It is the essence of these rights that makes man human

Basic Principle in Human Rights



Classification of Rights

1. According to source

- Natural rights
- Constitutional rights
- Statutory rights
- Legal rights

2. According to recipient

- Individual rights
- Collective rights

3. According to the aspect of life

- Civil rights
- Political rights
- Economic rights
- Social rights
- Cultural rights

4. According to struggle

- First generation
- Second generation
- Third generation

5. According to recipient

- Absolute or non-derogable rights
- Derogable or can-be-limited rights

Classification of Rights

According to Source:

2. *Natural rights* are God-given rights, acknowledged by everybody to be morally good. They are unwritten but they prevail as norms of the society. Example., the right to life, dignity and self-development.
3. *Constitutional rights* are those rights guaranteed by the Constitution.
4. *Statutory rights* are those enacted by Congress.

Put together, constitutional rights and statutory rights are sometimes referred to as legal rights.

Classification of Rights

According to recipient:

2. *Individual rights* are those rights being accorded to individuals.

4. *Collective rights* are rights of the society, those that can be enjoyed only in company with others. Example, right to peaceably assemble, right to peace, and right to development.

Classification of Rights

According to the aspect of life:

2. *Civil rights* are those that the law will enforce at the instance of private individuals for the purpose of securing to them the enjoyment of their means of happiness. Example, right to a name, right to form a family, right to security of persons, papers and effects, right against unreasonable searches and seizures.
3. *Political rights* are those rights which enable us to participate in running the affairs of the government – either directly or indirectly. Example, right to vote, right to information on matters of public concern, right to initiative and referendum.
4. *Economic and social rights* are those which the law confers upon the people to enable them to achieve social and economic development, thereby ensuring them their well-being, happiness and financial security, like right to property, education, promotion of social justice.
5. *Cultural rights* are those rights that ensure the well-being of the individual and foster the preservation, enrichment and dynamic evolution of national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Classification of Rights

According to struggle and recognition:

3. *First generation* the first kind of rights that people clamored and fought for. These are the civil and political rights.
4. *Second generation* of rights are the economic, social and cultural rights
5. *Third generation* of rights are the collective rights

Classification of Rights

According to its derogability :

2. *Non-derogable or absolute rights* cannot be suspended or taken away even on extreme emergency.

Under the International Covenant on Civil and Political Rights, the non derogable rights are:

- 1 Right to life
2. Right against torture or cruel, inhuman or degrading treatment or punishment
3. Right to recognition everywhere as a person before the law
4. Freedom from slavery and involuntary servitude
5. Right not to be imprisoned merely on the ground of inability to fulfill a contractual obligation
6. Right against ex post fact laws
7. Right to freedom of thought, conscience and religion

Derogable or relative rights can be suspended or taken and maybe limited depending on circumstances. Example, right to freely move maybe limited depending on circumstances. Example, right to freely move maybe limited through the imposition of curfews. However, three conditions should be present before a right can be limited/ curtailed namely:

1.It is only publicly announced or legislated, it is not by official's whim only;

2.There is a state of emergency which requires the urgent preservation of the public moral, public safety and public good; and

3.There must be a time limit.

CORE UN HUMAN RIGHTS INSTRUMENTS

*Universal Declaration of Human Rights (UDHR,1948)	UN Declaration on the Right To Development	Convention Against Torture (CAT: 1984)
*International Covenant on Civil and Political Rights (ICCPR,1966)	Convention on Elimination of Racial Discrimination (CERD: 1965)	The Convention of the Rights of the Child (CRC: 1989)
*International Covenant on Economic, Social and Cultural Rights (IESCR,1966)	Convention on Elimination of All Forms of Discrimination Against Women (CEDAW: 1979)	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
* They comprise the International Bill of Human Rights Together with the Optional Protocol to ICCPR		

What is normative content of human rights?

- REFERS TO:
Specific standards protected by such right
its actual meaning

- Also refers to
the FREEDOMS
And
the ENTITLEMENTS
that go with a particular right

Sources of Normative Content:

- * International Human Rights Instruments and Treaties
- * Comments from Treaty Committees
- * National Laws and jurisprudence

NATURE OF STATE OBLIGATION

- **OBLIGATION OF CONDUCT**

States must respect human rights limitations and constraints on their scope of action.

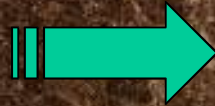
- **OBLIGATION OF RESULT**

- States are obliged to be active in their role as protector and provider.

LEVELS OF STATE OBLIGATION



OBLIGATION TO RESPECT



OBLIGATION TO PROTECT



OBLIGATION TO FULFILL

OBLIGATION TO FULFILL

- **OBLIGATION TO FACILITATE**

- *requires the state to actively create conditions aimed at achieving full realization of human rights.
- *requires the state to take necessary measures to ensure that each individual has the opportunity to obtain the entitlements of human rights that can not be secured by personal or individual efforts alone.
- * considered the “most intervention obligation” and “programme obligation”.

- **OBLIGATION TO PROVIDE**

When individuals or groups are unable to realize their rights by the means at their disposal, for reasons beyond their control, the state has the obligation to provide the right in question.

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DUTIES OF INDIVIDUALS TOWARDS HUMAN RIGHTS

- **Duties of individuals vested with authority to respect, protect and promote human rights**
- **Duties of individuals to exercise rights responsibly**
- **General duties of individuals towards others and community**

Human Rights Principles That Guide Development

Universality
Indivisibility
Interrrelatedness
And
interdependence
Non-
discrimination
Equality
Accountability

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Attention to
vulnerable groups
Equity
People's
participation
Independence of
the judiciary
Legislative
capacity and rule
of law
Transparency

THE COMMISSION ON HUMAN RIGHTS ITS ROLE IN PROMOTION AND PROTECTION

The Constitution of the Philippines provides:

Sec. 17

- (2) There is hereby created an independent office called the Commission on Human Rights.
- (3) The Commission shall be composed of a Chairman and four members who must be natural-born citizens of the Philippines and a majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.
- (4) Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers.
- (5) The approved annual appropriations of the Commission shall be automatically and regularly released.

THE COMMISSION ON HUMAN RIGHTS ITS ROLE IN PROMOTION AND PROTECTION

Sec. 18 The Commission on Human Rights shall have the following powers and functions:

- 2) Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;
- 3) Adopt its operational guidelines and rules of procedure, and cite contempt for violations thereof in accordance with the Rules of Court;
- 4) Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measure and legal aid services to the underprivileged whose human rights have been violated or need protection;
- 5) Exercise visitorial powers over jails, prisons, or detention facilities;
- 6) Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;
- 7) Recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;

THE COMMISSION ON HUMAN RIGHTS ITS ROLE IN PROMOTION AND PROTECTION

Sec. 18 The Commission on Human Rights shall have the following powers and functions:

- 2) Monitor the Philippine Government's compliance with international treaties on human rights;
- 3) Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
- 4) Request the assistance of any department, bureau, office, or agency in the performance of its functions;
- 5) Appoint its officers and employees in accordance with law; and
- 6) Perform such other duties and functions as may be provided by law

Sec. 19 The Congress may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

VISION

A Philippine Society where human development of every person is fully realized under a government that has political will and sustained commitment to the observance of human rights standards, norms and practices.

MISSION

As an independent national human rights institution, the Commission on Human Rights of the Philippines seeks to carry out its constitutional mandates by:

Protecting and promoting the human rights of all

- The people residing in the Philippines;
- Filipinos residing abroad;
- Especially the underprivileged; and
- Disadvantaged sectors of society

MISSION

Engaging in sustained efforts with organizational integrity and competency.

- in seeking justice;
- reorienting the agents of the state along human rights norms;
- advising the state on national policies and standards;
- catalyzing effective and credible partnership; and
- collaboration with national and international organizations

Advocating and monitoring government's compliance with its international treaty obligations on human rights. Energizing and engaging civil society participation.

Goal Statement: 2003-2008

The CHR shall, consistent with its core organization values; vigorously perform its direct service and oversight function towards observance of prescribed human rights standards in governance and empowerment of the vulnerable and disadvantaged groups by way of:

- Strengthened investigation of HRVs, monitoring of government compliance with treaty obligations and advocacy of legislative, judicial and administrative reforms.
- Institutionalized application of HR standards in governance and prioritization of sustained promotion and advocacy programme.

Roles and Commitments

In Relation to Government

- External advisor and “prescriber” of human rights protection standards
- Independence monitor, evaluator and position advocate on human rights in relation to proposed and existing national/local laws and legislations, and government policies, programs, actions and performance.

Roles and Commitments

In Relation to Civil Society (NGOs, Academe, other HR Organizations, General Public and Vulnerable Groups)

- **Mobilizer, coordinator and/ or contributor** of resources for research and implementation programs on human rights.
- **Synchronizer** of HR programs to include those of the civil society thereby enhancing complementation, sharing and mutual reinforcement.
- **Collaborator/ Partner** in HR program design and implementation.
- **Advisor and Provider** of human rights standards.
- **Trainor of trainors** for sustained promotion and advocacy program
- **Moulder and Educator** of the general public particularly the vulnerable groups on human rights norms, standards and practices.

Roles and Commitments

In Relation to Human Rights Victims

- Mobilizer of civil society, protection services providers and provision of protection standards and guidelines.
- Provider of technical assistance to civil society service providers in improving their capacity to render protection services such as legal, investigation and financial assistance.
- Provider of financial assistance (when able) to civil society groups in their transactional protection activities.
- Provider of public information on human rights services and service provider to improve access particularly by vulnerable groups as well as monitor of non-discriminatory access of vulnerable groups to basic services.
- Provider of direct assistance to victims of human rights violation.

Core Programs

Right to Development Program

A system of development and monitoring rights-based programs and measures across Institutions aimed at creating enabling environment for poverty reduction linked with the nine (9) components of good governance a follows:

Electoral and Political Reforms, Right to Development, Judicial Reform, Anti-Corruption, Governance Review, Civil Service & Economic Management, Globalization and Corporate Citizenship, Decentralization & Local Governance

Core Programs

Barangay Human Rights Action Center

A human rights community support program, in cooperation with the Local Government Units, at the grassroots level performing four (4) main functions:

Receiving and Monitoring of HR Complaints, Education and Information Campaigns, Coordination and Referral; and Community Mobilization

Core Programs

HR Teaching Exemplars

The Commission on Human Rights in cooperation with the Department of Education developed a human rights education curriculum for the elementary and secondary levels of as well as a HR Education Facilitator's Manual for the Training of Teachers. The following modules compose the manual :

Program Engagement, Learning Process, Human Rights Violations, Why Teach Human Rights, Foundation of Human Rights, Human Rights Principles and Concepts, Children's Rights, Handling Disclosure of Child Abuse, Teachers as Human Rights Advocates, The Human Rights Teaching Exemplars, The Human Rights Education Facilitator's Manual, Learning Episodes, Visioning and Action Planning, Clearing House and Closure

Core Programs

Child Rights Center

The Child Rights Center investigates human rights violations against children, initiates legal action, and monitors and reports on all violations of the Convention on the Rights of the Child involving civil rights and freedoms, and special protection. The Center develops and implements awareness programs on children's rights; conducts studies in aid of legislation and for more effective ways to implement existing national and international laws and treaties.

Core Programs

Center for Women's Rights

The Women's Rights Program Center is a special unit that investigates human rights violations against women and initiates legal action or provides assistance in legal discrimination, non-recognition, women's rights as human rights, multiple burdens, unequal access to land, violence against women, politics and governance, justice and peace and order, employment, health and education.

CHR SERVICES at the Regional Offices

■ **Human Promotion and Linkage Development**

- * Human Rights Education
- * Human Rights Information Dissemination
- * Rights Based Approach Advocacy
- * Barangay Human Rights Action Center
- * Partnership Development for Human Rights

■ **Human Rights Protection and Monitoring**

- * Investigation, Public Inquiry, Quick Reaction Team
- * Legislative Advocacy
- * Jail Visitation and Financial Assistance to HR Victims

No cause is more worthy than the cause of human rights. Human rights are more than legal concepts; they are the essence of man. They are what make man human. That is why they are called human rights: deny them and you deny man's humanity.

Sen. Jose W. Diokno



THANK YOU