Human Rights Education in the Philippines

In 1990-1991, Richard Claude, Professor of Political Science at the University of Maryland and member of the AAAS Committee on Scientific Freedom and Responsibility, spent several months doing research in the Philippines. We interviewed him in February this year about his work there.

What made you decide to go the Philippines?

In 1987, the year following the overthrow of the Marcos regime, a new Philippine constitution was ratified. This constitution is the only one in the world that contains provisions requiring the teaching of human rights at all levels and in all fields, including the military and the police. I decided that it would be interesting to see how these provisions had fared over time.

What did you find?

All government bureaucracies in the Philippines are charged with some responsibility in terms of human rights education. For example, the Civil Service Commission is supposed to ask explicit questions about human rights as a prerequisite for employment in governmental service and so, too, the military. The police also have their human rights education responsibilities. Not surprisingly, given that the Aquino government didn't conduct a full-scale purge of Marcos' people, I found the bureaucracy was dragging its feet.

On the other hand, the nongovernmental organizations have moved into the vacuum and have done so with great effectiveness and with an array of experimental activities which is really interesting as an example of grassroots organizing and community-based education. This was for me the most exciting and the most interesting development. In a way, what I ended up studying and documenting was the process of democratization itself.

Can you describe some of the educational activities of these NGOs?

One interesting group, PROCESS, is organized to help people learn their economic and social rights. They found that the first thing they had to do was develop educational materials and they did this through a brilliant political process of community-based organizing. Let's take, for example, a small fishing village. People in the village come together in a meeting with community organizers and define their needs and their problems. Then PROCESS sends in what they call their bare-foot lawyers to reinterpret these needs—relating to such things as unfair use of fishing licenses, for example—in terms of rights. Having conceptualized needs in terms of rights, the group then begins to talk about devising a remedial strategy. This is the educational process. It involves moving from the definition of needs to the specification of remedies, remedies that include proposals for new legislation, as well as litigation and presentations by lawyers to administrative boards.

In two cases—one a fishing village and the other an agricultural community—this process was sufficiently exemplary that PROCESS commissioned an artist to produce a comic book describing these activities in various languages and local dialects. Comic books are wonderful teaching devices and much respected and relied upon in the Philippines.

The point is that what started as a constitutional mandate for formal education does not have that much to show for it. It has, however, started off a process of informal education which really does something that formal education often doesn't do: it reaches the grassroots and involves people in the process that NGOs refer to as empowerment.

One reason that this kind of activity is taken so seriously is a deep-seated recognition on the part of many people that they don't know what their rights are
but they do have some sense of injustice about the previous martial law period and some sense that their rights were abused. There’s a great receptivity on the part of the public, and this is why the work of the NGOs is so exciting.

Interesting work is also being done by the Medical Action Group, with which the AAAS Science and Human Rights Program has cooperated in the past. The group has taken particular responsibility for human rights education among health professionals and it has developed some very good video tapes for instructional purposes. The tape series was developed in collaboration with artists and theater people. Some of the issues the tapes deal with are complex, difficult, legalistic, and sensitive, but they have done a beautiful job of dramatizing them and giving them a human face.

What’s the official attitude toward NGOs that do this kind of human rights work? Are they harassed by government agencies or the military?

There has been harassment by the military in areas of military engagement. Often, a rural area might be isolated by the military for purposes of gaining control over, and moving out, some local populations on the grounds that they occupy an area of cross-fire in a military engagement. To pressure people to move out, they impose blockades on the delivery of food and medical services. This is seen by human rights NGOs as violating humanitarian law and raising serious human rights issues. When NGOs go into such areas to conduct their monitoring as well as their educational activities, they certainly face harassment and intimidation.

To what extent has the army actually implemented the constitutional provisions concerning human rights education within its own ranks?

Well, there was a lot of resistance. Remember, we’re talking about a country which, between 1986 and 1992, has had seven attempted coups d’etat, all of them led by uniformed members of the military.

The efforts to introduce human rights education within the military in the first three years can variously be described as a disaster or a fiasco. At first, human rights NGOs were brought in to conduct the education. These were the very same NGOs which had been monitoring the human rights violations of the military. Because they didn’t have a pedagogical approach or a fully developed sense of what a comprehensive program of human rights education ought to look like, their education programs turned into blame games, with a good
deal of resentment articulated on both sides. That was the disaster chapter. Then came the fiasco of bringing in various religious leaders to attempt, in the name of values formation, to instill spiritual values of various kinds. This was the subject of a good deal of criticism and derision.

Nothing really happened of a serious nature until 1989, when the Human Rights Commission found a reserve colonel with a Ph.D. in philosophy who took human rights seriously. With a task force of educators, he put together a very good curriculum. The program is systematic, well-informed by international law and by domestic constitutional law, and is really creative in terms of the way it presents issues.

In the effort to establish good will toward the topic of human rights on the part of the military audience, the discussion doesn't begin with military violations of human rights; it ends there. Rather, it begins with an attempt to identify common human needs, including those of the uniformed military in the audience. For example, they get to talk about their children, their hopes for their children, and the difficulty of getting a good education. The need for a good education can be conceptualized as a right, the right to an education. So, the starting point in opening up the topic of human rights is to talk about the socio-economic needs and rights of the military officials among the student body. Then you move out into the menu of human rights and end up with the civil and political rights which the military have violated in the past.

Is there any evidence to suggest that human rights education has had any practical effect on the military?

This is the big question—whether it actually results in a value changes and behavioral changes. The head of the Human Rights Commission, Mary Concepcion Bautista, insists that the more military units are trained in human rights, the fewer human rights violations are committed. This important hypothesis remains to be validated in data-based terms. In fact, the Human Rights Commission seemed open to my urging that they do careful statistical work to explore this issue.

One conclusion I came to as a result of my time in the Philippines is that it would be extremely useful if international nongovernmental human rights monitoring agencies added to their agenda some assessment of human rights education, whether it is taking place in a particular country. I say this in the hope that the more human rights education there is in a given country, the fewer the human rights violations—although at this stage this remains an article of faith.


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Military Interferes in Delivery of Health Care in the Philippines

After President Corazon Aquino succeeded Ferdinand Marcos as president of the Philippines in 1986, she instructed the Philippines armed forces to continue their battle against the communist insurgency led by the New People's Army. In addition to these official military actions, the activities of officially sanctioned "paramilitary" forces known as Citizens' Armed Forces Geographical Units (CAFGUs), allegedly under the control of the Philippine armed forces, and vigilante groups of various stripes are also threatening the security, safety, and health of civilian populations. Human rights violations committed by CAFGUs, vigilante groups, and the regular military have been documented by Amnesty International, the Lawyers Committee for Human Rights, and Asia Watch.

Military actions in zones of conflict have created many health problems for civilians in these areas. Whole villages are forcibly relocated to evacuation centers or remote areas with little infrastructure for housing, food, clean water, medical care, or personal safety. Health personnel participating in mercy medical missions to areas that rarely see the services of a physician are regularly harassed or even prevented from arriving at their intended destination. Health care providers are arrested or detained for several hours or overnight without warrant or official charges and then released. Most of the arrests seem to be based on suspicion that the health workers are providing assistance to sympathizers of the New People's Army. Since 1987, some 267 health programs have closed throughout the country, and the work of 205 health programs has been disrupted.

After months of negotiations, representatives of nongovernmental human rights organizations, including the Medical Action Group (MAG), signed a memorandum of agreement with the Philippine government on 10
December 1990 regarding the delivery of health care services by nongovernmental groups. MAG, founded in 1982, is an organization of health professionals dedicated to providing health care to underserved populations and monitoring human rights violations directed against the health profession. In the memorandum, the government pledged to uphold the right of health workers to deliver basic health services without harassment or violations of their human rights. Governmental organizations would cooperate with nongovernmental groups in investigating the harassment of health workers. The Medical Action Group would be allowed to conduct medical missions to remote areas and evacuation centers, and to visit detainees. MAG would coordinate with local civilian and military representatives on planned missions.³

Recent Cases of Military Harassment

In 1991, MAG documented nine separate incidents of harassment of Philippine health professionals for their delivery of health care to disadvantaged communities or for their political activities. These findings are part of their ongoing project to improve respect for medical neutrality and to document interference in the delivery of health care by the Philippine security forces.

- A 17-member investigation and medical team traveled to Kalinga-Apayao (northern Luzon) on 6 August 1991 to offer medical services. When paying a courtesy call to the mayor and asking permission to enter, they were detained for six hours. In addition, 11 leaders of minority groups in the area who had requested the mission were arrested. Medicines and medical equipment were confiscated and not returned. Twenty-two days later, the nongovernmental organizations sponsoring the mission, including a representative of MAG, met with the Provincial Peace and Order Council of Kalinga-Apayao, a body made up of provincial officials, mayors, military officials, and civic leaders in the area. The Council considered the information presented and passed a resolution asking the mayor to return the confiscated materials. The mayor refused.

- On 10 December 1991, a CAFGU unit ambushed three staff members of a community-based health program in Iloilo, Panay. The health workers were traveling to a district near Capiz City to treat civilian victims of a military campaign. They had received permission from the military and the local mayor for their visit. No one was injured in the 30 minutes of gunfire. The three were later photographed by the CAFGU members.

- Two members of the provincial staff of the Center for Community Health Services in Mindanao—Wenceslao Samonte and Loreta Mana—were arrested and interrogated at gunpoint for four hours on 13 September 1991 in Davao del Norte by Philippine police. The two health care providers were traveling to meet other colleagues to talk about mobilization for a campaign against the continued presence of U.S. bases in the Philippines. They were taken by police to the 432nd Philippines Constabulary Company barracks, where they were questioned about their involvement in a peace march scheduled for the next two days. They were released late that evening.

In May, Filipinos elected a new president. It remains to be seen whether the new government will introduce enforceable measures to end human rights violations and encourage respect for medical neutrality.

— Kari Hannibal

3. Signatories of the agreement included representatives of the Departments of Foreign Affairs, Justice, Local Government, National Defense, and Health; Philippine Alliance of Human Rights Advocates; Free Legal Assistance Group; and Medical Action Group.

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The United States Ratifies International Human Rights Treaty

In 2 April 1992, the U.S. Senate voted unanimously in favor of ratification of the International Covenant on Civil and Political Rights (ICCPR). The only remaining step is for President Bush to notify the United Nations that the United States has agreed to be a party to the Covenant. No implementing legislation is necessary.

Until the Senate vote, the United States was the only Western industrialized democracy which had not ratified the ICCPR. The Covenant was adopted by the United Nations General Assembly in 1966, and came into force on 23 March 1976. The ICCPR and the International Covenant on Economic, Social and Cultural Rights make the provisions of the Universal Declaration of Human Rights more specific and binding, thereby providing an international legal framework to hold governments accountable for the protection and promotion of human rights. President Carter signed the ICCPR on behalf of the United States in 1977 and submitted the treaty to the Senate for ratification. Although the Senate held hearings on the Covenant in 1979, it did not act on the ICCPR.

During the 1980s, conservatives in the Senate and elsewhere argued that civil and political rights were fully protected by the U.S. Constitution and that ratification of the ICCPR was thus unnecessary. To support their argument, they were able to point to the flagrant human rights violations of many countries, particularly the Soviet Union, which had ratified the Covenant. They also argued that, by making the national governments of signatory countries responsible for implementation of the Covenant, the treaty conflicted with the U.S. federal system which assigns jurisdiction over many of the issues covered in the Covenant to state rather than federal authorities.

With the lessening of East-West tensions during the late 1980s, opposition to ratification of human rights covenants declined, and many human rights organizations increased their efforts to promote ratification. In April 1991, the AAAS Board of Directors voted in support of ratification of the ICCPR. The recommendation was based on three considerations: (1) Many of the rights set out in the ICCPR are vital to maintain scientific and academic freedom. The ICCPR protects such rights central to the conduct of science as the right to liberty and security of person; freedom of thought, conscience and religion; freedom from arbitrary deprivation of life; freedom of movement and choice of residence; and freedom of association; (2) scientists in many countries experience violations of their human rights; and (3) support would constitute a humanitarian gesture and a commitment to the advancement of humankind.

While finding that the Covenant was generally consistent with U.S. law, the Bush Administration had concerns over some treaty provisions that appeared to conflict with the American Constitution. As a response, the Administration proposed a package of 14 reservations, understandings, and declarations ("RUDs") to accompany ratification. Among the provisions that the Administration considered contentious were those concerning freedom of speech and association, and capital punishment. On the issue of free speech, for example, Article 20 of the Covenant states that "Any propaganda for war shall be prohibited by law" and that "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." On the grounds that this provision limits freedom of speech and association, the Administration's reservation asserts that the U.S. does not propose to take any measures to "restrict the right of free speech and association protected by the First Amendment of the American Constitution."

Many NGOs in the United States have objected to specific reservations, declarations, or understandings proposed by the Administration. For example, the Covenant prohibits the imposition of the death sentence on pregnant women and in cases of crimes committed by juveniles. Federal law and many state laws, however, allow the execution of juveniles. The Administration's reservation seeks to preserve this situation.

Many organizations have argued that most of the Administration's conditions for ratification are unnecessary and that, in fact, they limit the extent to which the United States has accepted the full scope of the obligations set out in the treaty. The majority, however, feel that ratification with the Administration's proposed package was preferable to no ratification at all, and several groups have committed themselves to working out differences in domestic practice after ratification.

Ratification of the Covenant opens the door to U.S. participation in the United Nations Committee on Civil and Political Rights, which monitors compliance with the treaty. It is to be hoped that ratification of the ICCPR will increase the credibility and effectiveness of the United States and United States-based organizations when they protest human rights violations in other countries.

— Elizabeth Friedman
News In Brief

Bir Zeit University Reopened

The Israeli authorities have finally allowed Bir Zeit University to reopen, after being closed for 40 consecutive months. The university will reopen gradually, beginning with the schools of engineering and science. The rest of the university will reopen at the beginning of the next school term.

Syria Releases Thousands of Prisoners

In December 1991, the Syrian government released all women political prisoners, numbering around 60. None of them had been charged or tried. Amnesty International reports that, on 14 December 1991, the Syrian Minister of the Interior announced that 2,864 prisoners who had "committed crimes against national security" were pardoned. Amnesty was able to confirm the release of over 1,000 during the last two weeks of December. Despite this welcome news, arrests and detentions are continuing. Since January 1992, the AAAS Science and Human Rights Program has learned of the arrest of an engineer and two physicians for their alleged membership of a banned political party and the sentencing of an engineer and an economist for criticizing the presidential elections in late 1991.

American Physical Society Urges Cooperation with South African Scientists

The Council of the American Physical Society has approved a statement encouraging "interaction and collaboration between individual scientists of the United States and South Africa." Submitted by the APS Subcommittee on International Scientific Affairs, the background to the statement points out that support is needed to improve educational opportunities for the black majority and to sustain the strengths of the South African research institutions and universities. It encourages members of the APS to take part in scientific and educational collaboration with South African scientists, both black and white. The statement reads:

This is a time of rapid political change in South Africa. Financial and social stresses on education, particularly science education, and on fundamental research put the future training of African scientists in jeopardy. The isolation of South African teachers and university faculty from external colleagues makes it even more difficult to train and maintain a core of qualified scientists. Thus, while abhorring the past extreme violations of human rights by the government of South Africa, the American Physical Society encourages interactions and collaborations between individual scientists in the United States and South Africa.

American Psychiatric Society Honors AAAS Science and Human Rights Program

The AAAS Committee on Scientific Freedom and Responsibility and the Association’s Science and Human Rights Program are the recipients of the first annual Human Rights Award of the American Psychiatric Association. Established in 1990, the award is intended "to recognize an individual or organization exemplifying the capacity of human beings to protect others from damage related to the professional, scientific, and clinical dimensions of mental health, at the hands of other human beings." In a letter informing AAAS of the award, APA President Lawrence Hartman wrote:

For its pathbreaking and creative efforts, and for its generous and vital assistance to the human rights activities of many other professional organizations, including the American Psychiatric Association—assistance without which these organizations might have been unable to carry out much of their work—the APA expresses its immense gratitude to this important program and confers upon it this Human Rights Award.

Turkish Human Rights Activist on Terrorist Hit List

Dr. Atar Soyer, a physician and Health Projects Coordinator of the Human Rights Foundation of Turkey, has returned home from a recent visit to the United States to find himself targeted for assassination by the Islami Cihad, a radical Islamic terrorist organization in Turkey. The Human Rights Foundation has been active in condemning attacks on innocent civilians by both government forces and terrorist groups in Turkey. Please send Dr. Soyer a message of support at: Turkiye Insan Haklari Vakfi, Menekse 2, Sokak 16/6, Kizilay 06640, Ankara; fax +904/425-4552.

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Report on Science and Human Rights welcomes readers’ letters and unsolicited articles about activities in the field of science and human rights from individuals and professional societies, especially outside the United States. Send us your contribution, and we'll do our best to share it with our readers.
Two New AAAS Publications:

TAKING UP THE CHALLENGE: THE PROMOTION OF HUMAN RIGHTS

*Taking Up the Challenge* discusses the ways that scientists, social scientists, engineers, and health professionals can become involved in the human rights movement. Following a review of ways in which scientific professional societies responded in the 1970s and 1980s to violations of the human rights of colleagues in countries around the world, the booklet then focuses on the application of scientific methods to the documentation of human rights violations and to human rights education. Covering the fields of the forensic sciences, genetics, statistics, medicine, education, environmental sciences, anthropology, and others, the booklet describes projects that have assisted local human rights groups in their investigations of violations of civil and political rights or that have assisted victims of such violations. The booklet also discusses ways in which scientists can help foster concern for economic, social, and cultural rights, currently receiving greater international attention.

DIRECTORY OF PERSECUTED SCIENTISTS, ENGINEERS, AND HEALTH PROFESSIONALS

The *Directory* lists the cases of more than 300 scientists, engineers, health professionals, and students in related fields whose human rights have been violated by government agencies or by unofficial groups enjoying de facto government support. They include people who have been imprisoned, frequently for many years without trial, for the peaceful expression of opinions or the peaceful exercise of their basic human rights, and people who have “disappeared” or been murdered. Entries are arranged alphabetically by country, and cases are listed by discipline in an index. Wherever possible, the directory provides background information on the circumstances in which the particular human rights violation occurred. Each country section begins with a brief introduction to recent human rights developments and the names and addresses of government officials to whom letters of inquiry should be sent.

Both publications are available free of charge from AAAS Science and Human Rights Program, 1333 H St. N.W., Washington D.C. 20005.

Conference on Earth Rights and Responsibilities: Human Rights and Environmental Protection

Over 250 people from some 20 countries attended the conference on "Earth Rights and Responsibilities: Human Rights and Environmental Protection" at Yale University on 3-5 April. The conference, cosponsored by the AAAS, was the first gathering in the United States to bring together human rights advocates, social and natural scientists, lawyers, philosophers, theologians and environmental activists to promote a better understanding of the issues raised in the title.

Starting with the 1972 U.N. Conference on the Human Environment, there have been numerous international declarations of the right to a healthy environment. Yet the concept of environmental rights remains undeveloped. Of the various international human rights conventions, only the 1989 Convention on the Rights of the Child specifically mentions such a right.

Among the issues addressed at the conference were: the linkages and potential conflicts between environmental and other human rights, whether the language of rights is appropriately applied to the biophysical world, and if so, how the rights of nature relate to human environmental rights and responsibilities; the establishment of standards by which the right to a healthy and sustainable environment can be measured, the value choices and economic assumptions underlying various standards, and the means by which compliance can be measured; the legal and policy bases for individuals, groups, and communities to participate in decisions that affect their health and the environment; existing precedents for nongovernmental entities to participate in decisions with a major environmental impact, and ways in which transnational corporations affect environmental rights.

The AAAS is preparing a conference report, available on request from the Directorate for Science and Policy Programs. Papers presented at the conference will be published in a special issue of *The Yale Journal of International Law*, Vol. 18, to be released in the Fall of 1992. Copies can be obtained, at $14 each, from *The Yale Journal of International Law*, Yale Law School, Box 401A Yale Station, New Haven, CT 06520-7397.
AAAS REPORT ON SCIENCE AND HUMAN RIGHTS

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The Directorate for Science and Policy Programs and its Committee on Scientific Freedom and Responsibility monitor the actions of the governments of the United States and other nations which may circumscribe the freedom of scientists or restrict the ability of scientists to exercise their professional responsibilities, and report on developments affecting scientific freedom and responsibility.

The Science and Human Rights Program within the Directorate for Science and Policy Programs collects and disseminates information about foreign scientists, engineers, and health professionals who are victims of human rights abuses or who experience infringement of academic freedom. It also develops and applies scientific methods and techniques to the documentation and prevention of human rights abuses. The concerns of the Science and Human Rights Program are universal and independent of the ideology of any government or individuals it attempts to aid.

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