



DEPARTMENT OF JUSTICE

On the Occasion of the 10th Informal ASEM Seminar on Human Rights

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delivered by

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KEYNOTE SPEECH

Excellencies, distinguished guests, delegates and participants of the seminar.

Good evening to all of you.

Mabuhay! I knew that this is going to be an impressive assemblage of advocates for women's rights, and it is! And the wide and diverse range of subjects lined up for discourse or discussion simple overwhelms me. I'm thus so honored to be one of your keynote speakers.

We find ourselves living in interesting times. Only a week ago, the nation and the world at large, witnessed the peaceful

handover of power, from one Philippine administration to the next. A new President and other new leaders have assumed their offices. The difficult and complex work facing the administration has begun, that of undoing the frameworks of past abuse, of investigating criminal conduct, of visiting true accountability upon even the powerful and the wealthy, and of preventing corruption, malfeasance and human rights violations, moving forward.

At a more personal level, I find myself at an interesting moment of transition as well, from my previous role as the Chairperson of the Commission on Human Rights (CHR), to my current one as the Secretary of the Department of Justice (DOJ). I wear a different hat now, and the mandate and functions which define my position have changed, but what hasn't changed is my conviction in the absolute need to ensure, that human rights are respected, protected, promoted and fulfilled in the Philippines. And that is a belief that I take with me, into the halls of the DOJ, and which I hope will further spread within that institution.

The convictions I have developed and fostered during my abridged tenure at the CHR are nothing esoteric, beyond the ordinary comprehension on any person. They are simple convictions, shored up and strengthened by direct engagements with people who share in the same beliefs – to be upstanding persons and citizens, to obey the intent and spirit of the law and to

give every person what is due them. It is people from the ranks of the marginalized, displaced, kidnapped, from the families of the missing, terrorized and intimidated, and all those who seek justice for themselves and their loved ones, that I have been moved. It is from persons such as yourselves, human rights advocates and defenders from all walks of life, all over the globe, engaged in all forms of human rights protection that I had seen the resolve and fortitude to overcome the imperfections of government, the indignation that fellow Filipinos suffer, and the robbery of human rights. It is from persons such as yourselves that I had seen the vitality of civil society, the yearning of people to be free and secure in their rights.

And it is from all of you whom I had encountered, the victims and the advocates, that I bring with me the extraordinary mandate to shape the DOJ into the institution that it can be, a protector of human rights through justice. Change is definitely on its way all across the government sector, under the direction of our President, and I am certainly on board with this change, to deliver every ounce of justice for the purpose of securing the very rights upon which our country is founded.

Before I proceed, allow me to thank the men, women and institutions, whose efforts have made this important event possible. Let me specifically thank the French Ministry of Foreign Affairs,

the Raoul Wallenberg Institute and the Asia-Europe Foundation, for bringing this 10th Informal Seminar to life. Special thanks to Madame Ambassador Rosario Manalo who let me also thank the many participants who are here, and who bring to the table experience culled from all around the world, and from many diverse organizations. You are the engine which powers this event, and the overall success of this gathering will result in large part, from your efforts and from your contributions of expertise. Thank you all again for being here. Finally, thank you, for those of you who have steadfastly worked with the CHR in the past, from the alliance of human rights advocates from all over. The insights and efforts in human rights that you have shared with us are part of the larger movement that drives a renewed consciousness and campaign to strengthen human rights. Thank you.

On the theme of human rights and gender equality, one of the most significant legislative developments to occur in the Philippines, is the recent passage of the Magna Carta of Women in 2009. This law embodies a number of major strides, in favor of the human rights of women. At the same time however, a whole host of challenges remain.

First, let me go through some of the positive aspects of this law. At a more general level, the Magna Carta provides that the State, as the primary duty-bearer, has the obligation not to engage

in discrimination or violate the rights of women. It must also protect them from violations carried out by private corporations, entities and individuals. The State must promote and fulfill the rights of women, in all spheres. And the law also calls on the private sector, society in general and all individuals, to contribute to the recognition, respect and promotion of the rights of women.

The law then goes on to identify more specific measures. With respect to issues of political rights and political empowerment, the law provides that the State will undertake temporary special measures aimed at accelerating the participation and equitable representation of women. Over the next five years, the number of women in third level positions in government must reach 50%. At least 40% of the membership of development councils, at the regional, provincial, city, municipal and barangay or village levels, must be composed of women. And women's participation must be ensured in decision and policy-making government bodies at all levels. So for instance, the participation of grassroots leaders is required in the Presidential Agrarian Reform Council, the National Commission on Indigenous People, the Presidential Commission for the Urban Poor, the National Anti-Poverty Commission, and more.

Many of the law's provisions also touch on civil status and economic empowerment. The principle of equality before the law is bolstered by a provision which requires the State to review and

when necessary, amend and/or repeal existing laws which discriminate against women, within the next three years. In certain cases, a special benefit exists to provide two months of leave with full pay, to women following surgery caused by gynecological disorders. The law also expressly provides that men and women shall have the same rights to enter into and leave marriages or common law relationships, to freely choose a spouse, to decide on the number and spacing of their children, to freely choose a profession or occupation, to own, acquire, manage, administer, enjoy and dispose of property, and to acquire, change or retain their nationality.

The Magna Carta also pays particular attention to marginalized sectors. These sectors include small farmers, rural workers, fisherfolk, the urban poor, workers in the formal and informal economies, migrant workers, indigenous peoples, the Moro, children, senior citizens, persons with disabilities and solo parents.

The law also identifies what it calls, “women in especially difficult circumstances,” who include women subjected to sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, detention, rape, incest and other similar circumstances. The law provides for services and interventions aimed at addressing their plight, such as protective custody, medical

services, counseling, legal services, livelihood and job assistance, financial assistance and more.

With respect to cultural practices and social empowerment, a number of provisions of the Magna Carta stand out. The law provides that the State must adequately and appropriately revise gender stereotypes found in educational materials and curricula. Gender-sensitive language must be used at all times. Teachers and individuals involved in the education sector are to be provided capacity-building on gender and development, as well as human rights. The law also prohibits the practice of expelling or preventing the readmission of women faculty members or students, merely because they became pregnant outside of marriage.

The law also provides that the State will recognize and respect the rights of Moro and indigenous women, to practice their own culture and traditions, provided that these are not discriminatory to women. The Magna Carta also has a provision relating to the media portrayal of women, with the aim of raising the consciousness of the general public, with respect to the dignity of women and their contribution to society. So for instance, the Implementing Rules of the Magna Carta provide that the Philippine Commission on Women will formulate media guidelines, aimed at preventing the discriminatory, demeaning or derogatory portrayal of women, in advertisements, shows and programs.

Finally, with respect to gender-related violence, the Magna Carta puts certain protective measures in place. Violence against women is defined to include, physical, sexual, psychological and economic violence, battering, dowry-related violence, marital rape, other traditional practices which harm women, sexual harassment and intimidation, trafficking, prostitution and more.

The law provides that over the next five years, the police force, legal services and social work services, must have at least 50% of their personnel composed of women. All government personnel involved in the protection of women must undergo training on human rights and gender sensitivity. Furthermore, a Violence Against Women's Desk will be established in all barangays, which are the smallest and usually the most accessible political units of the Philippines.

It is clear that the Magna Carta contains many provisions which, if implemented effectively, will result in improvements for the state of the rights of women in the country. But that has always been the big "if" with respect to Philippine laws. Will the provisions and protections of the Magna Carta be translated into reality? Will these changes actually be felt by the women and men on the ground? Or will the status quo remain so firmly entrenched

that the aspirations embodied in this law, will eventually wither on the vine?

Effective implementation has always been a primary challenge with respect to any Philippine human rights law. The sad reality is that over these many years, a culture of impunity has taken root, and those roots now run very deep. Laws have been ignored or flouted. Meaningful accountability has often seemed more like a distant dream or a shimmering mirage, instead of a demandable right. The test of the Magna Carta and its Implementing Rules will revolve around whether we will in fact witness a decline in violations of the rights of women, a decline in the violence to which they are subjected, and a decline in the amount of discrimination which exists, both overt and subtle.

To aid in this regard, the Magna Carta designates the Commission on Human Rights (CHR), as the Gender and Development Ombud. The CHR is tasked with investigating complaints of discrimination and violations of the rights of women, as well as implementing relevant programs and activities. From my two years at the CHR, I know that the fine men and women of the CHR will exert their utmost efforts, in order to operationalize this investigative mandate.

Again, beating back impunity and providing meaningful accountability are the key challenges we face. This is true with

respect to the Magna Carta, as well with respect to our advocacy on behalf of the rights of women, in general. I believe, that we at the Department of Justice (DOJ) are positioned to make a meaningful contribution, in this regard.

It is the DOJ's mandate to uphold the rule of law. It is its mission to deliver justice, throughout the land, to all Filipinos. But for far too long, this mandate has been made a mockery of. For far too long, much of what is claimed to be justice, has been dispensed on the basis of largesse, power and influence. For far too long, the many honest and upright members of the DOJ establishment, have labored in the shadow of those with no scruples and without integrity.

This is, however, a time of transition, away from the dismal state of years past. It is a time for the DOJ to strive to earn the respect of the wider community, by implementing reform and more effectively wielding our investigative and prosecutorial functions. It is the time to begin the process of providing true and complete justice for all. And as we work on these changes, we intend to play our part in the effort, to protect the human rights of women in the Philippines.

We are focusing on the problem of human trafficking, an issue which disproportionately affects women and girl-children, not

just in our country but in the wider region and world. On a related note, we are currently studying a resolution issued by the previous Justice Secretary, which dropped human trafficking charges against 15 personnel of the Bureau of Immigration. Once we review that decision, we will act accordingly.

What is key, however, is that a clear message must be sent to all those who have, who are and who would engage in human trafficking. The DOJ must act so that human traffickers will know, that their activities will bring down on them the full force of the investigative and prosecutorial power of the DOJ, as well as of the entire government. The profits from trafficking can be huge, and in the past this may very well have allowed wrongdoers, to evade prosecution through bribery. This practice must be eradicated. This evasion of justice must be brought to an end. Only when the threat of prosecution and conviction becomes all too real, will human trafficking truly begin to abate.

The DOJ is also in a position to strengthen the rights of women, by engaging in more effective prosecutions and by raising its conviction rate, which currently stands at a mere 18%. This low rate of conviction ripples throughout our justice system, so that the prosecution of rapes, beatings, sexual harassment, and other violence carried out against women and girl-children, all these face a fairly low probability of success. Far too many perpetrators get

off scot free. This is precisely how not to end the culture of impunity. This is precisely what will need to change so that individuals will think twice before they beat their wives, harm their children, abuse their colleagues, or lay in wait for a stranger to pass.

We are focusing much attention on the Maguindanao massacre, where dozens of civilians, many of whom were women, were brazenly murdered. We are also looking into the case involving the murder of Ruby-Rose Barrameda-Jimenez. These cases and others like them, however, are only the tip of the iceberg. The challenges we face, as we work on behalf of the rights of women, are huge. There are the sheer number of cases, the entrenched corruption and impunity, and the economic, social, cultural and other factors, which allow violence, abuse and discrimination to thrive and spread. All these must be dealt with and soon.

Everything that can be done in advancing women's rights and the Magna Carta are in perhaps the most fluid of times, where the ordinary challenges, such as implementation and enforcement, are not supported by a standing ambivalence towards human rights. On the contrary, now is the best of times to test how far forward we can go in advancing these rights, given that there is an official governmental policy to re-train our eyes towards human rights protection and enforcement.

The atmosphere is different now. If human rights violations have not dramatically improved yet, though anything hardly change overnight, at the very least platform upon which we are poised to create change is firmly in place. It is not only in the human rights fields of anti-corruption and extrajudicial killings, but in every conceivable realm of human rights where the major leaps in protection and promotion can be undertaken. Advancing women's rights is very much an opportunity to be taken in these times. While I am no longer a part of the CHR, trust that in the DOJ, I will always be your staunch supporter where justice aides women's rights.

We look forward to the discussion and dialogue which will take place over the coming days. If we are to truly make the Philippines a country free from large-scale discrimination, and the violations of the rights of women, then we must face off against these formidable challenges with an equally formidable alliance, with dedicated members drawn from all sectors of society. May your deep and diverse expertise help the Philippines, as well as the wider region, chart a more effective way forward for us all. And may this gathering further strengthen our existing partnerships, as well as pave the way for new ones.

Thank you very much.