



As if they are criminal:

Rights Violations against Human Rights Defenders in the Philippines

SUMMARY OF THE REPORT

Through various research and interviews held with human rights defender groups, lawyers, state prosecutors, judges and members of civil society organisations, IPON could observe an increasing criminalisation of human rights defenders in the Philippines. The report presents the situation in Quezon Province that gives an example of how state law lacks implementation due to given structures, and criminalises the ones advocating for it.

IPON understands criminalisation as the process in which activities and/or individuals are transformed into crime and criminals. Systematically filed cases of non-state actors are not recognized as politically motivated and are filed in regular courts by prosecutors. Judges conduct lawsuits of human rights defenders as long-term and unfair trials.

The criminalisation of human rights defenders depends on the good will of juridical state officials. They have the power to monitor subordinate members of staff and to initiate internal revisions with the possibility to take disciplinary measures if necessary. So, avoiding criminalisation in the Philippines is a matter of good will of several actors.

Looking at the impact criminalisation has on human rights defenders in a long term one will notice that they are further deprived of several economic and social rights such as the right to an adequate standard of living. The state is not fulfilling its obligations entailed by human rights next to the actual rights.

CONTENTS

Criminalisation in the Philippines 3

Judicial Structures rely on the Will of Several Actors 11

Impacts of Criminalisation on Human Rights Defenders 14

IPON and the Instrument of Human Rights Observation 16

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CRIMINALISATION IN THE PHILIPPINES

The International Peace Observers Network (IPON)¹ has worked in the Philippines since 2006. Through various research and interviews held with human rights defender groups, lawyers, state prosecutors, judges, agents of the Supreme Court and members of civil society organisations, IPON could observe an increasing criminalisation of human rights defenders in the Philippines. The discrimination through criminalisation turns out to be alarming affecting immensely the life of human rights defenders, and shall therefore be further examined in the report at hand.

In the following, IPON understands criminalisation as the process in which activities and/or individuals are transformed into crime and criminals. Previously legal activities may be transformed into crimes by legislation or judicial decision. Individuals may be treated as criminals even though they consider themselves as innocent, or are proven innocent. Then, on the one hand human rights defenders experience law suits that are mainly unfair trials. On the other hand there are a lot of charges filed against them and that features a politically motivated systematic behind.

While the forms of criminalisation and the affected individuals and groups are multisided, the report at hand focuses on human rights activists, who are frequently in danger of becoming criminalised by state agencies opposed, unwilling or unable to implement the requests demanded by human rights advocates.

Focus Philippines

While in the international community the Philippines are often known for the high amount of political killings and also for the steps taken against those killings, its democracy does additionally support the criminalisation of human rights defenders². The Commission on Human Rights in the Philippines confirmed that only recently the scope of criminalisation through legislation has increased nation-wide.

The report at hand presents the situation in Bondoc Peninsula (Quezon Province), which gives an example of how state law lacks implementation due to given structures, and criminalises the ones advocating for it³. As the findings will show, peaceful actions of

1 IPON is a German independent non-intervening and non-profit organization which aims for improving the human rights situation in the Philippines by sending observers to conflict areas. For more information see <http://ipon-philippines.org> (in German).

2 Also based on “Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Mission to Philippines”.

3 IPON has accompanied the peoples’ organisations KMBP (Kilusang Magbubukid ng Bondoc Peninsula) and TFM (Task Force Mapalad). They are human rights defender groups insofar that they work non-violently to protect and promote human rights. As local activists they bring about positive and lasting changes within society.

human rights defenders become criminalised by pressing politically motivated charges and arbitrary warrants of arrest against them.

Criminalising people violates human rights

IPON wants to stress the human rights violations that go along with the criminalisation. In the case of the human rights defenders in the Philippines, especially the principle of equality and the right to a fair trial contained in the Universal Declaration of Human Rights and its Covenants are denied. Human rights defenders are treated as potential criminals without a profound investigation by the responsible state agencies. In addition, the report proves the denial of a fair trial for human rights defenders.

Looking at the impact criminalisation has on human rights defenders in the long term (see p. 13), one will notice that they are further deprived of several economic and social rights such as the right to an adequate standard of living. The state is not fulfilling its obligations entailed by human rights next to the actual rights. It does not comply with its duty to respect, protect and fulfil human rights. Instead, in the following examined case, only the state makes the criminalisation of human rights defenders possible by denying equal rights to every human being and by upholding an established system in which non-state actors can freely abuse human rights.

The role of elites as non-state actors: Systematically filed cases

Nowadays as much as in history dating back to Spanish colonial times most of the agricultural land in the Philippines is still owned by only a few families⁴. Hence, peasants are tilling the land they do not own as holder of a land title. They are part of a contracted leasehold sharing system with the concerned landowner⁵.

The large number of cases and the fact that only landowners file cases against human rights defenders suggest that the filing is systematical.

According to the Comprehensive Agrarian Reform Law (CARL) land shall be distributed to tenants and small farmers in order to own land. In fact, either most of the land has not been covered by the Comprehensive Agrarian Reform Programme (CARP) or farmers already do have land titles but have not been able to implement their ownership. Instead, farmers have faced harassment by landowners and their representatives: Since 2006 IPON has observed that there has been an increasing number of criminal charges filed by landowners or their agents against members of human rights defenders groups being

4 Among others based on Franco, Jenny C, 2005: On just grounds: Struggling for agrarian justice and citizenship rights in the rural Philippines.

5 In most cases this sharing system is based on a 70/30 relation in favour for the landowner, which means that the farmers are allowed to keep 30% of the crop, the rest belongs to the landowner.

involved in the implementation of or in the struggle for CARP. The nature of these charges is mostly that of Qualified Theft⁶, Trespassing and Estafa⁷.

Type of criminal case	San Francisco	San Andres	San Narciso
Qualified Theft	3	170	6
Defraud (estafa)	2		
Others	10	1	1
Total	15	171	7

Number of filed cases against the KMBP in three different municipalities in Bondoc Peninsula/ Quezon Province (IPON 2009, see also “IPON Observer 2009: Volume 1”).

The number of cases and the fact that only landowners whose land is or should be distributed under the agrarian reform are filing cases against peasants applying for land or concerned activists, suggest that this filing is systematic. Those systematic charges were only filed against human rights defenders who wanted to implement the sharing system or

The human rights defenders are violated in their freedom of assembly.

their land titles, not against any other farmer. For example, landowners pressed charges against KMBP members after they had harvested the land they already possess a land title for, claiming that the land is still theirs.

Additionally, charges were often filed after meetings of the human rights defenders that take place within properties where they live and work (filed as Trespassing). Although there were no criminal acts by law, most charges ended up in the court (s. level of prosecution). The human rights defenders are violated in their freedom of assembly and face economic damages.

Fearing further harassment defenders have rarely filed landowners, and if they did either ignored by the have not yet made a

For fear of facing harassment the human rights defenders have rarely filed charges against landowners.

the human rights charges against so the charges were police or the judges decision.

These harassments by the landowners are an attempt to criminalise the human rights defenders who are struggling peacefully for their land according to law - an attempt which finally succeeds due to the conduct of various state actors (s. following chapters).

6 Qualified Theft is the crime of for example stealing coconuts. Such a crime will be punished with high penalties in order to encourage and protect the coconut industry as one of the sources of the Philippine economy.
 7 Estafa is the deceit employed to defraud another and the injury or damage caused thereby.

Department of Agrarian Reform: Symbolising loopholes within the law

The Department of Agrarian Reform (DAR) is involved in the issue of criminalisation as initially suspected by IPON. Its role and the behaviour of some of its agents can be seen as representing the loopholes in the Philippine law. These loopholes, for example the lack of mapping and planning land in rural areas, form the basis for legal harassment observed on the local level in Quezon Province.

The loopholes within the law form the basis for legal harassment observed on the local level.

There is a problem of unsettled ownership of land about which the accompanied peasants have kept complaining. In the Municipality of San Andres, Quezon Province, for example, there is a current case of Qualified Theft filed against 12 peasants. According to them they harvested

coconuts in good faith because they thought they were allowed doing so. The problem is that two different documents exist regarding the contract of leasehold between landowner and tenants⁸. An order of the Department of Agrarian Reform Adjudication Board (DARAB) from 2001 affirms that the peasants are allowed to harvest. Another DARAB document from 2006 - requested by the landowner - states that the peasants are not allowed to harvest.

DAR land surveys often pose a problem for peasants applying for land titles. The landowners' systematic course of action often influences decisions by members of the DAR. As it has been documented by IPON in some areas, the agents of the DAR were afraid of being accused themselves by the landowners if they had implemented land surveys according to law. Accordingly, they have often decided in favour of the landowners. If they kept applying the legal rules and implemented the land survey accordingly, they - as the peasants - were also accused for reasons of trespassing, although legally they were allowed to enter the land to implement the land survey.

IPON is worried about the consequences that the filing of cases by landowners against agents of the DAR might have. The explained issue symbolises loopholes in the Philippine law and the impacts that elites can have on local state actors. Due to those impacts the local agencies have sometimes problems to implement the law and to fulfil human rights, and instead support indirectly the behaviour of the elites that can lead to criminalisation (as described above and below).

Prosecution: Agrarian related cases being filed in regular courts

Most of the cases being filed against the human rights defenders accompanied by IPON are

⁸ As documented by IPON in February 2009.

agrarian related, as all the charges such as Qualified Theft, Trespassing and Estafa involve tenant farmers and landowners and were made in connection with the land question.

It is the task of Prosecutors to examine whether charges are being filed with a political motivation or not. If charges are filed time and again by the same person against the same

The Provincial Prosecutor had filed the majority of the cases as part of the regular criminal jurisdiction, despite the systematic filing of cases by landowners.

persons and groups, it seems to be a case of a politically motivated filing. IPON worries that in the past the Prosecution did not take cognizance of the systematic filing of cases, and was instead supporting the political motives of filing cases against human rights defenders.

The main point of criticism is that the Provincial Prosecutor in Quezon Province, Lucena, among other state actors on varying levels, did not react to any kind of systematic filing of cases. Instead, by accepting every single case the Prosecutor finally criminalises the members of the human rights defenders group. A thorough investigation should allow the Prosecutor to draw the conclusion that the cases are driven by political motives of the landowners, who by filing cases against KMBP members systematically harass and try to demoralize them. Therefore, the Provincial Prosecutor is not fulfilling his duties and responsibilities as representative of the state towards the citizens, specifically the execution of judicial procedures in compliance with international human rights norms as signed by the state.

It is also the task of the Prosecutors to accept cases being filed as agrarian related. Then, such cases are supposed to be handed over to a court specialised in agrarian issues. However, for years the known cases of the human rights defenders have been submitted to regular courts⁹. It is incomprehensible to the farmers that the Provincial Prosecutor has filed the majority of their cases as part of the regular criminal jurisdiction.

This behaviour leads to distrust among peasants, which is reflected in statements by human rights defenders of Bondoc Peninsula¹⁰, saying that the Provincial Prosecutor of Quezon Province was acting in favour of the landowner.

The example of prosecution illustrates the violation of the duty of the state to protect human rights defenders in particular. This duty consists of keeping human rights defenders from systematic charges by dismissing cases filed without accurate and complete information.

Jurisdiction: Long-term, unfair trials instead of adequate proceedings

Especially the incredibly prolonged proceedings and trials until a responsible judge makes

⁹ As documented by a local non-governmental organization, QUARDDS.

¹⁰ According to interviews by IPON human rights observers in 2008 as well as in 2009.

a decision are seen as a big problem¹¹. A decision should be made “[...] without undue delay.”¹² Additionally, the trial shall “in no case [exceed the] period of one hundred eighty (180) days from the first day of trial, except as otherwise authorised by the Supreme Court”¹³.

IPON has observed that actions of a Provincial Judge of Quezon Province in cases against members of the KMBP contradicted the rulings of international as well as national law. There is, for example, _____ an ongoing case against 22 peasants _____ from Nilantangan, Municipality of San _____ *Almost all of the court hearings have been postponed.* Francisco, Quezon Province. In 2006 the _____ local landowner Matias filed a case against them for various reasons. Until now there has been no real progress in the case. More than 20 hearings have been scheduled within the last three years in that specific case. Almost all of them have been postponed.

The case mentioned above is exemplary for many other cases filed in court. It is important to ask why there have been postponements and by whom they have been demanded. Most of the time, the inspection of important files is made difficult due to doubtful investigations or unfinished case analysis by certain agencies¹⁴. IPON found out that lawyers themselves very often demand a postponement of a scheduled hearing for any reason but illness and that judges often do not actively prevent a delayed hearing. Being confronted with this issue during an interview, a judge plainly denied all blame. He could not do anything if the lawyers of both parties demanded a postponement of the scheduled hearings. However, a judge has the power to enforce the progress of a trial and the duty to fulfil human rights.

In many court cases involving the human rights defenders, the land question has not yet been clarified. If this question is not resolved before the beginning of the trial, how can a non-specialized judge make an impartial decision?

In addition to the problem of prolonged trials, there are many other causes of criminalisation within the judicial process. According to article 10 of the Universal Declaration of Human Rights and article 14 of the International Covenant of Civil and Political Rights:

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of

11 Members of IPON have been attending court hearings of members of the KMBP for a few years. The findings seem to confirm criminalisation of human rights defenders on the level of jurisprudence.
12 Article 14 of the International Convent on Civil and Political Rights.
13 Section 2, Rule 119 of the revised rules of criminal procedure within the Philippines.
14 Based on an interview by IPON with a Provincial judge in 2010.

any criminal charge against him.”¹⁵

“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [...]”¹⁶.

According to observations of IPON since 2006, it seems that a judge of Quezon Province did not take members of the KMBP seriously and also made fun of them during certain hearings. He was smoking and kept the accused waiting before starting the trial. IPON observers also had the impression that the judge was in favour of the claimant.

Judges, as state actors, are usually there to investigate, intercept and punish harassments by local landowners against human rights defenders. However, IPON worries that instead of buffering and preventing such actions, judges are criminalising human rights defenders by prolonging court procedures and partially taking sides.

Philippine National Police: Criminalisation as reason for distrust

The local Philippine National Police (PNP) is a state actor that is very close to the incidents happening at the local level due to its tasks and fields of operations. IPON has documented criminalisation of KMBP members by the police for a few years.

There have never been investigations that take into account a possible contract murder.

In relation to the following statement, a series of events and actions took place in San Narciso, Quezon Province:

“Inaction by the authorities has sometimes allowed a violation to continue or be repeated and to worsen, with successive death threats eventually leading to the actual murder of a human rights defender.”¹⁷

The area is characterized by being a field of operation for the New People’s Army (NPA)¹⁸ and by a strong presence of armed employees of the landowners. The past five killings of human rights defenders in San Narciso between 1998 and 2008 symbolise the complex political situation. A system behind the murders is assumed, as published by IPON in its report regarding the decease of Deolito Empas in 2008¹⁹. The current state of knowledge gives support to the suspicion that the killings of politically active peasants are systematic so as to attempt to neutralize the human rights defenders’ activism.

15 Universal Declaration of Human Rights, Art. 10.

16 International Covenant on Civil and Political Rights, Art. 14.

17 UN Fact Sheet No. 29 “Human Rights Defenders: Protecting the Right to Defend Human Rights”.

18 The NPA is an armed group that is based in the Philippines. The members are most active in rural areas.

19 „Decease of the Human Rights Defender Deolito 'Julie' Empas“, published by IPON, March 2008, see <http://ipon-philippines.org>.

The investigations in Empas' case by the PNP were suspended after one year²⁰. In this regard, statements were made by local officials on the grounds that there has never been any kind of harassment in San Narciso by landowners for more than 40 years, although there are reports by fact finding missions²¹ and international state actors like the German Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) proving that harassments by landowners are continually carried out. Additionally, the PNP argues that the NPA is responsible for the death of Deolito Empas. IPON supposes that there might be a relationship between the decease and the struggle of the human rights defenders for land on the local level, which is also supported by witnesses of the deceased²². Despite this, there have never been investigations that consider a possible contract murder.

This kind of inaction (bringing investigations to an end, although the case is not yet resolved) can be seen as criminalisation - if differentiated. Whereas judicial institutions are often designated for political use and state authorities act by e.g. handling unjustifiable cases (see level of prosecution and jurisdiction), in some cases they do not take any action. When looking at those cases of inaction, most of them are caused with a political motivation behind, like the case of Deolito Empas.

With regards to the judicial system, especially one abuse by the PNP attracts attention:

The unwarranted arrest. Though it is allowed to arrest without a warrant, there are exact definitions of those cases. As documented by IPON, human rights defenders were arrested time and again without a warrant and without the circumstances fulfilling any of the preconditions for a warrantless arrest. Some human rights defenders do lose their freedom because of fighting for their rights. They are imprisoned from a period of some days up to several months. The police turn the human rights defenders' activities into crimes and treat them as criminals without having any evidence against them. The consequences of the imprisonment affect the whole family of a human rights defender.

For no reasons, human rights defenders got in jail without a warrant of arrest.

20 According to interviews with responsible agents of the PNP and a report written by the police investigators in May 2009.

21 For example: "Living dangerously in San Vicente. A Humanitarian Mission Report on Agrarian Reform and Human Rights Situation in Barangay San Vicente, San Narciso, Quezon", published in September 2003 by the Task Force Bondoc Peninsula (composed of Amnesty International-Pilipinas, FIAN, QUARDDS, PARRDS, PEACE, AKBAYAN, UNORKA et al.).

22 According to interviews by IPON with witnesses in 2008.

JUDICIAL STRUCTURES RELY ON THE WILL OF SEVERAL ACTORS

The criminalisation of human rights defenders depends on the good will of juridical state officials. They have the power to monitor subordinate members of staff and to initiate internal revisions with the possibility to take disciplinary measures if necessary. It is their responsibility to draw conclusions and react if complaints are made. If they fail doing so, they will risk human rights violations. Inaction can conduce to human rights violations, too, and has to be punished by disciplinary measures.

IPON noted several state actors that are advocating human rights in the Philippines. Those actors can play a positive key role in policy and development of state structures and therefore of society.

Status quo: Acknowledging human rights violations

While several actors cover up the existence of human rights violations in the Philippines others do not negate that there are violations. A Provincial Prosecutor from Gumaca, Quezon Province, explained²³ that *“there are cases of human rights violations involving those persons defending human rights”*. According to him, *“political leaders and*

legislators, as well as the president himself are aware of the situation of criminalisation. Our system recognizes human rights. [...] I believe that we have also means to protect those persons who protect human rights.” In the

“Our system recognizes human rights. Political leaders are aware of the situation of criminalisation.”

opinion of another interviewee²⁴ the problem is the

distribution of said means and resources by the government.

With regard to the level of Prosecution several actors assert that they are very objective in handling cases. The Prosecutor mentioned above said: *“When we speak about being objective we only analyze evidence presented, [...] we are acting based on the law. We have never been subjective in handling our cases. So if we have strong evidence against a person then we will recommend for the filing of the case, if we do not have strong evidence then we will recommend for the dismissal of the case.”* Hence, the Philippine law grants a scope of action that is in general adequate for fulfilling human rights.

Even if there are laws - and there are a lot of laws in the Philippines²⁵ - human rights defenders are criminalized. The Prosecutor mentioned above comments that *“there are many influential people in the Philippines who file cases sort of harassment against*

23 According to an interview by IPON with a Provincial Prosecutor from Gumaca, Quezon Province on August 8th, 2010.

24 In 2010 IPON hold an interview about criminalisation with a Provincial judge in Gumaca, Quezon Province on July 26th, 2010.

25 According to interviews by IPON with lawyers and prosecutors in 2009 and 2010.

human rights defenders.” Indeed, the system is aware of those harassments and of the outcome of this if state actors accept harassments and violate human rights, but a reaction to that is missing.

Another aspect mentioned by the Prosecutor is the language of law and the language used during hearings: “Most of our laws are written in English. There are many farmers who are illiterates or who do not know how to read and to speak up in English. How can they defend their rights?” As IPON documented during court hearings in Gumaca, Quezon Province, the main language used is English, even in front of the accused (who in many cases do not speak English).

Exchange: One possible way to avoid criminalisation

If people listen to a statement like this, they will often answer that the only solution to the problem is to educate people like the farmers. They believe that without education, human rights defenders could not defend their rights and therefore could not change political, judicial and social structures. The Prosecutor of Gumaca, Quezon Province,

“We should get the side of all people in the society in order to find a good resolution.”

stated relating to that aspect: “The Philippines cannot do that [solve the problem of criminalisation, editorial note] through education. Everything is connected. We have to consider everything.” The Prosecutor argues for a change in the system by “determining the root cause of the problems.

What the root cause is differs from one point of view to the other, it depends on the function of the respective person. We should get the side of all people in the society in order to find a good resolution for the greater number of people in the country.”

According to the Prosecutor, one way to get all those views is a forum. He recommends “perhaps a national forum. It should be initiated by our leaders, our political leaders in the national government.”

Exchange as one way to avoid criminalisation?

Dedication: Providing a basis for avoiding human rights violations

As observed by IPON, judicial structures often rely on several actors. The Prosecutor from Gumaca, Quezon Province, shares this opinion. He emphasizes as a way to avoid criminalisation and to

of personnel: “All we dedication. [...] Without system will be lost. All

“All I can give is my dedication.”

come up against a lack have is of course dedication perhaps the I can give is my

dedication, everything will begin from my dedication.” Hence, criminalisation is not caused by laws but by the individuals holding certain positions.

What does it mean for human rights? Does it always depend on individuals whether there are human rights violations or not? Is it always a question of dedication and interpretation? How can a state then fulfil the conventions?

Dedication by several individuals, of course, is a first step of trying to avoid criminalisation in a system that has passed a lot of laws. Without their commitment the development would stagnate. Like human rights defenders, those individuals have a key role as persons who advocate change.

IPON worries that the action of those several actors mentioned above is not sufficient to reduce and avoid criminalisation, and that in different cases disciplinary measures are not taken. Especially at the provincial level, the persons responsible for human rights violations often continue without punishment. In most cases, there are no internal investigations initiated by supervisors to question grievances at the local level. Instead, state actors keep on interpreting laws against human rights defenders and, hence, bending justice at will. In this case, justice is a question of how a vacancy is filled and not a question of observing law and human rights provisions within the country.

IMPACTS OF CRIMINALISATION ON HUMAN RIGHTS DEFENDERS

The human rights defenders being criminalized have to travel four to six hours from their homes to reach the courts where the hearings take place. In many cases the hearings are postponed several times so the persons concerned have to travel to court repeatedly. On such days they have extra costs for transportation and food and additionally they are not able to work to gain income. This even increases their poverty. In many cases they and their families suffer from hunger and have no proper access to the health and educational system. But even if they live in poverty, they advocate and promote human rights, which is to the civil society's advantage.

Criminalization increases the poverty of the human rights defenders.

The main consequences of being imprisoned as a human rights defender are fear, psychological stress and economic damage. To be freed, they have to pay a bail. The price of bail, e.g. for Qualified Theft, is about 30.000 Peso (around 500 Euro), an equal of about three month income. This is usually far too much to pay for landless farmers. Furthermore every day in prison is a day they cannot work on their land and for the income of their families.

The example of Ruperto²⁶, a peasant living in Quezon Province and a member of the KMBP, can show the economic damage of a human rights defender who is criminalized. The person concerned is accused in 22 cases. He was in jail twice (three and two months). Between 2007 and 2008 there was almost no crop because of a typhoon. He is father of four children who go to school. He is also a local farmer leader and a very active human rights defender.

At first glance, the total sum of costs is not that high, because of funds and lacking information of farmers' daily expenses. The table does not contain the "costs" of psychological stress caused by criminalization.

Reasons	Costs and funding (PhP)
Already reduced bail in 11 cases	165.000
Surety Bail	67.000
Hearings in court (one hearing per month between 2006 and 2009): travel expenses	12.480
Daily expenses for school, food and so on	not clear
Total costs:	244.480 + daily expenses (4086 Euro)

²⁶ Name changed by editors.

Fund by the local farmers' group ²⁷	42.000
Selling of a carabao ²⁸	25.000
Fund by a Foundation (for paying bail)	110.000
Revenues from selling coconuts (2000 PhP per Month): in 2006 and 2009	48.000
Total funding:	225.000
Total Costs including funding:	19.480 + daily expenses (326 Euro)

Costs of a human rights defender because of criminalization (data collected by IPON 2010).

Because of the economic circumstances some of the farmers have already stopped fighting for their land. They continue to be tenants under the wings of the landowners and to suffer from human rights violations.

Due to the key role of human rights defenders criminalization does not only affect themselves. At the time when they get intimidated and actually stop fighting for human rights their comportment can even affect civil society of their direct environment, e.g. other farmers. Who else is committed to fighting for rights if not concerned people living close to the problems?

The impacts of criminalisation even affect civil society.

IPON worries that if human rights defenders stop fighting for their rights because of their criminalization, then the concerned surrounding is also afraid of raising a protest and will keep suffering from the circumstances.

27 The local farmer group consists of people who live in the same circumstances as the person being criminalized. The money comes from revenues of the other peasants.

28 A carabao (Philippine water buffalo) is a very important farm animal for a peasant. It is of high value and if one has to be sold, it is a big disadvantage for a farmers' family and the daily life.

IPON AND THE INSTRUMENT OF HUMAN RIGHTS OBSERVATION

The International Peace Observers Network (IPON) is a German independent non-intervening and non-profit organization which aims for improving the human rights situation in the Philippines by sending observers to conflict areas.

The Instrument of human rights observation is based on the idea that, if a country has ratified the UN “Universal Declaration of Human Rights” (and/or other relevant international declarations on human rights), it is therefore responsible to enhance, respect, and implement human rights. If a country does not follow these responsibilities independent international observers will document these violations of human rights and bring it to public attention. IPON follows this legalistic approach to human rights. Since 2006 IPON accompanies organizations of human rights defenders (HRD) in the Philippines, starting with the request of the farmers organization KMBP (Kilusang Magbubukid ng Bondoc Peninsula) in Bondoc Peninsula, Quezon Province. Since 2008 IPON observers are present in Negros Occidental accompanying the HRD of TFM (Task Force Mapalad). IPON will not intervene in any internal conflict and will not interfere in the strategies of the accompanied HRD. The organization will only go into a conflict area after a request from a human rights defender organization and after preliminary studies which include an examination whether the instrument of human rights observation is suitable for the present situation.

The work of IPON is based on four pillars:

Presence: The IPON observers will be present at the side of HRD who are exposed to human rights violations because of their work. Their presence is supposed to prevent assaults and enable the unhindered work of the HRD. The presence of international observers is believed to rise the inhibition threshold for encroachments.

Accompanying: HRD are accompanied to different ventures like political actions, meetings with governmental institutions, or conferences. In some cases individuals who are especially endangered get company by IPON members.

Observation: It can be difficult to get unfiltered information from conflict areas. The possibility to document events in situation makes the reports of the IPON observers very valuable. The documentations always take place in regard of human rights. Because of the legalistic approach the role of the state actors is essential in the critical analysis of the human rights situation.

Informing action: The information that has been gathered directly in the conflict area and has been analyzed by the observers are brought to the attention of an international public. IPON is in touch with different institutions of the Philippine state and points out their responsibility of implementing human rights. In Germany the reports are handed over to

the public. They serve as a basis for the work of organizations, pressure groups and politicians. This way the international pressure on the Philippines to guarantee human rights rises. IPON is convinced that the publication of human rights violations will finally lead to their decrease and prevention.