



**FROM
DESPAIR
TO
DEFIANCE**



*The Impact of
Extra Judicial Killings,
Enforced Disappearances and
Arbitrary Detention
on Families*



FROM DESPAIR TO DEFIANCE

From Despair to Defiance

The Impact of Extra-Judicial Killings,
Enforced Disappearances and Other
Human Rights Violations on Families

CENTER FOR TRADE UNION AND HUMAN RIGHTS

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FROM DESPAIR TO DEFIANCE
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Quezon City, Philippines

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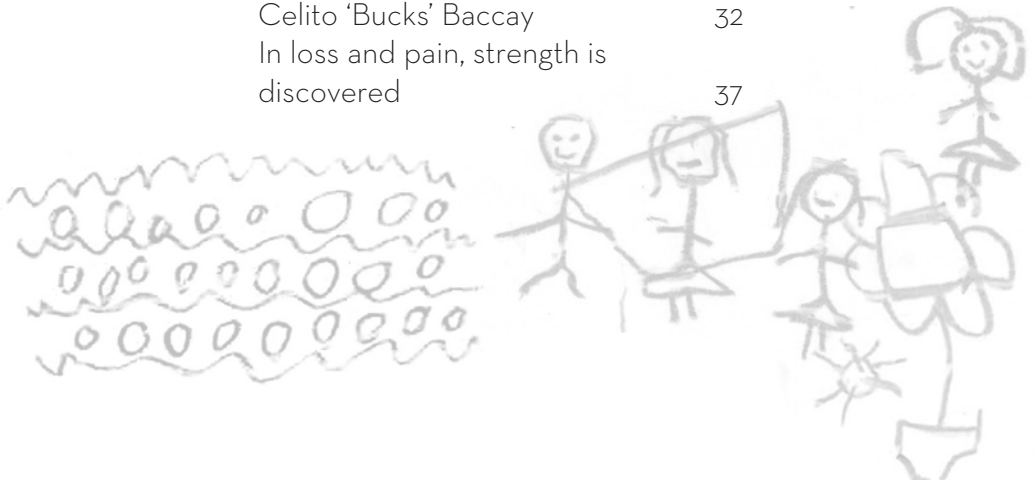
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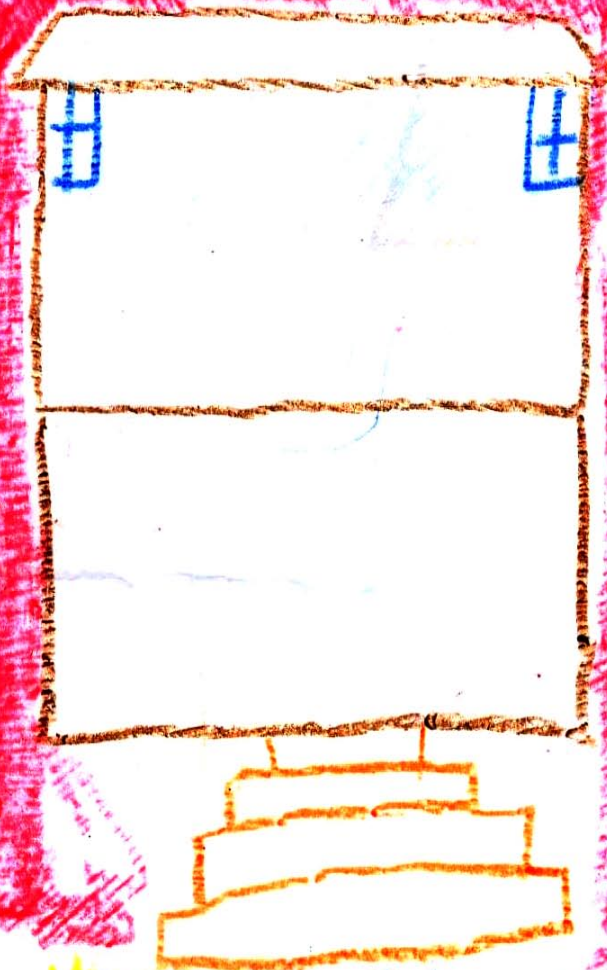
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INTRODUCTION

State of Labour and Human Rights in the Philippines

Ang aking pamilya



Papa



Mama



Maria Lou



Jan
John



Joemarie



Family Portrait Artwork by a child of a farmer who was targeted to death by alleged members of the military in May 2007 in Negros Occidental

The Philippines is a signatory to nearly all major international human rights conventions and has been active in meetings and assemblies of the UN Human Rights Council. In 2008, the Philippines was able to get itself elected as Vice President for one year of the UN Human Rights Council. The election came despite reports on the harrowing cases of extra-judicial killings in the Philippines made by Prof. Philip Alston, UN Special Rapporteur on extra-judicial killings and summary executions, pinpointing military responsibility to the killings and continuous hounding of activists.

The Philippines is also one of the oldest members of the International Labor Organization (ILO), one if not the only Asian country who had signed the numerous ILO conventions including those that specifically deal with the right to freedom of association and protection of the right to organize and collectively bargain as a foundation for social justice. These rights to freedom of association, collective bargaining and even the right to strike are also guaranteed by the 1987 Philippine Constitution and are reflected in policy declaration embodied in the Article 211 of the current Labour Code of the Philippines.

Yet in spite of legal guarantees and the state's commitment to international community to uphold human rights, the Filipino workers and the poor had yet to experience the benefits of these commitments.

In a country where about 15 million workers or nearly half of its labour force are in vulnerable employment, and nine million earn less than US\$2 a day, workers and the poor have learned to fend for themselves and lean on their own strength to survive. Workers in the formal sectors have complained of wages (Php424 or US\$8-9 a day) way below the required amount for daily cost of living of Php988 or US\$22 and yet often, the minimum wage is not implemented. The Labour Department has noted in the previous years that 60 percent of companies violate minimum wage and other labour standards.

In 2007 for instance, unionists from Karnation Industries in Rizal province were arrested and subsequently detained for nearly three years following a strike protesting illegal dismissal and calling for the implementation of legally mandated minimum wage, 13th month pay and night differential pay. In the course of their detention, two workers died inside the jail without receiving any medical attention.

Notwithstanding the difficulties of getting organized, the workers' exercise of these rights to organize, freedom of expression and to assemble still presents the most viable means to improve their lot as well as their families except that it has been continually weakened by both legal and extra-legal means.

On top of dismissals from work and economic squeeze for example, trade unionists and labour rights activists have been subjected to harassments, surveillances, threats and murder. At the end of nine years of Arroyo administration, CTUHR documented 1,757 cases of human rights violations committed against 158,909 workers and urban poor.

Out of these cases, 98 are extra-judicial killings, 35 of which are trade unionists and labour rights activists killed while labour disputes were ongoing: four were abducted and forcibly disappeared: and more than a thousand were arrested. Not a single case has been resolved and none has been given justice.

Surviving trade unionists and activists who were unable to withstand the harassments were forced to flee, some with their families, but most left their families behind. Needless to say, this condition sent the families and struggling communities deeper into destitution.

In 2007, the International Trade Union Confederation (ITUC) considered the Philippines as the second most dangerous country in the world for trade unionists, next to Colombia. The gravity of the situation and international pressure has prompted the ILO to send the high level Mission (ILO HLM) to the Philippines in 2009 following a complaint filed by Kilusang Mayo Uno Labor Center, which the CTUHR serves as con-

sultant in 2007. Other countries also made their fact-finding missions in the country and pledged commitment to ending extra-judicial killings. EU-Philippines Justice Support Program which the CTUHR had the opportunity to participate as one of the CSO partners is a concrete initiative towards ending the extrajudicial killings and enforced disappearances.

Despite the positive efforts by the international community, Alston Report as well as ILO HLM recommendations, attacks on trade unionists and harassments on their families are still unabated. Hopes were revived when the Arroyo administration ended its term in June 2010 and the new government promised to prosecute human rights violators, improve the lives of the Filipino majority, and restore not just human rights and the rule of law but also the capacity of the Filipinos to dream again.

But one year into the Aquino administration, human rights condition has not improved, and the new government failed miserably in what it promised to fulfill. No human rights violator has been prosecuted despite evidence presented to the courts. The culture of impunity persists. In fact, extra-judicial killings continued with 48 activists already killed since July 2010 according to human rights organization KARAPATAN.

In the labour and urban poor sectors, violations are in fact intensified in the first year of President Aquino's leadership. Five (5) trade union leaders, 3 urban poor (1 leader and 2 residents) were extra-judicially killed in the first year of the current administration compared to one (1) EJK case in Arroyo's first year in office.

This places the human rights violations in the labour sector from July 2010—in areas that CTUHR is able to reach—to 218 cases affecting 33,178 workers. Whilst the number of violations is the same compared to the first year of Arroyo administration, the number of victims increased six-fold (5,363 victims).

Like in the previous administration, no one was prosecuted in the host of killings whilst perpetrators become much

bolder. This inability of the Government, past and present, to prosecute even a single perpetrator exacerbated the anguish, frustrations and illnesses triggered in members of the families of victims.

Not only the violations and other policies implemented fatally decreases the trade union organizations in the country, it has also reduced the capacity of workers and communities to mobilize themselves first, for their sustenance and second, to participate in undertakings that can uplift their conditions. The impact of violations that has long been inflicted on families of workers and the poor may have lessened by some forms of interventions (psychosocial support, meagre livelihood assistance) but thirst for justice and decent life compounded by persistent violations weakens any positive contributions that these interventions have provided.

In a psychosocial workshop held in Negros on November last year for instance, one of the participants related how their lives had been battered by militarization from the late 80's up to present. She narrated how she gave birth on the fields while bombs were dropped and how she carried her child while on the run. There was no rest for them and she can hardly recall how they survived. She said it was the 80's and 90's and they were able to go back to their village, recover their small vegetable plot and grow some farm animals. In 2008, her 17-year old son—her only child that was able to finish high school by working for other households at a young age—was tortured and gunned down mercilessly by suspected members of military as her son was accused of being an NPA supporter. She said that she has no more tears to cry. She only feels anger specifically to the military. And until she sees that perpetrators are brought to justice, there can be no healing.

Recently, the Supreme Court released two major rulings on the case the enforced disappearance of two UP students namely Karen Empeno and Sherlyn Kadapa, and another activist Jonas Burgos, son of a known publicist. The former commander

of the 7th Infantry Division of the Philippine Army was named to be behind the abductions and disappearances. The ruling specifically ordered the Armed Forces to surface the victims.

A few months has passed since the orders were issued. The Armed Forces of the Philippines (AFP) denied that they have the three missing activists—statements that are no different from the ones they issued before. No matter how strong the denials, the public especially the families' belief that the military has to account is only strengthened day by day. In addition, compliance to these two important orders will be a test of what the AFP and the Aquino government claim as a shift in paradigm: that is having state forces that are now more conscious and serious about upholding human rights.

In June of this year, the Philippines resumed its membership to the UN Human Rights Council. Philippine Permanent Representative Ambassador Evan Garcia said it was an honor for the Philippines to serve as a member of the august body. Indeed, it is an honor. Against the backdrop of a culture of impunity and continuing extra-judicial killings of activists, peasant leaders, trade unionists and urban poor leaders, the election to the council is like rubbing salt to unbearable wounds that victims have long endured. Let us hope that the honor that the government claims will not be an indictment to the people's quest for justice, but a strong reminder that much is still to be done for the Philippines to serve such honor.

SUMMARY AND CONCLUSION

Various Responses to Human Rights Violations and Coping Mechanisms



Lilise P...

Sage saying

Artwork done by a mother whose son was
abducted by uniformed men in Negros

For every human rights defender or innocent person extra-judicially killed, several lives and families are shattered by grief, loss, deprivation, fear, uncertainties and anger. The impact becomes greater if victims do not receive justice while the killings continue to happen with impunity. Equally, healing and moving forward becomes more difficult if the loss of human rights defenders—who often are breadwinners—resulted in deeper economic hardships for families they left behind.

The workshops were also telling of varying degrees by which families left behind responded to EJK/ED or even arbitrary detention depending on their level of awareness and/or support to the advocacies the victims pursued.

▲ Group of families which supported and understood the previous work of the victim or causes that he advocated

Spouses or families in this group had relatively better ways of coping. The incidents of surveillances, harassments and threats that their spouses previously experienced before their loved ones were extra-judicially killed or abducted and subsequently disappeared, somehow prepared them psychologically. These experiences enabled them to recognize that the current state of human rights work and struggle for fundamental freedoms and decent life in the Philippines is always accompanied by dangers and can cost the lives of those who pursue them.

Compared with other groups, they are also emotionally stronger. For instance, while still grieving, they could quickly plan and look ahead of what they could possibly do to secure and keep themselves safe. Widows like Luz Fortuna and mothers like Virginia Roquing, have turned their grief and anger into their quest for justice and later became human rights defenders themselves. Fortuna not only led the campaign for justice for her husband, but also of other vic-

tims and emerged as one of the leaders of the striking Nestlé workers.

The same was the case for Federico Laza, who after his son was killed in Hacienda Luisita massacre, became more active in the pursuit of justice and claim for land ownership that his son Jesus Laza and others have sacrificed their lives for. It is unfortunate though, that he was not able to see his dreams fulfilled.

The support, and to a certain extent, the involvement of the families on the previous work of the victim however, also had some negative effects on families. The killing instilled deeper fear among the family members. The chance that the perpetrators would go after the family of the victim for various reasons was higher. Thus, prompted by this fear, some of the families were forced to transfer to another province or to voluntarily distance themselves from the victims' colleagues as a safety precaution. This reaction hindered the family to pursue cases against the perpetrators as they chose to remain silent. If pursuing or hounding families by alleged perpetrators were meant to force them to flee and keep quiet, this method proved to be effective.

Those families who were able to withstand the fear after some period and renew links with organizations become more interested to file cases and seek justice.

B Families with little knowledge and not supportive of the nature of work by the victim

Families especially the spouses who belong to this group receive the loss of their loved ones with more difficulties. The initial reaction was to blame the victims for their involvement or the organization they belonged to rather than the perpetrator/s. In some occasions, they also show anger, then indifference, to the advocacies that the victims previously pursued. Later, they are consumed with the mixed emotions and thus experience greater difficulties to move on. This reaction is deepened when the victims had some difficulties in

providing for their families during his trade union work and human rights work. At first, the families are not interested about filing cases.

During the counselling workshops, they were also the first ones to say that had they known that intervention of organizations or the movement were not limited to bringing them immediately to protest actions or in confrontations with alleged perpetrators, they would have become more open. Psychosocial workshops and activities that also look after their well-being were very much appreciated. Both the psychosocial and legal workshop enabled them to slowly see that the victims were not to be blamed, as the work they did was not against the law. The legal workshop which also discussed due process clarified that even if the victims were suspected to have committed an offense, extra-judicial killings, abductions, are not the proper way to making them responsible and that due process has to be followed.

c Families with lack of knowledge or detached from what the victims were doing, except for the latter's job as workers in the factory. They saw their loved ones as plain and sole breadwinners

For this group of families, the EJK/ED had deeper and greater impact and the families are consumed longer by depression. Accompanying the loss, was also the lost of their only provider, and thus the burden of responsibility of raising the family had shifted to the wives. In this case, the impact is immediate and results to the complete breakdown of families. For example, there were widows and partners who were forced to distribute the children to different relatives so they can eat. The situation become doubly difficult if the wives or partners did not experience working before the husband got killed.

Even if the spouses or parents were sympathetic to the advocacies of the victims, the burden of responsibility de-

prived them of time to grieve and to mourn. This was also apparent in one of 60 year-old parent from Hacienda Luisita, who despite her old age and lack of capacity, was obliged to shoulder the responsibility of looking after her son's children after he was killed in the massacre in 2004. This added to her misery and misgivings.

D Families of victims who were 'collateral damage' of the government's counter-insurgency operations or possibly anti-union tactics

Family responses to this nature of violations were emotional and wound that EJK had inflicted was far deeper. Their grief is overpowered by anger and hatred and the immediate response was to take revenge. In Negros for instance, a 19-year old son of a peasant who was killed by a military in their barangay was sharing that whenever he sees the military, the image of his father comes to his mind and he wants to take revenge. Upon counseling, he slowly realized that taking justice into his hands could bring more harm not only to him but to his already depressed mother and sister.

Other underlying impact

Whilst impact of the killings of human rights defenders or innocent people on families, organizations or communities is relatively direct and obvious, there is another underlying impact—though often belittled—that presents bigger concern for the government and society. This pertains to the people's attitude towards the state.

For example, by examining the reactions and responses of families on the sudden loss of their loved ones, it is apparent that everytime extra-judicial killings particularly those perpetrated allegedly by state forces or elements associated with the state, distrust on the state and its institutions is created or deepened thus pulling away the people, particularly the vulnerable and marginalized sectors that composed the majority of Filipino people from the Government. Even if the

alleged perpetrators are not clearly identified with the state, the fact that the government allows, condones, or is unable to stop the killings, not only strengthen impunity but further pushes the families of victims, or affected communities away from the Government.

In some cases, families who felt that they could not get justice for the murder of their fathers, sons or husbands from the existing mechanisms are contemplating of linking or joining the rebel groups or taking revenge in whatever way. What stopped them from doing so is their families especially the children or if they received an immediate support from what they call supportive organizations and sectors that help them process their experiences.

In the long run, this become a serious problem for the Government as the latter gets alienated from its people. This means, that it could not get recognition, respect and support from the people it is supposed to represent, protect and serve. The impunity compounded by the economic deprivation of the already poor families that EJKs and EDs create only fan frustrations, disappointments, and dissent. Harassments, intimidation, threats or even extra-judicial killings may only repress or suppress them temporarily, but they cannot end dissent and these people will always find ways to gather strength and strike a fatal blow. Thus, it becomes imperative, that the Government become more decisive in ending the EJKs, EDs and even arbitrary detentions and prosecute or bring to justice those behind these violations.

Vulnerabilities and coping means

Regardless of the nature and degree of impact, families of victims shared common vulnerabilities accompanying the loss. Participants of the workshop who were women and spouses of victims took the loss of their husbands as a loss of special someone that could give them care and affection. These also exposed them to high risks of being taken advantage of in terms of finding new relationships.

Seeking a new partner to fill-up the loss

As a way of filling in the loss, a wife of a slain labor leader sought and found a new partner shortly after her husband's death. She admitted in the workshop that she loved her first husband more than her current partner. In the course of the discussion, the wife explained that she also needed someone who would give her the affection or emotional needs she used to have when her husband was still alive. In addition to the emotional needs, her new partner also helps the family economically by setting-up a small food stall in the market.

At least a few of them had similar experience even if their children seems not to agree with the decision. One in fact, already had a child with his new partner and she noted that she needed someone to raise her children from the previous marriage because the responsibility was so great and that she cannot do it alone. Another widow also said that finding a new partner for her—she already had two since her husband was killed in 2005—was both for companionship and economic reason. Although she attempted twice, she decided to leave her new partners because they were far different from her slain husband.

Entertaining textmates

Textmating also addressed the emotional needs of the wife of some of the victims. In one of the sessions, a wife admitted to have mistaken her first 'textmate' for her husband because of the kindness and concern he expressed in his text messages. For her, this 'textmate' who used to remind her to take care of herself and her children helped her regain her self-direction. Although this has not caused any danger to the wives, entertaining complete strangers even through exchange of text messages might eventually lead to abuses or safety risks considering that there is a desire to have their emotional needs filled-up.

Setting-up income generating activities

Engaging in income generating activities served as an effective coping means for the families as such activities help them divert their sorrow and deal with their economic needs at the same time. It also provide them an avenue to regain their self-confidence, strength, and social relationships as they deal with their new responsibility as breadwinners of the family.

Strengthening relationships with the family

For other families of victims, instead of finding new partner/s in life, they focus their attention to their children. Many wives of victims became more caring for their children (commonly for the youngest child) after the death of their husbands. They became more concerned of the welfare of their children, their education, and health.

The painful experience also gave the wives the opportunity to strengthen their relationship with their parents (especially with their mothers, and siblings). For instance, a wife of a slain labor leader renewed her relationship and actually strengthened her ties with her mother because of the death of her husband. To hide the pain she's feeling from her children, she would leave their house and confide to her mother or sisters.

Moving out or disposing of materials related to the incident

Memories are also embedded on things or materials the departed possessed. Whenever these things are seen, the painful experience is remembered by the families. Because of this, some families opted to transfer to another place to avoid the places and things that might refresh in their minds the killing or abduction of their husbands.

Others chose to sell the things that are related to the experience. A wife of the slain labor leader sold the car where

his husband was shot to death. Another wife of an abducted leader also sold the motorcycle that his husband used a day before his abduction.

They also avoid things that remind them of the experience. One wife avoids buying and eating banana because this was the last fruit that her husband gave her one day before his death. Even favorite songs of their husbands are avoided.

Involving in the advocacies of the victims

A significant number of spouses or mothers chose to embrace their husbands' or sons' cause and became human rights activists themselves. They see more meaning in the sharing of their painful experiences in activities or occasions that inspire dedication and commitment to human rights or trade union work.

The role of organization's support in the coping process

If there is another important lesson that EJK/ED had taught to the families of victims, it is the value of an organization's support. When we say, support, it is holistic: emotional, psychological, physical, material, financial, legal, and political. Families depended on this support particularly in the early days, months or years of the loss of their loved ones. These provided them with guidance, strength, and warmth to regain control and emotional strength. For the partner of the disappeared labor leader, this support is what helped her to get day by day and maintain self-direction.

The organization also plays a key role for families to persevere in their quest for justice despite the odds. The organization provides them the backbone, the network and, to a certain extent, the resources to weather the demands of filing and following-up cases, and in bringing the issues to a wider audience at different levels.

Since 2001, more than a thousand victims of extra-judicial killings (EJKs), hundreds enforced disappearances (EDs) and thousands other human rights violations have been documented in the country. The change in presidency in 2010—despite Pres. Aquino’s promise of closure—did not improve the human rights situation much less served justice to the victims of human rights violations of the Arroyo administration. But apart from the obvious violence with the loss of lives and violated rights and freedoms, the current condition of continuing violations and deeply-entrenched impunity has immediate and long-term implications for the families of victims, survivors, and their communities. *From Despair to Defiance* explores and exposes this face of human rights violations in the Philippines. A compilation of personal stories, psychological and societal impacts, and lessons derived from psychosocial interventions provided to the families of victims and survivors of EJKs, EDs among other human rights violations, this book narrates the brazen violence that children, families, and communities experienced, their ways of coping with the sudden loss of loved ones, and the transformation of grief to their resolve to attain justice.



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