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Komisyon ng Karapatang Pantao
(Commission on Human Rights)

Strengthening the Capacities of the CHRP for the Promotion and Protection of Human Rights In Mindanao

Mission - Critical Systems Reengineering and Installation

HUMAN RIGHTS LEGAL SERVICES SYSTEM

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GENERAL INTRODUCTION

1 BACKGROUND

- 1.1.1 Over the past sixteen (16) years, the CHRP has organizationally evolved from a presidential committee tasked to investigate civil and political violations under the Marcos dictatorship to an independent constitutional office under the 1987 Philippine Constitution, with a broadened mission of protecting and promoting the rights of all Filipinos to include those residing abroad. With sustained disparities and inequities in the Philippine society, human rights concerns have multiplied in the midst of deteriorating human development conditions of the poor and marginalized, vulnerable and disadvantaged sectors of society. These developments in the 90s have influenced the operations of the CHRP to translate, within the purview of its constitutional mandate of monitoring government's compliance with international human rights treaty obligation, the human conditions of the poor and disadvantaged sectors in cognizance of the principles of the universality, indivisibility, interdependence and inter-relatedness of both civil and political rights and economic, social and cultural rights.
- 1.1.2 Following its recognition of the equal attention that should be given to the protection and promotion of both civil and political rights and economic, social and cultural rights, the Commission on Human Rights of the Philippines (CHRP) revised and adopted the third edition of its Operations Manual in July 1997. The operations manual was an updated consolidation of the CHRP organizational systems, programs, services and operating procedures and mechanisms both at the central and regional levels. Under the said manual, investigative monitoring of the conditions and violations related to economic, social and cultural rights was adopted by the Commission in consonance with its legal mandate to provide appropriate measures for the protection of the human rights of all persons and provide for preventive measures to the underprivileged whose human rights have been violated or need protection. This new thrust in CHRP operations was also in line with constitutional mandate to monitor government compliance with international human rights obligations. The manual defined more clearly the constitutional mandate of the CHRP in terms of providing recommendatory measures to the different branches of government for the protection and promotion of human rights.
- 1.1.3 However, on account of the Institutional Review on the CHRP that was conducted in the first semester of 2002, the Commission has found opportunity to introduce reforms in its organizational structure in order to equip it with all the necessary competence required of a national human rights institution, that is in keeping with the UN Paris Principles. One major reform area that was introduced into the CHRP structure involves the streamlining of the Commission's legal and investigation

services. Essentially, the reformed structure of the Commission considers among others, the enhancement of institutional support for human rights protection and promotion through a parallel track of widening and institutionalizing linkages development of the Commission with both government and civil society.

- 1.1.4 This shift led the CHRP to adopt substantial and operational revisions on its approach to legal and investigation operations. Further on the basis of the institutional review, which introduced the perspective of human development and its human rights implications, it became inevitable for the CHRP to look at the relationship of human rights and development in so far as investigating and inquiring on the root cause of human rights violations.
- 1.1.5 This brings to fore the need to examine various human development conditions that give rise to deprivation of the enjoyment of both civil and political rights and economic, social and cultural rights on account of the existence of violative and exploitative structures, policies and processes in development. Also, with the trend in the international community for the operationalisation of a Rights-Based approach (RBA) as spearheaded by the United Nations Development Programme, the Commission's commitment to human rights and development expanded to include that of being the Executing Agency of the Right to Development Program under the Country Cooperation Agreement of the Government of the Philippines and the United Nations Development Programme.
- 1.1.6 Furthermore, taking into account the economic-socio-political climate affecting human rights conditions, there is that urgency for the Commission to be both transactional and consequential in thrusts and approaches of its legal programme. Taking off from its tasks of investigative monitoring through a methodical process of situation tracking, determination of various investigative interventions and the like under the reformed investigation systems manual, the CHRP's legal intervention follows.
- 1.1.7 The tasks under the Legal Services of the CHRP are both oversight and direct for a national human rights institutions to effectively carry out its functions and mandates. Oversight tasks are performed in order for the institution to provide legal response, through established mechanisms, to various conditions and situations that give rise or contribute to incidents of human rights violations. This can best be achieved through documentation/compilation, research, inquiry and study of contemporary and historical records of human rights practices and issues in order to come up with measures on how to improve human condition/situation. Direct tasks are executed for the purpose of providing recommendations for immediate and long term judicial, meta-legal, administrative, legislative and other program measures for the advancement of human rights principles and standards, especially to benefit individual client and/or a specific community or sector.

2 DESCRIPTION OF THE SYSTEM

GENERAL FEATURES OF THE SYSTEM

- 2.1.1 The system as described in this report refers to the "Human Rights Legal Services System". The system provides the conceptual, policy, legal, organizational and operational framework for both CHRP's legal and investigation services. In addition to providing a framework for investigation, it establishes a reformed method of legal operation in the CHRP. The method enhances CHRP's roles as implementer of human rights mechanism for the observance of international human rights standards; as capacity builder for government to undertake state obligations through its various agencies and instrumentalities; and as partner advocate to civil society and its composite communities, sectors and groups as claimholders of human rights entitlements.

CLARIFIED FUNCTIONAL JURISDICTION OF THE CHRP UNDER THE SYSTEM

- 2.1.2 The CHRP, as an independent constitutional office, was created to act as the national human rights institution to promote and protect human rights, to monitor Philippine Government's compliance with international treaty obligations on human rights, to provide appropriate legal measures and services to the underprivileged whose human rights have been violated or need protection, to establish a continuing program of research, education and information to enhance primacy of human rights, to provide compensation to victims of human rights violations or their families, and to recommend to Congress effective measures to protect human rights, among others.
- 2.1.3 The CHRP is primarily concerned with undertaking investigation and providing remedies to violative situations and systemic human rights conditions wherein the state, as duty holder, has the obligation to respect, protect or fulfill. These conditions involve non-compliance with certain human rights criteria and standards. Should there be private parties or entities that are directly and apparently committing the violations or creating systemic human rights conditions, the same is considered within the jurisdiction of the CHRP, where there are indications of failure or omission on the part of the state through its government instrumentalities, to respect, protect or fulfill human rights involved.

APPLICATION OF THE RIGHTS-BASED APPROACH UNDER THE SYSTEM

- 2.1.4 It is within the afore-mentioned powers of the Commission on Human Rights of the Philippines operating under the Paris Principles to adopt a system with far-reaching effect utilizing the rights-based approach in governance. The approach is founded on sound principles and standards laid down in international and domestic norms, practices, conventions and policies, as the legal basis of the approach. The RBA will serve as the framework and tool in determining the violations, conditions, state obligations and entitlements involved in a human rights issue, as well as the application of the appropriate human rights criteria and standards in ruling or deciding the appropriate remedies or measures.

- 2.1.5 While the CHRP, since its inception, is dependent on applicable legal systems, it needs to define a comprehensive legal structure for it to cope with the ever changing socio-political, economic and cultural conditions affecting enjoyment of human rights. The same structure should speak of the holistic intervention of the CHRP so that it may influence the whole economic, administrative, political and legislative machineries and hierarchy of the government in so far as improving the various policies, structures and processes of development in the country that have wide implications in the level of enjoyment of human rights by the poor, marginalized, vulnerable and disadvantaged sectors of society is concerned.

3 RATIONALE

- 3.1.1 The CHRP must work, therefore, under a legal service system towards the establishment of the universal, indivisible, inter-related and inter-dependent character of human rights. The same premise applies to the CHRP's investigation service that should operate under the reformed Human Rights Legal Service System. This will strengthen the political will of the CHRP to explore the enabling environment and commitments of duty holders as basis for unimpaired administrative, judicial and legislative policies and measures conforming to international obligations.
- 3.1.2 The CHRP legal services system design should be able to assist victims together with the duty holders to identify State responsibility for good governance leading to human development on account of the Government's compliance with international human rights treaties obligations.
- 3.1.3 By identifying its role under the legal service design, the CHRP is bound to exploit possibilities of upholding the universality, inter-relatedness, inter-dependence and indivisibility of human rights vis-à-vis the support resulting from good governance under the rights-based approach. Applying the multi-disciplinary RBA in the legal services system design, the CHRP will realistically engage duty holders to adopt non-discriminatory policies, to explore the breadth of rights participation and to probe deeper into the potentials of the principles enshrined under the fair trial clause.

4 SCOPE AND COVERAGE

- 4.1.1 While it is expected that the adopted national and legal system should prevail upon the activities of an effectively working national human rights institutions, it cannot be denied that the CHRP, as a national human rights institution under the UN System, is tasked to maintain the balance needed to sustain the harmonization of domestic and international human rights standards and progressive realization of human rights in the spheres of governance and development. The scope of activities, therefore, cannot be limited to application of laws and their interpretation under a legal system, which can intentionally or unintentionally disregard human rights principles and standards.

- 4.1.2 The legal system of the CHRP based on RBA expands its intervention by way of propagating human rights advocacy as an ultimate tool in obtaining justice and proposing policies and measures. In short, the CHRP, under the expanded design bridges the gap for the full enjoyment of human rights and the dispensation of justice, together with administrative and legislative policies and measures, by consciously reminding the State of its responsibility to protect, promote and fulfill human rights without discrimination.
- 4.1.3 The scope of the legal system of the CHRP is to bring about a consequential step for the Government or its instrumentalities to face its inadequacies, which may be established through individual complaint handling, through research and studies or through investigation of human rights issue ridden situation, and make good the State responsibility having due regard to the human rights complaints / cases / incidents.

5 ORGANIZATION OF THE REPORT

- 5.1.1 This final report on the human rights legal services system also serves as a User's Guide. It is intended to provide an easy to use instrument in understanding and operating the CHRP's legal services system. It guides the CHRP staff through all aspects of the Commission's operations on the provision of legal services by indicating general information and documenting the core processes of the system.
- 5.1.2 The document is organized into the following sections:

- 1** GENERAL INTRODUCTION
- 2** DEFINITION OF TERMS
- 3** INSTITUTIONAL AND LEGAL FRAMEWORK
- 4** ORGANIZATIONAL ARRANGEMENTS
- 5** OPERATIONAL MECHANISMS
- 6** PRINCIPLES AND POLICY GUIDELINES
- 7** SYSTEM COMPONENTS
 - *Rights -Based Legislative and Special Studies*
 - *Rights Based Legal Aid and Counseling*
 - *Rights-Based Public Inquiry*
 - *Rights-Based Case Monitoring*
 - *Rights-Based Policy and Legislative Advocacy*

5.2.3 Each system component contained in the succeeding sections of the report/User's Guide has the following parts:

A SYSTEM DESCRIPTION

- *contains the objectives, components, uses and users of the system*

B OPERATING POLICIES

- *defines the key policies and guiding principles that will guide the users in the formulation, implementation and continuing updating of the detailed rules, standards and procedures that will implement the system*

C PROCESSES

- *Describes the inputs, procedures (steps that will process inputs into outputs) and outputs of the system*

2

DEFINITION OF TERMS

This User Guide provides policies and procedures on the basis of the following standard definition of human rights terms and concepts:

- a) **Human Rights** – the supreme, inherent and inalienable rights to life, to dignity and to self-development. It is the essence of these that makes man human.¹ The United Nations defines human rights as those rights, which are inherent in our nature and without which we cannot live as human beings. It is said, “human rights and fundamental freedoms allow individuals to develop and use human qualities, intelligence, talents and conscience to satisfy spiritual and other needs, and are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being receive respect and protection.” (CHRP 2001). All human rights derive from the dignity and worth inherent in the human person, and the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms (Vienna Declaration and Program of Action, 1993). Human rights are classified into: civil, economic, political, cultural and social rights.
- b) **Human Development** – the expanding choices for all people in the society, wherein men and women, particularly the poor and the vulnerable, are at the center of the development process. It also means the protection of the life opportunities for future generations... and ... the natural systems on which all life depends, thus creating an enabling environment in which all can enjoy long, healthy and creative lives.²
- c) **Development** – a comprehensive economic, social, cultural and political process aimed at the constant improvement of the self-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of the resulting benefits.³
- d) **Human Rights Principles** – essential conditions to facilitate the definite enjoyment of rights and these principles originated from human rights norms. These human rights principles are universality, non-discrimination and equality, attention to vulnerable groups, equity, indivisibility, interdependence and interrelatedness, accountability, people’s participation, empowerment, good governance, independence of the Judiciary, legislative capacity and transparency.⁴

¹ Human Development Report, UNDP, 1996

² UNDP, 2001

³ Art. 1, Declaration on the Right to Development

⁴ A Training Manual on Rights-Based Approach: Module II, Section 1, 2002

- e) **National and International Framework** – Human rights are standards of human dignity rooted in every culture, religion and tradition throughout the world. Their inclusion in the UN Charter means human rights are no longer exclusively within the domestic jurisdiction of states but they are legitimate concerns of the international community.⁵
- f) **Human Rights Instruments** – refer to two types: Human Rights Treaties also known as conventions or covenants; and UN Standards also known as UN Principles, Rules and Declarations.⁶
- g) **Human Rights Treaties** - also known as conventions or covenant are formal legal texts to which states become parties and which create binding legal obligations. The following are seven fundamental human rights treaties ratified by the Philippines: International Convention on the Elimination of All Forms of Racial Discrimination (CERD); International Covenant on Civil, Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Rights of the Child; and Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.⁷
- h) **UN Standards** – also known as UN Principles, Rules or Declarations that are passed by resolutions of a UN body, which is usually the General Assembly. Examples of UN Standards are the Universal Declaration on Human Rights and UN Declaration on the Right to Development.⁸
- i) **Normative Content of Human Rights** – the specific standards protected by such right or its actual meaning that can be used as objective standards of human dignity in the development process. These standards become important guides to be used in the dynamic process such as development because the normative content of human rights includes guidance for immediate and progressive realization. These human rights and their normative bases are also presented in this design report.⁹
- j) **State Obligations** – originated from the national and international human rights framework that requires a particular conduct now (immediately and also the attainment of certain results over time (progressively). Emphasis is given to the fact that human rights always imply human duties and responsibilities and most of these duties or obligations lay on the state because the State's political, economic and military power over its citizen is both the major threat to human rights and also its major guarantee and protection. State obligations are classified into two: Obligations of conduct and result and obligation to respect protect and fulfill.¹⁰

⁵ Ibid⁶ Ibid⁷ Ibid⁸ Ibid⁹ Ibid¹⁰ Ibid

¹⁰ A Training Manual on Rights-Based Approach, National Human Rights Institution at Work, Manual of Readings, Working with the Concept of State Obligations in Relation to ESCR, Regional Workshop on Economic, Social and Cultural Rights, Manila, Philippines, November 5-10, 2000

- k) **Rights-Based Approach** – a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protection human rights applying the integration of the norms, standards and principles of the international human rights system into the plans, policies and processes of development.¹¹
- l) **Right to Development** – an alienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.¹²
- m) **RBA Framework and Tools** – refers to the capacity building instruments in the application of human rights principles, concepts, criteria and standards in the system's legal aid and counseling services, legislative and special studies, case monitoring, public inquiry and policy and legislative advocacy particularly in the conduct of human rights situation mapping, stakeholders' mapping covering duty holders and claimholders, observance of international human rights criteria and standards in the investigation, resolution and disposition of human rights complaints and cases.
- n) **Public Inquiry Call** - refers to the directive of the CHRP signaling the commencement of the public inquiry system upon cognizance of the existence of systemic violations or conditions in a particular area, sector or groups with wider or tremendous national implications.
- o) **Case Briefs** - refers to a documentation of the complaint, request for assistance, and situation report on particular conditions or concerns reported to or taken cognizance by the CHRP.
- p) **Charge Order** - an issuance given upon determination of probable human rights violations or omission or failure on the part of the duty holder.
- q) **Referral Order** - a communication issued indicating the assistance required from concerned duty holders invoking certain applications of the claimholder's entitlements under the applicable international human rights instruments.
- r) **Advisories** - a call for compliance or cooperation for a particular complaint, situation or systemic violation of human rights to be addressed by concerned government authorities, agencies and instrumentalities, with proper application of the relevant criteria and standards stipulated in international human rights instruments.
- s) **Investigation per se.** This refers to the determination of facts and circumstances surrounding the commission of a crime/offense and the identification of the perpetrators thereof.
- t) **Regular CHR Investigation.** As provided in the constitution, the purpose of the regular CHR investigation is to determine the facts and circumstances surrounding all forms of human rights violation of civil and political rights defined under Resolution CHR No. A96-005 and the identification of the perpetrators.

¹¹ Human Rights in Development¹² Declaration on the Right to Development, UN

- u) **Investigative monitoring.** The process of probing into incidents and/or conditions obtaining in the country which are violative of concerns in both areas of civil and political rights and economic, social and cultural rights. This will involve the processes of:
- v) **Situation tracking** of the human rights condition in a certain community by reason of incidents of violations of human rights, where the facts, evidence and documents to be obtained should show the inadequacy in the application of human rights standards.
- w) **Situation assessment** is an important aspect in investigative monitoring and situation tracking as this is the basis for establishing findings of violations of human rights. To undertake this assessment, public inquiry is a crucial intervention. It involves data gathering under an established procedure to ascertain the truth about an incident and condition leading to the identification of recommendations and measures.
- x) **Consolidation of findings and recommendations** may be pursued depending on whether it is issue based, sector based, standards breached, and/or commonality of acts constituting the violation.
- y) **Referral to relevant authorities** is either the initial or terminal process to find viable process, ultimately to make violations justiciable.
- z) **Oversight Monitoring of Investigation of Government Agents.** This involves strengthening the power of the CHRP to investigate by way of safeguarding the investigation process of other government agents and in order to enhance this authority to conform to international standards and norms but giving due regard to human rights principles.
- aa) **Collateral Investigation.** This is undertaken, upon request of the NGO's and/or other government agencies, to validate that certain acts/processes/ measures are infringement of international standards for the full enjoyment of human rights.
- bb) **Alternative Dispute Resolution.** The CHRP will take into consideration the principles of equitable, justiciable and progressive steps to alternative dispute resolution in engaging the parties, especially the government as duty holders to include non-state actors within its power to control and regulate and those belonging to the disadvantaged, poor, marginal and vulnerable groups, in order to abbreviate human rights violations and to create an environment and culture of respect, duties and responsibilities towards the enhancement of human rights.
- cc) **Quick Reaction Team.** The CHRP will assess situations/conditions requiring quick reaction assistance and investigative intervention to victims of human rights violations that pose threats to life, liberty or security and/or to avert probable incidents or further violations of human rights.

3

INSTITUTIONAL AND LEGAL FRAMEWORK¹³

1 INTRODUCTION

- 1.1.1 The functions for the Commission on Human Rights (CHRP) as stipulated in the Constitution and reiterated in EO 163 are the following:
 - Investigate human rights violations involving civil and political rights; and
 - Adopt its guidelines and rules of procedure and cite for contempt for violations thereof in accordance with the Rules of Court
- 1.1.2 On the basis of these functions and Constitutional mandates as a national human rights institution the CHRP considers any question falling within its competence; hears any person and obtain any information and document for assessing situations within its competence; and directly addresses public opinion and publicize its opinions and recommendations.
- 1.1.3 The CHRP meets on a regular basis and whenever necessary, establishes working groups from among its members as necessary and sets up local or regional mechanisms to assist in discharging its duties; maintains consultation with other bodies, responsible for promoting and protecting human rights; and develops relations with NGOs devoted to promoting and protecting human rights.

2 HUMAN RIGHTS STANDARDS

- 2.1.1 Human rights standards are proclaimed in the Universal Declaration of Human Rights, a document adopted on 10 December 1948. These international human rights standards are based on the premise that “all human beings are born free and equal in dignity and rights” (Article 1), and are to be adopted by all member-states and everyone shall be entitled to all the rights stipulated under the Declaration “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Article 2).
- 2.1.2 Article 29 of the Declaration provides the limitations in the exercise of the above-stated rights by stating that in the exercise of one’s freedoms and rights, one is subject only to the limitations provided by law enacted for the purpose of securing due recognition of the corresponding rights and freedoms of others and of meeting

¹³ CHRP Institutional Review, 2002

the “just requirements of morality, public order and the general welfare of a democratic society”

- 2.1.3 It is the responsibility of the states to develop and encourage respect for human rights and fundamental freedoms for all, without distinction to race, sex, language or religion. The states shall be responsible for establishing the conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom. (Vienna Declaration and Program of Action, 1993).

3 INTERNATIONAL HUMAN RIGHTS SYSTEM

- 3.1.1 The core of the international human rights system is the United Nations and its charter, which was signed on 26 June 1945. The charter provides provisions that set the foundation for the international human rights system. In particular, under Article 55 of the charter member-nations commit to promote “universal respect for and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.” Article 56 of the charter provides that all members commit to take joint and separate actions in cooperation with the UN to ensure the achievement of the provisions of Article 55.
- 3.1.2 The Philippines is signatory to twenty-three (23) human rights treaties and protocols. Thus, the government is bound to comply with and ensure the implementation or observance of the provisions of these treaties and protocols.

4 PHILIPPINE HUMAN RIGHTS SYSTEM

- 4.1.1 The Philippines Human Rights System is founded on international standards and principles of human rights as provided for in the UN Chapter, the Universal Declaration of Human Rights, the Paris Principles and the various international treaties and instruments to which the Philippines is signatory, as ratified by Congress or acceded to by the government.
- 4.1.2 The national system has for its legal basis the Philippine Constitution of 1987 which contains several human rights provisions, in jurisprudence, in laws creating institutions with specific human rights related mandates and functions, in executive orders, and in rules and regulations governing the protection and promotion of human rights.

5 INDEPENDENCE AND AUTONOMY

- 5.1.1 For purposes of this study, independence means freedom from pressure and inappropriate influence in the decision making of the Commission and its personnel. Following the conditions set forth under the Paris Principles, to achieve such independence, the Commission must be autonomous of the government. Independence is considered in this study to be at individual and institutional levels.

Individual independence means that CHRP commissioners and human rights officers are not influenced, because of threat, harassment, political pressure, blackmail or bribery, in taking actions that promote and protect human rights where such actions will jeopardize the interest of the victims.

5.1.2 The capacity of CHRP Commissioners and human rights officers to be effectively independent in their decisions and actions is a result of convergence of several factors. These factors include the following:

- Lack of bias or prejudice and a personal sense of and commitment to independence.
- Level of competence. A competent officer is more likely to be intellectually independent than one who does not possess the base knowledge and the required tools to make correct judgment/appropriate decision.
- Personal security and security of family and loved ones. A person who feels secure would be likely less afraid to make bold decisions than one who is not.
- Personal values. In the end, the ultimate determinant of action or non-action by an officer, or of ethical behavior will be his personal values of right and wrong.

5.1.3 Institutional independence, on the other hand, means the ability of the commission to freely make collective decisions and positions on human rights cases and issues without fear of backlash from the perpetrators, and to decide on financial and administrative matters without requiring approval, or without being subject to veto, by a higher authority.

6 PLURALISM

6.1.1 Pluralism, as defined under the Paris Principles, means the representation in the Commission of the social forces that are involved in the promotion and protection of human rights. The Principles provides further that where government is involved it will be in an advisory capacity.

7 BROADNESS OF MANDATE AND ADEQUACY OF POWERS OF INVESTIGATION

7.1.1 The 1987 Constitution provides for a broad mandate for the CHRP consistent with the requirements of the Paris Principles. In particular, the CHRP's mandates cover the following areas:

- Investigation of human rights cases and provision of legal services, information and referrals
- Functions to recommend legislation or modifications thereof and to provide preventive measures for human rights protection
- Functions for continuing program of research, education and information

- Monitoring of Philippine Government's compliance with international treaty obligations on human rights
- 7.1.2 The CHRP is accorded by the Constitution investigative powers on human rights violations involving civil and political rights. It is also empowered to grant immunity from prosecution to persons whose testimony or whose possession of evidence is necessary in determining the truth in investigations conducted under its authority.
- 7.1.3 Its general concerns on human rights are founded in other constitutional mandates such providing appropriate remedies for the protection and promotion of human rights and monitoring compliance of government with international treaty obligations on human rights which cover both sets of rights: civil and political rights and economic, social and cultural rights.
- 7.1.4 The Constitution specifically provides that the investigative powers of the CHRP are limited to cases involving civil and political rights. It speaks on human rights in general with respect to its other functions of protection and promotion. This therefore allows the Commission to be pro-active with respect to public information, training and advocacy, investigative monitoring and other forms of interventions in the areas of economic, social and cultural rights.

4

ORGANIZATIONAL ARRANGEMENTS

1 INTRODUCTION

- 1.1.1 The function of the CHRP on the provision of legal service is specifically assigned to the Legal and Investigation Office (LIO). The LIO is responsible for setting up and overseeing the implementation of a credible and rights based investigatory mechanism characterized by adequate capacities for gathering, verification, preservation and use of facts and evidence, forensic services, legal and alternative dispute resolution, acting on and resolving complaints received from individuals and groups relating to both civil and political rights and economic, social and cultural rights. The LIO directly processes cases with national or international implications.
- 1.1.2 The LIO develops, monitors as well as evaluates the implementation of legal assistance policies, programs and services, and their operating systems and procedures; encourages the mobilization and institutionalization of a network of legal service providers; and, directly provides legal assistance services or alternative dispute management services on cases delegated to it by the Commission En Banc by virtue of their national and international significance and impact;

2 ORGANIZATIONAL SET-UP OF THE LIO

- 2.1.1 The LIO is divided into the Office of the Director, Legal Division and Investigation Division. The functions of these divisions and units are:
 - a) **Office of the Director (OED – LIO)**
 - ❑ Advise and assist the Commission En Banc, the Chairperson and the CIC on matters pertaining to the Office's assigned functions
 - ❑ Exercise technical and administrative supervision and control of and provide direction to the conduct of functions, programs, projects and activities of the Office
 - ❑ Be responsible for the management of the implementation of policies, orders, rules and regulations promulgated and adopted by the Commission En Banc, as well as the instructions and decisions of the Chairperson or the Commissioner-in-Charge (CIC)
 - ❑ Provide consultative and advisory services to the Regional Offices on matters pertaining to the functions of the Office

- Prepare and submit to the Chairperson, through the CIC and the Executive Director, periodic reports on the operations of the Office

b) Investigation Division (ID)

Under the direction and supervision of the Director:

- Conduct studies and design policies and procedures on the determination of the appropriate intervention of the CHRP in human rights violation cases and human rights conditions at community, local, national and international levels
- Develop rights based standards, guidelines and procedures for the a) conduct of independent or collaborative fact-finding and investigation, or review of the conduct of fact- finding missions and investigation of cases involving violations of civil and political rights both by CHRP, law enforcement agencies and specialized agents; b) conduct of fact-finding missions, investigative monitoring, review of investigation/investigative monitoring by government agencies and specialized entities, and CHRP investigation of economic, social and cultural rights violations, incidents, and situations; and c) tracking of human rights conditions of specific geographical areas and population groups
- Conduct independent or collaborative investigation, or review of the investigation by law enforcement agencies or specialized agents of cases of human rights violations which have national or international significance and implications, as may be determined by the Commission En Banc
- Develop procedures and implement capacity building assistance to the CHRP Regional Offices, law enforcement agencies and specialized agents, government entities and other duty holders on rights based fact-finding, investigative monitoring, situation tracking and investigation of human rights violations
- Monitor, assess and prepare monthly, annual or multi-year reports on the implementation by the government, specialized agents, non-government organizations and CHRP Regional Offices of rights based standards, guidelines and procedures prescribed by the Commission En Banc

c) Legal Division (LD)

Under the direction and supervision of the Director:

- Conduct studies and design policies, standards, guidelines and procedures on the selection and application of the appropriate mode of resolution for human rights violation cases filed with the CHRP, including but not limited to the conduct of investigation, provision of legal assistance and counseling, and application of alternative dispute resolution management
- Develop policies and procedures for the conduct of public inquiries involving cases filed with the CHRP, grant of immunity and provision of

witness protection assistance, and design as well as implement partnerships and other collaborative mechanisms for the support of other agents of government and specialized agencies in the provision of witness protection services to human rights victims and/or their families

- Undertake studies and formulate mechanisms for collaboration with government and non-government organizations and private organizations of lawyers for the provision of legal services to the underprivileged victims of human rights violations
- Develop, implement, monitor and evaluate capacity building programs for the application of the Rights-Based Approach (RBA) in mobilization of external resources for legal services, witness protection and other assistance, and in the provision of these services by government and non-government institutions as well as by CHRP
- Develop and implement rights-based programs to enhance the legal and para-legal capacity of the CHRP and participating government and non-government institutions in alternative dispute resolution management of human rights issues and concerns particularly of the vulnerable, disadvantaged and marginalized sectors
- Provide direct legal assistance to victims of human rights violations which have national or international significance and implications as maybe determined by the Commission En Banc, to include those cases where the CHRP is a party
- Coordinate, monitor and evaluate as well as regularly report on the performance of the regional offices in particular and the CHRP in general in the area of providing legal services

3 COMPARTMENTALIZATION OF LEGAL SERVICES FUNCTIONS

- 3.1.1 The Commission, through the CIC system performs an oversight role in so far as providing policy direction for the CHRP's protection services to include both the legal and investigation services, with the former serving as the overarching framework to the latter.
- 3.1.2 Such oversight functions of the CIC are both substantive and administrative. Substantive oversight role focuses on the appropriate and adequate application of human rights criteria and standards as enunciated in international instruments in the handling and management of complaints, cases and systemic human rights conditions. Administrative oversight role on the other hand centers on management of constraints and limitations in resources to include possible sourcing and generation of resources through ministerial level of cooperation among government organizations and CSOs.

- 3.1.3 The Central Office, through the LIO, ensures the uniform application of human rights criteria and standards in the various aspects of the work of the Commission through establishment of national policy and legal framework on human rights, rendering of legal opinion, conducting legal and special studies, oversight monitoring of cases filed in the courts and continuing legal education of both the investigation and legal force of the Commission and para-legal partners, both government and civil society.
- 3.1.4 Similarly, the LIO exercises standards setting, technical support and operations control of the Regional Offices' legal and investigation services. Important aspect of LIO's oversight function concerns be the review of the application of human rights concepts, principles and standards in the region's handling of complaints, cases and systemic violations and conditions related to deprivation of both civil and political rights and economic, social and cultural rights. The LIO undertakes general management functions of planning, standards setting, monitoring and evaluation of legal services and its overarching concerns over investigation services.
- 3.1.5 The Regional Offices perform direct legal services to include: the operationalization of the Human Rights Legal Service System Framework over investigation and such other direct functions relating to legal aid and counseling services to indigents; referral assistance and management, field-based aspects of the public inquiry on systemic human rights conditions or violations; providing inputs for legislative agenda formulation using human rights standards and providing direct assistance to local legislative bodies; field-based production and dissemination of information materials for policy advocacy with the LGUs; and monitoring of human rights cases filed in courts and quasi-judicial bodies.

5

OPERATIONAL MECHANISMS

1 INTRODUCTION

- 1.1.1 The CHRP's operations on both legal and investigation converge as an implementing mechanism for the protection of human rights. It has jurisdiction on both civil and political rights and economic, social and cultural rights. This is consistent with its monitoring function relative to government compliance with international human rights obligations.
- 1.1.2 The legal and investigation functions of the CHRP are implementing mechanisms for the observance of international human rights standards in the country to cover its oversight assistance and advice to government for its compliance with the same standards.

2 MATRIX OF IMPLEMENTING MECHANISMS

- 2.1.1 The CHRP adopts a rights-based legal policy framework on development of all possible remedies for human rights abuses to complement the Commission's complaints processing mechanisms at the national and local level. It adopts a rights-based multi-disciplinary approach to include legal and psycho-social, in the provision of remedies for human rights abuses.
- 2.1.2 As an implementing mechanism for international treaty obligations, the CHRP ensures application of human rights norms and criteria in defining its legal position on human development issues and conditions that have human rights implications in offering general policy advice to government on national issues and concerns. As the monitor of government's compliance with international treaty obligations, it cooperates relevant government and civil society groups and seeks harmonization of domestic laws with international standards on human rights through legal and special studies and legislative advocacies
- 2.1.3 The CHRP pursues partnership with relevant government and private institutions in areas such as intervening in legal proceedings involving questions of human rights, legal aid and counseling and para-legal intervention. It undertakes a rights-based system on continuing legal education for the sustained upgrading of the human rights legal competencies and transformation of the values and attitudes of its investigation and legal force in the shaping of a culture of respect for human rights.
- 2.1.4 The design of the legal services system is summarized in the matrix.

IMPLEMENTING MECHANISM MATRIX

FUNCTIONAL JURISDICTION	APPLICABLE SYSTEM COMPONENTS	CHRP OFFICES/DIVISIONS CONCERNED
1. Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights 2. Adopt its operational guidelines and rules of procedure and cite for contempt for violation thereof in accordance with the Rules of Court 3. Request the assistance of any department, bureau, office or agency in the performance of its functions	- Systems for Determining Appropriate Human Rights investigative Interventions - System for Rights-Based Forensic and Medico Legal Services - System for Rights-Based Alternative Dispute Resolution Management - System for Rights-Based QRT - System for Rights-Based Independent Fact Finding Mission - System for Rights-Based Situation Tracking - System for Rights-Based Legal Aid and Counseling	- Regional Offices for transactional services - Investigation Division for oversight measures - Forensic and Medico Legal Division, AVO - Regional Office for transactional service - Investigation Division, LIO for oversight measures - Regional Office for transactional Service - Legal Division, LIO
4. Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection. 5. Establish a continuing program of research, to enhance respect for the primacy of human rights 6. Request the assistance of any department, bureau, office or agency in the performance of its functions	- System for Alternative Dispute Resolution Management - System for Rights-Based Public Inquiry - System for Rights-Based Case Monitoring - All systems on legal for the protection and promotion of human rights	- Regional Office for transactional Service - Investigation Division for Oversight measures - Legal Division, LIO for oversight measures - Regional Office for transactional service - Legal Division for oversight measures
7. Recommend to the Congress effective measures to promote human rights	- System for Legislative and Special Studies - System for Rights-Based Case Monitoring - System for Policy and Legislative Advocacy - System for Rights-Based Public Inquiry	- Legal Division, LIO for oversight measures - Regional Office for transactional service - Legal Division, LIO for oversight measures - Regional Office for transactional activities at local level - Legal Division, LIO for oversight measures
8. Monitor the Philippine Government's Compliance with International Treaty Obligations on Human Rights	- All investigation and legal systems for the application of human rights normative content, norms and standards in violation (or omission) of both civil and political rights and economic, social and cultural rights	- Regional office for transactional application of standards in investigation and legal operations - LIO for oversight measures

6

PRINCIPLES AND POLICY GUIDELINES

1 INTRODUCTION

- 1.1.1 The CHRP is entrenched in the Philippine legal system. Within the framework of the adopted State policies under the Constitution, the CHRP delivers the necessary programs and services consistent with its constitutionally mandated powers and Executive Order No. 163, but giving due consideration to international treaty obligations on human rights.
- 1.1.2 In so doing, it is CHRP's duty and responsibility to make findings of human rights violations from complaints/cases/incidents, while at the same time establishing, because of the violations, the elements of the crime(s) and/or causes of action based on the Rules of Court, the Revised Penal Code and other Philippine special laws and statutes.
- 1.1.3 On account of its independence and pursuant to its mandate, the primary aspect of CHRP delivering legal services is the definition in its legal system of its jurisdiction and quantum of evidence to establish findings of human rights violation.
- 1.1.4 Taking off from the abovementioned considerations and based on certain key principles as indicated in succeeding discussions, the CHRP activities will be geared towards making (a) findings of human rights violations and (2) making sure that evidence gathered must lead to establishing probable cause or cause of action for the prosecution before the court or body of competent jurisdiction.

2 KEY PRINCIPLES

- 2.1.1 The Paris Principles and the international human rights principles and standards to cases and instances provide the bases in the design of processes for the legal services system of the CHRP, to wit:

Independence and autonomy. The independence and autonomy of the CHRP are indicated in its powers to (1) adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the Rules of Court; (2) recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families; (3) grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority; and (4) request

the assistance of any department, bureau, office or agency in the performance of its functions.

Sound legal policies. CHRP's defined jurisdiction and adequate powers through legal services are best exercised by way of developing the issues/concerns being investigated within CHRP competence through sound legal policies.

Accessibility. CHRP legal services are made accessible through awareness of issues/problems that will pave the way for CHRP to, *motu proprio*, extend programs and projects to remote areas.

Cooperation. Cooperation by way of legal services is achieved through the setting up of a network with NGOs involved in extending legal services for practical and technical support in the drafting of legislation, the conduct of public inquiry, and the propagation of CHRP advocacy.

Accountability. CHRP maintains updated reports on legal services by among others being in touch with its network to keep abreast with developments in the protection and promotion of human rights.

3 POLICY GUIDELINES

HANDLING/MANAGING COMPLAINTS/CASES

- 3.1.1 It will be the policy of the CHRP to determine the most appropriate form of investigative or legal interventions, which will start with the determination of probable human rights violations.
- 3.1.2 All forms of investigative interventions such as Quick Reaction, Alternative Dispute Resolution, Regular Investigation, Forensic and Medico Legal and Referral shall work within the framework of the Human Rights Legal Service System. Upon application of these interventions, the evaluation to be conducted will apply human rights concepts, principles, and the concepts of state obligations and rights entitlements using the human rights normative content under the international instruments as bases. The same will be done when resolution/agreements (in case of Alternative Dispute Resolution (ADR) /proceedings) is done under any of the interventions applied.
- 3.1.3 Monitoring of the application of human rights standards in the prosecution of cases filed in courts or quasi-judicial bodies shall equally be given importance. Agreements reached by parties in ADR proceedings must observe basic concepts, principles, state obligations, claimholders' entitlements and normative content of human rights.
- 3.1.4 The Commission en Banc shall be fully accountable for the resolution of human rights complaints, cases, systemic human rights conditions or violations. It sets policy guidelines for the application of human rights standards in the formulation of complaints/case evaluation and resolution, involving interpretation of national and

international human rights standards. The Commission en Banc as in the appealed cases takes up further questions raised on interpretation of these standards

- 3.1.5 The Regional Offices shall be responsible for the disposition of complaints/cases on the basis of policies and standards set by the Commission en Banc. The LIO shall directly handle cases that are considered to be of national significance or international in nature.

RENDERING OF LEGAL OPINIONS/ADVISORIES

- 3.1.6 The CHRP is always called upon to submit its position on legal issues that have direct bearing on the State policy ensuring guarantee and protection of human rights. It extends from legislative policies to administrative issuances. By direct act of the legislature or in aid of legislation, the Congress proposes bills and resolutions in an attempt to enact laws relevant to peace and development, adopts measures violative of human rights standards. This may also be true in local ordinances. Such a situation exists also in acts of the executive bodies, national and local.
- 3.1.7 The process of rendering legal opinion is not limited to coming out with a CHRP official stand, but must be in keeping with the human rights situation/condition, standards at the forefront of the process in order to deliver the ideal of and balance view to issues/concerns as applied to proposed measures. This, in effect, provides a clear picture of human rights issues/ concerns embedded in every legal opinion so that measures to be adopted will be applicable to future situations. At the very least, the opinion may be easily adaptable to changing conditions, if the human rights issues/concerns are well-discussed and clearly delineated following the system defined under the legal system of the CHRP.

EVALUATION OF CASES

- 3.1.8 Evaluation of human rights cases needs a deeper appreciation of the facts, evidence and issues, so that this may not only lead to a successful prosecution of a violation of human rights *per se*, but may be the basis of an assessment of human rights situation/condition.
- 3.1.9 The process of evaluation must be clear enough to connect relevant testimonies and evidence to elicit the truth to facts or to resolve a situation/condition that is long embedded in a systemic violation or curtailment of the enjoyment of human rights. It should show to a large extent or the entire picture the failure of government to implement programs and services for the full enjoyment of human rights under international standards.
- 3.1.10 The process of evaluation must reflect the relevance of the evidence not only to a particular case but should show its usefulness to other human rights issues and concerns. A well-rounded appreciation of evidence, therefore, is a must in the process of evaluation.

- 3.1.11 The process of evaluation always presents priorities in determining causes of action and jurisdiction. This process when properly applied must result in several alternatives and/or simultaneous remedies. This, likewise, identifies the proper steps to take in proceeding with a particular case taking into consideration substantive and procedural requirements laid down under the Rules of Court and administrative proceedings.
- 3.1.12 Moreover, the evaluation process must cut across certain boundaries or should not be limited to what is written as issue or concern in order to emphasize norms and standards expected of a national institution. Considering that human rights is interdependent and interrelated, evidence pointing to or establishing a violation should not be seen a subset of a violation of a particular statute but a material fact relating to an affront to society.

PUBLIC INQUIRY

- 3.1.13 Public inquiry presupposes commonality in issue or concern affecting a community or sector of society. The subject matter is either the underprivileged or the disadvantaged. A public inquiry calls for reforms to be initiated by the government and its instrumentalities because of its inaction, neglect or abuse.
- 3.1.14 Correlating the activities identified under CHRP's process of rendering legal opinion and evaluation of cases, it may find issues and concerns fit for of a public inquiry. It may also come from other sources like a public forum or a public hearing.
- 3.1.15 Public inquiry proceeds to engaging the government to look into possible measures, but first with the inputs gathered in the process. This procedure of public inquiry either validates CHRP's findings or makes known, with the cooperation of government/civil society/non-government organization, certain problems and/or human rights situation/condition calling for reforms.
- 3.1.16 Since this process has not been fully availed of by the CHRP , it is necessary to adopt the mechanism and provide the tool, as public inquiry is an unexplored field. The CHRP needs to adopt a system on the process of public inquiry. It can do so starting with the use of the facts gathered from complaints to identify subject matters of the inquiry. The succeeding steps of obtaining relevant testimonies and evidence, whether from expert witnesses and/or the victims, to the drawing up of conclusions and recommendations are just broad strokes of the system to be designed and implemented.

LEGISLATIVE STUDIES/ADVOCACIES

- 3.1.17 Legislative studies/advocacies is still another process wherein it needs to set-up a network of advocates supportive of the move to enact laws/ordinances for the protection and promotion of human rights. The CHRP must maintain a process of keeping abreast with human rights issues/concerns and the ever-changing situation/condition that should be the primary consideration in the process of legislative studies and advocacy. It must also consider that in writing up legislation, the CHRP is not the sole actor, on the basis of the premise that the supporting facts/evidence from cases and deriving the measures of which other sectors are also

contributors. The preparatory inter-agency activities are the assumed core role of the CHPR, the government and its instrumentalities, and the civil society/non-government organization. Leading to the crafting of the provisions, the CHRP needs to provide the forum for these stakeholders.

- 3.1.18 The network established must be strengthened, because this will be the same support group or advocates to assist the CHRP in having laws/ordinances passed. Representation before the proper legislative body, national or local, needs planning out and setting up in all fronts with the support group or legislative allies. In proceeding with legislative studies/advocacies, the CHRP, for every piece of legislation, must act under a simplified action plan.

LEGAL AID AND COUNSELING

- 3.1.19 Legal aid and counseling will be adopted in the CHRP as a one-stop shop, but well documented. The steps to be identified in the system must be akin to the documentation process of cases or complaints, so that the CHRP client may have something to return to when so needed in his undertaking before other agencies of government.
- 3.1.20 Legal aid and counseling is an official act of the CHRP and the documentation it may produce could have official bearing before other agencies of the government. It is, thus, imperative that the system could convince the said agencies of the legal aid and counseling provided by the CHRP.

OVERSIGHT STANDARDS SETTING AND MONITORING

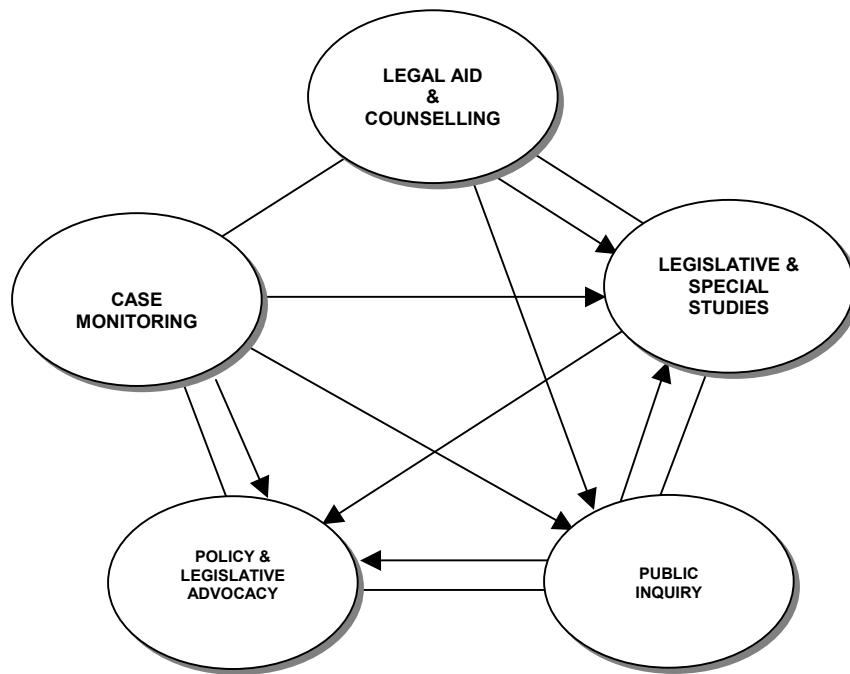
- 3.1.21 Oversight standards setting and monitoring is indispensable in the legal function of the CHRP. This involves CHRP intervention in improving legal services and in extending its reach through other possible services. The systemization of oversight standards setting and monitoring is timely on account of the reorganization. The activities identified under this system must strengthen the direct legal function of the CHRP.

7

SYSTEM COMPONENTS

1 INTRODUCTION

- 1.1.1 The Human Rights Legal Services System provides the conceptual, policy, legal, organizational and operational framework for both CHRP's legal and investigation services.
- 1.1.2 In addition, it establishes a reformed method of legal operation in the CHRP. The method enhances CHRP's roles as implementer of human rights mechanism for the observance of international human rights standards; as capacity builder for government to undertake state obligations through its various agencies and instrumentalities; and as partner advocate to civil society and its composite communities, sectors and groups as claimholders of human rights entitlements.
- 1.1.3 The Legal Services System of the CHRP comprises of five components are indicated in the figure below.



2 LEGISLATIVE AND SPECIAL STUDIES

SYSTEM DESCRIPTION

- 2.1.1 This component of the legal services system consists of the methodical processes of identification and assessment of human rights issues and concerns with legislative implications, a rights-based documentation and analysis, preparation of a study proposal, actual conduct of the study by the CHRP or by other competent research organizations, establishment of consultative mechanism with relevant sectors and organizations, and final study and deliberation of output recommendations for legislative proposals.
- 2.1.2 It to integrate the observance and application of human rights criteria and standards in exploring, examining and responding to various conditions and circumstances of the poor, marginalized and disadvantaged and establish stronger network with relevant government institutions and civil society organizations that could provide assistance in responding or solving violative conditions and deprivations that affect individuals, communities and groups.
- 2.1.3 Through this component system, the CHRP will be able to conduct a pro-active response mechanism to existing and potential human rights problems, issues or concerns. Also, the CHRP will be able to undertake a human rights sensitive scanning of the economic, social and political conditions that give rise to incidents of human rights violations, as well as, build the organizational competence of the CHRP in examining and analyzing diverse human rights issues and concerns that have wider and deeper implications on the human development conditions particularly of the poor, marginalized and disadvantaged groups.
- 2.1.4 The system component complements all other existing mechanisms of the CHRP in increasing the level of access to justice by the poor specifically in the aspects of effecting changes in policies, structures, systems and processes in governance and development that inhibit or impede enjoyment of human rights and basic freedoms.

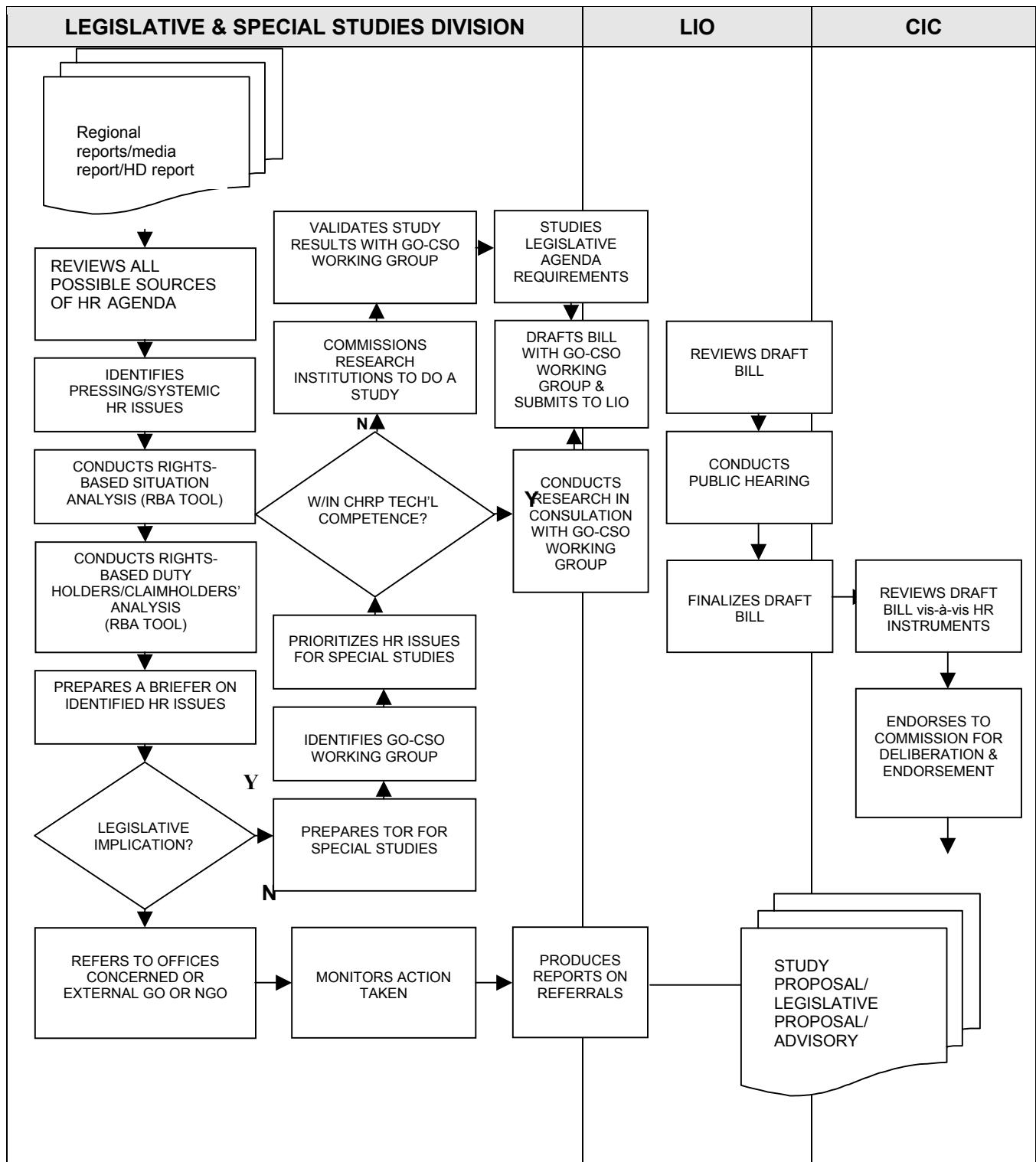
OPERATING POLICIES

- 2.1.5 It is the policy of the CHRP to seek all possible opportunities to assist in the implementation and observance of international human rights standards as enunciated in the various international human rights instruments, as a means to improve the human development conditions of the poor, the marginalized and disadvantaged sectors of society.
- 2.1.6 As part of its legal mandate, it is also the policy of the CHRP to look into all possible sources and roots of human rights violations and deprivations on the people's enjoyment of rights and freedoms in different circumstances and conditions of the poor, marginalized and disadvantaged through the proper conduct of appropriate researches as aid to formulation of studies for legislative advocacy.

- 2.1.7 Further, it is the policy of CHRP to engage in multi-disciplinary approaches in its legislative and special studies that will explore in-depth discovery of all possible remedies and measures to curb, if not eliminate violative conditions and incidents that hinder or impede the constant improvement and development of individuals, communities and sectors in terms of the realization of their human rights and basic freedoms.
- 2.1.8 Henceforth, it is the policy of the CHRP to observe and apply in its various legislative and special studies, the principles of universality, indivisibility and inter-relatedness and interdependence of both sets of rights: civil and political rights and economic, social and cultural rights, and to be guided by the concepts of state obligations and people's entitlements in the formulation of perspective and designs of studies to be undertaken.

PROCESSES

- 2.1.9 The Regional Offices, as the originating units, look into all possible subject areas for legislative and special studies. Study proposals on specific subject areas will be formulated arising from different sources such as human development reports, multi-media reports, CHRP records of complaints/cases, operations of the regional and central offices, inter-agency meetings and interactions, etc.
- 2.1.10 At the oversight level, the LIO maintains a methodical process of compilation, documentation and analysis of various human rights issues and concerns as input to formulation of legislative agenda for appropriate study.
- 2.1.11 Also, at the oversight level, the Commissioner-In-Charge undertakes substantive review of the proposed legislative agenda using as basis his/her perspective of the human rights criteria and standards under the relevant international human rights instruments, as well as his/her perspective of the human rights conditions prevalent in his/her area of jurisdiction.
- 2.1.12 The LIO supports the CIC in the setting of acceptable standards for the conduct of legislative and special studies, to include the monitoring and evaluation of terms of reference formulated for the study and the outputs of the study for further analysis and drawing up of proper recommendations for presentation to the legislature or other relevant bodies of government.
- 2.1.13 RBA tools will be used as instruments for analysis under this system. These tools include: HR Situation Mapping, State Obligations Mapping, Entitlements Mapping and Matrix for the Programmatic Application of HR Normative Standards under the international instruments.



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legislative and Special Studies	Legal and Investigation Office (LIO)
MAJOR PROCESS	Preparation of study proposal
DESCRIPTION	<p>Purpose Using as basis the analysis report, to design a study proposal on prioritized human rights issues/concerns</p> <p>Inputs</p> <ul style="list-style-type: none"> • Application human rights treaties obligations. • UN comments • Studies of other human rights organizations or experts. • Existing domestic laws and government policies. • CHR reports, advisories, position paper, resolutions, etc. • RBA tools • Analysis report on prioritized issues/concerns <p>Output</p> <ul style="list-style-type: none"> • A study proposal for comprehensive diagnosis and formulation of legislative agenda requirements
WORK INVOLVED	The LIO designs a study proposal, determines whether the study is within the competence of the CHRP or not, taps mobilization fund for conduct of study by external organization, outlines a work plan for the conduct of the study, formulated the study's terms of reference, and designates unit/team concerned to undertake the study or necessary bidding for contracting of competent research organization.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon completion of the analysis report on HR issues and concerns with legislative implications ▪ To be undertaken in one (1) week

LIO-LSS Form No. 3

OUTLINE OF THE PROJECT PROPOSAL

- I. INTRODUCTION
- II. PROJECT DESCRIPTION
- III. RATIONALE/OBJECTIVES
- IV. SCOPE AND COVERAGE
- V. METHODOLOGY
- VI. PROJECTED IMPACT/OUTPUTS
- VII. RESOURCE REQUIREMENTS
- VIII. QUALIFICATIONS OF CONTRACTORS
- IX. TERMS OF REFERENCE FOR CONTRACTOR

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legislative and Special Studies	Legal and Investigation Office
MAJOR PROCESS	
Documentation of feedback on monitoring of cases	
DESCRIPTION	
Purpose	To institutionalize the process of review, evaluation and analysis of HR issues and concerns with legislative implications, in accordance with the study proposal and based on the terms of reference
Inputs	<ul style="list-style-type: none"> • Media report on human rights incidents/issues • Human rights NGO/CSO reports on systemic incidents of HRVs • Country human development report • CHRP records on HRVs with established patterns and trends • Applicable HR standards • Approved of study proposal • Terms of reference
Outputs	<ul style="list-style-type: none"> • Contractor's report • Validated study
WORK INVOLVED	
The LIO oversees and monitors the conduct of the study; coordinates the implementation of the conduct of the study; determines status, progress and bottlenecks; updates the Commission on status and problem areas needing policy or administrative actions for smooth conduct of the study; and conducts validation of study involving different stakeholders based on established mapping of human rights issues and stakeholders, including duty bearers, claimholders and non-state actors.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon issuance of directive by the Commission to proceed with the study ▪ To be completed from three (3) to six (6) months depending upon the scope and coverage of study 	

LIO-LSS FORM NO. 4**VALIDATED STUDY**
(Result of Review of Contractor's Report)

STAKEHOLDERS	AREAS OF AGREEMENT	AREAS OF DISAGREEMENT	RECOMMENDATION/S

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legislative and Special Studies	Legal and Investigation Office
MAJOR PROCESS	Establishment of consultative mechanism with relevant sectors and organizations
DESCRIPTION	<p>Purpose To form inter-agency working groups with relevant sectors, GO's, CSO's and NGO's as members, for the formulation and development of legislative measures</p> <p>Inputs</p> <ul style="list-style-type: none"> • Media reports on human rights incidents/issues. • Human rights NGO/CSO reports on systemic incidents of HRVs • Country human development report • CHRP records on HRVs with established pattern and trends • Applicable HR standards • Approved study proposal • Terms of reference • Validated study • Proposal for an inter-agency mechanism <p>Output Legislative proposals</p>
WORK INVOLVED	The LIO reviews and submits recommendation for the inter-agency mechanism; disseminates validated study; convenes working group as consultative mechanism; and facilitates the drafting and conduct of public hearings on the appropriate bills/ policy recommendations, for endorsement to the approval of the Commission.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon submission of the validated study and issuance of a Commission directive for inter-agency consultations ▪ To be completed from three (3) to six (6) depending upon the scope and coverage of study

LIO-LSS FORM NO. 5**LEGISLATIVE PROPOSAL OF INTER-AGENCY MECHANISM**

RECOMMENDATIONS	LEGISLATIVE AGENDA		DELEGATION OF RESPONSIBILITIES	
	NATIONAL	LOCAL	PRINCIPAL DUTY-BEARER	OTHER STAKEHOLDERS

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legislative and Special Studies	Legal and Investigation Office
MAJOR PROCESS	Final study and deliberation of output recommendations for legislative proposal
DESCRIPTION	<p>Purpose To study the draft legislative proposal as to its consistency and compliance with international human rights standards, its prospects, impact and implications on the vulnerable and disadvantaged sectors</p> <p>Inputs</p> <ul style="list-style-type: none"> • Media reports on human rights incidents/issues. • Human rights NGO/CSO reports on systemic incidents of HRVs • Country human development report • CHRP records on HRVs with established pattern and trends • Applicable HR standards. • Approved study proposal • Terms of reference • Validated study • Proposal for an inter-agency mechanism • Draft legislative proposals <p>Output CHR advisory to Congress endorsing legislative proposals</p>
WORK INVOLVED	The LIO provides secretariat support to the Commission when it deliberates the draft legislative proposals; makes appropriate revisions whenever necessary; prepares all necessary documents to support deliberations; and drafts a CHR advisory for endorsement of the legislative proposal to Congress.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon submission of the legislative proposal to the Commission ▪ To be completed in one (1) week

LIO-LSS FORM NO. 6

CHR ADVISORY ENDORSING LEGISLATIVE PROPOSAL

- I. INTRODUCTION
- II. RATIONALE
- III. SITUATION ASSESSMENT
- IV. HR IMPLICATIONS
- V. RECOMMENDATIONS
- VI. DRAFT LEGISLATIVE PROPOSAL

3 LEGAL AID AND COUNSELING

SYSTEM DEFINITION

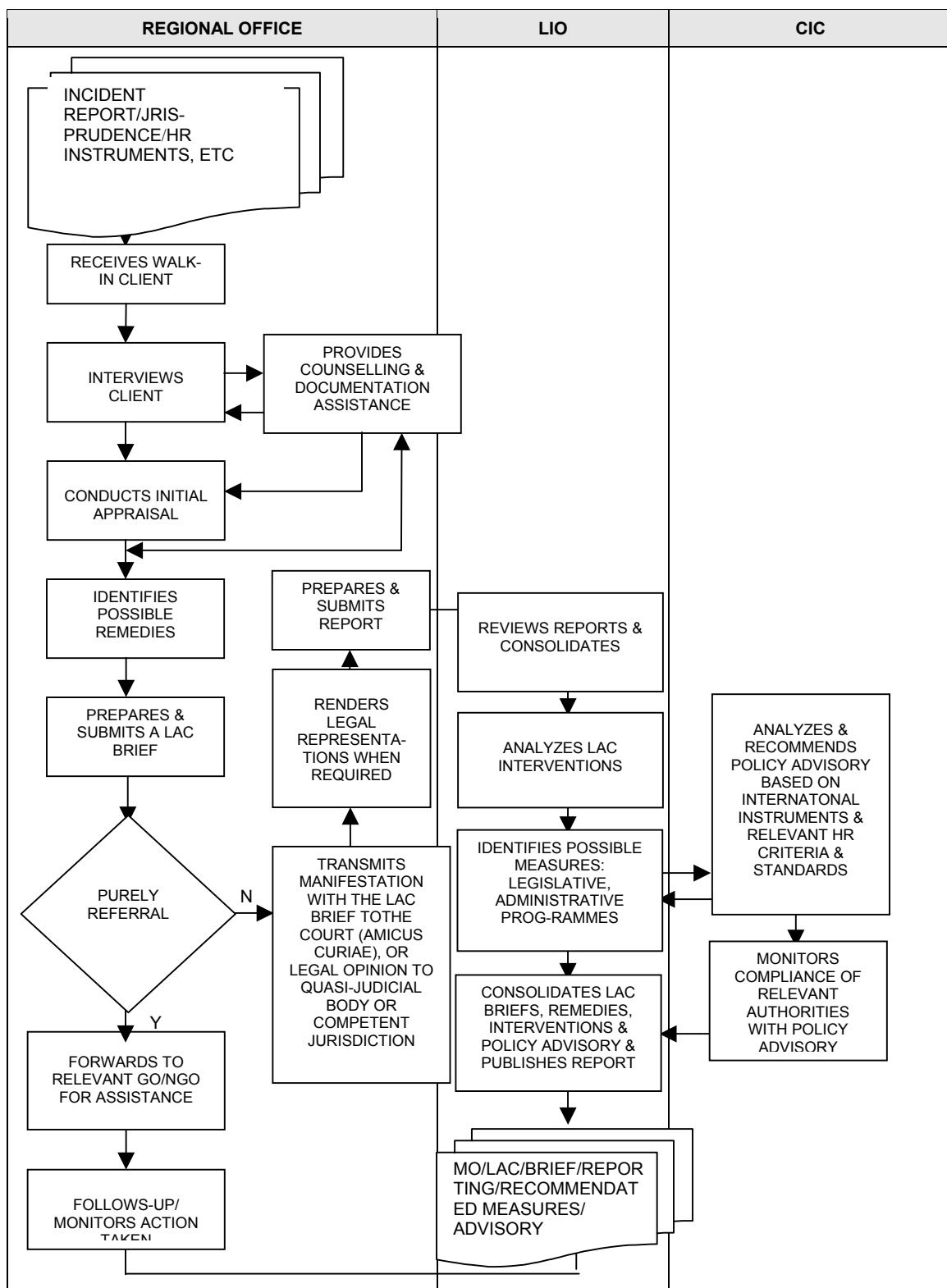
- 3.1.1 The system component seeks to institute quality services on legal aid and counseling that is based on a human rights perspective, generate and pool institutions and professionals with competence to assist the needy especially the indigent sectors of society in their quest for justice and legal redress and to institutionalize a network that will look into developing and improving legal aid and counseling services nationwide.
- 3.1.2 The component defines the processes involved in the rendering of Legal Aid and Counseling Services attuned to appropriate documentation and improved disciplinary approach of assessing the impact of issues brought to the attention of the CHRP to better the delivery of justice. The same system will identify possible areas of cooperation and collaboration with various governmental and non-governmental organizations with the institutional and professional competence.
- 3.1.3 It involves a rights-based legal aid and counseling services for the indigents and disadvantaged linking them to governmental institutions that have the duty to provide the service, as well as educating them on their entitlements in seeking redress and accessing justice. It moreover provides a systematically organized network and linkages of governmental and non-governmental institutions working together for the proper and efficient channeling of their services particularly for the needy and the underprivileged.
- 3.1.4 A documented operation of legal aid and counseling services that will be a source of valuable input for assessing its coverage and impact in terms of people's level of access to justice.

OPERATING POLICIES

- 3.1.5 Consistent with its Constitutional mandate, the CHRP adopts the policy of providing legal aid and counseling services to all Filipinos who come for its assistance specially the poor, marginal and disadvantaged sectors of society.
- 3.1.6 It is also the policy of the CHRP to ensure adequacy of its legal aid and counseling services by way of networking with various governmental and non-governmental organizations with the institutional and professional competence to render the attendant services at the same time improving quality of the services using human rights perspective.
- 3.1.7 Further, it is the policy of the CHRP to institute documentation of its legal aid and counseling operation nationwide for purposes of establishing its coverage and impact and its attendant implications on improving the level of access to justice by the poor, marginalized and disadvantaged sectors.

PROCESSES

- 3.1.8 Basic services in legal aid and counseling are provided in the CHRP Regional Offices which will essentially cover the interview of clients, appraisal of issues/concerns, identification of remedies, preparation of legal aid and counseling brief, referral, documentation, and representation of the cause of the client, all these, however, with due consideration to international norms and standards for the progressive realization of human rights.
- 3.1.9 At the Central Office, LIO reviews and consolidates reports for the purpose of identifying the proper CHRP intervention at the national level for submission of the appropriate strategic focus in terms of policies, legislative, administrative, judicial and programme measures. The CIC, in the exercise of its oversight function, on the other hand analyzes and recommends policy advisory in accordance with international standards and monitors compliance of authority.
- 3.1.10 The system applies to walk-in clients who are seeking guidance in approaching probable legal problem arising from various difficult circumstances. It provides a process by which legal aid and counseling services may be properly documented to help not only the client but in order to equip the CHRP with bases on which further studies and analysis of human rights conditions of clients may be done for development of oversight measures.
- 3.1.11 The system will work through cooperation with all other existing legal organizations and groups that provide legal aid and counseling services. As a prerequisite to operating the system, a network of legal organizations may be established for systematic referral of human rights clients.
- 3.1.12 The LIO and the CIC will jointly enhance developmental measures to make the CHRP's Legal Aid and Counseling Services more responsive and effective through a process of documentation, review and analysis, consolidation of interventions, conduct of relevant study under relevant international human rights instruments and publication of appropriate documentation and report on the services and appropriate measures undertaken.



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legal Aid and Counseling	Legal and Investigation Office
MAJOR PROCESS	Establishment of case referral mechanism with relevant sectors and organizations
DESCRIPTION	
Purpose	To establish inter-agency working groups with relevant sectors, GOs, CSOs, and NGOs, as case referral mechanisms, for the efficient and effective delivery of CHRP legal aid services
Inputs	<ul style="list-style-type: none"> • Incidents requiring legal intervention and assistance from CHRP • Country human development report • Applicable HR standards • Rules of Court and Administrative Remedies • Terms of reference • Proposal for an inter-agency mechanism • Inventory of GOs, CSOs, and NGOs capable of providing legal aid services.
Outputs	Memorandum of Agreements/Understanding
WORK INVOLVED	The LIO identifies relevant sectors, GOs, CSOs, and NGOs and establish the appropriate terms of reference to be reduced in a memorandum of agreement/understanding in CHRP referred cases for the provision of legal aid services.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon intervention of the LIO for the issuance of a Commission directive for inter-agency consultations ▪ To be completed within six (6) months, subject to updating

LIO-LAC Form No. 2

SERVICE PROVIDERS		MANDATE	SPECIFIC SERVICES	RECOMMENDED AREAS OF COOPERATION
DUTY-BEARER	OTHERS			

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Legal Aid and Counseling	Legal and Investigation Office
PROCESS:	
CHRP interventions as amicus curiae or through rendering of legal opinion or appropriate representation	
DESCRIPTION	
Purpose	To identify proper CHR intervention whether as amicus curiae or through rendering of legal opinion or appropriate representation in a case as forming part of basic legal assistance
Inputs	<ul style="list-style-type: none"> • Legal assistance case briefs • Rules of Court • Applicable jurisprudence • Sworn statements, documentary evidence, physical evidence, etc. • Applicable HR standards
Output	Appropriate pleading as intervenor, amicus or counsel
WORK INVOLVED	
Based on the legal assistance case brief containing the recommended available remedies, the LIO submits appropriate CHRP representation through acceptable pleadings in courts and/or administrative or legislative body for the purpose of the necessary legal assistance for the underprivileged.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon submission of the legal assistance case briefs ▪ To be completed within five (5) days from consideration 	

LIO-LAC FORM NO. 3

OUTLINE OF PLANNING FOR INTERVENTIONS
(Amicus Curiae)

- I. Jurisdictional Facts
- II. Brief Statements of Facts
- III. Statement of Right Involved and Violation Committed
- IV. Applicable Jurisprudence/Law (Domestic and International)
- V. Position
- VI. Pleading

SYSTEM	IMPLEMENTING OFFICE
Legal Aid and Counseling	Legal and Investigation Office
MAJOR PROCESS	
Legislative and special studies	
DESCRIPTION	
Purpose	To identify and recommend possible measures: legislative, administrative and programmes, in the process of and as forming part of the legal aid and counseling activities of the CHRP
Inputs	<ul style="list-style-type: none"> • Consolidated review and reports of the legal aid and counseling activities • Recommendations culled from the reports • Applicable HR standards • Proposal for the submission of measures • Country human development report
Outputs	Recommended and proposed measures: legislative, administrative, programme
WORK INVOLVED	The work process involved is a system under the legislative and special studies. Thus, the processes identified under LSS are by now the sub-process under the legal aid and counseling.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon submission of the consolidated report ▪ On duration, see proposal report of the LSS

4 CASE MONITORING

SYSTEM DEFINITION

- 4.1.1 Case monitoring has both transactional and consequential components. Transactional processes involves actual and consistent follow ups on the status of cases filed either in courts or quasi-judicial bodies, proper representation and referral of findings and recommendations for appropriate action by concerned authorities and holding of necessary consultations with said authorities on ways to expedite resolution of cases in courts.
- 4.1.2 While consequential processes involve conduct of studies and researches into the various conditions and factors that contribute to case delays and the application of the relevant human rights criteria and standards in decision of cases filed in courts and the fair and speedy disposition of human rights cases. These processes must end with the issuance of appropriate advisories on possible judicial measures that will help improve the handling of human rights cases filed in courts.
- 4.1.3 The system component is an attempt to present an expanded monitoring procedure of the CHRP that would not only update and present the progress of cases/complaints/transactions, but would capacitate CHRP in initiating, recommending and developing the adoption of rights-based approach measures, in cooperation and collaboration with judicial and quasi-judicial agencies, in improving the administration of justice.
- 4.1.4 The system seeks, through monitoring procedure, the effectiveness of CHRP in the conduct of its function to investigate so as to ensure the enforcement of its decisions by the court.
- 4.1.5 Taking into account the inventory of cases/complaints/transactions filed with the courts or quasi-judicial bodies, the system will lead to laying the foundation for amicable networking to engage said agencies with their respective mandates in the speedy delivery of justice and their levels of compliance with international human rights, through appropriate consultations and effective representation as friend of the courts.
- 4.1.6 This component provides a process of producing an updated inventory of human rights violations cases taken cognizance of by the CHRP as basic data for assessment of human rights situation/condition. It also provides interaction for improving public awareness on the efficacy of the rights-based justice system in the light of the cooperation and collaboration among the CHRP and the various courts and quasi-judicial bodies in adoption and implementation of measures to improve the administration of justice for the progressive realization of human rights.
- 4.1.7 The system component further allows delineated complementary roles of the CHRP and the judicial and quasi-judicial bodies in the management of cases of/complaints for human rights violations, through collaborative efforts under the monitoring procedure,

OPERATING POLICIES

- 4.1.8 It is the CHRP policy to be fully aware of progress and status of cases/complaints/transactions it has forwarded/referred for appropriate action by government agencies and instrumentalities, the non-government organizations through a system that will be rights based and would result to measures, recommendations and programs for consistent applications of international human rights norms and standards.
- 4.1.9 The Commission will integrate in its operation a system to regularize monitoring of cases/complaints/transactions through rights based networking with concerned agencies in order to ensure that proceedings in the resolution thereof will be in keeping with commitments of the Philippine Government to international human rights treaties.
- 4.1.10 The Commission will adopt sustained multi-disciplinary approach in appreciating monitoring progress reports for the purpose of finding solutions to innate and connected problems in the justice system that obstructs the progressive realization of human rights.
- 4.1.11 Without being intrusive in the judicial system, the CHRP will establish a distinct relationship with the Courts for the enforcement of CHRP decisions by the courts through appropriate cooperation and collaboration, thereby ensuring that the court system shall also provide accessible remedy for a human rights violation with the least cost and less formal means.

PROCESSES

- 4.1.12 The system commences upon the submission of the inventory report of the cases/complaints/transactions filed before the CHRP and already forwarded to the courts and quasi-judicial bodies for the prosecution of the criminal/civil/administrative aspect thereof, wherein the CHRP identified the problems, concerns, and issues on account of the slow administration of justice.
- 4.1.13 The substantive monitoring aspect of the process will become visible when the CHRP obtains the response from the concerned court based on Commission inquiry and the reply of the Court Administrator concerning the cases profile submitted by the CHRP.
- 4.1.14 The collaborative monitoring will be institutionalized as regular activities of the CHRP and the judicial and quasi-judicial bodies upon consideration of the monitoring schedule and in the implementation of the reforms adopted to speed up the administration of justice. This will find its way through annual consultation between the CHRP and the Court Administrator.
- 4.1.15 The inventory of cases/complaints/transaction shall be undertaken by the respective Regional Offices, in view of their direct control thereof, and the Legal and Investigation Office in the Central, considering its oversight function in the case management. The Regional Offices will submit reports as the direct and immediate provider of CHRP investigative service, while the Central Office LIO will have to

evaluate the reports submitted to compare them with data culled from monthly accomplishment reports.

- 4.1.16 Likewise, the Regional Offices will proceed to make inquiry from concerned judicial and quasi-judicial bodies on the status/progress of the referred cases/complaints/transactions, to proceed with monitoring schedule and to establish a regular workflow involving local judicial and quasi-judicial body administrators in order to devise remedies that will improve dispensation of justice.
- 4.1.17 Based on its oversight authority, the Central LIO will provide the CIC with profiles of cases under monitoring, while at the same time providing support for CIC in inter-agency collaboration and coordination with the Court Administrator in improving the administration of cases as culled from compiled regular reports of regional offices and the result of monitoring schedule.
- 4.1.18 The top level intervention will be with the CIC, who will be responsible in submitting recommendations for Commission action and in representing the Commission in inter-agency undertaking with the Court Administrator by reason of the need to comply with international human rights treaty obligations.

OPERATIONAL PHASES

- 4.1.19 The system component is designed in phases, as follows:

Inventory Phase. The inventory to be conducted by region will enable the CHRP to gauge the status of all cases filed in courts/quasi-judicial bodies. This will also serve as basis for determining the ageing of cases.

Coordination Phase. Backed up with a case inventory, the Regional Office communicates with the concerned clerks of courts on the status of human rights cases as monitored by the CHRP and inquires from them the possible cause/s for the delay of each case under their respective jurisdiction.

Appraisal Phase. This stage involves a quantitative and qualitative assessment of the HR compliance levels of the courts by type to cover rate of disposition of HR cases and application of HR criteria and standards in the decisions made by the courts.

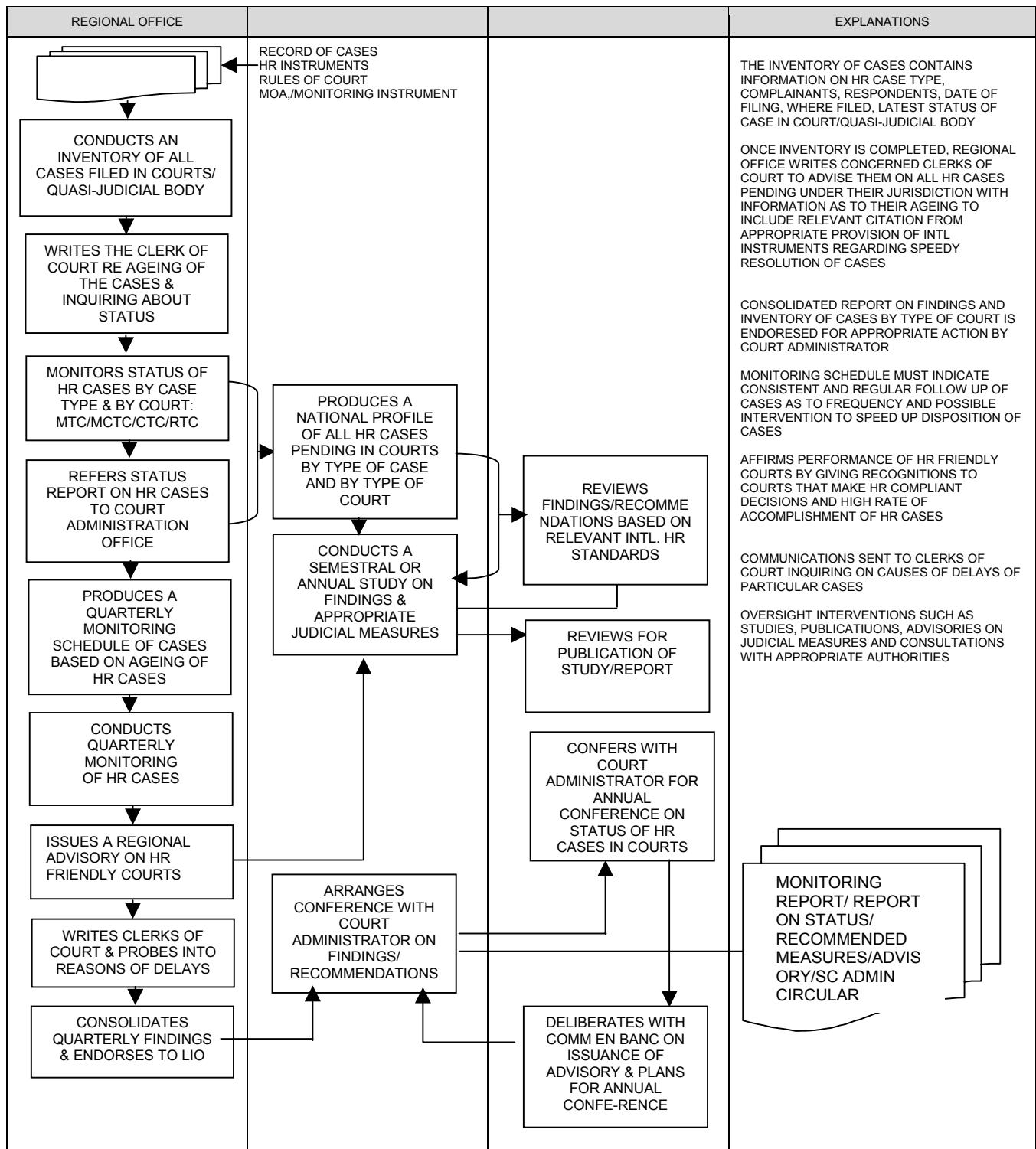
Regular Monitoring. Upon completion of the inventory, the Regional Offices communicate regularly preferably on quarterly basis with the concerned clerks of court on the status of cases with an advisory on how best court management of HR cases can be improved to include, possible areas of cooperation between CHRP and the courts.

Formulation of Judicial Measures. Regular advisories provided by the regional offices and the CHRP national office through the initiation of the LIO is both administrative and substantive in nature. Administrative advisories may refer to all possible steps to expedite handling of HR cases in courts. Substantive advisories may include suggestions/recommendations on how best international standards can

be applied by the courts in the resolution of cases, to include appropriate human rights capacity development assistance to the Office of Court Administrator.

4.1.20 The outputs of the above three-phase processes are further analyzed, studied and researched by the LIO and the CIC through the following oversight interventions:

- Conduct of national consultations with concerned authorities for strategy formulation on appropriate judicial measures to improve disposition of HR cases on the basis of the reports and studies conducted
- Consolidation of studies and reports, as well as, formulation of advisories on suggestions and recommendations to help enhance quality of decisions and management of HR cases that are compliant with international standards.



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Case Monitoring	Legal and Investigation Office
MAJOR PROCESS	Conduct of inventory of cases with special attention to complaints filed in courts, and administrative and quasi-judicial bodies
DESCRIPTION	<p>Purpose To determine the status of all CHRP cases filed in court, administrative and quasi-judicial bodies, as well as determine the ageing of cases</p> <p>Inputs</p> <ul style="list-style-type: none"> • Classification of CHRP cases and identification of the cases filed in court, administrative and quasi-judicial bodies. • Applicable HR standards • Rules of Court • Relevant statutes on limitations and prescriptions <p>Output Detailed and consolidated list of CHRP cases filed in court, administrative and quasi-judicial bodies containing information on HR case type, complainants, respondents, date of filing, where filed, latest status of case in court/administrative and quasi-judicial bodies. (Use existing CHR Form)</p>
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon the call of CIC of Protection Group and respective regional offices ▪ To be completed in three (3) months

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Case Monitoring	Legal and Investigation Office
MAJOR PROCESS	
Coordination of inquiry process on status of CHRP cases filed in court	
DESCRIPTION	
Purpose	To enable the CHRP to systematize its case monitoring in order to update status of human rights cases and make inquiry with the court, administrative and quasi-judicial bodies on the possible cause of delay in each case
Inputs	<ul style="list-style-type: none"> • Detailed and consolidated list of CHRP cases filed in court, administrative and quasi-judicial bodies • Applicable HR standards • Rules of Court • Proposal for regular updating • Monitoring Inquiry Instrument
Output	Updated monitoring report of cases
WORK INVOLVED	
Basing on the consolidated report, written inquiries will be forwarded to the court/administrative/quasi-judicial bodies with specific items dealing with ageing and possible cause of delay of each case and whether accused is under preventive detention or respondent is under preventive suspension.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon availability of consolidated inventory ▪ To be completed within one (1) month 	

SYSTEM	IMPLEMENTING OFFICE
Case Monitoring	Legal and Investigation Office
MAJOR PROCESS	
Monitoring schedule	
DESCRIPTION	
Purpose	To establish a working mechanism for the implementation of a regular monitoring schedule of CHRP cases filed in court/administrative/quasi-judicial bodies
Inputs	<ul style="list-style-type: none"> • Consolidated and updated monitoring report of cases • Applicable HR standards • Rules of Court • Monitoring inquiry instrument • Terms of reference for regular updating
Output	<ul style="list-style-type: none"> • Memorandum of agreement/understanding • SC resolution/memorandum circular
WORK INVOLVED	The CHRP make a representation with the Supreme Court/administrative/quasi-judicial bodies for the implementation of a regular monitoring schedule indicating consistent and regular follow-up of cases as to frequency and possible intervention to speed up disposition of cases.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon availability of consolidated and updated monitoring report of cases ▪ To be completed within one (1) month

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Case Monitoring	Legal and Investigation Office
MAJOR PROCESS	Documentation of feedback on monitoring of cases
DESCRIPTION	<p>Purpose To institutionalize the documentation of reports of status of CHRP cases for monitoring as basis for recommendations and proposal to improve case management and prevent miscarriage of justice</p> <p>Inputs</p> <ul style="list-style-type: none"> • Detailed consolidated and updated monitoring report of cases • Software • Monitoring reports (regular) on status of individual cases • Appraisal/assessment of the monitoring reports • Applicable HR standards • Rules of Court and applicable laws <p>Outputs Updated data banking of cases for monitoring with recommendations and proposals.</p>
WORK INVOLVED	With monitoring report and consolidation of all data inputted with the use of appropriate software, the CHRP will regularly update its databank on case monitoring for the purpose of appraising problems in the dispensation of justice.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon availability of consolidated and updated report ▪ To be undertaken within one (1) month in every quarter

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Case Monitoring	Legal and Investigation Office
PROCESS:	
Oversight CHRP intervention by reason of case monitoring	
DESCRIPTION	
<p>Purpose To capacitate CHRP to put in place its oversight activities through proper intervention including studies, publications, advisories on judicial measures and consultations with appropriate authorities</p> <p>Inputs</p> <ul style="list-style-type: none"> • Proposal recommendations and observations extracted as a result of case monitoring • Applicable HR standards • Rules of Court and relevant statutes • Terms of reference <p>Output Studies, publications, advisories, etc.</p>	
WORK INVOLVED	
As a result of case monitoring, the CHR submits proposals, recommendations and observations through studies, publications, and advisories and with consultation in the management of HR cases in court, application of international standards and best practices to include appropriate HR capacity development to the Office of the Court Administration.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon availability of consolidated proposals, recommendations and observations as a result of case monitoring ▪ To be completed within three (3) months 	

5 RIGHTS-BASED PUBLIC INQUIRY SYSTEM

SYSTEM DEFINITION

- 5.1.1 The procedural approach prescribed in the conduct of the rights based public inquiry on issues and concerns of marginalized and disadvantaged sectors seeks to bring about collaboration and coordination among institutions of governments, private sector and civil society for the adoption of the effective remedies to curtail human rights violations or eliminates all forms of abuses.
- 5.1.2 The system component encourages institutions of government to examine, in the process of public inquiry, its thrusts, strategies, programs and services by reason of international standards and the Government commitment to international treaties obligations.
- 5.1.3 The component emboldens claimholders to rise above the violations and recognize the core of the issues and the problems, in order to formulate remedies and measures for the Government to protect, promote and fulfill human rights.
- 5.1.4 Under this component, the different methods of intervention and operating process involving the proper conduct of public inquiry open the avenue for the CHRP, the governments agencies and instrumentalities and the private sector, whether in their capacity as duty bearer, claimholder or stakeholder to actively participate in dealing with issues and concerns and finding remedies therefore in order to eradicate, if not further prevent, discrimination, exploitation, miscarriage of justice, health, disabilities and displacements owing to armed conflict, natural disasters, demolitions and development projects.
- 5.1.5 The system component provides interaction among stakeholders for:
- a) Intensified commitment of CHRP officials and employees to propagate human rights norms and standards in the discharge of their duties as protectors and advocates for the progressive realization of human rights.
 - b) Heightened public awareness on systemic issues and concerns on marginalized/disadvantaged sectors for the purpose of generating responsibility across all sectors of society to take steps in the protection, promotion and fulfillment of human rights.
 - c) Defined areas of coordination and collaboration between and among institutions focused on issues and concerns affecting the lives of marginalized/disadvantaged sectors and human development.
 - d) Prescribed strategic focus of government in terms of policies, legislations, administrative, judicial and programme measures.

OPERATING POLICIES

- 5.1.6 It is the policy of the CHRP to determine all possible causes of violations of human rights and basic freedoms that hinders human development and to provide and/or recommend measures and remedies to prevent patterns of incidents such as discrimination, exploitation, miscarriage of justice, health, disabilities and displacements by reason or on the occasion of armed conflict, natural disasters, demolitions and development projects.
- 5.1.7 The CHRP, while pursuing the public inquiry procedure, will concentrate its initiatives in engaging through multi-disciplinary approach stakeholders, duty holders, and claimholders to discuss to the root causes of these issues and get down to where the various strategies and remedies will be founded.
- 5.1.8 The CHRP will capacitate its officials and employees in ensuring that the public inquiry shall substantially be guided by international principles, norms and standards and sound policy to enhance the primacy of human rights in governance and the delivery of services by all sectors.
- 5.1.9 The CHRP will set about issues subject of the public inquiry motu proprio together with collaborative and coordinated efforts with concerned agencies of government and the assistance of civil society groups, organizations and the private sector.
- 5.1.10 The public inquiry processes of the CHRP will not be confrontational, but will take into consideration the principles of comity, equity and justice based on international standards and commitment of the Government under international treaties obligations.
- 5.1.11 The CHRP will promote crosscutting representation of the government and the private sector in order to strengthen human rights advocacy with common understanding on international standards for the progressive realization of human rights

PROCESSES

- 5.1.12 The system will function by reason of the Public Inquiry Call by the Commission on related and recurring issues and concerns in the light of patterns of violations and predominance in specific geographical areas on massive scales as in poverty stricken areas, localities with peace and order problems, in venues where there is unrest due to development aggression generally affecting the populace and specifically indigenous peoples, e
- 5.1.13 The system is a combined methodology of and research-based inquiry into selected human rights issues and concerns that have wider implications into the level of deprivation of rights of individuals, to communities and sectors of society.
- 5.1.14 The system operates in five phases, as follows:

Agenda Setting. The agenda items for inquiry are identified by the LIO on the basis of its monitoring and review of human rights issues and concerns as reported in the

media, as raised by other parties/sectors and as culled from the CHRP records of operations. Agenda that indicate some patterns and trends and have wider implications into the quality of life of the poor, underprivileged and the marginalized are given attention. Terms of Reference for the agenda identified is formulated as a means of setting the study parameters and as gauged for selecting a contractor that has the research competence and human rights preparations to undertake the public inquiry with the CHRP. Only upon issuance of a Call for Public Inquiry by the Commission *en banc* will the LIO proceed to undertake the activity through the setting up of a Public Inquiry Team.

Research Proper. With proper guidance from the Public Inquiry Team, the selected contractor will submit a proposal for bidding. Preference will be given to the contractor that has successfully conceptualized a research scheme and methodology that are rights-based. There shall be a team constituted to monitor the actual research using the substantive elements and the use of the RBA Framework and Tools. Upon completion, the CIC and the Commission *en banc* shall review the preliminary report. Only when the report is found to be sufficient in substance and form that an Order for Validation is issued.

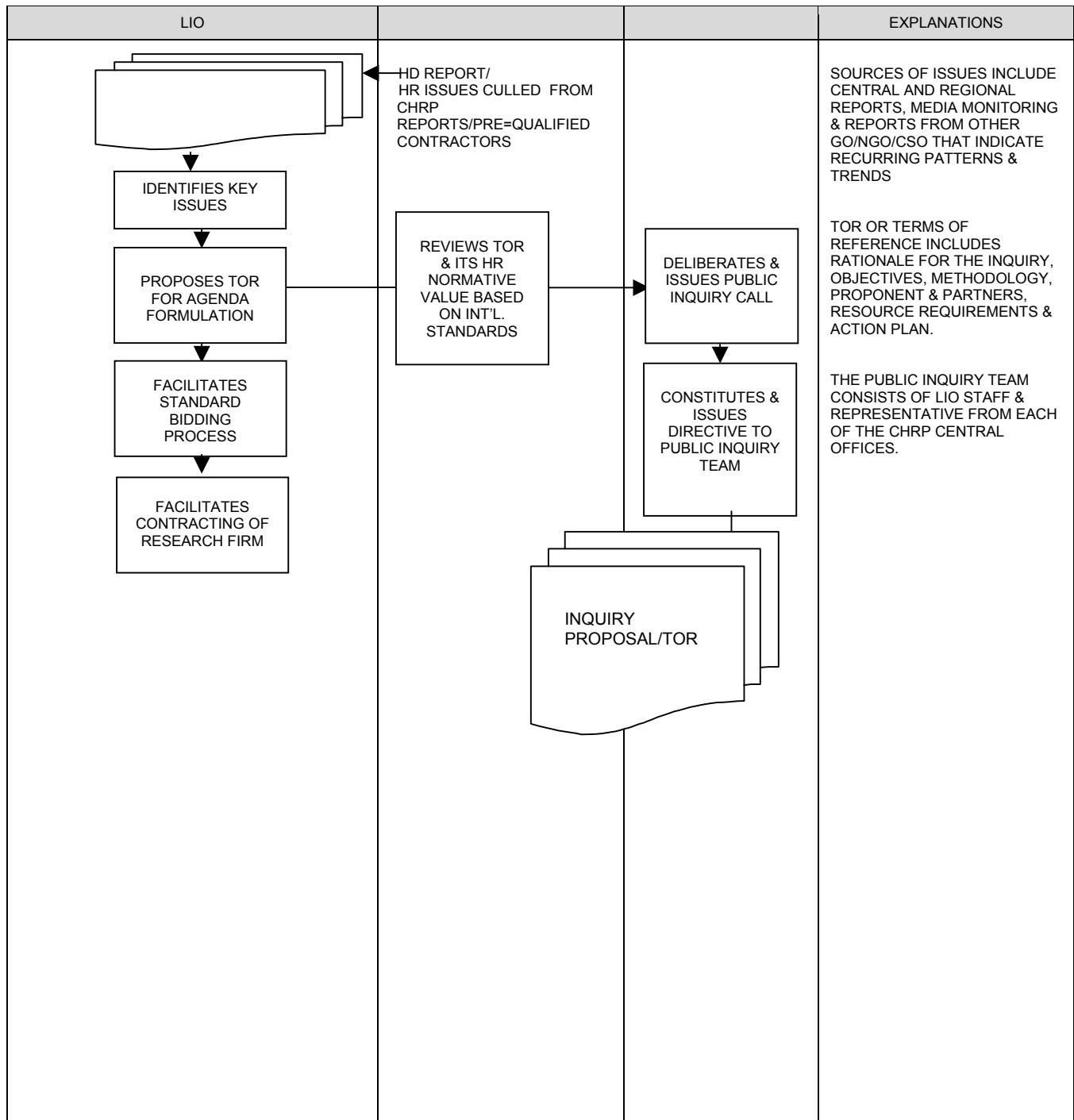
Validation. The validation entails a careful selection of stakeholders, namely: the duty holders and claim holders consisting of government, civil society organizations and private sector. The participants must be either experts in the issue or concern being investigated or directly involved or affected by the issue or concern. The RBA framework and tools must be used in validating the findings and recommendations of the public inquiry report. Only upon a successful conduct of validation and submission of a validation report that is also sufficient in substance and form, that the Commission En Banc will issue a Call for Public Hearing.

Public Hearing. The existing mechanics for Commission Hearing will be applied. The Commission will sit *en banc* for the hearing of comments, suggestions, comments, agreements, and disagreements during the plenary. Thereafter, the Commission will adopt a resolution on the summary of measures. A writ of engagement will also be issued and signed by key partners during the validation that will work towards the formulation and development of the identified measures. The identified measures will be classified into: administrative, legislative, judicial and programmes. Public reactions will be incorporated into the final report as a separate chapter. The resolution and the writ of engagement will likewise be appended. Publication of the report will only be approved if found sufficient in substance and form using the RBA as the framework.

Submission to Concerned Authorities. In addition to the resolution and the writ of engagement, the Commission- En Banc will issue the appropriate advisories. The President, Congress, Executive Agencies, Judiciary and Local Governments will be identified to respond accordingly. Monitoring of compliance with the advisories and writ of engagement will be regularized with all the necessary acknowledgment of initiatives and efforts coming from partners to enhance cooperation and support. Public Reporting will be done to ensure that the Public Inquiry System will have established credibility as a form of human rights remedy.

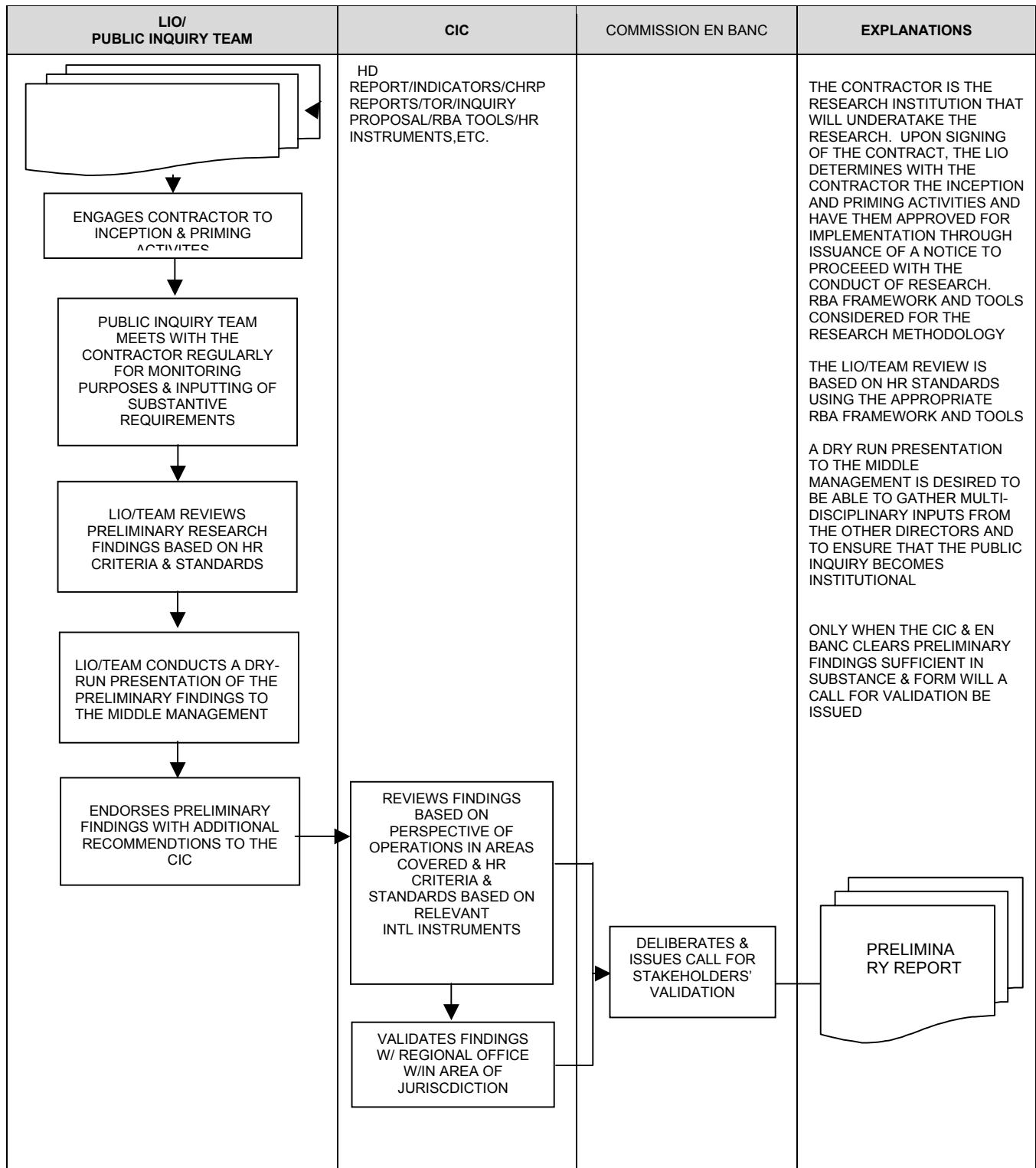
SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
MAJOR PROCESS	
Agenda setting	
DESCRIPTION	
Purpose	To identify issue and develop the agenda for a rights-based inquiry on the patterns and trends having wider implications into the quality of life of the poor, underprivileged and the marginalized
Inputs	<ul style="list-style-type: none"> • Issues/concerns culled from case monitoring, alternative dispute resolution, and legal aid and counseling, media reports and those raised by GOs, CSOs, and NGOs • HR standards • Country Human Development Report • Pre-qualified HR research institutes and/or consultancy.
Outputs	<p>Public inquiry proposal and terms of reference Forms: LIO-LSS Form Nos. 1,2,3,4, and 5</p>
WORK INVOLVED	In the light of the application of the systems on case monitoring, alternative dispute resolution, legal aid and counseling, media reports and those raised by GOs, CSOs and NGOs, the LIO identifies the issues and concerns taking into account the country development report and HR standards, and develops the agenda and draws up the proposal and terms of reference for the conduct of rights-based public inquiry.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ Largely dependent on the application of other systems and availability of data ▪ To be completed within one (1) month

Phase 1 – Agenda Setting



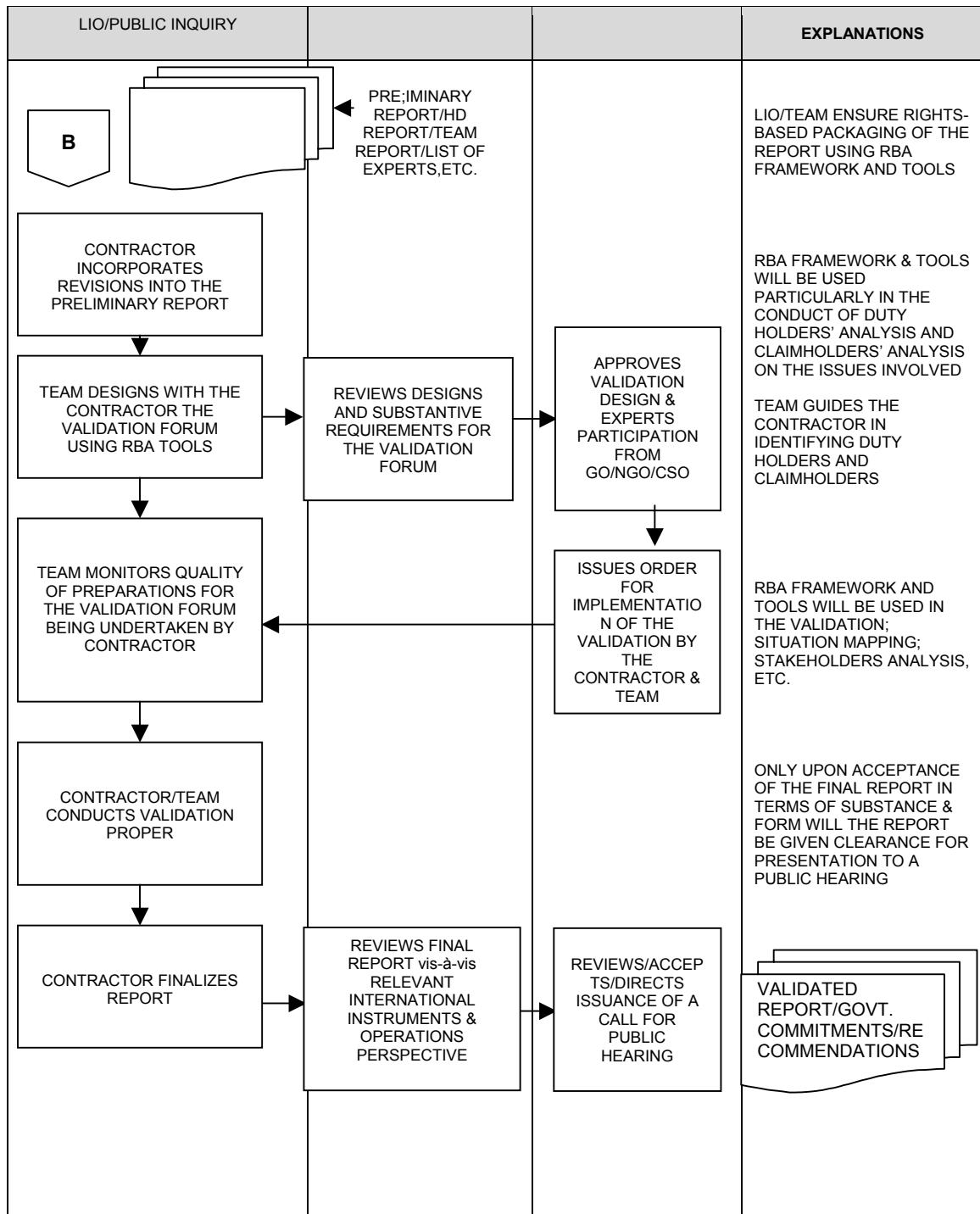
SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
MAJOR PROCESS	Conduct of research by an institution
DESCRIPTION	<p>Process To enable the CHRP to contract research services of an independent institution with capacity to conduct rights-based research methodology using the substantive elements of RBA framework and tools</p> <p>Input</p> <ul style="list-style-type: none"> • RBA research proposal on the issues/concerns Identified and formulated agenda • Result on the conduct of public bidding • Research tools/instruments • HR standards • Country human development report/indicator • Terms of reference • CHRP records <p>Output Preliminary report</p>
WORK INVOLVED	This is administered with the evidence of a public inquiry team from the LIO. The research, using scientific approaches and techniques in analyzing relevant data and information, ensures the application of the normative content of every right and the general concepts and principles of human rights. Results shall be subject to Commission approval.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon selection of the appropriate proposal in accordance with the TOR ▪ To be undertaken in two (2) months at most

Phase 2 – Conduct of Research by a Research Institution



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
MAJOR PROCESS	
Stakeholder's validation forum by a research institution	
DESCRIPTION	
Purpose	To institutionalize findings and recommendations in the preliminary report subject of the independent research body prior to the conduct of the public inquiry.
Input	<ul style="list-style-type: none"> • Preliminary report • Stakeholder's comments/ response/rejoinder/recommendation • HR Standards • Country Human Development Report • List of accredited stakeholder expert in the field • Public Inquiry team report
Output	<p>Final report and CHRP acceptance with public inquiry call FormLIO-LSS Form No. 4</p>
WORK INVOLVED	The conduct of the validation forum in the preliminary report will result to a validation report in the light of the RBA framework and tools to test findings and recommendation of the former.
TIMINGDURATION	<ul style="list-style-type: none"> ▪ To start upon submission of the preliminary report of the independent research institution ▪ To be completed in two weeks including the submission of final report

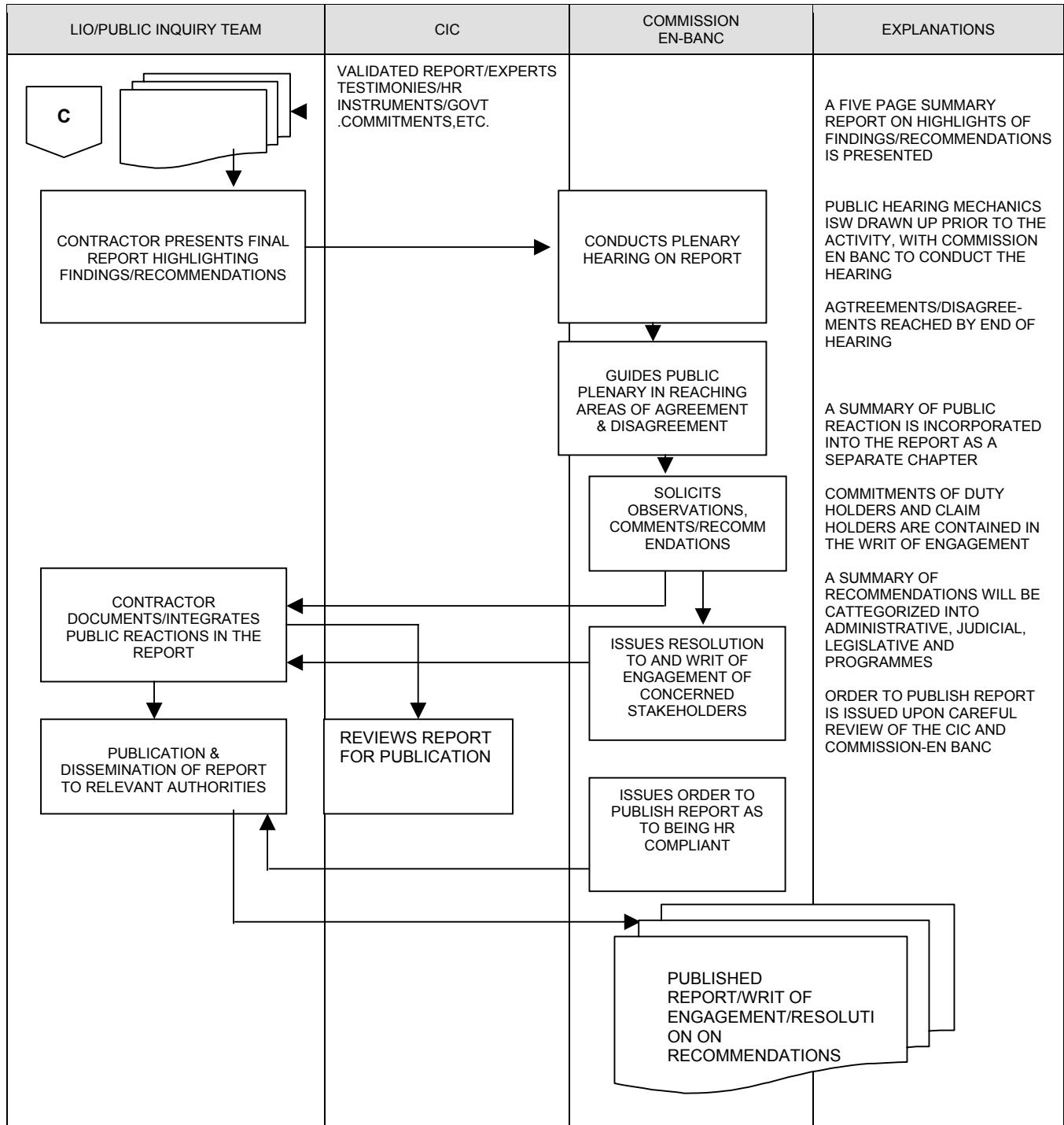
Stakeholders' Validation Forum by the Research Institution



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
PROCESS:	
Establishment of stakeholders' mechanism	
DESCRIPTION	
Purpose	To determine and define the stakeholders' role in the conduct of a rights-based public inquiry
Inputs	<ul style="list-style-type: none"> • Directory of GOs, CSOs, and NGOs and POs to participate as experts and/or witnesses • Terms of reference • Research tools and instruments • Preliminary report • HR standards • Country Human Development Report
Output	Confirmation of attendance of stakeholders/service providers Forms LIO-LAC Form No. 2
WORK INVOLVED	
The CHRP facilitates the identification of experts/witnesses and define their respective role in the conduct of the validation of the preliminary report in a public inquiry, based on their qualification vis-à-vis the HR issues.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ Start to be based on the outcome of the deliberation on the CHR Directory ▪ To be completed within one (1) month 	

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
MAJOR PROCESS	
Public Hearing	
DESCRIPTION	
Purpose	To provide a venue for the hearing of comments, suggestions, agreements and disagreements, in plenary for the adoption of the measures: administrative, legislative, judicial and programmes, taking into account of international standards and the government commitment to international treaties obligations
Input:	<ul style="list-style-type: none"> • Validated preliminary report • Comments, suggestions, proposals and recommendations • Expert and witness testimony • HR standards • Government commitments
Output	<ul style="list-style-type: none"> • Published final report • Writ of engagement • Resolution in the summary of measures
Forms	LIO-PI Forms No. 1 and 2
WORK INVOLVED	The Commission sits en banc to discuss findings/observations, with expert and witness testimony, in a public hearing and adopt recommendations for the adoption of measures.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon validation of preliminary report with due notice to parties ▪ To be undertaken in two (2) weeks at most

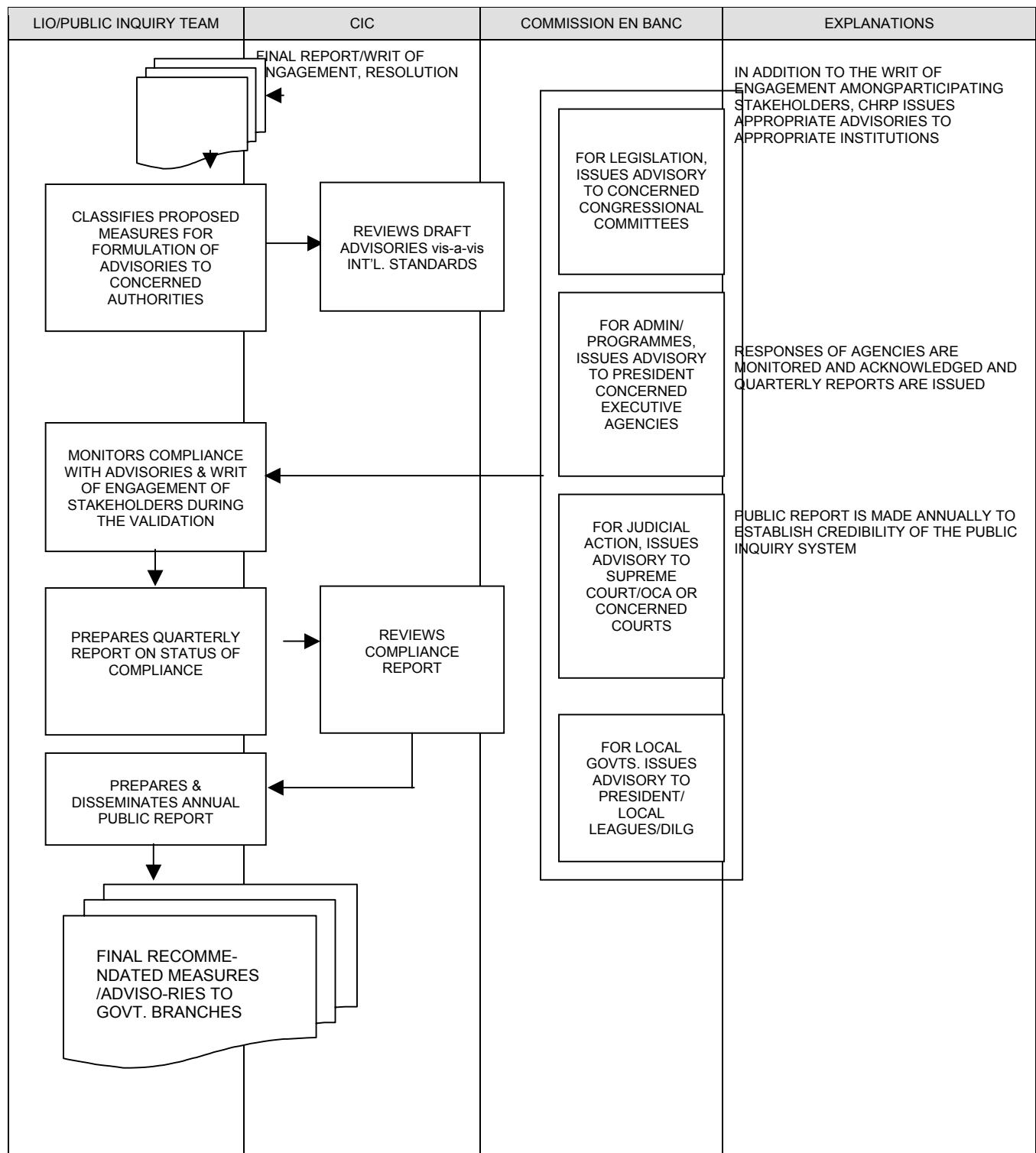
Conduct of Public Hearing by the Commission En Banc



LIO-PI FORM NO. 1	LIO-PI FORM NO. 2
OUTLINE OF WRIT OF ENGAGEMENT	
OUTLINE OF RESOLUTION	
I. Explanation	I. Statement of Mandate
II. Brief statements of facts	II. Brief statement of Facts
III. Brief statement of violation	III. Brief statement of violations
IV. Situation Assessment	IV. Situation Assessment
V. HR Implications	V. HR Implications
VI. Responsible stakeholders and their comments	VI. Identification of stakeholders and statement of Entitlements and Obligations
a) Duty Bearers	
b) Claim Holders	
VII. Recommendation measures	VII. Statements of Resolution
a) Legislative	
b) Administrative	
c) Judicial	
d) Programme	
e) Others	

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Rights-Based Public Inquiry System	Legal and Investigation Office
MAJOR PROCESS	Submission of public inquiry report to authority concerned
DESCRIPTION	<p>Purpose To ensure that recommended measures are effectively brought to the attention of agencies of government and their instrumentalities for implementation</p> <p>Input</p> <ul style="list-style-type: none"> • Final report • Writ of engagement • Resolution on the summary of measures <p>Output Advisories/ position papers Form LIO-LSS Form No. 6</p>
WORK INVOLVED	The recommended measures are classified depending on the affected agency and based on the rights that will have to be protected, promoted and fulfilled. A reporting and monitoring scheme will have to be devised with concerned agency.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start when final report and appendices are available ▪ To be completed in two (2) weeks

Phase 5 Submission of Public Inquiry Report to Concerned Authorities



6 POLICY AND LEGISLATIVE ADVOCACY

System Definition

- 6.1.1 The system component identifies the various processes in the conduct of policy and legislative advocacy of the Commission applying the rights-based approach showing in detail CHRP intervention in the legislative and policy-adoption process taking into account the role of national human rights institutions as adviser, monitor and capacity builder to enhance human development by virtue of its continuing advocacy to report government compliance with human rights standards and practices.
- 6.1.2 Under the Policy and Legislative Advocacy, System, the CHRP seeks to introduce reforms in the following:
- a) Effective assessment of human rights conditions affecting human development for the purpose of submitting recommendations on measures and remedies for the protection and promotion of human rights.
 - b) Increased and sustained human rights advocacy within CHRP and the government institutions resulting to effective compliance with international treaties obligations on human rights and the adoption of programme measures for the progressive enjoyment of rights.
 - c) Effective CHRP intervention in dealing with the legislative agenda on governance using the rights-based approach to improve human rights situations/conditions.
- 6.1.3 The system seeks to establish certain human rights conditions/situations affecting human development for the adoption of policies, programmes and measures, through improved legislative agenda of government.
- 6.1.4 The system is aimed at providing proper collaboration and coordination with government institution in evaluating human rights conditions/ situations for the purpose of determining criteria and sets of standards for the protection and promotion of human rights taking into consideration.
- 6.1.5 The system is designed to capacitate Central and Regional Offices of the CHRP in coming up with well-grounded studies on and effectively presenting findings of human rights conditions/situations employing the rights-based approach and international standards and practices in the protection and promotion of human rights.
- 6.1.6 The system defines and delineates the responsibilities government as duty bearer in the implementation of human rights norms and standards with that of the advisory role of the CHRP. The system focuses on the involvement of the local and national agencies and bodies in policy development involving human rights and development issues and concerns that will require appropriate actions and responses both at national and local levels.

Operating Policies

- 6.1.7 It is the policy of the CHRP to increase awareness of peoples on human rights conditions/situations affecting human development through well grounded studies on all human rights issues in order to effect substantial reform that in conditions/situations that perpetuate violations of human rights of all, especially the marginalized/vulnerable/disadvantaged sectors.
- 6.1.8 The CHRP will adopt policies and submit recommendations in order to bring to the attention in the executive, legislative and judiciary the results of these studies that provide measures and remedies in accordance with the criteria and sets of standards for the protection and promotion of human rights as contained in the various international human rights treaties obligations.
- 6.1.9 The CHRP will strengthen the support it provides for the independence of the three (3) branches of Government, while at the same time, it is essential for the Commission to find suitable representation for the adoption of the rights-based approach in the implementation of programme measures with implications on the full enjoyment of human rights.
- 6.1.10 The CHRP will strengthen the various offices, Central and Regional, in the discharge of their respective functions through appropriate decentralization of authority to ensure effective conduct of studies, evaluation of issues and situation, etc. to ensure effective adoption of measures/ remedies to curtail violations of human rights.
- 6.1.11 The CHRP will adopt multi-disciplinary and cross cutting procedures in identifying issues and recommending legislative programme measures pursuant to the international commitment of Government to human rights treaties and conventions.
- 6.1.12 The CHRP will maintain collaborative and coordinative mechanism with government institutions to develop advise mechanisms for the executive, legislative and judiciary to consider or act on the policy research.

Processes

- 6.1.13 The system identifies the primary duty of the CHRP in assessing conditions/situations violative of the enjoyment of human rights and in taking appropriate action on the issues/concerns on account thereof. The system seeks the progressive approach in developing the appropriate policies, measures and programmes to prevent violations and to provide the necessary enabling environment for the protection and promotion of human rights.
- 6.1.14 Activities identified in the system emanate from the CHRP Regional Offices and the concerned Local Government Units considering that these instrumentalities are the direct source of data of incidents of violations of human rights and the conditions/situations pervading in a community. Their immediate participation in and the policy and legislative advocacy process cannot be dispensed with since these instrumentalities closely deal with the people.

- 6.1.15 The Legal and Investigation Office of the Commission, together with the CIC, plays a pivotal role in wrapping up the much needed assessment and evaluation of the human rights situations/conditions for the submission of reform measures and legislative human rights agenda to the national government considering that it is wholly responsible for complying with international treaty obligations.
- 6.1.16 Policy development as herein designed corresponds to processes of government when it undertakes policy initiatives. The CHRP identifies the critical roles its regional and central offices shall undertake to ensure mainstreaming of human rights into government processes.
- 6.1.17 Processes involved under the system include:

Phase 1 – Policy Formation. This phase entails a rights based identification and analysis of human rights issues to be culled from both local and national human development condition and situation reports. RBA Framework and tools will be encouraged in the performance of a situation mapping and entitlements and obligations mapping analysis for the substantiation of the human rights issues. Concerned agencies/bodies to include NGOs and CSOs will be invited to contribute to the formation of policy idea that is appropriate for identified human rights and human development condition affecting the poor, vulnerable and marginalized individuals, sectors and communities. Crucial under this stage is a very thorough identification of duty holders and claimholders to be involved in policy development.

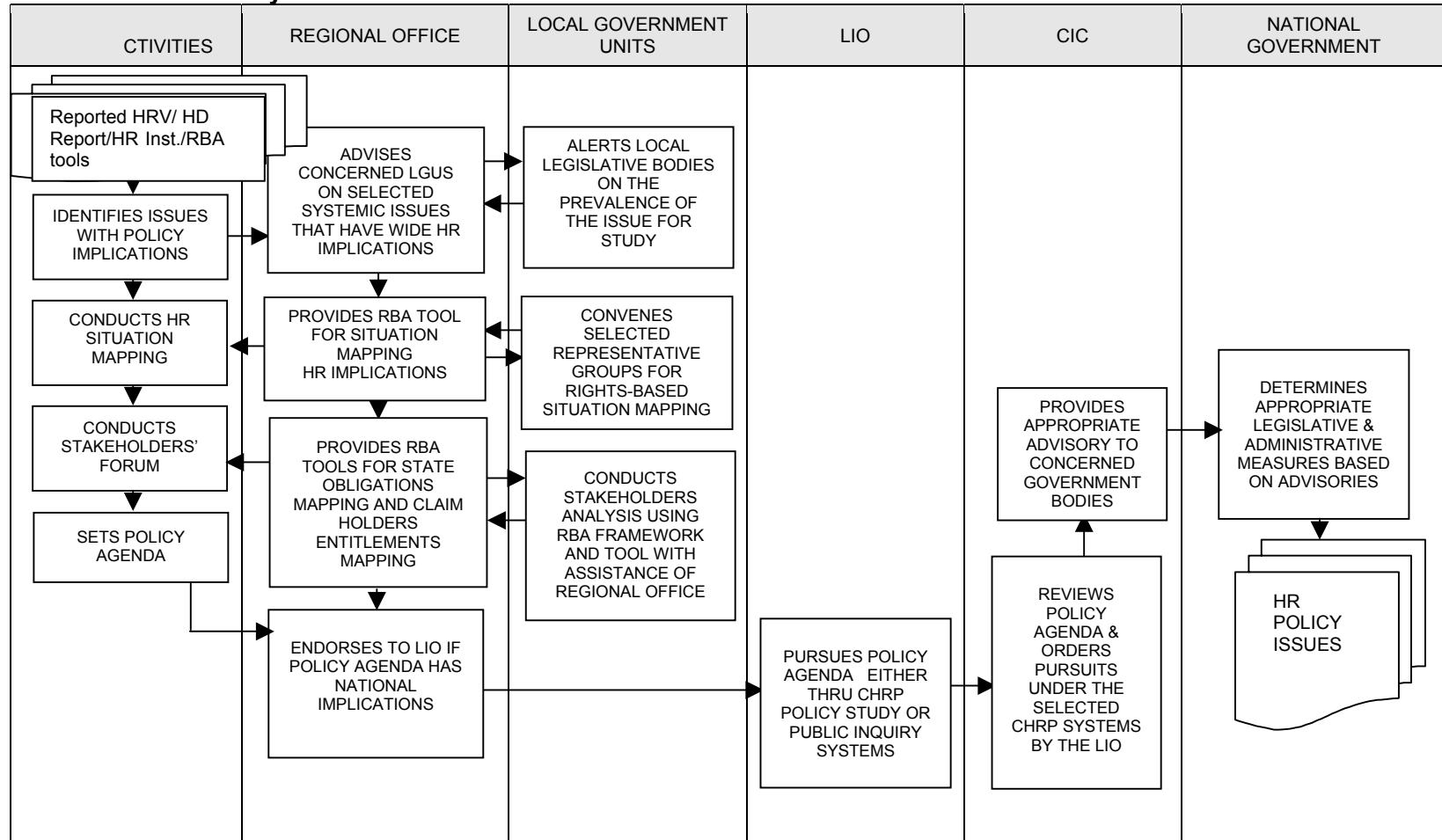
Phase 2 - Policy Formulation. This stage of the system entails consultations and issuance of appropriate advisories to enable the government to effectively formulate policies using human rights criteria and standards. RBA framework and tools will again be used to equip sectors and groups in participating and contributing to policy formulation. Local policies are developed at the LGU level while policies identified to have national implementations are proposed to undergo the CHRP systems for Public Inquiry or Legislative and Special Studies. Policy initiatives that are identified for development at the national level will also engage government's commitment as duty holder in so far as mobilizing the appropriate agencies/bodies that should take lead in policy development like the Congress, development agencies and the like.

Phase 3 - Policy Adoption. Policies are produced in various forms. At the local level, resolutions and ordinances are passed. At the national level, bills and administrative circulars and issuances are done by concerned administrative agencies and legislative bodies such as the lower house and upper house. In both circumstances. The various stakeholders both duty holders and claimholders are encouraged and engaged in consultative processes of providing inputs to the policy measure.

Phase 4- Policy Implementation. During this stage, an orientation on the policy will prepare various stakeholders in the performance of their respective responsibilities and commitments for effective implementation of the policy measures. Action monitoring will be integral to implementation process to determine, gaps and deterrents in the policy implementation. At the oversight level, the CHRP through its LIO and CIC System provides the support in terms of ensuring the tightening of policy measures that have wide human rights implications.

Phase 5 -Policy Evaluation and Change. Resulting from the monitoring of policy implementation, the Regional Office, LIO and CIC assist national and local governments in seeing to it that gaps and deterrents in implementation are thoroughly identified to include identification of possible areas of change or improvement to further enhance change in environmental conditions that will help in improving enjoyment of rights of the poor, marginalized and vulnerable sectors.

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Policy and Legislative Advocacy	Legal and Investigation Office
MAJOR PROCESS	
Policy formation	
DESCRIPTION	
Purpose	To identify and analyze human rights issues from local and international human development condition and situation reports, and to facilitate government HR policy initiatives
Inputs	<ul style="list-style-type: none"> • Reported incidents of violations of human rights and conditions/situations providing in a community • Country Human Development Report • HR standards • RBA framework and tools
Output	Recommended issues for HR policy initiative
WORK INVOLVED	Using RBA framework and tools, the CHRP with government agencies, NGOs and CSOs, will identify and analyze pervading HR issues in comparison to entitlement and obligations and, ultimately involving the duly holders and claimholders in the process.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon submission of a consolidated data representing pending issues by reason of HRVs and conditions ▪ To be completed within one (1) month

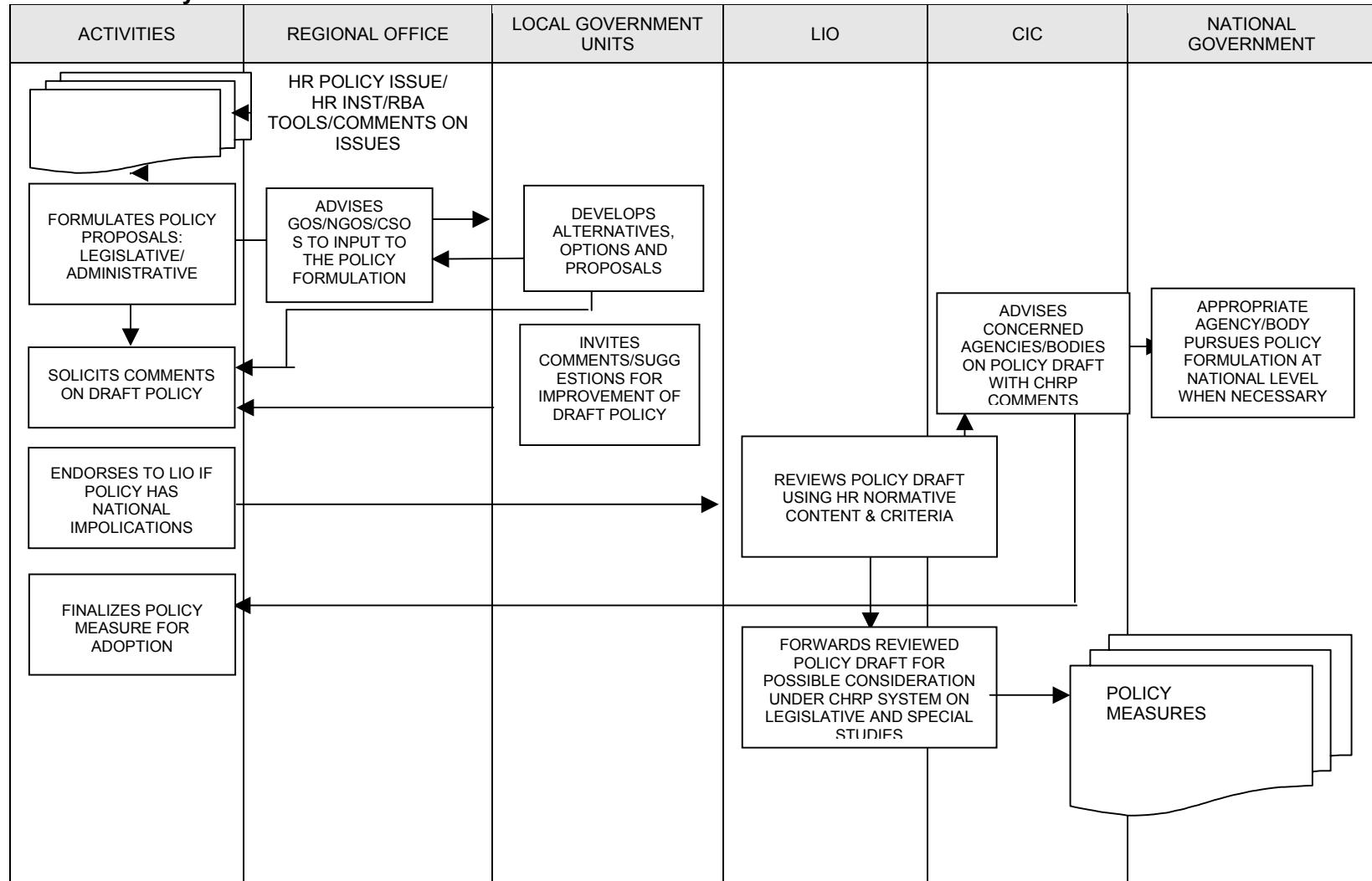
Phase 1 - Policy Formation

LIO-PLA FORM NO. 1**IDENTIFICATION OF POLICY AGENDA**

ISSUES/CONCERNs	RIGHTS INVOLVED	AFFECTED VULNERABLE SECTORS	RIGHTS ENTITLEMENTS	RELEVANT DOMESTIC / INTERNATIONAL LAWS
RECOMMENDATION POLICY AGENDA:				

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Policy and Legislative Advocacy	Legal and Investigation Office
MAJOR PROCESS	
Policy formulation	
DESCRIPTION	
Purpose	To ensure that with the cooperation of the GOs/NGOs/CSO identified policy initiatives are effectively formulated into legislative/administrative measures
Inputs	<ul style="list-style-type: none"> • HR policy issue • Comments on draft policies • HR standards • RBA framework and tools
Output	Policy measures
WORK INVOLVED	
Policy initiatives are transformed into proposed measures with the cooperation of the GOs/NGOs/CSO	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon issuance of a statement of policy initiative ▪ To be undertaken within one (1) week 	

Phase 2 - Policy Formulation

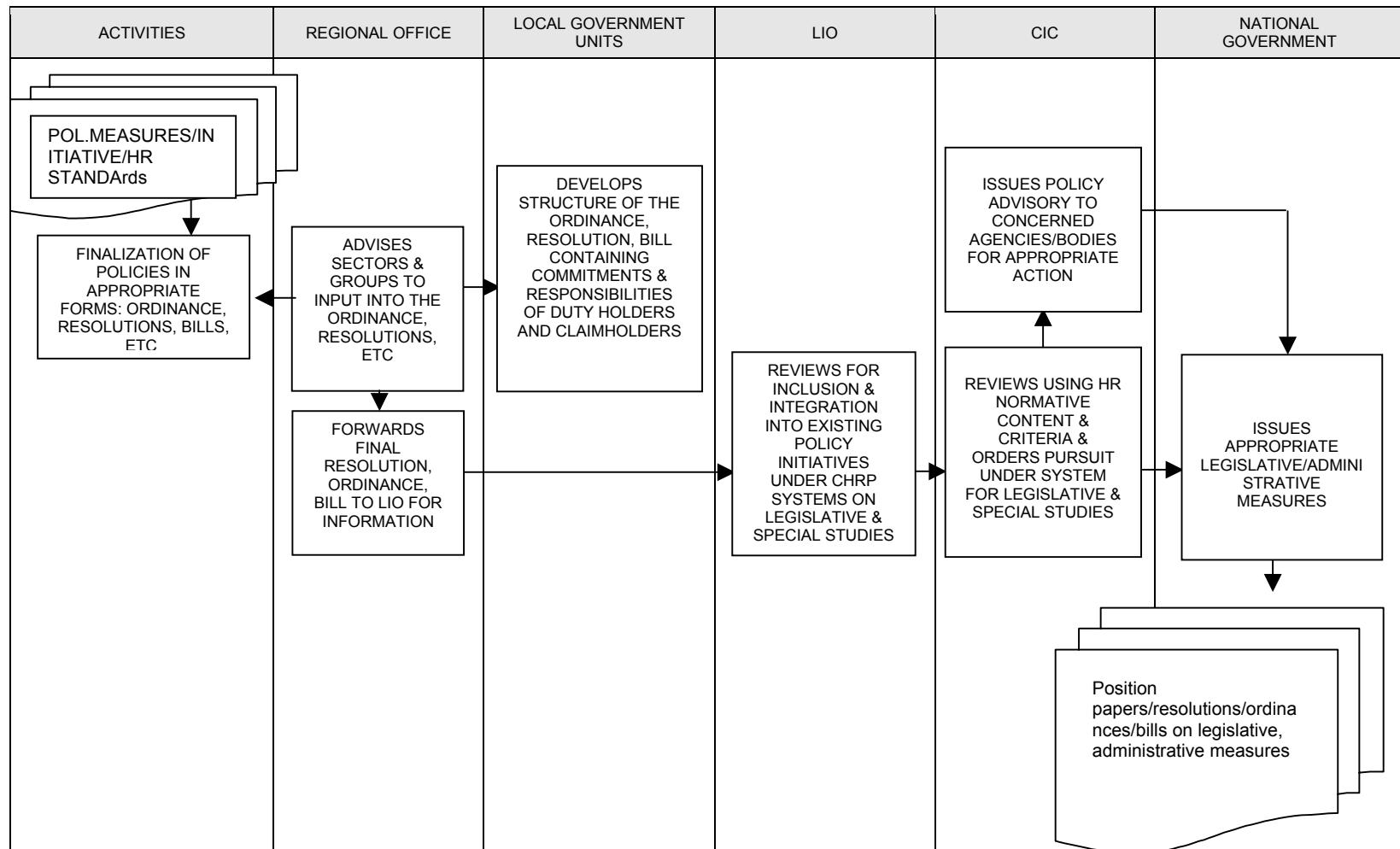


LIO-PLA FORM NO. 2**POLICY FORMULATION**

RECOMMENDED POLICY AGENDA	LEGISLATIVE MEASURE/S	ADMINISTRATIVE MEASURES	LOCAL ORDINANCE

SYSTEM COMPONENT	IMPLEMENTING OFFICE
Policy and Legislative Advocacy	Legal and Investigation Office
MAJOR PROCESS	
Policy adoption	
DESCRIPTION:	
Purpose	To translate policy measures into appropriate legislative and/or administrative agenda for the passage of the ordinance, resolution, bill, etc.
Inputs	<ul style="list-style-type: none"> • Policy measures • Policy initiatives • Country Human Development Report • HR standards • Policy function and formulation proceedings report
Output	<ul style="list-style-type: none"> • Draft position papers • Development structure of bills, ordinances, resolutions, etc. • CHR advisory (LIO-LSS Form No. 6)
WORK INVOLVED	
In consultation with the stakeholders, the CHRP shall engage both duty holders and claimholders in the drafting of position papers for the adoption of policies and the development of the structure of bills, ordinances, resolution, etc.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon submission of policy measures and identification of HR issues ▪ To be completed within two (2) weeks 	

Phase 3 – Policy Adoption

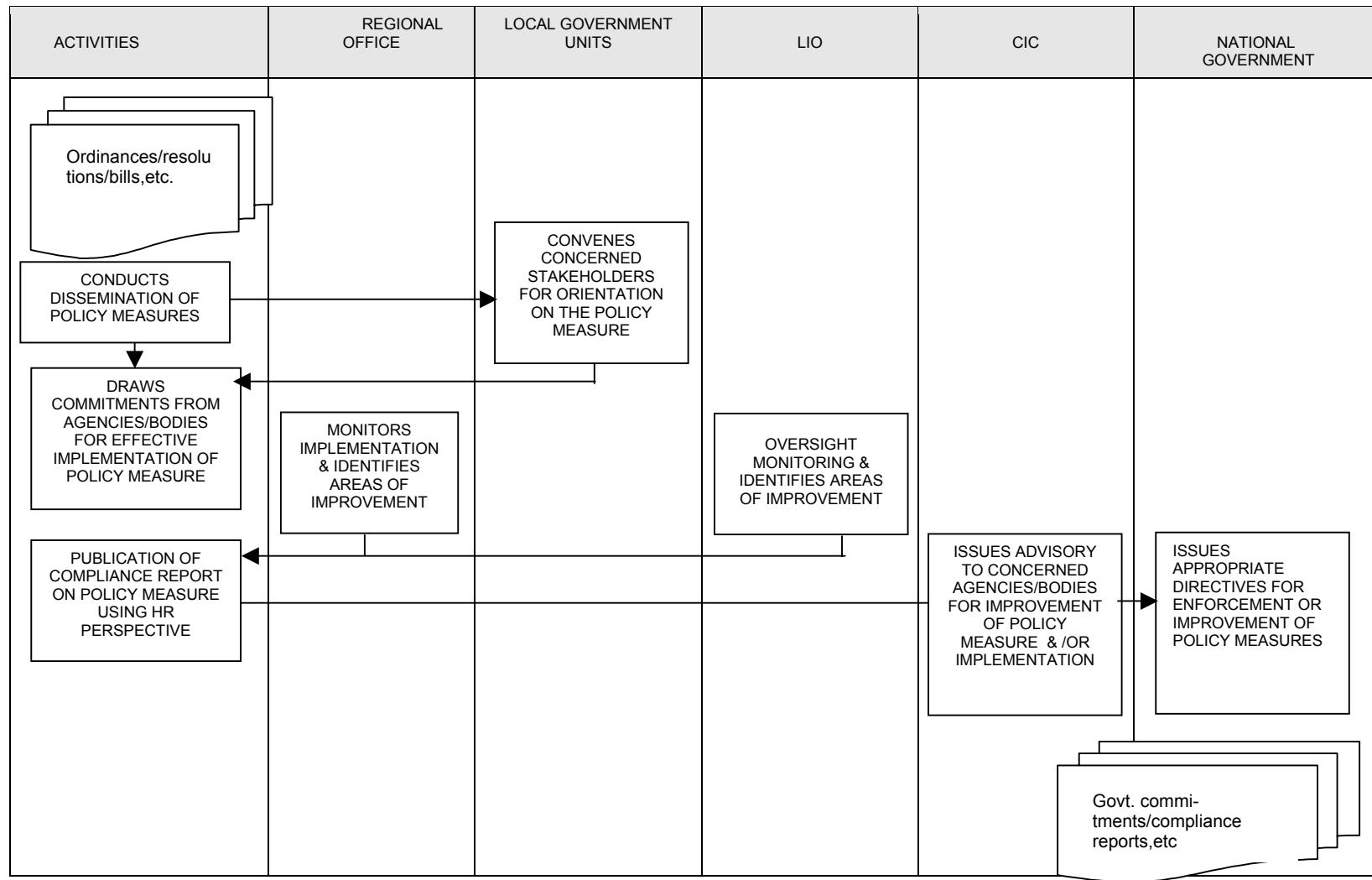


SYSTEM COMPONENT	IMPLEMENTING OFFICE
Policy and Legislative Advocacy	Legal and Investigation Office
MAJOR PROCESS	
Policy implementation	
DESCRIPTION	
Purpose	To institutionalize for implementation policy measures with the identified commitments from agencies and bodies
Inputs	<ul style="list-style-type: none"> • Draft position papers • Development structures of bills, ordinances, resolutions, etc.
Outputs	Agencies commitments/advisories (LIO_PLA Form No. 3)
WORK INVOLVED	
Upon the convention of stakeholders, policy measures are disseminated and their commitments are drawn out, subject to monitoring to introduce improvement of policy measures.	
TIMING/DURATION	
<ul style="list-style-type: none"> ▪ To start upon availability of position papers and developed structures of bills, ordinances, resolutions, etc. ▪ To be completed within one (1) month 	

LIO-PLA FORM NO. 4

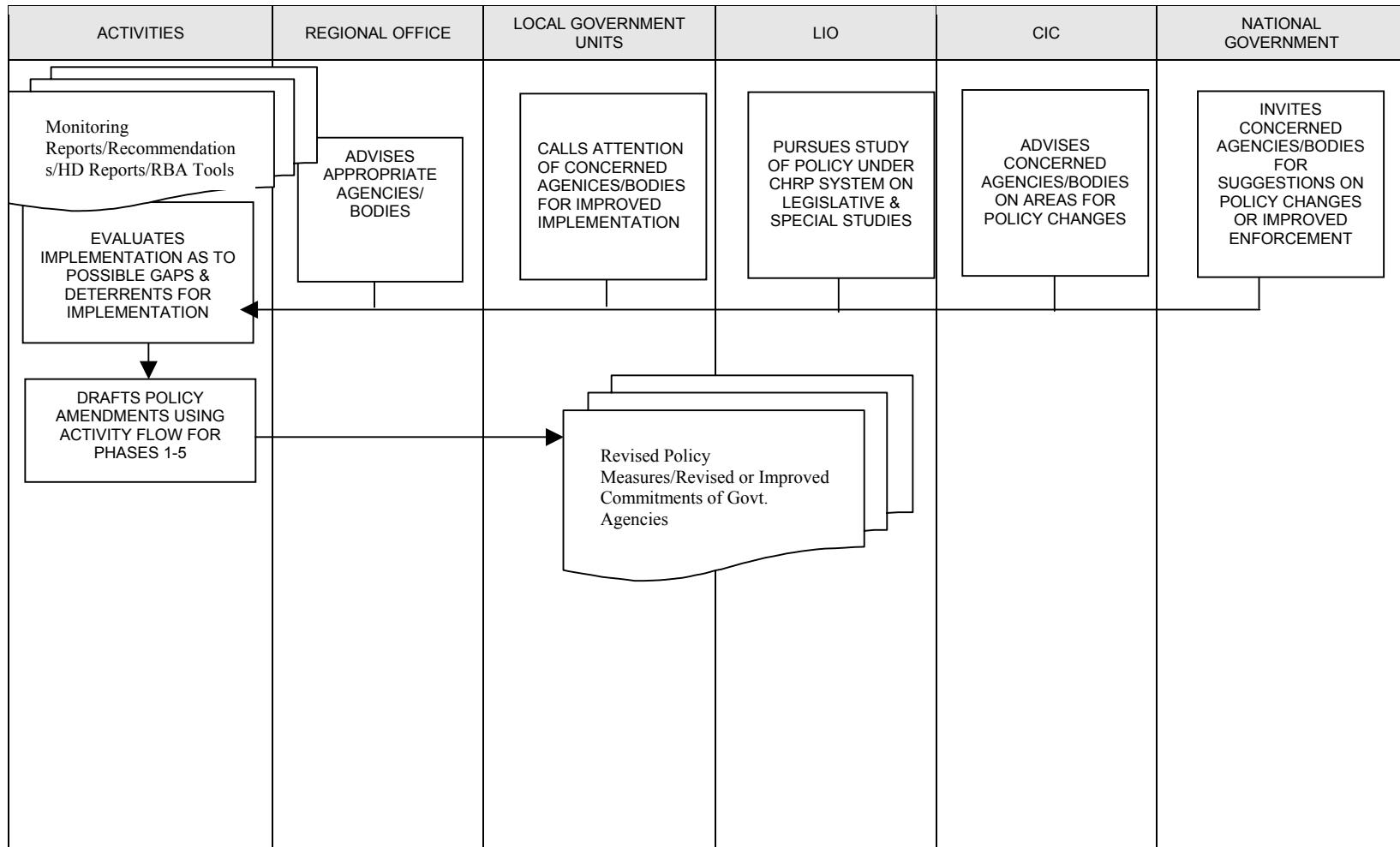
ADOPTED POLICIES (BILLS, ADMIN. ISSUANCES/ ORDINANCES)	DELINERATION OF RESPONSIBILITIES		
	IMPLEMENTING AGENCY	COOPERATING AGENCIES	ADVOCACY ACTIVITIES

Phase 4 - Policy Implementation



SYSTEM COMPONENT	IMPLEMENTING OFFICE
Policy and Legislative Advocacy	Legal and Investigation Office
MAJOR PROCESS	
Evaluation and change	
DESCRIPTION	
Purpose	To identify gaps in or deterrents to the implications of policy measures
Inputs	<ul style="list-style-type: none"> • Evaluation and monitoring reports • Recommendations • HR standards • Country human development reports • RBA framework and tools
Output	Revised policy measures Improved commitments
WORK INVOLVED	Follow procedures in policy formation, policy formulation, policy adoption and policy implementation.
TIMING/DURATION	<ul style="list-style-type: none"> ▪ To start upon submission of evaluation and monitoring reports ▪ To be completed within three (3) months

Phase 5 - Evaluation and Change



LIO-PLA FORM NO. 5

FINDINGS		RECOMMENDATIONS	
IDENTIFIED GAPS IN IMPLEMENTATION	IDENTIFIED GAPS IN THE SUBSTANCE OF THE LAW/ORDINANCES	NATIONAL MEASURES	LOCAL MEASRUES