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ANTI-TORTURE ADVOCACY IN THE PHILIPPINES: Building partnerships and alliances through transformative engagement

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ANTI-TORTURE ADVOCACY IN THE PHILIPPINES:
BUILDING PARTNERSHIPS AND ALLIANCES THROUGH
TRANSFORMATIVE ENGAGEMENT

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Foreword

This paper is the result of the partnership between Balay Rehabilitation Center and DIGNITY -Danish Institute Against Torture, which has been running since 2004. The partnership has involved work on legal advocacy, prevention and rehabilitation and work has been carried out in IDP communities (in the earlier phases) as well as in detention centers and urban neighbourhoods. At the time of writing, the partnership involves detention-based work as well as work through the Global Alliance against what is referred to as Authority-based Violence in Poor Urban Neighbourhoods also featuring partners from South Africa and Liberia.

Balay Rehabilitation Center, Inc. is a non-governmental organization committed to human rights, peace-building, and the protection of civilians affected by armed conflict and socio-natural disaster. It supports victims of torture and internal displacement in seeking redress, justice, and rehabilitation. It gives particular attention to the strengthening of the protective factors, psychosocial resources, and capacities of the individuals, groups, and communities that it serves. To attain its mission, Balay also engages with duty bearers in the establishment or strengthening of effective policies and programs to promote human rights, conflict transformation and disaster risk reduction. It relates with CSOs and government offices such as the Commission on Human Rights, Department of Health, Department of Social Welfare and Development, Department of Education and other government agencies. It also engages with the legislators to advocate for policy change.

DIGNITY is a Danish human rights institute which works with treatment, research, international development work and advocacy. DIGNITY is represented in more than 20 countries, cooperating with local partner organisations to fight torture and help torture survivors and their families to a better life. DIGNITY works to eradicate torture, abuse and organized violence. We do so because we know that torture destroys people, increases violence in society and creates a fundamental sense of insecurity and fear. Presently, DIGNITY works in an interdisciplinary fashion focusing on the rehabilitation of survivors of torture, prevention of torture in places of detention and prevention of violence in poor urban areas.

Introduction

This paper emerges out of a decade-long partnership between Balay and Dignity, both in program work and in research and knowledge generation. One of the important areas of work and reflection has been around advocacy. For nearly a decade Balay's anti-torture advocacy has been a crucial component in progressively achieving a vision of a society where human rights are at the heart of perspectives, discourse and practice. Through this advocacy, Balay, in partnership with Dignity, has contributed to the adoption of a law and a treaty relevant to torture; policy and institutional changes at the national and local level; greater awareness of the anti-torture agenda; and, perhaps most importantly, in having working relationships, and even, partnerships with government agencies. In a time of great political shifts, not least with the recent election of President Duterte and the murderous 'war on drugs' he has initiated and allowed, it is particularly important to recall these successes and also learn from them for times to come. The election and the subsequent events show exactly how precarious and fragile human rights gains are and how much we still need to fight for.

While the Philippines today represents an extreme case of how fast human rights violations have become almost ordinary, it is far from the only example. It is therefore imperative that human rights organizations and the anti-torture movement globally are as persistent and as professional in their program and advocacy activities as possible. It is for this reason that we offer this paper as a contribution to thinking and reflecting on advocacy. Hence, it is the intention of this paper to recount our efforts and share our experiences with individuals, groups and organizations outside the Philippines as well as to facilitate internal reflection around how we may be more innovative and creative in the ways in which we advocate for an anti-torture agenda.

In this paper, we present three cases which reflect the main components of what we call "Freedom from Torture Advocacy" based on the notion of transformative engagement. In the first case, we describe the processes around the adoption of an anti-torture law. As we show, putting a coalition and an alliance together that is able to get a law through parliament is no easy task and demanded that we engaged with politicians and civil society organizations in creative ways. In the second case, we describe our engagements and efforts to influence the Bureau of Jail Management and Penology (BJMP) with its national policies, perspectives and ways of working. Again, while the relationship between Balay and the Bureau began in a hostile mode, we were able to transform that relationship in ways that the Bureau could see the benefits of. In the final case, we describe our attempt to localize, that is, to institutionalize in local policies and intervention in Bagong Silang, Caloocan City, the implementation of otherwise abstract anti-torture legislation. We did this through helping the local authorities with addressing a problem they had with complying to national regulations, which enabled us to introduce an anti-torture agenda into normal institutional practice.

While the three cases are different, they share a common conceptual framework, which we call transformative engagement. Advocacy is often portrayed as being opposed to service delivery on the so-called advocacy-service delivery continuum where advocacy relates to shaming and blaming and service delivery relates to services provided to either end beneficiaries, state institutions or NGO-partners. We do not see it in these binary ways. Transformative engagement relates to engaging with stakeholders in ways that provide them with services they need but which also transform their practices. This can take place in parliament, in bureaucracies and in local government as the three cases show.

The journey towards this model of transformative engagement was not straight-forward. The anti-torture movement and Balay grew in response to the widespread human rights violations committed by the Marcos regime. At that time, thousands of individuals were violated; state agents were able to commit torture with impunity; government efforts to document cases of torture were sporadic and incomplete; and victims were unable to get access to competent rehabilitation services and countless remained vulnerable. Through the years, human rights organizations struggled to campaign for the passage of an anti-torture law and international organizations pressured the government to seriously address the issue of torture. The passage of a domestic law against torture became a protracted struggle. Balay Rehabilitation Center envision a free, just, peaceful and humane society where individuals, families and communities have the opportunity to develop their potential to the fullest for their own well-being. We believe that the continued prevalence of torture in the Philippines is a serious impediment to this vision. Having a law combating torture is a crucial step in demanding our entitlements from the state as its citizens and in the progressive realization of a society that is free from torture.

Our advocacy efforts towards torture were developed through a reflexive and developmental process inspired by lessons and experiences drawn from decades of providing psychosocial services to torture survivors. Constant encounters with torture victims have affirmed our observation that torture remains widespread in the Philippines and countless individuals and groups remain vulnerable. While renewed attention is dedicated to the Philippines because of the war on drugs, human rights violations have also occurred in relation to the insurgencies in Mindanao as well as in relation to the struggle between the Maoist New People's Army and the Philippine military. Earlier wars on drugs, although not as bloody, have also contributed. The same we can say about the often violent evictions around developmental processes – urban development, road widening projects and beautification projects. Despite several legal remedies at hand, these proved to be very limited and perpetrators were able to evade prosecution. Through our services we have learned and affirmed that the attainment of justice is an integral component in the healing and rehabilitation process of torture victims. However, attempts to seek justice are often met with serious obstacles at many levels. Prior to the passage of the anti-torture law, a sufficient legal framework and mechanisms were absent to fulfil these entitlements of victims and vulnerable groups. The continued prevalence of torture and the prevailing culture of impunity have led us to believe that legislation and institutional reforms combating torture are more relevant than ever. It is therefore our hope that this paper may inspire others to persist in their work to pursue a world without torture.

CASE 1: The Anti-Torture Law of 2009

A domestic law combatting torture had huge implications for victims, vulnerable groups, government agencies and civil society organizations. For victims, an anti-torture law provided the possibility of achieving justice and compensation from their violent experiences. The legislation may likewise provide protection to vulnerable groups to the extent that the anti-torture may work as a deterrent. It provides a legal and normative basis for government to address the issue. Finally, the law may provide civil society groups a platform for deeper forms of advocacy and engagements with the state, victims and vulnerable groups.

Thus, prior to its passage, we saw it as pertinent to commit to the process of having an anti-torture law. We committed to facilitating the passage of the anti-torture law and in the continuing engagement towards its full implementation. This involves engaging the government to transform or influence perspectives, discourses and ways of working; and, soliciting support from human rights organizations in the Philippines and overseas to create pressure and momentum to realize the passage of the law and its full implementation.

In 2009, after 23 years of struggle, the Philippines passed a law criminalizing the act of torture and providing for compensation and rehabilitation services to victims. Observers considered the legislation as one of the most consistent with the UN Convention Against Torture (CAT) and one of the more progressive laws about torture. In the following section, we recount the process of the passage of the anti-torture law and reflect on our contribution.



While the Freedom from Torture Advocacy also aspires to mainstream the issue of torture, engage relevant actors to promote institutional changes and create protective mechanisms to prevent torture, in this section, we limit our discussion to our contribution with regard to the passage of the anti-torture law. We touch on other aspects of advocacy efforts in the two subsequent cases.

Passage of the Anti-Torture Law: Milestones

Efforts to pass an anti-torture law started way back in 1986, right after the Philippines acceded to the UNCAT. However, we shall recount milestones from 2006 to 2009 since it was this period when Balay took an active role in the passage of the law.

During the 13th Congress (2004 to 2007), several versions of the anti-torture law were filed in both chambers. A consolidated version passed the third reading and was approved by members of the House of Representatives. But the passage of the law in the Senate however had some difficulty. Due to different priorities, the proposed law did not get past the committee level. Ultimately, the term of the 13th Congress ended in 2007 and so did the process of passing the law.

Versions of the torture law were once again filed in both chambers upon the resumption of the 14th Congress (2007 to 2010). Once again, legislators at the House of Representatives were steadfast in ushering the passage of the law. Months after the resumption of congress, members of the House of Representatives Committee on Justice and Committee on Human Rights came up with a consolidated version of the law and agreed to sponsor it. By March 2009, the House of Representatives were done with deliberations and approved the law.

In the 2008 Universal Periodic Review of the Philippines, the need for the legislation against torture was highlighted by the different states and in the Concluding Observations. Again, in 2009, the UN Committee against Torture reiterated the need for the enactment of an anti-torture policy in its Concluding Observations on the Philippine Government. This led the Senate to take action on the anti-torture law. Both the UPR and UNCAT urged the Philippines government to enact the Anti-Torture Bill as soon as possible. This was supported by the position papers from international organizations, as well as expressions of support from government agencies. A week after the release of the observations, the Senate's Committee on Justice and Human Rights conducted plenary sessions to discuss the proposed law. In June 2009, the Senate approved the proposed law.

With both chambers approving their respective versions of the anti-torture law, the next task at hand was to harmonize and consolidate these in a bicameral session. By August 2009, through the joint efforts of the House of Representatives and the Senate, a reconciled version of the law was produced. The reconciled version was submitted back to the respective chambers for plenary discussions and approval. In October 2009, the proposed law was signed by the Speaker of the House of Representatives and the Senate President. November 2009, President Gloria Macapagal-Arroyo signed the law.

Strategy and Lessons

Thus, in 2009 the anti-torture law was passed. We recognize that its passage was built on the groundwork of actors in the past and the lessons they had learned. Our strategy reflected a multi-level approach which involved actively utilizing the existing UN reporting mechanisms, building alliances and partnerships both local and international, identifying champions, translating human rights language, and reconfiguring identities and ways of working. Our strategy was borne out of a reflexive and iterative process as we navigated the politico-legal context. We offer it as inspiration to others with similar aspirations.

By the time that we launched our Freedom from Torture Advocacy, we believed that legislative advocacy would not prosper based on our efforts alone. Thus, the success of the advocacy relied on facilitating a concerted effort among actors to create pressure directed at the legislature to pass the law. We identified members of the human rights community, international organizations, legislative champions and their staff and government agencies as relevant actors to push this advocacy. We also recognized that the passage of the law rested on the appreciation of its relevance by involved actors. Coming to appreciate the relevance of an anti-torture law was, in itself, a process and relied on the readiness of each actor to support it. Thus, it required an understanding of how to navigate in and between this field of actors and the employment of strategies to engage them in a “language” that they would understand and through encounters that were relevant, transformative and developmental for them. This meant aligning the requirements of the legislative advocacy towards their interests so as to motivate them to participate meaningfully in the process. Internally, it was crucial that we pursued legal and technical expertise about the subject of torture and legislative processes. This meant shedding our activist image in favour of the role of professional or technical expert. Likewise, a conscious effort to obtain resources, improve capacities, seek opportunities and develop or harness linkages was required.

Facilitating a concerted effort to create pressure and momentum towards the passage of the anti-torture law started within the human rights community through the United against Torture Coalition (UATC). The coalition was formed in 2000 and was composed of organizations and individuals committed to the promotion of the right to be free from torture. The coalition’s efforts included campaigns against torture and facilitating engagement at the international level through alternative UNCAT reports. In the process of passing the anti-torture law, the UATC became a significant actor in lobbying efforts and in providing technical expertise about the subject of torture to lawmakers. Becoming an effective lobbyist required infusing time and resources to the coalition. This was geared towards facilitating the process of learning together with member organizations to achieve technical expertise about torture and the legislative process. It was also geared towards learning from past initiatives and creating and improving on pre-existing repertoires of action. Additionally, it was directed towards strengthening coordination and information sharing between member organization as we conducted lobby activities, campaigns and learning events. We were a core member of the UATC since its inception and remain so today.

While harnessing the synergies between member organizations of the UATC, we realized that creating and strengthening existing linkages with international actors and partners was important. The objectives of our engagement with actors overseas were three-pronged: to access resources to further our lobby efforts in the Philippines; to obtain more knowledge and technical expertise about torture; and to bolster domestic pressures from the outside.

A notable international partner was the Danish Institute against Torture (DIGNITY). Apart from providing access to resources, DIGNITY provided access to information and discourses relevant to the subject of torture. This contributed to the development of our technical knowledge and expertise. Likewise, DIGNITY reinforced the pressure generated in the Philippines by constantly sending position papers to key legislators and relevant government agencies and sending out messages of support and solidarity to the human rights community. During missions in the Philippines, delegates from DIGNITY would take time to conduct lobby visits to lawmakers and government agencies to push further the momentum to pass the law. Engagements at the UN through lobby missions and alternative reports also proved to make a significant contribution to the passage of the law. As we saw earlier, engagements at the UN level contributed by creating pressure at the level of the Senate to hasten the pace of deliberating the proposed anti-torture law.



We also recognized that it was crucial to have “allies” within the House of Representatives and the Senate if we were to facilitate the passage of the anti-torture law. Having these legislative champions was crucial to our advocacy effort as we needed their capacity as representatives of the Filipino people to endorse the proposed law in both chambers for deliberation and approval. This required an intensive lobby effort amongst legislators to “sell” the idea that an anti-torture law was relevant. This also required technical expertise, not only about torture, but also about the process of drafting a law. This skill was important as it allowed us to provide concrete recommendations for the development of the anti-torture law. Aside from legislators, we also paid attention to the legislative staff of the lawmakers. Legislative staff were privy to the affairs of lawmakers and were doing most of the technical work. Influencing them allowed us to indirectly speak to legislators about the relevance of the law. It also enabled us to put forward important provisions that we deemed important in the process of drafting the proposed law.

Together with UATC members, we kept in close communication with legislators in both chambers to push for the passage of the law. Legislators and their representatives were also often invited to seminars and learning events to push the momentum to pass the law. As we saw, intensive lobby efforts and lending technical support were important, especially at the Senate level, to pass the anti-torture law. The ability to provide these kinds of activities required, not only technical skills, but also a professional demeanor in the course of dealing with legislators and their staff.

Pre-existing linkages and relationships with lawmakers proved to be crucial in the passage of the law. As we saw earlier, it was relatively easier to lobby at the House of Representatives. This was because lawmakers that were endorsing the law were sympathetic to human rights organizations and their respective advocacies. The sympathetic treatment by these lawmakers was founded on personal histories and ideological and organizational affinities. Most of the legislative champions there were representatives of progressive party-list groups or former activists. These linkages may explain the relative fast pace of the approval of the law at the level of the House of Representatives compared with the level of the Senate.

Together with pressure from human rights groups, international organizations and legislative champions, Balay believed that it was also important to raise the awareness of relevant government agencies about the subject of torture. We thought that through awareness raising activities we could add more pressure to the legislature to pass the law. This pressure was achieved by getting their expressions of support for the act. We also believed that these activities could serve as a platform for deeper forms of engagement, especially in the event that the law was passed. These agencies would be primarily responsible for implementing the law and it was vital that through these activities, we could create and strengthen working relationships with them. For this section, it would be enough to say that soliciting the support of government agencies underwent a process of discarding pre-existing biases and an alignment of interests towards a working relationship or partnership. We explore this further when we turn to our next case which explores the development of our relationship with the Bureau of Jail Management and Penology (BJMP). The BJMP turned out to be an important ally in the process of passing the anti-

torture law. After the passage of the law, the Bureau continues to be an important actor in its implementation. The following case explores how our relationship with the Bureau developed from abrasive encounters towards a meaningful partnership.

In summary, this case has shown how our effort to facilitate a concerted effort at different levels to pressure the Philippine Congress was vital to the achievement of the law. Through this advocacy, we developed, together with our allies from the human rights community, technical expertise about the subject of torture and the legislative process. Presenting a professional demeanor and equipped with technical expertise, we engaged legislators and government agencies to push the momentum toward formulating a law against torture. Meanwhile, we continued to engage at the international level to create pressure from the outside, further improving on our knowledge and skills about torture, and obtaining resources to continue the advocacy effort. Below is a visual representation of the strategy for our Freedom from Torture Advocacy.

Figure 1: Balay’s Legislative Advocacy Model



The lessons we learned in the course of passing the anti-torture law proved to be a platform to further other advocacies related to the issue of torture. For one, the synergies between UATC member organizations and technical expertise that were developed were instrumental in the accession of the Philippine State to the Optional Protocol on the Convention against Torture (OPCAT) in 2010. Likewise, we are still using strategies from our Freedom from Torture Advocacy in the continuing effort to pass a domestic law regarding the National Preventive Mechanism.

CASE 2: Engaging the BJMP – From abrasiveness to partnerships

In 2006, Balay Rehabilitation Center invited officials and personnel from the Bureau of Jail Management and Penology (BJMP) to a forum in order to discuss human rights and psychosocial services in jails and prisons. After a series of lectures the floor was opened for questions and comments. An officer from the Bureau stood up and asked why Balay was exclusively providing services to political prisoners and whether it was part or affiliated to the communist movement. A member of Balay tried to address the question saying that the organization was politically neutral and that services provided to political prisoners were humanitarian in nature. The agitated discussion continued, the atmosphere tense and uneasy. Some years later, in March 2012, Balay signed its second memorandum of understanding (MOU) with the BJMP. The memorandum formalized the cooperation between Balay and the Bureau in working towards “humane” places of detention. Preceding the MOU were joint activities involving training of officials and personnel, humanitarian services to detainees and even mass demonstrations. Press releases of the Bureau often cite Balay as a “long-time partner”.

Having relevant government agencies support the passage of the law was an important component of our Freedom from Torture Advocacy. In the short term, their support provided additional pressure towards the Philippine Congress to pass the legislation. In the long-term, we appreciated their support as an opening to further deepen forms of engagement and partnership in the interests of the full implementation of the law.

Getting the support of government agencies was not a straightforward endeavor. Pre-existing biases and misconceptions by government agencies about civil society groups affected how they engaged. Government agencies did not trust civil society groups and were cautious. Likewise, repertoires of campaign, protest and engagements by civil society groups ran the risk of making government agencies feel impotent and marginalized. We believed that it was important for government and civil society organizations (CSOs) to work together on the issue of torture. Government agencies have the mandate and the resources to address the issue while CSOs are regarded as having the expertise, knowledge and experience about how to deal with victims as well as vulnerable groups.

Assuming the role of a facilitator involved rethinking our strategies about how to engage the government. This engagement sought to reduce the gap in order to achieve working relationships, and even, partnerships. These engagements eventually sought to transform the perspectives, discourses and ways of working of government agencies to be more consistent with the principles and standards of human rights. We tried to encapsulate this undertaking with the term “transformative engagements” towards advocacy.

The transformative engagement starts by having an understanding about the mandate of a particular agency and developing approaches that would appeal to their interests. This meant translating our understanding of human rights and psychosocial perspectives into a language that government agencies would find understandable and relevant to them. This understanding and a new language was important in capturing an audience with these agencies and sustaining the dialogue with them.

Initial engagements were focused on understanding their efforts to address the issue of torture. We adopted an appreciative perspective for this inquiry. Based on experience, being appreciative was important in keeping communication lines open. However, it does not

follow that we were any less critical about the work of these agencies. Being critical does not necessarily need to follow a naming and shaming approach or an abrasive engagement. Instead, a conscious effort was employed to translate critical comments into constructive suggestions in order to improve their work.

Capturing and sustaining an audience with government agencies, understanding and appreciating their work, and sharing information and expertise were all understood as openings to strengthen our advocacy about torture. The focus of this engagement was to push these “boundaries” towards more substantial and meaningful working relationships. These relationships were hoped to transform discourses, perspectives and practices in order to realize the full implementation of the anti-torture law and other legal instruments.

The strategy to engage government agencies was based on three main assumptions. First, particular government agencies are bound by duty to fulfil the pronouncements of the Philippine Constitution, UNCAT, the anti-torture law and other related legal documents. Second, a belief that government personnel have the genuine desire to do their duties effectively despite overwhelming constraints and limitations. Third, the realization that the right to be free from torture cannot be attained in an instant and is a progressive process.

We recognize that there are different motivations for government agencies to engage and give support to civil society organizations and their advocacies. Agencies may do this as part of their efforts to fulfil their mandates. Likewise, they may also do this to look good in front of CSOs and the public in general. However, as said earlier, we appreciate these expressions as “openings” or opportunities that can be maximized. The crucial aspect of our advocacy work is transforming these mere expressions into tangible changes for the benefit of torture survivors, their families and society in general.

The brief story at the start of this section suggested that our relationship with the bureau underwent a process of transformation. So far, we have explained why it is relevant to engage the government and provided a basic outline of our strategy. At this point, let us turn our attention to our experience in dealing with the Bureau of Jail Management and Penology (BJMP) and draw some lessons and articulate continuing challenges.

Prior to the launch of our Freedom from Torture Advocacy, we were already visiting prisons and jails all over the country to provide psychosocial services to prisoners. In 2006, a conscious effort to engage the BJMP and jail authorities at the local level was pursued. This effort to engage the Bureau was borne out of two main reasons. First, most of our prisoner partners were under the safekeeping of the BJMP while they awaited the resolution of their respective cases. Second, we deemed it relevant to solicit the support of the BJMP to the anti-torture law. We believed that getting the support from the security sector would have a great impact in the passage of the law since these are the agencies that are thought to be implicated in torture.

Our understanding led us to believe that the Bureau is rarely implicated in the political prisoner’s experience of torture. While most of the time, political prisoners would experience torture at the hands of the police or military in their lock-up cells, these individuals eventually ended up in jails managed by the BJMP. Nonetheless, political prisoners continued to suffer from cruel, inhuman and degrading treatment while in detention due to poor jail conditions.

We believed that advocacy at the level of the national headquarters as well as documentation of cases upon their intake in jails, and provision of relevant services for their rehabilitation or recovery would make a strategic contribution to the prevention of torture at the Bureau level. Thus, while BJMP was but a part of the wide spectrum of actors involved in the issue of torture, successfully changing the Bureau's perspectives, discourses and practices would be a concrete contribution towards addressing the problem.

As the introductory vignette illustrated, initial encounters with the BJMP proved to be challenging. They were encounters filled with tension and anxieties on both sides. Some older officers were apprehensive or cautious when engaging with us and we felt that we were always on the defensive. We realized that we needed to do a better job in engaging the Bureau since early encounters did not enable us to effectively capture their attention. We recognized the need to neutralize the tension and anxiety of the BJMP, which posed a serious hindrance, by creating and strengthening channels for dialogue. This resulted in a strategy of translating our human rights and psychosocial mandate into their language and interests as well as posing identities or faces that were not threatening but neutral.

At the local level, we superimposed the identity of a social welfare service provider onto the image of an activist. Thus, our presence was not because we were supporting activists. Rather, we were there because we saw political prisoners as a population vulnerable to torture. Political prisoners who were tortured had the right to rehabilitation and our psychosocial services helped the healing process of these individuals. Denying us access was tantamount to denying the right of prisoners who have suffered from torture and ill-treatment.

While some local officers were quite apprehensive since we were providing services to individuals that they considered the "enemy", the social welfare identity was able to (somewhat) neutralize this concern in two particular ways. This presentation provided justification in providing services exclusively to political prisoners that were tortured. The justification is drawn from the right of every torture survivor to access rehabilitation services. Second, the social welfare image, to some extent, depoliticized our presence and services in jails. Furthermore, this identity gave us the ability to empathize and provide service to political prisoners while also engaging local jail authorities about the overall condition of detention facilities and their inmates.

On the other hand, we assumed the identity of expert on psychosocial interventions at the national level. While the BJMP was mandated for safekeeping of detainees, the agency was also responsible for addressing the developmental needs and rehabilitation of those in their custody. Having this understanding, we reframed our expertise in psychosocial interventions to make it

relevant for jail officials in their pursuit to improve BJMP's developmental efforts. By offering our knowledge and investing resources in dialogue and training, we were able to capture an audience at the national level.

Accepting our expertise on psychosocial interventions, we were able to develop a mentoring relationship with the BJMP – where we acted as mentors and the Bureau as the mentored. Through a number of trainings, we were able to have access to national and mid-level officers. On these occasions, we had the opportunity to persuade them about the relevance of a holistic (psychosocial) approach towards jail management. The majority of the mid-level officers and some high ranking officials turned out to be like-minded people. The trainings on psychosocial interventions provided them with a language to push their agenda of humanizing the jail and increasing the Bureau's orientation towards development. While in some instances, we appreciated their efforts to improve their developmental services in order to avoid trouble and security breaches in the jail, we saw it as an opening to influence this aspect of their work to become more consistent with the principles of human rights and minimum standards. The officers we trained, in time, turned out to be champions to push the agenda of development and jail management that is consistent with human rights principles and standards.



Such was the case with the Therapeutic Community Modality Program (TCMP). Prior to 2012, the TCMP program was dismissed as irrelevant by high ranking officials since the priority was security and safekeeping. In fact, the TCMP was initiated as early as 2002. The program was formalized through a memorandum in 2012, mandating all jail officials to carry out the program. While a healthy dose of scepticism is needed when viewing the integration and effectiveness of the program, one cannot discount that the push or momentum for the integration of the program was due to the internal pressure of development-oriented officers within the BJMP. Through the trainings, these officers gained access to the language of human rights and the psychosocial perspective which lent greater credibility to their arguments in favor of the TCMP.

Capturing an audience with the BJMP also allowed us to lobby and forward our advocacy to pass the anti-torture law and pursue its full implementation. The ability to access jails allowed us to reach most of the political prisoners tortured in the Philippines. The data we gathered through these visits allowed us to have “talking points” for the Bureau. On the one hand, we were able to provide relevant statistical data to the BJMP about torture; and on the other, we were able to humanize the experience of survivors in detention through case narratives and stories. Our position as experts at the national level enabled us to present these findings to officials while the data helped us to drive the point home. In the end, the BJMP became a supporter of the passage of the anti-torture law and the ratification of the OPCAT.

After the passage of the law, we continued our engagements with the BJMP. We helped them in their aspiration to improve the documentation processes during the intake of detainees. This has yielded a documentation process that screens for torture experience and psychological issues. Thus far, the Bureau is the only agency to consistently report about the number of inmates under their custody to the Commission for Human Rights; a procedure mandated by the anti-torture law. The BJMP have also instituted documentation and counselling procedures in several jails in the country.

What we have discussed so far is but a partial picture of the breadth and depth of our engagement with the Bureau. However, we have pointed out several key insights that may be useful for our purposes. First, working relationships are a progressive process, demand time, investment and an alignment of interests. As our partner from DIGNITY, Andrew Jefferson, has commented, “knowledge [and relationships are] not instantaneous; [it] takes time to develop. They demand investment (2013).” Second, our engagement with the Bureau leads us to reflect about existing repertoires of engagement and think about what are the most relevant forms based on what we want to achieve. As our experience has shown, protests and campaigns might not be the most relevant strategy in terms of getting the change we desire for the BJMP. Employing such abrasive strategies would only lead to widening the gaps between institutions, diminishing lines of communication and decreasing possibilities for working relationships. We do not have any pretention that our engagements with the Bureau have solved the problem of torture in jails. Nonetheless, we believe that through these engagements we have contributed to reforms that have tangible effects, not only for torture survivors, but also for the whole jail population. Finally, there is reason to believe that the attainment of a torture free society is a developmental process. While it is true that torture still persists, we cannot expect this to change overnight.

CASE 3: Localization and Institution-building at the Local Level

For our final case, let us look at our efforts to localize the implementation of the anti-torture law in Barangay Bagong Silang, Caloocan City. Advocacy efforts in Bagong Silang turned towards institution-building due to the fluidity of Barangay politics and governance.

Combatting torture is an issue that is hard to sell. Attempts to engage local governments solely on this issue may be met with denial or might be dismissed outright by executives. Capturing an audience was indeed difficult. This was the case in Barangay government (Barangay hereafter) whose priorities were often aligned towards addressing basic issues such as poverty, hunger, livelihood, peace and order and education. We believed that if we were to engage the Barangay on the issue of torture, we needed to re-imagine our approach and translate the problem into terms that were relevant and pressing to them much as we did with the BJMP. Successfully integrating torture within the Barangay’s priorities held the possibility of mainstreaming the issue in communities and neighbourhoods, increasing awareness, making services accessible and making prevention workable.

Dealing with the Barangay however proved to be trickier than dealing with the BJMP. Engaging with tenured bureaucrats in the BJMP provided a semblance of permanence and stability. Despite changes in administration, champions or trained personnel were still present in various positions and capacities. Engagements with Barangay executives and personnel proved to be more fluid and unstable. A change of administration at the Barangay level often entails the replacement of most of the personnel. Thus, one may find their investment in the Barangay diminished after a change of administration.

Despite the unstable nature of the Barangay, we thought that it was still relevant to engage them with our anti-torture advocacy. We appreciated the Barangay government as a vital actor in mainstreaming the issue of torture to individuals and communities. Likewise, we saw the potential of the Barangay in providing services to torture survivors and putting up protective mechanisms to prevent its occurrence. As such, much of the advocacy work at this level was focused on institution-building. We thought that institution-building would solve the puzzle of the Barangay’s instability. As we shall see later our concept, objectives and desired outcomes of institution-building was contingent on lessons we learned along the way.

The anti-torture advocacy was located at Barangay Bagong Silang, Caloocan City and was undertaken parallel with an existing community-based psychosocial response program for children and youth survivors of torture. Given this context, we believed that it would be a good idea to forward the advocacy against torture using the angle of children and youth protection. Children and youths comprise nearly two thirds of Bagong Silang’s population. Thus, an advocacy angled towards this group encompasses the majority of the Barangay’s constituents. Also, at the time, the issue of children in conflict with the law (CICL) was huge in Bagong Silang. Our experience had also shown that a number of children had been subjected to violence at the hands of Barangay law enforcement agents and the police as part of its efforts to “discipline” them. This resulted in documented cases of torture and extra-judicial killings against children and youths. Additionally, there were a number of cases of violence perpetrated by and against children and youths. The Barangay saw this issue as highly relevant and as warranting attention. By packaging our anti-torture advocacy alongside the issue of children, youth and violence we were able to capture an audience with the Barangay executives and personnel. Like our engagements with the BJMP, we presented ourselves as experts in psychosocial services. In particular, we presented ourselves as trainers and resource persons willing to invest time

and resources for institutional development. Attracted by this investment, the Barangay took advantage. This however provided us with leverage in setting the agenda, topic and direction of the institutional development. This meant that while we were concerned with the issue of children and youth, we also had the freedom to pursue anti-torture advocacy during these activities.

Efforts towards advocacy and institution-building started in 2007 during the term of Chairperson Padilla. The Caloocan City Social Welfare and Development Office (CCSWDO), Barangay Council for the Protection of Children (BCPC), Barangay Women and Children's Desk (BWCD) forms the trifecta of offices concerned with the protection of children and youths. It was logical to pursue our advocacy against torture with these offices using the angle of children's rights and protection. Institution-building efforts at this point were focused on providing Barangay personnel with relevant skills and knowledge regarding handling children and youths, especially those who were in conflict with the law. We were able to infuse the subject of torture into these trainings. This proved to be important in capturing the support of the Barangay to pass the anti-torture law as well as mobilizing them during mass demonstrations. After the passage of the law we undertook a massive education and information activity with all of the 115 puroks (neighbourhood leaders) in Bagong Silang. In this activity, we imparted knowledge regarding human rights, torture and the newly passed anti-torture law of 2009.

Come 2010, a barangay election was held. Padilla ran for office but lost to council member Apolinario Trinidad. Trinidad had been an avid supporter of the anti-torture law at the local level and was known for his pro-children and youth programs. It was under his recommendation and supervision that the BCPC and BWCD were formed. As expected, when Trinidad assumed the post of Barangay Chairman a massive change of personnel was undertaken. It was frustrating because our investment in the knowledge, skills and attitudes of previous personnel was



somewhat lost. They lost their capacity to take action since they were no longer in an official position. The massive replacement of personnel likewise compromised any attempt to transfer knowledge, skills and procedures. Records were taken home by the replaced personnel and incoming staff had to start from scratch. Immediately after the elections, barangay personnel from the Padilla administration attempted to carry out parallel functions in their respective neighbourhoods using the know-how they had learned through our trainings. However, this attempt soon dwindled as the group became embroiled in politics and resources ran out.

At this point, we believed that a training intensive effort towards institution-building might not be the most relevant approach given the volatile nature of the Barangay government. In order to address this issue, we came up with three main thrusts that we shall discuss below. First is the codification of manuals, procedures and strengthening of inter-agency communication and collaboration. Second, is institutionalizing protective mechanisms through local ordinances and resolutions. Finally, facilitating an inter-CSO dialogue to harmonize efforts regarding child protection and have a concerted effort to lobby the Barangay about child and youth friendly policies.

We realized that it was necessary to focus on building systems and codifying these systems and procedures. A premium on codifying these systems was put in place in order to solve the problem of massive personnel changes whenever there is a change of administration. We believed that, should there be change, these manuals and guidelines would help preserve institutional memory and incoming personnel could use them to jumpstart their respective functions. Since most of the incoming personnel had little experience in dealing with issues related to children and youths, we conducted similar trainings as with the Padilla administration to equip them with knowledge and skills to handle their job properly. Personnel who managed to preserve their posts were tapped as facilitators or resource persons during these trainings. While these trainings might be redundant, we thought that it was important to establish a baseline of know-how and understanding.

Having helped them develop these knowledge and skills, our next focus was an inter-office dialogue and collaboration. The objective of this activity was to clarify procedures in handling children, strengthening communication lines and inter-office collaboration. In this activity, we invited all of the offices that were involved in handling children. These did not only include the CCSWDO, BCPC and BWCD but also the council member assigned to the committee on children and youth, Task Force and members of the Katarungang Pambarangay Office. In this inter-office dialogue, we talked about issues regarding handling of children and producing workable solutions to these issues. We served as facilitators and documenters of this process. We envisioned that the final product would be a manual about handling children and youth.

The second thrust was to institutionalize protective mechanisms in order to address and prevent torture, particularly against children and youths. Part of these trainings and dialogue was a deliberate attempt to explain to Barangay council members, executives and staff about the significance of the issue of violence against young people, especially those perpetrated by their agents. We explained that this constitutes torture, or, at the very least, ill-treatment. In many ways, these trainings and inter-office dialogue fed into the momentum of institution-building initiatives in the Barangay. We argued that the establishment of the Barangay Human Rights Action Center (BHRAC) in Bagong Silang would be vital in this attempt to institutionalize protective and preventive mechanisms. With the support of council members and personnel who took part in the training, the passage of the BHRAC in the local legislative body was swift. By the middle of 2012, the BHRAC was already established and was under the supervision of

a council member. By early 2013, the CHR took notice of our initiatives in Bagong Silang and launched a Barangay wide information campaign about human rights and torture. The CHR has also infused resources in order to build capacities of the BHRAC. Thus far, a number of residents have lodged complaints in the BHRAC pending resolution by the CHR. While the BHRAC is already in place, its impact towards prevention and addressing human rights issues, particularly torture, is still questionable. Of particular concern is the Barangay's allocation of financial and human resources to the body. This issue impacts on the capacity of the BHRAC to document cases of human rights violations, as well as to conduct education and information activities.

By the end of 2012, much of the training and inter-office dialogue was finished. This provided a breathing space for us to codify procedures and modes of communication. It also provided us with an opportunity to make a final push which involved gathering all civil society and people's organizations working with children and youth in Bagong Silang. The intention of this gathering was to share each other's programs and attempt to harmonize them. We believed that it was important to let each stakeholder know what others were doing in order to increase possibilities of cooperation and information sharing. Furthermore, we believed that this gathering could jumpstart the process of coming up with a concerted voice to lobby to the Barangay government to adopt pro-children and youth policies, as

well as to pressure them effectively to implement these. These meetings have resulted in greater awareness of each other's programs and opened opportunities for mobilization and cooperation, especially in engaging the Barangay.

By the third quarter of 2013, another barangay election was held. Trinidad lost and a council member, Bacolod, assumed the post of the chief executive of the Barangay. Once again, a massive number of personnel were replaced while the incoming staffs grappled with how to do their work properly. Like before, records were taken by the outgoing personnel, institutional memory was compromised and service delivery slowed down. At this point, we were still inquiring about the effectiveness of the codified manuals and procedures. We observed that the Barangay was undertaking a massive training program for all personnel and a succession of meetings were held in order to figure out how to proceed in. We participated in these meetings in order to profile the manuals that had been produced for them to consider as references. The offices working with children undertook a baseline study about the situation of children in Bagong Silang in order to guide their work for the subsequent three years. We participated as facilitators to guide the process imparting technical knowledge to undertake this project. The civil society and people's organization alliance continues to engage the Barangay and aspires to be a voice at the local city level.



Conclusion and recommendation: Advocacy and Entanglements

In this paper, we have surveyed our Freedom from Torture Advocacy by looking in detail at three cases. The first case discussed national level legislative advocacy. The second dealt with our engagement with a relatively static organization - the BJMP. Finally, the third case reflected on doing advocacy with a fluid organization - the Barangay. The three cases reveal distinct approaches towards anti-torture advocacy. The varying modes of engagement reflect the distinctness and richness of the context in which Balay operate. The significance of reading the context effectively and figuring out the best way to approach it cannot be emphasized enough. Our appreciation of context has taught us that we are entangled with other actors. This recognition of entanglements led us to believe that a relational approach was justified. This led us to strategize where we employ a conscious effort to identify potential opportunities to reconfigure identities and adjust our self-presentation in order to put us in the best position to achieve our goals. This brought an understanding of change as co-produced, negotiated, and iterative. This is what we mean when we talk about a transformative engagement.



While the Philippine and Balay's experiences are unique and depend on context, we believe that the cases point to more general lessons that can either be adopted by other human rights organizations around the world or used as means to reflect over their own advocacy challenges.

1. The advocacy continuum between engagement and confrontation: Given its particular history, Balay opted for a less confrontational approach to advocacy. However, this was an approach adopted after much consideration and with the explicit purpose of engaging in transformation. Each organization needs to reflect on what serves their agendas best at any given time. Conditions also change as the advent of new forms of state violence in the Philippines illustrates.
2. Transformation and politics: Balay strives to maintain neutrality in political affairs. This is a simple necessity of survival because the electoral system ensures frequent political turn-arounds. Alienating political players risks producing adverse effects in the future as they might be next in line of government. However, Balay knows the importance of knowing the political field and exploiting openings, even when they come from potentially unexpected places. A solid knowledge of the political field – and not only the human rights field – is crucial for sustainable advocacy.
3. Transforming opportunities into development: Progress in anti-torture work can be found in many places, even where it was not intended as such, like the Barangay Council for the Protection of Children, where Balay helped the Barangay fulfil its legal responsibility while furthering the anti-torture work. In this way, it demands creativity and ingenuity to see and exploit opportunities but it is worth looking for opportunities wherever they may arise.
4. Transformation through solidarity: While many state agencies are hostile to human rights organizations, a different relationship can be built if human rights organizations are also seen to provide assistance to the state agencies and not only for potential human rights victims, as was the case with the BJMP. After the engagement changed, BJMP became more attuned to the needs of the inmates as well. This is about adopting a position of "engaged with" and not simply "engaged against" and is at the heart of the notion of transformative engagement that we have advocated for throughout this paper.

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