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Philippines: Crime, police effectiveness and state response, including witness protection (2005 - 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Situation

A survey undertaken in various parts of the Philippines over the last two months of 2007 found that 10.5 percent of Filipino families reported being victims of property crimes such as pickpocketing, burglary and motor vehicle theft within the previous six months (SWS 5 Feb. 2008). The survey, which has been conducted on a quarterly basis since 1989 by Social Weather Stations (SWS) (ibid.), a « non-profit social research institution » (SWS n.d.), also found that 1.3 percent of respondents said they were victims of violent crime (SWS 5 Feb. 2008).

The SWS survey found that individuals living in Metro Manila were more frequently victimized than those living in other parts of the country (SWS 5 Feb. 2008). To cite one example, in Metro Manila, 16.3 percent of respondents reported being victims of pickpocketing (ibid.). In other regions, reported rates of victimization from pickpocketing varied from 5.3 percent to 8.7 percent (ibid.). Foreign governments similarly report in travel warnings that crime is a problem in the Philippines, particularly in Metro Manila (Canada 30 Nov. 2007; US 6 Oct. 2007).

According to Pacific News Centre (PNC), a Guam-based news broadcaster (PNC n.d.), there is an « alarming » level of gang-related violence in urban areas (13 Jan. 2008). PNC reports that some street gangs are connected to organized criminal organizations (PNC 13 Jan. 2008). Similarly, an article in *The Manila Times* in June 2007 provides information on a series of high profile robberies perpetrated by criminal gangs in Metro Manila (6 June 2007).

Travel advice offered by Canadian and American governments warns travellers of the risk of kidnapping for ransom by groups operating in the Philippines (Canada 30 Nov. 2007; US 13 Feb. 2008). The United States (US) Overseas Security Advisory Council (OSAC) *Philippines 2007 Crime and Safety Report* indicates that these kidnap for ransom groups primarily target wealthy Filipinos and ethnic Chinese people living in the country (US 6 Oct. 2007). However, several sources report that foreigners have been targets of kidnapping groups (Reuters 16 Jan. 2008; US 18 Feb. 2008).

The governments of Canada and the US warn that « insurgent groups » are active in the Philippines, indicating that attacks have occurred in locations such as Manila and the region of Mindanao (Canada 30 Nov. 2007; US 6 Oct. 2007).

Various sources report that political activists and journalists have been killed in the Philippines (AI 14 Sept. 2006; AHRC 26 May 2006; Philippines 22 Jan. 2007, 1; UN 22 Mar. 2007, Para. 3). In addition, several sources indicate that members of the security forces in the Philippines have been implicated in these killings (AI 14 Sept. 2006; AHRC 26 May 2006; US 14 Mar. 2007; HRW June 2007, 2). Amnesty International (AI) expresses the opinion that the killings are « politically motivated » and is also concerned that security forces are « directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them » (AI 14 Sept. 2006).

According to Human Rights Watch (HRW), the Melo Commission, established by President Arroyo in August 2006, released a report on extrajudicial killings in January 2007 which concluded that evidence existed implicating the armed forces; a position supported by HRW's own investigations and interviews with eyewitnesses (HRW June 2007, 3). The Independent Commission to Address Media and Activist Killings was chaired by the Associate Justice (retired) of the Supreme Court, José Melo (Philippines 22 Jan. 2007, 84).

According to the Philippine National Police (PNP), the total volume of crime reported to the police dropped by 7.42 percent from 2006 to 2007 (Philippines 6 Feb. 2008). Specifically, 71,226 criminal incidents were reported to police in 2006, but 65,994 incidents were reported in 2007 (ibid.). In particular, the PNP reports that the number of political killings decreased by 83 percent, street crime dropped by 22 percent, kidnapping for ransom cases decreased by 50 percent, and drug-related crimes went down by 9 percent (ibid.). Metro Manila also registered a decrease in crime (*Philippine Daily Inquirer* 3 Jan. 2008). The National Capital Region Police Office (NCRPO)

recorded 17,828 crimes in Metro Manila in 2007, compared with 18,891 in 2006, a drop of 31 percent (ibid.). The Sun.Star Manila quotes a PNP spokesman as stating that PNP and SWS statistics are in « total agreement » with respect to a general downtrend in crime but that « Metro Manila has the most number of crimes owing to its large population » (20 Sept. 2007). The source adds that Metro Manila enjoys a « relatively safe and secure environment » compared to some cities in Asia, America and Europe (ibid.).

Police Response

The PNP indicates that the decrease in the volume of crime is attributable to the PNP's crime prevention programs (Sun.Star 20 Sept. 2007). Specifically, the PNP has reportedly increased police visibility, made use of foot patrol officers, established checkpoints, deployed motorcycle police, and undertaken night watch operations, among other initiatives (ibid.). Moreover, the PNP states in a press release that they posted a « crime solution efficiency » of 88.37 percent (Philippines 6 Feb. 2008). Corroborating information pertaining to this crime solution rate could not be found among the sources consulted by the Research Directorate.

However, *Country Reports for Human Rights Practices for 2006* states that the PNP « has deep-rooted institutional deficiencies » (US 6 Mar. 2007, Sec. 1.d). *Country Reports 2006* also indicates that corruption is common in the Philippines, and that the public views the PNP as corrupt (ibid.). In 2005, Transparency International alleged that the police were « the most corrupt institution in the country, » but in 2006 it acknowledged that the PNP has since taken « positive steps » to rectify the situation such as recruiting civilian officials and implementing sanctions such as dismissal and imprisonment for corrupt officers (TI 2006, 27).

Witness Protection

The Philippine witness protection program is outlined in *Republic Act No. 6981, An Act Providing for a Witness Protection, Security and Benefit Program and For Other Purposes* (Philippines 24 Apr. 1991). The *Act* specifies that an individual with information about a crime who is testifying before a judicial body may be eligible for witness protection (ibid.). In order to qualify for the program, the offence about which the witness has information must be « a grave felony »; the witness' testimony must be « substantially corroborated »; the witness (or the witness' immediate family members) must be facing a threat of serious harm; and the witness cannot be a police officer (ibid., Sec. 3).

The *Act* also outlines the rights and benefits of witnesses as follows:

a) To have a secure housing facility until he has testified or until the threat, intimidation or harassment disappears or is reduced to a manageable or tolerable level. When the circumstances warrant, the Witness shall be entitled to relocation and/or change of personal identity at the expense of the Program. This right may be extended to any member of the family of the Witness within the second civil degree of consanguinity or affinity.

b) The Department shall, whenever practicable, assist the Witness in obtaining a means of livelihood. The Witness relocated pursuant to this Act shall be entitled to a financial assistance from the Program for his support and that of his family in such amount and for such duration as the Department shall determine.

...

f) If a Witness is killed, because of his participation in the Program, his heir shall be entitled to a burial benefit of not less than Ten thousand pesos (P10,000.00) from the Program exclusive of any other similar benefits he may be entitled to under other existing laws.

g) In the case of death or permanent incapacity, his minor or dependent children shall be entitled to free education, from primary to college level in any state, or private school, college or university as may be determined by the Department, as long as they shall have qualified thereto.

(Philippines 24 Apr. 1991)

Effectiveness of Witness Protection

Various organizations have described problems with the witness protection program in the Philippines (AHRC 26 May 2006; Philippines 22 Jan. 2007, 75; HRW June 2007). In particular, the Melo Commission report states that the witness protection program lacks both the human and financial resources to protect witnesses of extrajudicial killings (Philippines 22 Jan. 2007, 75). Furthermore, the Asian Human Rights Commission (AHRC), an organization that works to promote and protect human rights in Asia (AHRC n.d.), describes the failure of the witness protection program as undermining the justice system (26 May 2006). Human Rights Watch (HRW) indicates that the government has not provided « credible assurances of protection » to witnesses (June 2007, 64). HRW researchers investigating extrajudicial killings found that citizens would rather attempt to ensure their own protection than rely on the government's witness protection program (ibid., 62).

In 2007, a Filipino Senator put forward a resolution calling for an enquiry into the effectiveness of the witness protection program (Philippines 6 Sept. 2007). Senator Francis Escudero is quoted as saying that the witness protection program « falls short, » and that it is distrusted by the public (ibid.). The opposition Senator notes that the witness protection program is administered by the Department of Justice, which interacts regularly with the Armed Forces and with the PNP (ibid.). He suggests that an improved program should be « insulated » from other government institutions (ibid.).

In contrast, the United States (US) reports that the witness protection program has been « strengthened and expanded » by the Philippines Department of Justice (US 24 Mar. 2007). Further information on how the program has been strengthened could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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