



## Human Rights-Based Policing: Capability Building, Knowledge and Practices of Filipino Policemen in the Province of Cavite, Philippines

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### Abstract

The policemen are one of the main actors in promoting and protecting human rights in the country. This study aimed to determine the capability-building efforts, knowledge, and practice of human rights-based policing (HRBP), and the challenges of HRBP practice among Filipino policemen in the Province of Cavite, Philippines. The study utilized the mixed method design and administered researcher-made questionnaires to 48 PNP personnel assigned to selected city and municipality police stations in the province. Findings showed that most of the respondents have not attended any human rights training, but had read the PNP Human Rights-Based Policing Manual, and had witnessed the recognition of PNP personnel who exemplified themselves for the cause of human rights. Generally, the respondents understood the HRBP principles under Standard 1: Equal protection, Standard 4: Policing non-violent assemblies, Standard 6: Arresting persons on legal grounds, Standard 7: Detainees' Rights, Standard 8: Humane Treatment of detainees, and Standard 9: Refusal to obey unjust orders based on their scores in the true-false survey. Also, the respondents have shown inclinations to practice HRBP in different real-life scenarios presented to them. The challenges that confronted the respondents revolved around issues of equal protection, adherence to standard operating procedures, political influence, unjust treatment of suspects, jail congestion, and training programs on human rights. Results suggest strengthening human rights education among PNP personnel and revisiting measures to provide equal protection to both the community and law enforcement members.

**keywords:** Human rights promotion; Equal protection; Arresting individuals; Police operations

### 1. Introduction

The United Nations recognizes human rights as the fundamental rights and liberties that every human being has. Human rights were advanced through the 1948 Universal Declaration of Human Rights adopted by members of the United Nations including the Philippines, International Human Rights Law, and various international human rights treaties, conventions, and protocols. In the Philippines, the 1987 Constitution and several national laws were established to support human rights promotion and protection in various sectors.

Among the main actors in human rights promotion and protection are the policemen. The United Nations Commission on Human Rights disseminated the human rights standards and practices to guide police officers in key topics such as investigations, arrest, detention, and use of force (United Nations, 2004). Such standards were embedded in the community and human rights-based policing principles promulgated in the Philippine National Police (PNP Human Rights Affairs Office, 2013). Also, human rights were embodied in the PNP ethical doctrine, PNP code of professional conduct and ethical standards, Letter of Instructions 55/07 (LOI Pamana), and the PNP core values.

Considering the efforts of the PNP in educating personnel on human rights-based policing, the researchers sought to examine how knowledgeable are the PNP Personnel in the Province of Cavite about human rights and how they promote and protect them. The goal of this study is to contribute to the preparation of a module for courses related to human rights education and provide recommendations for the improvement of existing guidelines.

#### **Statement of the Problem**

This study aims to determine capability-building efforts, knowledge, and practice of human rights-based policing (HRBP) among Filipino policemen in the Province of Cavite, Philippines.

#### **Specifically, this study answers the following questions:**

1. What are the capability-building efforts of the PNP to strengthen human rights-based policing among its personnel?
2. What is the knowledge of the PNP personnel on human rights-based policing?
3. How do the respondents practice human rights-based policing?
4. What are the challenges faced by the respondents in the practice of human rights-based policing?

#### **Theoretical Framework**

This study is anchored in the Accountability Model of Human Rights Education (HRE). Tibbits (2017) mentioned that this model infused the HRE within the training of government personnel to ensure that they respect human rights while carrying out their duties.

According to this model, a successful HRE influences learners' knowledge, attitude, and actions leading to the respect and promotion of human rights standards in their professional roles. Learners who successfully absorb the goals of the HRE program and find them relevant to their work life may change their behaviors, resulting in fewer human rights violations. The change in behaviors is a reflection of the HRE and improved realization of human rights. Therefore, HRE methodologies that include critical reflection on one's own work, as well as capacity development in terms of applying human rights norms to work responsibilities, are critical (Tibbits, 2017).

#### **Conceptual Framework**

Figure 1 shows the interaction of the variables in this study. The first box represents the first variable – capability-building initiatives conducted to the PNP personnel in the Province of Cavite. After

determining the 1<sup>st</sup> variable, the researchers conducted a descriptive assessment of the 2<sup>nd</sup> and 3<sup>rd</sup> variables – the respondents’ knowledge and practices of human rights - as shown by the single-headed arrows. The arrows also denote the researchers’ intent to determine the significant differences in both variables according to police stations in the Province of Cavite. After evaluating the respondents’ knowledge and practice of HRBP, the researchers will prepare their output, that is, a proposed module to be used for the courses on Human Rights Education and Professional Code of Conduct and Ethics.

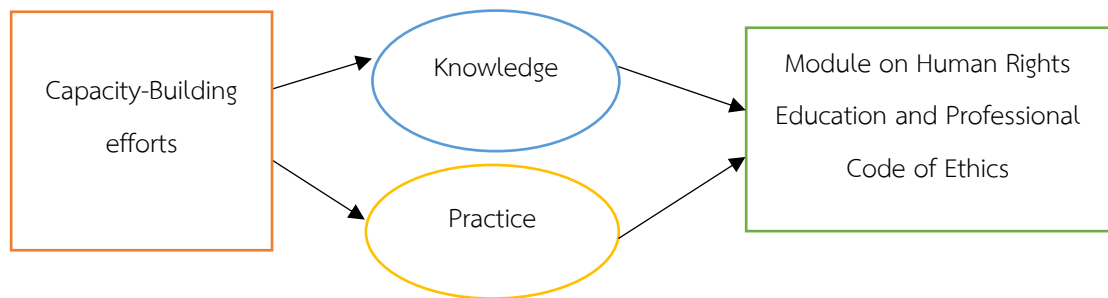


Figure 1. Paradigm of the study

### Significance of the Study

This study will benefit the following:

**Philippine National Police-Cavite.** This study will provide the PNP Administration with an evaluation of human rights knowledge and practice among PNP Personnel assigned to police stations in the Province of Cavite. The information will be beneficial in proposing and implementing programs to uphold human rights education among the police force.

**Office of the Provincial Government of Cavite.** This study will provide the provincial administrators with relevant information on human rights practices observed by the PNP personnel under its jurisdiction. As a governing body, the information will be useful in addressing concerns related to law enforcement, governance, and policy-making.

**Local Government Units in the Province of Cavite.** This study will also benefit the local government administrators through relevant information on how their constituent police force implements human rights practices in the performance of their jobs.

**Commission on Human Rights.** This study will contribute to the research and development (R&D) initiatives of the agency in its thrust to promote human rights practices among the workforce.

**EAC-Cavite Criminology Students.** This study will provide the students with a better understanding of the practice of human rights among PNP personnel, which is an important learning aspect in pursuing their profession as future law enforcers.

### **Scope and Limitation**

This study focuses on four variables: capability-building efforts, knowledge, practice of human rights-based policing among law enforcers, particularly the Philippine National Police personnel assigned to the police stations in eight (8) cities and 16 municipalities in the Province of Cavite, Philippines. The data gathering was done face-to-face through the use of the questionnaire.

Only those assigned to the operations, whether male or female, were considered to participate in the survey to ensure the accuracy of data.

### **Definition of Terms**

The following are the operational definition of the variables used in this study:

Capability-building efforts – it refers to the measures or actions taken to develop and strengthen the skills, knowledge, and abilities of the personnel on human rights-based policing.

Human rights – it refers to the guidelines stipulated under the 10 basic international human rights standards for law enforcement published by the PNP Human Rights Affairs Office.

Knowledge – it refers to the extent to which the principles and guidelines of human rights policing are known by the respondents.

Practices – it refers to the guidelines on human rights policing that are observed or implemented by the respondents.

## **2. Review of Related Literature/Synthesis**

### ***Human rights***

Human rights refer to the “basic rights and freedoms that all human beings have.” The United Nations General Assembly on December 10, 1948, proclaimed the Universal Declaration of Human Rights (UDHR) stating that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” International human rights law also obliged the government to act in ways or refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups. These obligations are intended to prevent abuse of authority by agents of the government (PNP Human Rights Affairs Office, 2013).

In the Philippines, human rights promotion and protection in all sectors of the society are covered by the 1987 Constitution and other laws such as R.A. 7438 (Rights of Persons Arrested, Detained or Under Custodial Investigation and Duties of the Arresting, Detaining and Investigating Officers), R.A. 9262 (Anti-Violence Against Women and Children), and R.A. 9344 (Juvenile Justice and Welfare Act). It has also signed in various international human rights agreements, treaties, and conventions.

### ***Human rights-based policing***

The International Human Rights Law set the basic standards for law enforcement. To promote these standards across all governments, the Office of the United Nations High Commissioner for Human Rights issued a training guide for the reference of police officers. The guide provided relevant international



human rights standards and recommended practices for applying the standards to major human rights topics of concern to the police, such as investigations, arrest, detention, and the use of force (United Nations, 2004).

The PNP adopted the basic standards and developed a handbook “to provide police personnel with a basic reference on rights-based policing and to offer practical suggestions on how to mainstream international standards on human rights for law enforcement in police stations” (PNP Human Rights Affairs Office, 2013). These standards are focused on:

1. Equal protection
2. Respectful treatment
3. Use of force
4. Policing non-violent assemblies
5. Use of lethal force
6. Arresting persons on legal grounds
7. Detainee’s rights
8. Humane treatment of detainees
9. Refusal to obey unjust orders
10. Reporting violations

Few researches have studied the understanding and practice of human rights in the past. Advincula-Lopez (2012) interviewed the members of the AFP and found that individual members define and redefine their own understanding and practice of human rights that varied not only according to rank but also by branch of service and geographical assignment. Further, the study found that the AFP actually provided spaces for individual soldiers to actively construct their own definition and practice of human rights.

Police violence in the Philippines has been quite low in several provinces and cities. However, the PNP almost always shot to kill suspects (Kreuzer, 2018).

### ***Human Rights Education***

Preventing human rights violations is central to human rights education (HRE). The United Nations passed in December 2011 a Declaration of Human Rights Education and Training, which defines HRE as comprising “all educational, training, information, awareness-raising and learning activities” aimed at promoting human rights and preventing human rights violations and abuses. The latter can be achieved by providing persons, in formal, nonformal, and informal sectors, with “knowledge, skills, and understanding and developing their attitudes and behaviors.”

Human rights training for police officers requires the commitment of the police organization. The study of Das and Verma (2010) among police officers in North African Muslim country found that police officers denied any violations of human rights in their country despite overwhelming evidence and public knowledge of rights violations. The study suggested that attitudes and actions cannot be changed by forcing police officers to undergo short-duration courses. A significant shift in organizational practice and police culture is required.

### 3. Methodology

#### Research Design

This study utilized the mixed method design to achieve the objectives of the study. Descriptive research is a type of research that defines and describes a phenomenon (Bachman & Schutt, 2020). Specifically, this study utilized the survey method to understand the capability-building efforts conducted for respondents to understand human rights-based policing (HRPB), their knowledge and practice of HRPB, and the challenges they faced in practicing HRPB.

#### Research Locale

The study was conducted in the city police stations and municipality police stations belonging to Class “A” municipality in the Province of Cavite. The cities included General Trias, Trece Martires City, City of Dasmariñas, Tagaytay City, and the Bacoor City. Municipalities include Silang and Amadeo.

#### Respondents/Sources of Data

Respondents of this study are forty-eight (48) PNP personnel assigned to Drug Enforcement, Intelligence, Investigation, and Warrant sections. Below is the profile of the respondents in terms of sex, age, civil status, rank classification, and length of service.

**Table 1** Demographic profile of the respondents

Profile	Frequency	Percentage
<b>Sex</b>		
Male	30	62.50%
Female	18	37.50%
Total	48	
<b>Age</b>		
25-30	8	16.67%
31-35	6	12.50%
36-40	12	25.00%
41-45	8	16.67%
46-50	8	16.67%
Not indicated	6	12.50%
<b>Total</b>	<b>48</b>	
<b>Civil status</b>		
Single	8	16.67%
Married	40	83.33%
Total	48	

Profile	Frequency	Percentage
<b>Rank Classification</b>		
Police Major	2	4.17%
Police Executive Master Sergeant	10	20.83%
Police Chief Master Sergeant	4	8.33%
Police Master Sergeant	4	8.33%
Police Staff Sergeant	14	29.17%
Police Corporal	12	25.00%
Not indicated	2	4.17%
Total	48	
<b>Length of service</b>		
5-10 years	12	25.00%
10-15 years	14	29.17%
15-20 years	6	12.50%
20 years and above	16	33.33%
<b>Total</b>	<b>48</b>	

### Sampling Technique

This study utilized the purposive sampling method in identifying respondents. In purposive sampling, the researcher uses his or her judgment about whom to select for the sample. At the most, prospective respondents should be knowledgeable about the situation or experience being studied and represent a range of points of view (Jhangiani et al., 2019). This study selected respondents with experience in conducting police operations. It is anticipated that they underwent training on human rights-based policing and applied this knowledge and skills in performing police operations.

### Data Gathering Procedure

The researchers submitted a letter of permission to the Provincial Director of Cavite to conduct the study and to seek an endorsement for the participation of the police stations in the cities and municipalities. Upon approval, the researchers forwarded a memorandum to the different stations.

The researchers set appointments with the stations and distributed the survey questionnaire to the target respondents. They also sought the Informed Consent of the respondents to participate in the survey. While answering the questionnaire, the researchers guided the respondents and answered their queries. After collecting the questionnaires, the researchers asked respondents follow-up questions related to their answers to the open-ended questions to clarify matters and to better understand the context of their answers.

### Research Instruments

This study utilized a questionnaire developed by the researchers. Part 1 sought the demographic profile of the respondents in terms of sex, age, civil status, rank classification, and years in service. Part 2 identifies the capability-building efforts of the PNP (e.g. training/courses attended) to educate the PNP personnel on human rights-based policing. Part 3 contains 20 statements that represent the 10 HRBP standards and were lifted from the PNP-HRAO HRBP Manual. The survey tests the respondents' knowledge of human rights-based policing by asking them to assess if the statements are true or false. Part 4 consists of 15 multiple-choice situational questions used to measure the practice of human rights-based policing. The respondents will choose which action suits best for each scenario. Lastly, Part 5 consists of two open-ended questions that ask the respondents about the challenges they faced in promoting and protecting human rights as well as the most important human rights issue that the PNP should address.

Prior to the data gathering, the questionnaire was reviewed by three experts and pre-tested with ten (10) PNP personnel who were excluded from the actual data gathering. The comments and recommendations were incorporated in the revisions of the questionnaire.

### Data analysis

The researchers utilized descriptive statistics to analyze data. The study used frequency and percentage distribution to analyze the demographic data, capability-building efforts, and knowledge and practices of human rights-based policing. Qualitative data were analyzed using thematic analysis.

## 4. Results

### Capability-building efforts on Human Rights-Based Policing

In the questionnaire, the respondents were asked about their attendance to any human rights training, reading of the PNP Human Rights-Based Policing manual, and the inclination of the PNP to recognize or award the personnel who exemplify themselves for the cause of human rights.

**Table 2** Attendance to human rights training (multiple responses)

Training	Frequency	Percentage
1.Human Rights Refresher Training for Investigators and Custodial Officers	4	8.51%
2.Human Rights Seminars for Public Safety Basic Recruit Course of the Special Action Force (SAF)	3	6.38%
3.Seminar on Human Rights Desk Officer	2	4.26%
4.Workshop/training on Human Rights and International Humanitarian Law	8	17.02%
5.I have not attended any human rights training.	30	63.83%
<b>Total</b>	<b>47</b>	<b>100.00%</b>



Table 2 presents the attendance of the respondents to any human rights training. Data shows that 63.83% have not attended human rights training. The Workshop/training on Human Rights and International Humanitarian Law (17.02%), Human Rights Refresher Training for Investigators and Custodial Officers (8.51%), and Human Rights Seminars for Public Safety Basic Recruit Course of the Special Action Force (SAF) (6.38%) were attended. The Police Majors attended the Seminar on Human Rights Desk Officer (4.26%).

**Table 3** *Reading of the PNP human rights-based policing manual*

Response	Frequency	Percentage
Yes	34	70.83%
No	14	29.17%
<b>Total</b>	<b>48</b>	<b>100.00%</b>

Table 3 shows the number of respondents who read or have not read the PNP Human Rights-Based Policing manual. Data shows that most of the respondents (70.83%) have read the manual while 29.17% have not read it.

**Table 4** *Recognition of PNP personnel*

Response	Frequency	Percentage
Yes	32	66.67%
No	16	33.33%
<b>Total</b>	<b>48</b>	<b>100.00%</b>

Table 4 shows the responses when the respondents were asked if their police station recognize or award PNP personnel who exemplify themselves for the cause of human rights. Most of the respondents (66.67%) answered “yes,” while 33.33% answered “no.”

### Knowledge of Human Rights-Based Policing

**Table 5** *Respondents’ knowledge of human rights-based policing*

Statements	True		False		Not sure	
	f	%	f	%	f	%
<b>Standard 1: Equal protection</b>						
1. Police officers must provide the same quality of service to all people regardless of their age, sex, economic and political status, religion, and ethnic background (true).	46	95.83	2	4.17	0	0.00
2. All police personnel must carry and use Miranda Warning cards that contain English and Filipino versions (true).	48	100.00	0	0.00	0	0.00

Statements	True		False		Not sure	
	f	%	f	%	f	%
<b>Standard 2: Respectful treatment</b>						
3. Police officers can parade suspects before the media (false).	6	12.50	36	75.00	6	12.50
4. Police officers should address citizens as “Sir” or “Ma’am” during all cases of citizen contact (true).	48	100.00	0	0.00	0	0.00
<b>Standard 3: Use of force</b>						
5. The Use of Force doctrine emphasized the use of lethal force as the last resort (true).	36	75.00	10	20.83	2	4.17
<b>Standard 3: Use of force</b>						
6. It is not mandatory for police personnel involved in shootouts and the discharge of firearms to submit an after-operations report (false).	10	20.83	38	79.17	0	0.00
<b>Standard 4: Policing non-violent assemblies</b>						
6. Police personnel should promote and protect the people’s right to freedom of peaceful assembly (true).	48	100.00	0	0.00	0	0.00
7. In violent protests, crowd control personnel should hit the protesters with a baton or truncheon on the head, face, fingers, groins, and ankles (false).	2	4.17	46	95.83	0	0.00
<b>Standard 5: Use of lethal force</b>						
8. Lethal force should at all times be used in order to protect your life or the lives of others (false).	20	41.67	22	45.83	6	12.50
9. The death of a person (whether a criminal, suspect, victim, hostage, or innocent bystander) resulting from a police intervention is an operational failure (true).	32	66.67	10	20.83	6	12.50
<b>Standard 6: Arresting persons on legal grounds</b>						
10. Police officers should ensure the safety of the arrested persons during transport from the crime scene to the police station (true).	48	100.00	0	0.00	0	0.00
11. Miranda warning informs the persons arrested, detained, or under investigation about their rights under the law (true).	48	100.00	0	0.00	0	0.00



Statements	True		False		Not sure	
	f	%	f	%	f	%
<b>Standard 7: Detainees' Rights</b>						
12. Detainees, immediately after their arrest, cannot have access to their family and lawyer (false).	4	8.33	44	91.67	0	0.00
13. Detainees must be given immediate medical assistance when necessary (true).	48	100.00	0	0.00	0	0.00
<b>Standard 8: Humane treatment of detainees</b>						
14. It is not mandatory to separate male and female custodial facilities for detainees (false).	2	4.17	46	95.83	0	0.00
15. Police personnel should, under any circumstances, not torture or tolerate the ill-treatment of detainees (true).	46	95.83	0	0.00	2	4.17
<b>Standard 9: Refusal to obey unjust orders</b>						
16. Police personnel should not carry, order, or cover up extra-legal killings (true).	42	87.50	4	8.33	2	4.17
17. Police personnel should not seek clarification or guidance from the direct superior when in doubt about a specific order (false).	2	4.17	44	91.67	2	4.17
<b>Standard 10: Reporting violations</b>						
18. Police personnel should report violations of human rights standards to his/her senior officer (true).	46	95.83	2	4.17	0	0.00
19. Maintaining copies of documents related to one's participation in police operations is not important in preparing a factual report of alleged violations of human rights (false).	12	25.00	36	75.00	0	0.00

Table 5 shows the knowledge of human rights-based policing standards based on the respondents' assessment of the statements whether they are true or false. The statements were based on the guidelines from the PNP HRBP Manual, where some statements were modified to be false.

Data shows that all respondents got the correct answer in six (6) statements. All respondents believed that police personnel must carry and use Miranda Warning cards that contain English and Filipino versions, should address citizens as "Sir" or "Ma'am" during all cases of citizen contact, should promote and protect the people's right to freedom of peaceful assembly, should ensure the safety of the arrested persons during transport from the crime scene to the police station, that Miranda warning informs the

persons arrested, detained, or under investigation about their rights under the law, and detainees must be given immediate medical assistance when necessary.

Based on the number of respondents who answered correctly, findings show that generally, the respondents understood the principles under Standard 1: Equal protection, Standard 4: Policing non-violent assemblies, Standard 6: Arresting persons on legal grounds, Standard 7: Detainees' Rights, Standard 8: Humane Treatment of detainees, and Standard 9: Refusal to obey unjust orders.

However, there were some statements in which respondents' answers were spread among the options. For instance, under Standard 2: Respectful Treatment, "Police Officers can parade suspects before the media" is a false statement, however, 36 answered correctly while six (6) respondents answered true, and another six (6) were unsure.

It was also observed that there was some confusion under Standard 3: Use of Force. The statement "the use of force doctrine emphasized the use of lethal force as the last resort" is true, however, there were 10 out of 48 respondents who answered false and two (2) who were unsure. Second, the statement, "It is not mandatory for police personnel involved in shootouts and the discharge of firearms to submit an after-operations report" is a false statement, however, 10 respondents knew that this is true.

Also, there was some misunderstanding under Standard 5: Use of lethal force. The use of lethal force at all times in protecting lives is a false statement, however, 20 respondents answered true, and six (6) respondents were unsure. Even "the death of a person resulting from a police intervention is an operational failure" is a true statement, however, 10 respondents answered false, and six (6) respondents were unsure.

In terms of Standard 10: Reporting violations, there was some confusion in maintaining copies of documents related to one's participation in police operations.

### **The Practice of Human Rights-Based Policing**

The questionnaire provided situations that may confront the PNP personnel and the respondents will select the proper action from multiple choices of actions.

For the first scenario, the respondents were asked "Juan was walking on the street when a man grabbed his cellphone. Seeing this scene as police officer in the area, what will be your next move?" Figure 2 shows that all respondents answered that they will arrest the snatcher, inform him of his violation and state the Miranda warning.

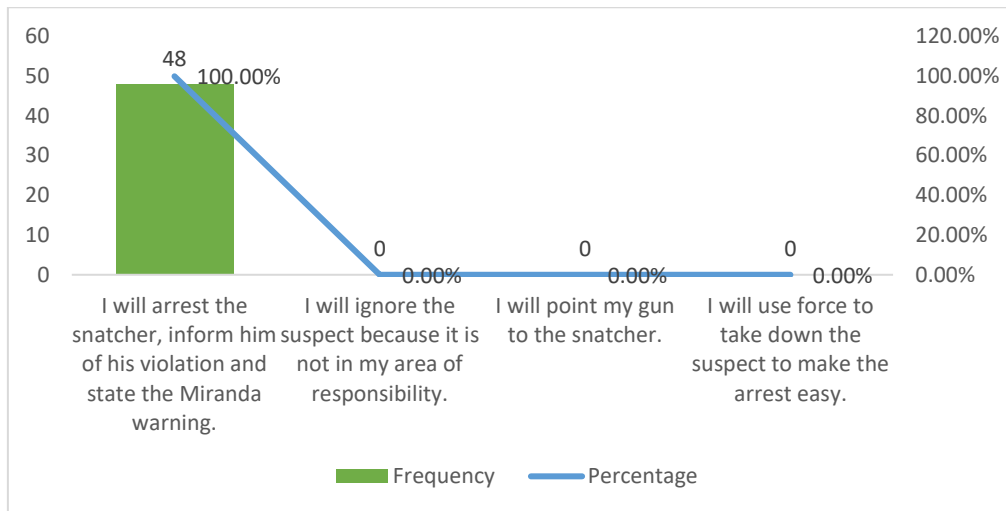


Figure 2. Responses to Scenario 1

For the second scenario, the respondents were asked, “During checkpoint operations, one motorist has no license to show to you. He refused to cooperate with you and throw curses at you.” Figure 3 shows that 87.50% were inclined to observe maximum tolerance, while 12.50% will arrest the motorist and file a case against him.

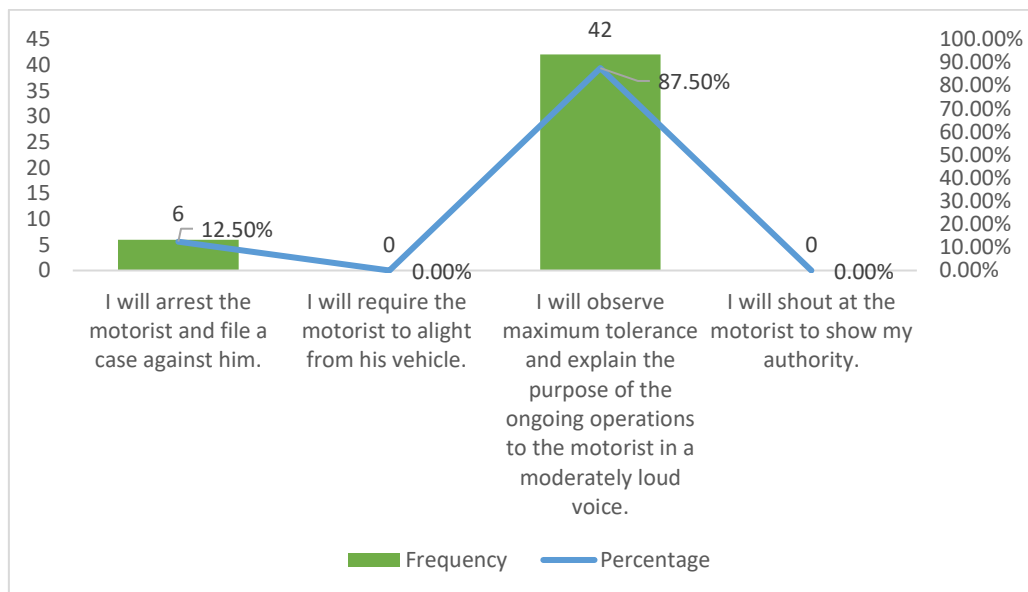


Figure 3. Responses to Scenario 2

For the third scenario, the respondents were asked, “Three masked individuals tried to prank a kidnapping scene of a person buying from the store. You were the police on duty and saw what happened, but you have no knowledge that it was a prank.” Figure 4 shows that 95.83% will assess if the kidnappers are unarmed and issue firm instructions, while 4.17% will point their gun to the “kidnappers” and issue firm instructions to them.

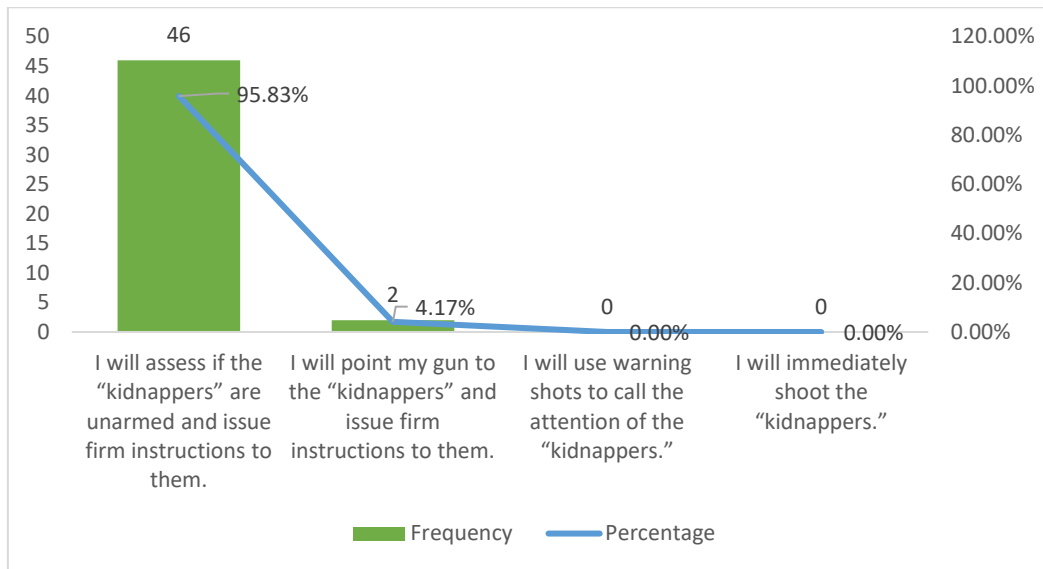


Figure 4. Responses to Scenario 3

For the fourth scenario, the respondents were asked, "You are in a protest. You did not expect that the number of protesters will increase. You were outnumbered by unarmed but violent protesters who are moving to attack you." Figure 5 shows that 66.67% will issue firm instructions to the protesters and use force, when necessary, while 33.33% will observe maximum tolerance.

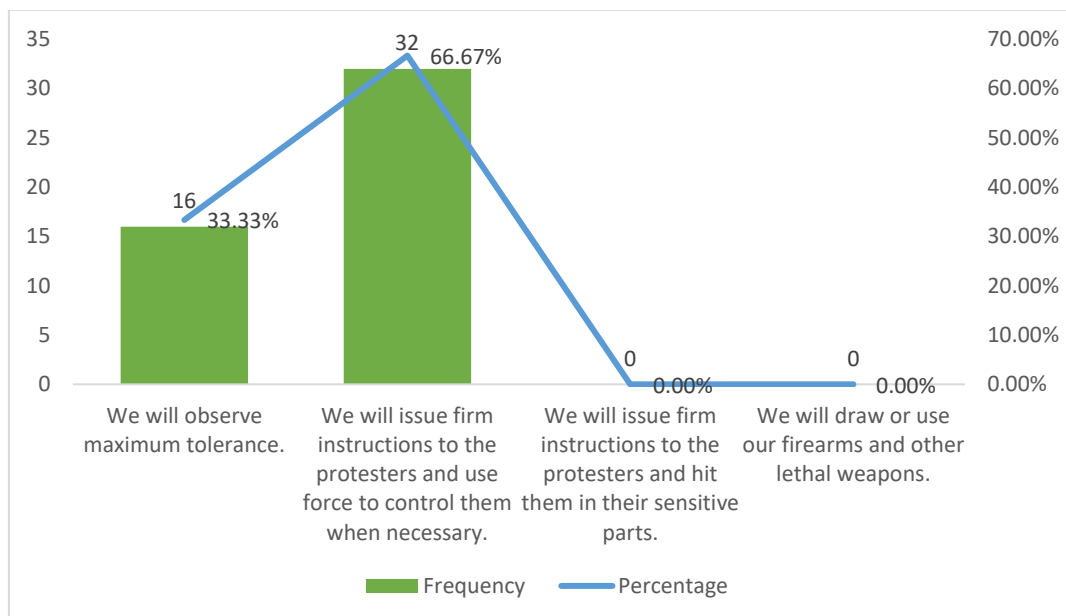


Figure 5. Responses to Scenario 4

For the fifth scenario, the respondents were asked, "In a drug raid, you as a male officer have the knowledge that the supposed offenders are males. In the actual scene, most are women involved and they should be arrested." Figure 6 shows that 75% will cordon the area and wait for female officers to arrive, while 25% were inclined to arrest the suspects.

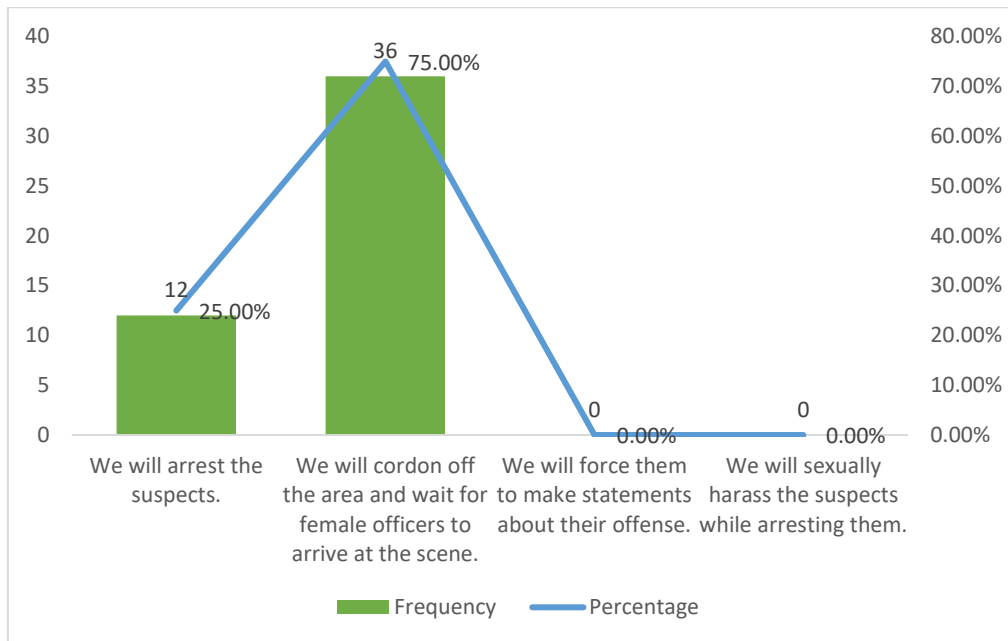


Figure 6. Responses to Scenario 5

For the sixth scenario, the respondents were asked, “You have already handcuffed the suspect. But suddenly, the suspect got himself loose from his handcuff and punched you in the face.” Figure 7 shows that most of the respondents or 91.67% will subdue the suspect and conduct the proper arresting technique, while 8.33% will apply maximum tolerance and talk to the suspect not to resist.

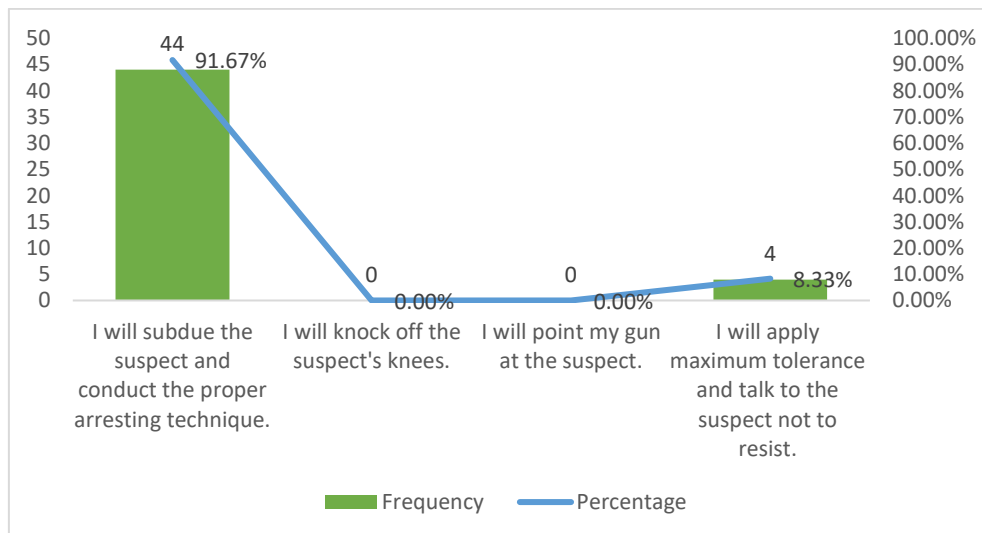


Figure 7. Responses to Scenario 6

For the 7<sup>th</sup> scenario, the respondents were told, “During a hostage-taking situation, the hostage taker points the knife at the hostage’s neck.” Figure 7 shows that 95.83% will negotiate with the suspect and 4.17% will shoot the suspect in the arms or thighs.

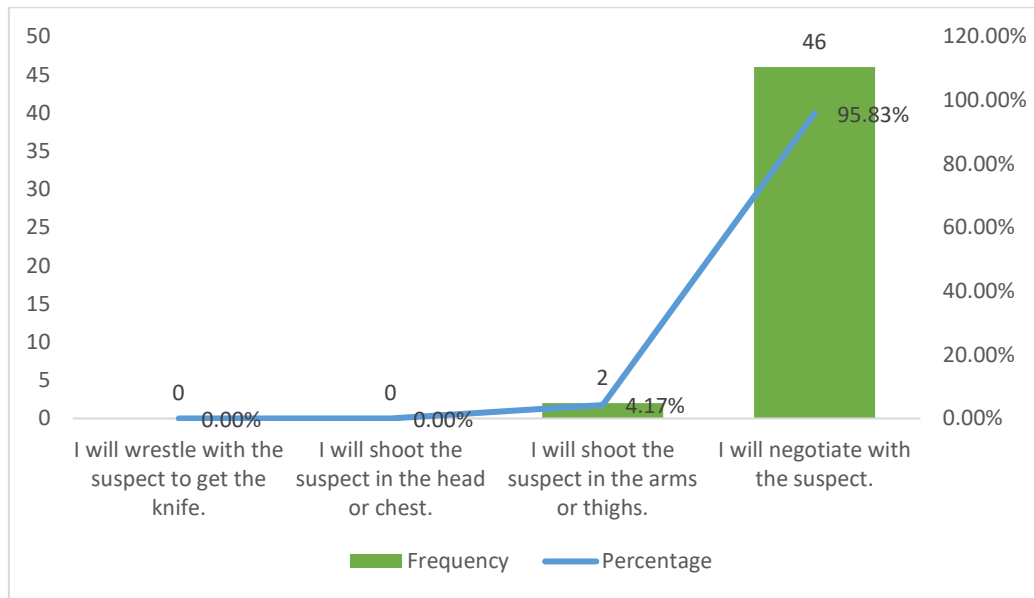


Figure 8. Responses to Scenario 7

For the 8<sup>th</sup> scenario, the respondents were told, “Your team caught a drug suspect. The Commander asked you to kill the suspect.” Figure 9 shows that 91.67% will refuse to obey my Commander’s order to kill the suspect, while 8.33% will ask a team member to obey the order on their behalf.

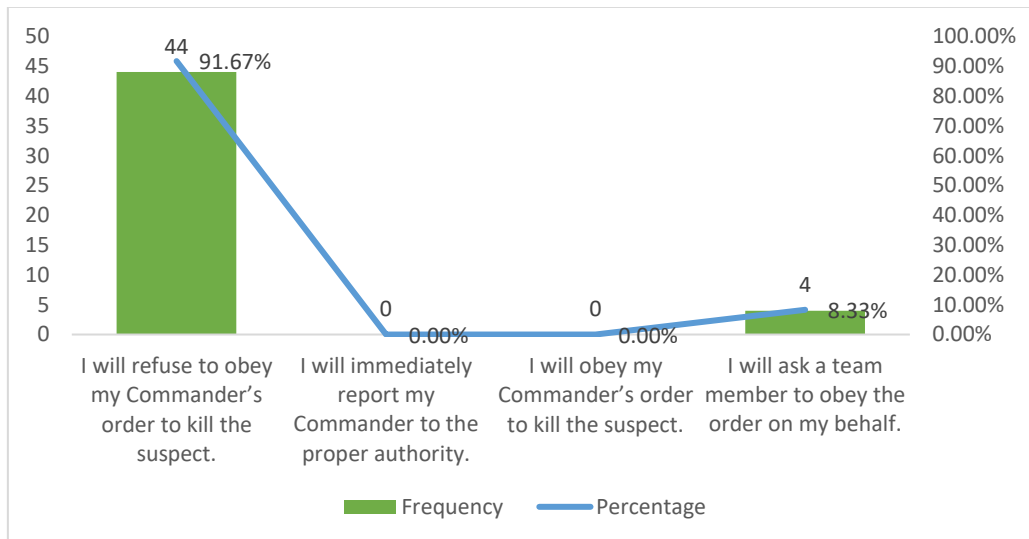


Figure 9. Responses to Scenario 8

For the 9<sup>th</sup> scenario, the respondents were told, “You caught a politician’s son during the drug raid. The politician called you and asked you not to file a case against his son.” Figure 10 shows that 87.50% will ignore the request and file charges against the son, 8.33% will tell the politician to return the call and immediately inform the Commander about his request, and 4.17% will bargain and ask for money in exchange.



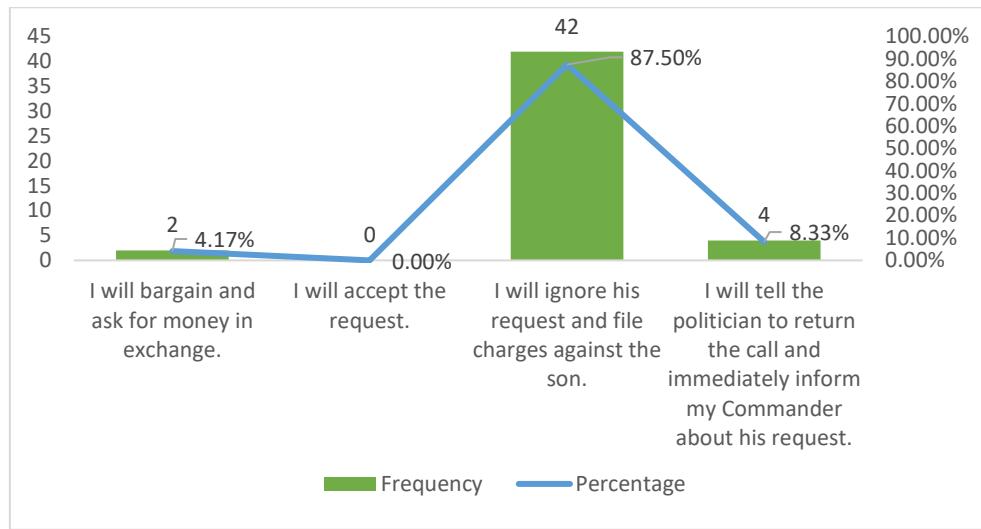


Figure 10. Responses to Scenario 9

For the 10<sup>th</sup> scenario, the respondents were told, “Due to the problem of the decongestion of detention cells in the Philippines, you saw a detainee who collapsed.” Figure 11 shows that 91.67% will call an ambulance and accompany the detainee to the nearest hospital, while 8.33% will separate the detainee from other detainees.

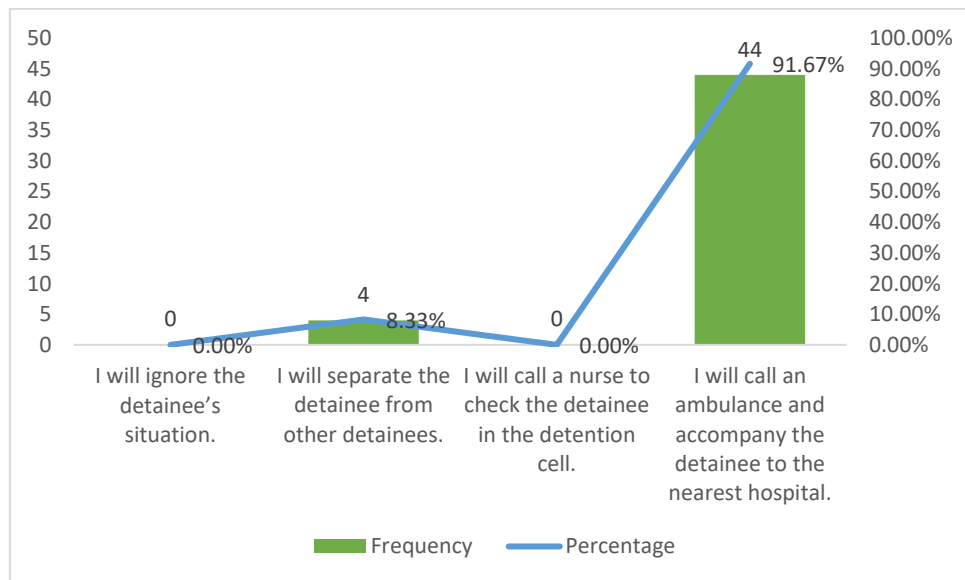


Figure 11. Responses to Scenario 10

For the 11<sup>th</sup> scenario, the respondents were told, “You caught law violators and the media came to the station. Some reporters captured photos of the suspect during a mugshot.” Figure 12 shows that all respondents will inform the media to delete the photo of the suspect.

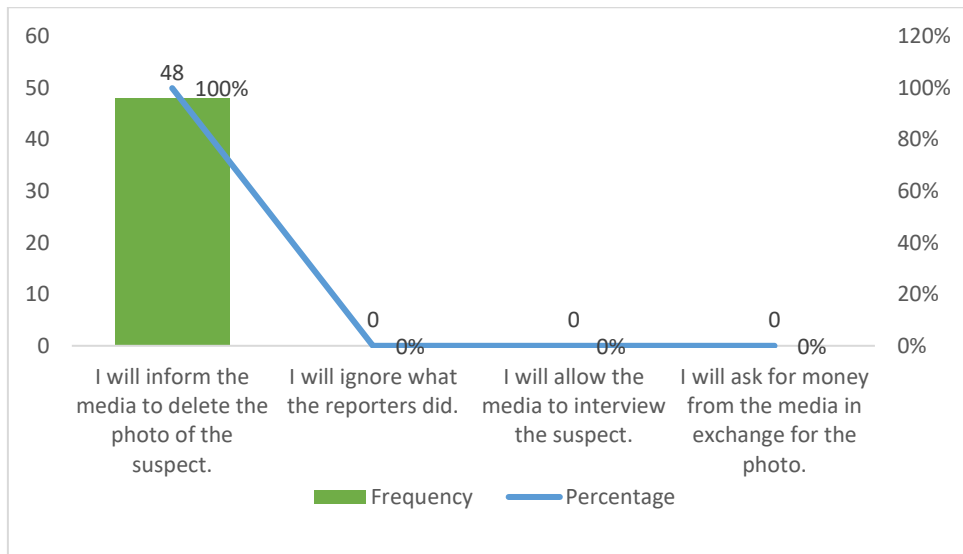


Figure 12. Responses to Scenario 11

For the 12<sup>th</sup> scenario, the respondents were asked, “You caught minors sniffing rugby. What approach will you use? Figure 13 shows that all respondents will confiscate the rugby and bring the minor to the police station’s women’s desk.

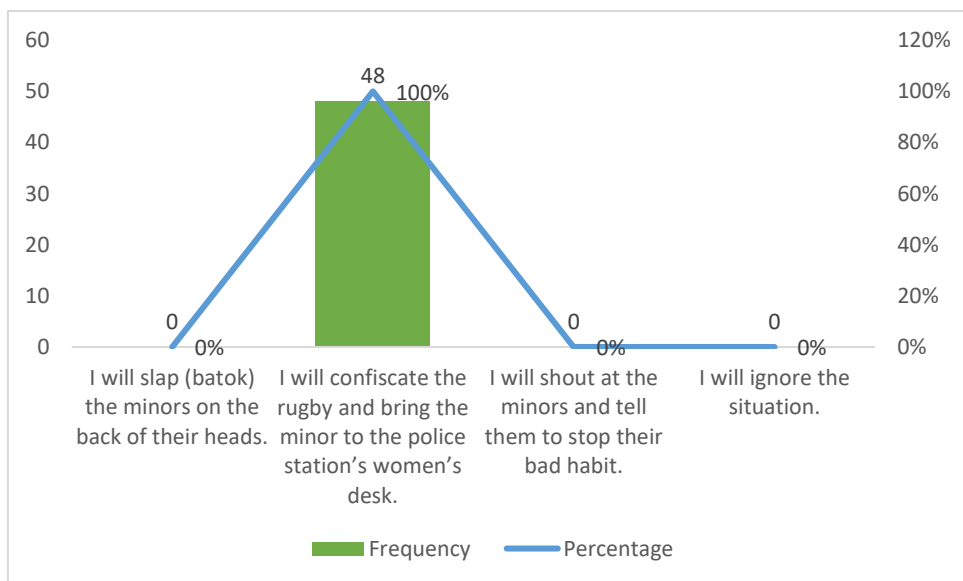


Figure 13. Responses to Scenario 12

For the 13<sup>th</sup> scenario, the respondents were told, “You are arresting someone and you are citing the Miranda warning to the suspect.” The respondents were asked to select the statement which is not included in the Miranda warning. Figure 14 shows that 95.83% correctly answered the question item, and only 4.17% made an error.

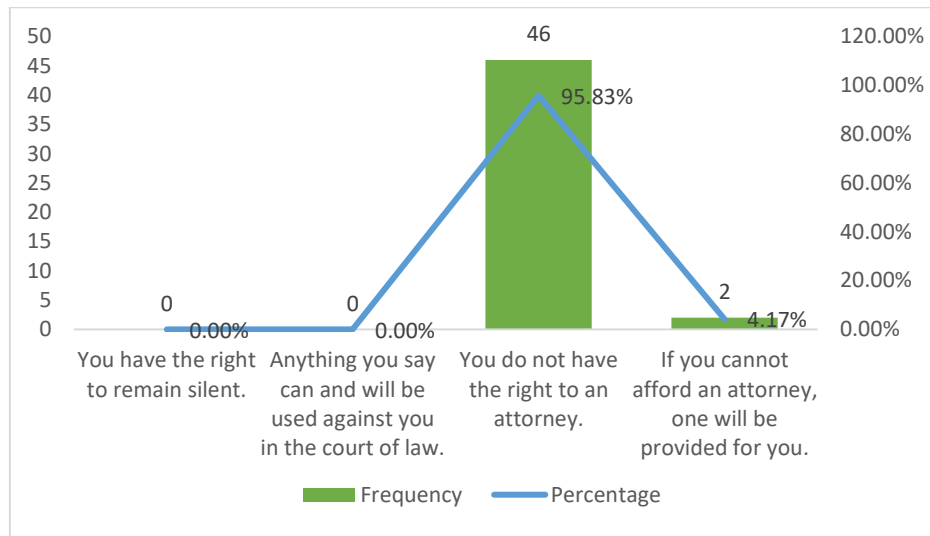


Figure 14. Responses to Scenario 13

Lastly, the respondents were told, “Media personalities and unauthorized persons refuse to leave a crime scene or critical incident area despite an earlier request or instruction.” Figure 15 shows that 66.67% will give a final warning of arrest to these persons if they will not vacate the area, while 33.33% will establish a line to cordon off the crime scene or critical incident area.

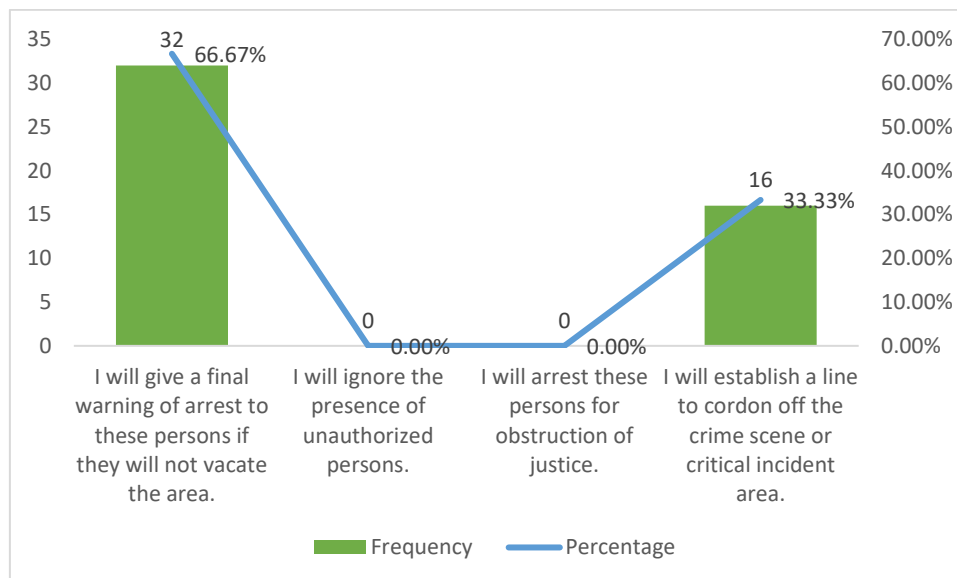


Figure 15. Responses to Scenario 14

In the questionnaire, the respondents were also asked if they were accused of human rights violations in the past. Out of 48 respondents, 47 or 97.92% answered “no” and only one (1) respondent answered “yes.” This respondent was charged with homicide and was assisted and supervised by his immediate superior.

### Challenges in the Practice of Human Rights-Based Policing

The researchers asked the respondents through open-ended survey to share the challenges they faced as a Police Officer in promoting and protecting human rights. Based on their responses, this study came up with master themes: **Equal protection, adherence to standard operating procedures, political influence, inhumane treatment of suspects, improvement of jail facilities, and training programs.**

#### *Equal protection*

The challenges related to equal protection are suspect-initiated violence and risks, rights of law enforcers, wrong accusations, and legal assistance. **Violence and risks** were recognized as part of the police operations. Three (3) respondents mentioned that there were offenders who tend to abuse human rights. For instance, a respondent recalled that he had to deal with a hot-tempered individual who disrespected the police authority.

Much as they understand respecting the rights of people, some respondents also raised their concern for **equal protection and respect for their rights as law enforcers.**

*“The right to equal treatment before the law and equal protection – individual must be treated the same as others in similar conditions”*

*“Human rights of victim and suspect must be both observed. Equal protection should also be given to police officer.”*

A respondent shared an instance when they were indiscriminately charged with human rights violations. They were immediately tried by the public on different social media platforms even if the media did not know the real story. Consequently, their family suffered the most, and for them, this is a violation of their rights and their family or children’s rights. It was painful for them when their children were bullied and asked by their friends and classmates if it is true that the police are abusive.

There were five (5) respondents who were **wrongly accused** of human rights violations and one of the biggest challenges for them is **legal service.** Although they are supported, there were instances when they needed to consult and pay a private lawyer to be able to file their counter affidavit. This is because the legal service was already overloaded and if they wait for assistance, they will not be able to file within the required period and may result to release of decision in favor of the complainant. A respondent recalled that he filed a loan to be able to get his lawyer aside from the legal assistance provided by the PNP. Strengthening the legal service is necessary.

*“Legal service of PNP should be strengthened to aid the police officer from malicious complaint.”*

#### *Adherence to standard operating procedures*

Following the police operational procedure is important for the respondents. According to a respondent, “sticking on what is right... and humane must be observed anytime, anywhere and in any circumstances.” This means that police discretion is very vital in performing their jobs.



The challenges that they encountered when it comes to adhering to standard operating procedures were related to **concerns about anti-illegal drug operations** and the **use of reasonable force**. A respondent narrated that when it comes to anti-illegal drug operations, they never operate without verifying the involvement of a suspect in any drug-using or drug-pushing activity. They conducted intelligence operations and ensure the validation of information, which refuted the claims that arrested persons were not involved in illegal drugs. The difficulty, however, rests on the mandate that they should have a number of accomplishments within a week. Also, if they do not file both Section 5 and Section 11 of Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) against an individual or group, the policemen were accused of being involved or paid for covering up, which demoralized them. Another respondent also mentioned the lack of cooperation among barangay officials with the police in identifying drug suspects in their community. Also, there were times when they got low morale when the case against a suspect of drug pushing was dismissed, and they were later questioned why drugs in their area continuously proliferate.

In terms of the use of force, some respondents mentioned that they only used this when the subject of the operation is armed since many of their colleagues were killed during operations. They mentioned that they follow the standard operating procedure; those who committed illegal arrests and the like were dismissed from the service.

#### *Political influence*

Political influence is another challenge that some respondents claimed to affect the performance of their duties in promoting and protecting human rights. This theme is related to “higher authority,” “people having power and connection,” or “politicians.”

*“Malaki o malakas ang kapangyarihan ng pulitika sa pilipinas, minsan ito ang nakakakaapekto sa trabaho ng pulis sa pagpapatupad ng batas...” (The power of politics in the Philippines is big or strong, sometimes it affects the work of the police on law enforcement.)*

*“Ang pinakachallenge ng isang pulis sa pagpapatupad ng Human Rights ay kapag nag utos ang mas mataas sa kanya di lamang sa loob ng organisasyon kundi pati na rin ang mga pulitikong abusado.” (The biggest challenge for a police officer in the implementation of Human Rights is when someone higher than him gives orders, not only within the organization but also from abusive politicians.)*

This shows that the decision of higher authorities or powerful politicians can directly or indirectly be carried into the operations of the police force.

#### *Other Challenges*

The other challenges in promoting and protecting human rights were related to themes such as **inhumane treatment of suspects, jail congestion, and training on human rights**. Two (2) respondents mentioned “credible reports of unlawful or arbitrary killings, including extrajudicial killings, by and on behalf of the government and non-state actors” as well as torture. Also, another respondent mentioned congestion inside the jails.

*“Siksikang mga kulungan sa bawat police station na dapat sana ay nasusunod ang standard na facility para sa mga nakakulong.” (Overcrowded jails in every police station that should have followed the standard facility for those in custody.)*

A respondent also mentioned including human rights training or seminar in the schooling and information dissemination activities of the PNP.

## 5. Discussion

Human Rights is a must in the preservation of humanity, especially in the justice where law enforcers as the main responsible in the security and safety of the community have full understanding of the human rights, and its adherence in every action. The study focuses on situations and events that will determine the knowledge of the law enforcers about human rights. The first part of the questionnaire measured the respondents' capability building efforts on human rights-based policing where it shows that majority of the respondents (63.83%) have answered that they haven't attended any human rights training and most of them admitted that they also did not read the policing manual for human rights but despite of the very minimal training, they are aware of the efforts of the organization to reward personnels that exemplify themselves for the cause of human rights which shows promise towards improvement of the workforce towards an awareness of human rights.

On the second part, the questions were in a form of situational scenarios, of which mostly are previous cases encountered by our law enforcement officer. This areas focuses on topics such as respectful treatment of people and reinforcing the detainee's rights, although many of the respondents have answered favorably, in accordance with the principles of human rights, there are few are still seems confused as 12.50% of the respondents have answered that police officers can parade suspects before the media which is a clear violations of one's rights to privacy, while other 12.50% answers indicated that they are not sure of what to do. On the standard relating to the use of force, 20.83 percent of the respondents answered that Use of Force doctrine will be used as the last resort only, though they will not hesitate to use this in instances where the actor lives need to be protected.

The data shows exemplary awareness regarding law enforcers understanding of moral and ethical standards on the handling of care towards human rights where majority of the respondents answers have been focused on the positive aspects that should be promoted and while there are minor complicated views from some law enforcers, it can be said that their attitudes is geared toward the protection of human rights and are very much willing to improve to an even better extent.

The study also explored the responses of respondents on a situational judgement type of questionnaire that was based on previously confronted encounters of the PNP. The responses showed the discretionary ability of the personnel when they are posed with challenges in relations to the application of the protocol relating to the police function. On some scenarios, respondents have the same view, these includes the effect of arrest in an in flagrante delicto situation, they will arrest the suspect, informed them



of their Miranda rights and brought before the justice, be it offense related (violation of Criminal law) or a special penal laws like drug which showed of their awareness and an understanding of the application of human rights of the person under custody of the law enforcer. Differences on their responses was noticed on a situation where police officers were provoked by the suspects like on a situation where in suspects throw curses to the arresting officer, attacking or making amok. Most of the respondents are inclined to use force when necessary to neutralize the situation which are most of the time construed as an aggressive decision that may infer nonobservance of awareness regarding human rights. The study also showed that the use of their firearms as a last resort will only be used in a situation where they need to choose between their life and the life of the innocent people. This conundrum is a high-stress situation where a police's evaluation of his own discretion is a case-by-case basis considering that the police officers are giving too much consideration as there is a life of a hostage/s that's in danger.

On cases involving obeying unlawful order from superior or influential people, most of the respondents deal with it based on its legality ensuring that they are following the law. However, 8.33% will ask some other team member to obey the order on their behalf and 4.44% or 1 respondent will bargain for money. While most of the respondents have responded correctly, the small percentage who are confused or have chosen the wrong choice will still taunt the image of the organization and will affect its integrity as a law enforcement organization.

On matters related to the welfare of custodial facility and their status, the respondents will follow the protocol of their office. On dealing with media personalities, the respondents won't tolerate any breach of confidentiality and highlight the awareness on the data privacy as a right of every individual even if they are person deprived of liberty. The study also showed that police respondents have approach the women and children on different manner ensuring that they will be handled by the right office or personnel who are tasks to look after their concerns.

Verification of answers on the open-ended questions relating to challenges encountered by the PNP respondents during the focused discussion on challenges encountered by them in ensuring human rights-based policing such as the equal protection of individuals, standard operation procedures, unjust treatment of suspects, political influences, improvement of establishments and training programs.

The respondents have raised the questions regarding their own equal rights and protection as member of the law enforcement and as a community people. Among the 40 respondents, five of them mentioned that they have experienced being wrongly accused of human rights violation to which the public and media slandered them without first understanding the whole situation. This heavy situation affected their family economically and socially and almost led to separation from the family. They also mentioned that even their children's schoolmates asked the kids of the truthfulness of what they heard from the different social media platforms which is too painful for a parents like them. These types of problems are still at large because of misinformation and distrust of the public towards the police. Also raises is the

notion that there should be protection and understanding to the police officers who are respectful and law abiding.

The second theme that has been brought up focuses on adhering to standard operating procedures as there are certain situations where police faced high-stress situations such life threatening anti-illegal drug operations. In the case of anti-illegal drug operations, the police have emphasized the process by which the operations are handled delicately, verification is conducted from different intelligence sources to ensure that no one will be wrongly accused. Despite of the tedious process and measures adopted, most of their operations that involved drugs cases filed to the court has been dismissed, accordingly, due to technicality in the conduct of operation and yet order will be received stating that drug proliferation in the area has not been address. This situation demoralizes the PNP operatives, and they are even saddened when they are wrongfully charge with human rights violation.

## 6. Conclusions

The data showed that police officers are aware of Human Rights based policing and capable of observing this in a normal situation, However, when they are posed to a provoking situation, their ability to exercise maximum tolerance was challenged and led to responses that includes use of force, which are most of the time construed by the public as violation of human rights. It also showed that politics, in and out of the organization are sometimes crossing the line and leaving the law enforcement with no choice but to look for options even if the solution forwarded is not viable.

## 7. Recommendations:

1. The PNP should strengthen Human Rights based policing through seminar/conferences to create a culture.
2. The PNP organization should consider employing anger and stress management training among its personnel as a reinforcement technique particularly to those who are assigned in the operations.
3. Exploration of other policing technology that could be added as an alternative equipment to be used to a disruptive but unarmed suspect.
4. Politics in the organization could be minimized through employment of mechanism that will serve as check and balance in the organization.
5. Coordination with media and work on the possible agreement in reporting cases that remain under operation.





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