The Philippines

The Philippines is a multiparty democracy with an elected president and legislature, a thriving civil society sector, and a vibrant media. Several key institutions, including the judiciary and law enforcement agencies, however, remain weak, meaning the military and police still commit human rights violations with impunity. Politically motivated extrajudicial killings and targeted killings of alleged petty criminals continue, with the government failing to acknowledge and address involvement by the security forces and local officials.

Extrajudicial Killings and Enforced Disappearances

Hundreds of leftist politicians, political activists, journalists, and outspoken clergy have been killed or abducted since 2001. So far only 11 people have been convicted for these extrajudicial killings, two in 2009. No member of the military active at the time of the killing has been brought to justice for such crimes. In an April 2009 follow-up report to the United Nations Human Rights Council, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston observed that while the government has taken some steps to address extrajudicial killings, it fails to implement needed reforms such as institutionalizing the principle of command responsibility. He also noted that the military has not changed its counterinsurgency methods to eliminate the likelihood of unlawful killings.

On November 23, 2009, in the worst apparent politically motivated violence in recent history, about a hundred armed men abducted and executed at least 47 people, including a dozen members of a candidate's family and accompanying journalists in Maguindanao province. The victims were en route to file Buluan Vice Mayor Ishmael Mangudadatu’s certificate of candidacy for governor in the May 2010 elections. Local officials, police, and paramilitary forces were implicated in the killings. President Gloria Macapagal Arroyo ordered an investigation.

In March 2009 former Police Superintendent Rafael Cardeno, one of the men who ordered the December 31, 2001 murder of Young Officers' Union spokesperson Baron Cervantes, was convicted of murder. On April 29, 2009, Joy Anticamara was convicted of homicide and sentenced to 17 years’ imprisonment for the July 2006 killing of radio broadcaster Armando Pace.
In August 2009 a Manila court acquitted Aniano Flores, a military agent, of the 2002 killing of activist Edilberto Napoles, an organizer of the leftist political party Bayan Muna. The judge noted that prosecutors should have included Gen. Jovito Palparan on the charge sheet, on the basis of command responsibility. In 2002 prosecutors had recommended the court dismiss the complaint against Palparan and Sgt. Rizal Hilario, finding there was no probable cause to indict them for conspiracy to murder. Palparan, a retired military commander and now party-list representative in Congress, was considered a “prime suspect behind the extrajudicial killings” by the government’s 2006 Melo Commission.

Meanwhile, optimism over Supreme Court writs to compel military and other government officials to release information on people in their custody was dampened by difficulty in enforcing the writs of amparo and habeas data. In September 2008 the Court of Appeals granted writs for the release of Karen Emepno and Sherlyn Cadapan, abducted allegedly by military personnel in mid-2006. In March 2009, however, the court failed to enforce the writs.

**Targeted Killings of Petty Criminals and Street Youths**

So-called death squads operating in Davao City, General Santos City, Digos City, Tagum City, and Cebu City continue to target alleged petty criminals, drug dealers, gang members, and street children. Police officers and local government officials have been implicated in the decade-old killing spree that has plagued Davao City: according to human rights groups, more than 89 Davao residents were murdered in death squad killings from January to early September 2009, bringing the total to more than 926 victims since 1998. In May 2009 President Arroyo ordered the Department of Interior and Local Government and the police to “get to the bottom” of the killings.

The national Commission on Human Rights (CHR) has spearheaded efforts to investigate the death squads, holding three public hearings in Davao City since March 2009, and in June setting up a multi-agency taskforce involving police, military, and other government agencies to conduct investigations. The taskforce has uncovered human remains, guns, and ammunition on land belonging to a former police officer, but in the courts it has faced obstructions and unnecessary bureaucratic delays.

**Conflict in Mindanao**

The armed conflict between the Philippine government and the Moro Islamic Liberation Front intensified in the first half of 2009, but a ceasefire has been in place since July. At this writing the number of internally displaced persons (IDPs) due to the conflict stands at 250,000. In addition to poor humanitarian conditions in IDP camps, civil society groups
alleged violations of the laws of war and human rights abuses by both sides, including forced disappearances, extrajudicial killings, torture, and wanton destruction of houses. On June 30, the 6th Infantry Division spokesman Col. Jonathan Ponce referred to IDPs as “enemy reserve forces.”

The military failed to take all feasible precautions to minimize civilian harm during military operations. In mid-July a military raid in Maguindanao province resulted in the death of Halima Bansil, age 11, while asleep in her family home, and the wounding of her father and brother, who were taken into custody.

The army continued to fight Abu Sayyaf, an armed group implicated in numerous attacks and abductions against civilians, particularly in Sulu and Basilan. Abu Sayyaf kidnapped three staff of the International Committee of the Red Cross in January, releasing two in April and the third in July.

**Conflict with the New People’s Army**

Military operations between government forces and the communist New People’s Army continue especially in Central and Northern Luzon, Southern Tagalog, Bicol, Eastern Visayas, Negros, and Southern and Northern Mindanao. Around 1,700 people in Surigao del Sur, Mindanao, were displaced for over two months having fled their homes in June due to fears of being abused by government forces or caught in the fighting after government forces moved into their area.

**Women’s Rights and Filipino Workers Abroad**

On August 14, 2009, President Arroyo signed into law the “Magna Carta for Women,” which sets out the state’s responsibility to ensure women’s equal access to resources and development outcomes. The law includes recognizing all women’s rights protected in international treaties ratified by the Philippines, repealing all laws discriminatory to women within three years, achieving 50-50 representation in the third-tier level of government, and increasing the proportion of women in sectors that respond to gender-based violence, such as the police and medico-legal services. It establishes a gender ombudsperson under the CHR.

Approximately two million Filipinos work abroad, including hundreds of thousands of women who work in other parts of Asia and the Middle East as domestic workers. While the Philippine government has made some efforts to support and protect migrant domestic workers, many women continue to experience abuses abroad including unpaid wages, food
deprivation, forced confinement in the workplace, and physical and sexual abuse (see also Saudi Arabia and UAE chapters).

**Pain Treatment**

Tens of thousands of cancer patients and people living with HIV/AIDS in the Philippines suffer from severe pain without access to treatment, due to unnecessarily burdensome narcotics regulations and a poor supply and distribution system for controlled medications. As the government controls the import and supply of all strong pain medications, unreasonably limiting access can lead to violations of the right to the highest attainable standard of health, and can amount to cruel, inhuman, or degrading treatment. Government action to remedy this situation has been insufficient to date.

**Key International Actors**

The United States is the most influential ally and, together with Australia and Japan, one of the three largest bilateral donors to the Philippines. In July President Arroyo met US President Barack Obama to discuss closer military and counterterrorism cooperation. In November US Secretary of State Hillary Clinton visited the Philippines, but neither she nor Obama pressed Arroyo to address continuing impunity for extrajudicial killings. The US military has access to Philippine lands and seas under a Visiting Forces Agreement, and the two militaries hold annual joint exercises. In fiscal year 2008-09 the US government authorized US$30 million to be provided to the Philippines under Foreign Military Financing for procurement of military equipment and US$1.7 million in the International Military Exchange Training program, under which military officers are trained in the United States. Of this, US$2 million is contingent on the Philippine government showing progress in addressing human rights violations, including extrajudicial killings.

Australia is similarly developing closer military-military ties, having signed a Status of Visiting Forces Agreement on May 31, 2007; this agreement remains before the Philippine Congress awaiting passage.

In October 2009 the European Union announced a €3.9 million program to address extrajudicial killings and strengthen the criminal justice system by providing training and technical assistance in 2009-11.

In its May 14, 2009 concluding comments, the UN Committee against Torture expressed deep concerns about allegations of routine and widespread torture of suspects in police custody, failures to investigate and prosecute such allegations, and a “climate of impunity.”
On October 2 the Committee on the Rights of the Child urged the Philippines to take “all necessary measures to prevent extrajudicial killings of children and to thoroughly investigate all alleged cases of killings and bring the perpetrators to justice,” following its September review of the Philippines’ compliance with the Convention on the Rights of the Child. Within a month of the April release of the report by UN Special Rapporteur on Extrajudicial Executions Philip Alston, President Arroyo abolished the Inter-Agency Legal Action Group by Executive Order 808, implementing one of Alston’s recommendations: Alston had said that the Group used prosecutions to dismantle civil society organizations and political groups that the government believes to be communist fronts.

In September the International Labour Organization conducted a high-level mission to the Philippines in response to a complaint by the trade union Kilusang Mayo Uno, alleging killings, grave threats, harassment, and other forms of violence against members of workers’ organizations.