

including those whose crimes were covered by the statute of limitations, were due to undergo disciplinary proceedings.

Unlawful killings

Shortcomings in the investigations of a number of deaths in custody resulted in a lack of accountability for police and prison officers. There were concerns that municipal police forces were assigned firearms without adequate safeguards and were using them in a manner not consistent with international law.

■ On 13 February, Marcelo Valentino Gómez Cortés, a 28-year-old Chilean national, unarmed, was shot and killed by an officer of the Milan municipal police. In October, the officer was found guilty at first instance of homicide and sentenced to 10 years' imprisonment. The officer appealed against the verdict. He had been assigned to desk duties after the incident and his firearm licence was revoked.

■ In March, a prison officer was found guilty of failure to assist Aldo Bianzino, who died in Perugia prison in 2007 two days after his arrest, and of falsifying documents. The officer received a suspended 18-month custodial sentence. The trial revealed failures in the original investigation into the death. The family continued to campaign for the reopening of the case.

■ In April, a first-instance judge acquitted a doctor accused of manslaughter for prescribing the wrong medical treatment to Giuseppe Uva, who died shortly after being stopped by police in 2008 in Varese. The judge ordered a new investigation focusing on the period between when Giuseppe Uva was stopped by police and his arrival at the hospital. Forensic examinations carried out in December 2011 had revealed that the victim could have been raped and ill-treated.

Violence against women and girls

Violence against women remained widespread, with approximately 122 killings reported in 2012. The UN Special Rapporteur on violence against women noted in June that, notwithstanding improvements in legislation and policy, killings had not decreased. Her recommendations included: an independent national human rights institution with a section dedicated to women's rights; a law on violence against women; and the amendment of the crime of irregular migration to ensure access to justice for migrant women in irregular situations.

Legal, constitutional or institutional developments

In December parliament passed overdue legislation required to comply with the Rome Statute of the International Criminal Court, which Italy ratified in 1999. Measures were introduced to regulate judicial co-operation with the International Criminal Court.

Also in December, a parliamentary committee examining a bill aimed at creating a national human rights institution concluded that, due to imminent parliamentary elections, it was impossible to pass the bill in the current session. The bill had already been through a lengthy parliamentary debate in the higher chamber. International bodies, including the UN High Commissioner for Human Rights, had criticized Italy on many occasions for its failure to establish a national human rights institution compliant with international standards.

Amnesty International visits/reports

✈ Amnesty International delegates visited Italy in March, April, June, September, November and December.

📄 S.O.S. Europe: Human rights and migration control (EUR 01/013/2012)

📄 Italy: Briefing to the UN Committee on the Elimination of Racial Discrimination: 80th session (EUR 30/001/2012)

📄 On the edge: Roma, forced evictions and segregation in Italy (EUR 30/010/2012)

📄 Exploited labour: Migrant workers in Italy's agricultural sector (EUR 30/020/2012)

JAMAICA

JAMAICA

Head of state:

Queen Elizabeth II,
represented by Patrick Linton Allen

Head of government:

Portia Simpson Miller

High levels of gang-related murders and killings by police persisted in inner-city communities. There was no significant progress in the investigation into alleged human rights violations during the 2010 state of emergency. Attacks and harassment of LGBTI people were reported to be increasing. No death sentences were passed and there were no executions.

Background

A new government took office in January. In her inaugural speech, the Prime Minister pledged to initiate the process for Jamaica to become a Republic.

In July, the government tabled three bills in the House of Representatives aimed at replacing the Judicial Committee of the Privy Council with the Caribbean Court of Justice as Jamaica's final court of appeal. However, the debate in parliament stalled after the Opposition argued that such a change required a referendum.

High levels of gang violence, mainly in marginalized inner-city communities, remained a concern; 1,087 killings were reported during the year. Several incidents of mob attacks were reported. In April, the first part of a new National Security Policy was published.

Police and security forces

The number of people killed by police fell in 2012 as compared with 2011, but remained worryingly high. Several people were killed in controversial circumstances.

Following public outrage at the killings of 21 people by police in just six days at the beginning of March, the Minister of National Security announced that a review of the policy on police use of force would be undertaken and that the government would hold "the Commissioner of Police and the High Command accountable for a reduction in the level of Police fatal shootings". However, by the end of the year no information had been made available about how this would be implemented.

In July, three soldiers were charged with the murder of Keith Clarke in his home during the first week of the 2010 state of emergency. In spite of repeated promises, the Public Defender failed to submit a report to Parliament with the findings of his investigation into allegations of human rights violations, including unlawful killings, during the state of emergency. The government stated that the decision on whether to appoint an independent commission of inquiry about what happened would depend on the results of the Public Defender's investigation.

In its report to Parliament in June, the Independent Commission of Investigations into abuses by the security forces (INDECOM) identified collusion among members of the security forces, wearing masks and

balaclavas during operations, and delays in obtaining forensic evidence as major challenges in the investigations. Following several judicial challenges brought by the police against INDECOM, a review of the legislation was initiated with the aim of clarifying INDECOM's powers and mandate.

In October, the Minister of National Security announced that the government intended to dismantle the committee overseeing the implementation of police reform. Civil society organizations criticized this decision.

Justice system

Significant delays in the delivery of justice continued to be reported. Problems highlighted included the authorities' failure to deal with witness absenteeism and the unavailability of citizens for jury service. Parliament continued debating the Committal Proceedings Bill, which seeks to reduce delays by abolishing preliminary enquiries.

Children's rights

According to local human rights organizations, boys continued to be detained in police lockups, often with adults. No plan was made to open a separate remand centre for girls. In September, the Youth Minister said that a submission to Cabinet would be prepared within a month with recommendations for child offenders remanded by the court or awaiting court appearance to be held in separate facilities from those housing adults. No information that this had been done was available at the end of the year.

Violence against women and girls

Sexual violence against women and girls remained a concern. On 27 September, following a meeting with several government and civil society representatives, the Office of the Prime Minister promised a plan of action to address violence against women.

In July, the CEDAW Committee recommended, among other things, strengthening the capacity of the Bureau of Women's Affairs, collecting and compiling comprehensive data on violence against women, and strengthening victim assistance and support programmes.

Rights of lesbian, gay, bisexual, transgender and intersex people

LGBTI organizations reported an increase in attacks, harassment and threats. Many such attacks were not fully and promptly investigated.

During the electoral campaign in December 2011, Portia Simpson Miller stated that no one should be discriminated against because of their sexual orientation. However, once elected, the government took no steps to remove discriminatory laws.

A second petition was filed with the Inter-American Commission on Human Rights challenging articles in the Offences Against the Person Act (commonly known as the “buggery” law) on the grounds that they are unconstitutional and promote homophobia.

Death penalty

No death sentences were handed down. There were seven people on death row at the end of the year.

Amnesty International visits/reports

■ Jamaica: One more year without justice (AMR 38/002/2012)

■ Jamaica must tackle shocking wave of police killings (PRE01/123/2012)

JAPAN

JAPAN

Head of government:

**Shinzo Abe (replaced
Yoshihiko Noda in December)**

Police abuse and irregularities in police interrogations took place in Japan’s criminal justice system. The authorities continued to reject calls for justice for the survivors of Japan’s military sexual slavery system. Japan resumed executions after a 20-month hiatus. The number of people being granted refugee status remained extremely low.

Background

The Liberal Democratic Party headed by Shinzo Abe won parliamentary elections on 16 December. Although a state party to the Rome Statute of the International Criminal Court since 2007, Japan had still not implemented its obligations under this treaty.

About 160,000 people continued to live in temporary housing or outside Fukushima prefecture, as a result of the 2011 earthquake in the Tohoku area of eastern Japan. In October, Greenpeace stated that several government radiation-monitoring posts in the area were under-reporting radiation levels, including by monitoring decontaminated spots. Protests against restarting nuclear power plants attracted tens of thousands of people and ran for several months throughout the country.

Justice system

The *daiyo kangoku* system, which allows police to detain suspects for up to 23 days, continued to facilitate torture and other ill-treatment to extract confessions during interrogation. The Special Committee of the Legislative Council under the Ministry of Justice continued to discuss potential reforms to the criminal justice system.

■ Govinda Prasad Mainali, a Nepalese national, was acquitted of murder on 7 November after spending 15 years in prison. He was ill-treated and denied access to a lawyer while being held under the *daiyo kangoku* system. In July 2011, the prosecution handed over evidence that subsequently proved him innocent.

Violence against women and girls

When Japan’s human rights record was assessed under the UN Universal Periodic Review in October, government officials claimed compensation for former “comfort women” had already been resolved under the San Francisco Peace Treaty, bilateral agreements and treaties. On 4 November, then opposition leader Shinzo Abe was among signatories to a US newspaper advertisement which denied that the Japanese Imperial Army forced women into military sexual slavery during World War II.

Death penalty

Seven people were executed in Japan, including the first woman to be executed in over 15 years. There were 133 people on death row. The working group established within the Ministry of Justice by former Minister Keiko Chiba in July 2010 to study capital punishment was disbanded in March by Minister of Justice Toshio Ogawa without providing any clear recommendations.

■ Junya Hattori was executed on 3 August. The Shizuoka District Court sentenced him to life