

Indigenous Peoples' rights

Progress was made in resolving the land claims of some Indigenous communities, but other communities continued to be denied their traditional lands.

■ The Sawhoyamaya continued to live in appalling conditions by the side of a main road because their traditional lands had not been returned to them, despite a ruling by the Inter-American Court of Human Rights in 2006 in their favour. In November, negotiations between the authorities and the landowner started again after the community organized protests and a roadblock. No agreement on the land had been reached by the end of the year.

■ In February, an agreement between the authorities and a landowner secured lands claimed by the Yakye Axa. At the end of the year the Yakye Axa were waiting to move onto the land. The community development fund that the Inter-American Court of Human Rights had requested be set up in its 2005 ruling had not been established by the end of the year.

■ In August, police tried to evict more than 30 families of an Ava Guaraní community in the Itakyry district. Community members stated that the police burned down a number of huts. The land on which the community had lived for some 70 years was claimed by a commercial company. However, the community argued that they had a legal title to the land.

Justice system

There were allegations that the justice system lacked impartiality and independence and that it was inadequately resourced. Delays in the administration of justice were reported.

Land disputes in the Curuguaty district, Canindeyú department, erupted into clashes between protesters and police in June. Seventeen people – 11 *campesinos* and six policemen – were killed. In December, 14 *campesinos* were charged with offences including illegal occupation of land and criminal association; 10 were also charged in connection with the killings of the six policemen. There were concerns at the lack of impartiality of investigations into the clashes, which reportedly focused solely on the actions of protesters. The judicial proceedings against the 14 *campesinos* were continuing at the end of the year.

Some of those detained in connection with the clashes went on hunger strike to protest their

innocence. They stated that they were either not present during the clashes or were not involved.

There were allegations that some of those held in the context of the Curuguaty clashes were tortured. No investigation into these allegations was known to have been initiated by the end of the year.

Various occupations of the same land in Curuguaty had taken place in previous years and judicial processes to determine ownership of the land were continuing at the end of the year.

Human rights defenders

Four members of Iniciativa Amotocodie, an NGO working to protect the rights of uncontacted Ayoreo Indigenous Peoples living in the Paraguayan Chaco region, continued to face legal proceedings on charges including breach of trust.

Investigations into the organization started after they publicly declared their opposition to a scientific expedition called "Dry Chaco 2010" on the grounds that it could harm the rights of uncontacted Indigenous Peoples. The expedition was subsequently cancelled. During the two-year investigation, there had been several changes of prosecutor and hearings had been suspended on a number of occasions. In August, the prosecutor failed to substantiate the charges and requested a temporary suspension of proceedings, arguing that some information still needed to be gathered. The judge granted the prosecutor's request.

Amnesty International visits/reports

🚗 Amnesty International delegates visited Paraguay in November.

PERU

REPUBLIC OF PERU

Head of state and government:

Ollanta Humala Tasso

Several protests related to mining led to clashes with security forces; protesters were killed and human rights defenders were arbitrarily detained and ill-treated. Progress was slow in human rights cases dating back to the internal armed conflict

(1980–2000). Lack of adequate consultation with Indigenous Peoples remained a concern.

Background

Mass demonstrations took place during the year to demand labour rights and in opposition to extractive industry projects.

At least 30 members of the security forces were killed and scores were injured in clashes with remnants of the armed opposition group, Shining Path. In February, Shining Path's leader, Florindo Eleuterio Flores Hala (known as "Comrade Artemio") was arrested.

In September, Peru ratified the International Convention against enforced disappearance. However, by the end of the year it had not recognized the competence of the Committee on Enforced Disappearances to deal with individual complaints.

Peru's human rights record was assessed under the UN Universal Periodic Review in November. It accepted most of the recommendations made. These included preventing the torture and ill-treatment of detainees and prisoners; guaranteeing justice and reparation for victims of human rights violations; adopting a national protocol for abortion and reviewing the decriminalization of abortion in cases of rape; and ensuring consultation with Indigenous Peoples on measures that may affect their rights and livelihood.

Police and security forces

Allegations of arbitrary detentions, torture and other ill-treatment, and excessive use of force by the security forces were reported during protests against extractive projects.

■ Six people, one of whom was 17 years old, were shot dead, allegedly by the security forces, during clashes in Espinar province, Cusco department, and in Celendín, Cajamarca department, in May and July respectively.

■ In September, Nemesio Poma Ascate was shot dead and scores of people were injured during a demonstration in Huaraz, Áncash department. Nemesio Poma Ascate and other Mareniyoc community members were protesting against a mining company for failing to provide the community with safe drinking water.

Human rights defenders

Human rights defenders were threatened, arbitrarily detained, and ill-treated.

■ In May, Jaime Cesar Borda Pari and Romualdo Tito Pinto, both members of the human rights organization Vicaría de Solidaridad de Sicuani, and community leader Sergio Huamani, were arrested outside a mining camp and accused of having ammunition in the car. They claimed that the bullets had been planted by the police during a car search at which none of them had been present. The three men and a local prosecutor had been assessing the situation of detainees following violent clashes during protests in the area. All three were released on bail after two days, but remained under investigation at the end of the year.

■ In June, police officers in Cajamarca department allegedly beat human rights defender Amparo Abanto, a lawyer for the local NGO Comprehensive Training for Sustainable Development Group (Grupo de Formación e Intervención para el Desarrollo Sostenible, GRUFIDES) and the National Human Rights Coordinating Body (Coordinadora Nacional de Derechos Humanos, CNDDHH), a national umbrella human rights organization; and Genoveva Gómez, a staff member at the Peruvian Ombudsman's Office. They had been trying to gain access to detainees during protests against a mining project. Communities feared the project could affect their right to water. At the end of the year an investigation into the allegations of ill-treatment was pending.

■ In July, police officers detained and ill-treated Marco Arana, also a member of GRUFIDES, as he protested against the same mining project. He was conditionally released a day later. He filed complaints of ill-treatment and torture. His appeal against a decision to archive his complaint was pending at the end of the year. Marco Arana was awaiting trial on charges of "disturbing the peace" and "resisting arrest" at the end of the year. An investigation into his complaints of abuse of authority remained open at the end of the year.

Indigenous Peoples' rights

In April, the Ministry of Culture published the Regulatory Framework on the Law on the Right of Indigenous Peoples to Prior Consultation. There were concerns about the legislation, including that the consultation process with Indigenous Peoples to create the law had been inadequate.

In August, the government announced the first consultation process under the new regulatory framework. This was intended to involve consultation with Achuar, Quechua and Kichwa Indigenous Peoples on an oil extraction project in Loreto in the north of Peru in 2013.

Impunity

Progress in ensuring truth, justice and reparation for the victims of past human rights violations remained slow and faced setbacks. The lack of full co-operation by the Ministry of Defence in providing relevant information remained a concern.

Legislation granting access to reparation for all victims of sexual violence was approved by Congress in May, but had not come into force by the end of the year. As a result, victims of sexual violence, other than rape, committed during the internal armed conflict continued to be denied reparation.

Sexual and reproductive rights

Women and girls faced obstacles in getting access to their sexual and reproductive rights. There was no access to emergency contraception in state health services and the authorities did not create long-overdue national guidelines to regulate access to therapeutic abortion.

In November, the UN Committee against Torture raised concerns at the criminalization of abortion in cases of rape, as well as at the 2009 Constitutional Court ruling prohibiting the state from distributing emergency contraception.

PHILIPPINES

REPUBLIC OF THE PHILIPPINES

Head of state and government:

Benigno S. Aquino III

Human rights defenders and journalists were at risk of unlawful killings, and thousands of cases of grave human rights violations remained unresolved.

Victims of human rights violations, including during martial law from 1972 to 1981, continued to be denied justice, truth and reparations. In April, the Philippines acceded to the Optional Protocol to the UN Convention against Torture, but had not yet established the required mechanism to monitor treatment of detainees. Access to reproductive health care remained restricted; a new Reproductive Health Law was enacted in December.

Background

In October, the government and the Moro Islamic Liberation Front signed a Framework Agreement, which laid the ground for a peaceful resolution to decades of armed conflict in Mindanao but did not address human rights comprehensively. In October, Congress enacted the Cybercrime Prevention Act, which allows for a person to be jailed for up to 12 years for posting online comments judged libellous. After a public outcry, the Supreme Court later suspended implementation of the law pending judicial review. In November, the Philippines adopted the ASEAN human rights declaration, despite serious concerns that it falls short of international standards.

Unlawful killings

More than a dozen political and anti-mining activists and members of their families, and at least six journalists, were unlawfully killed.

■ Gunmen on motorcycle shot dead Mindanao radio broadcasters Christopher Guarin in January, Rommel Palma and Aldion Layao in April, Nestor Libaton in May, and Cabanatuan radio broadcaster Julius Causo in November. In September, the body of journalist and politician Eddie Apostol was found in Maguindanao with gunshot wounds to his head.

■ In September, unidentified men fired at Subanen tribal leader and anti-mining activist Timuay Lucenio Manda, while he was taking his 11-year-old son, Jordan, to school. Timuay Manda was injured in the ambush; Jordan was killed. Two suspects were arrested.

■ In October, soldiers fired at the house of B'laan tribal leader and anti-mining activist Daguil Capion in Davao del Sur, killing his pregnant wife Juvy and their children Jordan, aged 13, and John, aged eight. The authorities announced that 13 soldiers would face court martial, but it remained unclear whether they would be prosecuted in a civilian court.

Three years after the Maguindanao massacre, where state-armed militias led by government officials killed 57 people, the police still failed to arrest half of the 197 suspects. As trials of alleged perpetrators continued, prospective state witnesses, witnesses and their families continued to face threats.

■ In February, Alijol Ampatuan, an undisclosed witness willing to identify members of the Civilian Volunteer Organisation involved in the massacre, was killed.

■ Also in February, Hernanie Decipulo, a policeman being considered as a state witness, reportedly committed suicide while in police custody.