

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.

- In May, the body of Esmail Amil Enog, who testified in court, had been found “chainsawed” to pieces.
- In June, police reported that three relatives of witnesses connected to the Maguindanao case had been killed since the massacre.

In October, the UN Human Rights Committee concluded that the government should enhance the effectiveness of the witness protection programme and “fully investigate cases of killings and suspected intimidation of witnesses to put an end to the climate of fear that plagues investigation and prosecution.”

Torture and other ill-treatment

Three years after its promulgation, implementation of the Anti-Torture Act remained weak, with no perpetrator yet convicted of this crime. Torture victims, particularly criminal suspects, were reluctant to file complaints due to fear of reprisals and lengthy prosecution.

- The court case of Darius Evangelista, in which the act of torture and the identity of the perpetrators were caught on video in 2010, continued. Seven policemen were accused, but only two faced charges. The suspects were initially in police custody, but according to the Philippine Commission on Human Rights, they went missing in April 2012 and remained at large.

Enforced disappearances

Enforced disappearances of activists, suspected insurgents and suspected criminals continued to be reported.

- In January, after flying to Manila from Zamboanga City, farmers Najir Ahung, Rasbi Kasaran and Yusoph Mohammad were apprehended at the airport, allegedly by state forces, and were not seen since. The authorities refused to provide lawyers representing the missing men with closed-circuit video tapes or a list of security forces on duty at the airport at the time of their disappearance.

In October, Congress passed the Anti-Enforced or Involuntary Disappearance Bill, after more than two decades of lobbying from civil society. The bill, which criminalizes enforced disappearance and prescribes penalties up to life imprisonment, awaited the President’s signature to bring it into force.

Impunity

Impunity for torture, enforced disappearances and unlawful killings continued despite the government’s stated commitment to eradicate these crimes and bring perpetrators to justice. Court cases arising from human rights violations during martial law (1972-

1981) were dismissed or languished in court. In November, the President ordered the establishment of an interagency committee to investigate more recent cases of these grave crimes.

- In January, Raymond Manalo, a survivor of torture and enforced disappearance, was called to testify at the Office of the Ombudsman more than three years after he filed complaints against his captors for abducting, arbitrarily detaining and torturing him. He and several others were subjected to enforced disappearance and torture in 2006, allegedly by soldiers under the command of General Jovito Palparan, who had evaded arrest since 2011.

Right to health

In June, the government released the results of its 2011 Family Health Survey, which found that from 2006 to 2010 “maternal deaths” increased from 162 deaths to 221 deaths per 100,000 live births. Based on this data, the Health Secretary estimated that 11 women died every day from easily preventable complications arising from pregnancy and childbirth.

Following a decade of lobbying by civil society groups, the Reproductive Health Law was passed in December. The law introduced proactive funding for modern contraceptive methods by government, and mandatory health and sexuality education.

Amnesty International visits/reports

✈️ Amnesty International delegates visited the Philippines in September.

📄 Philippines: Torturers evade justice on Aquino’s watch (ASA 35/004/2012)

📄 Philippines: Amnesty International submission to the Human Rights Committee – 106th session (ASA 35/006/2012)

📄 Philippines: “Cybercrime” law threatens free speech and must be reviewed (ASA 35/008/2012)

POLAND

REPUBLIC OF POLAND

Head of state:

Bronislaw Komorowski

Head of government:

Donald Tusk

The investigation of Poland’s involvement in US-led renditions and secret detentions progressed slowly. Public access to information in the case of al-Nashiri