

protection. In November, Dennis Sakal and Butch Saudagal, both of whom were due to testify against primary suspects in the massacre, were shot by unidentified gunmen in Maguindanao province, killing Dennis Sakal. In December, Kagui Akmad Ampatuan, who reportedly convinced these witnesses to testify for the prosecution, survived a similar ambush in Maguindanao.

At least eight witnesses and their family members had been killed in similar attacks since November 2009. No one was held accountable for these killings.

FREEDOM OF EXPRESSION

At least three radio broadcasters and one newspaper reporter were killed by unidentified gunmen in 2014.

In February, the Supreme Court declared major provisions of the 2012 Cybercrime Prevention Act, including the online libel provision, as constitutional. The Court clarified that only original authors of libellous material were covered by the law, excluding those who reacted online to the libellous post.

ABUSES BY ARMED GROUPS

Attacks by hardline Islamist insurgents opposed to the peace accord between the government and the Moro Islamic Liberation Front continued. In July, an attack by Abu Sayyaf in Sulu province left 21 people dead. In December, 10 people were killed and more than 30 injured when a mortar bomb exploded on a public bus in Bukidnon province.

SEXUAL AND REPRODUCTIVE RIGHTS

Following a year-long suspension of its implementation, in April the Supreme Court upheld the Reproductive Health Law following a legal challenge by various faith-based groups. The law paves the way for government funding for modern contraceptive methods and seeks to introduce reproductive health and sexuality education in schools.

However, the Court's ruling found eight provisions to be unconstitutional. These

included: prohibiting health practitioners from refusing to provide reproductive health services and penalizing them if they did; requiring all private health facilities, including those owned by religious groups, to provide family planning methods, including modern contraceptive supplies and procedures; allowing minors - including those who already have children or have had miscarriages - access to birth control without their parents' written consent; and allowing married individuals to undergo reproductive health procedures without their spouse's consent.

The Department of Justice failed to include exceptions to the total ban on abortion in the draft criminal code it sent to Congress. Due to the total ban on abortion, clandestine abortions remained widespread, resulting in unnecessary death and disability of women.

-
1. Above the law: Police torture in the Philippines (ASA 35/007/2014)
www.amnesty.org/en/library/info/ASA35/007/2014/en

POLAND

Republic of Poland

Head of state: **Bronislaw Komorowski**

Head of government: **Ewa Kopacz (replaced Donald Tusk in September)**

Former Polish president has admitted that Poland hosted a secret CIA prison. The European Court of Human Rights ruled against Poland for complicity in CIA secret detention and torture. Concerns over protection and fulfilment of sexual and reproductive rights persisted. Poland has not ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence.

COUNTER-TERROR AND SECURITY

Poland became the first EU member state to be found complicit in the USA's rendition and secret detention programmes, authorized by US President George W. Bush in the aftermath of the 11 September 2001 attacks in the USA. In July, the European Court of Human Rights ruled in two separate judgments that the Polish government colluded with the US Central Intelligence Agency (CIA) to establish a secret prison at Stare Kiejkuty, where detainees were held in secret, subjected to enforced disappearance, and tortured. The two claimants, Abd al-Rahim al-Nashiri and Zayn al-Abidin Muhammad Husayn (Abu Zubaydah), applied to the European Court in 2011 and 2013, respectively. Abd al-Rahim al-Nashiri, a Saudi Arabian national alleged to have masterminded the bombing of the USS Cole off the coast of Yemen in 2000, has claimed that he was questioned in a secret facility in Poland and subjected to "enhanced interrogation techniques" and other human rights violations, such as "mock execution" with a gun and threats of sexual assault against his family. Abu Zubaydah, a stateless Palestinian born in Saudi Arabia, also alleged that he was held in Poland, where he said he was subjected to extreme physical pain and psychological suffering, including "waterboarding". Abd al-Rahim Al-Nashiri faced a capital trial by military commission in Guantánamo Bay.

The European Court found Poland in violation of the European Convention on Human Rights for, among other things, the lack of an investigation into the men's claims, their torture and other ill-treatment, secret detention, and transfer to other places where they were at risk of further human rights violations. The Court also reaffirmed the victims' and the public's right to truth. In October, the government referred the cases to the Grand Chamber of the European Court for a review *de novo*. At the end of the year, the Chamber had not made a decision on the government's request.

A third man who had alleged that he was held at a secret detention site in 2003 was granted "injured person" status in October 2013 in Poland's national investigation into the CIA site. Walid bin Attash, a Yemeni national, is currently detained and awaiting trial by military commission at Guantánamo Bay. A fourth man, Mustafa al-Hawsawi, lodged an application with the prosecutors seeking injured person status in the ongoing investigation into allegations of the rendition and secret detention programmes. At the end of the year, the prosecutor was considering whether to reverse a prior negative decision on Mustafa al-Hawsawi's application.

After years of denials, former Polish president Aleksander Kwasniewski admitted in December that Poland had hosted a secret CIA prison where detainees were held between 2002 and 2003. The acknowledgment came in the aftermath of the release of a heavily redacted summary of a US Senate report on the CIA's secret detention programme. Although Poland was not named, the facts surrounding what was called "detention site blue" in the Senate report conformed to the dates of detention and accounts of torture described by Abu Zubaydah and Abd al-Rahim al-Nashiri in their European Court applications.

SEXUAL AND REPRODUCTIVE RIGHTS

Despite the judgment of the European Court of Human Rights in October 2012 in the case of *P. and S. v. Poland*, in which Poland was found to have violated the right to private life and to be free from inhuman and degrading treatment when a 14-year-old girl's right to a lawful abortion was denied, there has been little progress in ensuring access to legal abortion. The authorities failed to introduce measures to ensure effective implementation of the abortion law and to guarantee that the conscientious objection of health workers did not inhibit women's access to lawful services.

In June, a woman was denied access to an abortion despite prenatal tests indicating severe and irreversible damage of the fetus.

Although the law allows abortion in such cases, the Director of a public hospital in Warsaw refused to allow the abortion to be performed in the hospital, citing grounds of conscience, despite the fact that the conscientious objection exemption extends to individuals not institutions. The child died 10 days after the birth. In July, the Ministry of Health fined the hospital for violating the patient's rights and the Mayor of Warsaw dismissed the Director from his post. In response to the case, the Commissioner for Patients' Rights recommended that the government amend the regulations on conscientious objection.

DISCRIMINATION

In March, the UN Committee on the Elimination of Racial Discrimination noted an increase in hate crimes, including anti-Semitic attacks. It criticized the lack of a provision in the Criminal Code establishing racial motivation as an aggravating circumstance of a crime.

Anti-discrimination legislation failed to provide equal protection against discrimination in all areas on all grounds. Discrimination was not explicitly prohibited on the grounds of sexual identity, and was only prohibited in respect of sexual orientation in the sphere of employment.

JUSTICE SYSTEM

In January, the Act on Proceedings against Persons with Mental Disorders came into force. The new law allowed courts to impose preventive measures against convicted persons with mental disorders who threaten the life, health and sexual freedom of others. Possible measures included isolation in closed mental health units following a completed jail sentence. The President referred the law to the Constitutional Tribunal for review.

REFUGEES' AND MIGRANTS' RIGHTS

The new Law on Foreigners, which entered into force in May, extended the maximum

period of detention for asylum-seekers to 24 months. According to the Polish NGOs Helsinki Foundation for Human Rights and the Association for Legal Intervention, nearly one in four people held in migration detention were children.

In October, the European Court of Human Rights asked the government to clarify the circumstances of the administrative detention of an ethnic Chechen asylum-seeker and her five children. The woman and children were deported to Chechnya in March, even though their asylum procedure was still pending.

PORTUGAL

Portuguese Republic

Head of state: **Aníbal António Cavaco Silva**

Head of government: **Pedro Manuel Mamede Passos Coelho**

Reports of excessive use of force by police and inadequate prison conditions continued. Roma continued to face discrimination. Austerity measures affected the enjoyment of economic and social rights and in some instances were found unconstitutional.

BACKGROUND

In May, the report of the Working Group on the UN Universal Periodic Review of Portugal highlighted the need for Portugal to protect the human rights of vulnerable groups from the negative impact of austerity measures adopted in 2013. Also in May, the Constitutional Court declared several austerity measures unconstitutional due to their disproportionate impact on economic and social rights. The measures adopted in 2013 were related to public servants' salaries, pensions and sickness and unemployment benefits. In the case of salaries, there was no retroactive reparation for the negative effects already created by such measures.