

AMNESTY INTERNATIONAL



BRIEFING

Philippines: Human Rights Report Card for Aquino's First 100 Days

When President Benigno “Noynoy” Aquino III was inaugurated on 30 June, he inherited a legacy of serious human rights problems in the Philippines. During his first 100 days in office, Aquino highlighted various human rights violations, but missed opportunities to take action to combat them.

In June Amnesty International sent President Aquino a list of key recommendations for addressing serious human rights abuses during his first 100 days of office. Amnesty International assesses Aquino's record so far on these recommendations, including two steps forward as well as three missed opportunities. But it is not too late for the President to take action on the three areas highlighted below.

MISSED OPPORTUNITIES

1. End human rights abuses by militias, paramilitaries and private armies

As president, Aquino has the power to revoke an executive order that has had grave consequences for human rights in the Philippines. So far, however, Aquino has failed to rescind former President Gloria Arroyo's Executive Order No. 546. This 2006 presidential order directs the Philippine National Police to provide active support to the military in counter-insurgency operations—including by deputizing militias and Civilian Volunteer Organizations (CVOs) as “force multipliers”.

The full impact of the government's tacit support for the private armed groups of local politicians became starkly clear on 23 November last year, when 57 people travelling in an elections convoy were massacred in Maguindanao. Since then, former Maguindanao Governor Andal Ampatuan Sr., members of his family and their private army, have been arrested and charged in connection with the killings. Many members of his private army are part of

CVOs, which the government had established and armed. The system of authorization for armed groups which are then used as private armies remains intact.

Three days after the Maguindanao massacre, Aquino and fellow Senator Mar Roxas issued a statement demanding the “immediate revocation of Executive Order No. 546.” On 22 April, near the end of his presidential campaign, Aquino said, “Our security forces must be directed to dismantle all private armies.” Although now commander-in-chief of the Armed Forces of Philippines, Aquino has yet to translate his words into action by disbanding and disarming these groups.

2. Combat extrajudicial killings and enforced disappearances

In at least 15 countries around the world, truth commissions have been established to investigate patterns of past human rights violations. On 30 July in his first executive order, Aquino established a Truth Commission for the Philippines. But this “truth commission” has no mandate to address human rights violations, including grave crimes like extrajudicial killings and enforced disappearances.

“In the first three weeks, we had six extralegal killings,” Aquino told a public meeting in the USA on 26 September. “In these six extralegal killings, we have already filed charges on three, and I am sure we have apprehended -- in at least of one of the cases -- the suspect.” As of 4 October, the number of alleged politically motivated killings has risen to eight, according to media reports.

Amnesty International welcomes efforts to address new cases of extrajudicial killings, including through the proposed 80 percent increase in the 2011 budget for the Witness Protection Program, which could encourage witnesses to such killings to provide evidence if they are better protected.. Justice has still not been served in hundreds of earlier cases, however, and the Aquino administration has not yet set out a plan to ensure justice for these killings.

In July this year, Justice Secretary Leila De Lima told the media that she is drafting an executive order for a “superbody” to investigate political killings. This body needs the capacity to ensure effective prosecutions, and a mandate to review extrajudicial killings and enforced disappearances from the past decades. To date, Aquino has yet to issue an executive order to establish such a body.

3. Commit to international human rights treaties

In the past decade, more than 200 Filipinos have reportedly been victims of enforced disappearance. This crime robs the victim of liberty—and usually life as well. It also causes extreme suffering for family members by denying them the right to know the fate of their loved one.

A new human rights treaty (the International Convention for the Protection of All Enforced Disappearances) to combat this crime needs ratification by only one more country before it will come into force. The Philippines could play an historic role in becoming a state party to this treaty. The President should promptly sign the treaty and lend his support to the national anti-disappearance bill introduced in Congress.

Torture, like enforced disappearance, is committed under conditions of secrecy. The Philippines has already signed the Optional Protocol to the UN Convention against Torture. President Aquino should now send it to the Senate for ratification. The Optional Protocol allows UN monitors to visit places of detention to combat torture.

On a regional level, President Aquino has signalled support for the development of new human rights instruments. During his time at the UN General Assembly in September, he highlighted the Philippines' support for the development of ASEAN human rights mechanisms. As negotiations begin on an ASEAN Declaration on Human Rights, the Aquino administration should insist that issues like sovereignty and non-interference do not trump protection of core human rights.

STEPS FORWARD

4. Instil human rights protections in governance

President Aquino has appointed a Justice Secretary with a deep commitment to human rights. The appointment of an official like Leila De Lima, former chair of the Commission on Human Rights of the Philippines, signals high-level attention to human rights problems in the Philippines.

While cabinet members undergo scrutiny by the Senate, lower-level officials do not. In the past, officials have been appointed or promoted despite being implicated in human rights violations. The Aquino administration has yet to establish an institutional system of human rights vetting for service in civilian or military posts.

5. Protect and support people displaced by armed conflict

In the run-up to the May presidential elections, the Mindanao peace process did not figure high on candidates' agendas. Once in office, however, Aquino declared that the peace process would be a priority for his administration. At present, his government is actively seeking to revive peace talks with the Moro Islamic Liberation Front (MILF).

Despite a cooling of hostilities since armed conflict erupted again in 2008, tens of thousands of people remain internally displaced in Mindanao. Estimates vary widely since thousands of "invisible IDPs" have not been properly tracked. On 21 September Aquino's advisor on the peace process,

Teresita Deles, announced a recovery plan for communities affected by the armed conflict. Amnesty International has called on the Aquino administration to establish an effective tracking programme so that government agencies can identify and assist those displaced by the conflict.

THE ROAD AHEAD

Before President Aquino's election his party announced as part of its platform: "The immediate task is to establish the conditions for a genuine a human rights regime in the country."

In his first 100 days, however, the President has still failed to make human rights an immediate priority. During his first year in office, Aquino still has the opportunity to make inroads in the legacy of human rights problems he has inherited.

In losing his father, President Aquino has personal experience of a grave human rights violation and is now in a position where he can help protect the human rights of all Filipinos. Amnesty International urges him to make concrete gains in human rights in his first year in office.