

Findings of the German Delegation to the Philippines, March 2009

1. Mission of the German delegation to the Philippines in March 2009

From 11 to 20 March 2009, a delegation of the German Action Network Human Rights – Philippines conducted a human rights mission to the Philippines, looking into the implementation of the recommendations from various international reports on extrajudicial killings and enforced disappearances. The delegation met with various offices within government, police, military, the churches, with victims and their families as well as civil society and human rights institutions in the Philippines.

While the delegation acknowledges the steps undertaken by Philippine authorities in response to the issue, the remaining challenges are manifold. A culture of impunity for human rights violations persists throughout the country, human rights activists and members of the social movement are criminalised and an effective witness protection is still absent.

The newly instituted Human Rights Offices within the police and military are certainly crucial to raise awareness about human rights within the security forces. Thus their short and in particular their mid- and long term effects should not be underestimated. However, it was unclear to the delegation how effective these offices have been concerning the investigation of cases of grave human rights abuses, the promotion of independent investigations and the bringing of perpetrators to justice

The delegation particularly noticed positive initiatives undertaken by the Commission for Human Rights, the Supreme Court and the Committee on Human Rights of the House of Representatives.

One of the big remaining challenges, however, is to gain strong evidence of gross human rights violations as witnesses are often put under a lot of pressure and even threatened. The existing witness protection mechanisms such as the Writ of Amparo are a first and important step in the right direction. But further strengthening of these mechanisms as well as independent and effective witness protection programs are urgently needed.

The EU Justice Assistance Mission (EUJAM) as well as other international initiatives in our view have made important contributions to improve the human rights situation in the Philippines. The Action Network Human Rights – Philippines thus sincerely hopes that the follow-up EUJAM will soon become fully operational. This, however, will depend on the quick finalization of its guidelines and agreements.

2. Recommendations

The Action Network Human Rights – Philippines, therefore, recommends to the government of the Philippines:

- a.) to implement recommendations from the Follow-up Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston (2009); Working Group on the Universal Periodic Review (UPR) and Melo Commission, especially:
 - i. Take measures to end impunity for unlawful killings
 - ii. Investigate and prosecute on the grounds command responsibility for killings, especially those linked to retired Major General Jovito Palparan
 - iii. Develop a witness protection programme
 - iv. Stop the killings of activists and journalists

- b.) to finalise the review of proposals and operationalise the EU Justice Assistance

Member Organisations: Amnesty International, Brot für die Welt, Evangelischer Entwicklungsdienst, Misereor, Missio, philippinenbüro e.V., Vereinte Evangelische Mission 1

Mission (EU-JAM), in order to enhance the Philippine government's capability in the areas of investigation and prosecution of human rights violations

- c.) to ratify the International Convention for the Protection of All Persons from Enforced Disappearance defining widespread or systematic use of enforced disappearance as a crime against humanity

The Philippine senate must ensure accordance with international human rights laws and expedite the approval before the end of the next session of:

- d.) the Anti-Torture Bill
- e.) the Anti-Enforced or Involuntary Disappearances Act of 2009

Thereafter, the President of the Philippines should in course of her present mandate and before the next elections sign both laws. They are crucial in fighting impunity in the Philippines and to stop torture and enforced or involuntary disappearance.

3. Action Network Human Rights – Philippines

The Action Network Human Rights - Philippines was formed in August 2007 to promote lobby- and information work in Germany regarding the human rights situation in the Philippines. Through its office, the network coordinates publications, events and lobby activities. Target groups are political decision makers, human rights defenders and social activists as well as the media in Germany and Europe.

Member organizations are Amnesty International Germany, Diakonie / Bread for the World, Church Development Service (EED), Misereor, Missio, Philippinenbüro and United Evangelical Mission (UEM). The main focuses of the network are extrajudicial killings and enforced disappearances.