

PHILIPPINES: Supreme Court thumbs down same-sex marriage case 'with finality'

By Benjamin Pulta

Philippine News Agency (06.01.2020) – <https://bit.ly/2tYQKVp> – The Supreme Court (SC) has denied “with finality” a motion for reconsideration on its previous decision junking same sex marriage petition in the Philippines.

In a notice sent to reporters on Monday, the SC through Clerk of Court Edgar Aricheta ordered that entry of judgment be made on the suit filed by lawyer Jesus Nicardo M. Falcis III and the LGBTS Christian Church Inc. against the Civil Registrar-General.

The High Court said the motion for partial reconsideration on the SC’s September 3, 2019 decision was “denied with finality,” noting that “no substantial arguments were presented to warrant the reversal of the questioned decision”.

“No further pleadings or motions will be entertained,” the SC added.

In its September 3 verdict, the SC en banc unanimously dismissed the petition filed by Falcis, citing lack of legal standing to initiate the petition as well as for failing to

comply with the principle of hierarchy of courts.

The Court, likewise, said it is turning down the suit since there is no actual case ripe for adjudication or “failing to raise an actual, justiciable controversy”.

The following are Family Code provisions questioned by Falcis before the High Court:

Article 1, defining marriage as “a special contract of permanent union between a man and a woman”;

Article 2, which enumerates essential requisites of a valid marriage to include the “legal capacity of the contracting parties who must be a male and a female”;

Article 46, identifying the concealment of homosexuality or lesbianism, among other things existing at the time of the marriage as fraud which may be used as basis for the annulment of a marriage; and

Article 55, identifying lesbianism or homosexuality as grounds for a petition for legal separation.

The court said while the Constitution does not restrict marriage on the basis of gender, it underscored the need of formal legislation to allow a more orderly deliberation in

assuring rights.

“Adjudication assures arguments between parties with respect to the existence and interpretation of fundamental freedoms. On the other hand, legislation ideally allows democratic deliberation on the various ways to assure those fundamental rights,” the tribunal said in its ruling.

“The process of legislation exposes the experiences of those who have been oppressed, ensuring that this be understood by those who stand with the majority. Often public reason needs to be first shaped through the crucible of campaigns and advocacies within our political forums before it is sharpened for judicial fiat,” it added.

PHILIPPINES: Duterte officially endorsed sex tourism, trafficking in Boracay during State of the Nation Address

By Rosette Adel

Philstar (24.07.2019) – <http://bit.ly/30Siag> – lawmaker from a women’s party-list Tuesday said President Rodrigo Duterte

formally advertised sex tourism, trafficking and prostitution in Boracay in his fourth State of the Nation Address speech.

“Duterte’s Boracay rehabilitation program created thousands of unemployed, impoverished Aklanon women now increasingly vulnerable to prostitution, human trafficking and abuse,” Gabriela Women’s Party Rep. Arlene Brosas said.

“Duterte in his SONA officially endorsed sex tourism, trafficking and prostitution in Boracay,” she added.

Brosas said this after Duterte last Monday mentioned the rehabilitation of Boracay.

The president, in his speech, boasted about the restoration that occurred on the island.

He said the government “equipped with political will” ordered the closure of the world-famed tourist destination for six months to prevent its “further deterioration.”

“I am proud to say that it has been restored close to its original pristine state,” Duterte said.

Duterte, however, said Boracay is just the beginning while adding commentary about the women on the island waiting for foreign male visitors as he invited them to visit Boracay.

“Boracay Island is just the beginning. And the girls there, the foreigners are waiting for you gentlemen to visit the place. They are all on the beach sunbathing. You are invited to – I have not been there,” he said in his SONA.

The remark was deemed sexist by some.

In January last year, during his last day in India, Duterte also joked that he would like to lure tourists to the Philippines with virgins.

Duterte said that Islamic State extremists lure followers with the promise of “42 virgins” in heaven as he addressed the Filipino and Indian businessmen present then.

‘No to leading by example’

Meanwhile, on Wednesday, the Center For Women’s Resources raised the danger of Duterte’s call during his SONA about leading by example as it could mean “following his misogynistic attitude, which made it worse for women.”

“I implore those who occupy positions of power and authority, to let your deeds and accomplishments do the talking. Lead by example. Words ring hollow when not followed by positive and prioritized action,” Duterte said Monday in his speech.

The CWR cited that that violence against women has continued, as one woman or girl is raped every hour.

“Worse, state-perpetrated VAW has become rampant. Since President Duterte became the president, more than 50 cops were involved in various cases of violence against women,” CWR said.

Duterte has been previously criticized for casually talking about rape and abuse on women.

His remarks were, however, often been explained by the Palace as jokes and as part of what makes him endearing to the people.

PHILIPPINES: Isis claims attack on Jolo cathedral. Bishops: ‘United against extremism’

Two suicide bombers detonated explosive belts inside the church and near the parking lot. Five soldiers, a Coast Guard member and 12 civilians were killed in the attack, while another 83 people were injured. From Pamama, Pope Francis

expresses “the most firm reprobation”.

AsiaNews (28.01.2019) – <https://bit.ly/2WsQdos> – A few hours after the twin attack on the Cathedral of Our Lady of Mount Carmel in Jolo (Sulu) yesterday morning, the Filipino bishops invite Christians to “shake hands with all the peace-loving communities , in defense against violent extremism “.

The Islamic State (IS) claimed last night the latest act of violence against the Catholic community of Jolo, an Islamist stronghold on the southern island of Mindanao. This is stated by the SITE Intelligence Group, an organization that monitors jihadist activities on the internet. The terrorist group has released an official statement stating that two suicide bombers detonated their explosive belts inside the church and near the parking lot.

Meanwhile, the police of the Autonomous Region in Muslim Mindanao (Armm) revises the death toll: the spokesman Gerry Besana declares that five soldiers, a Coast Guard member and 12 civilians were killed in the attack. 83 other people were injured. From Pamama, Pope Francis expressed “the strongest condemnation for this episode of violence, which brings new loss of life to this Christian community”.

Msgr. Angelito Rendon Lampon, former bishop of Jolo and new archbishop of Cotabato, said: “In my 20 years, from 1998 to last week, there have been seven hand grenades launched at our cathedral”.

Below the full text of the document issued by the Episcopal Conference (CBC) after the terrible attack.

We, Catholic Bishops gathered in our Plenary Assembly in Manila, received today the sad news from Fr. Romeo S. Saniel, OMI, Apostolic Administrator of Jolo, of the bombing of the Our Lady of Mt. Carmel Cathedral in Jolo during the Sunday Mass.

We condole with the families of the several soldiers and civilians who were killed by the explosions. We also express our sympathies with those who were wounded and extend our solidarity with the rest of the church-goers inside the Cathedral and the rest of the church community in the Apostolic Vicariate of Jolo.

At the same time, we condemn this act of terrorism that has taken place only a few days after the plebiscite on the Bangsamoro Organic Law.

As we begin a new phase in the peace process with the creation of the Bangsamoro Autonomous Region in Muslim Mindanao (BARRM), we ask our Christian brethren to join hands with all peace-loving Muslim and Indigenous People communities in the advocacy against violent extremism.

May all our religions of peace guide us in our quest for a brighter future for the peoples of Mindanao.

From the Catholic Bishops' Conference of the Philippines

+ Romulo G. Valles

Archbishop of Davao

President, CBCP

January 27, 2019

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When will the Czech Republic open a new trial against Jaroslav Dobes and Barbora Plaskova?

The question was raised in parallel of a side-event organized at the UN in Geneva on the day the Czech Republic was defending its human rights record at the Universal Periodic Review earlier this week

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (09.11.2017) – On 21 May 2015, the High Court of Olomouc ruled that the judgment against Jaroslav Dobes and Barbora Plaskova issued by a first instance court of Zlin/Brno on 7 October 2014 was “annulled and revoked in its entirety” and that the case was returned to the court of first instance in Brno to make a new decision. Since then, no new trial has strangely been initiated and the Czech authorities have repeatedly remained silent when publicly called upon about this inertia by NGOs at the OSCE and at the UN.

In the last two years and a half, Jaroslav Dobes and Barbora Plaskova, have been detained at the Immigration Detention Center of Bagong Diwa in Manila (Philippines) not on the grounds of a crime committed in the Czech Republic or in the Philippines but because the Czech embassy in Manila had made them undocumented.



Jaroslav Dobes and Barbora Plaskova have been living and working for years as yoga teachers in the Philippines and each of them has a child born in the country.

Undocumented

On 14 April 2015 Barbora Plaskova went to the Philippines Immigration bureau, in Surigao City, to prolong the validity of her visa (as she did before every second month since 2009) but she was denied a new one, her passport was declared as invalid, confiscated and she was escorted in the Immigration Detention Center in Manila where she still is.

On 15 May 2015, Jaroslav Dobes, was arrested in Surigao del Norte, in the Philippines, where he openly exercised his activities of yoga teacher because his passport was not valid any more. He was immediately sent to the Immigration Detention Center in Manila where he still is.

Their request for new passports was conditional by the Czech consul upon personally visiting the Czech Embassy in Manila. After the unsuccessful attempt of forcible illegal deportation to the Czech Republic of Jaroslav Dobes in June 2015, Dobes and Plaskova did not trust any guarantee of safety from side of Czech representatives.

Both Czech citizens were hereby left "undocumented" by their

embassy in the Philippines and detained at the Immigration Center of Manila.

Presumption of innocence

In Prague, an international arrest warrant had in the meantime been issued against Jaroslav Dobes and Barbora Plaskova on the grounds that they had respectively been sentenced to 10 years and 9 ½ years in prison in absentia for alleged rape of eight women in the Czech Republic between 2004-2006. However, this decision of the Regional Court in Brno (Czech Republic) in October 2014 was cancelled on 21 May 2015 by the High Court of Olomouc for lack of evidence. On that very day, the legal situation of the two Czech citizens changed. There was no sentence to be implemented, there was no evidence of guilt, and they were therefore fully entitled to enjoy the right to the presumption of innocence.

Moreover, since May 2015, no Czech court has ruled that Jaroslav Dobes and Barbora Plaskova had been guilty of rape or any other crime in the Czech Republic.

On 6 November 2017, the inertia of the judiciary was raised again in a side-event organized by a French NGO with ECOSOC status, CAP Liberté de Conscience.



In June 2016, *Human Rights Without Frontiers* (Brussels) and

FOREF (Vienna) visited the Immigration detention Center in Manila with the assistance of the Filipino Commissioner of the Bureau of Immigration and the director of the detention facility, interviewed the two Czech citizens.

The question of *Human Rights Without Frontiers* is: **Why such inertia of the Czech judiciary and such a silence of the political authorities ?**

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WORLD: A right for all: Freedom of religion or belief in ASEAN

APPG (27.09.2017) – <http://bit.ly/2xvPgCZ> – A new report from USCIRF emphasises the strategic importance of robust U.S. engagement on these issues with ASEAN as a collective and the

10 individual Member States: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

The countries of Southeast Asia—bound together in the regional bloc known as the Association of Southeast Asian Nations (ASEAN)—are vastly diverse in their geographic size, governing systems, economies, and cultural and societal heterogeneity.

Also, each country is different in its degree of adherence to international human rights standards and its protection (or denial) of the freedoms therein, including the universal freedom of religion or belief.

In ASEAN's 50th year, the U.S. Commission on International Religious Freedom (USCIRF) presents *A Right for All: Freedom of Religion or Belief in ASEAN*. The report documents ASEAN's and the Member States' approaches to this fundamental right, underscores the religious freedom-related challenges in the region that transcend country borders, and emphasizes the strategic importance of robust U.S. engagement on these issues.

ASEAN's approach to human rights often has been diminished by two competing interests: the Member States' desire to integrate as a bloc and their deeply embedded reliance on independence and non-interference in one another's affairs. In an increasingly interdependent, interconnected community such as ASEAN, it is vital that governments and societies recognize—both within and across their borders—when the right to freedom of religion or belief is being abused and take steps to protect individuals and groups whose rights are violated.

ASEAN and the individual Member States have an inconsistent record protecting and promoting human rights, and even more so with respect to freedom of religion or belief. Often, ASEAN countries have lacked cohesion and a strong will to act in

response to serious violations within their own borders and among the other members of the bloc.

Key findings about freedom of religion or belief in the 10 Member States include:

Brunei: The identification of the state and the public sphere with Islam in the person of the sultan sometimes challenges the religious freedom of non-Muslims or heterodox Muslim residents, whose communities may be banned or ruled by Shari'ah despite their affiliation.

Burma: While the year 2016 marked a historic and peaceful transition of government in Burma, outright impunity for abuses committed by the military and some non-state actors and the depth of the humanitarian crisis for displaced persons continue to drive the ill treatment of religious and ethnic groups.

Cambodia: Cambodia has few internal challenges with freedom of religion or belief, but could do more to uphold its human rights commitments, particularly under the Refugee Convention.

Indonesia: The Indonesian government often intervenes when religious freedom abuses arise, particularly if they involve violence. Non-Muslims and non-Sunni Muslims, however, endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at houses of worship, and are subject to discrimination as well as sometimes violent protests that interfere with their ability to practice their faith.

Laos: In some areas of Laos, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of religion or belief.

Malaysia: Malaysia's entrenched system of government advantages the ruling party and the Sunni Muslim Malay majority

at the expense of religious and ethnic minorities, often through government-directed crackdowns on religious activity, expression, or dissent.

Philippines: With the strong influence of the Catholic Church, as well as the needs of other religious groups, the Philippines grapples with the separation of church and state, and also with the violence that continues to dominate relations with Muslims on the island of Mindanao.

Singapore: Singapore's history of intercommunal violence informs its current policies, which prioritize harmony between the country's major religions, sometimes at a cost to freedom of expression and the rights of smaller religious communities.

Thailand: The primacy of Buddhism is most problematic to freedom of religion or belief in the largely Malay Muslim southern provinces, where ongoing Buddhist-Muslim tensions contribute to a growing sense of nationwide religious-based nationalism.

Vietnam: Vietnam has made progress to improve religious freedom conditions, but severe violations continue, especially against ethnic minority communities in rural areas of some provinces.

Challenges

The 10 Member States experience a number of common and crosscutting challenges that underscore how violations of freedom of religion or belief occur across borders and within the context of broader and related regional trends. ASEAN should acknowledge and work to address the following problems: protection gaps for refugees, asylum seekers, trafficked persons, and those internally displaced; the use of anti-extremism and antiterrorism laws as a means to limit religious communities' legitimate activities, stifle peaceful dissent, and imprison people; the use of nationalistic sentiment by individuals and groups who manipulate religion to the

detriment of other religious and ethnic groups; arrests, detentions, and imprisonments based on religious belief, practice, or activities; and the existence and implementation of blasphemy laws that are used to incite or inspire violence, generally by members of a majority religious group against those from a religious minority community.

Conclusion

ASEAN and the individual Member States must understand that the global community of nations is grounded in the premise that everyone observe a rules-based international order, which includes the responsibility to uphold freedom of religion or belief and related human rights. This means ASEAN and the Member States should take steps to:

adhere to international human rights instruments; welcome visits by international human rights monitors; ensure unfettered access by aid workers, independent media, and other international stakeholders to vulnerable populations and conflict areas; repeal blasphemy and related laws; release prisoners of conscience; and strengthen interfaith relationships.

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