

Philippines 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the Philippines during the year, although the number of incidents of arbitrary and extrajudicial killings and of some other abuses by government agents decreased.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman or degrading treatment or punishment by and on behalf of the government, and other physical abuses by nonstate actors; harsh and life-threatening prison conditions; arbitrary detention; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; serious abuses in a conflict, including unlawful civilian deaths, enforced disappearances or abductions, and torture and physical abuses; unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions on freedom of expression and media freedom, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, and the use of criminal libel laws; serious government corruption; serious government restrictions on or harassment of domestic human rights organizations; extensive gender-based violence including but not limited to domestic and

intimate partner violence, sexual violence, child abuse, and early and forced marriage; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and significant restrictions on workers' freedom of association such as threats and violence against labor activists.

The government investigated some reported human rights abuses, including abuses by its security forces and paramilitary forces. Concerns about police impunity remained, given reports of continued extrajudicial killings by police. Significant concerns also persisted about impunity for other security forces, and civilian national and local government officials.

Muslim separatists, communist insurgents, and terrorist groups continued to attack government security forces and civilians, displacing civilians and resulting in the deaths of security force members and civilians. Terrorist organizations also engaged in kidnappings for ransom, bombings of civilian targets, beheadings, and the unlawful recruitment or use of child soldiers in combat or auxiliary roles. These actions were, at times, investigated and prosecuted, although there were allegations that charges were often leveled for political reasons.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or

Politically Motivated Killings

Extrajudicial killings, largely by police but also by other security forces, remained a serious problem. In addition, politically motivated killings, including of journalists, were reported during the year.

There were numerous reports of arbitrary or unlawful killings by police in connection with antidrug operations. The Marcos administration continued the antidrug campaign – which began under the Duterte administration – albeit with a focus on treatment and rehabilitation, due process, and rule of law-based investigations. The nongovernmental organization (NGO) Dahas PH reported 209 killings related to antidrug operations from January to August.

The Philippine National Police's (PNP) Internal Affairs Service and other government bodies, including the Armed Forces of the Philippines (AFP) unit charged with monitoring human rights violations by members of the military, the Center for Law of Armed Conflict, and the National Bureau of Investigation (NBI), investigated whether security force killings were justifiable.

The Commission on Human Rights (CHR), an independent government ombudsman's office constitutionally responsible for investigating possible human rights violations, investigated 51 new complaints of alleged extrajudicial or politically motivated killings through July. The cases involved

82 victims and allegedly were perpetrated by six PNP personnel, two members of the military, seven insurgents, four civilians, and 33 unidentified persons. The commission also investigated 15 specifically drug-related extrajudicial killings with 18 victims, and suspected PNP involvement in eight of these complaints. The CHR also investigated the May killing of a radio commentator in Calapan City, Oriental Mindoro Province.

Negros Oriental Governor Roel Degamo and five other individuals were killed in March by unknown individuals. The NBI named Negros Oriental Congressman Arnie Teves, Jr. as having ordered the killing undertaken by a private militia under his control. Teves fled the country. In August the Anti-Terrorism Council designated Teves as a terrorist, and he was expelled from Congress for abandonment of public office. After Degamo's killing, and in light of other attacks on local officials, President Marcos ordered the National Task Force for the Disbandment of Private Armed Groups, originally formed to disband private militias in Mindanao after the signing of the Comprehensive Agreement on Bangsamoro in 2014, to take the lead in dismantling private militias used to commit political violence.

On August 2, six Navotas City police officers killed 17-year-old Jemboy Baltazar. Police were told a murder suspect was on Baltazar's fishing boat and when they boarded it, Baltazar jumped overboard and began to swim away. The police gave no warning before firing and their body cameras were not on; both actions were violations of police regulations. The six were

removed from duty August 9 and faced charges of “reckless imprudence resulting in homicide,” according to media outlet *Rappler*. A PNP Internal Affairs’ investigation of the incident led to the dismissal of the local police chief, Allan Umipig, for attempting to cover up the involvement of the officers and other matters and called for a wholesale reorganization of the local police force. The six officers voluntarily surrendered in October after arrest warrants were issued against them.

b. Disappearance

Although long-term disappearances were rare, kidnappings were common and predominantly committed for criminal purposes (i.e., ransom); in the past, they were carried out for both pro- and antigovernment political motives as well. Terrorist groups were implicated in many kidnappings in Mindanao.

The AFP’s Center for Law of Armed Conflict reported no cases of enforced disappearance attributed to or implicating the armed forces from January to July. The CHR, however, reported 10 cases involving 14 persons who were victims of abduction and enforced disappearance from January to July. Four cases were allegedly perpetrated by members of the PNP, three by unidentified persons, one by other state agents, one by a civilian, and one case did not indicate the perpetrator.

Media reported on kidnappings throughout the year.

Some kidnappings involved Chinese nationals. In March police arrested three Chinese and one Vietnamese national suspected of kidnapping for ransom and later killing a Filipino-Chinese businessman (not further identified). In June a Chinese national was kidnapped, allegedly by an organized crime kidnapping syndicate linked to offshore gambling operations.

The law allowed family members of alleged victims of disappearances to compel government agencies to provide statements in court about what they knew about the circumstances surrounding a disappearance (or an extrajudicial killing) and the victim's status.

Evidence of a kidnapping or killing required the filing of charges, and police generally opened investigations. In many cases, however, evidence and documentation were unavailable, not collected, or insufficient to support charges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibited torture, and evidence obtained through its use was inadmissible in court. According to the CHR, however, members of the security forces and police were accused of routinely abusing and sometimes torturing suspects and detainees. Common forms of abuse during arrest and interrogation reportedly included electric shock, burning with cigarettes, and

suffocation.

As of July, the CHR investigated 21 cases of alleged torture involving 36 victims. Of those, 17 involved members of the PNP, one a local government official, one a corrections officer, one a member of the NBI, and one an inmate.

In May, NBI Region VII filed criminal rape and other charges against five Cebu City police officers who illegally detained a woman in September 2022. The woman, detained on suspicion of drug trafficking, was held in a private apartment for three days. One of the five was charged with raping the woman; he and the others faced a range of other charges related to illegal detention.

In June the CHR investigated an alleged torture case involving a boy who reported physical abuse by his father to the local police station. Instead of receiving assistance and protection, the boy was allegedly tortured by three police officers who poured a mixture of vinegar and chili on his genitals. PNP Regional Office XI filed criminal and administrative charges against the three officers.

Human rights groups continued to express concerns about the contribution of corruption to abuses committed by the PNP and other security forces and noted little progress in implementing and enforcing reforms aimed at improving investigations and prosecutions of suspected human rights

violations. The national police's institutional deficiencies and the public perception that police corruption was endemic continued.

The Congressional Commission on Appointments could withhold a PNP promotion indefinitely if it uncovered a record of abuses, although no such action was reported, and alleged abusers were promoted.

Witnesses to abuses were often unable to obtain protection. The Office of the Ombudsman reported that witnesses often failed to come forward or to cooperate in police abuse or corruption cases. This reticence sometimes followed pressure on witnesses and their families or arose from an expectation of compensation for their cooperation.

Impunity was a significant problem in the security forces, particularly in the PNP, as reported by local and international human rights organizations such as Amnesty International and Human Rights Watch. A former police officer, however, was convicted in March for the 2017 murder of two teenagers in a drug war operation. Three other individuals were prosecuted for extrajudicial killings since the start of the drug war in 2016.

The AFP's Center for Law of Armed Conflict reported that, from January to October, it had not received any allegations against any member of the military for alleged extrajudicial killings, forced disappearances, or other rights abuses.

Prison and Detention Center Conditions

Prison conditions were often harsh and life-threatening and included gross overcrowding, inadequate sanitary conditions, physical abuse, and a chronic lack of resources including medical care and food.

Abusive Physical Conditions: Bureau of Corrections facilities operated at approximately four times their operating capacity of 12,272, holding 51,721 prisoners.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government, controlled 479 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The bureau reported its jails operated at 350 percent of designated capacity as of July. The Dasmariñas City Jail for women in Cavite Province was one of the most congested jails in the country; with an official capacity of 11 inmates, as of July it held 328 detainees.

Access to quality food was generally poor. Poor sanitation, inadequate ventilation, poor access to natural lighting, overcrowding, and a lack of potable water were chronic problems in detention and correctional facilities and contributed to health problems. Prison authorities attributed most of the 758 inmate deaths reported from January to July to illness.

Prisoners had few opportunities for recreation, education, and self-

improvement.

The prison services reported insufficient custodial and escort personnel, especially in large jails, with a national average of approximately 43 prisoners assigned to each custodial staff member. In larger prisons the ratio was higher; for example, in the New Bilibid Prison, one prison guard oversaw 191 prisoners. This contributed to rampant gang activity in most prisons. Observers and others with direct access to prisons noted that gangs effectively served as the de facto source of discipline. Violence between gangs was common. The Bureau of Corrections reported a gang-related shooting inside the New Bilibid Prison's maximum-security compound in July that killed one and injured nine.

Administration: Prisoners, their families, and lawyers could submit complaints to independent government agencies, and the CHR referred complaints it received to the appropriate agency.

NGOs reported that although abuse in prisons was common, prisoners, fearing retaliation, generally declined to lodge formal complaints.

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross, and civil society groups, such as the Philippine Center for Investigative Journalism, free and timely access to jails and prisons. The constitution granted the CHR the authority to visit jails, prisons, or detention facilities to monitor the

government's compliance with international treaty obligations.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of persons to challenge the lawfulness of their arrest or detention in court; however, the government and its agents frequently disregarded these requirements, albeit reportedly less frequently than in previous years.

Arrest Procedures and Treatment of Detainees

Warrants based on sufficient evidence and issued by an authorized official were required for an arrest except in limited, defined situations. After a warrantless arrest, courts could subpoena suspects to allow a preliminary investigation; authorities had to file charges within 12 to 36 hours of an arrest, depending on the seriousness of the crime. In terrorism cases the law permitted warrantless arrests and detention without charge for up to 24 days.

Irregularities in issuing warrants and making arrests were reportedly common.

Detainees had the right to bail, except when held for capital offenses or those punishable by a life sentence. The bail system largely functioned as intended, and suspects were allowed to appeal a judge's decision to deny bail. The law provided an accused or detained person the right to choose a

lawyer, including a public defender if the suspect could not afford a lawyer. Due to a lack of resources, however, the Public Attorney's Office failed to provide all indigent persons with access to public defenders.

Arbitrary Arrest: Security forces detained individuals, including juveniles, arbitrarily and without warrants on charges other than terrorism, especially in areas of violent unrest.

In June the PNP-Integrity Monitoring and Enforcement Group arrested and dismissed seven police officers from the Angeles City, Pampanga Province police office for the alleged illegal arrest and arbitrary detention for five days of 13 persons detained May 28 for suspected drug activity. Police did not charge or record the arrests of those detained in the station's records. According to media reports, the officers offered to reduce possible charges to illegal gambling in exchange for a substantial bribe.

The CHR investigated 21 alleged illegal detention cases involving 24 individuals from January to July, of which 13 were perpetrated by the PNP, two by members of the Philippine Drug Enforcement Agency, three by members of military, one by a local government official, one by a member of the NBI, and one by an unidentified person.

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. The great majority of prisoners in BJMP facilities were pretrial detainees; the balance were

convicted criminals serving less than three-year sentences. Pending cases were not evenly distributed among the courts, which resulted in some severely overburdened courts. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist with decongestion efforts. The BJMP helped expedite court cases to promote speedy disposition of cases. Through this program authorities released 50,491 inmates from BJMP jails from January to July. In some cases, detainees spent longer awaiting trial than the maximum sentence for their alleged crime, often extending over many years.

e. Denial of Fair Public Trial

The law provided for an independent judiciary. The government generally respected judicial independence, but officials did pressure or otherwise intervene in some cases. Moreover, NGOs and others reported that pressure, threats, intimidation, and the corruptibility of the judiciary undermined judicial independence.

Corruption through nepotism, personal connections, and bribery continued to result in relative impunity for wealthy or influential offenders. Insufficient personnel, inefficient processes, and long procedural delays also hindered the judicial system. These factors contributed to widespread skepticism that the criminal justice system delivered due process and equal justice.

Trial Procedures

The constitution and law provided for the full range of procedural rights in trials. Some of these rights, however, were frequently denied, including the rights to a speedy trial and judicial impartiality. Trials effectively had no time limits. Trials took place as a series of separate hearings, often months apart as witnesses and court time became available, contributing to lengthy delays. Government officials estimated it took an average of five to six years to obtain a decision. In addition, a defendant's right to counsel was often impaired; the Public Attorney's Office used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During pretrial hearings courts could appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused. To address some of these problems, the Law Student Practice Rule required all law schools to incorporate a clinical legal aid program into their curriculum and establish at least one law clinic to serve marginalized and underprivileged populations.

Political Prisoners and Detainees

The constitution stated that "no person shall be detained solely by reason of his political beliefs or aspirations." As of July, the Bureau of Corrections identified 124 persons as "political prisoners," but there was no clarity as to how this term was defined and applied. The BJMP did not identify persons

in its custody as political prisoners.

Political prisoners identified by the Bureau of Corrections included self-identified political prisoners in Davao, which held most of the country's political prisoners.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. The NGO Task Force Detainees of the Philippines defined political prisoners and detainees based on motivation and excluded persons guilty of or charged with crimes against persons or property. The Task Force noted that in most cases, authorities mixed political prisoners with the general inmate population, except in the New Bilibid Prison where most political prisoners were held in maximum security facilities.

While in principle human rights or humanitarian organizations had the same right of access to political prisoners as to others, these groups reported prison officials barred or limited such visits.

On November 13, former opposition senator Leila De Lima, arrested in 2017, was released on bail after nearly seven years of police detention on drug trafficking conspiracy charges. These charges were widely regarded as fabrications of the previous administration because of De Lima's vocal opposition to former President Duterte and his administration's drug war and other human rights abuses. De Lima was acquitted of two of three

drug-related charges; the second verdict was delivered in May. Several key state witnesses in the cases against De Lima recanted their testimony; some claimed they were compelled to testify by officials in the Duterte administration; others said the rewards promised them if they testified against De Lima had not been provided. As of December, one case was still pending resolution.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Some leaders of communist and leftist organizations, rural NGOs, and human rights defenders complained of routine surveillance and harassment. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued. Judges generally declared illegally obtained evidence to be inadmissible.

i. Conflict-related Abuses

For decades the government has contended with armed Muslim separatist groups such as the Moro Islamic Liberation Front and the Moro National Liberation Front; a communist insurgency supported by the New People's Army (NPA); and violence by smaller transnational terrorist organizations such as ISIS-East Asia, the Abu Sayyaf Group, Maute Group, Bangsamoro Islamic Freedom Fighters, and other terrorist groups and criminal syndicates. Additionally, interclan violence continued in Mindanao, causing civilian deaths and displacement.

The AFP's Center for Law of Armed Conflict reported that it did not refer any cases of alleged international humanitarian law violations by communist terrorist groups to the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons.

Killings: Armed clashes between government and insurgent, separatist, and terrorist forces frequently led to deaths on both sides, and sometimes resulted in the deaths of civilians. In August security forces clashed with an alleged leader of the NPA in Sultan Kudarat who was reportedly attempting to recruit among high school students.

Police and the AFP also supported and armed civilian militias. The armed forces controlled Civilian Armed Force Geographical Units, while Civilian

Volunteer Organizations fell under national police command. In September NPA rebels killed five Civilian Armed Force Geographical Unit Active Auxiliary members and three members of the military in Quezon Province.

NGOs sometimes linked the killing of activists to counterinsurgency operations by government security forces, particularly the military.

The NPA, ISIS-East Asia, Abu Sayaf Group, Maute Group, Ansar al-Khalifa, Bangsamoro Islamic Freedom Fighters, and other violent extremist groups used roadside bombs, ambushes, suicide bombings, and other means to kill political figures and other civilians, including persons suspected of being military and police informers. In June, two police officers were killed and four wounded in an ambush near the Maguindanao del Sur police headquarters. Local media speculated that local insurgent group Dawlah Islamiyah was responsible, retaliating for the killing of their leader in Marawi earlier that day.

Abductions: The AFP's Center for Law of Armed Conflict received no reports of hostages being taken by terrorist organizations from January to August. Armed criminal and terrorist groups, however, kidnapped civilians for ransom. Authorities reportedly facilitated ransom payments on behalf of victims' families and employers through unofficial channels.

Physical Abuse, Punishment, and Torture: Human rights activists reported abuse of detained insurgents, separatists, and terrorists by police and prison

officials.

Multiple sources reported the NPA sought to intimidate government officials and attacked or threatened businesses, power stations, farms, and private communication facilities to enforce collection of extortion payments, or so-called revolutionary taxes.

Child Soldiers: The use of child soldiers, particularly by terrorist and antigovernment organizations, remained a problem, especially in parts of Mindanao affected by low-level violence. The AFP's Center for Law of Armed Conflict recorded three children used as soldiers by communist terrorist groups from January to June. UNICEF monitored the recruitment and use of children in armed conflicts and the release of child soldiers. Government reporting mechanisms on child soldiers provided inconsistent data across agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scale. The NPA continued to claim it did not recruit children as combatants but admitted that it recruited and trained children for noncombat purposes, such as cooking.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members

of the press and other media, and the government sometimes respected this right. Threats and actions by government, allied groups, and powerful individuals against journalists, media organizations, government critics, and others continued.

Freedom of Expression: On the surface, individuals could criticize the government publicly or privately and discuss matters of public interest. Observers and NGOs maintained that the chilling effect on public expression engendered under former President Duterte continued at a lower level under the Marcos administration. International watchdogs such as Reporters Without Borders noted fewer and less violent attacks against journalists in the first year of the Marcos administration, but several problems remained.

The practice of “red-tagging” – labeling human rights advocates, unions, religious groups, academics, and media organizations as fronts for or clandestine members of insurgent and other political groups – continued under the Marcos administration, which has neither suppressed nor condemned the practice. Per civil society groups, the practice was intended to silence criticism of the government, intimidate opponents in local disputes, or provoke legal action against political opponents.

Civil society groups continued to express concern about the implementation of the Anti-Terrorism Act of 2020, which some claimed was prone to abuse and contributed to red-tagging. Responding to NGOs’ and opposition

lawmakers' petitions, in 2022 the Supreme Court declared unconstitutional the part of the law defining terrorism, deeming it "overbroad and violative of freedom of expression." Opponents argued the legislation could be used to red-tag individuals engaged in common forms of speech or typical political activities.

Violence and Harassment: Journalists continued to face harassment, threats of violence, and violence, including from individual politicians, government authorities, and powerful private persons critical of their reporting. Physical attacks, including at least one killing, against journalists continued and several cases from previous years remained unresolved.

The National Union of Journalists of the Philippines (NUJP) reported 60 press freedom violations from January to April, 19 of which were harassment cases and 12 were red-tagging. Broadcast network Sonshine Media Network International, owned by indicted human trafficker Apollo Quiboloy, was the most frequent source of red-tagging allegations against journalists, including the NUJP's chairperson. The NUJP condemned these allegations as an effort to discredit and intimidate journalists.

On May 31, two assailants on motorcycles shot and killed radio broadcaster Cresenciano Bundoquin in Calapan City, Mindoro Province, the third journalist slain since President Marcos took office in June 2022. The PNP chief directed provincial police to set up a Special Investigation Task Group to investigate the killing and noted Bundoquin's reporting may have made him

a target.

Two suspects were charged in the June 29 attempted murder of photojournalist Rene Joshua Abiad in Manila, in which three family members were also injured; the two were jailed as of October. At least six other suspects remained at large. Investigators linked the attack to Abiad's forced testimony for the state about his observation of antinarcotics operations. Journalists continued to call for amending the Comprehensive Dangerous Drugs Act to exclude media from being forced to serve as witnesses in drug cases.

On June 27, eight of 17 persons indicted for the October 2022 killing in Manila of radio broadcaster Percival "Percy Lapid" Mabasa pled guilty as accomplices to the murder. Mabasa's was the most high-profile murder of a journalist under the Marcos administration. One gunman surrendered to police and admitted his role shortly after the killing. He identified his immediate accomplices and implicated a number of senior officials in the prison system, including Bureau of Corrections Director-General Gerald Bantag, in the murder. Mabasa had criticized Bantag on his radio show. Bantag was subsequently dismissed from duty and formally charged. The cases against Bantag and another accomplice were suspended pending their arrest. As of December, Bantag, although the subject of an arrest warrant, was still at liberty; his attorneys had filed a petition with the Court of Appeals seeking to reverse the charges.

Following Mabasa's murder, in late 2022 the National Capital Region Police Office conducted surprise visits to the homes of several journalists who had expressed concern that police kept a database of their addresses.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: News organizations generally were not subjected to official censorship, but journalists and media watchdogs alleged several instances of government interference. Media generally remained free, active, and able to voice criticism of the government, despite the chilling effect caused by killings of and attacks on journalists, red-tagging, and political and nongovernmental pressure.

The online news website *Rappler* and broadcaster ABS-CBN continued to fight, with some success, legal challenges arising from allegedly spurious charges levied during the Duterte administration.

Rappler, its Chief Executive Officer Maria Ressa, and other staff were subjected to at least 11 criminal complaints – most related to taxes and alleged foreign links — throughout the Duterte presidency; at least 10 arrest warrants were issued against Ressa from 2019 to 2021. Prosecution of some cases continued under the Marcos administration.

On September 12, a court acquitted Ressa on the last of five tax evasion charges. She continued to await a Supreme Court decision on her October 2022 appeal of an online libel conviction and the reversal of the 2022

Securities and Exchange Commission's decision to revoke *Rappler's* registration to operate for violating foreign media ownership rules. After the acquittal, Ressa acknowledged a "lifting of fear" under the new administration and said, "the court system works and we hope to see the remaining charges dismissed."

ABS-CBN, whose broadcast license was suspended in 2020, had not returned to the air as of December. Former ABS-CBN frequencies were acquired by close friends and allies of former President Duterte. Observers cited political pressure behind the termination of negotiations between ABS-CBN and rival network TV5 for a \$39 million investment deal that would have allowed ABS-CBN to return to broadcast television.

The NUJP argued traditional media faced problems gaining accreditation and access to government offices they covered, at times being labeled as purveyors of "fake news" by officials who did not want their activities reported.

Cyberattacks on media outlets, usually in the form of distributed denial-of-service and phishing attacks, remained a problem. Significant denial of service attacks were reported against CNN Philippines and local news outlet Bulatlat on numerous occasions. International digital forensic group Qurium Media Foundation recorded 19 cyberattacks against Bulatlat in the year to December.

Libel/Slander Laws: Laws stipulated criminal penalties for libel, which authorities used to harass, intimidate, and retaliate against journalists and others. The NUJP sought revisions to the libel law and the 2012 cyber libel law, but without success.

In affirming the cyber libel conviction of Maria Ressa in July, the Court of Appeals ruled that the statute of limitations for cyber libel was 15 years, making it more severe than the one-year statute of limitations for offline libel.

Baguio City-based editor Frank Cimatú was convicted of cyber libel in December 2022 over a social media post which the local court found defamed a former cabinet secretary. Cimatú was sentenced to imprisonment of six months to five years and ordered to pay a substantial fine for “moral damages” (damage to reputation).

Internet Freedom

The government did not restrict or disrupt access to the internet other than temporarily blocking mobile communications during special events for security purposes.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government allowed many public protests and generally

respected the right to freedom of association.

Freedom of Peaceful Assembly

Unlike in previous years, there were no reports of interference with freedom of assembly.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees or asylum seekers, and other persons of concern. As of June, UNHCR reported 911 recognized refugees in the country.

Access to Asylum: No comprehensive legislation provided for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit determined which applicants qualify as refugees in accordance with an established, accessible system that NGOs judged to provide basic due process.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters generated significant internal displacement. The number of IDPs was uncertain and fluctuated widely; UNHCR estimated approximately 240,000 IDPs in the country during the year.

Counterinsurgency campaigns against the Abu Sayyaf Group, primarily in Sulu and Basilan Provinces, and clashes with the NPA, concentrated in the most geographically remote provinces, caused sporadic and small-scale displacement. Most IDPs were women and children. The bulk of the displaced population lived on Mindanao, most in the Bangsamoro Autonomous Region. UNHCR estimated that the great majority of the country's IDPs were displaced by armed conflict and most of the balance were displaced by natural disasters.

Security forces sometimes carried out military operations near IDP sites, creating a risk of civilian casualties and physical damage and restricting

freedom of movement. Impoverished IDPs were highly vulnerable to human trafficking.

At times the government encouraged IDPs to return home, but they were often reluctant to do so for security or welfare reasons. For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government by secret ballot in free and fair periodic elections based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: International and national observers viewed the May 2022 national and local elections as well organized and generally free and fair, but they noted that vote buying was widespread and that dynastic political families continued to monopolize elective offices. The PNP reported 27 incidents of election-related violence, most of which were in the Mindanao region.

Candidates for political office frequently had their legal right to run to pursue those positions challenged by political opponents based on alleged criminal history, foreign citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Societal expectations that women should be caregivers, cultural attitudes that men were better politicians than women, and fear of gender-based violence were among reported barriers to women's entry into political life.

Men dominated the political scene. Media commentators expressed concern that political dynasties limited opportunities for women candidates not connected to political families.

The law reserved 20 percent of the seats in the House of Representatives for a party-list system, designed to encourage the representation of marginalized and underrepresented sectors of society.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by public officials, but the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Prolonged delays in the justice system reinforced the perception of impunity for the security

forces and for national, provincial, and local government actors accused of corruption and human rights abuses.

Corruption: To combat corruption, the constitution provided for the independent Office of the Ombudsman, an appellate-level anti-corruption court, and the Commission on Audit. All three organizations actively collaborated with the public and civil society and appeared to operate independently and use their limited resources effectively. The Office of the Ombudsman successfully prosecuted more than 300 corruption cases from January to July, but officials continued to engage in corrupt practices with relative impunity.

Former Congressman Candido Pancrudi Jr. and two other individuals were convicted in April on eight counts of graft and theft of public funds, four counts of malversation of public funds, and another four counts of falsification of public documents – all linked to the 2007-08 misuse of the Priority Development Assistance Fund. The convicted officials were sentenced to lengthy prison terms, fined 32.8 million pesos (\$582,000) each, and ordered to reimburse the amount embezzled, 36.9 million pesos (\$655,000). The convictions came more than 15 years after the crime and six years after charges were first filed.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which

includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Local human rights activists criticized President Marcos' silence and lack of action on human rights problems. Human rights activists continued to report harassment by local security forces, including arbitrary arrest and abuse of detainees by police and prison officials.

The United Nations or Other International Bodies: President Marcos announced in July that his government would not cooperate with the International Criminal Court after the court rejected the country's appeal to pause the investigation into alleged crimes against humanity committed before and during the Duterte administration (2011-2019). Human Rights Watch reported that the government "has done little to advance accountability" for the numerous extrajudicial killings that form the basis for the investigation.

Government Human Rights Bodies: The CHR's constitutional mandate was to protect and promote human rights; investigate all human rights violations,

including those reported by NGOs; and monitor government compliance with international human rights treaty obligations. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with commission regional offices. The legislature slightly decreased the commission's budget for the fiscal year, providing insufficient resources to investigate and follow up on all cases presented to its regional and subregional offices.

The Office of the Ombudsman was an independent agency that responded to complaints about public officials and employees. It had the authority to make administrative rulings and seek prosecutions.

The Presidential Human Rights Committee served as a multi-agency coordinating body on human rights problems. The committee's responsibilities included compiling the government's submission for the UN Universal Periodic Review. Many NGOs considered it independent but with limited ability to influence human rights policy. The committee also chaired the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons. This body determined the appropriate mechanisms to resolve cases of political violence. It was also tasked with recording all cases of extrajudicial killings, enforced disappearances, torture, and other grave violations and for classifying them as unresolved, under investigation, under preliminary investigation, or at trial.

The Regional Human Rights Commission was a constitutionally mandated body tasked with monitoring alleged human rights violations in the Bangsamoro Autonomous Region of Muslim Mindanao.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, was illegal with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction could also result in a lifetime ban from political office. The law applied to both men and women. Penalties for forcible sexual assault ranged from six to 12 years' imprisonment. The law criminalized physical, sexual, and psychological harm or abuse to women (and children) committed by spouses, partners, or parents. Penalties were related to the severity of the crime and could include imprisonment or significant fines.

The government did not effectively enforce the laws on rape. NGOs noted that in smaller localities perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

Domestic violence against women remained a serious and widespread problem. The government did not effectively enforce the domestic violence law. NGOs reported that cultural and social stigma deterred many women

from reporting rape or domestic violence. NGOs and media reported that rape and sexual abuse of women in police or protective custody continued.

The law provided 10 days of paid leave for domestic violence survivors.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment. Sexual harassment remained widespread and underreported, including in the workplace, due to victims' fear of losing their jobs.

The law was intended to prevent and punish acts of sexual harassment in public places, online workplaces, and educational institutions; observers believed the government did not enforce the law effectively.

Discrimination: In law, although not always in practice, women had most of the rights and protections accorded to men and the law sought to eliminate discrimination against women. The law accorded women the same property rights as men. In Muslim and Indigenous communities, however, property ownership law or tradition granted men more property rights than women.

The law prohibited sex discrimination in employment but not in hiring; the law also prohibited discrimination based on marital status. Women continued to face discrimination on the job as well as in hiring. Social beliefs that women's roles were in the home and lack of access to affordable childcare were barriers to women's entry to the economy. Some labor unions claimed women employees suffered punitive action when they

became pregnant. Although women faced workplace discrimination, they occupied positions at all levels of the workforce.

The law did not provide for divorce for non-Muslims (Muslims could divorce under Muslim family law). Legal annulments and separations were possible, and courts generally recognized divorces obtained in other countries if one of the parties was a foreigner. These options, however, were costly, complex, and not readily available to the poor. The constitution required the Office of the Solicitor General to oppose requests for annulment. Informal separation was common but brought with it potential legal and financial problems.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The constitution upheld the basic right of couples and individuals to decide freely the number, spacing, and timing of their children and to have the information and means to do so, free from discrimination, coercion, and violence.

Although the law provided for universal access to methods of contraception, sexual education, and maternal care, it also allowed health practitioners to deny reproductive health services based on their personal or religious beliefs in nonemergency situations; required spousal consent for women in non-life-threatening situations to obtain reproductive health care; required

children in non-life-threatening situations to get parental consent before obtaining reproductive health care; and did not require private health-care facilities to provide access to family-planning methods.

Provision of health-care services was the responsibility of local governments, and disruptions in the supply chain, including procurement, allocation, and distribution of contraceptives, reduced their availability to the poor, although modern forms of contraception were available on the market in most areas.

The government provided access to sexual and reproductive health services for survivors of sexual violence and protection for rape victims, including emergency contraception and post-exposure prophylaxis.

According to the 2021-2022 UN *Human Development Report*, the maternal mortality ratio was 121 per 100,000 live births, and skilled attendants participated in 84 percent of births. According to a March 2022 media report, the Department of Health and the Philippine Commission on Population and Development attributed a sharp increase in maternal deaths from 2020 to 2021 to mothers not getting optimal care in hospitals and other birthing facilities during the pandemic. The UN Population Fund's 2016 analysis of maternal death concluded poverty, remote locations, and a lack of education exacerbated delays in seeking potentially lifesaving maternal medical care; midwives at times had little formal training; and medical personnel routinely mistreated and denied proper care to women

who sought assistance for complications from unsafe abortions.

The World Bank reported in 2019 that the adolescent birth rate was 55 per 1,000 for women between ages 15 and 19. International media and women's health NGOs cited limited access to adequate sex education and contraceptives as a driving factor of adolescent births.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited discrimination against individuals based on ethnicity, race, and religion or belief; however, the government stated in its report to the UN Committee on Elimination of Racial Discrimination that there was no formal, legal definition of racial discrimination in the country, resulting in little to no reporting of such cases.

Indigenous Peoples

Although no laws discriminated against Indigenous groups, cultural bias and the geographical remoteness of the areas many inhabited prevented their full integration into society. Indigenous children often suffered from a lack of health care, education, and other basic services. The law required representation by Indigenous groups in policy-making bodies and local legislative councils, but the rate of compliance with the law was unknown. Indigenous leaders observed that local governments and politicians routinely ignored or rejected the selection process for mandatory Indigenous

representatives.

Lumad (a group of Indigenous ethnic communities in Mindanao) schools and students were subject to red-tagging, often resulting in raids by the security forces, illegal arrests, and forced closure of community schools.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect Indigenous groups. It had authority to award certificates identifying “ancestral domain lands” based on communal ownership, thereby stopping tribal leaders from selling the land. Indigenous rights activist groups criticized the commission, noting that it approved projects on ancestral lands without the free, prior, and informed consent required by law.

Armed groups frequently recruited from Indigenous populations.

Indigenous persons’ lands were also often the site of armed encounters related to resource extraction or intertribal disputes, which sometimes resulted in displacement or killings.

In June the government’s Anti-Terrorism Council designated four activists from the Cordillera Peoples Alliance, an NGO that sought to protect Indigenous peoples’ rights, as members of the Communist Party of the Philippines and NPA. A month prior to the terrorist designation, a court had thrown out a rebellion case against the four (and others) for lack of evidence

and three of the four individuals sought protection from the Supreme Court from state-led harassment. The Cordillera People's Alliance condemned the Anti-Terrorism Council's designation as part of a "relentless attack against Indigenous peoples' activists."

Children

Birth Registration: The government promoted birth registration, and authorities immediately registered births in health facilities. Births outside of facilities were less likely to be registered promptly, if at all. The lack of a birth certificate did not generally result in denial of education or other services, but it could cause delays in some circumstances, for example if a child became involved in the court system.

Education: Education was free and compulsory through age 18, but the quality of education was often poor and access difficult, especially in rural areas where substandard infrastructure made traveling to school challenging.

Supplemental costs for supplies or uniforms could be a barrier to students from poor families. The Department of Education continued to prioritize improving resources at and access to the most isolated schools. In the Bangsamoro Autonomous Region, the region with the country's lowest rate of school attendance, the government likewise sought to increase its education budget. According to the World Economic Forum's 2022 *Global*

Gender Gap Report, the primary school enrollment rate for girls was equal to the rate for boys, while the attendance rate for girls was significantly higher than the rate for boys in secondary and tertiary schools. The Forum's 2023 report assessed the educational attainment of girls in the country as 99.9 percent of that of boys.

Child Abuse: Child abuse remained a problem. The law provided special protection of children against all forms of abuse, exploitation, and discrimination; government efforts to enforce the law were ineffective.

Child, Early, and Forced Marriage: The law imposed a total ban on marriage for persons younger than 18; anyone younger than 21 was also required to have parental consent. Under the law, any person who arranged the marriage of a child could be imprisoned for up to 10 years and fined. The penalty would increase to up to 12 years and a larger fine if the violator were the child's parent or guardian. While recent data were unavailable, observers believed forced and early marriage was a problem.

Under Muslim sharia law, however, boys could marry at 15, and girls when they reached puberty (no age specified). There were no legal penalties for forced and child marriage. Records from sharia district courts showed some Muslim girls were married as young as age seven.

Sexual Exploitation of Children: The law prohibited commercial exploitation of children and child pornography and defined purchasing commercial sex

acts from a child as a trafficking offense. The age of consent was 16. Sex with a child (a person younger than 18) involving force, threat, or intimidation was a crime. The maximum penalty for child rape was 40 years in prison plus a lifetime ban from political office. The production, possession, and distribution of child pornography were illegal, and penalties ranged from one month to life in prison plus significant fines, depending on the gravity of the offense. The government made efforts to enforce the law and collaborated with foreign law enforcement authorities, NGOs, and international organizations.

Inadequate prosecutorial resources and the inability to analyze alleged abusers' computers for evidence were among the challenges to effective enforcement. Despite the penalties and enforcement efforts, law enforcement agencies and NGOs concluded that perpetrators, usually family members, used children in the production of pornography and in cybersex activities.

Traffickers exploited children in sex trafficking, and the country remained a destination for foreign and domestic child sex tourists. Additionally, live internet broadcasts of young girls, boys, and sibling groups performing sex acts for paying foreigners continued. The government continued to prosecute accused pedophiles, deport those who were foreigners, and bar the entry of identified convicted sex offenders. To reduce retraumatizing child victims and to spare children from having to testify, the government

increased its use of plea agreements in online child sexual exploitation cases, which significantly reduced the case disposition time.

Antisemitism

An estimated 2,000 persons of Jewish heritage lived in the country, almost all foreign nationals. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalized consensual same-sex sexual conduct among adults or cross-dressing.

Violence and Harassment: No criminal justice mechanisms existed to aid in the prosecution of bias-motivated crimes against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals. Violence and harassment against LGBTQI+ persons by private persons remained a problem.

In August the Supreme Court penalized five lawyers for their homophobic comments posted in a conversation on social media in 2021. The lawyers, who commented about a judge and an accused person who were both members of the LGBTQI+ community, were reprimanded by the high court, and one of the five was fined.

Discrimination: National law did not prohibit discrimination with respect to sexual orientation, gender identity or expression, or sex characteristics. Several LGBTQI+ organizations submitted anecdotal reports of discriminatory hiring practices that targeted LGBTQI+ persons. Other discrimination practices included the enforcement of rules, policies, and regulations that disadvantaged LGBTQI+ persons in the workplace.

Some antidiscrimination ordinances at the municipal or city levels prohibited employment discrimination against lesbian, gay, bisexual, and transgender – but not intersex – persons. More than 20 local governments, including the country’s largest cities of Manila, Quezon City, Cebu City, and Davao City, had antidiscrimination ordinances to protect LGBTQI+ persons. In August Lapu-lapu City in Cebu Province passed an antidiscrimination ordinance providing protection against all forms of gender-based discrimination and violence in private and public offices and educational institutions.

In an October 2022 incident of social discrimination, the microphone and lights were shut off during a transgender social media personality’s speech at a graduation ceremony at a church in Cavite.

Availability of Legal Gender Recognition: Officials prohibited transgender individuals from obtaining passports or other official documents that reflected their gender identity. They were also not officially surveyed by the government. Authorities printed the sex at birth, as reported on the official birth certificate, in the individual's passport. This practice created difficulties for transgender persons seeking to travel, such as instances of being denied boarding on aircraft, and accessing appropriate health-care services.

Involuntary or Coercive Medical or Psychological Practices: Although no law prohibited the practice of so-called conversion therapies, there were no reports of these types of therapies being forced on individuals. Likewise, there were no reports of medical procedures being forced on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no known incidents of nonofficial persons or groups seeking to prevent LGBTQI+ persons from exercising these rights. In October, however, drag performer Amadeus Fernando Pagente, who performed as Pura Luka Vega, was arrested by Manila police for failure to appear at a preliminary hearing on charges of “immoral doctrines, obscene publications and exhibitions, and indecent shows.” A religious organization, the Philippines for Jesus Movement, filed a criminal complaint against Pagente after a video of a performance during which he dressed as Jesus Christ and sang a remixed version of the Our Father prayer.

Persons with Disabilities

Persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others.

The law provided for equal access for persons with disabilities to all public buildings and establishments and to education.

The law was not effectively enforced, and many barriers remained for persons with disabilities. Disability advocates contended that equal access laws were ineffective due to weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. The great majority of public buildings remained inaccessible to persons with physical disabilities. Many schools had architectural barriers that made attendance difficult for persons with physical disabilities. Government efforts to improve access to transportation for persons with disabilities were limited.

Persons with disabilities continued to face discrimination and other challenges in hiring and employment. The Department of Labor estimated that 10 percent of employable persons with disabilities were able to find work. The government had limited means to assist persons with disabilities in finding employment. The law required most government agencies and government-owned corporations to reserve 1 percent of their positions for persons with disabilities; government agencies engaged in social

development had to reserve 5 percent. The Department of Labor's Bureau of Local Employment maintained registers of persons with disabilities that indicated their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

According to the Philippine Statistics Authority 2022 *Labor Force Survey*, the low educational attainment of persons with disabilities in the country led to a skills and qualifications gap.

Some children with disabilities attended schools in mainstream or inclusive educational settings. The Department of Education's special education programs did not provide nationwide coverage. The government lacked a clear system for informing parents of children with disabilities of their educational rights and did not have a well-defined procedure for reporting discrimination in education.

Other Societal Violence or Discrimination

The law prohibited discrimination against persons with HIV or AIDS, including in access to basic health and social services. Nevertheless, there was evidence of discrimination against HIV or AIDS patients in the government's provision of health care, housing, employment, and insurance services. Men who had sex with men were banned indefinitely from donating blood.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Examples of violence and abuse directed at labor activists may be found at the end of this sub-section.

The law provided for the rights of workers, except for the military, police, short-term contract employees, and some foreign workers, to form and join independent unions, bargain collectively, and conduct strikes; it prohibited antiunion discrimination and required reinstatement of workers fired for union activity. The law placed several restrictions on these rights, however. Threats and violence against trade union leaders continued.

Laws and regulations provided for the right to organize and bargain collectively in both the private sector and in corporations owned or controlled by the government. The law prohibited organizing by foreign national or migrant workers unless a reciprocity agreement existed with the workers' countries of origin specifying that migrant workers from the Philippines were permitted to organize unions there. The law also barred temporary or outsourced workers and workers without employment contracts from joining a union. The law required the participation of 20 percent of the employees in the bargaining unit where the union sought to

operate; the International Labor Organization (ILO) called this requirement excessive.

The law subjected all labor and employment disputes to mandatory mediation/conciliation for one month. If mediation failed, the union could issue a strike notice. For a private-sector strike to be legal, unions had to provide advance strike notice (30 days for collective bargaining matters and 15 days for unfair labor practice matters), respect mandatory cooling-off periods, and obtain approval from a majority of members. The law provided for a maximum prison sentence of three years for participation in an illegal strike, although no such conviction ever occurred. The law also permitted employers to dismiss union officers who knowingly participated in an illegal strike.

The law prohibited government workers from joining strikes under the threat of automatic dismissal. Government workers could file complaints with the Civil Service Commission, which handled administrative cases and arbitrated disputes. Government workers could also assemble and express their grievances on the work premises during nonworking hours.

The secretary of the Department of Labor and Employment, and in certain cases the president, could intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determined that the strike-affected company was vital to the national interest. Essential sectors included hospitals, the electric power industry, water supply services

(excluding small bottle suppliers), air traffic control, and other activities or industries as recommended by the National Tripartite Industrial Peace Council. These definitions of essential services were broader than international standards.

In most cases, the government respected freedom of association and collective bargaining and made some efforts to enforce laws protecting these rights. The Department of Labor had general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission's labor arbiter could also issue orders or writs of execution for reinstatement that went into effect immediately, requiring employers to reinstate the worker and report compliance. Allegations of intimidation and discrimination in connection with union activities were grounds for review by the quasi-judicial commission as possible unfair labor practices. If there was a definite preliminary finding that a termination could cause a serious labor dispute or mass layoff, the labor secretary could suspend the termination and restore the status quo pending resolution of the case.

Penalties under the law for violations of freedom of association or collective bargaining laws were regularly applied against violators.

Antiunion discrimination, especially in hiring, was an unfair labor practice and carried criminal or civil penalties that were, however, not commensurate with analogous crimes; generally civil penalties were favored over criminal

penalties.

Administrative and judicial procedures were subject to lengthy delays and appeals.

The Tripartite Industrial Peace Council served as the main consultative and advisory mechanism on labor and employment for organized labor, employers, and government on the formulation and implementation of labor and employment policies. It also acted as the central entity for monitoring recommendations under and ratifications of ILO conventions. The Department of Labor, through the Industrial Peace Council, was responsible for coordinating the investigation, prosecution, and resolution of alleged violence and harassment of labor leaders and trade union activists pending before the ILO.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining and the right to strike. A Labor Department order set guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the guidelines for not limiting forms of regular, short-term temporary contractual work and subcontracting, which they reported could be used to undermine worker protections. Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign national workers, to minimize unionization and avoid other rights accorded to “regular” workers.

Unions continued to claim that local political leaders and officials who governed the Special Economic Zones explicitly attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. Unions also claimed the government stationed security forces near industrial areas or Special Economic Zones to intimidate workers attempting to organize and alleged that companies in the zones used frivolous lawsuits to harass union leaders. Local zone directors claimed exclusive authority to conduct their own inspections as part of the zones' privileges intended by the legislature. Employers controlled hiring through special zone labor centers. For these reasons, and in part due to organizers' restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the Special Economic Zones. The Department of Labor did not have data on compliance with labor standards in the zones. Threats and violence against union members continued.

On January 10, two labor rights activists, Dyan Gumanao and Armand Dayoha, were abducted by security personnel in Cebu and held for six days, during which time they were interrogated and accused of being terrorists. Dayoha was an instructor at the University of the Philippines Cebu and organizer for the Alliance of Health Workers, while Gumanao was the project coordinator of the Community Empowerment Resource Network and regional coordinator of the union, Alliance of Concerned Teachers.

On March 4, Vice President Sara Duterte, who also held the positions of education secretary and co-vice chair of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), accused PISTON, a transport workers organization, of being “communist-inspired” in advance of a planned strike. Duterte also red-tagged the Alliance of Concerned Teachers, describing them as a “lover” of the ideology espoused by the Communist Party of the Philippines and the NPA.

On April 4, the Department of Education and NTF-ELCAC held a joint press conference officially reiterating Duterte’s claims and accusing the leaders of the Alliance of Concerned Teachers of urging its members to conduct criminal or socially unacceptable activities. The NTF-ELCAC, working with the Department of Education, routinely conducted meetings at schools during which it red-tagged the Alliance of Concerned Teachers, which the CHR has condemned as a serious violation of human rights. The Department of Education also issued a memorandum to all regional directors and schools division superintendents to identify all teachers who were affiliated with the Alliance of Concerned Teachers.

In April, Alex Dolorosa, a paralegal with the Business Process Outsourcing Industry Employees Network, an organization representing employees in the outsourcing industry, was killed in Bacolod City. The NTF-ELCAC previously alleged that the network was a front for the Communist Party.

The ILO’s Committee on the Application of Standards noted the numerous

allegations of murders of trade unionists and antiunion violence, allegations of serious and systemic violations of the right to freedom of association, as well as of lack of investigation in relation to these allegations.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for minimum wage for all sectors. Official minimum wages were below the poverty line. By law the standard workweek was 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour-per-day limit. The law mandated one day of rest each week. The government mandated an overtime rate of 125 percent of the hourly rate on ordinary days, 130 percent on special nonworking days, and 200 percent on regular holidays.

There was no legal limit on the number of overtime hours that an employer may require.

The wage and hour law did not cover many workers, since wage boards exempted certain employers such as distressed establishments, new business enterprises, retail and service establishments with fewer than 10 employees, and establishments affected by natural calamities.

Domestic workers worked under a separate wage and benefit system that laid out minimum wage requirements significantly lower than regular minimum wage requirements, payments into social welfare programs, and mandated one day off a week. While there were no reliable recent data, informed observers believed two million or more persons were employed as domestic workers, with nearly 85 percent being women or girls, some as young as age 15.

Violations of minimum wage standards were common. Many firms hired employees for less-than-minimum-wage apprentice rates, even if there was no approved training in their work. Complaints about payment below the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the Special Economic Zones.

Occupational Safety and Health: The law provided for a comprehensive set of appropriate occupational safety and health (OSH) standards. The

government proactively identified unsafe working conditions. Regulations for small-scale mining, for example, prohibited certain harmful practices, including the use of mercury and underwater, or compressor, mining. The law provided for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment.

Various labor groups criticized government enforcement efforts, in particular the Department of Labor's lax monitoring of occupational safety and health standards in workplaces. OSH violations were common in the wholesale and retail industries.

Wage, Hour, and OSH Enforcement: The Department of Labor's Bureau of Working Conditions monitored and inspected compliance with wage, hour, and OSH laws in all sectors, including workers in the formal and informal sectors, and nontraditional laborers. It also inspected Special Economic Zones and businesses located there. The government did not effectively enforce minimum wage and hour laws. Penalties for noncompliance with minimum wage rates and for OSH violations were commensurate with similar crimes, such as fraud or negligence. Penalties were sometimes applied against violators. Fines for OSH violations were used for OSH training sessions and related programs.

In addition to fines, the government used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. The number of labor inspectors who monitored and enforced the law, including

by inspecting compliance with core labor and occupational safety standards and minimum wages, was insufficient, particularly in rural areas, and impeded the Department of Labor's ability to investigate labor law violations effectively, especially in the informal sector and in small- and medium-sized enterprises. Inspectors had the authority to conduct unannounced inspections and initiate sanctions.

The Department of Labor continued to implement its Labor Laws Compliance System for the private sector. The system included joint assessments, compliance visits, and occupational safety and health investigations. Department of Labor inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted unannounced compliance visits and occupational safety and health standards investigations. The Department of Labor and the International Labor Organization also continued to implement an information management system to capture and transmit data from the field in real time using mobile technology.

Following a deficiency finding, the Department of Labor could issue compliance orders that could include a fine or, if the deficiency posed a grave and imminent danger to workers, suspension of operations. The Department of Labor's Bureau of Working Conditions did not close any establishments during the year. Such closures required prior notification and hearings.

A Labor Department order set guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the order for not restricting forms of regular, short-term temporary contractual work and subcontracting, which they claimed could be used to undermine worker protections.

There were also gaps in the law, and the government enforced contracting and occupational safety and health laws inconsistently. Media reported, for example, problems in the implementation and enforcement of the domestic workers' law, including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were Philippine Overseas Employment Agency contract or temporary workers. Although the agency registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide complete worker protection overseas. The Overseas Worker Welfare Administration assisted overseas workers in filing grievances against employers via its legal assistance fund. The fund covered administrative costs that could otherwise prevent overseas workers from filing grievances. Covered costs included fees for court typing and translation, visa cancellation, and contract termination.

The government continued to fine and bring criminal charges against domestic recruiting agencies found guilty of unfair labor practices.

Nearly 40 percent of the country's workforce was in the informal sector. They were covered by labor law but did not receive social benefits similar to workers in the formal economy.