

PHILIPPINES 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Philippines is a multiparty, constitutional republic with a bicameral legislature. President Rodrigo Roa Duterte, elected in May 2016, began his constitutionally limited six-year term in June 2016. The presidential and 2013 midterm national elections were generally free and fair. The 2016 local elections were twice postponed until May 2018. Proponents of delaying the elections cited several reasons, among them the continued influence of drug money on local elections.

Civilian control over the Philippine National Police (PNP) improved but was not fully effective. The government confirmed a civilian head of the Internal Affairs Service in December 2016, after an eight-year hiatus.

In May members of the terrorist Maute Group and supporters of other extremist organizations attacked Marawi City, on the southern island of Mindanao. In response President Duterte declared martial law in all of Mindanao. The Armed Forces of the Philippines (AFP) restored government control of the city on October 23. Approximately 360,000 persons were displaced as a result of the crisis.

Extrajudicial killings have been the chief human rights concern in the country for many years and, after a sharp rise with the onset of the antidrug campaign in 2016, they continued in 2017. From January to the end of September, media reports chronicled more than 900 fatalities in police operations suspected to be connected with the government's antidrug campaign. Police claimed to have begun investigations of all reports of extrajudicial killings. As of August, police claimed to have resolved 1,889 cases, and 4,373 remained under investigation.

The most significant human rights issues included: killings by security forces, vigilantes and others allegedly connected to the government, and by insurgents; torture and abuse of prisoners and detainees by security forces; often harsh and life threatening prison conditions; warrantless arrests by security forces and cases of apparent government disregard for legal rights and due process; political prisoners; killings of and threats against journalists; official corruption and abuse of power; threats of violence against human rights activists; violence against women; and forced labor.

The government investigated a limited number of reported human rights abuses, including abuses by its own forces, paramilitaries, and insurgent and terrorist

groups. Concerns about police impunity increased significantly following the sharp increase in police killings. President Duterte publicly rejected criticism of police killings, but he said authorities would investigate any actions taken outside the rule of law. Significant concerns persisted about impunity of civilian national and local government officials and powerful business and commercial figures.

Conflicts continued between the government and Muslim separatist, communist insurgent, and terrorist groups, displacing communities and resulting in deaths of security force members and civilians. Terrorist organizations engaged in kidnappings for ransom, bombings of civilian targets, beheadings, and the use of child soldiers in combat or auxiliary roles, and the organizations operated shadow governments in areas they controlled. The government called off negotiations with the National Democratic Front of the Philippines, the political arm of the New People's Army, early in the year after clashes between the armed forces and New People's Army guerilla fighters in violation of a 2016 ceasefire. The government resumed peace talks with the Moro Islamic Liberation Front.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that government security agencies and their informal allies committed arbitrary or unlawful killings in connection with the government-directed campaign against illegal drugs. Killings of activists, judicial officials, local government leaders, and journalists by antigovernment insurgents and unknown assailants also continued.

From July 2016 through October 25, 2017, law enforcement agencies reported that 3,967 “drug personalities” died in connection with antidrug operations. In one case, on June 30, police killed Ozamiz City Mayor Reynaldo Parojinog, his wife, and 10 others in a series of predawn antidrug raids. The operation drew condemnation from the Commission on Human Rights (CHR) as well as some legislators, but the Senate did not launch an inquiry on the grounds that the mayor was not detained in a government facility.

In killings attributed to vigilantes, many victims were found adorned with cardboard signs, plastic wrap, garbage bags, or other markers designating them as drug dealers.

The reported number of alleged extrajudicial killings varied widely, as government and nongovernmental organizations (NGOs) used different definitions. The CHR, an independent government agency responsible for investigating alleged human rights violations, investigated 139 new complaints of alleged extrajudicial or politically motivated killings involving 174 victims as of August. The rising death toll from the government's antidrug campaign compelled the CHR to separate politically motivated killings from drug-related cases in its reporting. From January to June, the CHR investigated 44 cases of drug-related extrajudicial killings involving 56 victims. The CHR suspected PNP or Philippine Drug Enforcement Agency (PDEA) involvement in 112 of these new complaints and AFP or paramilitary personnel in one case. The CHR attributed many of the remaining cases to insurgent/terrorist forces.

The PNP's Task Force Usig, responsible for investigating and monitoring killings of media members, labor activists, and foreigners, reported no new cases from January to August. Police also changed the language they used with respect to deaths outside official police actions, to refer to them uniformly to as "homicide cases." Previously, the police had used the term "deaths under investigation" to refer to deaths outside police operations but which appeared connected to the antidrug campaign. Beginning in May, government data on the antidrug campaign were provided through #RealNumbersPH, operated by the Inter-Agency Committee on Anti-Illegal Drugs.

As of June 30, the NGO Task Force Detainees of the Philippines (TFDP) documented four cases of state-perpetrated, politically motivated killings carried out by unspecified security forces. The TFDP noted that these cases were separate from killings in the antidrug campaign. The increase in cases of alleged drug-related extrajudicial killings resulted in the expansion of TFDP documentation, which began to include drug-related killings. As of June 30, the TFDP had documented 55 drug-related killings involving 67 victims.

President Duterte continued his anticrime campaign, specifically targeting the widespread trafficking and abuse of illegal narcotics. President Duterte made numerous public statements suggesting that killing suspected drug traffickers and users was necessary to meet his goal of wiping out drug-related crime. On October 10, the president issued a memorandum designating the PDEA as the sole agency for conducting operations in the government's war on drugs, sidelining the police in antidrug operations and prompting a drop in reported extrajudicial killings. President Duterte publicly challenged the CHR's authority to investigate allegations of police abuse without his approval. The PNP's Internal Affairs

Service reported that manpower and resource limitations hampered the legally required investigations into deaths resulting from police operations, but it asserted that 100 percent of the deaths in police shootings resulted from legitimate, lawful police actions. In specific cases, President Duterte commented that if police were found guilty, they should go to jail. Some civil society organizations accused police of planting evidence, tampering with crime scenes, unlawfully disposing of the bodies of drug suspects, and other actions to cover up extrajudicial killings.

President Duterte stated publicly, for example in an August 16 speech on the anniversary of the founding of “Volunteers Against Crime and Corruption,” that he continued to maintain lists of suspected drug criminals, including government, police, and military officials and members of the judiciary. The government did not reveal the source of this information, leading some to question its accuracy and the legitimacy of the lists.

b. Disappearance

As reported by the AFP Human Rights Office, there was one report of a forced disappearance by or on behalf of government authorities (see section 1.g.).

The law allows family members of alleged victims of disappearances to compel government agencies to provide statements in court about what they know regarding the circumstances surrounding a disappearance (or extrajudicial killing) and the victim’s status. Evidence of a kidnapping or killing requires the filing of charges, but in many past cases, evidence and documentation were unavailable or not collected. Investigative and judicial action on disappearance cases was insufficient; a minority of previously reported cases were prosecuted.

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

The constitution and law prohibit torture, and evidence obtained through its use is inadmissible in court. According to the CHR, however, members of the security forces and police allegedly routinely abused and sometimes tortured suspects and detainees. Common forms of abuse during arrest and interrogation reportedly included electric shock, cigarette burns, and suffocation.

As of August the CHR investigated 25 cases of alleged torture involving 58 victims; it suspected the police in a majority of the cases. The CHR investigated four cases of torture and mistreatment by prison guards. Some of these cases

involved two or more categories of accused perpetrators. In the same period, the TFDP documented two cases of torture involving 11 victims. There were reports that AFP soldiers detained and interrogated children and in one instance tortured a child suspected of associating with armed groups.

There were no convictions during the year, but a few cases continued under the antitorture law.

According to NGOs and press reports, mental abuse, including shaming--illegal under the Anti-Torture Act--reportedly occurred, especially in drug cases. In March local media published photographs of hundreds of prisoners at the Cebu provincial jail sitting naked while being searched for contraband. In a predawn operation dubbed "Operation Greyhound," prisoners were awakened and forced to remove their clothes while officials searched their jail cells. Human Rights Watch expressed concern that the search, conducted in the open and publicized, was inhumane and violated the prisoners' right to privacy.

As part of the antidrug campaign, authorities called on drug criminals to turn themselves in to police to avoid more severe consequences. As of July the government social media campaign #RealNumbersPH reported 1,308,078 surrenders facilitated, although civil society actors questioned the official figures. Civil society and other observers claimed a climate of fear led many persons associated with drugs to surrender due to fear for their lives.

Prison and Detention Center Conditions

Prison conditions were often harsh and potentially life threatening and, in some cases, included gross overcrowding, inadequate sanitary conditions and medical care, food shortages, and physical abuse.

NGOs reported that abuses by prison guards and other inmates were common, but they stated that prisoners, fearing retaliation, declined to lodge formal complaints.

Physical Conditions: The Bureau of Corrections (BuCor), under the Department of Justice, administered seven prisons and penal farms nationwide for individuals sentenced to prison terms exceeding three years. During the year BuCor facilities operated at approximately 2.5 times the official capacity of 16,010, holding 41,244 prisoners.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government and the PNP, controlled 926 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The BJMP reported its jails operated at an average of more than four times their designated capacity. The Quezon City Jail, for example, had an official capacity of 261 inmates, yet as of July held 2,916 prisoners, approximately 70 percent of whom were detained on drug charges, according to international media sources. Several NGOs observed that overcrowding was more severe in smaller cities, a condition that reportedly triggered violence among inmates and promoted gang rivalries. The prison population increased by 22 percent between July 2016 and September 2017.

At the Manila Police District in Tondo in April, the CHR discovered 12 individuals detained in a secret cell hidden behind a bookshelf. The cell had inadequate lighting, sanitation, food, and water. According to media reports, several detainees said they were tortured and beaten while detained, and some were subjected to extortion in exchange for release. A May 26 CHR visit found the cell vacant. As of September 13, nine of the detainees were released on bail; the remaining three were transferred to the Manila City Jail Male and Female Dormitory.

Approximately 98 percent of prisoners in BJMP and PNP jails were pretrial detainees; the balance were convicted criminals serving less than three-year sentences.

Juveniles under the age of 18 were typically released by court order or following a petition by the Public Attorney's Office, the inmate's private lawyer, or through NGO-led appeals. As of July, juveniles made up less than 1 percent of the prison population.

Prison authorities did not uniformly enforce BJMP and BuCor regulations that require holding male and female inmates in separate facilities, and in national prisons overseeing them with guards of the same sex. In some facilities, authorities did not fully segregate juveniles from adults. The BJMP and BuCor reported insufficient custodial and escort personnel, especially in large jails, with 60 to 70 prisoners to each custodial staff member.

Reports indicated that poor sanitation, inadequate ventilation, poor access to natural lighting, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. From January to July, BuCor and the

BJMP reported 804 inmate deaths, a death rate of 0.42 percent. Most deaths were the result of illness. Authorities provided BuCor inmates with medical care; however, some medical services and treatments were not available. In such cases, authorities referred inmates to an outside hospital. Inmates received a medicine allowance of 10 Philippine pesos (\$0.20) per day.

Opportunities for prisoner recreation, learning, and self-improvement remained scarce.

Administration: The BJMP helped expedite court cases to promote speedy disposition of inmates' cases. Through this program, authorities released 27,396 inmates from BJMP jails as of July.

Prisoners, their families, and lawyers may submit complaints to constitutionally established independent government agencies, and the CHR referred complaints it received to the appropriate agency.

Authorities generally allowed prisoners and detainees to receive visitors, but local NGOs reported that authorities periodically restricted family visits for some political detainees. Prison officials noted that security concerns and space limitations at times also restricted prisoner access to visitors.

Muslim officials reported that, while Muslim detainees were allowed to observe their religion, Roman Catholic mass was often broadcast by loudspeaker to prison populations of both Roman Catholic and non-Roman Catholic prisoners and detainees. BuCor has a rehabilitation program that focuses on inmates' moral and spiritual concerns.

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross, free and timely access to jails and prisons. The constitution grants the CHR authority to visit jails, prisons, or detention facilities to monitor the government's compliance with international treaty obligations. The Cebu Provincial Detention and Rehabilitation Center denied prompt access to a team from the CHR in March and required the commission to write a letter to provincial authorities before the visit could proceed. The CHR Region VII team visited the facility to investigate the forced stripping incident during the antidrug-focused Operation Greyhound.

Improvements: The BJMP launched the Revised Time Allowance Manual for Persons Deprived of Liberty. This entitles inmates to reductions in their sentences

based on good conduct. More than 18,300 inmates benefited from this program. BuCor had a tie-in project with the Department of Justice to digitize inmates' records for ease of access and preservation.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements. As of July, the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, reported 75 arbitrary detention violations committed by law enforcement agencies or the AFP. Investigations into 74 of these cases were pending, while the remaining case was dismissed. One case involved a high-ranking official.

Role of the Police and Security Apparatus

The PNP is charged with maintaining internal security in most of the country and reports to the Department of the Interior and Local Government. The AFP, which reports to the Department of National Defense, is responsible for external security but also carries out domestic security functions in regions with a high incidence of conflict, particularly in areas of Mindanao. The two agencies share responsibility for counterterrorism and counterinsurgency operations. The PNP Special Action Force is responsible, in particular, for urban counterterrorism operations. President Duterte's May declaration of martial law for the entire region of Mindanao and the Sulu Archipelago remained in effect as of October, giving the military expanded powers. Human rights groups expressed concern about the potential for human rights abuses, recalling the period of martial law for the entire country during the Marcos regime.

Governors, mayors, and other local officials have considerable influence over local police units, including appointment of top departmental and municipal police officers and the provision of resources, an arrangement that often resulted in graft and corruption.

The 176,000-member PNP's institutional deficiencies and the public perception that corruption was endemic within the force continued. The PNP's Internal Affairs Service, mandated to ensure police operate within the law, remained largely ineffective.

Despite criticism from domestic and international human rights groups for its role in the antidrug campaign, as of October no criminal complaints had been filed by the Public Attorney's Office or the National Bureau of Investigation against PNP officers accused of unlawful killings.

Government mechanisms to investigate and punish abuse and corruption in the security forces remained largely ineffective. President Duterte publicly condemned corruption in government and security forces, but oversight mechanisms were poorly resourced, and there was little effort to target corrupt security officials. From January to August, the Office of the Ombudsman received 133 complaints concerning 229 cases of alleged military and law enforcement involvement in human rights abuses, including killings, injuries, unlawful arrest, and torture. A majority (97 percent) of the cases were against low-ranking officials. As of September all cases remained open pending additional investigation. There were no convictions recorded against high-ranking police or military officials.

From January to June, the PNP recorded a total of 2,112 administrative cases involving 3,704 officers, including both uniformed and nonuniformed personnel. Of these, 778 were resolved with various penalties. From January to July, the PNP recorded 203 criminal cases involving 212 PNP personnel, of which 67 were filed in court, 126 were referred to the Prosecutor's Office, and five remained under investigation.

In a prominent example of police abuse and misconduct, on September 15, National Capital Region Police Chief Oscar Albayalde ordered the reassignment or retraining of more than 1,200 police officers following rising concerns about corruption within the Caloocan police force. This included unsanctioned drug raids, evidence mismanagement, and the August 18 killing of 17-year-old Kian de los Santos at the hands of plainclothes police officers in Caloocan City. The Caloocan City police received additional scrutiny on September 14 when a closed-circuit video of 13 Caloocan police officers robbing a house during a September 7 drug raid became public.

The AFP Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through August, the office identified and investigated four reported incidents, including an indiscriminate discharge of a weapon, two murders, and a forced disappearance. As of August, the AFP had settled the indiscriminate weapon case when the suspect was found guilty. The three other cases remained pending.

Efforts continued to reform and professionalize the PNP through improved training, expanded community outreach, and salary increases. Human rights-based modules were included in all PNP career courses, and the PNP Human Rights Affairs Office conducted routine training nationwide on human rights responsibilities in policing.

The military also routinely provided human rights training to its members, augmented by training from the CHR. The AFP used its revised *Graduated Curricula on Human Rights/International Humanitarian Law for the Military* to provide a uniform standard of training across service branches. The AFP adhered to a 2005 Presidential Memorandum requiring the incorporation of human rights and international humanitarian law into all AFP education and training courses. Successful completion of these courses is required to finish basic training and for induction, promotion, reassignment, and selection for foreign schooling opportunities. From January to August, various AFP service units conducted a total of 55 human rights-related training programs, seminars, or workshops.

The Congressional Commission on Appointments determines whether senior military officers selected for promotion have a history of human rights violations and solicits input from the CHR and other agencies through background investigations. The commission may withhold a promotion indefinitely if it uncovers a record of abuses. Violations, however, do not preclude promotion.

Human rights groups noted little progress in implementing and enforcing reforms aimed at improving investigations and prosecutions of suspected human rights violations. Potential witnesses often were unable to obtain protection through the witness protection program managed by the Department of Justice due to inadequate funding or procedural delays or failure to step forward because of doubts about the program's effectiveness. The CHR operated a smaller witness protection program that was overburdened by witnesses to killings in the antidrug campaign. The loss of family income due to the relocation of a family member was also, in some cases, a barrier to witnesses' testimony. The Office of the Ombudsman also reported that witnesses often failed to come forward, or failed to cooperate, in police abuse or corruption cases. This problem sometimes followed pressure on witnesses and their families or arose from an expectation of compensation for their cooperation.

The government continued to support and arm civilian militias. The AFP controlled Civilian Armed Force Geographical Units (CAFGUs), while Civilian

Volunteer Organizations (CVOs) fell under PNP command. These paramilitary units often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private armies and, at times, recruited CVO and CAFGU members into those armies.

Human rights NGOs linked state-backed militias and private armies to numerous human rights abuses. The trial of 105 suspects in the 2009 massacre of 58 civilians in Maguindanao Province continued. As of July, three of the remaining suspects were acquitted of 58 counts of murder for lack of evidence. The chief suspect, former Maguindanao governor Andal Ampatuan, Sr., died in 2015.

Such delays reinforced the perception of impunity for national, provincial, and local government actors accused of human rights abuses.

Arrest Procedures and Treatment of Detainees

Warrants based on sufficient evidence and issued by an authorized official are required for an arrest unless the suspect is observed in the act of committing an offense, there is probable cause that the suspect had just committed an offense, or the suspect is an escaped prisoner. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, depending on the seriousness of the crime. In terrorism cases, the law permits warrantless arrests and detention without charges for up to three days.

Detainees have the right to bail, except when held for offenses punishable by a life sentence. The bail system largely functioned as intended, and suspects are allowed to appeal a judge's decision to deny bail. The law provides an accused or detained person the right to choose a lawyer and, if indigent, to have the state provide one. Due to an underresourced Public Attorney's Office, however, indigent persons had limited access to public defenders.

Arbitrary Arrest: Security forces continued to detain individuals, including juveniles, arbitrarily and without warrants on charges other than terrorism, especially in areas of armed conflict.

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. The average pretrial detention time was 18 months. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist with decongestion efforts.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to a judicial review of the legality of their detention. The constitution contains severe financial penalties for law enforcement officers found to have unlawfully detained individuals. Some human rights observers linked these penalties to extrajudicial killings, asserting that law enforcement officers often viewed killing a suspect as less risky than detaining him/her.

e. Denial of Fair Public Trial

The law provides for the right to a fair and public trial. An independent judiciary generally enforced this right, although not in a timely manner. Corruption through nepotism, personal connections, and sometimes bribery continued to result in relative impunity for wealthy or influential offenders. Insufficient personnel, inefficient processes, and long procedural delays continued to hinder the judicial system. These factors contributed to widespread skepticism that the criminal justice system delivered due process and equal justice.

Trials took place as a series of separate hearings, often months apart, as witnesses and court time became available, contributing to lengthy delays. There was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were approximately 30 percent. Courts in Mindanao and poorer provinces had higher vacancy rates than the national average. Sharia (Islamic law) court positions continued to be particularly difficult to fill because of the requirement that applicants be members of both the Sharia Bar and the Integrated Bar. Sharia courts do not have criminal jurisdiction. Although the Prosecutor General was given authority to hire hundreds of new prosecutors for sharia courts, training for them was short and considered inadequate.

The Supreme Court continued efforts to provide speedier trials, reduce judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. It continued to implement guidelines to accelerate the resolution of cases in which the maximum penalty would not exceed six years in prison. In 2016 the judiciary instituted new court rules and procedures for case processing that limit the postponement of hearings and made other procedural changes to expedite case processing. The most significant part of the reform, Revised Guidelines for Continuous Trial of Criminal Cases in Pilot Courts, was approved in May for nationwide rollout as part of the Supreme Court's efforts to decongest court dockets. Implementation began in September.

Trial Procedures

The law requires that all persons accused of crimes be informed of the charges against them and grants rights to counsel, adequate time to prepare a defense, and a speedy and public trial before a judge. No criminal proceeding goes forward against a defendant without the presence of a lawyer. The law presumes defendants are innocent. They have the right to confront witnesses against them, be present at their trial, present evidence in their favor, appeal convictions, and not be compelled to testify or confess guilt. The court may appoint an interpreter if necessary. If the court's interpreter makes serious mistakes, a party can challenge the interpretation. The government generally implemented these requirements, except for the right to a speedy trial.

Although the law provides that cases should be resolved within three months to two years, depending on the court, trials effectively had no time limits. Government officials estimated it took an average of five to six years to obtain a decision.

Authorities respected a defendant's right to representation by a lawyer, but poverty often inhibited access to effective legal counsel. The Public Attorney's Office, which reports to the Department of Justice, did not have the necessary resources to fulfill its constitutional mandate and used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During pretrial hearings courts may appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused.

Sentencing decisions were not always consistent with legal guidelines, and judicial decisions sometimes appeared arbitrary.

Political Prisoners and Detainees

Under law enacted in 1945, the government defines political prisoners as those who may be accused of any crime against national security. Using this definition, BuCor reported 162 political prisoners in its facilities as of August. The BJMP does not track political prisoners and defines prisoners based only on security risk.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. The TFDP was tracking 337 political detainees as of June. The majority of those tracked were pretrial detainees, 14 of whom were arrested from January to June. The TFDP noted that, in the majority of cases,

authorities mixed political prisoners with the general inmate population, except in the National Bilibid Prison, where they held the majority of political prisoners in maximum-security facilities.

The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs. The TFDP reported that 14 political prisoners had been released from prisons or detention centers as of July. None of these releases resulted from executive action (pardons or amnesties).

The government permitted regular access to political prisoners by international humanitarian organizations.

Civil Judicial Procedures and Remedies

Most analysts regard the judiciary as independent and impartial in civil matters. Complainants have access to local trial courts to seek civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints, although overburdened local courts often dismissed these cases. There were no regional human rights tribunals that could hear an appeal from the country.

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

The government generally respected the privacy of its citizens, although leaders of communist and leftist organizations and rural-based NGOs alleged routine surveillance and harassment. Authorities routinely relied on informant systems to obtain information on terrorist suspects and for the antidrug campaign. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued to occur. Judges generally declared evidence obtained illegally to be inadmissible.

g. Abuses in Internal Conflicts

For decades the country has contended with armed Muslim separatist movements represented by groups such as the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front; a communist insurgency supported by a nationwide New People's Army (NPA) presence; and violence by smaller, transnational terrorist organizations (such as the Abu Sayyaf Group (ASG) and the Jemaah Islamiyah), and other criminal syndicates. During the year there were

complaints that the AFP, in confronting the ASG and NPA, illegally detained citizens and displaced residents. Additionally, interclan “rido” (feuds) violence continued in Mindanao, causing civilian deaths and displacement.

On May 23, members of the Maute group and other violent extremist organizations attacked Marawi City in Lanao del Sur, Mindanao. The terrorist group, which has declared allegiance to the Islamic State, occupied and damaged numerous buildings in the city, including hospitals, schools, and city jails. They burned churches and took numerous hostages, including some church staff and one priest.

Killings: The AFP’s Human Rights Office confirmed 16 civilian deaths in separate military operations against insurgent groups. These, however, did not take into account deaths during the Marawi attack and subsequent imposition of martial law in Mindanao. Observers expected these numbers to be significantly higher for the year, but as of October the government and NGOs had not issued any reliable data or estimates.

Antigovernment groups were responsible for numerous civilian deaths. During their violent occupation of Marawi, the Maute Group and other insurgents killed an unknown number of civilians. The NPA, the ASG, the Maute Group, Ansar al-Khalifa, the Bangsamoro Islamic Freedom Fighters (BIFF), and other violent extremist groups used roadside bombs, ambushes, and other means to kill political figures and other civilians, including persons suspected of being military and police informers.

The NPA also menaced government offices and attacked or threatened businesses, power stations, farms, and private communication facilities to enforce collection of extortion payments, or so-called revolutionary taxes.

Abductions: Armed criminal and terrorist groups kidnapped civilians for ransom and sometimes killed the hostages after not receiving sufficient payment. The NPA and some separatist groups were also responsible for a number of arbitrary detentions and kidnappings for ransom. Through unofficial channels, authorities reportedly facilitated ransom payments on behalf of victims’ families and/or employers. The security forces at times attempted to rescue victims.

Physical Abuse, Punishment, and Torture: Leftist and human rights activists continued to report harassment by local security forces, including abuse of detainees by police and prison officials. Rape was not generally used as a weapon of war.

Child Soldiers: The use of child soldiers, particularly by terrorist and antigovernment organizations, remained a problem, particularly in some conflict-affected parts of Mindandao. UNICEF monitored the recruitment and use of children in armed conflicts and the release of child soldiers. UNICEF reported in December 2016 that the MILF implemented commitments to end its use of child soldiers and later confirmed the release of at least 1,869 child soldiers between April 2016 and March 2017. 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. From January to August, the AFP Human Rights Office reported that four NPA child soldiers had either been rescued by or surrendered to the AFP. The Lanao del Sur Crisis Management Committee told media in August that nearly one-half of the remaining fighters in Marawi were minors. In one UN-verified incident, 15 children were used as human shields by BIFF.

The NPA continued to claim it did not recruit children as combatants but admitted that it recruited, trained, and used them for noncombat purposes, such as cooking.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech, including for the press, and the government generally respected this right. An independent press and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: Individuals could criticize the government publicly or privately or discuss matters of general public interest. Civil society organizations reported, however, that President Duterte's public attacks on individuals and international bodies who criticized his policies had a chilling effect on free speech and expression. A July nationwide survey conducted by the Social Weather Station found that 55 percent of the adult respondents said they felt free and open to say anything for or against the government, without fear.

As of December, Senator Leila de Lima awaited formal arraignment on drug charges that led to her arrest and detention in February. During the year prosecutors used a variety of legal tactics, including filing new and amending previous charges, to delay arraignment. De Lima filed a petition for dismissal of the charges, which the Supreme Court rejected in October. The charges arose in 2016 after de Lima had begun hearings into killings related to the antidrug campaign. Although in detention, de Lima had access to the media and some visitors. Her case attracted widespread attention, including of the Pope, and was denounced by human rights groups as politically motivated.

Press and Media Freedom: Independent media remained active and expressed a wide variety of views without restriction, including criticism of the government, despite critical and threatening comments from government leaders. Media commentators criticized most media outlets for lacking rigorous journalistic standards and for reflecting the political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Journalists note that President Duterte's tendency to single out reporters who ask tough questions had a chilling effect on their willingness to engage, in large part because of a feared loss of access. In the State of the Nation address, Duterte made special mention of two major media outlets, alleging that one was foreign owned while the other was only protecting its vested interests, hence making both media outlets biased. Duterte also threatened the then owners of the *Philippine Daily Inquirer* newspaper with an expose and criticized them for bias against him, which apparently played a role in their decision to sell.

To circumvent traditional media, in August the Malacanang Presidential Communications Operations Office issued a department order that allows social media practitioners, based on an accreditation system, to cover special events attended by President Duterte.

Violence and Harassment: Journalists continued to face harassment and threats of violence, including from politicians and government authorities critical of their reporting. Human rights NGOs frequently criticized the government for failing to protect journalists.

The nongovernmental Center for Media Freedom and Responsibility (CMFR) reported that two journalists or media workers were killed between January and August in killings related to their profession; all cases were under investigation as of October. The PNP's Task Force Usig, which investigates and tracks killings of

media practitioners, reported one work-related killing as of August. A murder case was filed against seven individuals before the Masbate Prosecutor's Office.

Many journalists reported an increase in online threats, including threats of violence and harassment, in response to online articles critical of the government. Many journalists who criticized the government reported that they did not yet believe threats to their personal safety were credible, but they were concerned about losing access to the president and presidential palace if they were seen as overly critical. Nonetheless, at least one journalist expressed concerns about personal safety after being singled out by President Duterte. Journalists also reported fear of being framed for drugs and thus caught up in the government's war on drugs. The possibility of PNP planting a packet of "shabu" (methamphetamines) during a routine traffic stop was the most commonly expressed concern.

Libel/Slander Laws: The law contains criminal penalties for libel. Authorities used criminal defamation charges, which carry the possibility of imprisonment and fines, to harass, intimidate, and retaliate against journalists. The CMFR did not receive any reports of journalists accused of libel in the year to October. A court, however, acquitted a local radio journalist of a libel charge filed by a governor in late June.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without appropriate legal authority. According to the International Telecommunication Union, approximately 55 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights during the year.

Freedom of Peaceful Assembly

The constitution provides for the right to peaceful assembly, and the police generally exhibited professionalism and restraint in dealing with demonstrators. There was no reported progress in the PNP's investigation of the forcible dispersal of farmers and protesters in Kidapawan City in April 2016 that left two protesters dead and many others injured. A CHR investigation found that the PNP used unnecessary force to disperse the protest. No disciplinary action was taken and no charges were filed as of October.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Government limits on foreign travel were generally based on security or personal safety factors, such as when a citizen had a pending court case, or to discourage travel by vulnerable workers to countries where they could face personal security risks, including trafficking or other exploitation. The Philippine Overseas Employment Administration manages departures for work abroad and requires overseas workers to register and receive predeparture screening, training, and certification before traveling. As of August, 22 countries were considered restricted, with either full or partial employment bans for overseas workers.

Internally Displaced Persons (IDPs)

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters have generated significant internal displacement. The number of IDPs was uncertain and fluctuated widely. Counterinsurgency campaigns against the ASG, 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.

In Mindanao, UNHCR reported that as of May, approximately 110,000 persons displaced since 2012 remained in need of durable solutions. Of those individuals, an estimated 100,200 were displaced by armed conflict (including violence between local communities) and 8,700 by natural disasters. The crisis in Marawi displaced hundreds of thousands of additional persons. In early August, UNHCR reported that the government estimated more than 78,000 families (approximately 360,000 persons) were displaced as a result of the crisis.

Government agencies, often with support from UN agencies and other international donors, provided food (although NGOs noted that food aid was sometimes delayed); constructed shelters and public infrastructure; repaired schools; built sanitation facilities; offered immunization, health, and social services; and provided cash assistance and skills training for IDPs. The government permitted humanitarian organizations access to IDP sites. Security forces sometimes carried out military operations near IDP sites, increasing the risk of casualties and damage and restricting freedom of movement. Impoverished IDPs were highly susceptible to human trafficking networks. Additionally, despite a government policy of free public education, significant numbers of children in displaced families were unable to attend school because of unofficial school fees and transportation expenses.

At times the government encouraged IDPs to return home, but they were often reluctant to do so for security or welfare reasons.

Protection of Refugees

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit (RSPPU) determines which asylum seekers qualify as refugees in accordance with an established, accessible system that appeared to provide basic due process.

Safe Country of Origin/Transit: The government cooperated with UNHCR and other humanitarian organizations to assist refugee transit through the country pursuant to a Department of Foreign Affairs-UNHCR memorandum of agreement. UNHCR recorded the transit of 15 refugees between January and August.

Employment: The government allowed refugees to work. A Department of Labor and Employment order affirmed refugees' and stateless persons' access to work permits. Since 2013 the Bureau of Immigration has provided temporary work

permits for persons with pending applications for recognition as refugee and/or stateless status upon endorsement by the RSPPU. The types of employment open to refugees and stateless persons were generally the same as those open to other legal aliens.

Stateless Persons

The Department of Justice was responsible for statelessness determinations of persons born in the country and of newly arrived persons. According to revised rules, after an applicant files for a determination of statelessness, deportation or exclusion proceedings against the applicant and dependents are suspended and the applicant may be released from detention. Stateless persons may be naturalized. As of August there were no known cases of social discrimination against stateless persons.

By March a joint UNHCR-Philippine survey of persons of Indonesian descent at risk of statelessness in Southern Mindanao registered 8,745 persons, of whom 5,208 had their citizenship confirmed. The Philippine and Indonesian governments jointly reaffirmed the provision of consular assistance to both documented and undocumented migrants of Indonesian descent.

As of October three stateless persons were classified as refugees.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government by secret ballot in free and fair periodic elections based on universal and equal suffrage. Candidates, including for the presidency, frequently had their legal right to run for office challenged by political opponents on the basis of criminality, citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court. Political candidates were allowed to substitute themselves for placeholders if unable to complete the registration process on time.

Elections and Political Participation

Recent Elections: The country conducted nationwide elections in May 2016 for the presidency, both houses of congress, provincial governors, and local government officials. Barangay, or village-level, elections originally scheduled for October 2016 were twice postponed and rescheduled, as of year's end, for May 2018. International and national observers viewed the 2016 elections as generally

free and fair but reported that vote buying was widespread and that dynastic political families continued to monopolize elective offices. The PNP reported 28 incidents of election-related violence that led to 50 deaths during the campaign and on election day, but overall security incidents were few compared to many previous elections.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Participation by these groups did not change significantly compared with the national election in 2010 or the midterm elections in 2013.

Political life is male dominated, and observers commented that some female politicians served as “placeholders” when male members of their dynastic political families had to leave office due to term limits. Media commentators also expressed concern that political dynasties limited the opportunities for female candidates not connected to political families to seek nomination.

There were no Muslim or indigenous cabinet members or senators, but there were 11 Muslim members of the House of Representatives, mostly from Muslim-majority provinces, and one member of indigenous descent in the House of Representatives. Muslims, indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area. They advocated election of senators by region, which would require a constitutional amendment.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by public officials, but the government did not implement these laws effectively, and officials sometimes engaged in corrupt practices with impunity. There were reports of corruption.

Corruption: To combat corruption, the constitution establishes the independent Office of the Ombudsman, an appellate-level anticorruption court (the Sandiganbayan), and the Commission on Audit. All three organizations were underresourced, but they actively collaborated with the public and civil society and appeared to operate independently and use their limited resources effectively.

Despite government efforts to file charges and obtain convictions in a number of cases, officials continued to engage in corrupt practices with relative impunity.

Investigation of allegations continued in the expanding “pork barrel” scandal of 2014 about the diversion of congressional funds to fake NGOs. The Department of Justice committed to review the previous administration’s probe of alleged misuse of the Priority Development Assistance Fund. As of October the Office of the Ombudsman charged 32 persons, including congressmen, NGO officials, and private individuals, in the Sandiganbayan.

As of August the Office of the Ombudsman had won 34 convictions in 164 corruption cases, including that of former chairman of the Presidential Commission on Good Government, Camilo Sabio, for entering into two lease agreements that cost the government 12.1 million pesos (\$242,000). Sabio received a sentence of six to 10 years in prison. Melchor Maderazo, the former mayor of Caibiran, Biliran, was also convicted and sentenced to eight years in prison for continuing to receive salaries and benefits in contravention of a series of orders by the Sandiganbayan and provincial council.

Reports continued of widespread corruption among prison guards and some prison officials and of solicitation of bribes by PNP members and judicial workers, who were accused of extorting bribes by threatening to delay or derail cases if not paid bribes. The Philippine Center for Investigative Journalism reported as of May that 166 PNP personnel were involved with illegal drugs and facing dismissal from service.

Financial Disclosure: The Code of Conduct and Ethical Standards for Public Officials and Employees requires all public officials and employees to file under oath a statement of assets, liabilities, and net worth and to disclose their personal business interests and financial connections, as well as those of their spouses and unmarried children living in their households. Nondisclosure is punishable by imprisonment not exceeding five years, a fine not exceeding 5,000 pesos (\$100), or both, and at the discretion of the court, disqualification from holding public office. The Civil Service Commission implements and enforces the law, forwarding nondisclosure cases to the Office of the Ombudsman for prosecution. In 2016 the congressional bicameral Commission on Appointments confirmed 24 military officers, despite noting that many had failed to submit sufficient statements of assets, liabilities, and net worth.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Local human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from areas in which incidents under investigation occurred.

The United Nations or Other International Bodies: A number of UN special rapporteur/working group visit requests remained pending. President Duterte frequently criticized and rejected comments by the United Nations and other international human rights groups critical of the antidrug campaign and its human rights abuses. Although UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Agnes Callamard sought a visit to investigate suspected extrajudicial killings by the police in the antidrug campaign, President Duterte insisted that such a visit include Callamard's testimony under oath and a public debate with Duterte. Callamard rejected these as violations of the UN Code of Conduct on country visits. In May Callamard visited the country, but in a non-UN capacity, to speak at a drug policy forum at the invitation from an NGO.

Government Human Rights Bodies: The CHR's constitutional mandate is 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 CHR regional offices. Nevertheless, the CHR lacked sufficient funding and staff to investigate and follow up on all cases presented to its regional and subregional offices. President Duterte and close allies in government were very critical of the CHR and publicly disparaged CHR members, including the chairman. After his State of the Nation address, President Duterte threatened to abolish the CHR. This, however, would require amending the constitution. In August the House of Representatives voted to cut the CHR's budget to 1,000 pesos (\$20) from 650 million pesos (\$13 million). The Senate version, however, set CHR's budget at 650 million pesos; the difference must be negotiated in a conference of the two houses.

The Office of the Ombudsman is an independent agency that responds to complaints regarding public officials and employees. It has the authority to make

administrative rulings and seek prosecutions. Many human rights NGOs believed this office's casework improved, although administrative and institutional weaknesses remained.

The Presidential Human Rights Committee serves as a multiagency coordinating body on human rights problems. The committee's responsibilities include 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 Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged human rights violations in the Autonomous Region of Muslim Mindanao (Bangsamoro). Although established in 2014, the commission's effectiveness remained unclear.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment, but difficulty in obtaining convictions remained a challenge for effective enforcement. The Department of Social Welfare and Development provided shelter, counseling, and health services to female survivors of rape. There continued to be reports of rape and sexual abuse of women in police or protective custody.

Domestic violence against women remained a serious and widespread problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and children committed by their spouses, partners, or parents. Penalties depend on the severity of the crime and may include imprisonment or fines. From January to June, the Department of Social Welfare assisted 199,218 women categorized as "women in especially difficult circumstances." Of these, the great majority of cases involved physical, psychological, and sexual abuse, and the number included 1,434 female victims of trafficking in persons. The department also assisted many women with disabilities and female victims of other abuses, including emotional and economic battery. As of June the PNP reported 15,742 cases of domestic violence against women and children. Statistics were unavailable on prosecutions,

convictions, and punishments for cases filed by the PNP. The PNP-Directorate for Police Community Relations conducted three orientation seminars in March and July entitled “Men Opposed to Violence Against Women Everywhere” with 100 participants from different police units.

NGOs noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

The PNP and the Department of Social Welfare both maintained help desks to assist survivors of violence against women and encourage reporting. With the assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers continued to receive gender sensitivity training to deal with victims of sexual crimes and domestic violence. The PNP maintained a women and children’s unit with 1,918 desks throughout the country to deal with abuse cases. The PNP increased the number of personnel assigned to these Women and Children Protection Desks because of their increased responsibilities for handling trafficking cases; 4,576 officers were assigned to the desks nationwide, almost 98 percent of them women.

Sexual Harassment: The law prohibits sexual harassment, and violations are punishable by imprisonment of not less than one month and not more than six months, and/or a fine of not less than 10,000 pesos (\$200) and not more than 20,000 pesos (\$400). But sexual harassment remained widespread and underreported, including in the workplace, due to victims’ fear of losing their jobs.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: In law but not always in practice, women have most of the rights and protections accorded to men, and the law seeks to eliminate discrimination against women. The law accords women the same property rights as men. In Muslim and indigenous communities, however, property ownership law or tradition grant men more property rights than women.

In March the CHR denied a motion for reconsideration submitted by President Duterte related to its 2016 finding that the words and actions of then president-elect Duterte violated the law. The CHR found that Duterte’s joke during the

presidential campaign about the rape and murder of an Australian citizen was in violation of the law because it amounted to violence against women. In accordance with the law, the CHR called on the Civil Service Commission and the Department of Interior and Local Government to recommend appropriate sanctions.

No law mandates nondiscrimination based on gender in hiring, although the law prohibits discrimination in employment on the basis of sex. Nonetheless, women continued to face discrimination on the job as well as in hiring (see section 7.d.).

The law does not provide for divorce. Legal annulments and separation are possible, and courts generally recognized foreign divorces if one of the parties is a foreigner. These options, however, are costly, complex, and not readily available to the poor. The Office of the Solicitor General is required to oppose requests for annulment under the constitution. Informal separation is common, but brings with it potential legal and financial problems. Muslims have the right to divorce under Muslim family law.

Children

Birth Registration: Citizenship derives from birth to a citizen parent and, in certain circumstances, from birth within the country's territory to alien parents. 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. NGOs previously estimated that more than 2.5 million children were unregistered, primarily among Muslim and indigenous groups. The Department of Social Welfare continued working closely with local governments to improve registration; the Philippines Statistics Authority operated mobile birth registration units to reach rural areas.

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

Child Abuse: Child abuse remained a problem. From January to June, Department of Welfare offices served 2,396 victims of child abuse, 69 percent of whom were girls. Several cities ran crisis centers for abused women and children.

Early and Forced Marriage: The legal minimum age for marriage for both sexes is 18; anyone below 21 must have parental consent. Under Muslim personal law, Muslim boys may marry at 15 and girls may marry when they reach puberty.

Sexual Exploitation of Children: The law prohibits the commercial exploitation of children and child pornography and defines purchasing commercial sex acts from a child as a trafficking offense. Authorities endeavored to enforce the law. The minimum age for consensual sex is 12. The statutory rape law criminalizes sex with minors under 12 and sex with a child under 18 involving force, threat, or intimidation. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. The production, possession, and distribution of child pornography are illegal, and penalties range from one month to life in prison, plus fines from 50,000 to five million pesos (\$1,000 to \$100,000), depending on the gravity of the offense.

Despite these penalties, law enforcement agencies and NGOs reported that criminals and family members continued to use minors unlawfully in the production of pornography and in cybersex activities. The country is the top global internet source of online child pornography.

Child prostitution continued to be a serious problem, and the country remained a destination for child sex tourism by domestic and foreign clients. The government continued to prosecute accused pedophiles and deport those who were foreigners. Additionally, the live internet broadcast of young Filipino girls, boys, and sibling groups performing sex acts for paying foreigners continued. The National Bureau of Investigation and the PNP worked closely with the Labor Department to target and close facilities suspected of prostituting minors.

Displaced Children: The most recent UNICEF data, from 2012, estimated there were approximately 250,000 street children. From January to June, the Department of Social Welfare provided residential and community-based services to 1,018 street children nationwide, of whom 528 were served in residential facilities and 490 were served under the Comprehensive Program for Street Children, Street Families, and Indigenous Peoples. This program included activity centers, education and livelihood aid, and community service programs.

Under the juvenile justice law, children 15 years old and younger who commit a crime are exempt from criminal liability. Police stations had youth relations officers to ensure that authorities treated minor suspects appropriately, but in some cases they ignored procedural safeguards and facilities were not child friendly.

The law mandates that the Department of Social Welfare provide shelter, treatment, and rehabilitation services to these children. As of June, the department assisted 1,862 children in conflict with the law (that is, alleged as, accused of, or judged as having committed an offense) in 16 rehabilitation centers nationwide. Additionally, several local governments established and managed youth centers that provided protection, care, training, and rehabilitation for these children and other at-risk youth.

The PNP's Women and Children's Protection Center reported in late 2016 that approximately 38,000 minors surrendered to authorities in response to the antidrug campaign. As the legal status of those voluntarily surrendering remained ambiguous, it was not clear that these minors were being treated as required by law.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/english/legal/compliance.html.

Anti-Semitism

An estimated 500 to 5,000 persons of Jewish heritage, mostly foreign nationals, lived in the country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government did not effectively enforce these provisions. Laws, such as the Magna Carta for Disabled Persons, provide for equal access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained.

The National Council for Disability Affairs formulated policies and coordinated the activities of government agencies for the rehabilitation, self-development, and

self-reliance of persons with disabilities and their integration into the mainstream of society.

Persons with disabilities continued to face discrimination and other challenges in finding employment (see section 7.d.).

From January to June, the Department of Social Welfare provided services to 517 persons with disabilities in assisted-living centers and community-based vocational centers nationwide, significantly fewer than reported in the previous year.

Advocates for persons with disabilities 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 disabilities.

Some children with disabilities attended schools in mainstream or inclusive educational settings. The Department of Education's 448 special education centers were inaccessible and 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.

Government efforts to improve access to transportation for persons with disabilities were limited.

The constitution provides for the right of persons with physical disabilities to vote. The Commission on Elections determines the capacity of persons with mental disabilities to vote during the registration process, and citizens may appeal exclusions and inclusions in court. A federal act authorizes the commission to establish accessible voting centers exclusively for persons with disabilities and senior citizens.

Indigenous People

Although no specific laws discriminate against indigenous people, the geographical remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children often suffered from lack of health care, education, and other basic services. Government officials indicated that approximately 80 percent of the country's government units complied with the

long-standing legal requirement that indigenous peoples be represented in policy-making bodies and local legislative councils.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect indigenous peoples. It has authority to award certificates identifying “ancestral domain lands” based on communal ownership, thereby stopping tribal leaders from selling the land. Additionally, the commission studies “ancestral sea” claims, since some indigenous groups, such as the Sama-Bajau, who customarily lived in western Mindanao, traditionally practiced migratory fishing. Approvals of “ancestral sea” claims were limited, and the lack of access to traditional fishing grounds contributed to the displacement of many Sama-Bajau.

Armed groups frequently recruited from indigenous populations. Indigenous peoples’ lands were also often the site of armed encounters related to resource extraction or intertribal disputes, which sometimes resulted in displacement.

Forces from the indigenous Lumad group with alleged ties to the AFP reportedly closed or occupied schools for alleged ties to the NPA, thereby hampering access to education for indigenous children.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

National laws neither criminalize consensual same-sex sexual conduct nor prohibit discrimination based on sexual orientation and gender identity. Twenty-four cities or municipalities have a version of an antidiscrimination ordinance that protects lesbian, gay, bisexual, and transgender--but not intersex--rights.

Officials prohibit transgender individuals from self-reporting their gender on passport applications. Authorities print the sex assigned at birth, as reported on the certificate of birth, in the individual’s passport, which posed difficulty for transgender persons seeking to travel, including instances of transgender individuals forced from planes.

NGOs reported incidents of discrimination and abuse against LGBTI persons, including in employment (see section 7.d.), education, health care, housing, and social services.

Human Rights Watch reported that LGBTI students continued to face many forms of bullying in schools, such as physical, verbal, sexual, and cyber.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV/AIDS, including in access to basic health and social services. Nevertheless, there was anecdotal evidence of discrimination against HIV/AIDS patients in the government's provision of health care, housing, employment, and insurance services (see section 7.d.). In August the Research Institute for Tropical Medicine, the Health Department's research facility, declared the HIV epidemic a national emergency, and the department declared the epidemic a health priority.

Other Societal Violence or Discrimination

The Children's Legal Rights and Development Center reported in January that 31 minors were killed in either police operations or vigilante-style killings as part of the antidrug campaign.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, with the exception of the military, police, short-term contract employees, and some foreign workers, to form and join independent unions, bargain collectively, and conduct strikes; it prohibits antiunion discrimination. The law, however, places several restrictions on these rights.

Laws and regulations provide for the right to organize and bargain collectively in both the private sector and corporations owned or controlled by the government. The law prohibits organizing by foreign national or migrant workers unless a reciprocity agreement exists with the workers' countries of origin specifying that migrant workers from the Philippines are permitted to organize unions there. The law also requires the participation of 20 percent of the employees in the bargaining unit where the union seeks to operate; the International Labor Organization (ILO) called this requirement excessive and urged the government to lower minimum membership. The scope of collective bargaining in the public sector is limited to a list of terms and conditions of employment negotiable between management and public employees. These are items requiring appropriation of funds, including health-care and retirement benefits, and those that involved the exercise of

management prerogatives, including appointment, promotion, compensation, and disciplinary action, are nonnegotiable.

Strikes in the private sector are legal. Unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain approval from a majority of members before calling a strike. The Labor Department's Bureau of Labor Relations reported 140 notice of strike/lockout and preventive mediation cases from January to June. Of the total, 57 cases were settled and 55 cases were withdrawn by the filer.

The law subjects all problems affecting labor and employment to mandatory conciliation-mediation for one month. Parties to a dispute must attempt mediation before giving notice to strike; if that fails, the union may issue a strike notice. Parties may bring any dispute to mediation; but strikes or lockouts must be related to acts of unfair labor practice, a gross violation of collective bargaining laws, or a collective bargaining deadlock. The law provides for a maximum prison sentence of three years for participation in an illegal strike, a requirement that the ILO urged the government to amend.

The law permits employers to dismiss union officers who knowingly participate in an illegal strike. Union officers convicted of striking illegally are subject to imprisonment for up to three years, although there has never been such a conviction.

The law prohibits government workers from joining strikes under the threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes. Government workers may 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, may intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determines that the strike-affected company is vital to the national interest. Vital sectors include 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 (NTIPC). Labor rights advocates continued to criticize the government for maintaining definitions of vital services that were broader than international standards.

By law antiunion discrimination, especially in hiring, is an unfair labor practice and may carry criminal or civil penalties (although generally civil penalties were favored over criminal penalties).

The government generally respected freedom of association and collective bargaining and enforced laws that provided for protection of these rights. The Department of Labor has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission's (NLRC) labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate the worker and report compliance to the NLRC. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial NLRC, as they may constitute possible unfair labor practices. If there is a definite preliminary finding that a termination may cause a serious labor dispute or mass layoff, the Labor Department secretary may 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 are imprisonment of not less than three months or more than three years with a fine of not less than 1,000 pesos (\$20) or more than 10,000 pesos (\$200). Such penalties were generally not sufficient to deter violations.

Administrative and judicial procedures were subject to lengthy delays and appeals. Before disputes reach the NLRC, the Labor Department provides mediation services through a board, which settles most unfair labor practice disputes. Through the National Conciliation and Mediation Board, the department also works to improve the functioning of labor-management councils in companies with unions.

The NTIPC serves as the main consultative and advisory mechanism on labor and employment. It functions primarily as a forum for advice and consultation among organized labor, employers, and government in the formulation and implementation of labor and employment policies. It also acts as the central entity to monitor recommendations and ratifications of ILO conventions. The Labor Department, through the NTIPC, is responsible for coordinating the investigation, prosecution, and resolution of cases pending before the ILO concerning allegations of violence and harassment directed at labor leaders and trade union activists.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining. Unions continued to claim that local

political leaders and officials who governed the Special Economic Zones (SEZs) explicitly attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. Unions also claimed that the government stationed security forces near industrial areas or SEZs to intimidate workers attempting to organize and alleged that companies in SEZs used frivolous lawsuits to harass union leaders. Local SEZ directors claimed exclusive authority to conduct their own inspections as part of the zones' privileges intended by the legislature. Employers controlled hiring through special SEZ 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 SEZs.

There were no reports of labor-related violence during the year. In 2016 a union leader and trade union organizer were killed in separate incidents. In both cases it was speculated that their positions provided a motive for the violence.

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. The NGO Center for Trade Union and Human Rights contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contractual labor provisions by rehiring employees shortly after the expiration of the previous contract. The Department of Labor reported that there were multiple cases of workers alleging employers refused to bargain.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Legal penalties for forced labor were sufficiently stringent.

Trade unions reported continued poor compliance with the law, due in part to the government's lack of capacity to inspect labor practices in the informal economy. The government continued awareness-raising activities, especially in the provinces, in an effort to prevent forced labor. In 2016 the Labor Department began an orientation program for recruits for commercial fishing vessels, who were among the workers most vulnerable to forced labor conditions.

Reports of forced labor by adults and children continued, mainly in fishing and other maritime industries, small-scale factories, gold mines, domestic service,

agriculture, and other areas of the informal sector (see section 7.c.). Unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic servitude, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries.

There were reports that some persons who voluntarily surrendered to police and local government units in the violent antidrug campaign were forced to do manual labor, exercise, or other activities that could amount to forced labor without charge, trial, or finding of guilt under law.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than the age of 15, except under the direct and sole responsibility of parents or guardians, and sets the maximum number of working hours for them at four hours per day and no more than 20 hours per week. Children between the ages of 15 and 17 are limited to eight working hours per day, up to a maximum of 40 hours per week. The law forbids the employment of persons younger than 18 in hazardous work. The law sets the minimum age for domestic workers at 15.

Although the government supported programs that sought to prevent, monitor, and respond to child labor, resources remained inadequate. The government imposed fines and instituted criminal prosecutions for law violations in the formal sector, such as in manufacturing. Fines for child labor law violations were not sufficient to deter violations. From January to August, the Labor Department, through its Sagip Batang Manggagawa (Rescue Child Laborers) program, conducted six operations and removed 13 minors from hazardous and exploitative working conditions. As of August the department closed one establishment for violations of child labor laws.

The government, in coordination with domestic NGOs and international organizations, continued to implement programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. The Labor Department continued its efforts to deliver appropriate interventions aimed at reducing the worst forms of child labor and removing children from hazardous work under the H.E.L.P.M.E. (Health, Education,

Livelihood, and Prevention, Protection, and Prosecution, Monitoring and Evaluation) Convergence Program.

Despite these efforts, child labor remained a common problem. Cases reported to the Labor Department centered in the service and agricultural sectors, notably in the fishing, palm oil, and sugarcane industries. Most child labor occurred in the informal economy, often in family settings. Child workers in those sectors and in activities such as gold mining, manufacturing (including pyrotechnic production), domestic service, drug trafficking, and garbage scavenging faced exposure to hazardous working environments.

NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation. Findings from the joint National Statistics Office-ILO 2011 *Survey on Children*, the most recent data available, estimated that 5.5 million of the country's 29 million children between the ages of five and 17 were working and that three million worked in hazardous jobs. The survey also found the highest incidence of child labor (60 percent) in the agricultural sector.

Child soldiering also continued to be a problem (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation on the basis of sex, race, creed, disability, and HIV, tuberculosis, hepatitis B, or marital status. The law does not prohibit employment discrimination with respect to color, political opinion, national origin or citizenship, language, sexual orientation, gender identity, age, other communicable disease status, or social origin. While some local antidiscrimination ordinances existed at the municipal or city levels that prohibit employment discrimination against LGBT--but not intersex--persons, there was no prohibition against such discrimination in national legislation.

The law requires most government agencies and government-owned corporations to reserve 1 percent of their positions for persons with disabilities; government agencies engaged in social development must reserve 5 percent. The law commits the government to providing "sheltered employment" to persons with disabilities,

for example in workshops providing special facilities. The Labor Department's Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

Persons with disabilities experienced discrimination in hiring and employment. The Labor Department estimated that only 10 percent of employable persons with disabilities were able to find work.

There were few cases filed to test how effectively the law was enforced. The government did not effectively monitor and enforce laws prohibiting employment discrimination based on disability, and the National Council for Disability Affairs and the Labor Department did not monitor the regulation regarding the employment of persons with disabilities effectively. The effectiveness of penalties to prevent violations could not be assessed.

The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights. In 2016 an HIV-positive worker won a case against his employer for having been fired as a result of his HIV-positive diagnosis. The court ordered that the individual be reinstated and receive approximately 600,000 pesos (\$12,000) in damages and back wages.

Discrimination in employment and occupation occurred with respect to LGBTI persons. A number of LGBTI organizations submitted anecdotal reports of discriminatory practices that affected the employment status of LGBTI individuals. Discrimination cases included the enforcement of rules, policies, and regulations that disadvantaged LGBTI persons in the workplace. For example transgender women were told by recruitment officers that they would be hired only if they presented themselves as males by cutting their hair short, dressing in men's clothes, and acting in stereotypically masculine ways. In August local media reported workplace discrimination against an LGBTI person whose new employer, a popular local fast food chain, stated that the company was not yet ready to accept LGBTI staff or culture in its office because of the company's Roman Catholic beliefs.

Women faced discrimination both in hiring and on the job. Some labor unions claimed female employees suffered punitive action when they became pregnant.

Although women faced workplace discrimination, they continued to occupy positions at all levels of the workforce.

Women and men were subject to systematic age discrimination, most notably in hiring practices.

e. Acceptable Conditions of Work

As of July tripartite regional wage boards of the National Wage and Productivity Commission had made no increases to the daily minimum wage rates for agricultural and nonagricultural workers. Minimum wages ranged from 491 pesos (\$9.82) per day for nonagricultural workers in the Manila region to 243 pesos (\$4.86) per day for agricultural workers in the Ilocos region. The law did not cover many workers, since wage boards exempted some newly established companies and other employers from the rules because of factors such as business size, industry sector, export intensity, financial distress, and capitalization level.

Domestic workers worked under a separate wage and benefit system, which lays out minimum wage requirements and payments into social welfare programs, and mandates one day off a week. A 2010 survey, the most recent data available, reported that 1.9 million people were employed as domestic workers, with nearly 85 percent being women and girls as young as 15.

According to the government, in 2015, the latest year for which such data was available, a family of five needed an average income of 8,022 pesos (\$160) per month to avoid poverty.

Penalties for noncompliance with increases or adjustments in the wage rates as prescribed by law are a fine not exceeding 25,000 pesos (\$500), imprisonment for not less than one year nor more than two years, or both. In addition to fines, the government used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily.

By law the standard workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour per day limit. The law mandates one day of rest each week. The government mandates 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 is no legal limit on the number of overtime hours that an employer may require.

The law provides for a comprehensive set of occupational safety and health standards. Regulations for small-scale mining prohibit certain harmful mining practices, including the use of mercury and underwater, or compressor, mining. The law provides for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Most labor laws apply to foreign workers, who must obtain work permits and may not engage in certain occupations.

The Labor Department's Bureau of Working Conditions (BWC) monitors and inspects compliance with labor law in all sectors, including workers in the formal sector, nontraditional laborers, and informal workers, and inspects SEZs and businesses located there. The number of labor law compliance officers, who monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages, increased slightly. Nonetheless, the number of compliance officers was insufficient to enforce compliance for the workforce of 42 million workers. The Labor Department prioritized increasing the number of officers, however, acknowledging that insufficient inspection funds continued to impede its ability to investigate labor law violations effectively, especially in the informal sector and in small and medium-size enterprises.

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 standards investigations. Labor Department inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted compliance visits and occupational safety and health standards investigations. The Labor Department and the ILO also continued to implement an information management system to capture and transmit data from the field in real time using mobile technology. Of the 30,874 establishments jointly assessed by the labor inspectors and worker and employer representatives, 16,113 were found to be deficient in enforcing labor standards, including core labor standards and minimum wage rates. Following a deficiency finding, the Labor Department may issue compliance orders that can include a fine or, if the deficiency poses a grave and imminent danger to workers, suspend operations. The BWC also reported 29 establishments were found deficient with respect to child labor law.

Violations of minimum wage standards were common, as was the use of contract employees to avoid the payment of required benefits, including in the SEZs. Many firms hired employees for less than minimum wage apprentice rates, even if there

was no approved training in their work. Complaints about payment under the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the SEZs. In March the Labor Department issued Department Order 174, setting stricter guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the order for not ending all forms of contractual work.

There were also gaps and uneven applications of the law. Media reported problems in the implementation and enforcement of the domestic worker's law, including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

During the year various labor groups criticized the government's enforcement efforts, in particular the Labor Department's lax monitoring of occupational safety and health standards in workplaces. Between January and July, the BWC recorded 11 work-related accidents that caused 38 deaths and 11 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were Philippine Overseas Employment Administration (POEA) contract or temporary workers. Although the POEA registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide worker protection overseas. The government, nonetheless, launched an interagency humanitarian mission to provide assistance to thousands of citizen workers laid off or stranded in Saudi Arabia and facilitated the repatriation of hundreds. As of September the Department of Social Welfare reported "hundreds" of citizens still needed repatriation from Saudi Arabia.

The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices. From January to August, the POEA reported a total of 100 suspension orders issued to 57 licensed recruitment agencies for various violations. Foreigners were generally employed in the formal economy and recruited for high-paying, specialized positions. They typically enjoyed better working conditions than citizens.