

USDOS – US Department of State

2020 Country Report on Human Rights Practices: Philippines

EXECUTIVE SUMMARY

ANNOUNCEMENT: The Department of State will release an addendum to this report in mid 2021 that expands the subsection on Women in Section 6 to include a broader range of issues related to reproductive rights.

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. Midterm elections in May 2019 for 12 (of 24 total) senators, all congressional representatives, and local government leaders were seen as generally free and fair, despite reports of violence and vote buying. The ruling party and allies won all 12 Senate seats and maintained an approximately two-thirds majority in the 306-seat House of Representatives. Barangay (village) and youth council elections originally scheduled for 2021 were rescheduled for December 5, 2022, so that local and national elections would occur in the same year.

The Philippine National Police is charged with maintaining internal security in most of the country and reports to the Department of the Interior. The Armed Forces of the Philippines (armed forces), 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 the Mindanao region. The two agencies share responsibility for counterterrorism and counterinsurgency operations. The national police Special Action Force is responsible for urban counterterrorism operations. 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. The government continued to support and arm civilian militias. The armed forces controlled Civilian Armed Force Geographical Units, while Civilian Volunteer Organizations fell under national police 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 Civilian Volunteer Organization and Civilian Armed Forces Geographical Unit members into those armies. Civilian control over security forces was not fully effective. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by and on behalf of the government and nonstate actors; reports of forced disappearance by and on behalf of the government and nonstate actors; torture by and on behalf of the government and nonstate actors; harsh and life-threatening prison conditions; arbitrary detention by and on behalf of the government and nonstate actors; significant problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, censorship, and the use of criminal libel laws to punish journalists; and corruption.

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 continued following the increase in killings by police in 2016. Significant concerns also persisted about impunity for other security forces, civilian national and local government officials, and powerful business and commercial figures. Slow judicial processes remained an obstacle to bringing government officials allegedly involved in human rights abuses to justice.

Muslim separatists, communist insurgents, and terrorist groups continued to attack government security forces and civilians, causing displacement of civilians and resulting in the 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.

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. Various government bodies conducted investigations into whether security force killings were justifiable, such as the national police Internal Affairs Service, the armed forces Human Rights Office, and the National Bureau of Investigation. Impunity remained a problem, however. Killings of activists, judicial officials, local government leaders, and journalists by government allies, antigovernment insurgents, and unknown assailants also continued. In August peace activist Randall “Randy” Echanis was tortured and killed by unknown individuals who broke into his Quezon City residence. Tensions later escalated when police seized Echanis’ remains from a funeral home.

Approximately 20,000 antidrug operations were conducted from January to August 2020, according to government data. In a House committee hearing in September, the new Philippine National Police (PNP) chief General Camilo Cascolan reported 623 suspects killed and 50,429 arrested during drug operations conducted from January to August. Human Rights Watch, based on Philippine Drug Enforcement Agency figures, observed that from April to July, 155 drug suspects were killed—a 50 percent increase from the number of suspects killed from December to March before the COVID-19 community quarantine.

The reported number of extrajudicial killings varied widely, as the government and nongovernmental organizations (NGOs) used different definitions. The Commission on Human Rights, an independent government agency responsible for investigating possible human rights violations, investigated 157 new complaints of alleged extrajudicial or politically motivated killings involving 178 victims as of August; of the cases, 81 involved drug-related extrajudicial killings with 93 victims. The commission suspected PNP or Philippine Drug Enforcement Agency involvement in 61 of these new complaints and armed forces or paramilitary personnel in seven cases.

Media reported continued attacks on human rights defenders. In August the human rights defender and former advocacy officer of the human rights NGO Karapatan, Zara Alvarez, was shot and killed in Bacolod City. Alvarez was included in a Department of Justice list of 600 individuals it intended to designate as terrorists. Karapatan said two other individuals on the list were also killed.

There was a widespread belief that police enjoyed impunity for killings, an accusation both the UN Office of the High Commissioner for Human Rights and the Philippine Commission on Human Rights made in their reports in June and July, respectively. Many cases from previous years remained open. Of police officers involved in killings in the antidrug war since 2016, only three had been convicted of murder—all in 2018 for the 2017 murder of juvenile Kian delos Santos.

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. In June the National Bureau of Investigation charged two PNP members with planting evidence in the shooting of Winston Ragos, a former armed forces member suffering from mental illness, over an alleged COVID-19 quarantine violation. The officers claimed that Ragos had reached for a firearm in his bag and reported that Ragos was found to be in possession of a .38 caliber pistol; however, the bureau concluded the officers had planted the pistol during the altercation.

Police were accused of murdering nine unarmed Muslim men in Kabacan on August 30. According to the Commission on Human Rights, one victim, before dying in hospital, told his family that police were behind the killings, and another made a call saying police had stopped him before being shot. Some observers on social media alleged police committed the killings to avenge the murder of a nearby village's police chief on August 24. Local police denied any involvement and initially suggested the incident was the result of a clan feud before a subsequent report alleged gunmen killed the victims after stopping them along the road. The government announced that a special task force would investigate in conjunction with the Commission on Human Rights.

President Duterte continued to maintain lists of persons he claimed were suspected drug criminals, including government, police, military, and judicial officials. At least two elected officials on Duterte's list were assassinated in 2020: Sultan Sumagka mayor Abdul Wahab Sabal in February and Santo Nino mayor Pablo Matinong in July. As of May, then national police chief Archie Gamboa had ordered investigations of 709 police officers, including two police generals, named in the president's lists. The national police reported four personnel were dismissed from service for actions related to their involvement in anti-illegal drug operations.

b. Disappearance

The armed forces Human Rights Office reported no cases of forced disappearance attributed to or implicating the forces from January to July. The Commission on Human Rights, however, reported three cases of abduction and forced disappearance from January to June, perpetrated by armed forces members in two instances and by national police members in the other. In June unidentified individuals in civilian clothing removed a woman from her home on Bantayan Island. According to the woman's sister, who witnessed the event, they neither identified themselves nor said where they were taking the woman. When the abduction was reported to police, authorities said no police operations had been conducted that evening. The victim was an executive with an agricultural organization that the military had declared to be a front for the Communist Party of the Philippines (CPP)-New People's Army (NPA) in March 2019. The Commission on Human Rights opened an investigation, which stalled because of the local government's COVID-related travel restrictions.

Kidnappings during the year were common and predominantly for criminal purposes (i.e., ransom); in the past they were carried out for both pro- and antigovernment political motives as well. Terrorist groups were implicated in many Mindanao kidnappings.

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 small number of previously reported cases were prosecuted.

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

The law prohibits torture, and evidence obtained through its use is inadmissible in court. According to the Commission on Human Rights, however, members of the security forces and police were accused of routinely abusing and sometimes torturing suspects and detainees. Common forms of abuse during arrest and interrogation reportedly included electric shock, cigarette burns, and suffocation.

As of June the Commission on Human Rights had investigated 27 cases of alleged torture involving 34 victims; it suspected police involvement in 22 of the cases. The NGO Task Force Detainees of the Philippines monitored 16 torture cases from March to June, mostly for alleged COVID-19 quarantine violations. On March 20, the start of the COVID-19 community quarantine, a village chief in Santa Cruz, Laguna, threatened to shoot five arrested curfew violators if they did not agree to be locked inside a dog cage for 30 minutes. On March 24, photographs of arrested curfew violators sitting on chairs in the middle of a basketball court and under the sun went viral after a village official from San Isidro, Paranaque, who posted the photographs, put a caption "Everyone caught violating the curfew, we will place here."

NGOs and media reported local governments used psychological abuse, including shaming, as punishment for community quarantine curfew violators. Under the torture statutes, the public parading or shaming of a person is illegal when used to undermine a person's dignity and morale. In April village officials in Pandacaqui, Pampanga, detained three members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community for curfew violations. The officials told the detainees to dance provocatively and kiss each other on the lips while being streamed live on Facebook.

Impunity was a significant problem in the security forces. Human rights groups continued to express concern about abuses committed by the national police and other security forces and noted little progress in reforms aimed at improving investigations and prosecutions of suspected human rights violations. The armed forces Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through October, no extrajudicial killings, murders, or forced disappearances were identified or investigated by the office.

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

The national police's institutional deficiencies and the public perception that corruption in the police was endemic continued. The PNP's Internal Affairs Service remained largely ineffective. In October the new PNP chief Cascolan reported 4,591 police officers were dismissed from service for serious violations, 7,888 were suspended, and 846 were demoted in rank, as part of the organization's internal cleansing program. Although the PNP's Internal Affairs Service claimed manpower and resource limitations hampered its investigations into deaths resulting from police operations, it asserted the majority of police operations were legitimate, lawful police actions. The PNP's Counter-Intelligence Task Force also monitored police personnel suspected of illegal activities.

From January to August, complainants reported five cases of alleged military and law enforcement involvement in human rights abuses to the Office of the Ombudsman, including killings, injuries, unlawful arrest, and torture. A majority of the cases were against low-ranking officials. As of October all cases remained open pending additional investigation.

Efforts continued to reform and professionalize the national police through improved training, expanded community outreach, and salary increases. Human rights modules were included in all national police career courses, and the police Human Rights Affairs Office conducted routine training nationwide on human rights responsibilities in policing. Several NGOs suggested that national police training courses should have a follow-up mechanism to determine the effectiveness of each session.

The armed forces Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through July, the office identified and investigated no extrajudicial killings or murders or forced disappearances.

The military routinely provided human rights training to its members, augmented by training from the Commission on Human Rights. Successful completion of these courses is required to complete basic training and for induction, promotion, reassignment, and selection for foreign schooling opportunities. According to armed force's human rights office, internal human rights training is conducted from the general headquarters level down to battalion units, totaling hundreds of training exercise annually. From January to August, various military service units conducted human rights-related training programs, seminars, or workshops with the Commission on Human Rights, the International Committee of the Red Cross, and other NGOs.

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 Commission on Human Rights and other agencies through background investigations. The congressional commission may withhold a promotion indefinitely if it uncovers a record of abuses. Violations, however, do not preclude promotion.

Government mechanisms to investigate and punish abuse and corruption in the security forces were poorly resourced and remained largely ineffective. Potential witnesses often were unable to obtain protection. The Commission on Human Rights operated a small 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 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.

Reports of rape and sexual abuse of women in police or protective custody continued. In March, two national police officers were charged with sexual assault of two women detained at the Marikina City police station on drug charges. The women claimed that the officers raped them during interrogation and that they reported the rape to the duty jailor upon return to their detention cell. In October the national police's Women and Children Protection Center charged police Lieutenant Colonel Jigger Noceda with sexual assault for allegedly sexually assaulting former Ozamiz City vice mayor Nova Parojinog at least twice. Parojinog had been in police custody since 2017 on drug charges and was still awaiting a judgement in her case.

Prison and Detention Center Conditions

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

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

The juvenile justice law exempts minors from criminal liability. Drug syndicates often used minors as runners, traffickers, cultivators, or drug den employees. Rescued minors are turned over to the custody of Department of Social Welfare and Development (social welfare department). 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 social welfare department provide shelter, treatment, and rehabilitation services to these children. From January to July, the department assisted 1,418 children in conflict with the law (that is, alleged as, accused of, or judged as having committed an offense) in 15 regional youth 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.

Physical Conditions: The Bureau of Corrections, under the Department of Justice, administered seven prisons and penal farms nationwide for individuals sentenced to prison terms exceeding three years. Bureau of Corrections facilities operated at almost four times their operating capacity of 11,981, holding 49,701 prisoners.

The Bureau of Jail Management and Penology, under the Department of the Interior and Local Government and the national police, controlled 470 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The bureau reported its jails operated at 456 percent over designated capacity. The San Mateo municipal jail in Quezon City was one of the most congested jails in the country with an official capacity of 23 inmates; as of July it held 705 detainees. The Commission on Audit annual report for 2019, released in August, noted that jail congestion remained the biggest problem in the justice system and highlighted the most overcrowded Bureau of Jail Management and Penology (BJMP) detention centers: those in Zamboanga Peninsula (821 percent over capacity), Metro Manila (645 percent), Central Visayas (611 percent), Calabarzon (513 percent), and Central Luzon (507 percent). The audit commission stressed that, aside from health and sanitation problems, the jail congestion led to increased gang affiliation among inmates.

Despite an early initiative to put detention facilities on lockdown, overcrowding led to the spread of COVID-19 among inmates. From March 17 to August 14, the government released 58,625 inmates to prevent COVID-19 from spreading in the prison population, according to Supreme Court records. In July the Bureau of Corrections spokesperson reported 350 inmates and personnel had contracted the virus, of whom 200 recovered, 129 remained ill, and 21 died.

The Juvenile Justice and Welfare Council, an agency supervised by the Department of Justice, reported conditions in its rehabilitation centers (called Bahay Pag-asa or Houses of Hope) were worse than in jails, citing the lack of furniture such as beds and cabinets in some centers. There were 85 Bahay Pag-asa centers in the country, 82 run by local government units and three by NGOs.

Prison authorities did not uniformly enforce 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 prison services reported insufficient custodial and escort personnel, especially in large jails, with a national average of about 55 prisoners assigned to each custodial staff member. In larger prisons the ratio was higher; for example, in the New Bilibid Prison, one prison guard oversaw 135 prisoners.

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, the prison services reported 1,069 total inmate deaths. The Bureau of Corrections attributed 31 of the 498 deaths in its facilities to COVID-19. Observers accused the Bureau of Corrections of using the virus to cover up the unlawful execution of inmates or inmate escapes.

Prison authorities reported that most deaths resulted from illness. Authorities provided Bureau of Corrections 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 15 pesos (\$0.28) per day.

Juveniles younger than 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.

The juvenile justice law exempts minors from criminal liability. Drug syndicates often used minors as runners, traffickers, cultivators, or drug den employees. Rescued minors are turned over to the custody of Department of Social Welfare and Development (social welfare department). 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 social welfare department provide shelter, treatment, and rehabilitation services to these children. From January to July, the department assisted 1,418 children in conflict with the law (that is, alleged as, accused of, or judged as having committed an offense) in 15 regional youth 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.

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

Administration: Prisoners, their families, and lawyers may submit complaints to constitutionally established independent government agencies, and the Commission on Human Rights 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 detainees accused of insurgency-related crimes. Prison officials noted that security concerns and space limitations at times also restricted prisoner access to visitors. Beginning in March the prison services suspended visits due to the COVID-19 pandemic.

Muslim officials reported that while Muslim detainees could 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.

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 Commission on Human Rights authority to visit jails, prisons, or detention facilities to monitor the government's compliance with international treaty obligations. The commission reported some detention facilities lacked an understanding of its mandate and continued to deny their representatives access to detention facilities.

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 August the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, did not receive any complaints of arbitrary detention committed by law enforcement agencies or the armed forces. There were, however, numerous credible allegations of arbitrary arrests and detentions by security forces.

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 attempting to commit, in the act of committing, or just after committing an offense; there is probable cause based on personal knowledge that the suspect 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 24 days, increased from three days with the passage of the Anti-Terrorism Act, signed into law in July.

Detainees have the right to bail, except when held for capital offenses or those punishable by a life sentence. The bail system largely functioned as intended, and suspects were allowed to appeal a judge's decision to deny bail. The law provides an accused or detained person the right to choose a lawyer and, if the suspect cannot afford one, to have the state provide one. An underresourced Public Attorney's Office, however, limited access of indigent persons 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.

The Commission on Human Rights investigated 119 alleged illegal detention cases involving 306 victims from January to June. In a March case, police officers invited a human rights activist to their police station for a discussion. Upon arrival, officers photographed her with a piece of cardboard with a number and title, questioned her, and placed her in detention, where she remained as of October. The Commission on Human Rights visited the detained woman; however, the COVID-19 pandemic delayed further action.

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. Approximately 98 percent of prisoners in Bureau of Jail Management and Penology facilities were pretrial detainees; the balance were convicted criminals serving less than three-year sentences. Pending cases were not evenly distributed among the courts, which resulted in some severely overburdened courts. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist with decongestion efforts. The BJMP helped expedite court cases to promote speedy disposition of inmates' cases. Through this program authorities released 41,555 inmates from BJMP jails from January to July. Nonetheless, pretrial detention in excess of the possible maximum sentence was common, often extending over many years.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; although the government generally respected judicial independence, pressure, threats, and intimidation directed at the judiciary from various sources were reported by NGOs during the year. Six lawyers were killed as of July. 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 also hindered 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. As of June 30, approximately one-third of authorized bench positions (563 positions) were unfilled. Sharia (Islamic law) court positions continued to be particularly difficult to fill because applicants must be members of both the Sharia Bar and the Integrated Bar. The 56 authorized district and circuit Sharia courts do not have criminal jurisdiction. Training for sharia court prosecutors was brief 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 resolution of cases in which the maximum penalty would not exceed six years in prison.

Trial Procedures

The constitution provides for the right to a speedy, impartial, and public trial. Trials were generally public, but not timely, and judicial impartiality was widely questioned. 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 may 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 a 1945 law, the government defines political prisoners as those who may be accused of any crime against national security. Using this definition, the Bureau of Corrections reported 55 political prisoners in its facilities as of August. The Bureau of Jail Management and Penology 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. Task Force Detainees of the Philippines, an NGO, tracked political detainees, most of whom were in pretrial detention. The task force noted that in the majority of cases, authorities mixed political prisoners with the general inmate population, except in the New Bilibid Prison, where they held most political prisoners in maximum-security facilities.

Three years after her arrest, during which prosecutors used a variety of legal tactics to delay arraignment, including filing new and amending previous charges, opposition senator Leila de Lima remained in police detention on a charge of conspiracy to commit drug trading. In May her political party—the Liberal Party—called on police to allow de Lima to receive visitors and communicate with others, alleging that police held her incommunicado for a month using the threat of COVID-19 as a pretext. The Liberal Party added that the COVID-19 pandemic must not prevent her "right to information, vital health services, and communication." By June in-person contact with her legal team, family, and spiritual advisers was restored. In July, one of her accusers, a prison gang leader named Jaybee Sebastian, died in prison, reportedly of COVID-19. He claimed that he provided more than \$200,000 in drug money to support de Lima's 2016 senatorial campaign. De Lima's case began in 2016 after she opened hearings into killings related to the antidrug campaign. Although detained, de Lima had access to media and some visitors. Her case attracted widespread domestic and international attention, with many observers denouncing the charges as politically motivated.

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

Civil Judicial Procedures and Remedies

Most analysts regarded the judiciary as independent 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. No regional human rights tribunals could hear an appeal from the country. Civil cases are subject to the same delays and corruption as criminal proceedings.

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

The government generally respected citizens' privacy, although leaders of communist and leftist organizations and rural-based NGOs complained of routine surveillance and harassment. Authorities routinely relied on informant systems to obtain information on terrorist suspects and in the drug war. The reliability of information on illegal narcotics activities gained from these sources remained highly questionable. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued. 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 and the Moro National Liberation Front; a communist insurgency supported by a nationwide NPA presence; and violence by smaller, transnational terrorist organizations, such as ISIS-Philippines, the Abu Sayyaf Group, the Maute Group, the Bangsamoro Islamic Freedom Fighters (hereafter Bangsamoro Front), and other terrorist groups and criminal syndicates. Additionally, interclan *rido* (feuds) violence continued in Mindanao, causing civilian deaths and displacement.

Killings: NGOs sometimes linked the killing of activists to the anti-insurgency operations by government security forces, particularly the military. For example, NGO Global Witness documented 43 killings of environmental and land rights activists in 2019 and alleged security force involvement in some of the killings. On June 29, police in Jolo, Sulu, killed four soldiers who were reportedly pursuing Abu Sayyaf militants. A police report claimed the officers fired in self-defense while attempting to detain the soldiers for questioning, but army officials disputed those claims. The armed forces reported having killed 28 members of the Abu Sayyaf Group as of June.

Antigovernment groups attacked security force units, causing deaths. On August 15, for example, two soldiers were attacked and killed by armed communist rebels while guarding COVID-19 aid distribution on August 15. The NPA, ISIS-Philippines, Abu Sayaf Group, the Maute Group, Ansar al-Khalifa, the Bangsamoro Front, and other violent extremist groups used roadside bombs, ambushes, suicide bombings, and other means to kill political figures and other civilians, including persons suspected of being military and police informers. On August 24, two suicide bombers killed 11 persons and injured 24 in Jolo, Sulu. The first bombing targeted soldiers providing COVID-19 relief, while the second was detonated outside Our Lady of Mount Carmel Cathedral. The Islamic State claimed credit for the attack.

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. The NPA and some separatist groups were also responsible for a number of arbitrary detentions and kidnappings. Through unofficial channels authorities reportedly facilitated ransom payments on behalf of victims' families and employers. The security forces at times attempted to rescue victims. A doctor held by the Abu Sayyaf Group in Sulu Province since February was rescued in March by an army-led rescue team.

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.

Child Soldiers: The use of child soldiers, particularly by terrorist and antigovernment organizations, remained a problem, especially in some parts of Mindanao affected by low-intensity conflict. In the year to September, the national police's Women and Children Protection Center rescued 19 child soldiers from leftist-affiliated groups. There was no evidence of use or recruitment of child soldiers by government units. During the year the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict verified the recruitment and use of 18 children by armed groups, including Abu Sayyaf, the Bangsamoro Front, and the NPA. UNICEF monitored the recruitment and use of children in armed conflicts and the release of child soldiers. Government reporting mechanisms on child soldiers provided inconsistent data across agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scale. The NPA continued to claim it did not recruit children as combatants but admitted that it recruited, trained, and used them for noncombat purposes, such as cooking.

Other Conflict-related Abuse: The armed forces' Human Rights Office claimed the NPA's Weakened Guerilla Front 3 used 750 members of the Ata Manobo Tribe as human shields while operating in Kapalong, Davao del Norte, in March.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution explicitly provides for freedom of expression, including for the press, and the government sometimes respected this right. Government threats and actions against media outlets, journalists, and government critics continued, however, and polls suggested that most citizens considered it dangerous to publish information critical of the administration.

Freedom of Speech: On the surface individuals could criticize the government publicly or privately and discuss matters of general public interest. Civil society organizations, however, stated that President Duterte's public attacks on individuals and international bodies who criticized his policies continued to have a chilling effect on free speech and expression and that laws were increasingly misused against critics of his administration. Civil society organizations expressed concern that the Anti-Terrorism Act of 2020, signed into law on July 3, could be used to suppress speech, including through broad provisions against inciting terrorism. The Bayanihan to Heal As One Act, signed on March 24, punishes individuals for creating, perpetrating, or spreading false information about COVID-19 on social media and other platforms. Public officials continued to file criminal libel and cyber libel complaints against private citizens.

The armed conflict between the government and the NPA, the armed wing of the CPP, is more than a half-century old. The practice of accusing groups and individuals of having ties to the CPP-NPA, or red-tagging, increased significantly after the peace talks broke down in 2017 and President Duterte labeled the CPP-NPA a terrorist organization. According to human rights groups, red-tagging often involves government officials labeling human rights advocates, unions, religious groups, academics, and media organizations as "legal fronts" of the insurgency, allegedly to silence criticism of the government or intimidate opponents in local disputes. Leftist and human rights activists continued to report harassment by persons whom they suspected to be military or government agents, and some red-tagged activists were killed.

Freedom of Press and Media, Including Online Media: Media generally remained active and expressed a wide variety of views without restriction, including criticism of the government, despite critical and threatening comments from political leadership, including the president.

Two major media outfits, however, faced outright restrictions and legal challenges: online news website Rappler and broadcast giant ABS-CBN. The president publicly called out both organizations for alleged wrongdoing: Rappler for its supposed reporting bias and foreign ownership, and ABS-CBN for a number of alleged crimes, including failure to show Duterte's political advertisements during the 2016 presidential elections, violations of labor laws, foreign ownership, and financial irregularities. Reporters Without Borders reported a "grotesque judicial harassment campaign" against Rappler and "threats and intimidation by government agencies and institutions that support Duterte" against ABS-CBN.

Rappler continued to be a target of substantial pressure, including legal and administrative actions, which some observers attributed to its critical coverage of the government. In June, Rappler CEO Maria Ressa and former researcher-writer Reynaldo Santos Jr. were found guilty of cyber libel over a 2012 Rappler story claiming the late Supreme Court justice Renato Corona used vehicles belonging to influential businessmen, including plaintiff Wilfredo Keng. Ressa and Santos posted bail and appealed the conviction. Keng filed a second cyber libel complaint against Ressa in February for her 2019 tweet of screenshots of a now deleted *Philippine Star* story linking the businessman to the murder of a former Manila councilor. The article at the heart of the original cyber libel complaint was published in May 2012. The cybercrime law was passed in September 2012, but the court concluded that the law still applied because Rappler updated the story in 2014 due to what Rappler claimed was a typographical error. The statute of limitations is also subject to contention (see Libel/Slander Laws below).

In July, in a nominally unrelated case, Ressa was arraigned on a tax evasion charge related to Rappler's issuance of Philippine depository receipts.

ABS-CBN was forced to stop television broadcasting on May 7 following a cease-and-desist order from the National Telecommunications Commission after the network's 25-year broadcast franchise license expired. The commission also issued two cease-and-desist orders against broadcasts on the media giant's two other properties: ABS-CBN TV Plus and satellite service subsidiary Sky Direct. On July 10, a House of Representatives committee voted to deny ABS-CBN's application for a new 25-year franchise. A special technical working group created by the committee said ABS-CBN's license did not merit renewal because of the company's supposed bias, failure to regularize employees, and the alleged dual citizenship of its chairman emeritus Eugenio "Gabby" Lopez III. Several lawmakers filed resolutions seeking investigations into ABS-CBN, including the ownership of its 52,000-square-foot Manila headquarters, an alleged \$32.5-million loan write-off from the Development Bank of the Philippines, and its block time agreement with Amcara Broadcasting Corporation. The network had reportedly laid off approximately 5,000 of its 11,000 employees by September due to the shutdown.

Violence and Harassment: Journalists continued to face harassment and threats of violence, including from politicians and government authorities critical of their reporting. A July survey from polling company Social Weather Stations showed that 51 percent of the country's residents agreed with the statement that "it is dangerous to print or broadcast anything critical of the administration, even if it is the truth."

As of October the Committee to Protect Journalists, a press freedom NGO, reported that two journalists were killed during the year. On May 5, unidentified gunmen killed radio journalist Cornelio Pepino in Dumaguete City. Negros Oriental Governor Roel Degamo had sued Pepino for defamation, but the radio anchor was acquitted.

A December 2019 report by the Freedom for Media, Freedom for All Network, a group of media NGOs and news organizations, also detailed the "unyielding reign of impunity" since President Duterte took office. It said online journalists were the most attacked media group, followed by radio, print, and then television.

In December 2019 a local court handed down a landmark ruling on the 2009 Maguindanao massacre, in which 32 journalists and 26 other persons died and which was dubbed by the Committee to Protect Journalists as the single deadliest international event for journalists in history. After 10 years brothers Zaldy and Andal Ampatuan, Jr., along with 28 coaccused, were found guilty of 57 counts of murder. As accessories to the crime, 15 others were convicted. The government continued to pursue approximately 80 suspects who remained at large.

In July the Catanduanes provincial legislature declared local radio anchor Ramil Soliveres persona non grata for posting about an unnamed council member missing a health committee hearing. During a speech the local official branded him a “fake news” media worker and called him a “male prostitute” while handing out topless photographs taken from the journalist’s personal Facebook account.

On September 14, two unidentified motorcycle-riding gunmen shot and killed television commentator Jobert Bercasio in Sorsogon City. Bercasio had reported on deforestation and illegal mining in the region and posted a Facebook photograph an hour before his death allegedly showing illegal mining at a local quarry.

Censorship or Content Restrictions: News organizations generally were spared censorship attempts, but media watchdogs noted several instances of alleged government interference.

With the nonrenewal of ABS-CBN’s franchise, the network was forced to move most of its programs online and close down its provincial television and radio stations and its current affairs division; the latter produced political shows and documentaries. Although the president’s office repeatedly distanced the president from the ABS-CBN shutdown, in a July 13 speech to troops in Jolo, he called out ABS-CBN again for allegedly ruining him. His communications team edited the video of the speech to remove any mention of the network, but netizens and journalists discovered the edit. President Duterte also attacked ABS-CBN and its owners during his 2020 state of the nation address.

In March the journalists’ union denounced moves by the Presidential Communications Operations Office and its regional offices to require journalists to seek accreditation to cover the COVID-19 crisis even outside the Luzon quarantine area, calling it a “clear overstretch of the agency’s authority.”

In July police officers confiscated and destroyed thousands of copies of the *Pinoy Weekly* magazine in Bulacan, calling it “illegal” because it “teaches people to fight the government.” The journalists’ union characterized it as a “clear example of dangers the Filipino people face” from the “vague provisions” of the Anti-Terrorism Act of 2020.

Libel/Slander Laws: Laws stipulate criminal penalties for libel, which authorities used to harass, intimidate, and retaliate against journalists. The statute of limitations for libel in the revised penal code lapses after one year. In the case of Rappler, however, a local court and the Department of Justice stated the statute of limitations should be 12 years because it was “considered as a more serious offense” under the cyber libel law. Experts and legal groups such as the Concerned Lawyers Civil Liberties branded this ruling “unconstitutional.”

Internet Freedom

With the exception of mobile communications blocked during special events for security purposes, the government did not restrict or disrupt access to the internet. While the government did not overtly censor online content, there were credible reports of government agencies and government-connected groups using coordinated, disguised online behavior to suppress speech critical of the government. On September 22, Facebook announced that it had dismantled several accounts for “coordinated inauthentic behavior.” The fake accounts were allegedly operated by members of the military and police, with content largely revolving around criticism of the political opposition, activism, and communism. The military disputed at least one of the removals, claiming the site was a legitimate attempt to raise awareness of the communist movement’s recruiting tactics.

There were no credible reports that the government monitored private online communication without appropriate legal authority, but student protesters received threats of physical harm and other online attacks from progovernment supporters.

The Bayanihan Act punishes “individuals or groups creating, perpetuating, or spreading false information regarding the COVID-19 crisis on social media or other platforms” that is “clearly geared to promote chaos, panic, anarchy, fear, or confusion.” Offenders face penalties of up to two months in prison or a substantial fine. Between March 9 and April 13, the PNP’s Anti-Cyber Crime Group recorded 24 cases of individuals allegedly sharing false information about the pandemic on social media. Legal groups expressed concern regarding local officials using vague provision on “fake news” in the emergency law. In April, Cebu artist Bambi Beltran was arrested without a warrant for posting a Facebook report about the rising number of COVID-19 cases in Cebu City. Cebu mayor Edgar Labella labeled her post as “fake news.” A Cebu court dismissed Beltran’s case in August for lack of jurisdiction.

On July 16, the National Bureau of Investigation subpoenaed a college student for cyber libel for sharing an online post criticizing former Duterte aide and now senator Christopher Lawrence “Bong” Go. Observers accused government officials of selectively using the cyber libel laws to suppress free expression.

Academic Freedom and Cultural Events

There were no national government restrictions on academic freedom or cultural events; however, the government continued to close schools for indigenous Lumad people on Mindanao (see section 6, Indigenous People).

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. Beginning in March, however, the government implemented restrictions on peaceful assembly in response to public health concerns related to the COVID-19 pandemic.

Freedom of Peaceful Assembly

Under Enhanced Community Quarantine rules, mass gatherings were prohibited. Modified Enhanced Community Quarantine rules permitted gatherings of up to five for religious reasons.

On April 1, residents gathered along EDSA highway in Quezon City when rumors spread that food and financial aid were to be distributed. When aid was not delivered, the group began to call on the government to provide assistance. NGOs alleged that police violently dispersed the peaceful gathering, arresting 21 individuals and holding them for five days on charges including “unlawful assembly” and “noncooperation in a health emergency.”

On June 5, police arrested at least eight Anti-Terrorism Act protesters at the University of the Philippines Cebu under the provisions of the Law on Reporting of Communicable Diseases and the Public Assembly Act. On June 26, police dispersed an LGBT Pride protest against the Anti-Terrorism Act. Police arrested 20 demonstrators, charging them with offenses under same laws.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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. Beginning on March 16, however, the government imposed graduated quarantine measures restricting movement in response to the COVID-19 pandemic.

In-Country Movement: The most severe level of lockdown, Enhanced Community Quarantine, remained in place for two months throughout much of Luzon, until May 15. This prohibited individuals from using public transportation or traveling outside their homes except to perform necessary activities, such as purchasing food, essential work duties, or to seek medical care.

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. It requires overseas workers to register and receive predeparture screening, training, and certification before traveling, and seeks to ensure that future overseas workers deal with legitimate, licensed recruitment agencies.

e. Status and Treatment of Internally Displaced Persons

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters have generated significant internal displacement. The number of internally displaced persons (IDPs) was uncertain and fluctuated widely. Counterinsurgency campaigns against the Abu Sayyaf Group, primarily in Sulu and Basilan Provinces, and clashes with the NPA, concentrated in the most geographically remote provinces, caused sporadic and small-scale displacement. Most IDPs were women and children.

In Mindanao the Office of the UN High Commissioner for Refugees reported that as of August, more than 343,322 persons were displaced and in need of durable solutions, most of whom were located in the Bangsamoro Autonomous Region of Muslim Mindanao. Of those, approximately 188,000 were displaced by natural disasters, 150,000 by armed conflict, 6,600 by clan feuds, 4,600 by crime or violence, and 60,000 due to the COVID-19 pandemic.

Government agencies, often with support from UN agencies and other international donors, provided food (although NGOs noted 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.

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

f. Protection of Refugees

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.

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

g. Stateless Persons

The Department of Justice is responsible for statelessness determinations of persons born in the country and of newly arrived persons. 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. As of July, nine stateless persons were in the country, three of whom were classified as refugees and one as an asylum seeker.

Stateless persons may be naturalized. There were no known cases of social discrimination against stateless persons or limits on their access to public services.

The Philippine and Indonesian governments continued to hold bilateral meetings regarding an agreement on registering persons of Indonesian descent at risk of statelessness in Southern Mindanao. Of those registered, 96 percent had their citizenship confirmed as of December 31, 2019.

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 based on alleged criminal history, citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court. Political candidates were allowed to substitute placeholders for themselves if unable to complete the registration process on time.

Elections and Political Participation

Recent Elections: The country conducted nationwide midterm elections in May 2019 for national and local officials. International and national observers viewed the elections as well organized and generally free and fair, but they noted vote buying continued to be widespread and that dynastic political families continued to monopolize elective offices. The PNP reported 60 incidents of election-related violence that led to 23 killings in the month leading up to the election and on election day, a 55 percent drop in violent incidents compared with the 2016 national elections. Election officials described the polls as relatively peaceful. International Alert, however, reported 144 election-related incidents in the Bangsamoro region alone, mostly fistfights and small-scale bombings. President Duterte's release of his "narco-list" ahead of the 2019 midterms as a tool to defeat opposition candidates was of uncertain effect, as the Philippine Drug Enforcement Agency confirmed that 25 of 46 politicians on it won in the midterm polls.

Barangay and youth council elections were held in May 2018. On December 3, 2019, President Duterte signed into law a bill postponing the next barangay and youth council elections, previously scheduled for 2021, to December 2022 to align the schedule with national elections.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. At the national level, women constituted nearly 30 percent of the legislature. Participation by these groups did not change significantly compared with previous elections.

Men dominated the political scene, although the number of women holding elected positions in government rose after the 2019 elections. Media commentators expressed concern that political dynasties limited opportunities for female candidates not connected to political families.

There were no Muslim or indigenous Senate members, but there were 11 Muslim members of the House of Representatives, mostly from Muslim-majority provinces, and at least three members of indigenous descent. Muslims, indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area.

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 frequently engaged in corrupt practices with impunity. Prolonged delays in the justice system reinforced the perception of impunity for the security forces and for national, provincial, and local government actors accused of corruption and human rights abuses.

President Duterte spoke frequently about his desire to fight corruption and fired public officials, including political allies, over allegations of corruption. In his July 27 state of the nation address, Duterte noted that even government COVID-19 assistance was not spared from corruption.

Corruption: To combat corruption, the constitution established the independent Office of the Ombudsman, an appellate-level anticorruption court, and the Commission on Audit. All three organizations were consistently allocated budgets below what they requested, 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.

Between January and July, the Office of the Ombudsman won 179 convictions in 258 corruption cases. Although the total number of cases in this period was down by somewhat more than 50 percent, the conviction rate increased from 63 percent in the same period in 2019 to slightly more than 69 percent during the year.

In August a former Davao del Norte congressman was convicted and sentenced to six to eight years in prison for his role in an illegal land deal between his family business and the Bureau of Corrections. On August 27, former PhilHealth CEO Ricardo Morales resigned following investigations into widespread corruption in the agency. A whistleblower reported that PhilHealth executives perpetrated a 15-billion-peso (\$308,000) fraud misusing public funds, prompting formal investigations by the Senate, the House of Representatives, and an interagency task force. On October 2, the National Bureau of Investigation charged Morales and eight other senior PhilHealth officials with graft, malversation of public funds or property, and violations of the National Internal Revenue Code.

Financial Disclosure: The law 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 modest fine, 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.

A former municipal mayor in Maguindanao was charged with dishonesty, neglect of duty, and five counts of failing to make certain disclosures in his financial statement. The former mayor was also allegedly included in the president's list of politicians involved in illegal drug activities.

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

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials were under pressure not to cooperate with or respond to the views of international human rights organizations. 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 Philippine Alliance of Human Rights Advocates reported that during a UN Human Rights Council session in May, the Philippine delegation presented a list of local organizations allegedly affiliated with leftist groups including iDefend, a human rights movement established by the alliance to campaign against the government's war on drugs and continuing impunity.

Government Human Rights Bodies: The Commission on Human Rights' 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 commission regional offices. Although the legislature doubled the commission's budget in the last two to three years, despite the executive's efforts to reduce it, the commission nonetheless lacked sufficient resources to investigate and follow up on all cases presented to its regional and subregional offices.

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

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 committee also chairs the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons, also known as the AO35 committee. This body determines the appropriate mechanisms to resolve cases of political violence. It inventories all cases of extrajudicial killings, enforced disappearances, torture, and other grave violations and classifies cases as unresolved, under investigation, under preliminary investigation, or under trial.

The Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged human rights violations in Bangsamoro.

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. The law applies to both men and women. Penalties for forcible sexual assault range from six to 12 years' imprisonment. The law criminalizes physical, sexual, and psychological harm or abuse to women (and children) committed by spouses, partners, or parents. Penalties depend on the severity of the crime and may include imprisonment or significant fines.

Authorities generally took reports of rape seriously. NGOs noted that in smaller localities perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the national police. Likewise, difficulty in obtaining rape convictions remained a challenge to effective enforcement. As of August the national police's Women and Children Protection Center recorded 4,207 cases of rape during the year, four times the number recorded during the same period of 2019, involving female and child victims. Of these, 1,735 were referred to prosecutors, and 1,885 were filed in court. The rest were either dropped, settled out of court, or dismissed. The national police filed and investigated 2,464 rape cases during the COVID-19 community quarantine period from March 15 to July 31, a significant decrease in reported cases from the same period last year.

Domestic violence against women remained a serious and widespread problem. According to the national police, reported acts of domestic violence against women decreased from 10,976 in January to July 2019 versus 6,512 for the same period during the year. Of the total, 3,745 were filed during the community quarantine period from March 15 to July 31. Local and international organizations observed alarming rise of cases of abuse against women and children during the community quarantine.

NGOs reported that cultural and social stigma deterred many women from reporting rape or domestic violence. NGOs reported that rape and sexual abuse of women in police or protective custody continued.

The national police and the Social Welfare Department both maintained help desks to assist survivors of violence against women and to encourage reporting. The national police's Women and Children Protection Center also operated a national hotline for reports of violence against women and children. In addition the social welfare department operated residential centers and community-based programs to assist women and children who were victims of rape, domestic violence, and other abuse. By the end of the second quarter, the department reported it had assisted 196 women and girls who were specifically victims of rape. With the assistance of NGOs, the Commission on Human Rights, 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 national police maintained a women and children's unit in approximately 1,800 police stations throughout the country with 2,167 help desks to deal with abuse cases. The national police assigned 5,482 officers to the desks nationwide, almost 98 percent of them women. The law provides 10 days of paid leave for domestic violence victims.

Sexual Harassment: The law prohibits sexual harassment, and violations are punishable by imprisonment from one to six months, a moderate fine, or both. Sexual harassment remained widespread and underreported, including in the workplace, due to victims' fear of losing their jobs.

The July 2019 Safe Streets and Public Spaces Act is intended to prevent and punish acts of sexual harassment in public places, online workplaces, and educational institutions. Despite the president's support for it, local organizations observed that on multiple occasions his rhetoric in fact promoted violence against women. In a March report by the Center for Women's Resources, the organization recorded at least 30 misogynistic remarks made by President Duterte, which the center described as encouraging violence against women.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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 grants men more property rights than women.

No law mandates nondiscrimination based on gender in hiring, although the law prohibits discrimination in employment based on sex. Nonetheless, women continued to face discrimination on the job as well as in hiring.

The law does not provide for divorce. Legal annulments and separation are possible, and courts generally recognized divorces obtained in other countries if one of the parties was 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. Updated estimates from the Philippine Statistics Authority on the number of unregistered children younger than age 14 were unavailable; however, NGOs continued to lobby Congress to make birth registration for children free. The lack of a birth certificate does not generally result in a denial of education or other services, but it may cause delays in some circumstances, for example if a minor becomes involved in the court system.

Education: 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. Supplemental costs, for supplies or uniforms, can in some cases be a barrier to students from poor families. The Department of Education continued to prioritize improving resources at and access to the most isolated schools, to include increasing the budget during the year for schools in the Bangsamoro, the region with the lowest rate of school attendance. According to the World Economic Forum's 2020 Global Gender Gap Report, the primary school enrollment rate for girls was equal to the rate for boys, while the rate for girls was significantly higher than the rate for boys in secondary and tertiary schools.

Child Abuse: Child abuse remained a problem. Through the second quarter of the year, the social welfare department served only 1,619 children in centers and residential care facilities nationwide, a small fraction of those in need. Several cities ran crisis centers for abused women and children.

Child, Early, and Forced Marriage: The legal minimum age for marriage for both sexes is 18 years; anyone younger than 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. The statutory rape law criminalizes sex with minors younger than 12 and sex with a child younger than 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 significant fines, depending on the gravity of the offense.

While authorities endeavored to enforce the law, inadequate prosecutorial resources and capacity to analyze computer evidence were challenges to effective enforcement. The government made serious efforts to address these crimes and collaborated with foreign law enforcement, NGOs, and international organizations.

Despite the penalties, law enforcement agencies and NGOs reported that criminals and family members continued to use minors in the production of pornography and in cybersex activities.

Children continued to be victims of sex trafficking, and the country remained a destination for foreign and domestic child sex tourists. Additionally, the live internet broadcast of young girls, boys, and sibling groups performing sex acts for paying foreigners continued. The government continued to prosecute accused pedophiles and deport those who were foreigners and to stop the entry of identified convicted sex offenders. To reduce retraumatization of child victims and spare children from having to testify, the government increased its use of plea agreements in online child sexual exploitation cases, which significantly reduced the case disposition time.

In June the national police arrested a woman for the online sex trafficking of her adult deaf sister and six children ages two to 15, including the woman's son and two nieces. Police rescued the victims from the trafficker and provided them with trauma therapy and shelter placement. In September a woman pled guilty to attempted trafficking. In a sting police caught the woman exploiting her two sisters and six-year-old daughter. The government used plea bargains and technology-based child-protective measures to prevent retraumatization.

The National Bureau of Investigation and the PNP worked closely with the Labor Department to target and close facilities suspected of sex trafficking of minors. Since the start of the COVID-19 community quarantine period from March to May, the Department of Justice's Office of Cybercrime reported 279,166 cases of online sexual exploitation of children, a 265 percent increase from the same period in 2019.

Displaced Children: While there were no recent, reliable data, involved agencies and organizations agreed there were hundreds of thousands of street children in the country. The problem was endemic nationwide and encompassed local children and the children of IDPs, asylum seekers, and refugees. Many street children were involved in begging, garbage scavenging, and petty crime.

Service agencies, including the social welfare department, provided residential and community-based services to thousands of street children nationwide, including in a limited number of residential facilities and the growing Comprehensive Program for Street Children, Street Families, and Indigenous Peoples. This program included activity centers, education and livelihood aid, and community service programs.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

An estimated 2,000 persons of Jewish heritage, almost all 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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law aims to provide affordable and accessible mental health services and provide for equal access for persons with disabilities to all public buildings and establishments.

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.

The law was not effectively enforced, and many barriers remained for persons with disabilities. 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. Government efforts to improve access to transportation for persons with disabilities were limited.

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

Some children with disabilities attended schools in mainstream or inclusive educational settings. The Department of Education's 648 separate special education centers did not provide nationwide coverage, 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.

From January to August, the social welfare department provided services to 1,306 persons with disabilities in assisted living centers and community-based vocational centers nationwide, a small fraction of the population in need. If a person with disabilities suffered violence, access to after-care services might be available through the social welfare department, crisis centers, and NGOs. Of local government units, 60 percent had a persons with disability office to assist in accessing services including health, rehabilitation, and education.

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 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 approximately 80 percent of the country's government units complied with the longstanding legal requirement that indigenous peoples be represented in policy-making bodies and local legislative councils.

Fifty-five schools for Lumad children that the Department of Education closed in 2019 for alleged deviations from the basic curriculum remained closed as of August. In that same period, the government closed 176 of the 216 tribal schools in the southern part of the country in what the Save Our Schools Network, a group of children's rights NGOs, called "continuing attacks on tribal schools."

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. Indigenous rights activist groups criticized the indigenous peoples' commission, noting that it approved projects on ancestral lands without the free, prior, and informed consent required by law.

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

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

National laws neither criminalize consensual same-sex sexual conduct among adults nor prohibit discrimination based on sexual orientation and gender identity. Eighteen cities, six provinces, three barangays, and one municipality had enacted a version of an antidiscrimination ordinance that protects lesbian, gay, bisexual, and transgender—but not intersex—rights.

Officials prohibit transgender individuals from obtaining passports that reflect their gender identity. Authorities print the gender at birth, as reported on the birth certificate, in the individual's passport, which posed difficulty for transgender persons seeking to travel, such as instances of transgender individuals being denied boarding on aircraft.

NGOs reported incidents of discrimination and abuse against LGBTI persons, including in employment, education, health care, housing, and social services. In June, Manila police arrested 20 Pride protesters for violating health safety protocols during the nationwide community quarantine. Some of those arrested reported they experienced discrimination while in detention.

HIV and AIDS Social Stigma

The law prohibits discrimination against persons with HIV or 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.

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 bars temporary or outsourced workers and workers without employment contracts from joining a union. The law 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. 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; items involving the exercise of management prerogatives, including appointment, promotion, compensation structure, and disciplinary action, are nonnegotiable.

For a private-sector strike to be legal, unions must provide advance strike notice (30 days for issues associated with collective bargaining and 15 days for issues regarding unfair labor practices), respect mandatory cooling-off periods, and obtain approval from a majority of members. The Department of Labor and Employment's National Conciliation and Mediation Board reported 199 mediation-conciliation cases from January to July. Of these, 148 cases were filed under preventive mediation, 47 under notices of strike or lockout, and four under actual strike or lockout. The National Conciliation and Mediation Board attributed the decrease of filed cases to the COVID-19 pandemic and community quarantine.

The law subjects all problems affecting labor and employment to mandatory mediation-conciliation for one month. 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.

If mediation 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, although there has never been such a conviction. The law also permits employers to dismiss union officers who knowingly participate in an illegal strike.

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 Labor Department, 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. 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 that were not commensurate with analogous crimes (although generally civil penalties were favored over criminal penalties).

In most cases the government respected freedom of association and collective bargaining and enforced laws protecting 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 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 it. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial commission, 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 were generally not commensurate with similar crimes. Administrative and judicial procedures were subject to lengthy delays and appeals.

The tripartite industrial peace council serves as the main consultative and advisory mechanism on labor and employment for organized labor, employers, and government on the formulation and implementation of labor and employment policies. It also acts as the central entity for monitoring recommendations and ratifications of ILO conventions. The Labor Department, through the industrial peace council, is responsible for coordinating the investigation, prosecution, and resolution of cases alleging violence and harassment of labor leaders and trade union activists pending before the ILO.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining. 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 nongovernmental 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 contract labor provisions by rehiring employees shortly after the expiration of the previous contract. The Labor Department reported multiple cases of workers alleging employers refused to bargain.

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

Harassment of union members continued. In April workers at a Coca-Cola plant in Laguna said unidentified armed men threatened them, took them to a military camp, and forced them to admit they were members of the NPA. In August workers at an aluminum factory in Valenzuela claimed that soldiers entered the plant and demanded the name of their union head.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Although legal penalties are commensurate with similar crimes, the government did not effectively enforce the law.

The government continued awareness-raising activities, especially in the provinces, in an effort to prevent forced labor. The Labor Department’s efforts included 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.). According to NGOs and survivors, unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic service, 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. Trade unions reported that continued poor compliance with the law was due in part to the government’s lack of capacity to inspect labor practices in the informal economy.

There were reports some persons who voluntarily surrendered to police and local government units in the violent antidrug campaign were forced to do manual labor or other activities that could amount to forced labor without charge, trial, or finding of guilt under law. Inmates are only allowed to perform manual labor within prisons at the inmates’ request.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employing children younger than age 15, including for domestic service, 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. The law also prohibits the worst forms of child labor. Children between 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 minimum age for work is lower than the compulsory education age, enticing some children to leave school before the completion of their compulsory education.

The government did not effectively enforce the law. Although the government imposed fines and instituted criminal prosecutions for child labor law violations in the formal sector, for example in manufacturing, it did not do so effectively or consistently. Fines for child labor law violations were not commensurate with analogous crimes. From January to July, the Labor Department, through its Sagip Batang Manggagawa (Rescue Child Laborers) program (part of the Health, Education, Livelihood, and Prevention, Protection, and Prosecution, Monitoring and Evaluation Convergence Program), conducted four operations and removed five minors from hazardous and exploitative working conditions. As of July the department closed two establishments for violations of child labor laws. Operations under the Sagip Batang Manggagawa program are conducted and concluded separately from the standard labor inspection process.

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 reduce the worst forms of child labor and to remove children from hazardous work under the Convergence Program. Inspections as of October found eight establishments employing 39 minors. Four of the eight establishments were found to have violated the Anti-Child Labor Law; two were immediately corrected, and two were filed in courts.

Despite these efforts, child labor remained a widespread problem. Previous cases reported to the Labor Department focused on domestic services and agricultural sectors, notably in the fishing, palm oil, and sugar cane 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 of fireworks), 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.

Online sexual exploitation of children and child soldiering also continued to be a problem (see sections 6 and 1.g., respectively).

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on age, sex, race, creed, disability, HIV or tuberculosis or hepatitis B status, 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, other communicable disease status, or social origin. While some local antidiscrimination ordinances exist at the municipal or city levels that prohibit employment discrimination against lesbian, gay, bisexual, and transgender—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 separate facilities. The Labor Department’s Bureau of Local Employment maintained registers of persons with disabilities that indicated their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

Persons with disabilities nonetheless experienced discrimination in hiring and employment. The Labor Department estimated that only 10 percent of employable persons with disabilities were able to find work. Between January and July, no cases were filed to enforce the law. The government did not effectively monitor laws prohibiting employment discrimination or promoting the employment of persons with disabilities. Penalties were commensurate with other crimes.

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.

Discrimination in employment and occupation against LGBTI persons occurred; a number of LGBTI organizations submitted anecdotal reports of discriminatory practices that affected the employment of LGBTI persons. Discrimination cases included the enforcement of rules, policies, and regulations that disadvantaged LGBTI persons in the workplace.

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 occupied positions at all levels of the workforce.

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

e. Acceptable Conditions of Work

Official minimum wages were below the poverty line. 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 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. While there were no reliable recent data, informed observers believed two million or more persons were employed as domestic workers, with nearly 85 percent being women or girls as young as age 15.

Penalties for noncompliance with increases or adjustments in mandatory minimum wage rates are modest fines, imprisonment of one to two years, or both. In addition to fines, the government used administrative procedures and moral persuasion to encourage employers to rectify violations voluntarily. The penalties were commensurate with similar crimes. The government did not effectively enforce minimum wage laws. Violations of minimum wage standards were common. Many firms hired employees for less than minimum wage apprentice rates, even if there was no approved training in their work. Complaints about payment under the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the Special Economic Zones.

The law provides for a comprehensive set of appropriate occupational safety and health standards. Regulations for small-scale mining, for example, prohibit certain harmful 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 monitors and inspects compliance with labor law in all sectors, including workers in the formal and informal sectors, nontraditional laborers, as well as inspects Special Economic Zones 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, was insufficient for the workforce of 42 million, particularly in rural areas. The Labor Department prioritized increasing the number of officers while 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 Labor Department 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 unannounced 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. Violations from January to July dropped significantly from the same period in 2019 because of COVID-19 quarantine restrictions, with 3,678 for general labor standards, 1,457 for violations of minimum wage rates, and 6,908 for occupational safety and health standards. 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. Penalties were commensurate with those for similar crimes. The Labor Department’s Bureau of Working Conditions did not close any establishments during the year. Such closures require prior notification and hearings.

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 Bureau of Working Conditions recorded 46 work-related accidents that caused 26 deaths and 2 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

A labor department order sets 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 in the law, and the government enforced it inconsistently. Media reported, for example, 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.

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

The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices.

ecoi.net summary:

Annual report on human rights in 2020



Country:

Philippines

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines/>

Document type:

Periodical Report

Language:

English

Published:

30 March 2021

Document ID:

2048464

Austrian Red Cross
Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

