

Philippines

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Philippines

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Part 1: Overview of the Philippines

A. Country Background

Philippines Facts	
Geographical size	300,000 sq km
Population	92,337.9 million
Ethnic breakdown	The majority of people are of Austronesian descent and include the Moros, the Aetas, the Ibaloi, the Ifugao, the Ilonggo, Ilocano, and the Tagalog
Official language: Recognized regional languages:	Filipino/English 110 recognized ethno-linguistic groups using 8 major dialects: Bikol, Cebuano, Hiligaynon (Ilonggo), Ilocano, Kapampangan, Pangasinan, Tagalog, and Waray
Literacy rate	97.5%
Life expectancy	68.27 (Men: 64.91; Women: 71.79)
GDP	US\$284.8 billion
Government	Democratic and republican state. Presidential form of government where power is divided amongst legislative, executive, and judicial branches. Follows the principle of separation of powers.
Political and social situation	Despite regular elections, problems include corruption leading to vote buying and selling and the undue influence of political dynasties.

The Philippines is an archipelagic state in Southeast Asia with an area of 300,000 square kilometres.¹ It is made up of over 7,107 islands, out of which 3,144 are named. Luzon, Visayas, and Mindanao are the three largest groups of islands which are further subdivided into 17 regions, 80 provinces, 143 cities, 1,491 municipalities, and 42,028 barangays as of 2013.

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1 'Philippines in Figures 2014' National Statistics Office, available at <https://psa.gov.ph/sites/default/files/2014%20PIF.pdf>, accessed on 18 August 2016.

The total population of the Philippines is 92,337.9 million based on the 2010 Census of Population and Housing conducted by the National Statistics Office.² It has an average population growth rate of 1.72 (2010-2015)³ which is estimated to reach 99.14 million as of 2014.⁴ Filipinos have a life expectancy of 68.27 years: women can expect to live to 71.79 years while men can only anticipate 64.91 years.⁵ Also regarding life expectancy, out of 191 countries, the Philippines dropped from 129th in 2013 to 130th in 2014.⁶ The Philippines has a literacy rate of 97.5% as of 2013, which is an improvement over previous years.⁷

The Philippines has a population of over 14 million people belonging to 110 recognized ethno-linguistic groups.⁸ These are mainly concentrated in Northern Luzon (Cordillera administrative region) and Mindanao, with some groups in the Visayas area.⁹ Among these groups are the Moros, the Aetas, the Ibaloi, the Ifugao, the Ilonggo, the Ilocano, and the Tagalog. Amongst the many languages used in the country, the two official ones are Filipino and English. The Philippines has 8 major dialects: Bikol, Cebuano, Hiligaynon (Ilonggo), Ilocano, Kapampangan, Pangasinan, Tagalog, and Waray.¹⁰ According to a report by Ethnologue, the number of individual languages listed for Philippines is 187, out of which 183 are living and 4 are extinct. Of the living languages, 175 are indigenous and 8 are non-indigenous. Furthermore, 41 are institutional, 73 are developing, 45 are vigorous, 13 are in trouble, and 11 are dying.¹¹

As of 2014, the gross domestic product of the Philippines is US\$284.8 billion representing 0.46 percent of the world economy. From 1960 to 2014, it averaged US\$64.96 billion, reaching an all-time high of US\$284.78 billion in 2014 and a record low of US\$4.40 billion in 1962.¹²

2 'Philippines in Figures 2014' National Statistics Office, available at <https://psa.gov.ph/sites/default/files/2014%20PIF.pdf>, accessed on 18 August 2016.

3 'Philippines in Figures 2014' National Statistics Office, available at <https://psa.gov.ph/sites/default/files/2014%20PIF.pdf>, accessed on 18 August 2016.

4 'Data, Philippines' The World Bank, available at <http://data.worldbank.org/country/philippines>, accessed on 7 April 2016.

5 'Life expectancy increases in Philippines' CountryEconomy.com, available at <http://countryeconomy.com/demography/life-expectancy/philippines>, accessed on 7 April 2016.

6 'Life expectancy increases in Philippines' CountryEconomy.com, available at <http://countryeconomy.com/demography/life-expectancy/philippines>, accessed on 7 April 2016.

7 Desiderio, L, 'Phl literacy rate improves to 97.5% - NSO' PhilStar, available at <http://www.philstar.com/business/2013/12/31/1273515/phl-literacy-rate-improves-97.5-nso>, accessed on 7 April 2016.

8 'Indigenous peoples in the Philippines' United Nations Development Programme, available at <http://www.ph.undp.org/content/dam/philippines/docs/Governance/fastFacts6%20-%20Indigenous%20Peoples%20in%20the%20Philippines%20rev%201.5.pdf>, accessed on 7 April 2016.

9 'Indigenous peoples in the Philippines' United Nations Development Programme, available at <http://www.ph.undp.org/content/dam/philippines/docs/Governance/fastFacts6%20-%20Indigenous%20Peoples%20in%20the%20Philippines%20rev%201.5.pdf>, accessed on 7 April 2016.

10 'Major languages of the Philippines' available at <http://www.csun.edu/~lan56728/majorlanguages.htm>, accessed on 7 April 2016.

11 'Philippines' Ethnologue: Languages of the World, available at <http://www.ethnologue.com/country/PH>, accessed on 7 April 2016.

12 'Philippines GDP' Trading Economics, available at <http://www.tradingeconomics.com/philippines/gdp>, accessed on 7 April 2016.

System of governance

The 1987 Philippine Constitution provides that “[t]he Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.”¹³ It has a presidential form of government where power is divided amongst three major branches: legislative, executive, and judicial, following the principle of separation of powers.¹⁴

The executive department is composed of the President and the Vice President who are elected by direct popular vote, each serving a term of six years. The Constitution grants the President authority to appoint a cabinet, which forms a large portion of the country’s bureaucracy.¹⁵ The cabinet is composed of secretaries who advise the President on issues important for the development of the State.¹⁶ These sectors include education, agriculture, finance, foreign policy, national defence, social welfare, health, transportation and communication, and the environment.¹⁷

In 2011, incumbent President Benigno S Aquino III issued an order establishing the Cabinet Cluster System which identified five key result areas, namely: (1) good governance and anti-corruption; (2) human development and poverty reduction; (3) economic development; (4) security, justice and peace; and (5) climate change adaptation and mitigation.¹⁸ The cluster system was established to help the President effectively implement the Philippine Development Plan (essentially a blueprint for achieving presidential development targets).

The legislative department makes laws, alters, and repeals them through the power vested in the Philippine Congress.¹⁹ The Congress is made up of the Senate, composed of 24 senators who are elected at large by qualified voters²⁰ and the House of Representatives, which shall be composed of not more than 250 members, representing each district around the country (unless otherwise fixed by law), 20% of whom must be party-list representatives.²¹

13 1987 Philippine Constitution, Art II, Sec 1.

14 Philippine Government, Official Gazette, available at <http://www.gov.ph/about/gov/>, accessed on 7 April 2016.

15 Philippine Government, Official Gazette, available at <http://www.gov.ph/about/gov/>, accessed on 7 April 2016.

16 Philippine Government, Official Gazette, available at <http://www.gov.ph/about/gov/>, accessed on 7 April 2016.

17 List of current members of the Cabinet, Official Gazette, available at <http://www.gov.ph/lists/members-of-the-cabinet/>, accessed on 7 April 2016.

18 ‘Pursuing Our Social Contract with the Filipino through the Reorganization of the Cabinet Clusters’ Executive Order No 43 (series of 2011).

19 ‘The Legislative Branch’ Official Gazette, available at <http://www.gov.ph/about/gov/the-legislative-branch/>, accessed on 21 August 2016.

20 1987 Constitution, Art VI, Sec 2.

21 1987 Constitution, Art VI, Sec 5.

Under the Philippine legislative system, the law-making process begins with the introduction of a bill from either the Senate or the House of Representatives. Final drafts of bills are submitted to the President after undergoing separate procedures in the two chambers, and on certain occasions, a Joint Committee, wherein both houses would be duly represented.²²

A Legislative Executive Development Advisory Council serves as a consultative and advisory body to the President on programs and policies essential to the realization of the goals of the national economy.²³ The Council is responsible for the Common Legislative Agenda which is a listing of bills from both Houses of Congress that have been certified as presidential priority measures.

The judicial department holds the power to settle controversies involving rights that are legally demandable and enforceable. This branch determines whether or not there has been a grave abuse of discretion amounting to a lack or an excess of jurisdiction on the part and instrumentality of government. It consists of a Supreme Court and lower courts.²⁴ The Constitution expressly grants the Supreme Court the power of judicial review to declare a treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance or regulation, unconstitutional.²⁵ Appointments to the judiciary are made by the President based on a list submitted by the Judicial and Bar Council under supervision of the Supreme Court.²⁶

Political and social situation

The Philippines holds elections to choose future leaders. However, vote buying and selling pervades and disrupts the process,²⁷ as does the problem of political dynasties. Many candidates, and eventual winners of election contests in certain districts, or even national posts, often belong to the same family or clan.²⁸ Although the Philippines has a constitutional clause against political dynasties, Congress has not yet acted upon it.²⁹

The Philippines continues to be riddled with corruption although poverty alleviation plans are slowly taking effect. The Philippines is the 95th least corrupt nation out

22 'The Legislative Branch' Official Gazette, available at <http://www.gov.ph/about/gov/the-legislative-branch/>, accessed on 21 August 2016.

23 'An Act Constituting the Legislative-Executive Development Advisory Council' Republic Act 7640.

24 Philippine Government, Official Gazette, available at <http://www.gov.ph/about/gov/>, accessed on 7 April 2016.

25 Philippine Government, Official Gazette, available at <http://www.gov.ph/about/gov/>, accessed on 7 April 2016.

26 1987 Constitution, Art VIII, Sec 8.

27 'The vicious cycle of vote-buying and vote-selling' Philippines Today, 24 February 2007, available at <http://www.philippinestoday.net/archives/249>, accessed on 7 April 2016.

28 'Political dynasties in the Philippines' CNN, 21 September 2014, available at <http://ireport.cnn.com/docs/DOC-1172336>, accessed on 7 April 2015.

29 1987 Constitution, Art II, Sec 26.

of 175 countries, according to the 2015 Corruption Perceptions Index reported by Transparency International, an organization that reports on corruption levels of countries around the world.³⁰ Its corruption rank averaged at 91.67 from 1995 until 2015, reaching an all-time high of 141 in 2008 and a record low of 36 in 1995.³¹

According to a study entitled ‘Economic and political challenges in the Philippines’ published by the Carnegie Endowment for International Peace, the Philippines has a “system designed against development” noting the following:

- **Structural problems:** the roots of underdevelopment lie in the underlying structure of the Philippines’ economy, which is mostly rural, agricultural, and suffering from low productivity, Nye claimed. He added that China, the greatest developmental success story in recent decades, owes much of its growth to the migration of workers from the rural inland to highly productive coastal regions.
- **Regulations:** commercial, regulatory, and labour market distortions have prevented a similar transition from taking place in the Philippines, Nye argued. High minimum wages and ‘regularization’ policies that prevent companies from firing employees, apply only to the formal commercial sector, hobbling its growth. This has resulted in two classes of workers: the privileged few enjoying the benefits of such regulations in the modern sector, and the vast majority stuck in low productivity jobs in the informal and agricultural sectors.
- **Land reforms:** while the government has transferred land to poor Filipinos, the recipients are prohibited from selling it or buying additional land, explained Nye. As a result, most beneficiaries resell their land to agricultural elites through shadowy arrangements, further entrenching inequality.
- **‘Legalism’ not the answer:** additional laws and regulations would do little to solve the paradox of the Philippine government, which does both too much and too little to promote growth, concluded Nye. Instead, policymakers should identify which rules are productive and crucial to development and jettison those that are not.³²

30 ‘Corruptions Perceptions Index 2014: results’ Transparency International, available at <https://www.transparency.org/cpi2014/results#myAnchor1>, accessed on 7 April 2016.

31 ‘Philippines corruption rank’ Trading Economics, available at <http://www.tradingeconomics.com/philippines/corruption-rank>, accessed on 7 April 2016.

32 Hofman, Nye, Rood, and Nehru, Economic and Political Challenges in the Philippines, Carnegie Endowment for International Peace, available at <http://carnegieendowment.org/2012/04/27/economic-and-political-challenges-in-philippines>, accessed on 7 April 2016.

B. International Human Rights Commitments and Obligations

The 1987 Philippine Constitution declares as a matter of principle that “[t]he State values the dignity of every human person and guarantees full respect for human rights.”³³ It further provides that the Philippines adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations.³⁴

Following the internationally accepted principle of *pacta sunt servanda*, the Philippines, in adhering to the Universal Declaration on Human Rights and having ratified eight core human rights treaties, six optional protocols, and many other key human rights and humanitarian conventions and treaties, is bound to bring its laws and practices into accord with the accepted international obligations and is prevented from introducing new laws or practices at variance with such obligations. Table 1 (below) provides an overview of the international instruments the Philippines has ratified.

33 1987 Constitution, Art II, Sec 11.

34 1987 Constitution, Art II, Sec 2.

Table 1: Ratification Status of International Instruments – Philippines³⁵

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Punishment		18 Jun 1986 (a)
Optional Protocol of the Convention against Torture		17 Apr 2012 (a)
International Covenant on Civil and Political Rights	19 Dec 1966	23 Oct 1986
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	20 Sep 2006	20 Nov 2007
Convention for the Protection of All Persons from Enforced Disappearance		
Convention on the Elimination of All Forms of Discrimination against Women	15 Jul 1980	5 Aug 1981
International Convention on the Elimination of All Forms of Racial Discrimination	7 Mar 1966	15 Sep 1967
International Covenant on Economic, Social and Cultural Rights	19 Dec 1966	7 Jun 1974
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	15 Nov 1993	5 Jul 1995
Convention on the Rights of the Child	26 Jan 1990	21 Aug 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	8 Sep 2000	26 Aug 2003
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	8 Sep 2000	28 May 2002
Convention on the Rights of Persons with Disabilities	25 Sep 2007	15 Apr 2008

³⁵ United Nations Human Rights, Office of the High Commissioner, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx, accessed on 22 October 2016.

Table 2: Reporting Dates to Conventions – Philippines

Treaty	Reports	
	Reporting Cycle	Session (Year)
Convention against Torture and Other Cruel, Inhuman or Degrading Punishment	III	57 (2016)
	II	42 (2009)
	I	2 (1986)
International Covenant on Civil and Political Rights	V	106 (2012)
	IV	104 (2012)
	IV	79 (2003)
	II-III	35 (1989)
International Covenant on Economic, Social and Cultural Rights	I	
	V-VI	59 (2016)
	II	WG (1984)
	II-IV	(1984)
	I	41 (2008)
Convention on the Rights of the Child	I	WG (1980)
	I	(1980)
	I	4 (1990)
	I	12 (1995)
	V-VI	
Convention on the Elimination of All Forms of Discrimination against Women	III-IV	52 (2009)
	II	39 (2005)
	I	8 (1995)
	VII-VIII	64 (2016)
International Convention on the Elimination of All Forms of Racial Discrimination	V-VI	36 (2006)
	IV	16 (1997)
	III	16 (1997)
	II	10 (1991)
	I	3 (1984)
	XXI-XXII	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	XV-XX	75 (2009)
	XI-XIV	51 (1997)
	VIII-X	37 (1989)
	VII	26 (1982)
	VI	22 (1980)
	V	19 (1979)
	IV	15 (1977)
	III	9 (1974)
	II	7 (1973)
	I	2 (1970)
Convention on the Rights of Persons with Disabilities	III	
	II	20 (2014)
	II	16 (2012)
Convention for the Protection of All Persons from Enforced Disappearance	I	10 (2009)
	n/a	n/a

Part 2: Outstanding Human Rights Issues

A. Trafficking in Persons

The Philippine Statistics Authority's 2014 Survey on Overseas Filipinos shows the number of Filipinos working abroad increasing to 2.32 million.³⁶

The 2014 Trafficking in Persons Report (TIPR), released annually by the US Department of State, shows that the Philippines remains at Tier 2 under the three-tier ranking system.³⁷ The TIPR noted that while the Philippines has made significant efforts to combat trafficking, the government has not yet fully complied with the minimum standards required to eliminate trafficking.³⁸ However, the US did commend its efforts to implement anti-trafficking laws and policies nationwide and noted that funding for the Agency Council Against Trafficking (IACAT) nearly doubled to the equivalent of approximately US\$2.4 million dollars in 2013. It also recognized government efforts to prevent the trafficking of overseas workers, proactively identify and rescue victims exploited within the country, and convict 31 trafficking offenders as compared with only 25 the previous year.³⁹

However, despite government efforts and partnerships with civil society, the Philippines remains a source country and, to a much lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labour.⁴⁰ The 2014 TIPR noted the following challenges:

- **“Low conviction rates”** The overall number of convictions remained low compared to the size of the problem. The Philippines prohibits sex and labour trafficking through its 2003 Anti-Trafficking in Persons Act and the Expanded Anti-Trafficking in Persons Act of 2012, which prescribe penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting year, 317 new cases of trafficking were filed at the Department of Justice and prosecutors' offices nationwide, and of the 190 filed in various courts, 663 defendants were prosecuted. The government convicted 31 sex trafficking offenders,

36 '2010-2014 overseas employment statistics' Philippine Overseas Employment Administration, available at <http://www.poea.gov.ph/stats/2014%20POEA%20Stats.pdf>, accessed on 7 April 2016.

37 '2014 TIP report: Philippines' US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226799.htm>, accessed on 21 August 2016.

38 '2014 TIP report: Philippines' US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226799.htm>, accessed on 21 August 2016.

39 '2014 TIP report: Philippines' US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226799.htm>, accessed on 21 August 2016.

40 '2014 TIP report: Philippines' US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226799.htm>, accessed on 21 August 2016.

compared with 25 in the previous year but there were no convictions for labour trafficking with government and NGO observers estimating the average length of trafficking cases to be between 3½ and 5 years.

- **“Complicity of law enforcement officials”** Government corruption enabled traffickers to operate with impunity. Corrupt officials in government units and agencies assigned to enforce laws against human trafficking reportedly accepted payments or sexual services from establishments where trafficking was known to occur, facilitated illegal departures for overseas workers, and accepted bribes to downgrade charges.

In particular, the government investigated allegations that personnel working in Philippine embassies in the Middle East mistreated and re-victimized Filipina victims of domestic servitude by sexually harassing them, failing to pursue their legal cases, withholding back wages procured for them, re-trafficking them into domestic servitude, and coercing sexual acts in exchange for government protection services. As a result, the government formed a taskforce to investigate the allegations, recalled twelve high-level officials, including ambassadors, to participate in the investigation, and filed administrative charges against three labour officials involved in the case, but to date, no criminal charges have been filed.

- **“Limited service to victims”** The government continued to proactively identify and provide limited services to victims, but efforts were inadequate to serve the large number of victims in the country. Comprehensive statistics for the total number of victims identified and assisted were not available. IACAT taskforces and law enforcement agencies conducted 178 joint rescue operations and the Department of Social Welfare and Development (DSWD) reported assisting 1,824 trafficking victims. The majority received some shelter, medical services, legal assistance, and limited skills training from the government; an unknown number also received financial assistance to seek employment or start their own businesses.
- **“Negligible preventive measures”** The government’s efforts to reduce the demand for commercial sex acts in the Philippines were negligible. Victims continue to be trafficked each day in well-known, highly visible establishments, most of which have never been the target of anti-trafficking law enforcement action.⁴¹

⁴¹ ‘2014 TIP report: Philippines’ US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226799.htm>, accessed on 21 August 2016.

B. Extra-Judicial Killings, Enforced or Involuntary Disappearances, and Torture

The Philippines, while not yet a party to the Convention for the Protection of All Persons from Enforced Disappearance, is the first country in Asia to pass a law that criminalizes the practice of “enforced or involuntary disappearance,” defined as:

the arrest, detention, abduction or any other form of deprivation of liberty committed by government authorities or by persons or groups of persons acting with the authorization, support or acquiescence of such persons in authority, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.⁴²

In 2012, President Benigno S Aquino III issued Administrative Order No 35 (AO 35) to create a high level inter-agency committee, chaired by the Secretary of Justice for the resolution of cases of extra-judicial killings, enforced or involuntary disappearances, torture and other grave violations of the right to life, liberty and the security of persons. In addition, the Ombudsman and the Commission on Human Rights participate as independent observers of the Committee.

The Committee, supported by its technical working group and Secretariat, conducted an inventory of unresolved cases, adding to the list new cases referred by government and non-government entities. But over the past few years, the role of the Committee has transcended into a mechanism, not just to inventory and monitor cases, but also to identify patterns of impunity, vulnerabilities and areas for improvement, which has led to important policy changes.

Recognizing the sense of urgency in resolving cases involving extra-judicial killings, enforced disappearances, and torture, the AO 35 mechanism also allowed for the creation of composite teams of prosecutors and investigators to encourage collaboration, cooperation, and coordination in the investigation and build-up of cases.⁴³ It should be noted that due to certain considerations (such as possible conflicts of interest), prosecutors do not generally participate in investigations and case build-ups. To this end, a series of three-day orientation workshops on collaborative case handling for AO 35 investigators and prosecutors primarily focused on strengthening the linkage between the two groups as well as on improving legal and forensic capabilities.

⁴² Anti-Enforced or Involuntary Disappearance Act of 2012, Republic Act 10350.

⁴³ ‘Inter-Agency Committee on extra-legal killings and enforced disappearance meet to adopt guidelines for investigation and prosecution’ Republic of the Philippines, Department of Justice, available at <http://www.doj.gov.ph/news.html?title=Inter-Agency+Committee+on+Extra-Legal+Killings+and+Enforced+Disappearance+Meet+to+Adopt+Guidelines+for+Investigation+and+Prosecution&newsid=178>, accessed on 22 August 2016.

As part of its stakeholder engagement program, the Department of Justice, through the AO 35 Committee, is now in the process of finalizing a Memorandum of Agreement with the National Monitoring Mechanism (NMM), a tripartite committee that will bring together government agencies, non-government organizations, and civil society organizations in a credible and inclusive forum to monitor the nation's progress on the resolution of human rights violations or cases prioritizing extra-judicial killings, enforced disappearances, and torture in the immediate. Collaborative efforts on the development of information and education materials have likewise been undertaken; the primary objective being to engage communities and facilitate reporting of cases while providing support to victims and their families with the end aim of securing the cooperation of witnesses until cases have been successfully resolved.

The 2014 Country Reports on Human Rights Practices (also known as 'the Human Rights Report') released by the US Secretary of State, highlighted that extrajudicial killings remain foremost amongst human rights challenges in the Philippines.⁴⁴ While significant efforts have been undertaken to address the issue of impunity, this has not led to a successful resolution of cases.

Some positive developments involving high-profile extra-judicial killings and work-related media killings resulted in the conviction of Marlon Recamata in 2013, the gunman in the 2011 murder of Gerardo 'Doc Gerry' Ortega, an environmentalist and radio broadcaster of RMN Palawan who exposed corruption in Palawan by accusing former governor, Mayor Joel Reyes, of misusing the Malampaya fund;⁴⁵ and the arrest of retired Major General Jovito Palparan, infamously tagged as 'berdugo' (butcher) by human rights activists in August 2014. It should be noted that the government raised a P2-million bounty for the capture of the retired general who is hailed by military peers for his relentless campaign against communism and assailed by human rights groups for allegedly killing innocent civilians, among them, University of the Philippines students, Sherlyn Cadapan and Karen Empeno.⁴⁶

Furthermore, despite the passage of an anti-torture law in 2009, to date it has not been applied to find any police personnel guilty of torture.

44 'Despite gains, challenges remain according to the 2014 United States human rights report on the Philippines' US Embassy in the Philippines, available at <https://ph.usembassy.gov/u-s-embassy-manila-press-statement-despite-gains-challenges-remains-according-to-the-2014-united-states-human-rights-report-on-the-philippines/>, accessed on 22 August 2016.

45 'Timeline: Gerry Ortega murder case' Rappler, available at <http://www.rappler.com/newsbreak/iq/106638-timeline-gerry-ortega-murder-case>, accessed on 22 August 2016.

46 'General Palparan, 'The Butcher,' arrested in Manila' Rappler, available at <http://www.rappler.com/nation/65942-palparan-arrested-manila>, accessed on 22 August 2016.

C. Internally Displaced Persons (IDPs)

In recent years, the importance of enacting legislation to outline and protect the rights of IDPs was highlighted by natural hazard-related disasters such as Typhoon Bopha (2012), the Bohol earthquake (2013), Typhoon Haiyan (2013), and the Zamboanga siege. Moreover, an estimated 123,800 people were displaced in 2014 mostly due to armed conflicts (71,800), crime and violence (32,000), and clan-related violence (20,000). Based on government reports, it is estimated that a further 5.8 million people were displaced by natural hazard-related disasters in 2014.⁴⁷

Correlatively, the 2015 TIPR states that women and children from impoverished families, typhoon-stricken communities, and conflict-affected areas in Mindanao are subject to domestic servitude, forced begging, forced labour in small factories, and sex trafficking in Manila, Cebu, Angeles, and urbanized cities in Mindanao.⁴⁸

Despite the increasing numbers of IDPs, the draft bill for their protection submitted under the 15th Congress was vetoed by the President for being in conflict with the Constitution on the following grounds:⁴⁹

- The provision on damages unlawfully differentiates between displacements caused by security agents of the State and other entities;
- The power granted to the CHRP to determine damages incurred against IDPs and to facilitate the award of such claims belongs exclusively to the judiciary, thus impinging on the latter's exclusive constitutional power;
- The additional powers granted to the CHRP exceed its constitutional mandate as an investigative and recommendatory agency exercising limited powers; and
- The provision allowing individuals to claim assistance and compensation from the government opens the door to a slew of claims or cases and goes against the 'non-suability' character of the State.

Furthermore, the bill which incorporates the United Nations Guiding Principles on Internal Displacement will again have to undergo the legislative process upon refile. Under the Guiding Principles, competent authorities, at the minimum, shall provide IDPs with, and ensure safe access to: (a) essential food and potable water; (b) basic shelter and housing; (c) appropriate clothing; and (d) essential medical services and

47 'Philippines IDP figures analysis' Internal Displacement Monitoring Centre, available at <http://www.internal-displacement.org/south-and-south-east-asia/philippines/figures-analysis>, accessed on 22 August 2016.

48 '2015 trafficking in persons report: Philippines' US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243514.htm>, accessed on 21 August 2016.

49 'Veto message of President Aquino on Senate Bill No 3317 and House Bill No 5627' Official Gazette, available at <http://www.gov.ph/2013/05/24/veto-message-of-president-aquino-on-senate-bill-no-3317-and-house-bill-no-5627/>, accessed on 22 August 2016.

sanitation.⁵⁰ Essentially, the bill states that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to displaced persons within their jurisdiction, without discrimination of any kind.

The Philippines is a member of the Steering Group of the Nansen Initiative, a state-led consultative process that strives to build consensus on a global protection agenda addressing the needs of people displaced across borders in the context of natural disasters, including the effects of climate change. On 15-17 October 2014, the Philippine government co-sponsored the Regional Consultation on Disasters and Displacement in South Asia. Through interventions from both government and non-government sectors, significant provisions were included in the Outcome Document, such as the importance of receiving States acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁵¹

D. Reproductive Health (RH)

In December 2012, President Benigno Aquino III, despite pressure from the Catholic Church, signed Republic Act 10354 or the ‘The Responsible Parenthood and Reproductive Health Act of 2012.’ The law which took 13 years and 4 months to pass in Congress seeks to control population through effective sex education, especially of women. However, the Supreme Court suspended the implementation of the same after church groups filed petitions arguing it was unconstitutional. In a unanimous decision, the Court eventually declared the reproductive health law constitutional but voted to strike down the following eight provisions, partially or in full:⁵²

- Section 7, only insofar as it: (a) requires private health facilities, non-maternity specialty hospitals, and hospitals owned by religious groups to refer patients not in an emergency or life-threatening situation to another health facility which is conveniently accessible; (b) provides access to family planning and RH services to minors who have been pregnant or had a miscarriage without parental consent.

The rest of Sec 7, however, which provides access to family planning, was upheld by the court, notably this line: “All accredited public health facilities shall provide a full range of modern family planning methods, which shall also include medical consultations, supplies, and necessary and reasonable

50 United Nations Guiding Principles on Internal Displacement, available at <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>, accessed on 22 August 2016.

51 ‘Outcome report: Southeast Asia regional consultation’ The Nansen Initiative, available at <https://www.nanseninitiative.org/south-east-asia-consultation-intergovernmental/>, accessed on 22 August 2016.

52 ‘SC declares RH law constitutional’ Rappler, available at <http://www.rappler.com/nation/54946-supreme-court-rh-law-constitutional>, accessed on 21 August 2016.

procedures for poor and marginalized couples having infertility issues who desire to have children.”

- Section 23-A-1, which punishes RH providers, regardless of their religious beliefs, who fail or refuse to disseminate information regarding RH services and programs.
- Section 23-A-2-i, which allows a married individual not in a life-threatening case to access RH procedures without their spouse’s consent.
- Section 23-A-2-ii, which prohibits RH service providers from refusing to perform legal and medically-safe reproductive health procedures on minors in non-life-threatening situations without parental consent.
- Section 23-A-3, insofar as it punishes an RH provider who fails to refer any non-life-threatening cases to another RH provider.
- Section 23-B, insofar as it punishes any public officer who refuses to support RH programs.
- Section 17, which mandates a 40-hour pro bono service by private and non-government RH service providers, including gynaecologists and obstetricians, as a prerequisite for PhilHealth accreditation.
- Sections 3.01-A and J of the RH law Implementing Rules and Regulations (IRR), which defines abortifacients as ‘primarily’ inducing abortion instead of simply inducing abortion.

While the struck-down provisions do not diminish the law, according to former and incumbent lawmakers who helped craft it, it is evident that the issue of reproductive health remains a divisive one.⁵³ More significantly, the events that transpired reflect the enormous influence of the Catholic Church. With over 80% of the country’s 100 million population among its members, street protests denouncing the law as ‘evil’ were rife and President Aquino was even threatened with excommunication.⁵⁴

53 ‘SC declares RH law constitutional’ Rappler, available at <http://www.rappler.com/nation/54946-supreme-court-rh-law-constitutional>, accessed on 21 August 2016.

54 ‘SC declares RH law constitutional’ Rappler, available at <http://www.rappler.com/nation/54946-supreme-court-rh-law-constitutional>, accessed on 21 August 2016.

E. Peace in Mindanao

The problem of Mindanao aptly illustrates a disconnect felt by some Filipinos. In an area where many indigenous groups reside, armed groups such as the Moro Islamic Liberation Front (MILF) and the New People's Army (NPA) to name but a few, frequently disrupt the peace. Such disturbances began for many reasons including discrimination, Islamic revivalism, opposition to the Marcos dictatorship, and the Jabidah massacre of Muslim soldiers during their military service.⁵⁵ These armed groups strive for Mindanao to become an independent state, even reaching a point where the government formed an agreement with the MILF to create the Bangsamoro Law. However, talks ground to a halt following the death of forty-four Special Action Force soldiers at the hands of the MILF and the Bangsamoro Islamic Freedom Fighters (BIFF).⁵⁶

F. Children

In 2014, the Philippine Country Taskforce for Monitoring and Reporting recorded a total of 162 allegations of grave violations against children. This represents an increase compared to 2013, which recorded a total of 123 allegations. Such violations continue to be documented in 2015, including many against indigenous children.

Part 3: Conclusion

The Philippines has made real progress in the development of human rights. With increased access to education and social media, and the continued cooperation and tireless efforts of all stakeholders from both government and non-government sectors, there is a growing awareness of the subject, be it misplaced at times. Consequently, the value of incorporating human dignity into every aspect of government policy, programs, and activities in order to ensure inclusive growth, has highlighted the need for more human rights advocates in government.

However, myriad challenges to achieving a just and humane Philippine society include the existence of weak institutional and legal human rights frameworks. To counteract this, a national institution, the Commission on Human Rights of the Philippines (CHRP), was created under the 1987 Constitution to, e.g. investigate human rights violations, monitor government compliance with international human rights obligations, and provide human rights education and training. The CHRP has also been

⁵⁵ 'Struggle for self-determination in Mindanao' Conciliation Resources, available at <http://www.c-r.org/where-we-work/southeast-asia/history-mindanao-conflict-and-moro-islamic-liberation-front>, accessed on 7 April 2016.

⁵⁶ Cupin, B, 'The SAF 44: our sons, our heroes' Rappler, available at <http://www.rappler.com/nation/82286-nnp-saf-slain-maguindanao-clash>, accessed on 7 April 2016.

given additional substantive roles under the Magna Carta of Women, the Anti-Torture Law, and international humanitarian law. Notwithstanding this, the long overdue bill which aims to strengthen this organisation remains to be passed.

Further, a high-level Presidential Human Rights Committee (PHRC) chaired by the Executive Secretary and supported by a Secretariat, attached to no less than the Office of the President, has also been mandated to serve as a primary advisory body to the President. This seeks to effectively address all human rights concerns/issues in the country through the coordination of government agencies and the private sector, including national human rights institutions, non-governmental organizations, civil society organizations, and sectoral groups.⁵⁷ However, the role of the PHRC, as performed through the Secretariat, has been largely confined to rendering staff and technical support to the lead agencies monitoring Philippine compliance to the core human rights treaties it is a party to.

Lead government agencies have been designated for each of the international human rights treaties, to facilitate their implementation, follow-up, and reporting, and to review their progress and the challenges and lessons learned in consultation with relevant governmental agencies, non-governmental organizations, and the basic sector representatives making up Philippine society. However, clear indicators to measure the impact of policy changes and reforms are lacking.

⁵⁷ 'Strengthening and Increasing the Membership of the Presidential Human Rights Committee, and Expanding Further the Functions of Said Committee' Administrative Order (AO) 163 (series of 2006).