

# **PHILIPPINES 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Philippines is a multi-party, constitutional republic with a bicameral legislature. President Rodrigo Roa Duterte, elected in May 2016, began his constitutionally limited six-year term in June 2016. The 2016 presidential election was generally seen as free and fair. Barangay (village) and youth council elections originally scheduled for 2016 were twice postponed but ultimately held in May. These, too, were generally free and fair, although there were reports of violence and vote buying.

Civilian control over the Philippine National Police (PNP) continued to improve but was not fully effective.

Extrajudicial killings have been the chief human rights concern in the country for many years and, after a sharp rise with the onset of the antidrug campaign in 2016, they continued in the reporting year, albeit at a lower level. From January to September 29, media chronicled 673 deaths in police operations suspected to be connected with the government's antidrug campaign. The PNP Internal Affairs Service (IAS) is required to investigate all deaths or injuries committed in the conduct of a police operation. IAS claimed it began investigations of all reported extrajudicial killings. There were no reports that civilian control over other security forces was inadequate.

Human rights issues included unlawful or arbitrary killings by security forces, vigilantes, and others allegedly connected to the government, and by insurgents; forced disappearance; torture; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; criminal libel; killings of and threats against journalists; official corruption and abuse of power; and the use of forced and child labor.

The government investigated a limited number of reported human rights abuses, including abuses by its own forces, paramilitaries, and insurgent and terrorist groups. Concerns about police impunity increased significantly following the sharp increase in killings by police in 2016. President Duterte publicly rejected criticism of alleged police killings, but said authorities would investigate any actions taken outside the rule of law. Significant concerns persisted about impunity of civilian national and local government officials and powerful business

and commercial figures. 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. The government called off negotiations with the National Democratic Front of the Philippines, the political arm of the communist New People's Army, in June, but continued to explore ways to resume talks.

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

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

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

From July 2016 to July 2018, law enforcement agencies reported that an average of six persons died daily in antidrug operations. The 105,658 antidrug operations conducted from July 2016 to September 2018 led to the deaths of 4,854 civilians and 87 members of the security forces. Government data on the antidrug campaign were provided through #RealNumbersPH, operated by the Inter-Agency Committee on Anti-Illegal Drugs. In an illustrative case, an unknown gunman shot and killed Tanauan City Mayor Antonio Halili during a flag ceremony at city hall on July 2. Mayor Halili was on the president's "narco list" and known for his "Walk of Shame" parade for drug suspects. Three other mayors and two vice-mayors were killed in similar incidents.

The reported number of alleged extrajudicial killings varied widely, since government and nongovernmental organizations (NGOs) used different definitions. The Commission on Human Rights (CHR), an independent government agency responsible for investigating alleged human rights violations, investigated 301 new complaints of alleged extrajudicial or politically motivated killings involving 387 victims as of August, including 70 cases of drug-related extrajudicial killings

involving 90 victims. The CHR suspected PNP or Philippine Drug Enforcement Agency (PDEA) involvement in 208 of these new complaints and the armed forces (AFP) or paramilitary personnel in 19 cases. The CHR attributed the higher number of investigations of extrajudicial killings to an increase in investigations initiated on its own authority based on monitoring news reports, reports to the CHR in social media, or information received following CHR outreach efforts.

The PNP's Task Force Usig, responsible for investigating and monitoring killings of members of the press, labor activists, and foreigners, opened no new cases from January to July.

The NGO Task Force Detainees of the Philippines (TFDP), which documented cases of alleged state perpetrated, politically motivated killings carried out by unspecified security forces, was unable to provide data for the reporting year. The TFDP covered such cases separately from killings in the antidrug campaign.

President Duterte continued his anticrime campaign, specifically targeting the widespread trafficking and abuse of illegal narcotics. Fatalities fell dramatically following the PNP's suspension of the counternarcotics campaign in accordance with a presidential memorandum in October 2017. The president reversed the suspension in December 2017 and reported extrajudicial killings increased, but to a lower level than prior to the suspension. On July 23, in his State of the Nation Address, the president reiterated that the drug war was "far from over" and would continue to be "relentless and chilling." In specific cases President Duterte commented that if police were found to be corrupt, they should go to jail, or that he would deploy a "special unit" of officers to hunt and kill them.

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. The CHR reported that the PNP refused to share information on investigations into police and vigilante killings, as required by the constitution. The Supreme Court ruled that the PNP must turn over documents. The PNP indicated in May that it had turned over 95 percent of the required records to the solicitor general, although it was not clear whether these records were subsequently turned over to the Supreme Court.

President Duterte continued to maintain lists of suspected drug criminals, including government, police, military officials, and members of the judiciary. Many viewed the list as an implied threat. The list now includes 96 politicians. PDEA Chief

Aaron Aquino reported in July that the president would no longer publicly announce the names on the list because of “complications” that followed doing so.

### **b. Disappearance**

The AFP Human Rights Office reported no cases of forced disappearance attributed to or implicating government authorities from January to August. Separately, the CHR reported five cases of abduction and forced disappearance from January to August.

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

As of August the CHR had investigated 30 cases of alleged torture involving 36 victims; it suspected police involvement in eight of the cases. In March, several farmers and miners from the Compostela Valley in Mindanao filed a complaint with the CHR alleging that AFP soldiers beat and burned them in November 2017 because the soldiers suspected the miners and farmers were members of the New People’s Army (NPA).

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

According to NGOs and press reports, mental abuse, including shaming--illegal under the Anti-Torture Act--reportedly occurred, especially in drug cases. In July local media reported on strip searches of drug suspects, including women,

conducted in March by Makati City police officers. Videos of the incident showed police officers laughing during the searches, including that of a naked woman.

As part of the antidrug campaign, authorities called on drug criminals to turn themselves in to police to avoid more severe consequences. As of June the PNP reported 1,274,148 surrenders facilitated since July 2016, although civil society actors questioned the official figures. Civil society and other observers claimed a climate of fear led many persons associated with drugs to surrender.

Reports of rape and sexual abuse of women in police or protective custody continued. The Center for Women's Resources reported eight cases of rape involving 16 police officers from January 2017 to July 2018. The Center noted that many of the rapes occurred in connection with police antidrug operations.

The United Nations reported receiving one allegation of sexual exploitation and abuse against a Filipino peacekeeper deployed to the UN Mission in Liberia. The case, which alleged the rape of a minor, was reported in 2017. An investigation by both the United Nations and the Philippine government was pending.

### **Prison and Detention Center Conditions**

Prison conditions were often harsh and potentially life threatening and, in most cases, included gross overcrowding, inadequate sanitary conditions, physical abuse, and constant lack of resources including medical care and food.

NGOs reported that abuses by prison guards and other inmates were common, but they stated that prisoners, fearing retaliation, 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. In accordance with the juvenile justice law, 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 June, the department assisted 1,650 children in conflict with the law (that is, alleged as, accused of, or judged as having committed an offense) in 16 rehabilitation centers nationwide. Additionally, several local governments

established and managed youth centers that provided protection, care, training, and rehabilitation for these children and other at-risk youth.

Physical Conditions: The Bureau of Corrections (BuCor), under the Department of Justice, administered seven prisons and penal farms nationwide for individuals sentenced to prison terms exceeding three years. BuCor facilities operated at more than 2.5 times the official capacity of 16,010, holding 43,978 prisoners. The capacity remained the same as in 2017, but the number of prisoners grew by 2,000.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government and the PNP, controlled 926 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The BJMP reported its jails operated at an average of more than four times their designated capacity; the CHR reported BJMP jails were at 612 percent of capacity. Overcrowding led to a staff-to-detainee ratio of approximately 1:74. The Navotas City Jail, in one of the poorest areas in Metro Manila, had an official capacity of 23 inmates, yet as of July held 937 prisoners. Several NGOs observed that overcrowding was more severe in smaller cities, a condition that reportedly triggered violence among inmates and promoted gang rivalries.

The CHR confirmed that overcrowding had worsened because of the antidrug campaign, and that this was compounded by the June order to arrest loiterers (see “Arbitrary Arrest or Detention” below). According to Manila Police District statistics, 55 inmates died due to overcrowding in detention facilities between July 2016 and June 2018.

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

Prison authorities did not uniformly enforce BJMP and BuCor regulations that require holding male and female inmates in separate facilities, and, in national prisons, overseeing them with guards of the same sex. In some facilities, authorities did not fully segregate juveniles from adults. BJMP and BuCor reported insufficient custodial and escort personnel, especially in large jails, with about 70 prisoners assigned to each custodial staff member. In larger prisons, for example, such as the New Bilibid Prison, one prison guard oversaw 100 to 150 prisoners.

Reports indicated that poor sanitation, inadequate ventilation, poor access to natural lighting, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. From January to July, BuCor and the BJMP reported 766 inmate deaths, a death rate of 0.42 percent. Prison authorities report that most deaths were the result of illness. Authorities provided BuCor inmates with medical care; however, some medical services and treatments were not available. In such cases, authorities referred inmates to an outside hospital. Inmates received a medicine allowance of 10 Philippine pesos (\$0.19) per day. For example, congestion at the Manila Police District 9, Binan Police Station Custodial Facility, a BJMP Facility in San Pedro City, led some detainees to suffer from an apparently bacterial infection that, in one case, led to death.

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

Administration: The BJMP helped expedite court cases to promote speedy disposition of inmates' cases. Through this program, authorities released 53,751 inmates from BJMP jails from January to July.

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

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

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

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross, free and timely access to jails and prisons. The constitution grants the CHR authority to visit jails, prisons, or detention facilities to monitor the government's compliance with international treaty obligations. The CHR reported some detention facilities still lacked an

understanding of the CHR's mandate and continued to deny CHR representatives access to detention facilities. For example, the Caloocan Yakap Center, a youth detention home in Metro Manila, required a CHR team to ask the head of the facility for permission to monitor compliance by submitting a letter prior to the visit.

Improvements: To reduce overcrowding, the government began to encourage plea bargaining in drug offense cases.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention in court, and the government generally observed these requirements. As of July the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, reported 16 arbitrary detention violations committed by law enforcement agencies or the AFP.

In September, President Duterte declared void on procedural grounds the 2011 amnesty that opposition Senator Antonio Trillanes IV received for his leadership roles in a 2003 coup attempt and 2007 rebellion. President Duterte's Presidential Proclamation declared Trillanes' amnesty void because he did not follow correct procedures when applying for it.

During a June speech to newly promoted officers, President Duterte told police to arrest loiterers as an additional element of the antidrug campaign. While the PNP generally interpreted the remarks as a verbal directive to intensify enforcement of existing local ordinances, such as those against public urination or intoxication, there were also reports of forced confessions of drug use and of deaths in detention among those arrested for loitering. For example, after his arrest in June for loitering, 25-year-old Genesis "Tisoy" Argoncillo was held along with murder suspects despite the minor charges against him. Argoncillo died after cellmates allegedly beat him to death.

On August 16, police detained three lawyers during a drug operation at a bar in Manila. Police asserted that the three harassed them by demanding to see the search warrant, blocking their access to parts of the building, and taking photographs. The lawyers, representing one of the bar's owners, claimed they were present to take notes and observe the operation. Police charged the three with obstruction of justice.

## **Role of the Police and Security Apparatus**

The 180,000 member PNP is charged with maintaining internal security in most of the country and reports to the Department of the Interior and Local Government. The AFP, which reports to the Department of National Defense, is responsible for external security but also carries out domestic security functions in regions with a high incidence of conflict, particularly in areas of Mindanao. The two agencies share responsibility for counterterrorism and counterinsurgency operations. The PNP Special Action Force is responsible, in particular, for urban counterterrorism operations. President Duterte's May 2017 declaration of martial law for the entire region of Mindanao and the Sulu Archipelago was extended to the end of December 2018, giving the military expanded powers. Human rights groups continued to express concern about the potential for human rights abuses.

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

The PNP's institutional deficiencies and the public perception that corruption was endemic within the force continued.

PNP Director General Oscar Albayalde, appointed in April, publicly reiterated his desire to cleanse the PNP ranks of corruption. This included reporting to the IAS more than 600 officers who allegedly committed human rights violations during antidrug operations since July 2016, and having the PNP's Counter-Intelligence Task Force monitor police personnel suspected of illegal activities. From January to July, the PNP reported that 441 of its personnel were accused of committing human rights violations. Of these, it claimed, court charges were pending in 375 cases, 50 personnel were exonerated; 10 cases were dismissed; four persons were dismissed from service, one suspended, and one demoted. An additional 21 PNP personnel were dismissed from service for actions taken in antidrug operations. The IAS, mandated to ensure police operate within the law, remained largely ineffective. In April the IAS reported that from 2015 to 2017, final reports with a recommendation for action had been submitted to PNP leadership in only 721 out of 2,431 cases. The IAS reported that manpower and resource limitations hampered the legally required investigations into deaths resulting from police operations, but asserted nonetheless that 100 percent of the deaths in police shootings resulted from legitimate, lawful police actions.

Other government mechanisms to investigate and punish abuse and corruption in the security forces were poorly resourced and remained largely ineffective.

In the 2017 killing of juvenile Kian delos Santos, however, prosecutors and the courts moved swiftly to hold the officers directly responsible to account. On November 29, the Caloocan City Regional Trial Court found three police officers guilty of the killing, sentencing each to 40 years' imprisonment and ordering them to pay the victim's family 345,000 pesos (\$6,450). Previously, President Duterte had said of the killing, which sparked a public backlash against the antidrug campaign, "this is not performance of duty." The presidential spokesperson hailed the verdict. Human rights activists welcomed the convictions, but also called on the government to take far more action to bring perpetrators of killings to justice.

President Duterte publicly condemned corruption in government and the security forces. From January to August, complainants reported 114 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 August all cases, except one dismissed case, remained open pending additional investigation.

Many cases from previous years were still open. Of the police officers involved cases of killings in 2017 of minors allegedly involved in the drug trade, only five were jailed and indicted; four of their superiors were cleared of command responsibility and promoted.

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

The AFP Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through July, the office identified and investigated five reported incidents, including a forced disappearance, two extrajudicial killings, and an alleged murder.

The military routinely provided human rights training to its members, augmented by training from the CHR. The AFP used its revised *Graduated Curricula on*

*Human Rights/International Humanitarian Law for the Military* to provide a uniform standard of training across service branches. The AFP adhered to a 2005 Presidential Memorandum requiring the incorporation of human rights and international humanitarian law into all AFP education and training courses. Successful completion of these courses is required to complete basic training and for induction, promotion, reassignment, and selection for foreign schooling opportunities. From January to August, various AFP service units conducted a total of 59 human rights-related training programs, seminars, or workshops. CHR representatives noted that participants were highly engaged.

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

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

The government continued to support and arm civilian militias. The AFP controlled Civilian Armed Force Geographical Units (CAFGUs), while Civilian Volunteer Organizations (CVOs) fell under PNP command. These paramilitary units often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private armies and, at times, recruited CVO and CAFGU members into those armies.

Prolonged delays in the justice system reinforced the perception of impunity for national, provincial, and local government actors accused of human rights abuses.

## **Arrest Procedures and Treatment of Detainees**

Warrants based on sufficient evidence and issued by an authorized official are required for an arrest unless 1) the suspect is observed attempting to commit, in the act of committing, or just after committing an offense; 2) there is probable cause based on personal knowledge that the suspect just committed an offense; or 3) the suspect is an escaped prisoner. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, depending on the seriousness of the crime. In terrorism cases, the law permits warrantless arrests and detention without charges for up to three days.

Detainees have the right to bail, except when held for 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. Due to an underresourced Public Attorney's Office, however, indigent persons had limited access to public defenders.

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

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. According to the Supreme Court, there were more than 780,000 pending cases before 2,617 first and second level courts nationwide, 78 percent of which were pending before 1,054 regional trial courts. 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.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary and the government generally respected judicial independence and impartiality. 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.

Supreme Court Chief Justice Maria Lourdes Sereno was removed from office in June due to her alleged failure to submit all wealth declaration documents when she applied for the position in 2012. Human rights groups alleged Sereno's vocal opposition to the conduct of the drug war played a significant role in the decision.

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 prosecutor positions (1,060 positions) were unfilled. Sharia (Islamic law) court positions continued to be particularly difficult to fill because of the requirement that applicants be members of both the Sharia Bar and the Integrated Bar. Sharia courts do not have criminal jurisdiction. Although the Prosecutor General received authority to hire hundreds of new prosecutors for sharia courts, training for them was of short duration 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. In 2016 the judiciary instituted new court rules and procedures for case processing that limited the postponement of hearings and made other procedural changes to expedite case processing. Implementation of the most significant part of the reform, e-Courts and the *Revised Guidelines for Continuous Trial of Criminal Cases in Pilot Courts*, began in 2017.

### **Trial Procedures**

The constitution provides for the right to a speedy, impartial, and public trial. An independent judiciary generally enforced this right, although not in a timely manner. The law requires that all persons accused of crimes be informed of the charges against them and grants rights to counsel, adequate time to prepare a defense, and a speedy and public trial before a judge. No criminal proceeding goes forward against a defendant without the presence of a lawyer. The law presumes defendants are innocent. They have the right to confront witnesses against them, be present at their trial, present evidence in their favor, appeal convictions, and not be compelled to testify or confess guilt. The court may appoint an interpreter if

necessary. If the court's interpreter makes serious mistakes, a party can challenge the interpretation. The government generally implemented these requirements, except for the right to a speedy trial.

Although the law provides that cases should be resolved within three months to two years, depending on the court, trials effectively had no time limits. Government officials estimated it took an average of five to six years to obtain a decision. In September a court convicted retired general Jovito Palparan and two subordinates of kidnapping and illegal detention after a four-year-long trial. The incident, in 2006, involved the disappearance of two university students. Palparan, who was allegedly also deeply involved in extrajudicial killings and torture, was sentenced to life imprisonment. His conviction was a positive example of the courts' ability to hold security force leaders accountable for their actions.

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, BuCor reported 185 political prisoners in its facilities as of August. The BJMP does not track political prisoners and defines prisoners based only on security risk.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. The TFDP tracked political detainees, most of whom were in pretrial detention. The TFDP noted that, in the majority of cases, authorities mixed political prisoners with the general inmate population, except in the National Bilibid Prison, where they held most political prisoners in maximum-security facilities.

Two years after her arrest, during which prosecutors used a variety of legal tactics to delay arraignment, including filing new and amending previous charges, Senator Leila de Lima was arraigned in August on a charge of conspiracy to commit drug trading. An arraignment scheduled for May was postponed when prosecutors sought another opportunity to revise the charges. The opening of the trial in September was postponed when a prosecution witness recanted his testimony. De Lima's case began in 2016 after she opened hearings into killings related to the antidrug campaign. Although in detention, de Lima had access to the media and some visitors. Her case attracted widespread 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 and impartial in civil matters. Complainants have access to local trial courts to seek civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints, although overburdened local courts often dismissed these cases. There were no regional human rights tribunals that could hear an appeal from the country.

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

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

#### **g. Abuses in Internal Conflicts**

For decades the country has contended with armed Muslim separatist movements represented by groups such as the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front; a communist insurgency supported by a nationwide NPA presence; and violence by smaller, transnational terrorist

organizations (such as the Islamic State in Iraq and al-Sham-Philippines [ISIS-P], the Abu Sayyaf Group [ASG], the Maute Group, the Bangsamoro Islamic Freedom Fighters [BIFF]), and other terrorist groups and criminal syndicates. Additionally, interclan “rido” (feuds) violence continued in Mindanao, causing civilian deaths and displacement.

Martial law in Mindanao and the Sulu Archipelago, imposed after the May 2017 attack on Marawi City by members of the Maute Group, was extended to the end of the reporting year.

Killings: The AFP’s Human Rights Office confirmed the deaths of 14 civilians used by insurgent groups as human shields in separate military operations against them. From January to May, 11 terrorist bombings in Maguindanao, Masbate, and Camarines Sur in the Bicol region killed three and wounded four AFP members. From January to May, 40 AFP personnel died in clashes with the NPA, 10 with the ASG, and five with the BIFF.

NGO Global Witness documented 48 killings of environmental and land rights activists in 2017 and alleged security force involvement in some of the killings.

Antigovernment groups were responsible for numerous civilian deaths. The NPA, ISIS-P, ASG, the Maute Group, Ansar al-Khalifa, the BIFF, and other violent extremist groups used roadside bombs, ambushes, and other means to kill political figures and other civilians, including persons suspected of being military and police informers.

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

Abductions: Armed criminal and terrorist groups kidnapped civilians for ransom. The NPA and some separatist groups were also responsible for a number of arbitrary detentions and kidnappings for ransom. Through unofficial channels, authorities reportedly facilitated ransom payments on behalf of victims’ families and employers. The security forces at times attempted to rescue victims. The UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported the abduction by the ASG and the Maute Group of seven children in five incidents in 2017.

Physical Abuse, Punishment, and Torture: Leftist and human rights activists continued to report harassment by local security forces, including abuse of detainees by police and prison officials. Rape was not generally used as a weapon of war, but the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict identified three cases of rape by the Maute Group in 2017.

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. There was no evidence of use or recruitment of child soldiers by government units. In 2017 the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict verified the recruitment and use of 30 children by armed groups, including the ASG, the BIFF, and the NPA. UNICEF monitored the recruitment and use of children in armed conflicts, and the release of child soldiers. UNICEF reported in 2016 that the MILF implemented commitments to end its use of child soldiers and later confirmed the release of at least 1,869 child soldiers between April 2016 and March 2017. UNICEF subsequently removed the MILF from its list of armed groups that recruit or use children. Government reporting mechanisms on child soldiers provided inconsistent data across agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scale. From January to August, the AFP Human Rights Office reported that 15 NPA child soldiers were either rescued by or surrendered to the AFP.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: Individuals reported they could criticize the government publicly or privately or discuss matters of general public interest. Civil society organizations reported, however, that President Duterte's public attacks on individuals and international bodies who criticized his policies had a chilling effect on free speech and expression.

Press and Media Freedom: The media 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. Some media commentators criticized media outlets for lacking rigorous journalistic standards or for reflecting the political orientations or economic interests of owners or boards of directors. Broadcast media contacts reported pressure from their boards of directors to report positively on the government for fear of economic retaliation on their business interests.

Online news company Rappler was the target of substantial government pressure due to its critical coverage of the government. In January the Securities and Exchange Commission (SEC) revoked Rappler's operating license on the grounds that its agreement with the U.S.-based Omidyar Network violated constitutional restrictions on foreign ownership of media. In July the Court of Appeals upheld the SEC ruling but asked the SEC to re-evaluate the case while noting that the SEC should have given Rappler "reasonable time" to correct its relationship with Omidyar. Rappler continued to operate as of November. The government also filed tax fraud and other (see below) criminal complaints against Rappler. The Department of Justice indicted Rappler Holdings, its president, Maria Ressa, and Rappler accountant Noel Baladiang for tax evasion in November, allegations Rappler Holdings' legal counsel denies.

Journalists noted that President Duterte's tendency to single out reporters who asked tough questions had a chilling effect on their willingness to engage, in large part due to a fear of losing access. In the year to July, four government offices restricted journalist access to events and press briefings.

Violence and Harassment: Journalists continued to face harassment and threats of violence, including from politicians and government authorities critical of their reporting. Human rights NGOs frequently criticized the government for failing to protect journalists. The Center for Media Freedom and Responsibility (CMFR) reported that, in July, three journalists and an intern covering a picket line in Central Luzon were attacked, threatened, arrested, and unjustly accused of possessing illegal drugs and firearms by the police, who claimed they recovered

drugs and guns from the news correspondents. The journalists and intern were released in August, but police alleged they were spreading alarm and scandal, and constituted an illegal assembly.

The CMFR reported the deaths of seven journalists or media workers through July, but has not yet determined whether the killings were related to their work. As of July murder charges were filed against suspects in one case; the others were under investigation.

Journalists and media personalities reported an increase in online threats, including of violence and harassment, in response to articles and comments critical of the government. The NGO Freedom House reported in late 2017 that the Duterte administration hired workers, a “keyboard army,” to participate in online attacks against critics, especially journalists, whom they viewed as critical of the administration and to support the antidrug campaign.

In April, after Facebook selected Rappler and Vera Files as third-party fact checkers for the country, the Presidential Communications Operations Office publicly criticized the selection, calling the outlets “partisan” for not supporting the president.

In July Senate President Vicente Sotto III requested the online news website Inquirer.net take down three opinion pieces (two from 2014 and one from 2016) alleging his involvement in a 1982 rape case. The news website temporarily removed the articles pending an internal investigation. The National Union of Journalists of the Philippines called Sotto’s request an affront to press freedom. In August the National Union of Journalists and the CMFR criticized the Presidential Task Force on Media Security and an administration media official for pressuring a community newspaper to take down a story quoting the head of the task force.

Censorship or Content Restrictions: President Duterte repeatedly criticized ABS-CBN, the nation’s most influential network, for the station’s failure to air his political advertisements during the 2016 election campaign. He publicly threatened to block renewal of the network’s franchise, which expires in 2020, but later backtracked and claimed he would not intervene. The law requires broadcast stations to secure a franchise from Congress, the current majority of which is aligned with the president.

During the November ASEAN Summit in Singapore, administration officials barred some foreign media outlets from covering Philippine press briefings; the journalists were later granted access but were not allowed to ask questions.

Libel/Slander Laws: The law contains criminal penalties for libel. Authorities used criminal defamation charges, which carry the possibility of imprisonment and fines, to harass, intimidate, and retaliate against journalists. The National Bureau of Investigation (NBI) filed a cyberlibel complaint against Rappler in March, after a prominent businessman had brought to the bureau's attention a 2012 article linking him to human trafficking and drug smuggling. The NBI initially rejected the case as lacking any legal basis, but subsequently recommended the Department of Justice pursue charges against Rappler. Formal charges were still pending as of November. The CMFR received one additional report of a journalist accused of libel in the year to August.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without appropriate legal authority. According to the International Telecommunication Union, 60 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

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

#### **Freedom of Peaceful Assembly**

The constitution provides for the right to peaceful assembly, and police generally exhibited professionalism and restraint in dealing with demonstrators. Presidential spokesman Harry Roque stated in January that authorities would “observe maximum tolerance” and “respect the protesters’ right to peaceful assembly.” There was no reported progress in the PNP’s investigation of the forcible dispersal of farmers and protesters in Kidapawan City in 2016 that left two protesters dead

and many others injured. A CHR investigation found that the PNP used unnecessary force to disperse the protest. No disciplinary action was taken, and no charges were filed as of August.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations 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. There were no reports the government exerted pressure or threatened refugees to return to the country from which they had fled.

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 is intended to ensure that future overseas workers deal with legitimate, licensed recruitment agencies.

### **Internally Displaced Persons (IDPs)**

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

In Mindanao, UNHCR reported that as of June an estimated 143,033 persons were displaced and in need of durable solutions. Of those, an estimated 98,433 were

displaced by crime or violence, 36,617 by armed conflict, and 7,983 by natural disasters.

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

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

### **Protection of Refugees**

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit (RSPPU) determines which applicants qualify as refugees in accordance with an established, accessible system that appeared to provide basic due process. From January to July, the RSPPU received 129 asylum applications, and granted 20. The RSPPU reported 493 refugees in the country as of July 31; 11 refugees transited under the Emergency Transit Mechanism according to UNHCR.

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

Employment: The government allowed refugees to work (see section 7.d.).

Access to Basic Services: In 2017, 16 agencies signed the Inter-Agency Agreement on the Protection of Asylum Seekers, Refugees, and Stateless Persons, which commits them to provide government services, including education and health care, to affected persons.

### **Stateless Persons**

The Department of Justice is responsible for statelessness determinations of persons born in the country and of newly arrived persons. According to revised rules, after an applicant files for a determination of statelessness, deportation or exclusion proceedings against the applicant and dependents are suspended, and the applicant may be released from detention. As of July, five stateless persons were in the country. None were classified as refugees.

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

As of August under a 2014 initiative to register persons of Indonesian descent at risk of statelessness in Southern Mindanao, the Philippine and Indonesian governments collectively registered 8,745 persons, of whom 6,744 had their citizenship confirmed. The Philippine and Indonesian governments jointly reaffirmed the provision of consular assistance to both documented and undocumented migrants of Indonesian descent.

### **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 criminality, 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 elections in May for barangay (village) and sangguniang kabataan (youth council) officials. Originally scheduled for October 2016, the elections were twice postponed and rescheduled. International and national observers viewed the elections as well organized, and generally free and fair, but noted that vote buying continued to be widespread and dynastic political families continued to monopolize elective offices. The PNP reported 47 incidents of election-related violence that led to 35 killings in the month leading up to the election and on election day, an almost 60 percent increase in violent incidents compared to the 2010 and 2013 village elections. Election

officials nonetheless described the polls as relatively peaceful. Late in the campaign, the Duterte administration released its “narco list,” which included names of incumbent local and national government officials allegedly involved in illegal drug activity. Several of these candidates, however, won.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Participation by these groups did not change significantly compared with the 2016 presidential election or the midterm elections in 2013.

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

There were no Muslim or indigenous cabinet members or senators, but there were 15 Muslim members of the House of Representatives, mostly from Muslim majority provinces, and at least three members of indigenous descent in the House of Representatives. Muslims, indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area. They advocated election of senators by region, which would require a constitutional amendment.

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

#### **Section 4. Corruption and Lack of Transparency in Government**

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

President Duterte spoke frequently and forcefully about his desire to fight corruption and fired public officials, including political allies, over allegations of corruption. In August the president fired 20 high level AFP officials at the V. Luna Medical Center near Manila for alleged corrupt practices, including ghost purchasing, circumventing mandatory bidding processes, and using fake suppliers.

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

Investigations into the 2014 “pork barrel” scandal about the diversion of congressional funds to fake NGOs continued domestically and internationally. A foreign government indicted Janet Napoles for transferring 1.07 billion pesos (\$20.0 million) obtained from a bribery and fraud scheme. The Office of the Ombudsman had filed charges in the Sandiganbayan against a number of persons in the affair, including congressional representatives, NGO officials, and private individuals.

From January to September, the Office of the Ombudsman had won 436 convictions in 578 corruption cases. This was a dramatic increase in both convictions and cases tried compared with the same period in 2017. The reasons for the change were unclear as of December.

A former Officer-in-Charge and Regional Executive Director of the Department of Environment and Natural Resources was convicted and sentenced to six years in prison and disqualification from public office for soliciting 2.5 million pesos (\$46,800) for the issuance of free patents over public lands in General Santos City. A former senior accountant of the Manila International Airport Authority was convicted and sentenced to nine to 12 years in prison with perpetual disqualification from holding public office for receiving 3.49 million pesos (\$65,300) from a contractor with several projects with the authority.

Financial Disclosure: The Code of Conduct and Ethical Standards for Public Officials and Employees requires all public officials and employees to file, under oath, a Statement of Assets, Liabilities, and Net Worth (SALN) and to disclose their personal business interests and financial connections, as well as those of their spouses and unmarried children living in their households. Nondisclosure is punishable by imprisonment not exceeding five years, a fine not exceeding 5,000 pesos (\$93.50), 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.

Supreme Court Chief Justice Maria Lourdes Sereno's alleged failure to submit all required SALN documents when she applied for the position in 2012 was the basis for a petition challenging the legality of her tenure. An 8-6 majority of the court voted in favor of the petition, ousting her from office in June. Legal analysts took issue with the decision, arguing that failure to submit SALN documents has a one year statute of limitations and that the use of a petition by the court violated Congress' exclusive constitutional role in removing impeachable officials.

### **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 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 United Nations or Other International Bodies: A number of UN special rapporteur or working group visit requests remained pending. In February the Prosecutor of the International Criminal Court (ICC) announced the opening of a preliminary examination of potential crimes, including extrajudicial and other killings, allegedly committed since July 1, 2016 in the government's antidrug campaign. In a March speech, President Duterte ordered security forces not to respond to any probe or investigation requests on human rights abuses in the country. In March the country submitted a formal notification of withdrawal from the ICC's Rome Statute, which will take effect one year after the notification.

In March a list of hundreds of individuals allegedly associated with the communist insurgency was included in a Department of Justice court filing seeking judicial affirmation of the government's designation of the Communist Party of the Philippines/NPA as a terrorist organization. The list included UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz (a Filipina) and some other individuals identified by international NGOs as human rights defenders. In August a Manila regional trial court removed Tauli-Corpuz and three others from the list.

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

including those reported by NGOs; and monitor government compliance with international human rights treaty obligations. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with CHR regional offices. Nevertheless, the CHR lacked sufficient funding and staff to investigate and follow up on all cases presented to its regional and subregional offices.

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. Many human rights NGOs believed this office's casework improved under the Ombudsman whose term ended in July, although administrative and institutional weaknesses remained. Samuel Martires, the new Ombudsman, began his nonrenewable seven-year term in July.

The Presidential Human Rights Committee serves as a multiagency coordinating body on human rights problems. The committee's responsibilities include compiling the government's submission for the UN Universal Periodic Review. Many NGOs considered it independent but with limited ability to influence human rights policy.

The Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged human rights violations in the Autonomous Region of Muslim Mindanao (Bangsamoro). The commission's effectiveness remained unclear.

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

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment. 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 fines.

Authorities generally took reports of rape seriously. In August a witness reported a rape and murder to authorities. Authorities asked the witness to identify the

suspects, which he did, and police arrested the suspects in less than 24 hours. In another example police acting on a tip arrested a man with an outstanding warrant for seven counts of rape in 1999. 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 PNP, but difficulty in obtaining rape convictions remained a challenge to effective enforcement. Moreover, NGOs report that because of cultural and social stigmatization, many women did not report rape or domestic violence. Reports of rape and sexual abuse of women in police or protective custody continued; the Center for Women's Resources stated that 16 police officers were involved in eight rape cases from January 2017 to July 2018.

Cases of rape reported to the Social Welfare Department (DSWD) declined 12 percent from 2016 to 2017, to 7,584. The DSWD provided shelter, counseling, and health services to female survivors of rape.

Domestic violence against women remained a serious and widespread problem. As of July the PNP reported 14,899 cases of domestic violence against women and children. The great majority of these cases involved physical, psychological, and sexual abuse, and the number included 1,139 female victims of trafficking in persons. The DSWD also assisted women victims of other abuses, including emotional and economic battery.

The PNP and the DSWD both maintained help desks to assist survivors of violence against women and to encourage reporting. From January to June, the DSWD reported assisting 47,268 women categorized as "in especially difficult circumstances," significantly fewer than in the same period the year before. DSWD staff attributed the decline to budget cuts. With the assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers continued to receive gender sensitivity training to deal with victims of sexual crimes and domestic violence. The PNP maintained a women and children's unit in 1,802 police stations throughout the country with 1,918 help desks to deal with abuse cases. The PNP assigned 4,843 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 fine of from 10,000 to 20,000 pesos (\$187-374), or both.

Sexual harassment remained widespread and underreported, including in the workplace due to victims' fear of losing their jobs. A 2016 Social Weather Stations study showed that 60 percent of women in Metro Manila were harassed at least once in their lifetime.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization.

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.

The CHR and others alleged that multiple statements by President Duterte incited violence against women. One example included Duterte telling soldiers to shoot NPA women in their genitals.

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 (see section 7.d.).

The law does not provide for divorce. Legal annulments and separation are possible, and courts generally recognized foreign divorces if one of the parties 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. NGOs previously estimated that more than 2.5 million children were unregistered, primarily among Muslim and indigenous groups. The Department of Social Welfare continued working closely with local governments to improve registration; the Philippines Statistics Authority operated mobile birth registration units to reach rural areas. The lack of a birth certificate does not generally result in a denial of education or other services, but 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.

Child Abuse: Child abuse remained a problem. Department of Welfare statistics indicated that approximately 70 percent of child abuse victims were girls. Several cities ran crisis centers for abused women and children.

Early and Forced Marriage: The legal minimum age for marriage for both sexes is 18 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 under 12 and sex with a child under 18 involving force, threat, or intimidation. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. The production, possession, and distribution of child pornography are illegal, and penalties range from one month to life in prison, plus fines of from 50,000 to five million pesos (\$935 to \$93,500), depending on the gravity of the offense.

While authorities endeavored to enforce the law, inadequate prosecutorial resources and computer evidence analysis were challenges to enforcing the law effectively. The government made serious efforts to address this crime 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 unlawfully in the production of pornography and in cybersex activities. The country remained the top global internet source of online child pornography.

Child prostitution continued to be a serious problem as well, and the country remained a destination for foreign and domestic child sex tourists. The government continued to prosecute accused pedophiles and deport those who were foreigners. Additionally, the live internet broadcast of young Filipino girls, boys, and sibling groups performing sex acts for paying foreigners continued. 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. In June, for example, two foreign pedophiles pled guilty 37 days after their arrest. The National Bureau of Investigation and the PNP worked closely with the labor department to target and close facilities suspected of prostituting minors. The PNP reported 93 child trafficking cases involving 196 persons. Of the total, 56 were victims of prostitution while 24 involved online sexual exploitation of children.

Displaced Children: While there are no recent, reliable data, involved agencies and organizations agreed that there are 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 DSWD, 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.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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. In June, President Duterte signed the Philippine Mental Health Law aimed at providing affordable and accessible mental health services. Other laws 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 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 June, the DSWD provided services to 3,374 persons with disabilities in assisted-living centers and community based vocational centers nationwide, significantly more than reported in 2017. If a person with disabilities suffered violence, access to after-care services was available through the DSWD, 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 that approximately 80 percent of the country's government units complied with the long-standing legal requirement that indigenous peoples be represented in policy making bodies and local legislative councils.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect indigenous peoples. It has authority to award certificates identifying "ancestral domain lands" based on communal ownership, thereby stopping tribal leaders from selling the land. Additionally, the commission studies "ancestral sea" claims, since some indigenous groups, such as the Sama-Bajau, who customarily lived in western Mindanao, traditionally practiced migratory fishing. No "ancestral sea" claims were approved, and the lack of access to traditional fishing grounds contributed to the displacement of many Sama-Bajau.

Armed groups frequently recruited from indigenous populations. Indigenous peoples' lands were also often the site of armed encounters related to resource extraction or intertribal disputes, which sometimes resulted in displacement or killings. In December 2017, eight Lumad persons were killed in a firefight with the AFP in South Cotabato, Mindanao. An internal AFP investigation reported that the army had responded to valid reports of 25 armed NPA members encamped near the Lumad lands to recruit members from the group. The NGO network Karapatan filed a complaint with the CHR, alleging the AFP massacred the Lumads who were simply defending their ancestral lands. The CHR investigation was underway as of November.

## **Acts of Violence, Discrimination, 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 have 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 sex assigned at birth, as reported on the certificate of birth, in the individual's passport, which posed difficulty for transgender persons seeking to travel, including instances of transgender individuals denied boarding.

NGOs reported incidents of discrimination and abuse against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, including in employment (see section 7.d.), education, health care, housing, and social services. In August a restaurant denied entry to a transgender patron and her friends, allegedly because transgender individuals harassed customers the previous evening. The patron returned with local government officials to receive an explanation and posted a social media video about the confrontation. Afterwards Congresswoman Geraldine Roman said she would file a resolution in Congress to investigate the incident.

### **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV/AIDS, including in access to basic health and social services. Nevertheless, there was anecdotal evidence of discrimination against HIV/AIDS patients in the government's provision of health care, housing, employment, and insurance services (see section 7.d.).

### **Other Societal Violence or Discrimination**

From January to July, the Children's Legal Rights and Development Center recorded 18 children's deaths in either police operations or vigilante-style killings connected to the antidrug campaign.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

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

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

Strikes in the private sector are legal. Unions are required to provide strike notice, respect mandatory cooling off periods, and obtain approval from a majority of members before calling a strike. The Department of Labor and Employment's (DOLE/labor department) Bureau of Labor Relations reported 417 mediation-conciliation cases from January to July. Of these, 288 cases were filed under preventive mediation, 124 under notices of strike or lockout, and five cases under actual strike or lockout. Of the total reported mediation-conciliation cases, 66 percent raised issues on unfair labor practices.

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

of three years for participation in an illegal strike, a requirement the ILO urged the government to amend.

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

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

The secretary of the DOLE, and in certain cases the president, may intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determines that the strike-affected company is vital to the national interest. Vital sectors include hospitals, the electric power industry, water supply services (excluding small bottle suppliers), air traffic control, and other activities or industries as recommended by the National Tripartite Industrial Peace Council (NTIPC). Labor rights advocates continued to criticize the government for maintaining definitions of vital services that were broader than international standards.

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

The government generally respected freedom of association and collective bargaining, and enforced laws 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 (NLRC) labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate the worker and report compliance to the NLRC. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial NLRC, as they may constitute possible unfair labor practices. If there is a definite preliminary finding that a termination may cause a serious labor dispute or mass layoff, the DOLE 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 sufficient to deter violations.

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

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

There were isolated reports of labor-related violence during the year. In July police arrested 19 NutriAsia workers and supporters for "obstructing the ingress and egress" to the company plant. The DOLE mediated the case between NutriAsia and its workers.

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 contractual 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.

### **b. Prohibition of Forced or Compulsory Labor**

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

Trade unions reported continued poor compliance with the law, due in part to the government’s lack of capacity to inspect labor practices in the informal economy. The government continued awareness-raising activities, especially in the provinces, in an effort to prevent forced labor. The DOLE’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.). Unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic servitude, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries.

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

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children younger than 15 years, 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 law sets the minimum age for domestic workers at 15.

Although the government supported programs that sought to prevent, monitor, and respond to child labor, resources remained inadequate. The government imposed fines and instituted criminal prosecutions for law violations in the formal sector, such as in manufacturing. Fines for child labor law violations were not sufficient to deter violations. From January to July, the DOLE, through its Sagip Batang Manggagawa (Rescue Child Laborers) program (part of the Health, Education, Livelihood, and Prevention, Protection, and Prosecution, Monitoring and Evaluation [H.E.L.P.M.E.] Convergence Program), conducted five operations and removed 25 minors from hazardous and exploitative working conditions. As of July the department closed three establishments for violations of child labor laws. In June the PNP's Women and Children Protection Center rescued 19 female high school students allegedly working as escorts at a bar in Manila. The PNP also arrested three suspected pimps offering "jobs" to students outside the school premises.

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 H.E.L.P.M.E. Convergence Program.

Despite these efforts, child labor remained a widespread problem. Previous cases reported to the DOLE centered in the service 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 [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation based on age; sex; race; creed; disability; and HIV, tuberculosis, hepatitis B, or marital status. The law does not prohibit employment discrimination with respect to color, political opinion, national origin or citizenship, language, sexual orientation, gender identity, age, other communicable disease status, or social origin. While some local antidiscrimination ordinances existed at the municipal or city levels that prohibit employment discrimination against 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 indicate their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

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

Between January and July, no cases were filed to test how effectively the law was enforced. The government did not effectively monitor and enforce laws prohibiting employment discrimination based on disability, and the National Council for Disability Affairs and the labor department did not monitor the regulation regarding the employment of persons with disabilities effectively. The effectiveness of penalties to prevent violations could not be assessed.

The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative

means of redress limited the recourse of such persons when prospective employers violated their rights. In 2016 an HIV-positive worker won a case against his employer for having been fired because of his HIV-positive diagnosis. The court ordered that the individual be reinstated and receive approximately 600,000 pesos (\$11,200) in damages and back wages.

Discrimination in employment and occupation occurred with respect to LGBTI persons. A number of LGBTI organizations submitted anecdotal reports of discriminatory practices that affected the employment status of LGBTI persons. Discrimination cases included the enforcement of rules, policies, and regulations that disadvantaged LGBTI persons in the workplace. For example, in 2017 transgender women were told by recruitment officers that they would be hired only if they presented themselves as males by cutting their hair short, dressing in men's clothes, and acting in stereotypically masculine ways.

Women faced discrimination both in hiring and on the job. Some labor unions claimed female employees suffered punitive action when they became pregnant. Although women faced workplace discrimination, they continued to occupy positions at all levels of the workforce.

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

The government allowed refugees to work. A DOLE order affirmed refugees' and stateless persons' access to work permits. The Bureau of Immigration provided temporary work permits for persons with pending applications for refugee or stateless status upon endorsement by the RSPPU. The types of employment open to refugees and stateless persons were generally the same as those open to other legal aliens.

#### **e. Acceptable Conditions of Work**

As of May tripartite regional wage boards of the National Wage and Productivity Commission had not increased the daily minimum wage rates for agricultural and nonagricultural workers. Minimum wages ranged from 512 pesos (\$9.57) per day for nonagricultural workers in the Manila region to 256 pesos (\$4.79) per day for agricultural workers in the Ilocos region. According to the government, in 2015, the latest year for which such data was available, a family of five needed an average income of 8,022 pesos (\$150) per month to avoid poverty.

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 15 years.

Penalties for noncompliance with increases or adjustments in the wage rates as prescribed by law are a fine not exceeding 25,000 pesos (\$468), imprisonment of one to two years, or both. In addition to fines, the government used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily.

By law the standard workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight hour per day limit. The law mandates one day of rest each week. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days, 130 percent on special nonworking days, and 200 percent on regular holidays. There is no legal limit on the number of overtime hours that an employer may require.

The law provides for a comprehensive set of occupational safety and health standards. Regulations for small-scale mining prohibit certain harmful 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 DOLE's Bureau of Working Conditions (BWC) monitors and inspects compliance with labor law in all sectors, including workers in the formal sector, nontraditional laborers, and informal workers, and inspects SEZs and businesses located there. The number of labor law compliance officers, who monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages, increased to 608 from 574 in 2017. The BWC stated that its budget increased to allow 710 permanent labor inspector positions, once qualified applicants were selected. Nonetheless, the

number of compliance officers was insufficient for the workforce of 42 million workers, particularly in rural areas. ILO standards for developing countries suggest a need for approximately 2,800 labor inspectors--one inspector for every 15,000 workers. 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 DOLE continued to implement its Labor Laws Compliance System for the private sector. The system included joint assessments, compliance visits, and occupational safety and health standards investigations. Labor department inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted compliance visits and occupational safety and health standards investigations. The labor department and the ILO also continued to implement an information management system to capture and transmit data from the field in real time using mobile technology. Violations included 13,240 for labor standards, 9,842 for general labor standards, 2,045 for violations of minimum wage rates, and 11,142 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. The BWC also reported no establishments were found deficient with respect to child labor law as of July.

Violations of minimum wage standards were common, as was the use of contract employees to avoid the payment of required benefits, including in the SEZs. Many firms hired employees for less than minimum wage apprentice rates, even if there was no approved training in their work. Complaints about payment under the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the SEZs. In 2017 the DOLE issued Department Order 174, setting stricter guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the order for not ending all forms of contractual work. On May 1, President Duterte issued an Executive Order prohibiting employers from circumventing a worker's "security of tenure," which he defined as the right "not to be dismissed or removed without just and authorized cause." Similar to Department Order 174, some labor unions criticized the action for not ending all forms of contractual work.

There were also gaps and uneven applications of the law. Media reported problems in the implementation and enforcement of the domestic worker's law,

including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

During the year various labor groups criticized the government's enforcement efforts, in particular the DOLE's lax monitoring of occupational safety and health standards in workplaces. Between January and July, the BWC recorded 28 work-related accidents that caused 19 deaths and 23 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were Philippine Overseas Employment Agency (POEA) contract or temporary workers. Although the POEA 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. From January to August 2017, the POEA reported 100 suspension orders issued to 57 licensed recruitment agencies for various violations.

Foreigners were generally employed in the formal economy and recruited for high paying, specialized positions. They typically enjoyed better working conditions than citizens.