



## Philippines

### Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

The Philippines is a democratic republic with an elected president, an elected bicameral legislature, and a weak but functioning multiparty system. Although the executive traditionally set the political agenda, the legislature played an active role in policy formation. The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency.

The President is Commander-in-Chief of the Armed Forces of the Philippines (AFP). The Department of National Defense directs the AFP, and the Department of Interior and Local Government has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also has duties in traditional law enforcement efforts, including the pursuit of kidnapers, whose actions remained a chronic criminal problem. The civilian authorities generally maintained effective control of the security forces; however, some elements of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses.

The country has a market-based, mixed economy. The service sector accounted for approximately 45 percent of gross domestic product, the industrial sector 35 percent, and agriculture 20 percent. However, agriculture accounted for approximately 40 percent of total employment. Overseas worker remittances, estimated at \$6-7 billion per year, and tourism were important sources of foreign exchange. The country had a high 2.36 percent annual population growth rate, and a population of nearly 80 million. According to the most recent Family Income and Expenditure Survey, the richest 30 percent of families earned 67 percent of national income, while the poorest 30 percent received approximately 8 percent. The incidence of poverty (measured as the ratio of those below the official poverty threshold to the total population) worsened during the year and approached 40 percent. Poverty was more severe in rural areas, with an estimated 54 percent of the rural population unable to meet basic needs. Poverty in urban centers was approximately 24 percent.

The Government generally respected the human rights of citizens; however, there were serious problems in some areas. Some elements of the security services were responsible for arbitrary and unlawful and in some cases extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. Other physical abuse of suspects and detainees as well as police, prosecutorial, and judicial corruption remained problems. The Government's Commission on Human Rights (CHR), established under the 1987 Constitution, again described the PNP as the worst abuser of human rights. Police and local government leaders at times appeared to sanction extrajudicial killings and vigilantism as expedient means of fighting crime and terrorism. Prison conditions were harsh. Judges and prosecutors remained poorly paid, overburdened, susceptible to corruption and the influence of the powerful, and often failed to provide due process and equal justice. Case backlogs, limited resources, corruption, and a shortage of judges hindered the courts. Long delays in trials were common. Some persons committed abuses with impunity. The Supreme Court undertook efforts to ensure speedier trials and to sanction judicial malfeasance. Despite efforts by reformist leaders in all three branches of the Government to strengthen rule of law and protection of human rights a fundamental and pervasive weakness in the rule of law left citizens with the belief that official justice is beyond reach. Some local military and police forces harassed human rights activists. Violence against women and abuse of children continued to be problems. Discrimination against Muslims persisted. The law provides for worker rights, but implementation and enforcement were not always effective. Child labor continued to be a problem, although the Government and nongovernmental organizations (NGOs) gave the problem increased attention. The use of underage workers in domestic servitude persisted. Child prostitution continued to be a problem. Trafficking in women and children remained a serious problem. The Philippines was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

A large well-funded Communist insurgency continued to operate in various regions of the country; its military arm, the terrorist New People's Army (NPA), committed numerous human rights violations, including political assassinations, kidnappings, and torture. The small, terrorist Abu Sayyaf Group (ASG) committed numerous kidnappings and killings, including summary beheadings of hostages and local residents. The NPA, ASG, and the Moro Islamic Liberation Front (MILF), an insurgent group that signed a cease-fire with the Government in 2001, continued to use children both as soldiers and as noncombatants.

RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

Police forces committed a number of arbitrary and unlawful killings. The CHR investigated 55 complaints of killings for the first 6 months of the year, compared with 40 complaints through June 2001. The CHR included killings by antigovernment insurgents in its investigations. The NGO Task Force Detainees of the Philippines (TFDP) documented 10 summary executions of civilians by government forces and insurgents through July.

Approximately 90 persons (including several candidates) were killed in political violence related to the July local ("barangay") and youth elections. On March 12, a barangay captain shot and killed his opponent in Santa, Ilocos Sur. On July 13, a candidate for barangay chair of Pinukpuk, Benguet, was shot and killed while campaigning. The NPA claimed responsibility for this and many other election-related killings (see Section 3).

In combating criminal organizations, police personnel sometimes resorted to summary execution of suspects, or "salvaging." Police spokesmen frequently explained these killings as the unavoidable result of a shoot-out with suspects or escapees. The CHR suspected that PNP members were the perpetrators of 27 percent of the human rights violations involving deaths that it investigated through June.

In February during what the police described as an exchange of fire, police shot and killed 12 suspected members of a kidnap-for-ransom gang in Alcala, Pangasinan. The CHR reported that by year's end no arrests had been made.

On February 17, suspected PNP members summarily executed three suspected kidnapers in North Cotabato. In April 10 officers, including the regional police chief of central Mindanao and the North Cotabato police chief, were charged with murder.

In May an unidentified person shot and killed a former police chief in South Cotabato suspected of complicity in an Abu Sayyaf shopping mall bombing in 1994 and in the kidnaping of tourists in 1995. The case remained under investigation.

As in 2001, suspected AFP or paramilitary group members shot and killed several officials of the Bayan Muna political party and other leftist organizations. Bayan Muna claimed that 23 of its members have been killed since January 2001, with 12 of the killings in Oriental Mindoro Province. The AFP denied involvement.

In April militiamen connected to the AFP killed an activist associated with Karapatan, a member organization of an NGO umbrella group affiliated with the Communist Party, and her three companions in Cotabato City. The AFP claimed they were NPA members and were killed in an exchange of fire with the government forces. A National Bureau of Investigation (NBI) report rejected the military's account.

On April 15, a paramilitary unit engaged in a firefight with suspected NPA members at a wedding in southern Mindanao. Six civilians were killed. The CHR investigated and concluded that the civilian deaths were not the result of a paramilitary "massacre" as survivors had alleged.

The authorities made some progress on earlier cases. In December 2001, the Department of Justice filed murder charges in a regional trial court against three suspected NPA members for the June 2001 killing of Cagayan Representative Rodolfo Aguinaldo and his bodyguard. No bail was recommended, and the suspects remained in custody.

On January 8, the Antipolo City prosecutor's office charged three army soldiers with murder for the December 2001 killing of an alleged NPA member. At year's end, the case was pending.

On January 15, NBI agents arrested a suspect in the May 2001 murder of Quezon Province Representative Marcial Punzalan. The NPA previously had claimed responsibility for the killing; the suspect reportedly was a paramilitary member and gun-for-hire with NPA connections. He remained in custody awaiting charges.

On May 10, the Court of Appeals ordered the indictment of three former police generals, all top officials in the now-defunct Presidential Anti-Organized Crime Task Force, for the November 2000 murders of a publicist for former President Estrada and his driver. According to the Department of Justice, all three remained at large. Two reportedly fled the country and were believed to be in North America.

On June 4, the NBI said it had a new state witness in the 1995 murders of 11 suspected members of the Kuratong Baleleng kidnap-for-ransom gang and petitioned the courts to reopen the case. Senator Panfilo Lacson was implicated in these killings, which occurred when he was a special unit commander in the PNP, but at year's end there were no charges against him in this case.

The terrorist Abu Sayyaf Group kidnaped and tortured many civilians during the year and summarily beheaded many of its captives (see Section 1.b.). On June 7, the AFP attempted to rescue three ASG hostages—Martin and Gracia Burnham and

Ediborah Yap. During the encounter, Martin Burnham and Yap, died in an exchange of gunfire between the AFP and their ASG captors. AFP forces reportedly shot and killed ASG spokesman Abu Sabaya, one of the individuals believed to be responsible for the kidnaping, during a maritime encounter on June 21.

On June 17, ASG members beheaded a farmer they suspected of being a government informer. On July 10, armed men believed to be ASG members seized and killed three fishermen in the waters off Isabela, Basilan. On July 13, ASG members beheaded an elderly farmer in the same region.

On October 2, a bomb exploded in Zamboanga City, killing a foreign person and two Filipinos. The AFP and PNP identified the perpetrator as a member of the ASG. He was killed when the bomb exploded prematurely.

Communist insurgents, mainly from the New People's Army, took part in killings of political figures, military and police officers, and civilians, including suspected military and police informers and foreign tourists. The NPA also targeted suspected military and police informers and foreign tourists. Peace negotiations between the Government and the political arm of the Communist Party, the National Democratic Front (NDF), made no significant progress.

In January, in two shootings, armed men believed to be NPA rebels killed two foreign tourists and wounded another while they were hiking in Pampanga Province.

In February suspected NPA members shot and killed a barangay official in his house near Ormoc City, Leyte. That same month, suspected NPA members also ambushed and killed a foreign hiker in Porac, Pampanga.

In separate incidents in March, suspected Communist gunmen killed four local officials apparently because they were running against NPA-backed candidates for local office. Also in March, suspected NPA rebels tortured (see Section 1.c.), then shot and killed a retired military man and his wife.

On March 29, the NPA violated a self-declared cease-fire by killing a militiaman in Camarines Sur, apparently to mark the NPA's 33rd anniversary.

On April 22, four men shot and killed the mayor of Jones, Isabela inside the municipal hall. The NPA claimed responsibility for the killing, accusing the mayor of corruption and human rights abuses. In June Isabela police charged seven NPA members with the murder, but the suspects had not yet been taken into custody.

On May 28, suspected Communist members shot and killed a former town mayor in Camarines Sur. The former mayor had been an active participant in the Government's counterinsurgency program and had survived three prior murder attempts.

On May 13, police filed murder charges against a member of the Alex Boncayo Brigade (ABB), a breakaway faction of the Communist Party, for the February 2001 killing of a Communist labor leader. As of May, the accused remained at large, and other suspects in the case had yet to be identified.

NGOs expressed concern over killings by vigilantes in several Mindanao cities. Since 1995 so-called death squads reportedly killed more than 180 persons, and NGOs criticized several local officials for encouraging vigilantism and extrajudicial violence. Through August death squads killed at least 18 children. Many reportedly were involved in narcotic sales and petty crimes. There were reports that mayors in Davao del Sur and Misamis Oriental Provinces supported death squads responsible for more than 20 killings of suspected drug dealers.

During the year, unknown persons killed several journalists (see Section 2.a.). In May a broadcaster and editor of a community newspaper was killed in Pagadian, in the southern province of Zamboanga del Sur. On August 14, a witness was killed after testifying to authorities that a senior police officer in the area had sought the death of the journalist because he had exposed police corruption. At year's end, the PNP had fired the senior police officer and his superior; however, no charges had been filed and the case remained open.

Reporters Without Borders accused police and military officers in Zamboanga del Sur of blocking investigations and threatening witnesses in the murders of four other journalists since January 2001.

On August 22, an assailant shot and killed a cable television newscaster and publisher of a community newspaper in San Pablo City, Laguna.

On December 24, an explosion at the home of a mayor in Maguindanao Province killed 13 persons and wounded 12 others. On December 31, a grenade explosion in Tacurong City Sultan Kudarat Province killed 6 and wounded 30. Government officials believe that these resulted from a dispute between two clans, at least one of which has links to the MILF.

b. Disappearance

Government forces were believed responsible for disappearances. The domestic NGO, Families of Victims of Involuntary Disappearances (FIND), reported eight disappearances during the year. On February 4, two members of the Bayan Muna political party, which is closely linked to the Communist Party (CPP), disappeared in Aurora Province. FIND suspected the AFP. At year's end, the two remained missing. On February 9, elements of the AFP allegedly seized a Bayan Muna organizer and a former student activist in San Jose, Nueva Ecija. At year's end, the two remained missing. The AFP has denied involvement in these disappearances.

FIND reported that 1,015 cases of disappearance remained unsolved; the majority of these cases date from 1983-85, the peak of the agitation against the Marcos dictatorship, and 1987-89, the height of an Aquino administration crackdown on insurgents.

The courts and the police failed to address adequately complaints of victims' families concerning past disappearances in which government security forces were suspected. Disappearance itself is not a crime under the law; evidence of a kidnaping or killing is required in order for charges to be filed. FIND and Amnesty International's (AI) Manila office continued to support the efforts of victims' families to press charges, but in most cases evidence and documentation were unavailable. Convictions were rare; FIND reported that only 14 cases were pending in court. Judicial inaction on the vast majority of disappearances contributed to a climate of impunity that undermined public confidence in the justice system.

There were no developments in the following disappearance cases: The April 2001 disappearance of a Bayan Muna coordinator from Laguna Province arrested by unidentified military units; the June and July 2001 disappearance of five farmers in Basilan; the September 2001 disappearance of two suspected NPA members who were arrested in Oriental Mindoro by paramilitary or military units; the October 2001 disappearance of three farmers arrested by AFP elements in Zamboanga del Norte.

The Abu Sayyaf Group again engaged in many acts of terrorism during the year. The ASG sometimes claimed that its motivations were political or religious in order to attract sympathy for its actions, but during the year it again used terror mainly for profit. Its victims again included Christians and Muslims, Filipinos and foreigners.

On June 7, a gun battle between the ASG and AFP resulted in the death of hostages Martin Burnham and Ediborah Yap, and the wounding of Gracia Burnham. These three were the last remaining hostages of a group kidnaped from a tourist resort in May 2001.

On June 17, suspected ASG members intercepted an Indonesian tugboat in Mindanao waters and abducted four of its crewmen.

On August 20, suspected ASG members abducted six individuals in Jolo, Sulu. The two men in the group were beheaded. At year's end, at least four persons remained in captivity.

The NPA also was responsible for kidnapings and hostage takings. On February 22, the NPA kidnaped 11 power company workers in Catanduanes Province. They were released several days later after their employers paid ransom.

Criminal gangs with no pretense of political or religious agendas also engaged in kidnapings for ransom.

The police solved some kidnapings and apprehended suspects. The PNP reported that 80 kidnapings have been solved between January 2001 and June 2002. On May 7, police in Zamboanga City filed charges of 52 counts of kidnaping against a high-ranking leader of the ASG who was captured the prior week. Fifty other ASG suspects were awaiting trial in Metro Manila.

On August 9, government officials charged the PNP chief of Sultan Kudarat Province in southwestern Mindanao and a town mayor with complicity in the kidnaping of a foreign national and a Filipino businessman. Several other men were in police custody while awaiting trial in the same case.

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

The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible in court; however, members of the security forces and police continued to use torture and to abuse suspects and detainees. The CHR provides the police with mandatory human rights training, including primers on the rights of suspects, and higher level PNP officials seemed more receptive to respecting the human rights of detainees; however, rank-and-file awareness of the rights of detainees remained inadequate. Through September the PNP reported investigating 163 human rights complaints against its personnel, leading to the trial of 70 officers. The PNP reported that among the 163 complaints there were 13 allegations of rape. At year's end, 1 of these cases had been dismissed, 2 were under investigation, and 10 individuals were on trial.

TFDP stated that torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included striking detainees and threatening them with guns. Less common forms included the placing of plastic bags over heads to deprive the detainee of air. TFDP reported that such beatings often were carried out in the early stages of detention, often by the arresting officer. During the year, police intensified efforts to dismiss abusive officers and investigate police units nationwide.

Within the AFP, the CHR observed greater sensitivity to the need to prevent human rights violations. Officers with human rights violations cannot be promoted. Nevertheless, abuses still occurred. Human rights activists complained of abuses by government security forces against suspected ASG and NPA members in captivity. According to the Moro Human Rights Center, members of the AFP frequently beat ASG suspects.

The CHR documented one case of torture from January through June; TFDP reported seven cases from January through June. The AFP was implicated in many of these cases.

On March 31, AFP units reportedly beat 27 suspected ASG members in Zamboanga City. The 27 complained that they were tied, blindfolded, and punched until they admitted to membership in the ASG. As of July, the authorities still detained seven, including two minors, in the Basilan provincial jail. The rest had been released.

On April 23, a 19-year-old Muslim male while under police interrogation about the bombing of a department store in General Santos City on April 21 was blindfolded and punched in the stomach.

On May 1, a resident of Barangay Alfonso, Cavite, suspected of membership in an armed dissident group was reportedly kicked, struck with rifle butts, and suffocated with cellophane by PNP units.

The terrorist ASG kidnaped and tortured many civilians during the year. ASG members often beat their captives and handcuffed them to trees overnight. Food and water were inadequate. The ASG summarily beheaded a number of its captives (see Section 1.b.).

Prison conditions were harsh. Provincial jails and prisons were overcrowded, had limited exercise and sanitary facilities, and provided prisoners with an inadequate diet. The Government reported that jails in the metropolitan Manila area were operating at 123 percent of capacity. A significant percentage of the inmates were detainees unable to post bail. Administrators budgeted a daily subsistence allowance of about \$0.60 (30 pesos). Prison inmates often depended on their families for food because of the insufficient subsistence allowance, and the need to bribe guards to receive food rations. In February 162 inmates of the Pampanga provincial jail staged a hunger strike to protest inadequate and sometimes rotten food.

Overcrowding appeared to contribute to medical problems among inmates. During the year, at least 80 inmates died of various ailments in city and municipal jails nationwide, with 28 deaths at the Manila City Jail. The poorly ventilated city jail suffered at times from a lack of potable water. As of June, 3,709 prisoners occupied a facility built to accommodate 1,000 inmates.

In national prisons, male and female inmates were held in separate facilities, overseen by guards of the same sex. In provincial and municipal prisons, male guards sometimes supervised female prisoners, directly or indirectly. In Bureau of Immigration and Deportation (BID) detention facilities, male and female inmates were segregated by sex, but male guards oversaw both sexes. Although prison authorities attempted to segregate children, in some instances they were held in facilities not fully segregated from adult male inmates. In 2001 the Supreme Court ordered the transfer of 12 minors from death row to a medium security prison. On August 19, after repeated delays, the Bureau of Corrections transferred them. Pretrial detainees sometimes were not separated from convicted prisoners.

There were reports of widespread corruption among guards. Guards demanded that prisoners pay in order to receive food, to use sanitary facilities, and to avoid beatings by other prisoners. Jail administrators reportedly delegated to senior inmates authority to maintain order. The CHR and TDFP reported that beatings by prison guards and other inmates were common, but that prisoners, fearing retaliation, refused to lodge complaints. Corruption appeared to be a problem at higher levels of authority within the prison system as well. Some prominent prisoners and jailed celebrities received preferential treatment. Favored inmates reportedly enjoyed access to outside contacts, enabling them to trade in prostitution and drugs.

There were reports that guards abused prisoners. In March 2001, AI reported that women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Victims often were afraid to report incidents (see Section 5). Some detainees at BID detention centers reportedly gained their release by making cash payments to guards.

International monitoring groups and the International Committee of the Red Cross are allowed free access to jails and prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in a number of cases arrested and detained citizens arbitrarily. The CHR investigated 17 cases of illegal arrest and detention through March—a decrease from the number recorded during the first quarter of 2001. The TFDP documented 36 cases of politically motivated arrests by the Government through July. TFDP and the NGO Philippine Human Rights Information Center (Philrights) both estimated the total number of political prisoners in the country at about 200. Many of these individuals were charged with common crimes. There were allegations that some of these individuals remained in custody for periods longer than their stated jail terms. The Government denied that there were any political detentions or detainees (see Section 1.e.).

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime. Due to the slow judicial process, lengthy pretrial detention remained a problem (see Section 1.e.).

The Moro Human Rights Center reported a significant number of cases of harassment and illegal detention of Muslims by police and military officers. In many cases, police and military officials suspected the targets of belonging to the ASG, and searched them without warrants, and, in one instance, raided an Islamic school in Pampanga Province that authorities suspected had links to the Al-Qa'ida terrorist network.

In other instances, political activists from various parties were the targets of arbitrary arrests and detentions. In January police without warrants detained seven activists from Karapatan, a group linked to the CPP, in Cagayan de Oro, Misamis Oriental. Police released three of the detainees within days. On April 23, police and soldiers arrested three members of a party affiliated with Bayan Muna in General Santos City, South Cotabato. Police reportedly searched their offices without a warrant, and held them in custody at a police station in General Santos for 2 months.

On April 25, Ronald Lumbao, the leader of a group supporting deposed former President Joseph Estrada, was arrested after he was implicated in the May 1, 2001, violent political rally. As of December, he remained in jail charged with rebellion. His petition for bail had not yet been adjudicated and his trial was pending.

The terrorist NPA, as well as some Islamic insurgent groups, were responsible for a number of arbitrary detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and other persons for "crimes against the people" (see Section 1.e.).

During the year, police released some individuals allegedly detained for political reasons. On June 6, 31 alleged rebels belonging to the MILF were released from jail in Mati, Davao Oriental. They had been accused of murder and robbery and had been held since July 2000. A Regional Trial Court judge ordered the release because of insufficient evidence and allegations that the military subjected state witnesses to physical coercion.

Forced exile is illegal, and the Government did not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties, and sometimes venality, undermined the commitment of some government employees to ensure due process and equal justice. The result was impunity for some wealthy and influential offenders, and widespread skepticism that the judicial process would produce fair outcomes.

Low pay rendered both judges and prosecutors susceptible to corruption. There were many allegations that judges accepted money or other bribes. Legal experts inside and outside the justice system criticized relationships between some judges and individual or corporate litigants. Some lawyers acted as "case fixers," gaining the favor of judges and other court officials and allegedly bribing some witnesses.

The President and the Chief Justice of the Supreme Court expressed their desire to root out corrupt practices, and both warned judges and prosecutors not to abuse their authority. A high-profile campaign against judicial corruption showed promise, but progress remained halting.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, although poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was great and resources were scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the Court of Appeals; and 3 months for lower courts. There are no time limits for trials.

The judicial system was unable to ensure expeditious trials for detained persons. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, many trials lasted for several months. Furthermore, there is a widely recognized need for more prosecutors, judges, and courtrooms. Of the more than 2,100 trial court judgeships nationwide, 32 percent remained vacant at year's end due to a lack of qualified applicants. Vacancies in Mindanao and other poorer provinces were particularly unattractive to many jurists, and 38 percent of these judgeships were vacant. Also difficult to fill were the Shari'a court positions, in part because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year. The terrorist NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants."

International and domestic NGOs criticized many court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times, defendants in death penalty cases lacked adequate legal representation at the time of arrest, indictment, or at trial. By law the Supreme Court reviews all death sentences. In April 2001, senior government officials announced a moratorium on the death penalty, which at year's end remained in effect.

Various human rights NGOs maintained lists of incarcerated persons they allege to be political prisoners; estimates usually range from 75 to over 250. Typically there was no distinction in these lists between detainees and prisoners, and the majority of persons on these lists have not been convicted. Some face murder, kidnaping, and other serious charges, while others are charged with lesser offenses such as possession of drugs or firearms. Some NGOs asserted that it was frequent practice to arrest political detainees for common crimes and to continue to detain them after their sentences expired. Often it was difficult to distinguish between persons possibly incarcerated for political reasons and those for common crimes. The Government uses NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it does not consider the persons listed to be political detainees or prisoners. The Office of the President returned to the Board of Pardons and Parole approximately 6,000 requests for presidential action, with instructions to restudy the cases.

The Government permitted access to alleged political prisoners by international humanitarian organizations.

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

The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while the government generally respected restrictions on search and seizure within private homes, searches without warrants have occurred. Judges declared evidence obtained illegally to be inadmissible.

The Government generally respected the privacy of its citizens; however, leaders of Communist organizations complained of what they described as a pattern of surveillance on their activities. Bayan Muna party members reported the ransacking of a clinic and an office in the Davao City area.

Forced resettlement of urban squatters, who make up at least 30 percent of the urban population, continued during the year, although to a lesser extent than in prior years. The law provides certain protections for squatters; eviction is often difficult, especially because politicians recognize squatters' voting power. However, NGOs complained that in many instances the Government did not adhere to its 2001 suspension of demolitions in urban poor areas. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters targeted by displacement was limited. Some squatters removed for flood control projects were relocated to areas far from their places of livelihood and from schools.

The Government did not use forced conscription; however, there were unconfirmed reports of forced conscription into local paramilitary units with links to the AFP. In August persons representing 13 minority tribes from Mindanao accused the AFP of forcing them to join Citizens Armed Forces Geographical Units to fight the NPA. The AFP rejected the claims.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Some citizens groups complained that the AFP, in confronting the terrorist Abu Sayyaf Group, illegally detained citizens, torched houses, and shelled villages suspected of being ASG strongholds. The AFP defended its actions (see Sections 1.a. and 1.d.).

The terrorist ASG kidnaped and tortured many civilians during the year and beheaded a number of its captives. There were reports that the ASG killed citizens whom it suspected of being government or military informants. AFP-ASG clashes occurred intermittently throughout the year, mostly in the Zamboanga peninsula and Sulu archipelago. AFP-ASG clashes displaced approximately 8,000 civilians. By year's end, the majority of these individuals had returned to their homes.

There were some clashes during the year between the AFP and the largest remaining Muslim separatist group, the MILF. However, there were fewer attacks than in 2000 or 2001. At year's end, the August 2001 cease-fire agreement remained in

effect, despite sporadic clashes. The MILF recruited children to serve as reserve forces and to provide noncombat support (see Section 5).

In February an AFP-MILF encounter in Basilan reportedly affected seven barangays and 1,300 families. Also in February, AFP-MILF fighting in Maguindanao Province displaced 5,508 families, some of whom have returned to their homes. In March AFP-ASG engagements displaced 1,600 families on Basilan. That same month, in Sultan Kudarat, NPA-AFP clashes forced 345 villagers to flee their homes. In May an encounter between the MILF and another Muslim group, the Muslim National Liberation Front (MNLF), displaced 150 families in Maguindanao Province. That same month, military operations against the NPA led 840 residents to leave their homes in Magsaysay, Davao del Sur. In June a battle between the MILF and AFP led to the displacement of at least 150 residents in Datu Piang, Maguindanao.

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, by May approximately 67,000 still had not returned to their homes, according to the Department of Social Welfare and Development (DSWD). Of these approximately 65,000 were living with friends and relatives, while approximately 2,000 remained in government-run evacuation centers. DSWD reported that all but 2 of its nearly 500 evacuation centers that were established in connection with the clashes had been closed.

During the year, the terrorist NPA killed political figures, mayors, military and police personnel, and civilians, including those it suspected of acting as informants for the Government or the AFP. The NPA also harassed businesses and burned buses to enforce the collection of "revolutionary taxes." The NPA continued actively to recruit minors both as combatants and noncombatants (see Section 5).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Most print and electronic media are independent. A few television and radio stations are owned by the state. Broadcast and print media are freewheeling and sometimes criticized for lacking rigorous journalistic ethics. They tend to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom are close associates of present or past high-level political officials.

Journalists were the targets of several violent incidents during the year. In May a broadcaster and editor of a community newspaper was killed in Pagadian City, in the southern province of Zamboanga del Sur. On August 14, a witness to that murder was himself killed after testifying to authorities that a senior police officer in the area had sought the death of the journalist because he had exposed corruption in the police force. The NBI announced in May that it had identified one of the journalist's killers as a police officer. He was temporarily taken into custody for questioning and later fired from the police force. At year's end the case was still under investigation. Since 2000 four journalists had been killed in the Pagadian area.

On August 22, an assailant killed a cable television newscaster and publisher of a community newspaper in San Pablo City, Laguna. He was known as a crusading journalist and a vocal critic of political corruption.

Some journalists and broadcasters were subjected to occasional harassment. In separate incidents in February two mayors, one in northern Luzon and one in northern Mindanao, attempted to shut down radio stations, allegedly because the stations were critical of the local officials.

Many incidents of violence directed at journalists that date from earlier years remained unsolved. The international NGO Committee to Protect Journalists criticized the Government for its failure to prosecute those responsible for the murder of journalists in the country. The Philippine Press Institute stated that there have been no convictions for the murders of 38 journalists in the country since 1986. The international NGO Reporters without Borders accused police and military officers in Zamboanga del Sur of blocking investigations and threatening witnesses in the murders of four journalists since January 2001.

The Government did not restrict Internet use.

The Government did not restrict academic freedom.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected them in practice.

Although the law requires that groups request a permit to hold a rally, for much of the year the Government followed an unwritten policy of allowing rallies to occur without requiring the filing of a request; however, in August, in connection with the visit of a foreign official, police required protesters to request official permits. Leftist groups complained that they were not allowed to hold protests in places where the foreign official was scheduled to visit. Police permitted rallies in alternative locales.

Several NGOs also complained about government security forces violently dispersing rallies. Violence generally was limited, and at times some of these groups provoked security forces by shoving or throwing objects. In one instance, participants in a bus caravan in Mindanao claimed that the Government failed to protect them from objects hurled by fellow citizens along the travel route.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although Christianity, particularly Roman Catholicism, is the predominant religion, there is no state religion, and under the Constitution church and State are separate.

At least 5 million Muslims, who constitute approximately seven percent of the population, reside principally in Mindanao and nearby islands. They make up the largest single minority group in the country. Historically, they have been alienated from the predominant Christian majority. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported that they have difficulty renting rooms in boarding houses or being hired for retail work if they use their real name or wear distinctive Muslim dress. Some Muslims therefore used a Christian pseudonym and do not wear distinctive dress when applying for housing or jobs. Muslims continued to be somewhat underrepresented in senior civilian and military positions. Provinces in Mindanao that are predominantly Muslim lag behind the rest of the country in most aspects of socioeconomic development.

While Christian-Muslim relations were generally free of violence, Muslims faced discrimination not because of their religious beliefs or practices, which they were free to celebrate without interference, but because they were culturally different. There also were reports of Muslim discrimination against Christians in areas where Muslims are the majority.

Intermittent government efforts to integrate Muslims into political and economic society have achieved only limited success. Many Muslims claimed that they continue to be underrepresented in senior civilian and military positions, and cited the lack of proportional Muslim representation in national government institutions (see Section 3). Muslims welcomed the approval of a bill to declare the Islamic festival of Eid al-Fitr a national holiday. However, the Government's crackdown on the terrorist ASG led many human rights NGOs to accuse the police and military of unfairly targeting Muslims for arrest and detention (see Section 1.d.).

The teaching of religious classes in public schools is permitted with the written consent of parents, provided that there is no cost to the Government. The Department of Education required schools to ensure the protection of the religious rights of students. These measures included allowing Muslim students to wear their head coverings ("hijab") and not requiring Muslim girls to wear shorts during physical education classes.

About 14 percent of the school population in Mindanao attend Islamic schools. The Government's Education for Peace and Development in Mindanao program is working to integrate the Islamic school network into the country's national education system. As of August, less than 10 percent of Islamic schools were fully accredited by the Government.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

Citizens enjoyed the freedom to change their places of residence and employment. Travel abroad is limited only in rare circumstances, such as when a citizen's court case is pending. Government authorities discourage travel by workers deemed vulnerable, such as young women, to areas in which they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to those persons whom the POEA certifies as qualified for the jobs. More than 7 million citizens worked overseas and remitted money home. Such remittances amount to approximately 10 percent of the gross national product.

The practice of forcible displacement of urban squatters to make room for infrastructure and commercial developments declined notably beginning in February when the Government suspended demolitions in poor urban areas (see Section 1.f.).

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 67,000 were still displaced as of May due to a lack of housing or because of security concerns. The majority of these displaced persons were in the provinces of Maguindanao and North Cotabato (see Section 1.g.). The Government still operated two displaced persons centers in predominantly Muslim areas of Mindanao.

During the year, fighting between the AFP and MILF, ASG, or NPA displaced about 17,000 families according to the Ecumenical Commission for Displaced Families and Communities (ECDFC). The majority of armed encounters that led to displacements took place in Muslim areas of Mindanao. ECDFC estimated that 20 percent of these families remained displaced at year's end.

There is no comprehensive legislation that provides for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice implement many of the basic provisions of the 1951 U.N. Convention. The Government cooperated with the U.N. High Commissioner for Refugees and with other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution. The Government has provided first asylum.

The Government continued to allow approximately 1,800 asylum seekers from Vietnam to remain in the country. All had been precluded from refugee status. Most live on Palawan Island or in major urban areas. There was significant popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers but has not ruled out forcible repatriation.

During the year, an estimated 80,000 Philippine citizens were deported from Malaysia. The Government protested the treatment of thousands of these persons who had been confined in camps in Sabah, Malaysia, while awaiting deportation and assisted in their return by providing naval vessels. Several children died of disease en route. The Government provided the deportees with food, shelter, and, in some cases, medical care following their arrival in the country.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage. At year's end, legislation was pending in Congress to establish an absentee voting system, which is required by the Constitution. The system would enfranchise those eligible to vote among the 7.4 million Filipinos who reside outside the country.

In July barangay elections were held nationwide. The elections were largely free and fair, but approximately 90 persons died and hundreds were injured in election-related violence. The victims included a number of candidates. The terrorist NPA claimed responsibility for several election-related killings, although political rivalries were also a major cause. There were reports that the NPA continued to charge "access fees" to candidates wanting to campaign in remote areas. The NPA also killed local government officials in other instances not related to the barangay elections (see Section 1.a.).

In May 2001, midterm elections were held for new senators, representatives, provincial governors, and local government officials. Approximately 100 persons were killed in election-related violence, including two sitting congressmen and a candidate for provincial governor (the NPA claimed responsibility for these and many other election-related killings), and another 140 persons were wounded in more than 200 incidents in the period preceding and following the voting.

In November 2001, elections were held on the question of expanding the Autonomous Region in Muslim Mindanao (ARMM). The elections were marred by violence thought to have been instigated by the outgoing governor, Nur Misuari. The Government filed rebellion charges against Misuari, who fled to Malaysia and later was returned to the Philippines. He remained in detention pending trial.

There were no restrictions in law or practice on participation by women and members of minorities in politics. There were a number of women in positions of leadership and authority, some in highly visible positions. There were 3 female Senators in the 23 member Senate and 39 women in the 216-member House of Representatives. The President was a woman, and there were five female cabinet-level officials. There were 2 women on the 15-member Supreme Court.

Along with many other citizens, Muslims argued that the method of election of senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment; many Muslims and members of other disadvantaged groups who are underrepresented in the national legislature favor such an amendment. There was one Muslim cabinet member, and one Muslim senior presidential adviser. There were no Muslim senators. The House of Representatives had nine Muslim members, including some elected from Christian majority districts.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large and active group of human rights NGOs generally operated without government interference, investigating and publishing their findings on human rights cases. Most government officials, including those of the CHR, were responsive to NGO views. Many domestic NGOs were critical of the Government's human rights record; these NGOs also criticized previous governments' human rights records. While acknowledging that respect for human rights has improved under President

Macapagal-Arroyo, many NGOs criticized the Government for being overzealous in its efforts to defeat the ASG. These groups cited indiscriminate arrests, torture of suspects, and the shelling of civilian areas the AFP suspected of harboring ASG members. President Macapagal-Arroyo staunchly denied wrongdoing by the AFP.

Some NGOs expressed concern over what they perceived as increasingly hostile government rhetoric toward human rights activists. President Macapagal-Arroyo stated that certain leftist groups committed human rights violations themselves and implied that some groups were merely front organizations for terrorists and criminals. NGOs, including AI, also expressed concerns over statements by the mayor of Davao, whom Macapagal-Arroyo has tapped as an adviser on crime, that condoned extrajudicial killings as an acceptable means to fight crime.

In April a Senator called for an investigation into the killing of a member of a leftist human rights group and three companions during an army operation in Arakan, North Cotabato, on April 5 (see Section 1.a.). At year's end, Congress had yet to launch an investigation.

Member organizations of the Philippine Alliance of Human Rights Advocates (PAHRA), a leading NGO network, effectively monitored human rights problems and sought redress through their contacts with government agencies, the Congress, and the Government's Commission on Human Rights. Human rights activists continued to encounter minor or sporadic harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. Members of TFDP reported incidents of intimidation and harassment, and one case in which allegedly false charges were filed against a TFDP staff member.

CHR monitoring and investigation of human rights complaints remained hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays had Human Rights Action Centers, which coordinated with CHR regional offices. However, the CHR's regional and subregional offices remained understaffed and underfunded, detracting from their effectiveness. The new CHR chair has significant experience in the field of human rights and expressed her strong commitment to improve the Commission's effectiveness.

#### Section 5 Discrimination based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

#### Women

Violence against women, both in and out of the home, remained a serious societal problem. The law does not specifically address the problem of domestic violence; complaints are filed under the charge of "physical injury." The Government did not disaggregate statistics to indicate the number of physical injury cases that result from domestic violence. The Department of Social Welfare and Development assisted an average of 4 women per day who complained of domestic abuse, not including rape.

In June Cebu City legislators passed the country's first local ordinance that penalizes perpetrators of domestic violence and provides protection to victims. Under this law, witnesses may file complaints as well as victims.

The PNP and the DSWD both maintained women's help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Many PNP stations included female officers. Overall the Government spent an estimated \$1 million (53 million pesos) during the year for medical and psychiatric facilities and shelters for women who are victims of violence.

Rape continued to be a major problem. The PNP reported that it investigated more than 2,500 cases of rape during the year. Of that number, the PNP reported that 90 percent were "solved," that is a suspect was identified and charges were filed or cases were settled out of court between the parties. There were reports of rape and sexual abuse of women in police or protective custody. These often involved women from marginalized groups, such as suspected prostitutes, drug users, and lower income individuals arrested for minor crimes. In April there were allegations of rape and abuse by members of the security force of the Witness Protection Program (WPP). The Department of Justice, which oversees the WPP, investigated the complaints and fired several members of the WPP security force who were alleged to be involved.

The law provides for the death penalty in cases of rape. Spousal rape and abuse also are illegal, but enforcement is ineffective. Some NGOs argued that courts' imposition of death sentences for rape convictions inhibits some victims, particularly relatives of the accused, from pressing charges. During the year, of the eight prisoners sentenced to death, three were convicted of rape. Of all prisoners, those convicted of rape make up 60 percent of those sentenced to death.

Prostitution is illegal. Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). A 1998 International Labor Organization (ILO) study estimated that 500,000 women engaged in prostitution within the country. Penalties for the offense are light, but detained prostitutes were subjected to administrative

indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. Officials believed that this helped only a small percentage of victims. Local officials condoned a climate of impunity for those who exploited prostitutes.

Sex tourism was a serious problem. Trafficking in women and children for sexual exploitation and forced labor were problems (see Section 6.f.).

Sexual harassment in the workplace was thought to be widespread yet underreported due to victims' fear of losing their jobs. Female employees in special economic zones (SEZs) were particularly at risk; most are economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry work on 3- to 5-month contracts, and were reluctant to report sexual harassment for fear their contracts would not be renewed.

In this predominantly Roman Catholic country, the law does not provide for divorce, although the courts generally recognize the legality of divorces obtained in other countries. The process of annulment is cumbersome and costly, which precluded annulment as an option for many women. Many lower income couples simply separate informally without severing their marital ties. The Family Code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of 7 are placed in the care of the mother unless there is a court order to the contrary. Children over the age of 7 normally also remain with the mother, although the father can dispute custody through the courts.

In law but not always in practice, women have most of the rights and protections accorded to men. Unemployment rates for women are consistently higher than for men. Women's salaries averaged approximately 47 percent lower than their male counterparts'. Women continued to face some discrimination in employment. More women than men enter secondary and higher education.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 10 NGO leaders appointed by the President, acts as an oversight body whose goal is to press for effective implementation of programs benefiting women.

#### Children

The Government devoted considerable resources to the education, welfare, and development of children. The Department of Education had by far the largest budget of any cabinet department. Nevertheless, children faced serious problems.

Primary and secondary education is free and compulsory, but poor families often were unable to meet costs for uniforms, supplies, shoes, and transportation. Poverty forced many children throughout the country to drop out of school; during the year, 96 percent of school-age children were enrolled in elementary school and 70 percent in secondary school, but only about 66 percent of children completed sixth grade, and only 50 percent of all children finished secondary school. The overall graduation rate (students who start elementary school and graduate from secondary school) was 71 percent. The Asian Development Bank expressed concern over a growing inequity in educational opportunities for the poor as public spending per pupil declined. In the 1980s, public spending covered 80 percent of the cost of elementary education; however, according to government estimates, this share has declined to less than 60 percent.

According to government reports, 70 percent of children are well nourished and 90 percent are fully immunized. The child mortality rate was 48 out of 1,000 children before the age of 5 years. In 2000 an NGO estimated that 30 to 40 percent of preschool children in the five-province Autonomous Region in Muslim Mindanao suffered from malnutrition. Most of the children were in villages in Maguindanao, Lanao del Sur, and Tawi-Tawi Provinces, areas of heavy insurgent combat. According to the latest UNICEF data, at the end of 1999, 28 percent of children under age 5 nationwide were moderately or severely underweight.

According to UNICEF and ILO studies, approximately 2 million children were exposed to hazardous working environments, such as in quarries, mines, and at docksides (see Section 6.d.). Sexual exploitation and trafficking in children for the purpose of sexual exploitation were problems. NGOs estimated that approximately 60,000 children were involved in the commercial sex industry (see Section 6.f.).

The Government estimated that there were as many as 200,000 street children nationwide, half of them in the greater Manila area. Welfare officials believed that the number increased as a result of widespread unemployment in rural areas. Many street children appeared to be abandoned children engaged in scavenging or begging. In September 2001, an ILO-sponsored report stated that children as young as 5 years old were involved in the production and sale of illegal narcotics.

Child abuse remained a problem. DSWD offices served nearly 5,900 victims of child abuse during the year, 71 percent of whom were girls. Some 60 percent of the girls were victims of sexual abuse, while the majority of the boys had been abandoned or neglected. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued to be reported in the press, and the Government continued to prosecute accused pedophiles. Children also were victims of police abuse while in detention for committing minor crimes. There were reports that police struck minors, and in one case, poured an adhesive substance over the head of a 14-year-old girl.

There were reports of discrimination against children of single parents at some private Catholic schools. In April the Secretary of Education ordered all private schools to discontinue their practice of refusing admission to children of single or separated parents.

In November 2001, the Supreme Court upheld the conviction of a Congressman for statutory rape; the Congress declared his seat vacant, and a special election was held in August to fill the seat.

The family court system expedites juvenile and domestic relations cases and serves to strengthen safeguards against the sale and trafficking of children abroad. The Supreme Court promulgated rules designed to avoid trauma to child witnesses, which took effect in January 2001. The rules permit nonlawyers to pose questions, allow children to have companions of their own choosing present, provide for the exclusion of persons not having a direct interest in the case, and permit use of videotaped testimony and one-way mirrors.

Children were targeted for recruitment as combatants and noncombatants by the terrorist NPA and ASG, and by the MILF. The NPA claimed that it assigned persons 15 to 18 years of age to self-defense and noncombat duties; however, there were reports that the NPA continued to use minors in combat. A high-ranking AFP official estimated that children make up 30 percent of the NPA's fighting force. In the last several years, the AFP on numerous occasions captured or killed NPA fighters who turned out to be minors. In August an AFP commander presented a list of almost 300 NPA members who had surrendered to his command since May 2001, at least 17 of whom were still minors when they joined the NPA.

The MILF also recruited children. In many instances, children were pressured by their relatives to join as part of family or clan obligations. Cultural perceptions sometimes play a role; teenagers as young as 13 or 14 are considered to be adults. In one town in North Cotabato, a teacher reportedly disclosed that boys as young as 12 disappeared from their classes when the MILF was engaged in encounters with government troops. The MILF responded that it used children for training but not for combat. The AFP disagreed, stating that many MILF members killed or captured were children, some as young as 12.

The ASG also recruited teenagers to fight and participate in criminal activities. There were reports that a significant number of ASG members staffing the groups' camps were teenagers. The AFP said that some Islamic schools in Mindanao served as fronts to indoctrinate children, and that the ASG used children as couriers and spies. In February the DSWD reported that seven former "child warriors" ages 11 to 15 admitted to having fought with the ASG against the AFP on Basilan island.

In November 2001, the Government adopted a Comprehensive Program Framework for Children in Armed Conflict, encompassing prevention, advocacy, rescue, and reintegration. The Government noted that children accounted for many of the casualties and captured elements during military-insurgent clashes, that many of the children recruited by the NPA and by the MILF came from indigenous communities, that some of the children were forcibly recruited or abducted, and that girl recruits were at risk for sexual exploitation.

A number of NGOs actively promoted children's rights.

#### Persons with Disabilities

The law provides for equal physical access for persons with disabilities to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." The law applies to both those with physical and mental disabilities. The Department of Labor and Employment's (DOLE) Bureau of Local Employment (BLE) maintains registers of persons with disabilities indicating their skills and abilities. BLE monitors private and public places of employment for violations of labor standards regarding persons with disabilities and also promotes the establishment of cooperatives and self-employment projects for persons with disabilities.

Estimates of the number of disabled persons in the country ranged from 1 million to 3 ½ million. Advocates suspected the data were incomplete due to the social stigma attached to persons with disabilities. It is estimated that the majority of persons with disabilities are younger than 65 years of age and live at home with their families. Assisted living centers were understaffed and underfunded.

The Government has mandated the provision of accessibility to buildings for persons with disabilities. Advocates for persons with disabilities contend that equal-access laws have been ineffective because implementing regulations are weak, funding was inadequate, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lack functioning elevators, meaning that persons in wheelchairs must be carried up stairwells. Many schools have architectural barriers that make it difficult for persons with disabilities to attend.

In August civil society leaders and local government officials in Davao City formed a task force to survey all buildings without accessibility features.

Government efforts to improve access for persons with disabilities to transportation have been halting. Only one of Manila's metro lines is wheelchair-accessible, and many stops have out-of-service elevators. Buses lacked wheelchair lifts, and there have been reports of drivers who failed to stop for passengers in wheelchairs. A limited number of sidewalks have wheelchair

ramps, but garbage cans and street vendors often block access. Many of the sidewalk wheelchair ramps are crumbling or too steep. The situation was worse in many small cities and towns.

#### Indigenous People

Indigenous people live throughout the country but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They account for about 16 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children suffered from lack of basic services, health, and education.

Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffered disproportionately from armed conflict. Their lands were often the sites of armed encounters, and various parties to the fighting have recruited many indigenous people. The MILF reportedly has tried to recruit the Arumanen Manuvu tribe in central Mindanao. In May there were reports that the governor of a central Mindanao province was recruiting and arming indigenous people against the terrorist NPA.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People (NCIP), which is staffed by tribal members empowered to award certificates of title to lands claimed by over 12 million indigenous people in the country. It awards such "ancestral domain lands" on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. Although the Government has been slow to implement the legislation, primarily because of strong opposition from mining and agribusiness interests, some limited progress has been made. As of July, the Government had distributed almost 73,000 acres of land to more than 2,500 indigenous families.

Indigenous people continued to face legal threats to their claims to ancestral lands from developers and mining interests. The 1995 Mining Act promoted mining operations, hydroelectric dams, and other large-scale projects that forced indigenous people to relocate and abandon farming and hunting land that they have used for generations. In April an expansion project for a commercial tree and coffee plantation near Lake Sebu, South Cotabato, reportedly drove more than a dozen indigenous families off their ancestral lands.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution and laws provide for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

There were 171 registered labor federations and more than 20,000 private sector unions, a small increase over 2001. The 1.6 million union members represented almost 5 percent of the total workforce of 34 million. The number of firms using contractual labor, primarily large employers, continued to grow.

As of December, the Bureau of Labor Relations had registered 1,150 public sector unions, compared with 943 at the end of 2001. Total public sector union membership was nearly 237,000, up 13 percent from 2001.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial National Labor Relations Commission (NLRC). However, unions maintain that widespread ignorance of basic standards and rights was a major obstacle to union organization. Before disputes reach the NLRC, the Department of Labor and Employment provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union federations, the Trade Union Congress of the Philippines and the Federation of Free Workers, were affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor, respectively.

The ICFTU has claimed that a union may be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires an excessively high number of unions before a federation or national center can be formed.

##### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government

workers. Approximately 5 percent of the work force was organized. Collective bargaining was freely practiced. The number of workers covered by collective bargaining agreements rose to 228,894 or about 15 percent of union members.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the Secretary decides that the industry involved in the strike is vital to national security. A total of 36 strikes took place during the year compared to 43 in 2001. Three strikes were ongoing as of year's end.

The Labor Code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years. However, according to the DOLE, there never has been a conviction under this provision.

Trade union officials reported that underpayment of the minimum wage and the use of contracting to avoid required benefits were common practices, including in the government-designated special economic zones (SEZs), where tax benefits were used to encourage the growth of export industries. Dismissal or threatened dismissal of union members also was common, and there were reports that some workers were fired after merely speaking with union organizers. There were reports that some companies offered cash to employees who agreed to identify union organizers. Some companies reportedly ordered overtime to disrupt union meetings.

Labor law applies uniformly throughout the country, including the SEZs. However, local political leaders and officials who govern the SEZs have attempted to frustrate union organizing efforts by maintaining union free/strike free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection has created further obstacles to the enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claimed authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often was controlled tightly through SEZ labor centers. In organizing efforts, union successes in the SEZs have been few and marginal. Some mainstream unions avoided a major unionizing effort in the lower wage SEZ industries, such as the garment industry. They considered it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who work on short-term contracts in the zones' many electronics and garment factories. There were reports that some companies in SEZs locked toilets during working hours, except at break time.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, including forced and bonded labor by children; however, despite the Government's efforts, there were some reports of forced and bonded labor, especially by children, mainly in prostitution, drug trafficking, and other areas of the informal sector (see Sections 6.d. and 6.f.). The legal minimum age for employment as a domestic worker is 15; over 4 million children 17 years of age or younger, including many under 15, were so employed. Some recruiters reportedly brought girls between the ages of 13 and 17 to work in Manila or Cebu under terms that involved a "loan" advanced to their parents that the children were obliged to repay through their work (see Section 6.f.). The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but forbids the employment of persons under 18 years of age in hazardous or dangerous work.

However, child labor remained a problem, and a significant number of children were employed in the informal sector of the urban economy or as unpaid family workers in rural areas—some as bonded laborers (see Section 6.c.). The latest government survey reported at least 4 million working children, approximately 2.4 million of whom were exposed to hazardous working environments, such as quarries and mines, at docksides, and on fishing boats.

Most child labor occurred in the informal economy, most often in family settings, and the Government rarely sought to prosecute a poor family because it had a working child. Nevertheless, the Government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop other, safer options for children, return them to school, and offer families viable economic alternatives to child labor. The Government made greater attempts to devote more resources to child labor programs, but resources remained well below what was needed.

The Government and NGOs implemented programs to prevent the engagement of children in exploitative child labor. DOLE worked with domestic NGOs to educate communities on child labor and provided counseling and other activities for children. DOLE and the Department of Education worked with NGOs, UNICEF, and ILO/International Program on the Elimination of Child Labor to assist children to return to school. The Government also implemented fines and criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. DOLE continued its efforts to rescue exploited child workers, rescuing 252 minors in 63 different operations during the year. The Employers Confederation of the Philippines pursued an active and highly visible program against child labor.

#### e. Acceptable Conditions of Work

The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards set minimum wages. A round of wage increases was implemented in most regions of the country in January and February. The highest rates were in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers was \$4.55 (243 pesos), which does not provide a decent standard of living for a worker and family in the NCR. The lowest minimum wages were in the ARMM, where the daily agricultural wage was \$2.45 (131 pesos). The regional wage board orders covered all private sector workers except domestic servants and other persons employed in the personal service of another person. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, and involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

In practice violation of minimum wage standards was common, and large numbers of workers received less than the minimum wage set for their area. Many firms hired employees at below the minimum apprentice rates, even if there was no approved training in their production-line work. DOLE officials estimated that 60-70 percent of workers who should be covered by the minimum wage were actually underpaid. They acknowledged that the shortage of inspectors makes the law difficult to enforce. In addition to fines, the Government also makes use of administrative procedures and moral suasion to encourage employers to voluntarily rectify violations. Complaints about nonpayment of social security contributions, bonuses, and overtime are particularly common with regard to companies in SEZs.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. The Government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE managed enforcement of workweek hours through sporadic inspections.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with only 260 positions allocated for inspectors nationwide, local authorities often must carry out enforcement. DOLE officials acknowledged that the number of inspectors was not adequate for the number of work sites to be inspected. DOLE launched a campaign to promote safer work environments in small enterprises. Statistics on actual work-related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The Government and several NGOs worked to protect the rights of the country's 7.4 million overseas citizens, most of whom are temporary or contract workers. The Government placed financial sanctions and criminal charges on domestic recruiting agencies found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency registered and supervised domestic recruiters' practices successfully, the authorities sometimes failed to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The Government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens.

#### f. Trafficking in Persons

Trafficking was a problem. At year's end, there was no specific antitrafficking law; however, penalties are severe under other relevant laws.

The Government used five laws against related illegal commerce to address and prosecute trafficking. The penalty for illegal recruiting is 6 years in prison, plus fines. When the crime involves three or more victims, the perpetrators can be charged with economic sabotage, which carries a maximum penalty of life imprisonment. The maximum penalty for child trafficking under the child abuse law is life imprisonment. The penalty for violation of the mail-order bride law is not less than 6 nor more than 8 years in prison. The maximum penalty for promoting or facilitating prostitution or corruption of minors is life imprisonment. The penalty for violation of the Passport Law by travel or recruitment agents who make false representations is between 3 and 10 years in prison.

The Government investigated cases of trafficking-related offenses, but efforts were halting due to scarce resources. The principal investigative agencies were the National Bureau of Intelligence, the Bureau of Immigration and Detention, and the PNP Criminal Investigation and Detection Group. The Government cooperated with international investigations of trafficking. The Government has not extradited persons charged with trafficking in other countries.

The Philippines was a source, transit, and destination country for internationally trafficked persons. Internal trafficking was also a problem. Reliable estimates on the numbers of individuals trafficked were not available, primarily because of limited government and NGO resources to maintain accurate information. The most serious problem appeared to be the trafficking of

women across international borders to destinations in Asia, Europe, the Middle East, and North America. Many of these women were forced to work in the sex industry.

Both adults and children were trafficked domestically from poor, rural areas to major urban centers, especially metro Manila and other cities on Luzon. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the severe poverty and violence of their home areas. Women were far more at risk to be victims of trafficking than men, and girls were more at risk than boys.

There were reports of the sexual exploitation of children. Despite government efforts at law enforcement and expanded children's programs, NGOs estimated that some 60,000 children were involved in the commercial sex industry. Most of these children were girls, and nearly all have dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they come from families with unemployed or irregularly employed parents.

Traffickers targeted the many persons seeking overseas employment. Most recruits were girls and young women ages 15 to 22, from poor farming families, with an average of 6 to 10 siblings. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns. The primary method used to approach victims was the promise of a respectable and lucrative job.

There was no credible evidence that government institutions facilitated or condoned trafficking in persons. However, there was considerable anecdotal evidence that some officials (such as customs officers, border guards, immigration officials, local police, or others) received bribes from traffickers or otherwise assisted in their operations.

Victims faced special health risks, such as contracting sexually transmitted or other infectious diseases, as well as susceptibility to beatings, sexual abuse, and humiliation.

The Government devoted significant resources to assist and protect victims. The Government assisted victims by providing temporary (not permanent) residency status and relief from deportation, shelter, and access to legal, medical, and psychological services. Additional protective services included hot lines for reporting cases, and the operation of 24-hour crisis intervention units in 16 regions of the country to respond to victims.

The Department of Social Welfare and Development was the lead agency on protection of victims. DSWD and many private groups have established shelters and rehabilitation centers. DSWD provided economic aid to victims, including residential care. The Department of Justice was responsible for protecting the rights of victims of trafficking.

The Government did not provide funding to foreign or domestic NGOs for services to victims. Religious groups, multinational donor agencies, and private foundations typically funded these NGOs. However, there were instances in which government agencies provided facilities to NGOs, such as a program in which the Philippine Port Authority built a shelter for victims of domestic trafficking operated by a local NGO.

The Government rarely deported or charged victims of trafficking with crimes, but police frequently charged alleged prostitutes with vagrancy. There were no reliable statistics to determine if these individuals were victims of trafficking. The concept of a trafficked person as a victim rather than a perpetrator was particularly strong.

Victims may file civil suits or seek legal action against traffickers. Most victims who choose to do so file charges of illegal recruitment. The Government lacked substantial resources to support this.

Numerous government agencies and officials, as well as NGOs and international organizations, launched vigorous public information campaigns against trafficking. The Government supported other programs to prevent trafficking such as the promotion of women's participation in economic decisionmaking, and efforts to keep children in school. The Government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding, remained limited, and additional prevention activities were needed.