



Philippines

Country Reports on Human Rights Practices - 2007

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

The Philippines, with a population of 89 million, is a multiparty republic with an elected president and bicameral legislature. On May 14, approximately 73 percent of registered citizens voted in mid-term elections for both houses of congress and provincial and local governments. The election was generally free and fair but was marred by violence and allegations of vote buying and electoral fraud. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently.

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of actors continued to be a major problem. Despite intensified government efforts to investigate and prosecute these cases, many went unsolved and unpunished. Concerns about impunity persisted. Members of the security services committed acts of physical and psychological abuse on suspects and detainees, and there were instances of torture. Arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Prisoners awaiting trial and those already convicted were often held under primitive conditions. Corruption was a problem in all the institutions making up the criminal justice system, including police, prosecutorial, and judicial organs. In addition to the killings mentioned above, leftwing and human rights activists were often subject to harassment by local security forces. Problems such as violence against women and abuse of children, child prostitution, trafficking in persons, child labor, and ineffective enforcement of worker rights were common.

In addition to killing soldiers and police officers in armed encounters, the New People's Army (NPA, the military wing of the Communist Party, CPP) killed local government officials and ordinary civilians, including through the use of landmines, and were suspected by the government in many of the killings of leftwing activists. The NPA also used child soldiers in combat roles. Terrorist groups committed bombings that caused civilian casualties; these groups also used child soldiers.

The government took steps to invigorate the investigation and prosecution of cases of arbitrary, unlawful, and extrajudicial killings: a command responsibility directive advised Armed Forces of the Philippines (AFP) officers that they would be held accountable for not taking preventive or corrective action when they have knowledge that crimes are committed by subordinates; the Supreme Court issued rules on "amparo," which provides citizens with the courts' protection; the Philippine National Police (PNP) and the AFP created human rights offices to provide guidance and training to their personnel and to coordinate with other government human rights organizations; and President Arroyo ordered "cooperation and coordination" between prosecutors and police from the outset of a political or media killing "until the termination of cases in court." The full results of these reforms in terms of indictments and convictions were not yet visible, but government agencies, human rights nongovernmental organizations (NGOs), and even some of the government's critics noted a significant decrease in the number of killings. Moreover, seven local police chiefs were relieved of their commands for suspected involvement or failure to pursue cases of unlawful killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings. The Commission on Human Rights (CHR) investigated 71 complaints of killings between January and June; 25 of these cases were classified as politically motivated. The CHR suspected personnel from the PNP and the AFP in a number of the killings of leftist activists operating in rural areas. Allegations of summary executions by government security forces were referred to the NGO Task Force Detainees of the Philippines (TFDP). The TFDP was unable to investigate all of these allegations, but it alleged the summary executions of 18 individuals by government forces through year's end.

In May 2006 the government formed "Task Force Usig" within the PNP to investigate the killings of activists and journalists. By year's end the PNP Task Force Usig recorded 141 cases of killings since 2001, seven of which occurred during the

year; 80 cases were filed in court, with four convictions in 2005-6, and the remainder still under investigation. At least one human rights organization, KARAPATAN, claimed that there have been more than 800 extrajudicial killings since 2001, and it asserted that 69 of these had occurred during the year, compared to its claimed 209 killings in 2006.

In August 2006 President Arroyo created an independent commission to investigate patterns in the killings of journalists and leftist activists and to make policy and legislative recommendations for dealing with the problem. In a January 22 report, the commission stated that there was no official or sanctioned policy on the part of the military or its civilian superiors to allow or condone unlawful killings. However, circumstantial evidence linked "rogue" elements of the military to the killings. The commission's recommendations included: issuance of a military directive outlining command responsibility; strengthening the Department of Justice's (DOJ) witness protection program; designation of special courts to prosecute cases of extrajudicial killings; creation of a Human Rights Office in the AFP; revitalization of a Presidential Human Rights Committee; additional funding for the CHR; and a formal instruction to the DOJ and Department of National Defense to cooperate and coordinate with the CHR. During the year the government adopted these recommendations, with the sole exception of the strengthened witness protection program, and legislation was under consideration to effectuate that recommendation.

Arbitrary and unlawful killings during the year included: the January 19 killing of university professor Jose Maria Cui in Catarman, Northern Samar, by two unidentified persons. Cui was a member of Bayan Muna, a leftist organization, and a former secretary-general of the human rights group KARAPATAN (Rights) in Eastern Samar.

The February 15 killing of Farly Alcantara, a student at the Camarines Norte State College and member of the militant League of Filipino Students, in Daet, Camarines Norte, by an unidentified assailant.

The March 10 killing of Siche Gandinao, a member of the Misamis Oriental Farmers Association, an affiliate of the left-leaning Kilusang Magbubukid ng Pilipinas (Philippine Peasant Movement) in Salay, Misamis Oriental, by an unidentified assailant. Gandinao's husband and daughter, who witnessed the shooting, alleged that the assailant ran away in the direction of a nearby army detachment. Siche Gandinao had testified before the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston regarding the February 8 killing of her father-in-law, Dalmacio Gandinao.

All of these killings were under investigation at year's end.

Investigations of cases from 2005 and 2006 were still ongoing.

On May 25, the police arrested and filed murder charges against two AFP officers and 10 other unidentified suspects for the August 2006 killing of United Methodist Church pastor Isaias Santa Rosa in Daraga, Albay. On June 8, however, the prosecutor dismissed the case for lack of evidence.

There were no reported developments in the May 2006 killing of Sotero Llamas and the July 2006 killing of Alice Claver. The alleged perpetrators in the killing of Llamas were at large, while the suspect police officer in the killing of Claver remained in police custody.

There were no developments in the cases of the 2005 killings of Bayan Muna leader Felidito Dacut and two pastors of the United Church of Christ in the Philippines. Two members of the army were charged with murder in a regional trial court for the 2005 killing of union leader Ricardo Ramos. At year's end the suspects remained at large. The prosecutor's office dismissed the cases of the 2005 killing of Bayan Muna councilor Abelardo Ladera and Aglipayan Church priest William Tadena for lack of probable cause.

On May 17, a Bureau of Immigration guard shot and killed a foreign detainee inside the immigration detention facility. The Immigration Commissioner ordered the guard's dismissal, as well as that of three other guards on duty at the time of the incident. The guard remained in police custody at year's end.

Although there were allegations that military hazing caused the May 8 death of a Philippine Military Academy cadet, medical records showed that the first year student died of severe complications from pneumonia.

Government forces killed a number of civilians during clashes with antigovernment forces and with the terrorist Abu Sayyaf Group (ASG) and the NPA. Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. Extortion groups associated with the ASG killed persons in bombings.

The PNP recorded a total of 229 incidents of election-related violence during the official election period from January 14 to June 13, resulting in 121 deaths and 176 injuries. Most violent activity took place in connection with campaigns for local-level offices or stemmed from long-standing political or family rivalries. The PNP noted more incidents of violence in the Autonomous Region in Muslim Mindanao (ARMM) and more killings in the Bicol Region than in other regions of the country.

Vigilante groups were suspected of conducting summary killings of criminals in two major cities, and local officials appeared to condone and even encourage them. At year's end the TFDP recorded 58 apparent vigilante killings in Davao City, Mindanao. In Cebu City in the Central Visayan Region, the police recorded at least three killings during the year. The victims were suspected of involvement in criminal activities, and the killings appeared to have popular support. The authorities made no arrests in these cases.

b. Disappearance

According to local human rights NGOs, government forces were responsible for disappearances. At year's end the domestic NGO Families of Victims of Involuntary Disappearances (FIND) documented 35 victims of involuntary disappearance: five were found alive, two were found dead, and 28 remained missing. FIND suspected government forces in the majority of these cases, while unidentified armed men were suspected in the remaining cases. Task Force Usig documented five cases of forced disappearance of activists; no case had been filed and no arrests had been made at year's end.

On April 28, four men and a woman, alleged to be AFP personnel in Bulacan, abducted activist Jonas Burgos and two others in Quezon City, metro Manila. On July 24, the Supreme Court ordered the AFP to present Burgos before the court of appeals; however, the AFP denied that Burgos was in its custody. At year's end Burgos and the two others remained missing, and the court of appeals had not concluded its hearings. The CHR also conducted a public inquiry into Burgos' whereabouts, which concluded on September 11, with no new findings.

On May 27, the court of appeals dismissed for lack of evidence a petition filed against the AFP to produce abducted University of the Philippines students Sherlyn Cadapan and Karen Empeno and local citizen Manuel Merino who had been missing since June 2006. The court referred the case to the PNP, the CHR, and the National Bureau of Investigation for further investigation. At year's end the three were still missing. Writ of amparo petitions (see section 1.e.) were filed against the military in the cases of Cadapan, Empeno, Merino, and Jonas Burgos. The petitions were pending in court at year's end.

Some victims' families complained that the courts and police failed to address adequately their complaints concerning disappearances in which security forces were suspected. Evidence of a kidnapping or killing is required in order to file charges. FIND and Amnesty International's Manila office continued to support the efforts of victims' families to press charges. In most cases, evidence and documentation were unavailable, and convictions were rare. Out of 16 court cases related to disappearances of concern to FIND, none had been resolved as of year's end. Judicial inaction on the vast majority of disappearances contributed to a climate of impunity and undermined public confidence in the justice system.

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

The constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police were alleged to have routinely abused and sometimes tortured suspects and detainees. The CHR provided the police with mandatory human rights training. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of the rights of detainees remained inadequate.

The TFDP asserted 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. The TFDP reported that arresting officers often carried out such beatings in the early stages of detention.

Another human rights NGO, the Philippine Alliance of Human Rights Advocates, also reported that police used excessive force in apprehending suspects.

Within the AFP, the CHR continued to observe greater sensitivity to the need to prevent human rights violations. The CHR is required to determine whether an officer being considered for promotion has a history of human rights violations; however, a negative CHR finding does not preclude promotion. The CHR also vets PNP officers at the senior superintendent level. Nevertheless abuses still occurred. Human rights activists complained of abuses by security forces against suspected ASG and NPA members in captivity. According to the Moro Human Rights Center, some members of the AFP continued to beat ASG suspects.

The TFDP documented 16 cases of torture involving 28 victims from January to December. The CHR investigated 18 cases of alleged torture during the year. The majority of suspects in both the TFDP and CHR cases were members of the PNP.

On January 3, the police arrested Ricardo Ayeras in Quezon Province for his alleged involvement in a 2005 bombing. Ayeras alleged that police interrogators in the PNP headquarters beat and used electric shock on him to force him to admit his involvement. On February 16, a local trial court judge ordered his release for lack of evidence.

There were reports that prison guards physically abused inmates. The CHR and TFDP reported that abuse by prison guards and other inmates was common, but prisoners, fearing retaliation, refused to lodge formal complaints. Women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials.

Prison and Detention Center Conditions

Prison conditions were rudimentary and sometimes harsh. Provincial jails and prisons were overcrowded, lacked basic infrastructure, and provided prisoners with an inadequate diet. Jails managed by the Bureau of Jail Management and Penology (BJMP) operated at an average of 260 percent of designed capacity. Prison administrators allotted a daily subsistence allowance of approximately \$0.86 (40 pesos) per prisoner. Lack of potable water and poor ventilation continued to cause health problems. The slow judicial process exacerbated overcrowding.

There were reports of widespread corruption among prison guards and, to some extent, at higher levels of authority within the prison system. Some detainees at immigration detention centers reportedly gained release by making cash payments to guards.

The February 2006 CHR report on the 2005 escape attempt at Camp Bagong Diwa, during which three guards and 22 inmates were killed, concluded that the authorities used excessive force and that inmates were mistreated or summarily executed. It recommended that the DOJ create a committee to investigate; however, by year's end, the DOJ had not yet investigated the case.

According to BJMP regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex. Anecdotal reports suggested that these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children, in some instances children were held in facilities not fully segregated from adult male inmates. Only 292 out of 1,078 jails managed by the BJMP and PNP had separate cells for minors, while 410 jails had separate cells for adult females.

During the year the BJMP established two detention centers exclusively for women. More than 1,100 minor inmates were transferred to two BJMP youth centers, government social welfare centers, and nongovernmental shelters in compliance with the 2006 law on juvenile justice. On July 16, President Arroyo directed the immediate release of all minor prisoners age 15 years and below at the time they committed the crime; however, the BJMP had released only 30 minor inmates by year's end. The BJMP released minor inmates in response to a court order following a petition by the public attorney's office or by the inmate's private lawyer.

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

d. Arbitrary Arrest or Detention

The law 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, in a number of cases, police arrested and detained citizens arbitrarily. At year's end the TFDP documented 42 cases of illegal arrest and detention involving 92 victims.

Role of the Police and Security Apparatus

The Department of National Defense directs the AFP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors, and other local officials have considerable influence. The 115,000-member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, of soliciting bribes, and of other illegal acts. Efforts were underway to reform the institution in part to counter a widespread impression of official impunity. From January to December, the PNP dismissed 107 policemen. Of the 1,608 administrative cases filed against PNP officers and personnel, 677 were resolved, 269 remained under preliminary investigation, and 662 underwent summary proceedings. During the year seven local police chiefs were relieved of their commands for suspected involvement or failure to pursue cases of unlawful killings in their areas of responsibility. On March 10, the PNP director general ordered the relief of the police chief of Salay City, Misamis Oriental, for his inaction in the killings of Bayan Muna member Dalmacio Gandinao and his daughter-in-law.

In January and April, the AFP and PNP, respectively, created human rights offices to monitor and investigate allegations of personnel involvement in human rights abuses. During the year the AFP Human Rights Office investigated 60 complaints of killings, forced disappearance, and torture, allegedly committed by members of the AFP. On August 8, the AFP created five general courts-martial to hear administrative cases of officers and soldiers accused of human rights violations. At

year's end two members of the army were undergoing court-martial proceedings for their alleged involvement in killings. These two also were being investigated and prosecuted in the civilian courts. One was on trial for murder in a civilian criminal court, the other remained under investigation.

Arrest and Detention

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail; however, according to government figures, only 1,204 or 2 percent of detainees were able to post bail. The law provides that an accused or detained person has the right to a lawyer of his choice and that the state must provide one when the accused cannot afford one. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, with the time given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem. During the year the authorities released seven detainees who had been held for periods equal to or longer than the maximum prison terms they would have served if convicted.

The NPA, as well as some Islamic separatist groups, were responsible for a number of arbitrary detentions.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes bribery resulted in impunity for some wealthy and influential offenders and contributed to widespread skepticism that the judicial process could ensure due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. After assuming office in December 2006, Chief Justice Reynato Puno declared that fighting corruption in the judiciary would be one of his top priorities, and during the year he initiated investigations that resulted in the firing of a court of appeals justice, four judges from the regional trial courts, and several court personnel charged with accepting bribes in exchange for the issuance of certain decisions. The chief justice also mobilized audit teams to perform financial and management audits on various courts.

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 courts-martial, each composed of at least five active-duty military officers, hear cases against military personnel accused of violating the Philippine Articles of War. The president, the chief of staff of the armed forces, or a military unit commander may appoint the members of a court-martial.

There were two killings of judges during the year. On January 19, unidentified men shot and killed Quezon City Metropolitan Court Judge Nathaniel Pattugalan. Pattugalan had survived a 2005 attack. Security forces filed charges against a former town vice-mayor, an army corporal, and a policeman in the 2005 incident and, at year's end, were investigating their possible connection with the killing. On July 25, Regional Trial Court Judge Orlando Velasco was shot in Bayawan City, Negros Oriental; he died two days later. At year's end the police were investigating, and no one had been arrested in connection with the killing.

The trial for the 2005 killing of a Pasay City judge remained pending at year's end.

Trial Procedures

The law 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 before a judge. 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, but 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 large 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.

The law provides that cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for a court of appeals; and three months for lower courts. However, these time limits are not mandatory, and, in effect, there were no time limits for trials.

Lengthy pretrial detention remained a problem. A 2005 UN Development Program (UNDP) and a Supreme Court study found that the average trial takes more than three years. Trials take place in short sessions over time and as witnesses become available; these noncontinuous sessions created lengthy delays. Furthermore, there was a widely recognized

need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high; of the total 2,166 trial court judgeships (including Shari'a courts), 456 (21 percent) were vacant, a small decline from 2006. Courts in Mindanao and other poorer provinces had higher vacancy rates than the national average. Shari'a court positions were particularly difficult to fill because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar. All five Shari'a district court judgeships and 37 percent of circuit court judgeships remained vacant. Shari'a courts do not have criminal jurisdiction.

The 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." The Moro Islamic Liberation Front also maintained similar "people's courts."

Political Prisoners and Detainees

Various human rights NGOs maintained lists of incarcerated persons they considered to be political prisoners. At year's end the TFDP reported that there were 221 political prisoners. Typically, there was no distinction in these lists between detainees and prisoners, and the majority of persons listed have not been convicted. Some NGOs asserted that it was frequent practice to make politically motivated arrests of persons for common crimes and to continue to detain them after their sentences expired. The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it did not consider the persons listed to be political detainees or prisoners. The CPP/NPA demanded that their members under detention by the PNP or AFP be treated as political prisoners as one of the preconditions for resuming peace talks with the government.

During the year the government released 85 persons whom NGOs claimed were political prisoners. The TFDP recorded 75 new "political prisoners" incarcerated during the year.

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

Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in civil matters. There are administrative remedies as well as judicial remedies for alleged wrongs; however, corruption is widespread in the judiciary, and cases were often dismissed. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses. On October 24, the Supreme Court issued rules on the "writ of amparo," a remedy available to victims of human rights abuses, particularly extrajudicial killings and enforced disappearances. The writ, which may be filed in any regional court against any public official or private individual, gives the respondent five working days to provide all relevant information regarding the case, including steps taken to investigate the fate or whereabouts of the victim. If the respondent is a public official there are additional requirements, including a statement that suspected offenders will be brought to court.

During the year human rights lawyers filed 15 writ of amparo petitions, against the military, of which seven were resolved and eight were pending hearings. Four of the resolved cases resulted in the releases of Ruel Munasque, Luisito Bustamante, Jeffrey Panganiban, and Edwin Malapote from military custody. The courts also granted protection orders to these four persons and their families. Of the other cases, one was dismissed and two were pending motions for reconsideration filed by the government.

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

The law 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 occurred. Judges declared evidence obtained illegally to be inadmissible.

The government generally respected the privacy of its citizens; however, leaders of communist organizations and rural-based NGOs complained of what they described as a pattern of surveillance and harassment. The Human Security Act of 2007 allows law enforcement authorities, with a written order from the Court of Appeals, to intercept and record conversations and any other form of communication between members of terrorist organizations or any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year. The law provides certain protections for squatters; eviction was often difficult, especially because politicians recognized squatters' voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters was limited. Through November the government evicted and resettled 9,900 of the estimated 51,000 families in Manila and southern Luzon expected to relocate for the South Luzon railway project. The project continued at year's end.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The government was engaged in combat with antigovernment forces and terrorists who actively sought to destabilize the country. Government forces killed a number of civilians during clashes with antigovernment forces and with the terrorist ASG and the NPA. Some citizen groups complained that the AFP, in confronting the terrorist ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages.

Killings

Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. The NPA and other extortion groups also harassed businesses and burned buses and private communication facilities to enforce the collection of "revolutionary taxes."

On January 20, suspected NPA rebels killed one person and wounded two others in a random shooting in Las Nieves, Agusan del Norte. On May 16, NPA rebels attacked and killed seven soldiers in Manabo, Abra Province, who were deployed to provide security for transfer of election results from polling precincts to the town center for canvassing. On June 10, armed men allegedly members of a breakaway faction of the Moro Islamic Liberation Front (MILF) abducted an Italian missionary priest in Payao, Zamboanga Sibugay. On July 10, ASG forces ambushed and killed 14 marines who were searching for the priest in Basilan. Ten of the marines were beheaded. On July 29, a clash between the AFP and NPA rebels in Juba, Sorsogon, killed two soldiers and two civilians. The AFP alleged that the NPA used landmines in the attack.

In July and August, the Philippine military lost more than 50 soldiers in clashes with terrorist and insurgent groups, including the 10 beheaded on July 10. An estimated 40 enemy combatants were killed during these clashes.

Extortion groups allegedly linked with the ASG and the Jemaah Islamiyah (JI) launched a series of bomb attacks against two bus companies in Mindanao. On May 18, a bomb inside a bus in Cotabato City killed three passengers and wounded at least 35. On June 15, bomb explosions onboard two buses in Bansalan, Davao del Sur, and in Cotabato City killed nine persons. On August 21, a bomb in a public square in Zamboanga City injured 16 persons.

On January 13, police authorities arrested a suspect in the October 2006 bombings in Makilala, North Cotabato, and in Tacurong, Sultan Kudarat. The DOJ filed charges of multiple murder and attempted murder against the suspect, allegedly a MILF commander. At year's end the suspect remained in jail pending trial.

Child Soldiers

During the year the NPA and the ASG targeted children for recruitment as combatants and noncombatants. The NPA claimed that it assigned persons 15 to 18 years of age to self-defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. During the year the Philippine Interagency Committee on Children Involved in Armed Conflict reported nine child soldiers rescued by or surrendered to the government. On March 1, seven NPA rebels surrendered to the military in Davao City; at least two were minors. One child claimed she and 13 other child soldiers in the NPA camp carried firearms. On August 9, a 16-year-old boy, who claimed to be a member of the NPA's propaganda arm, surrendered to police authorities in Davao del Sur.

The ASG also recruited teenagers to fight and participate in its activities. There were reports that a significant number of ASG members staffing the groups' camps were teenagers. The AFP stated that some Islamic schools in Mindanao served as fronts to indoctrinate children and that the ASG used children as couriers and spies.

Throughout the year, clashes between the AFP, JI, and the ASG, mostly in the Zamboanga Peninsula and Sulu Archipelago, contributed to the displacement of civilians. These terrorist groups killed and wounded civilians in a number of bombings.

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.

The government owned several television and radio stations; however, most print and electronic media were privately owned. The media were active and expressed a wide variety of views without restriction. Broadcast and print media were freewheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Special interests often used bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions.

Journalists continued to be killed. The Center for Media Freedom and Responsibility (CMFR) reported six journalists killed during the year. The CMFR and Task Force Usig classified two of these cases as work-related killings.

On April 18, unidentified assailants killed Carmelo Palacios, a police reporter for a government-run radio station, in Santa Rosa, Nueva Ecija. Palacios reported on the alleged misuse of a congressman's pork barrel funds and also helped solve several local crimes by providing leads to the police. At year's end the case remained under investigation.

On December 24, unidentified assailants killed Fernando Lintuan, a radio broadcaster who was a vocal critic of local government corruption, in Davao City, Mindanao. The case remained under investigation at year's end.

The trials in the May 2006 killing of Fernando Batul, a radio commentator in Puerto Princesa City, Palawan, and in the 2005 killing of Philip Agustin, a newspaper editor in Aurora Province, were ongoing at year's end.

In July 2006 suspects in the 2004 killing of Ilocos Norte radio commentator Roger Mariano were arraigned, and a trial was underway in a Manila trial court. The two suspects, including a police officer, were detained in the Manila City Jail.

Human rights NGOs frequently criticized the government for failing to protect journalists. The National Union of Journalists of the Philippines accused the police and the government of failing adequately to investigate these killings and of subjecting journalists to harassment and surveillance. In some situations, it was difficult to discern if violence against journalists was carried out in retribution for their profession or if these journalists were the victims of random crime. According to a CMFR study released in 2005, most slain journalists were not professionally trained as journalists or formally accredited to any national media organization.

On February 14, the DOJ charged the publisher and two columnists of the *Daily Tribune* with incitement to sedition based on articles the newspaper had published in 2005 and January 2006. The police occupied the premises of the *Daily Tribune* in February 2006 during the brief state of national emergency and confiscated copies of the mock-up copy of the newspaper's next issue and photographs. The newspaper's publisher and two columnists were subsequently charged with incitement to sedition. In May 2006 the Supreme Court upheld the validity of the imposition of a state of national emergency, but ruled the raid on the newspaper an attack on press freedoms and hence illegal.

On August 13, a court dismissed the libel cases against the publisher, eight editors, and a columnist of a major newspaper, which were filed by the president's husband Jose Miguel Arroyo, after Arroyo withdrew the charges. In December 2006 36 media members and three media organizations filed a class suit against Mr. Arroyo in retaliation for the libel cases filed against them. On September 24, the Court of Appeals granted Mr. Arroyo's petition for a temporary suspension of the hearings. The trial remained suspended at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in peaceful expressions of views via the Internet, including by e-mail. Internet access was widely available.

Academic Freedom and Cultural Events

In 2005 the intelligence service of the AFP released a presentation, "Know Your Enemy," listing some press unions and student organizations as "enemies of the state" or communist fronts. There were no reports that the military used the presentation during the year. The government did not otherwise interfere with academic freedom. There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. Although the law requires that groups request a permit to hold a rally, the government at times followed an unwritten policy of allowing rallies to occur without the filing of a request.

During the year the TFDP recorded four instances of violent dispersal of rallies by police, in which 21 protesters were allegedly injured. On January 12, approximately 500 members of civil society groups staged a rally during the Association of Southeast Asian Nations (ASEAN) Summit in Cebu. Police blocked protesters from going near the venue of the summit. The protesters alleged that the police caused many injuries as they dispersed the crowds. Some protesters were arrested and charged with illegal assembly and public disturbance.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The government's campaign against the terrorist groups ASG and the Rajah Solaiman Movement led some human rights NGOs to accuse the police and military of unfairly targeting Muslims for arrest and detention. However, most observers believed that discrimination against Muslims was grounded in cultural differences, not religious beliefs or practices.

Intermittent government efforts to integrate Muslims into political and economic society achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions and cited the lack of proportional Muslim representation in national government institutions. Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development. The percentage of the population under the poverty level in the ARMM was almost twice as high as the national average, with per capita income of \$340 (15,760 pesos) per year.

The teaching of religious classes in public schools is permitted with the written consent of parents, provided that it is conducted at no cost to the government.

Societal Abuses and Discrimination

Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.

An estimated 400 to 1,000 Jews lived in the country. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

Foreign travel was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by vulnerable workers to areas in which they face personal risk.

The government retained its formal albeit ineffective ban on travel to Iraq to work. The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to persons the POEA certified as qualified for the jobs. Millions of citizens worked overseas and remitted money home. Such remittances accounted for approximately 11 percent of the gross national product.

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

Internally Displaced Persons (IDPs)

Clashes between the AFP and elements of the MILF, the ASG, and the Moro National Liberation Front (MNLF) in Mindanao resulted in thousands of IDPs. At year's end according to the Department of Social Welfare and Development (DSWD), the total number of IDPs was 62,728 persons, including newly displaced IDPs in Sulu and Basilan. Other agencies, including UNDP, the Mindanao Emergency Relief Network, and the Red Cross provided food and essential items such as medicine, blankets, mosquito nets, and soap to IDPs.

From April to May, hostilities between government troops and a faction of MNLF rebels led by Habier Malik displaced thousands of persons in Sulu. Following the July 10 killing and beheading of 14 marines in Basilan, government forces

launched limited offensive attacks against the ASG in July and August. Thousands of villagers were evacuated from Basilan as a result of the clashes.

Protection of Refugees

The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, there is no comprehensive legislation that provides for granting refugee status or asylum. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The refugee unit in the DOJ determined which asylum seekers qualify as refugees; such determinations in practice implemented many of the basic provisions of the 1951 convention. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol. This was the case for some 2,000 Vietnamese who were found not to be refugees under the UNHCR-administered Comprehensive Plan of Action in the 1990s. Subsequently the government allowed processing for resettlement of this group, approximately 1,500 of whom were resettled in the United States. An estimated 176 persons, most of whom married Philippine citizens, remained in legal limbo: ineligible for resettlement in other countries and not granted permanent asylum.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR recorded an estimated 100 refugees in 2006.

The UNHCR reported two stateless persons in the country, neither of whom had acquired Philippine nationality by year's end.

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

The law 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.

Elections and Political Participation

On May 14, midterm elections were held for senators, representatives, provincial governors, and local government officials. Voter turnout was high, with approximately 73 percent of eligible voters participating; however, incidents of violence and allegations of fraud in certain localities marred the generally free and fair conduct of elections. Vote buying in certain areas was common, and many residents accepted bribes to vote in a certain way or to act as "flying voters," voting in several precincts. The Bantay Eleksyon (Election Watch), a coalition of local civil society election monitors, found the May mid-term elections "generally in consonance with international criteria for free and fair elections" but expressed concern regarding election administration, enforcement of election laws, prosecution of election offenders, and other related areas. There were reports that local politicians and their supporters engaged in vote buying and that conditions did not ensure that balloting was secret. Allegations of election fraud were particularly prevalent in the ARMM, where civil society groups and the media reported violence, intimidation of voters and poll workers, and other irregularities. The Commission on Elections (COMELEC) suspended the tabulation of votes in Maguindanao Province because of allegations of fraud and declared a failure of elections in 13 towns of Lanao del Sur because of the threat of violence. On May 26, the COMELEC, under tight security, supervised special elections in the 13 towns in Lanao del Sur. In June the COMELEC resumed tabulation of the Maguindanao vote. However, a senatorial candidate filed a protest alleging fraud, which remained pending at year's end.

The NPA reportedly extorted money from candidates refusing permission to campaign in certain areas.

Approximately 81,700 of 504,000 registered overseas voters, or 16 percent, voted, a small portion of the millions of Filipinos working overseas. Election NGOs attributed the low rate of registration and turnout of overseas voters to lack of information about the procedures, inaccessible registration centers, strict employers who did not allow overseas workers to take a day off, and the requirement that voters execute an affidavit to return to the country to reside within three years.

There were no restrictions in law or practice on participation by women and members of minorities in politics. Many women, including the president, held positions of leadership and authority. There were four women in the 24-seat Senate and 26 women in the 240-seat House of Representatives. There were two women in the 23-member Cabinet, five female associate justices on the 15-member Supreme Court, and 16 women among the 79 governors.

Along with many other citizens, Muslims argued that electing senators from a nationwide list favored established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, which many Muslims and members of other groups underrepresented in the national legislature favored. There were no Muslim senators and one Muslim cabinet member. There were 11 Muslim members in the 240-seat House of Representatives, mostly elected from Muslim-majority provinces.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Both the government and the private sector have established a number of anticorruption bodies, including an ombudsman's office and an anticorruption court. Government efforts to prosecute acts of corruption significantly improved during the year with the number of convictions in the antigraft court rising by 169 percent compared with 2006 (94 convictions in 2007 compared to 35 in 2006). Conviction rates for cases brought to trial or resolved through plea bargains increased to 55 percent (94 convictions out of 171 cases) from approximately 19 percent (35 out of 188). Cases were opened against mid-level officials in the Department of Public Works and Highways, the Bureau of Customs, and the Bureau of Internal Revenue. During the year the ombudsman ordered the dismissal and suspension of several elected officials, including the governors of Iloilo and Batangas, and the mayors of Pasay City and Jaen, Nueva Ecija, on corruption-related charges. On March 5, the antigraft court filed graft charges against the governor of Samar Province and several other officials of the provincial government. The governor posted bail and trial was pending at year's end.

On September 12, the antigraft court found former president Joseph Estrada guilty of plunder for accepting millions of dollars in bribes while in office and sentenced him to up to 40 years in prison. On October 25, President Arroyo pardoned Estrada and restored his civil and political liberties. The forfeiture of assets in the court's decision remained in effect. Estrada accepted the pardon and was released from house arrest on October 26.

The law provides for the right to information on matters of public concern. However, denial of such information often occurred when the information related to an anomaly or irregularity in government transactions. Much government information was not available electronically and was difficult to retrieve.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The CHR and, to some extent, the PNP responded to and investigated cases of human rights abuses, as requested by NGOs. Human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from the area in which incidents under investigation took place.

On August 5, immigration authorities prevented two foreign women's rights activists from boarding their international flight because they were on a "watch list" of foreign citizens suspected of planning violent demonstrations and barred from entering the country prior to and during the ASEAN Summit in February and the ASEAN Ministerial Meetings in August. On August 14, the government lifted the entire watch list order and allowed the two activists to depart.

In February the government invited the UN Human Rights Council special rapporteur on extrajudicial, summary or arbitrary executions to visit. The special rapporteur without restrictions met with government officials, human rights groups, and families of victims of unlawful killings.

The CHR is an independent agency mandated to protect and promote human rights. It is empowered to investigate all human rights violations and to monitor the government's compliance with international human rights treaty obligations. The CHR has nonbinding authority to clear on military and higher-level police promotions. The commission has a chairperson and four members. CHR monitoring and investigating continued to be hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays (villages) had human rights action centers, which coordinated with CHR regional offices; however, the CHR's regional and subregional offices remained understaffed and underfunded. The CHR nationwide budget for the year was \$4.56 million (216.49 million pesos).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape continued to be a problem, with most cases unreported. During the year the PNP reported 879 rape cases. There were reports of rape and sexual abuse of women in police or protective custody--often women from marginalized groups, such as suspected prostitutes, drug users, and lower income individuals arrested for minor crimes.

Spousal rape and abuse are illegal, but enforcement was ineffective.

Violence against women remained a serious problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. During the year the PNP reported 3,892 cases of wife battering and physical injuries. This number likely underreported significantly the level of violence against women.

The PNP and DSWD both maintained 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. Approximately 9 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these issues.

Prostitution is illegal but was a widespread problem. Many women suffered exposure to violence through their recruitment, often through deception, into prostitution. Penalties for prostitution are light, but detained prostitutes were sometimes subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. From January to September, DSWD provided temporary shelter and counseling to 47 women who were victims of involuntary prostitution. Some local officials condoned a climate of impunity for those who exploited prostitutes. There were no convictions under the provision of the law criminalizing the act of engaging the services of a prostitute.

Sex tourism and trafficking in persons for sexual exploitation and forced labor were serious problems. An antitrafficking law outlaws a number of activities specifically related to trafficking and provides stiff penalties for convicted offenders.

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

The law does not provide for divorce, although courts generally recognize the legality of divorces obtained in other countries if one of the parties is a foreign national. The government recognizes religious annulment, but the process can be costly, which precludes annulment as an option for many women. Many lower-income couples simply separated 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 seven are placed in the care of the mother unless there is a court order to the contrary. Children over the age of seven normally also remained with the mother, although the father could dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. Although women continued to face workplace discrimination, there was improvement on the status of employment of women. In a 2006 labor force survey, 58 percent of government officials, corporate executives, managers and supervisors were women. There were fewer unemployed women than men; the unemployment rate for women was 6.9 percent, while the rate for men was 7.7 percent.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 13 NGO leaders appointed by the president, acted 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 (DepEd) had the largest budget of any cabinet department: 12 percent of the national budget. Nevertheless, children faced serious problems.

Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor due in part to inadequate resources. During the year according to DepEd figures, the estimated annual per pupil expenditure for basic education was \$133 (6,331 pesos). The DepEd budget for this year was \$2.8 billion (135 billion pesos). The public school enrollment rate for 2006-7 was 76 percent, slightly up from 74 percent for the 2005-6 school year. According to UN Children's Fund (UNICEF) statistics, girls and boys attended school in approximately equal numbers.

Boys and girls had equal access to state provided medical care. According to government reports, 68.3 percent of children were well nourished, and 83 percent were fully immunized. The child mortality rate was 33 out of 1,000 children under age five. Most of the malnourished children were in villages in the southern provinces of Maguindanao, Lanao del Sur, and Tawi-Tawi. According to UNICEF data from 1996 to 2005, 28 percent of children under age five were underweight.

Child abuse remained a problem. DSWD offices served 7,037 victims of child abuse from January to September, of whom 65 percent were girls. Approximately 53 percent of the girls were victims of sexual abuse, while 4 percent (184 girls) were victims of sexual exploitation. 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, and the government continued to prosecute accused pedophiles vigorously. Some children also were victims of police abuse while in detention for committing minor crimes.

Child prostitution continued to be a serious problem. In 2006 the Department of Labor and Employment (DOLE) ordered the closure of four establishments for allegedly prostituting minors. The trials for the cases against two of the four establishments were on-going at year's end, while charges against the two other establishments were not pursued.

The NPA and ASG continued actively to recruit minors both as combatants and noncombatants (see section 1.g.).

The government estimated that there were at least 22,000 street children nationwide, while UNICEF estimated that there were approximately 250,000 street children. Welfare officials believed that the number increased as a result of widespread unemployment in rural areas. Many street children appeared to be abandoned and engaged in scavenging or begging.

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, procedural safeguards were often ignored in practice. The BJMP stated that 485 minors were held on "preventative detention" while their trials were ongoing, and only 12 of those were convicted and serving their sentences. Many child suspects were detained for extended periods without access to social workers and lawyers and were not segregated from adult criminals. NGOs believed that children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

In May 2006 President Arroyo signed the Juvenile Justice and Welfare Act, which, among other reforms, changes the age of criminal responsibility from nine to 15 years of age. The law prohibits the detention of minors in jails while undergoing trial. During the year government agencies and NGOs worked to transfer minor prisoners to rehabilitation centers and to secure the release of minors wrongfully imprisoned and of those below 15 years of age. DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila.

Trafficking in Persons

Trafficking in persons is prohibited under the law, which defines several activities related to trafficking in persons as illegal and imposes stiff penalties--up to life imprisonment--for convicted offenders. Nonetheless, trafficking remained a problem in the country. The country was a source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. A significant number of men and women who migrate abroad for work were subjected to conditions of involuntary servitude. Women and children were also trafficked within the country, primarily from rural areas to urban areas for forced labor as domestic workers and factory workers and for sexual exploitation. A smaller number of women were occasionally trafficked from China, South Korea, Japan, and Russia to the country for sexual exploitation.

Both adults and children were trafficked domestically from poor, rural, areas in the southern and central parts of the country to major urban centers, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the poverty and violence in their home areas. Approximately 75 percent of the trafficking victims provided with temporary shelter and counseling by the NGO Visayan Forum Foundation were from Mindanao. The Visayan region was also a source of trafficking victims. Women and girls were far more at risk of becoming victims of trafficking than men and boys.

Traffickers targeted persons seeking overseas employment. An estimated eight million Filipinos worked overseas, approximately 10 percent of the population and 20 percent of the workforce. Most recruits were females ages 13 to 30 from poor farming families. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns, promising a respectable and lucrative job.

Although the government pursued trafficking-related cases under the antitrafficking law as well as other related laws, its efforts were hampered by slowness of the courts, resource constraints within law enforcement agencies, and corruption. The DOJ assigned 17 prosecutors to handle the preliminary investigation and prosecution of trafficking cases at the national level, in addition to other prosecutors in the regional trial courts. The principal investigative agencies were the National Bureau of Investigation, the Bureau of Immigration, the Philippine Center for Transnational Crimes, and the PNP's Criminal Investigation and Detection Group. The government cooperated with international investigations of trafficking.

During the year four persons were convicted and sentenced to life imprisonment under the antitrafficking law, bringing the number of convicted traffickers to eight since the law was enacted in 2003. During the year 59 new cases of trafficking were filed for prosecution, of which 29 were pending trial. As of December an estimated 161 trafficking in persons cases were pending or had trials underway; the DOJ was conducting preliminary investigations in another 123 cases.

In March five women, including one minor, filed complaints against a trafficker, who recruited them to work as entertainers in France. The women were trafficked to Abidjan, Cote d'Ivoire, where they were sexually exploited and were not paid the promised salary. On February 22, Interpol, in coordination with local and international NGOs, rescued the women and returned them to Manila. On July 13, the DOJ filed the case in court.

There were no developments in the July 2006 case of seven trafficked minors prostituted in Manila or in the 2005 trafficking charges against a Manila police officer and against the suspects in the trafficking of four victims to Malaysia.

Victims faced exposure to sexually transmitted or other infectious diseases, and were vulnerable to beatings, sexual abuse, and humiliation.

There was anecdotal evidence that some lower-level officials such as customs officers, border guards, immigration officials, local police, or others received bribes from traffickers or otherwise facilitated trafficking.

The government increased efforts to protect victims of trafficking, although it continued to rely on NGOs and international organizations to provide services to victims. Victims were not penalized for any crimes committed as a direct result of their being trafficked. The government, in conjunction with NGO partners, assisted victims by providing temporary residency status and relief from deportation; shelter; and access to legal, medical, and psychological services. Through September DSWD provided temporary shelter and social services to 112 women and 217 juvenile victims of trafficking. Additional protective services included hot lines for reporting cases and the operation of 24-hour halfway houses in 13 regions of the country to assist victims.

The government rarely deported or charged victims of trafficking with crimes; however, police sometimes charged alleged prostitutes with vagrancy. No reliable statistics indicating whether these individuals were victims of trafficking were available.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. The government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes. The NGO International Justice Mission (IJM), employing private investigators and lawyers, coordinated with the government in an effort to increase the number of pro bono prosecutions on behalf of victims of trafficking and commercial sexual exploitation. Cases were prosecuted in coordination with DOJ prosecutors. IJM initiated 32 cases under the antitrafficking in persons law, 20 of these cases were pending trial by year's end. On July 20, one of the IJM cases resulted in convictions, and two traffickers were sentenced to life imprisonment and fined \$63,023 (three million pesos).

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The government supported programs to prevent trafficking, such as the promotion of women's participation in economic decision making 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.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments. The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment (BLE) maintained registers of persons with disabilities indicating their skills and abilities. BLE monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities.

Assisted living centers were understaffed and underfunded. DSWD operated two assisted living centers in Metro Manila, and five community-based vocational centers for persons with disabilities nationwide. Through September the DSWD provided services to 2,693 persons with disabilities.

Advocates for persons with disabilities contended that equal-access laws were ineffective because implementing regulations were weak, funding was inadequate, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities have been halting. Two of Manila's three light rail lines were wheelchair accessible; however, many stops had out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of drivers who failed to stop for passengers in wheelchairs. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice.

Indigenous People

Indigenous people lived throughout the country but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They accounted for approximately 14 percent of the national population, with over 60 percent of the total in Mindanao. 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 health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of the discrimination they experienced.

Indigenous people suffered disproportionately from armed conflict, including displacement from their homes, because they often inhabited mountainous areas favored by guerrillas. Their lands were often the sites of armed encounters, and various parties to the fighting recruited many indigenous people.

A National Commission on Indigenous People (NCIP), staffed by tribal members, implements constitutional provisions to protect indigenous people. During the year, NCIP had a budget of \$10.11 million (480 million pesos). At year's end the NCIP had awarded Certificates of Ancestral Land and Ancestral Domain Titles covering over 2.77 million acres of land claimed by indigenous people in the country. It awarded such "ancestral domain lands" on the basis of communal ownership, stopping 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 and assigns indigenous groups the responsibility to preserve their domains from environmentally inappropriate development. The government was slow to implement the legislation, primarily because of opposition from mining and agribusiness interests, but some limited progress was made.

Other Societal Abuses and Discrimination

The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers are required to participate in an HIV/AIDS class as part of a pre-departure orientation seminar.

There was no widespread discrimination based on sexual orientation; however, there were anecdotal reports of abuse and discrimination against homosexuals. In April an organization of lesbian, gay, bisexual, and transgender persons applied for accreditation in the election of party-list representatives. The Commission on Elections denied their application.

Section 6 Worker Rights

a. The Right of Association

The law provides 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.

Through October the Bureau of Labor Relations reported 128 registered labor federations and 15,428 private sector unions, a slight increase from the number of unions registered in 2006. The 1.9 million union members represented approximately 5 percent of the total workforce of 35.9 million. The number of firms using contractual labor, primarily large employers, continued to grow. There were 1,555 public sector unions, with a total membership of 324,068 or approximately 20 percent of the total employed persons in the public sector.

In May a new labor law lowered the requirements for union registration. Under the new law, unions tied to federations are no longer required to maintain a minimum membership of 20 percent of the workers in a bargaining unit. However, independent unions are required to meet the 20 percent membership requirement. By year's end DOLE had not yet issued the implementing regulations for the new law to take effect.

The International Trade Union Confederation (ITUC) and other labor rights advocacy groups expressed concern at killings, abductions, and other attacks on labor leaders and supporters, and urged the government to increase efforts in investigating these attacks. The Center for Trade Union and Human Rights claimed three cases of killings of labor leaders, union members, and supporters during the year, down from 33 in 2006. In October 2006 a labor federation filed a complaint with the International Labor Organization (ILO) Committee on Freedom of Association alleging labor rights violations, including abductions, illegal detentions, and harassment. At year's end the ILO committee's review of the complaint was still ongoing.

b. The Right to Organize and Bargain Collectively

The law 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. Collective bargaining was practiced; however, it is subject to hindrance and union leaders may be subject to reprisal. International labor organizations noted that collective bargaining in the public sector is limited and that the right to strike is banned outright for public sector workers. Through October the number of workers covered by collective bargaining agreements declined to approximately 229,000 (approximately 12 percent of union members and less than 1 percent of the total workforce) from 252,000 in 2006. There are no special laws or exemptions from regular labor laws in SEZs.

Allegations of intimidation and discrimination in connection with union activities are grounds for review before the quasi-judicial National Labor Relations Commission (NLRC) as possible unfair labor practices. Before disputes reach the NLRC, the DOLE 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. The DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Subject to 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 have been exhausted. The DOLE secretary 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 the national interest. Labor rights advocates criticized the government for intervening in labor disputes in sectors that are not vital to the national economy. DOLE reported six strikes involving 915 workers during the year; in 2006 there were 12 strikes involving approximately 1,400 workers.

In June armed men allegedly attacked seven union members on strike in the Cavite Economic Zone and demolished their picket line. At least two of the union members were reportedly injured. The unions of two garment factories in the Cavite Economic Zone launched strikes in September 2006 after management refused to negotiate a collective bargaining agreement. The CHR investigated allegations of illegal dispersal, physical injuries, and food blockades against the economic zone authority and the local police; results of the investigation were pending at year's end.

Although the labor code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to three years, there has never been a conviction under this provision.

Dismissal or threatened dismissal of union members was common. Labor groups alleged that companies in the SEZs used frivolous lawsuits as a means of harassing union leaders.

Labor law applies uniformly throughout the country, including the SEZs; however, local political leaders and officials who govern the SEZs attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. The ITUC in its 2007 *Annual Survey* maintained that the DOLE was unable or unwilling to enforce labor law in the SEZs. A conflict over interpretation of the SEZ law's provisions for labor inspection created further obstacles to the enforcement of workers' rights to organize. DOLE can conduct inspections of local SEZ establishments, although local SEZ 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. Union successes in organizing in the SEZs have been few and marginal in part due to organizers' restricted access to the closely guarded zones and to the rapid turnover of the young, mainly female, staff who worked on short-term contracts in the zones' many electronics and garment factories.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including forced and compulsory labor by children; however, there were some reports of forced and compulsory labor, particularly by children, mainly in prostitution, drug trafficking, domestic service, and other areas of the informal sector (see sections 5 and 6.d.).

d. Prohibition of Child Labor 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 DOLE secretary but forbids the employment of persons less than 18 years of age in hazardous or dangerous work. However, child labor remained a common problem, and a significant number of children were employed in the informal sector of the urban economy or as unpaid family workers in rural agricultural areas--some as bonded laborers. The government estimated that there were approximately four million working children, an estimated half of whom were exposed to hazardous working environments, in industries such as quarrying, mining, deep sea fishing, pyrotechnic production, and agriculture. A survey of two municipalities in Bulacan Province found 1,084 children below 17 years of age working in pyrotechnic factories.

Most child labor occurred in the informal economy, often in family settings. The government, in coordination with a number

of domestic NGOs and international organizations, implemented programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the government made attempts to devote more resources to child labor programs this year, government resources remained inadequate.

The government and NGOs implemented programs to prevent the engagement of children in exploitative child labor; they educated communities on child labor and provided counseling and other activities for children. The DOLE and the DepEd worked with NGOs, UNICEF, and the ILO International Program on the Elimination of Child Labor to assist children to return to school. The government also imposed fines and instituted criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. In March the government filed charges against a garment factory in metro Manila for employing 10 child laborers. At year's end the trial had not yet begun. During the year DOLE continued its efforts to remove child worker from hazardous situations, removing 144 minors in 57 operations, compared with 51 operations involving 218 minors in 2006.

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, and the highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was \$7.62 (362 pesos). The lowest minimum wages were in the ARMM, where the daily agricultural wage was \$4.20 (200 pesos). The regional wage board orders covered all private sector workers except domestic servants and others employed in the service of another person. Boards exempted some employers because of factors such as business size, industry sector, export intensity, financial distress, and level of capitalization. These exemptions excluded substantial numbers of workers from coverage under the law. During the year the regional wage boards granted minimum wage exemptions to 318 establishments out of 421 applications received. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards and the use of contract employees to avoid the payment of required benefits were common, including in the government-designated SEZs, where tax benefits were used to encourage the growth of export industries. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work. The DOLE inspects establishments that employ 10 to 199 workers to determine compliance with core labor standards. Establishments employing 200 or more persons and unionized establishments with collective bargaining agreements are subject to a self-assessment of compliance with labor standards. DOLE provides training and advisory services to enterprises with less than 10 workers to help them comply with core labor standards. During the year 18 percent (4,108 out of 23,313) of commercial establishments inspected by DOLE were not in compliance with the prevailing minimum wage. DOLE acknowledged that the shortage of inspectors made it difficult to enforce the law. In addition to fines, the government also used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. Complaints about nonpayment of social security contributions, bonuses, and overtime were 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 eight-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 one day of rest each week. However, there is no legal limit on the number of overtime hours that an employer may require. DOLE conducted only sporadic inspections to enforce limits on workweek hours. During the year DOLE's 208 labor inspectors made 23,313 inspections to check on companies' compliance with general labor and working standards. Labor groups maintained that forced overtime was common. DOLE employment data in 2006 showed that almost one-fourth of employees worked more than 48 hours per week.

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 too few inspectors nationwide, local authorities often must carry out enforcement. The DOLE continued 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. During the year DOLE conducted inspections of 3,456 establishments on occupational safety standards compliance. 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 overseas citizens, most of whom were temporary or contract workers. The government placed financial sanctions on and criminal charges against domestic recruiting agencies found guilty of unfair labor practices. Although the Philippine Overseas Employment Administration registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources 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. They are not allowed to join or form unions.

