



U.S. DEPARTMENT of STATE

Philippines

Country Reports on Human Rights Practices - [2006](#)

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The Philippines, with a population of 87 million, is a democratic republic with an elected president, an elected bicameral legislature, and a multiparty system. The May 2004 national elections for president and both houses of congress continued to be a source of contention, with unsuccessful attempts in 2005 and during the year to impeach the president on grounds of alleged election fraud. Civilian authorities generally maintained effective control of the security forces; however, some elements of these security forces committed human rights abuses.

During the year there were a number of arbitrary, unlawful, and extrajudicial killings apparently by elements of the security services and of political killings, including killings of journalists, by a variety of actors. Many of these killings went unsolved and unpunished, contributing to a climate of impunity, despite intensified government efforts during the year to investigate and prosecute these cases. 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. During a brief "state of emergency" in February, there was some attempted interference in freedom of the press and in the right of assembly. 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) killed local government officials, and ordinary civilians, including through the use of landmines, and were suspected in many of the killings of leftwing activists. The NPA also used underage soldiers in combat roles. Terrorist groups committed bombings that caused civilian casualties, and these groups also used underage soldiers.

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 296 complaints of killings between January and November, compared with a total of 453 complaints of killings during 2005. The CHR suspected personnel from the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) in a number of the killings of leftist activists operating in rural areas that it investigated during the year. A number of allegations of summary executions by government security forces were referred to the nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP); TFDP was unable to investigate all of these allegations, but it did document the summary executions of 20 individuals by government forces through December.

On May 12, the Department of Interior and Local Government formed "Task Force Usig" within the PNP to investigate the killings of activists and journalists (see section 2.a.). Through December, the task force recorded 142 killings since 2001; 68 of these led to cases filed in court, with one conviction so far, and the remainder still under investigation.

On August 20, President Arroyo created an independent commission headed by former supreme court justice Jose A. Melo to investigate patterns in the killings of journalists and leftist activists and to make policy and legislative recommendations for dealing with the problem. The commission completed its investigation in December and was expected to submit its report to the president in January 2007.

The following are examples of arbitrary and unlawful killings during the year:

On April 12, a gunman, subsequently identified as a police officer, shot and killed environmental activist Elpidio de la Victoria in Talisay City, Cebu. The police officer was allegedly acting as a hired gunman for a private businessman. On September 18, a trial court judge in Cebu convicted police officer Marcial Ocampo and sentenced him to 20 to 40 years in prison.

On May 29, three assailants on a motorcycle shot and killed Sotero Llamas, a former adviser of the Communist Party (CPP)-aligned National Democratic Front (NDF) in Tabaco City, Albay Province. Task Force Usig identified two suspects, an alleged former NPA commander and a

discharged former Philippine Army member. Witnesses were identified and murder charges were filed, although by year's end no arrests had been made.

On July 31, unidentified men in two vans fired on Constancio Claver, a doctor and provincial leader of Bayan Muna, and his wife Alice, local coordinator of the same group, in Tabuk, Kalinga Province, wounding Constancio and killing his wife. The PNP chief relieved the head of the Kalinga police from his post in order to create a climate of trust in the course of investigation. On September 22, the PNP Criminal Investigation Group filed charges of murder and three counts of frustrated murder against a Kalinga police officer, who was also the bodyguard and driver of the relieved police chief. At year's end, the suspect was in restrictive police custody and the case was with the local prosecutor for preliminary investigation.

On August 3, approximately 10 masked gunmen shot and killed United Methodist Church pastor Isaias Santa Rosa in Daraga, Albay. Santa Rosa was a member of a Bicol region leftist farmers' group. His family alleged that the gunmen tortured him and forced him to confess that he was a communist rebel. The police found another dead man at the site of the incident, later identified as an army military intelligence group corporal, whom Santa Rosa's family alleged was among the group of armed men. The police were still investigating the case as of the end of December.

Investigations of cases from 2004 and 2005, including killings of judges (see section 1.e.), were still ongoing:

In March 2005 gunmen killed a leader of Bayan Muna and a priest of the Aglipayan Church who were involved in supporting a strike by plantation workers in Tarlac Province; officials arrested a suspect in the case of the priest's killing. At year's end, a trial was underway in a Tarlac court, and the suspect was still detained.

The CHR has not released a final report of its investigation of the 2004 killing by security forces of seven persons during the strike of plantation workers in Tarlac Province.

There were no developments in the investigation of the March 2005 killing of Bayan Muna coordinator Felidito Dacut. Task Force Usig alleged that members of the CPP/NPA Eastern Visayas Regional Party Committee were possible suspects.

The killings of United Church of Christ in the Philippines pastors in May and August 2005 were still under investigation at year's end.

Two members of the Philippine Army were charged with murder for the October 2005 killing of Ricardo Ramos, a leader of the sugar workers' union at the Hacienda Luisita, Tarlac Province. The criminal case was under preliminary investigation by a local prosecutor, although it was on trial in a military court at year's end.

The trial in the case of the 2004 killing of Bayan Muna members Juvy Magsino and Leyma Fortu in Mindoro Oriental was ongoing in a Quezon City trial court at year's end. In 2004 the police arrested one suspect, allegedly a hired gun, on murder charges; another unidentified suspect was still at large.

On September 13, Task Force Usig filed charges against a former police officer in the 2004 killing of human rights activist Jacinto Manahan. At year's end, the case was still under preliminary investigation by the local prosecutor and the suspect had not been arrested.

In recent years, there have been deaths as a result of military hazing. There were no developments in the 2004 case of a PNP cadet who died allegedly from maltreatment during training. On February 3, the Sandiganbayan (antigraft court) dismissed criminal charges against five officials of the Philippine Merchant Marine Academy who were accused as accomplices in the 2001 death of a freshman cadet as a result of hazing.

Government forces killed a number of civilians during clashes with antigovernment forces and with the terrorist Abu Sayyaf Group (ASG) and the NPA (see section 1.g.).

The terrorist group ASG and the Rajah Solaiman Movement (RSM) continued to kill civilians in bombings throughout the year (see section 1.g.). In March ASG terrorists bombed a convenience store in Jolo City, killing five civilians and wounding 25 others. Authorities suspected the ASG of bombings in Mindanao during August 2005 that injured dozens of civilians. An Indonesian ranking member of the terrorist group Jemaah Islamiyah, an operative of the RSM, and an ASG member were sentenced to death in October 2005 for the 2005 Valentine's Day bombing in Manila, which killed four people. Indonesian authorities arrested an Al-Qaeda-linked suspect in two simultaneous February 2005 Mindanao bombings.

At year's end, the trial of five alleged Moro Islamic Liberation Front (MILF) members for the 2003 Davao airport and seaport bombing was underway.

Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. On June 13, NPA rebels killed nine soldiers of the 50th Infantry Battalion and injured three others during an ambush in Ilocos Sur. In 2004 authorities arrested and charged 15 suspected NPA members for the killing of the police chief of Angat, Bulacan. There have been no known developments in the case since the arrests.

Vigilante groups are suspected of conducting summary killings of suspected criminals in two major cities and local officials appeared to condone and even encourage them. Through December, Kabataan Consortium, a group of human rights NGOs, documented 76 apparent vigilante killings in Davao City, Mindanao. In Cebu City in the Central Visayan Region, more than 70 persons were killed through December.

The cities of Toledo and Carcar on Cebu island also saw apparent illegal killings. Most of 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. A court dismissed two cases filed in 2004 in Davao because the victims' relatives withdrew their complaints. In June 2005 the Office of the Ombudsman suspended four police officers in Davao for failing to solve extrajudicial killings in their jurisdiction; however, in July 2005 the court of appeals reinstated them.

b. Disappearance

According to local human rights NGOs, government forces were responsible for disappearances. Through December the domestic NGO Families of Victims of Involuntary Disappearances (FIND) documented 72 victims of involuntary disappearance: 31 were found alive, four were found dead, and 37 remained missing; FIND suspected government forces in 33 cases, while unidentified armed men were suspected in the remaining 14 cases. Task Force "Usig" documented six cases of forced disappearance of activists since 2001. Only one case has been filed in court, but no arrests had been made at year's end.

On May 22, five supporters of former president Joseph Estrada were surreptitiously taken into custody, suspected of plotting rebellion. Initially, the government denied any involvement in their disappearance, but on May 24 authorities admitted holding them and released them on May 27.

On June 26, unidentified gunmen in Bulacan Province abducted University of the Philippines (UP) student Karen Empeno, former UP student council officer Sherlyn Cadapan, and local citizen Manuel Merino. The three reportedly were blindfolded and forced to board a "jeepney" (small commercial passenger vehicle) at gunpoint. The leftist human rights group Karapatan alleged that the Philippine Army's 7th Infantry Division was responsible for the abduction. On July 19, the Supreme Court ordered the chief of AFP Northern Luzon Command, the commander of the 7th Infantry Division, and two other military officials to present the three victims to the Court of Appeals. However, these officials denied the AFP was holding them. At year's end, the three were still missing. The Melo Commission investigated the case; however, there were no publicly known developments regarding the investigation at year's end.

In August 2005 leftist political activists Armando Barquillo and Lirio de Castro were released a month after heavily armed men abducted them in Cavite City. They alleged that their abductors were military intelligence agents.

Efforts to locate three members of Bayan Muna reportedly abducted in Manila in 2004 by 10 armed men were unsuccessful. FIND claimed the Intelligence Service of the AFP was responsible.

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. In May FIND filed a petition for a writ of habeas corpus against the suspected perpetrators in one case involving two victims, but as of year's end the court had not granted the petition. 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 provides the police with mandatory human rights training, and senior PNP officials appeared receptive to respecting the human rights of detainees; however, rank-and-file awareness of the rights of detainees remained inadequate.

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

A 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. CHR is required to determine whether an officer being considered for promotion has a history of human rights violations (see section 4); 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 seven cases of torture involving 20 victims from January to December. The CHR investigated 11 cases of alleged torture during the year. The suspects in these cases mostly were members of PNP.

In April 2005 four farmers in Laak, Mindanao, accused the AFP of torturing them as suspected NPA collaborators. The CHR began an investigation but had not yet released any conclusion as of year's end.

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) in metropolitan Manila usually operated at about 240 percent of designed capacity. An on-going jail decongestion program by BJMP resulted in the early release, using applicable laws, of more than 3,500 inmates. BJMP's establishment of new facilities for women inmates and its implementation of the new law on juvenile justice also contributed to the decrease in jail overcrowding from 2005.

Prison administrators budgeted a daily subsistence allowance of about \$0.78 (P40) per prisoner. 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.

The slow judicial process exacerbated the problem of overcrowding. Some inmates took turns sleeping. Some prison wardens reportedly allowed wives or children to move in with inmates or stay in the prison compound because they could help feed the prisoners. Lack of potable water and poor ventilation continued to cause health problems in jails.

On May 16, President Arroyo signed the Juvenile Justice and Welfare Act, which, among other reforms, changed the age of criminal responsibility from nine to 15 years of age. Under the new law, children caught committing crimes are to be turned over to juvenile justice and welfare councils to be placed in programs supervised by local social welfare officers. The law also prohibits the detention of minors in jails while undergoing trial and exempts convicted minors from the death penalty.

There were reports of widespread corruption among prison guards. Guards sometimes demanded that prisoners pay 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 TFDP 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. Favored inmates reportedly enjoyed access to prostitutes and drugs.

There were reports that guards abused prisoners. 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 Bureau of Immigration detention centers reportedly gained release by making cash payments to guards.

Through December, the BJMP recorded 27 successful prison escapes involving 52 inmates; 16 were recaptured and 36 remained at large. Police blamed the escapes on lenient security and the poor quality of detention facilities.

On February 28, the CHR released a report on a March 2005 escape attempt during which three guards were killed and which ended in the deaths of 22 inmates. The CHR concluded that the authorities used excessive force, that inmates were summarily executed, and that inmates were maltreated after a police assault. The CHR report also recommended that the Department of Justice (DOJ) create a committee to investigate and determine the criminal liability of the police units; however, by year's end, the DOJ had not received a formal complaint from the CHR to investigate these police units.

According to regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex; however, there were anecdotal reports 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 they were held in facilities not fully segregated from adult male inmates (see section 5). Only 223 out of 1,100 jails managed by the BJMP and PNP had separate cells for minors, while 345 jails had separate cells for females. During the year the BJMP established two detention centers exclusively for women. Approximately 1,200 women inmates were transferred to these new facilities, located in Metro Manila and in Cebu City. More than 300 minor inmates were transferred to three youth centers in compliance with the new law on juvenile justice. In Bureau of Immigration detention facilities, male and female inmates are segregated by sex, but male guards oversaw both sexes.

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. Through December, the TFDP documented 35 cases of illegal arrest and detention involving 114 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 it was corrupt. The 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 November, the PNP dismissed 89 policemen. Of the 2,859 administrative cases filed against PNP officers and personnel, 1,398 were resolved, 944 remained under preliminary investigation, 391 underwent summary hearings, and the remaining 126 were filed with the People's Law Enforcement Board, a body composed of local government officials and NGO representatives that receives complaints filed against members of the PNP in the regions. In 2005 the PNP initiated a Transformation Program aimed at systematic institutional reform.

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, only 6.5 percent of detainees were able to post bail. 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 (see section 1.e.). In 2005 the courts released 67 detainees who had been held in jail for periods equal to or longer than the maximum prison terms they would have served if convicted. Through November only two detainees were released under this circumstance.

The NPA, as well as some Islamic separatist 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.).

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 venality 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 and to sanction judicial malfeasance and was in the midst of a five-year program to increase judicial branch efficiency and raise public confidence in the judiciary.

In September 2005 a regional trial court judge was killed in her house in Natividad, Pangasinan. Police identified two suspects, but a judge dismissed the case and did not issue arrest warrants against the two for lack of probable cause. In January police arrested six suspects for the December 2005 murder of a Pasay City regional trial court judge; their trial was on-going at year's end. Trials in the 2004 killings of two judges were also underway at year's end, and prosecutors filed charges in the third case. Ten cases of the killing of judges remained under investigation at year's end.

The national court system consists of four levels: local and regional trial courts; a national court of appeals divided into seventeen 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.

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.

According to the law, cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the 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. In 2005 the UN Development Program (UNDP) and the Supreme Court released a study that found that the average trial takes over three years. Trials take place in short sessions over time and as witnesses become available; these non-continuous 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 2,152 trial court judgeships (including Shari'a courts), 628 (29 percent) were vacant, a small decline from 2005. 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 41 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."

In the past, international and domestic NGOs criticized many court proceedings that resulted in death sentences, asserting that the judicial system did not ensure due process and legal representation. On June 24, the government formally abolished the death penalty.

Political Prisoners

Various human rights NGOs maintained lists of incarcerated persons they alleged to be political prisoners. Through December, the TFDP said that there were 233 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 did not release any persons whom NGOs claimed were political prisoners.

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. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses. There are administrative remedies as well as judicial remedies for alleged wrongs; however, corruption is widespread in the judiciary, and cases were often dismissed. The Commission on Human Rights keeps a database of alleged human rights violators, including those in the AFP or PNP. The CHR also investigates cases of alleged human rights violations. However, it has no prosecutorial power and can only refer cases with probable cause to local prosecutors.

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.

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 targeted by displacement was limited, but the government successfully completed a two-year program to relocate in new housing approximately 20,000 squatter families from what will be a new "Northrail" project from Manila to Northern Luzon.

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

Some citizen groups complained that the AFP, in confronting the terrorist ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages. NGOs also accused the police of wrongful detention, excessive force, and extrajudicial killings (see section 1.c.).

On January 31, a clash between the AFP and NPA rebels in Santa Ignacia, Tarlac, resulted in at least 10 casualties; three of whom were civilians. The human rights group Karapatan alleged that the military was responsible for the civilian deaths. On May 18, AFP fire in an encounter with NPA rebels in Bulan, Sorsogon, allegedly killed a civilian.

On a number of occasions, ASG and RSM bombings killed and wounded civilians. On October 10, bombs in Makilala, North Cotabato, and in Tacurong, Sultan Kudarat, killed eight persons and wounded at least 30 others. On October 18, an explosion near a police camp in Jolo, Sulu, killed at least three persons. The authorities identified the ASG as responsible for these attacks. Throughout the year, clashes between the AFP, Jemaah Islamiyah, and ASG, mostly in the Zamboanga peninsula and Sulu archipelago, contributed to the displacement of civilians.

During the year, the NPA killed political activists, mayors, other civilians, and military and police personnel. The NPA also harassed businesses and burned buses to enforce the collection of "revolutionary taxes." On July 24, NPA personnel detonated two landmines on a highway in Surigao del Sur Province, seriously wounding five passengers in a jeepney and 10 pedestrians. Subsequently, a spokesman for the NDF said that the injuries to civilians were unfortunate but that the NPA will not give up its "legitimate right" to use landmines. The AFP reported that the NPA killed at least 191 AFP and PNP personnel from January to December. 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 law provides for freedom of speech and of the press, and, except for a few instances during a week-long imposition of a state of national emergency, 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 murdered. The National Union of Journalists of the Philippines (NUJP) recorded 12 journalists killed during the year. Task Force Usig classified two of these cases as work-related slayings. According to the task force, seven of more than 70 cases of journalist killings since 1986 resulted in convictions. On October 6, a Cebu City trial court convicted three men for the March 2005 murder of journalist Marlene Esperat. One suspect, a former AFP member who had turned state witness for the case, was acquitted for lack of evidence. On November 27, the same court dismissed a prosecutor's motion to reinstate the murder cases, which were earlier dismissed by the Tacurong trial court, against two regional officials of the Department of Agriculture, who allegedly planned the killing.

On May 22, two gunmen shot and killed Fernando Batul, a radio commentator and former vice-mayor of Puerto Princesa City. The authorities arrested a police officer, and a murder case has been filed against the officer and another unidentified suspect.

The trial of the four suspects in the May 2005 killing of Philip Agustin, editor of a local newspaper in Dingalan, Aurora Province, was still on-going. In May the Mayor of Dingalan, charged as co-conspirator in the case, surrendered to the authorities.

On March 6, a regional trial court acquitted a former police officer in the 2004 killing of radio broadcaster Ely Binoya in Sarangani Province. The international NGO Reporters without Borders termed the court decision "unacceptable."

On July 28, suspects in the 2004 murder 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. Two other suspects remained at large as of end of November.

There were no developments with regard to the 2004 murders of a newspaper writer in Batangas and of radio commentator Edward Balida.

Human rights NGOs frequently criticized the government for failing to protect journalists. The NUJP 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 study released by the Center for Media Freedom and Responsibility (CMFR) in September 2005, most of the slain journalists were not professionally trained as journalists or formally accredited to any national media organization. CMFR listed 61 journalists killed since democracy was restored in 1986.

On February 24, President Arroyo imposed a state of national emergency and shortly thereafter the police occupied the premises of the opposition-leaning Daily Tribune. The police officers confiscated copies of the mock-up copy of the newspaper's next issue and photographs. On March 3, after the president lifted the state of national emergency, the police left the newspaper's office. The newspaper's publisher and two columnists were subsequently charged with incitement to sedition. At year's end, the case was in preliminary investigation with the DOJ. The three accused filed separate motions to dismiss the case against them and were awaiting DOJ's resolution. On May 3, 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 October 17, a number of media groups accused the president's husband of seeking to muzzle the press through a series of libel suits. Over the last two years, 43 reporters, columnists, editors, publishers, and a subscription manager reportedly faced lawsuits filed by the president's husband over stories alleging corruption and electoral fraud by the president and her husband. A Manila trial court issued warrants of arrest on October 16 against nine of the accused in the libel cases, including a former opposition senator.

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 electronic mail. Internet access is widely available.

Academic Freedom and Cultural Events

In June 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. The government did not otherwise interfere with academic freedom, and 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, except for a few instances during the brief imposition of a state of national emergency, 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 requiring the filing of a request.

On February 24, President Arroyo declared a state of national emergency, and all rally permits were cancelled. The police dispersed rallies commemorating the 1986 "people's power" demonstrations, which culminated in the ouster of the Marcos regime, and those calling for the ouster of President Arroyo. The police detained UP professor and newspaper columnist Randy David at one of the rallies; he was released after a few hours.

In September 2005, President Arroyo declared that the police and armed forces would no longer exercise "maximum tolerance" in dealing with protesters. The administration urged municipalities to enforce strictly the requirements that protests be staged in designated areas and only with government permits. In practice, there did not appear to be any notable change in the way the authorities dealt with demonstrators. On April 25, the Supreme Court declared the September 2005 policy unconstitutional and upheld the policy of maximum tolerance in dealing with rallies and public demonstrations. On May 3, while upholding the constitutionality of the February 24 declaration of a state of national emergency, the Supreme Court declared illegal the warrantless arrest of Randy David and other protesters during a rally and the dispersal of the rally. The court found that there was no proof that those detained committed acts that would constitute "lawless violence, invasion, or

rebellion," and that the security forces therefore had no legal authority to curtail the rights of due process, peaceable assembly, and free speech.

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. Although Christianity, particularly Roman Catholicism, was the predominant religion, there is no state religion, and church and state are legally separate.

The government's campaign against the ASG terrorist group and RSM 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. There were some reports of Muslim discrimination against Christians in areas where Muslims were the majority.

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 (see section 3). 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 Autonomous Region in Muslim Mindanao (ARMM) was almost twice as high as the national average, with per capita income of \$309 (P15,760) 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 [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice. Travel abroad 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 (see section 5).

The government retained its formal yet 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 MILF insurgents in Maguindanao Province during the period from June to August resulted in approximately 40,000 persons being displaced. In 2005 approximately 85,000 persons were displaced as a result of clashes in Sulu from February to April between the AFP and a faction of the Moro National Liberation Front aligned with the ASG. According to the Department of Social Welfare and Development (DSWD), at year's end the total number of IDPs was 59,886 persons. Since 2004 DSWD has established 707 shelter units to resettle IDPs in other southern Mindanao regions and the ARMM. 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.

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 they fear persecution, and granted refugee status or asylum. 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 cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. 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 1,500 Vietnamese asylum seekers who were found not to be refugees under the UNHCR-administered Comprehensive Plan of Action in the 1990s. Following the closure of the one remaining refugee camp on Palawan in 1997, the government permitted these former asylum seekers to remain in the country. However, none in this group were granted legal status.

Subsequently the government allowed processing for resettlement of this group, many 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.

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

In 2004 national elections were held for president, senators, representatives, provincial governors, and local government officials. Voter turnout was high, with approximately 74 percent of eligible voters participating; however, voting was marred by numerous irregularities. An election monitoring survey conducted by a consortium of three international NGOs concluded that an antiquated voting system, system error, and improper management of registration databases disenfranchised thousands of voters. Widespread reports indicated that local politicians and their supporters engaged in vote buying and that conditions did not ensure that balloting was secret. Observers also received reports of NPA activists imposing "permission to campaign" fees on local candidates.

The 2004 election marked the first time that overseas Filipinos were able to vote. Approximately 230,000 of 354,000 registered overseas voters, or 65 percent, actually voted, a small portion of the millions of Filipinos working overseas. The low rate of registration was attributed by election NGOs 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.

The Commission on Elections did not allow first-time voters among squatters in communities of the urban poor to register for the elections unless they could prove that they were bona fide residents of their locale. NGOs estimated that this registration residence requirement deprived one million squatters of the right to vote. Among those who did register, vote buying was common and many residents accepted bribes to vote in a certain way or to act as "flying voters," voting in several precincts.

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 37 women in the 236-seat House of Representatives. There were two women in the 23-member Cabinet, five female associate justices on the 15 member Supreme Court, and 14 female 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 cabinet members and no Muslim senators. There were 12 Muslim members in the 236 seat House of Representatives, including some elected from Christian majority districts.

Government Corruption and Transparency

A justifiable public perception of corruption in the judicial, executive, and legislative branches remained high. Both the government and the private sector have established a number of anticorruption bodies, including an Ombudsman's Office and an anticorruption court. 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, several elected figures, including the opposition mayors of Makati and Pasay City and administration mayors of Baguio and Santa Rosa City, Laguna Province, were suspended from their offices on corruption-related charges. In October the Court of Appeals issued a 60-day temporary restraining order on the suspension of the mayor of Makati. The mayors of Pasay, Baguio, and Santa Rosa remain suspended as of end of November.

The law provides for the right to information on matters of public concern, and the Supreme Court has affirmed this provision. 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 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 were responsive to NGO views. 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 December 6, shortly before a planned regional summit hosted by the government, a foreign labor rights activist was denied entry into the country and a security officer showed him a list of international human rights advocates who would not be allowed into the country.

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 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 \$3.87 million (P197.38 million).

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

Violence against women, both in and out of the home, remained a serious problem. The 2004 Anti-Violence Against Women and their Children Act criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. Through December the PNP reported 1,269 cases under the act and 1,892 other cases of wife battering and physical injuries under older laws. This number likely underreported significantly the level of violence against women in the country. A 2003 survey by the NGO Social Weather Station found that 12 percent of men admitted having physically harmed women (39 percent of these respondents indicated violence against their wives, 15 percent against their girlfriends, and 4 percent against their partners). Women in the same survey cited the following reasons for not reporting violence: embarrassment, not knowing how or to whom to report, belief that the violence was unimportant, and belief that nothing would be done.

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 7 to 8 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these issues

Rape continued to be a problem, with most cases going unreported. During the year, the PNP reported 685 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 also illegal, but enforcement was ineffective.

Prostitution is illegal but was a widespread problem. Many women suffered exposure to violence through their recruitment, often through deception, into prostitution (see section 5, Trafficking). 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 68 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 (see section 5, Trafficking).

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. Women continued to face some discrimination in employment, despite the fact that more women than men have secondary and higher education degrees. Unemployment rates for women remained higher than for men.

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: 12.3 percent of the national budget. Nevertheless, children faced serious problems.

Elementary and secondary education is free and is 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 \$115 (P5,875). The DepEd budget for this year was \$2.16 billion (P110 billion). The public school enrollment rate for 2005-06 was 74 percent, slightly down from 76 percent for the 2004-05 school year. According to UN Children's Fund (UNICEF) statistics, girls and boys attend school in approximately equal numbers.

According to government reports, 68.3 percent of children were well nourished, and 70 percent were fully immunized. The child mortality rate was 42 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 2004, 28 percent of children under age five were moderately or severely underweight.

Child abuse remained a problem. DSWD offices served 6,234 victims of child abuse from January to September, of whom 70 percent were girls. Approximately 50 percent of the girls were victims of sexual abuse, while 5 percent (198 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. In March 2005 the UP Center for Integrative and Development Studies released a report highlighting child pornography as a significant problem in the country.

Child prostitution continued to be a serious problem (see section 5, Trafficking). During the year the Department of Labor and Employment (DOLE) ordered the closure of three establishments for allegedly prostituting minors. The trials for these cases were on-going at year's end.

During the year the NPA and ASG targeted children for recruitment as combatants and noncombatants. There were an estimated 2,000 child soldiers in the country. By mid-year, an International Labor Organization (ILO)-led program demobilized and reintegrated into society 300 children. 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. In a July 2004 report, the Council for Welfare of Children estimated that children constituted between 13 to 18 percent of armed rebel combatants. In the last several years, the AFP on numerous occasions captured or killed NPA fighters who turned out to be minors.

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.

According to UNICEF and ILO studies, approximately 2.4 million children were exposed to hazardous working environments, such as quarries, mines, and docksides (see section 6.d.). Since 1995, only four persons have been convicted of violating the child labor law.

The government estimated that there were at least 22,000 street children nationwide, but 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 approximately 1,400 minors were held on "preventative detention" while their trials were ongoing, and only 72 of them actually 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 April Justice Secretary Raul Gonzalez ordered a nationwide review of cases of juvenile offenders. During the year government agencies and NGOs worked to segregate juvenile offenders, secure the release of minors wrongfully imprisoned, and transfer others to rehabilitation centers. DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila. On May 16, 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. Under the new law children caught committing crimes are to be turned over to juvenile justice and welfare councils to be placed in diversion programs supervised by local social welfare officers. The law also prohibits the detention of minors in jails while undergoing trial and exempts convicted minors from the death penalty (see section 1.d.).

A number of NGOs actively promoted children's rights.

Trafficking in Persons

Trafficking in persons is prohibited under a comprehensive 2003 antitrafficking 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 internationally trafficked persons for the purposes of sexual exploitation and forced labor. Internal trafficking remained a serious problem. NGOs and government agencies estimated that from 300,000 to 400,000 women and from 60,000 to 100,000 children were trafficked annually. The most serious problem appeared to be the trafficking of women across international borders for purposes of sexual exploitation. Organized criminal gangs typically trafficked persons from China through the country to other destinations, although occasionally the country was the final destination. Although the government pursued trafficking-related cases under the antitrafficking law as well as other related laws, its efforts were hampered by slow processing times in the courts, resource constraints within law enforcement agencies, and corruption. In 2005 the DOJ assigned an additional 10 prosecutors to

handle the preliminary investigation and prosecution of trafficking cases at the national level, bringing the total to 14, in addition to other prosecutors in the regional trial courts. The principal investigative agencies were the National Bureau of Intelligence, the Bureau of Immigration, and the PNP's Criminal Investigation and Detection Group. The government cooperated with international investigations of trafficking.

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.

The Virlanie Foundation, a local child protection NGO, estimated that there were at least 20,000 child prostitutes in the country, most in the Metro Manila area. Other NGOs estimated that as many as 100,000 children were involved in the commercial sex industry. Most of these children were girls, and nearly all had dropped out of school. These children came from very poor families with unemployed or irregularly employed parents.

The Virlanie Foundation offered housing, training, and counseling services to child prostitutes. An ILO program resulted in more than 6,000 children being removed or prevented from engaging in the worst forms of child labor, including the commercial sex industry.

Traffickers targeted persons seeking overseas employment. Millions of Filipinos work overseas, about 10 percent of the population and 20 percent of the workforce. An estimated 10 percent of gross national product comes from these workers' remittances. 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.

In December 2005 five persons were convicted and sentenced to life imprisonment under the antitrafficking law, one of whom remained at large. Three other convicted persons received light sentences as a result of plea bargains. As of December, an estimated 71 trafficking in persons cases were pending or had trials underway, the DOJ was considering charges in another 85 cases.

In June 2005 the NGO International Justice Mission (IJM) and the DOJ filed criminal trafficking charges against a Manila police officer, the first public official to be charged under the antitrafficking law. In July 2005 DOLE ordered the permanent closure of a brothel owned by the police officer, allegedly employing minors. At year's end the criminal case against the police officer was ongoing.

In August 2005 Malaysian authorities rescued and expatriated four Filipino women who were allegedly victims of trafficking. The four were recruited in Davao del Norte Province to work as entertainers in Brunei but were taken instead to Malaysia. A case was filed under the antitrafficking law against the suspected traffickers at the municipal court in Carmen, Davao Del Norte. An arrest warrant was issued, but the accused eluded arrest and at year's end was still at large.

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. In August the DOJ launched an investigation into an alleged extortion racket among immigration officials in Cebu. Immigration officers allegedly accepted payments ranging from \$4,000 to \$12,000 (P200,000 to P600,000) in exchange for the entry of undocumented aliens from India, Pakistan, China, and Korea. The investigation remained ongoing at year's end.

On July 19, IJM and the PNP Criminal Investigation and Detection group rescued seven minors who were allegedly trafficked for prostitution in Manila. The case was filed in court; however, the three accused were yet to be arraigned as they remained at large at year's end.

The government devoted significant resources to assist and protect victims. The concept of a trafficked person as a victim rather than a perpetrator was strong. 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. As of September, DSWD had provided temporary shelter and social services to 32 women and 83 juvenile victims of trafficking. In 2005 DSWD provided services to 74 women victims of illegal recruitment, 141 victims of involuntary prostitution, and 112 victims of trafficking.

DSWD and many private groups have established shelters and rehabilitation centers. DSWD provided economic aid to victims, including residential care. 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. Although the government provided some funding to domestic and foreign NGOs for services to victims, religious groups, multinational donor agencies, and private foundations typically funded most of the budgets for these NGOs.

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. However, the government lacked the resources to pursue these cases effectively. IJM, employing private Filipino investigators and prosecutors, 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. IJM gathered evidence against establishments that employ prostitutes and children, and shared this information with the National Bureau of Investigation and the PNP. IJM's private prosecutors then filed criminal cases for sexually abused women and children. Cases were prosecuted in coordination with DOJ prosecutors. As of December, IJM had filed 23 cases under the

antitrafficking in persons law, 11 during the year.

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 law provides for equal physical access for persons with both physical and mental 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 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.

Estimates of the number of persons with disabilities in the country varied significantly. The National Council for the Welfare of Disabled Persons estimated that persons with disabilities make up 10 percent of the population. The 2000 census registered 992,000 persons with disabilities; 580,000 were registered with the Department of Health as of July. Advocates suspected the data were incomplete due to the social stigma attached to persons with disabilities. It was estimated that most persons with disabilities were younger than 65 years of age and lived at home with their families. 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.

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. Only one of Manila's light rail lines was wheelchair-accessible, and 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, but garbage cans and street vendors often blocked access. Many of the sidewalk wheelchair ramps were crumbling or too steep. The situation was worse in many smaller cities and towns.

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 leave or never attend school because of the discrimination they experienced.

Indigenous people suffered disproportionately from armed conflict, including displacement from their homes, because they often inhabit mountainous areas also 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 \$7.94 million (P405 million). At year's end, the NCIP had awarded Certificates of Ancestral Land and Ancestral Domain Titles covering over 2.75 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.

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 November the Bureau of Labor Relations reported 128 registered labor federations and more than 15,000 private sector unions, a slight decline from the number of unions registered in 2005. The 1.6 million union members represented 4.4 percent of the total workforce of 35.9 million. The number of firms using contractual labor, primarily large employers, continued to grow. There were 1,531 public sector unions, with a total membership of 291,343 or about 19 percent of the total public sector labor force.

The International Confederation of Free Trade Unions (ICFTU) alleged that a new union may be registered only if it represents at least 20 percent of workers in a bargaining unit and that the law requires 10 unions before a federation can be formed. The ICFTU had two complaints pending before the ILO regarding these requirements.

The ICFTU and other labor rights advocacy groups expressed alarm at killings, abductions, and other attacks on 19 labor leaders and supporters since September 2005 and urged the government to greater efforts in investigating these attacks (see section 1.a.).

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. Approximately 5 percent of the work force was organized. 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 November the number of workers covered by collective bargaining agreements declined to approximately 241,600 (approximately 11 percent of union members) from 296,000 in 2005. 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. However, unions maintained that widespread ignorance of basic standards and rights was a major obstacle to union organization. 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 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 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 national security. From January to November, DOLE reported that there were 12 strikes involving 1,415 workers; in 2005 there were 26 strikes involving approximately 8,000 workers.

On September 25 and 27, unions of two garment factories in the Cavite Economic Zone alleged that guards and local police illegally and violently dispersed their strikes. These strikes were launched after the management of the two companies refused to negotiate a collective bargaining agreement with the unions, despite DOLE's certification of the unions as exclusive bargaining agents. The unions filed with the CHR charges of illegal dispersal, physical injuries, and food blockade against the economic zone authority and the local police. The CHR investigation was on-going as of 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.

Trade union officials reported that underpayment of the minimum wage and the use of contract employees to avoid the payment of required benefits were common practices, including in the government-designated SEZs, where tax benefits were used to encourage the growth of export industries. Dismissal or threatened dismissal of union members also was common. Labor groups alleged that companies in the SEZs have 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. 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 the Subic SEZ, only one firm was unionized. Some mainstream unions declined to mount 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 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, despite the government's efforts, there were some reports of forced and compulsory labor, particularly by children, mainly in prostitution, drug trafficking, and other areas of the informal sector (see sections 5 and 6.d.). The legal minimum age for employment as a domestic worker is 15. However, an estimated 2.1 million children 17 years of age or younger, including 880,000 under 15, were employed. Some recruiters reportedly brought children to work in Manila or other cities under terms that involved a "loan" advanced to their parents that the children were obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings with prosecutions and fines of violators (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

areas--some as bonded laborers (see section 6.c.). The government estimated that there were approximately four million working children, about half of whom were exposed to hazardous working environments, such as quarries and mines, docksides, and fishing boats, which are defined in the nation's laws as among the worst forms of child labor.

Most child labor occurred in the informal economy, often in family settings. 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. Although the government made attempts to devote more resources to child labor programs this year, 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. Between January and September, the DOLE continued its efforts to rescue exploited child workers, rescuing 201 minors in 44 different operations, compared with 63 operations involving 151 minors in 2005. 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, and the highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was \$7 (P350). The lowest minimum wages were in the Autonomous Region in Muslim Mindanao, where the daily agricultural wage was \$4 (P200). The regional wage board orders covered all private sector workers except domestic servants and others employed in the personal 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. Reportedly 225 businesses in Metro Manila requested exemptions from the minimum wage order issued in July. However, as of the end of November, the wage board for Metro Manila had not yet granted any exemptions. As of December, the regional wage boards approved 366 out of 525 employer applications for exemptions from the minimum wage orders issued in 2005. The regional boards received an additional 287 applications for exemptions from the 2006 minimum wage orders; 46 of which were approved as of October. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards was common. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work. As of June, 16 percent of commercial establishments inspected by DOLE were out of compliance with the prevailing minimum wage. The DOLE acknowledged that the shortage of inspectors made the law difficult to enforce. In addition to fines, the government also made use of 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. The DOLE conducted only sporadic inspections to enforce limits on workweek hours. The DOLE's 208 labor inspectors made nearly 10,500 inspections by June to check on companies' compliance with general labor and working standards.

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. 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.