

# PHILIPPINES 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Philippines is a multiparty, constitutional republic with a bicameral legislature. President Benigno S. Aquino III, elected in 2010, began the sixth year of his constitutionally limited six-year term. The 2013 midterm national elections were generally free and fair, but independent observers noted vote buying was widespread. Dynastic political families continued to monopolize elective offices at the national and local level. Civilian authorities failed at times to maintain effective control over the security forces.

The most significant human rights problems continued to be extrajudicial killings and enforced disappearances undertaken by security forces, insurgents, and suspected vigilante groups; a weak and overburdened criminal justice system notable for poor cooperation between police and investigators, a meager record of prosecutions and lengthy procedural delays; and widespread official corruption and abuse of power.

Other human rights problems included allegations of prisoner/detainee torture and abuse by security forces; harassment, including allegations of violence against human rights activists by local security forces; warrantless arrests; lengthy pretrial detentions; overcrowding and inadequate prison conditions; killings and harassment of journalists; mistreatment of internally displaced persons (IDPs); violence against women; abuse and sexual exploitation of children; trafficking in persons; limited access to facilities for persons with disabilities; lack of full integration of indigenous people into political and economic structures; absence of law and policy to protect persons from discrimination based on sexual orientation and gender identity; child labor; and ineffective enforcement of worker rights.

The government continued to investigate and prosecute only a limited number of reported human rights abuses, including abuses by its own forces, paramilitaries, and insurgent/terrorist groups. Concerns about impunity of national and local government officials, security force members, and powerful business and commercial figures persisted.

Conflicts between the government and long-running Muslim separatist, communist insurgent, and terrorist groups continued to displace civilians and cause the deaths of security force members and civilians. Terrorist organizations, with agendas and memberships at times overlapping those of separatist or political rebels, included

the Abu Sayyaf Group (ASG), Jemaah Islamiya (JI), and the New People's Army (NPA). Muslim separatist groups included the Moro Islamic Liberation Front (MILF), the MILF-breakaway Bangsamoro (a proposed Muslim-dominated autonomous province in southwestern Mindanao), Islamic Freedom Fighters (BIFF), and the Moro National Islamic Liberation Front (MNLF). These organizations reportedly engaged in kidnappings for ransom, bombings of civilian targets, the use of child soldiers in combat or auxiliary roles, and operation of unauthorized courts. President Aquino lobbied Congress to pass the Bangsamoro Basic Law (BBL), which is the implementing legislation for the 2014 Comprehensive Agreement on the Bangsamoro signed by the MILF and the government. Following a January 25 clash in Mamasapano, the BBL has stalled in Congress. The next steps in the peace process were unclear at year's end.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that security forces committed arbitrary or unlawful killings, some in connection with combat operations between government forces and Muslim rebels in parts of Mindanao region (see section 1.g.). Killings of activists, judicial officials, local government leaders, and journalists by antigovernment insurgents continued to be a serious problem.

The Commission on Human Rights (CHR), an independent government agency, continued to investigate alleged human rights violations. The CHR investigated 50 new complaints of politically motivated killings involving 68 alleged victims as of September. The CHR suspected personnel from the Philippine National Police (PNP) were involved in 10 of the complaints, Armed Forces of the Philippines (AFP) or paramilitary in eight, members of the communist/terrorist NPA in five, civilians in six, local government units in one, and unidentified persons in the remainder.

The PNP's Task Force Usig (TFU), responsible for investigating and monitoring killings of media members, labor activists, and foreigners, received reports of eight new cases from January to August (using different criteria than the CHR's). The TFU filed or referred two cases to the prosecutor's office, five cases remained under investigation, and one case was filed in court. Of 185 cases monitored by the TFU since 2001, seven led to convictions, a further 105 were filed in court and prosecutor offices, 69 were cold cases, authorities closed one case due to the death of suspects in armed encounters, and three remained under investigation.

The number of alleged extrajudicial killings and torture cases during the year varied widely, as the government and nongovernmental organizations (NGOs) used different definitions of extrajudicial killings. As of September, the NGO Karapatan (Alliance for the Advancement of People's Rights) recorded 65 extrajudicial killings by government forces.

In one example, on May 24, unidentified armed men, suspected to be military personnel from the 11th Infantry Battalion of the Philippine Army, shot and killed Endric Calago and his wife Rosalie in Negros Oriental province. Endric was the vice-chairperson of Kaugmaon, a local peasant organization, while Rosalie was a political activist and reporter for various local radio programs in Negros and Cebu. The case was still under investigation as of November.

Another case that garnered significant media attention occurred on September 1, when members of the Magahat-Bagani paramilitary group allegedly killed Emerito Samarca, head of an alternative school for indigenous people, and Dionel Campos and Bello Sinzo, leaders of the Manobo tribe and an indigenous people's organization in Han-ayan, Lianga, Surigao del Sur Province. Various human rights NGOs reported that the night prior to the killing, Magahat-Bagani had ordered the staff, teachers, and students of the school to leave the Han-ayan area and go to the next village. The AFP denied allegations by human rights groups that Magahat-Bagani was connected to the military. The CHR conducted a public inquiry in September, and two Senate committees held a joint field hearing in October. The Department of Justice (DOJ) also formed a 16-member fact-finding team in September to investigate the incident. An Army Board of Inquiry report submitted on September 13, found that the incident was a tribal conflict within the context of the insurgency and cleared the military of involvement. Reports from the other hearings and investigations are still pending as of November.

In September Philippine law enforcement officials, working with their Thai counterparts, arrested the so-called masterminds behind the 2011 killing of broadcaster and environmentalist Gerardo Ortega, former Palawan Governor Joel Reyes and his brother, former Coron Mayor Mario Reyes, in Thailand. Ortega's assassin, Marlon Recamata, was convicted in 2013 and was sentenced to life imprisonment. The Reyes brothers were awaiting trial as of November.

## **b. Disappearance**

Credible local human rights NGOs claimed government forces and anti-government insurgents continued to be responsible for disappearances. From January to September, the CHR investigated three cases of forced disappearance and abduction involving three victims. One was found dead and the other two remained missing as of September.

The trial of retired Major General Jovito Palparan, Jr., the highest-ranking former military official to be arrested (in 2014) for involvement in a 2006 disappearance case of two students, continued as of November.

According to the law, family members of alleged victims of disappearances may compel government agencies to provide statements in court about what they know of the circumstances surrounding a disappearance (or extrajudicial killing) and the victim's status. Some victims' families asserted that courts and police continued to fail to address their complaints adequately. Evidence of a kidnapping or killing requires the filing of charges, but in many cases, evidence and documentation were unavailable or not collected. Investigative and judicial action on disappearance cases was insufficient; a minority of reported cases were prosecuted.

As of August the government had not responded to the 2012 report by the UN Working Group on Enforced or Involuntary Disappearances, which reiterated its request for a country visit and reported 621 unresolved disappearance cases.

### **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. Members of the security forces and police, however, allegedly routinely abused and sometimes tortured suspects and detainees. Common forms of abuse during arrest and interrogation included electric shock, cigarette burns, and suffocation.

As of September the CHR investigated 47 cases of alleged torture involving 65 victims, with police suspected in 37 cases, jail guards in three, other government officials in eight, and unidentified individuals in one.

On May 18, the PNP relieved Carmona Chief of Police Jigger Noceda and two police officers, pending investigation of the alleged torture of a detainee inside the Carmona Police Station in Cavite Province. The CHR began an investigation of the case after a video showing Noceda hitting an unidentified detainee with a piece

of wood was leaked to the media. As of October a criminal case had yet to be filed and the administrative case against the police officers was still pending.

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

Prison conditions were often harsh and, in some cases, included food shortages, gross overcrowding, physical abuse, and inadequate sanitation and medical care.

Reports continued that prison guards physically abused inmates. The CHR and Task Force Detainees of the Philippines (TFDP) reported that abuses by prison guards and other inmates were common, but stated that prisoners, fearing retaliation, declined to lodge formal complaints. Human rights activists believed prison guards also targeted suspected ASG and NPA members for abuse (see section 1.e., Political Prisoners and Detainees).

Physical Conditions: The Bureau of Corrections (BuCor), under the DOJ, administered seven prisons and penal farms for individuals sentenced to prison terms exceeding three years. During the year BuCor facilities operated at roughly 2.5 times the official capacity of about 16,000.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government (DILG), and the PNP controlled 937 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The DILG reported that BJMP jails operated at an average of almost four times designated capacity. The Quezon City Jail, one example, had an official capacity of slightly more than 1,000 inmates, yet in July held 3,292 prisoners. Several NGOs observed that overcrowding was more severe in smaller cities, a condition that reportedly triggered violence among inmates and promoted gang rivalries.

Approximately 97 percent of prisoners in BJMP and PNP jails were pretrial detainees; the balance were convicted criminals. Juveniles under age 18 were typically released per court order or following a petition by the Public Attorney's Office (PAO), the inmate's private lawyer, or through NGO-led appeals. Juveniles made up well under 1 percent of the prison population.

Prison authorities did not uniformly enforce BJMP and BuCor regulations that require holding male and female inmates in separate facilities and, in national prisons, overseeing them with guards of the same sex. In some facilities, authorities did not fully segregate juveniles from adults. The BJMP and BuCor

reported insufficient custodial and escort personnel, especially in large jails, with between 50 and 70 prisoners to each custodial staff member.

Reports continued to indicate poor sanitation, ventilation, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. The BJMP noted that some local government units provided processed water to jails, but the majority of jails used polluted water from taps or pumps. Lack of adequate food and potable water for incarcerated juveniles was a particular concern. From January to October, BuCor and the BJMP reported 890 inmate deaths, a death rate of 0.64 percent. Most deaths were the result of illnesses, including cardiopulmonary arrest and pulmonary tuberculosis. While there was a process for inmates to receive medical treatment at their own expense from an outside doctor, the Department of Justice clamped down on the program due to allegations of abuse and corruption.

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

Administration: The BJMP helped expedite court cases to promote speedy disposition of inmates' cases. Through this program, authorities released 21,760 inmates from BJMP jails as of July. From January to June the Supreme Court's "Justice on Wheels," mobile courts program facilitated the release of 145 inmates and the provision of medical and dental assistance for 1,032 prisoners. Judicial and prison authorities generally did not use alternative sentencing or incarceration methods for nonviolent offenders.

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

Muslim officials reported that while Muslim detainees were allowed to observe their religion, Roman Catholic Mass was often broadcast by loudspeaker to prison populations made up of both Catholic and non-Catholic prisoners and detainees.

Prisoners may submit complaints to constitutionally established independent government agencies, and the CHR referred complaints it received to the applicable agency. Families and lawyers of inmates often submitted formal complaints to the CHR and the DOJ charging that prison authorities censored communications.

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross, free and timely access to jails and prisons. Consular officers from the diplomatic community had ready access to prisoners to allow for monitoring of the well-being of their citizens.

Improvements: During the year, the government launched the National Justice Information System (NJIS), a unified interagency portal meant to improve data collection and exchange across the government's law agencies; improve detection of crimes and resolution of investigations; and improve transparency. DOJ and BuCor also rolled out the NJIS Inmate Management Information System, a biometric-based system project aimed to establish a single prison record system in part to ensure that an inmate's detention does not exceed his/her sentence.

#### **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. CHR and NGO monitors, however, reported that police and the AFP continued to arrest and detain dozens of persons arbitrarily each year, although there may have been a decline in comparison with 2014.

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

The PNP maintain internal security in most of the country and report to the DILG. The AFP, which reports to the Department of National Defense, is responsible for external security but also carries out domestic security functions in regions with a high incidence of conflict, particularly in areas of Mindanao. The two agencies shared responsibility for counter-terrorism and counter-insurgency operations. The PNP is responsible, in particular, for urban counter-terrorism operations.

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

The 160,000-member PNP's deep-rooted institutional deficiencies and the widely held public perception that corruption was endemic within the force continued. The PNP's Internal Affairs Service, with a mandate to instill police discipline, remained largely ineffective. Civilians and NGOs accused police personnel of

torture, soliciting bribes, and other illegal acts. Efforts continued to reform and professionalize the institution through improved training, expanded community outreach, and salary increases. Human rights-based modules were, for example, included in all PNP career courses.

The government lacked sufficient mechanisms to investigate and punish abuse and corruption in the PNP and the AFP, which allowed impunity to persist within the security forces. From January to October, the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, received 319 cases alleging 583 offenses regarding military and law enforcement involvement in human rights abuses including killings, injuries, unlawful arrest, and torture. Most charges were against low-ranking officials. As of October, one case was closed and terminated and the remaining cases were under investigation. There were no convictions recorded against high-ranking police or military officials.

The PNP filed administrative charges of grave misconduct against 236 personnel as of October. These led to one dismissal and one suspension.

The AFP Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through October, the office identified and investigated seven reported incidents, including murder (one), harassment/threats (three), and other human rights violations (three). As of October, recommendations and resolutions for six cases remained pending, and one was determined not to involve AFP personnel.

Police and the military routinely provided human rights training to their members, augmented by training from the CHR. The AFP used its revised Graduated Curricula on Human Rights/International Humanitarian Law for the Military to provide a uniform standard of training across service branches. The AFP adhered to the 2005 Presidential Memorandum Order Number 259, which requires incorporation of human rights and international humanitarian law into all AFP education and training courses. Moreover, successful completion of these courses is required for finishing basic training, induction, promotion, reassignment, and selection for foreign schooling opportunities.

The Commission on Appointments determines whether senior military officers selected for promotion have a history of human rights violations and solicits input from the CHR and other agencies through background investigations. The



commission may withhold a promotion indefinitely if it uncovers a record of abuses. Negative findings, however, do not preclude promotion.

The PNP's network of human rights desk officers at the national, regional, provincial, and municipal levels grew to 2,488. The CHR noted that although senior PNP officials appeared receptive to respecting detainees' rights, rank-and-file awareness of detainee rights remained inadequate.

Human rights groups and the CHR continued to note little progress in implementing and enforcing reforms aimed at improving investigations and prosecutions of suspected human rights violations. Potential witnesses often were unable to obtain protection through the witness protection program managed by the DOJ due to inadequate funding or procedural delays. Moreover, the CHR received only 500,000 pesos (\$11,150) for its separate witness protection program during the year. The loss of family income due to relocation of a family member was also, in some cases, a barrier to witnesses' testimony.

Government-armed civilian militias supplemented the AFP and PNP; the AFP controlled Civilian Armed Force Geographical Units (CAFGUs), while the Civilian Volunteer Organizations (CVOs) fell under PNP command. These paramilitary units often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private armies and at times recruited CVO and CAFGU members into those armies. Human rights NGOs continued to link state-backed militias and private armies with numerous human rights abuses, including the 2009 massacre of 58 civilians in Maguindanao Province. Prosecution of that case has moved slowly due to a dysfunctional justice system and the complexities of simultaneously trying more than 100 defendants. The primary suspect, former Maguindanao governor Andal Ampatuan, Sr., died from liver cancer on July 18. As of August the court had resolved most of the bail petitions, the reason for some of the delays. Such delays continued to reinforce the perception of impunity for national, provincial, and local government actors accused of human rights abuses.

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

Warrants issued by a duly authorized official based on sufficient evidence are required to apprehend an individual unless the suspect is in the act of committing an offense, when there is probable cause that the suspect had just committed an offense, or when the suspect is an escaped prisoner. In terrorism cases, the law permits warrantless arrests and detention without charges for up to three days for

allegedly committing or attempting to commit terrorist acts. Government agents, however, had not made any warrantless arrests on terrorism charges as of September.

Detainees have the right to judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail. The bail system functioned. The law provides an accused or detained person the right to choose a lawyer and, if indigent, to have the state provide one. Due to an under-resourced PAO, however, indigent persons had limited access to public defenders. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, depending on the seriousness of the crime.

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

Pretrial Detention: Lengthy pretrial detention remained a problem, due largely to the slow and dysfunctional justice system, although jail decongestion programs relieved some of the problem. The average pretrial detention time was 18 months. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist decongestion efforts.

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

The law provides for an independent judiciary, and the government generally respected judicial independence. Corruption through nepotism, personal connections, and sometimes bribery continued to result in impunity for wealthy or influential offenders. Overall, insufficient personnel, inefficient processes, and long procedural delays continued to hinder the judicial system. These factors continued to contribute to widespread skepticism that the criminal justice system could deliver due process and equal justice.

Trials took place in short, spread-out sessions as witnesses and court time became available, which contributed to lengthy delays. There was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were more than 15 percent. Courts in Mindanao and poorer provinces had higher vacancy rates than the national average. Sharia (Islamic law) court positions continued to be particularly difficult to fill because of the requirement that applicants be members of both the Sharia Bar and the Integrated Bar. Four of the five sharia district court judgeships and 73 percent of circuit court judgeships were

vacant or not yet set up as of November. Sharia courts do not have criminal jurisdiction.

The Supreme Court continued efforts to ensure speedier trials, reduce judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. It continued to implement guidelines to accelerate the resolution of cases in which the maximum penalty, if there is a conviction, would not exceed six years in prison.

### **Trial Procedures**

The law requires that all persons accused of crimes be informed of the charges against them, and grants rights to counsel, adequate time to prepare a defense, and a speedy and public trial before a judge. The law presumes defendants are innocent and have the right to confront witnesses against them, present evidence in their favor, review government evidence, appeal convictions, and not be compelled to testify or confess guilt. The government generally implemented these legal requirements, except for the right to a speedy trial.

Although the law provides that cases should be resolved within three months to two years, depending on the court, in effect, trials had no time limits. Government officials estimated it took an average of five to 10 years to obtain a conviction and that the national conviction rate was 20 percent. The system relied heavily on witness testimony and gave relatively little weight to circumstantial and forensic evidence.

There is no jury system and no right to trial by jury. Authorities respected a defendant's right to representation by a lawyer, but poverty often inhibited a defendant's access to effective legal counsel. The PAO, reporting to the DOJ, did not have the necessary resources to fulfill its constitutional mandate. The PAO used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During the latter, courts may appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused.

Sentencing decisions were not always consistent with legal guidelines, and judicial decisions sometimes appeared arbitrary.

### **Political Prisoners and Detainees**

The BJMP and BuCor reported 1,326 political prisoners and detainees held in detention cells and prisons as of October. Under Section 2, Commonwealth Act No. 682 of 1945, the government defines political prisoners as those who may be accused of any crime against national security. The BJMP adopted the term “political prisoners and detainees” to describe high-risk or high-profile inmates charged for offenses committed in furtherance of a political belief, such as those affiliated with the Communist Party of the Philippines-New People’s Army-National Democratic Front, MNLF, MILF, and other organized leftist or rightist groups. The BJMP reported that political prisoners face the same prison conditions as the general prison population except for some members detained at the Special Intensive Care Area, which houses inmates associated with ASG, JI, MILF, MNLF, and the NPA.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. Some NGOs asserted that authorities frequently made politically motivated arrests of persons for common crimes or on fabricated charges and continued to detain them after their sentences expired. The TFDP was tracking 174 political prisoners and detainees in Luzon as of April and 64 in the Visayas and 103 in Mindanao as of September. The majority of those tracked were pretrial detainees, 71 of whom had been arrested in the year. The TFDP noted that, in the majority of cases, authorities mixed political prisoners with the general inmate population, except in the National Bilibid Prison, where they held the majority of political prisoners in maximum security.

The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs. The TFDP reported that 39 political prisoners had been released from prisons or detention centers as of October. None of these releases resulted from executive action (pardons or amnesties).

The government permitted regular 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 civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints; however, overburdened local courts often dismissed these cases.

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

The government generally respected the privacy of its citizens, although leaders of communist and leftist organizations and rural-based NGOs alleged surveillance and harassment. Authorities used informer systems to obtain information leading to the capture of terrorist suspects. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued to occur. Judges generally declared evidence obtained illegally to be inadmissible.

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

For decades the country has contended with armed Muslim separatist movements supported by paramilitary organizations such as the MILF and the MNLF, a communist insurgency supported by a nationwide NPA presence, and violence by smaller, trans-national terrorist organizations (such as the ASG and the JI), and criminal syndicates. During the year, government forces killed a number of civilians in clashes with these groups. There were continued complaints that the AFP, in confronting the ASG and NPA, illegally detained citizens, destroyed houses, and displaced residents. Additionally, interclan “rido” (feuds) violence, continued in Mindanao, causing civilian deaths and the displacement of thousands.

Killings: Government forces acknowledged 70 civilian deaths in the course of military operations against insurgent groups as of October.

Anti-government groups were also responsible for civilian deaths. The NPA and Muslim separatists, including the ASG, elements of the MILF, and the breakaway faction BIFF, used roadside bombs, ambushes, and other means to kill political figures and other civilians, including persons suspected of being military and police informers. On January 25, five civilians were killed during an encounter between PNP forces and MILF elements in Mamasapano, Maguindanao. Wanted terrorist Zulkifli Abdir, also known as Marwan, was also killed during the encounter. In April, the National Bureau of Investigation (NBI) and the National Prosecution Service recommended filing charges against some 90 members of the MILF, BIFF, and private armed groups involved in the encounter.

The NPA claimed responsibility for the October 19 killing of Mayor Dario Otaza of Loreto town in Agusan del Sur Province, along with his son, Daryl Otaza. The NPA accused Mayor Otaza of espionage and crimes against humanity, claiming that by abducting and killing the mayor and his son, the NPA was delivering justice to the Lumads, or indigenous people, that Mayor Otaza allegedly terrorized.

Mayor Otaza was himself a Lumad, and a former NPA member who persuaded 246 rebels to surrender and helped them reintegrate into society.

Anti-government insurgents also menaced government offices and attacked or threatened businesses, farms, and private communication facilities to enforce collection of extrajudicial protection payments, so called “revolutionary taxes.” For example, on February 14 some 50 suspected NPA members raided the Singfil Hydro Builders water treatment facility in Masbate Province after the company reportedly refused to pay extortion demands.

Abductions: Various armed criminal and terrorist groups, including the ASG in Mindanao and the Sulu Archipelago, continued to kidnap civilians. The NPA and some separatist groups were responsible for a number of arbitrary detentions, including kidnappings and hostage taking for ransom.

Authorities often facilitated ransom payments or launched attempts to rescue victims. From January to October, the PNP investigated 30 kidnap-for-ransom cases involving 50 victims allegedly perpetrated by the ASG, the NPA, and other kidnap-for-ransom groups. As of September, 25 victims were released, one was rescued, two were killed, six escaped, and six were still in captivity; data was not available for 10 victims. Of the cases, 18 occurred in Mindanao.

On September 22, two Canadian tourists, a Norwegian resort manager, and a Filipina were kidnapped from Samal Island, a popular tourist area near Davao city. Three weeks after the kidnappings, the foreigners appeared in a video posted online that appeared to confirm the perpetrators were members of the ASG. In the video, the victims appealed to authorities to halt military assaults against the gunmen.

Physical Abuse, Punishment, and Torture: Leftist and human-rights activists continued to report harassment by local security forces, including abuse of detainees by police and prison officials. Rape was not generally used as a weapon of war, but women risked exposure to crossfire or faced the threat of sexual violence or intimidation.

Child Soldiers: The use of child soldiers, particularly by terrorist and anti-government organizations, remained a problem. The United Nations, through its local UN Children’s Fund (UNICEF) agency, monitored the recruitment and use of children in armed conflicts and worked to verify specific incidents. Government reporting mechanisms on children associated with armed conflict were marred by

inconsistency between agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scope. From January to October, the AFP Human Rights Office reported that 15 child soldiers had either been rescued by or surrendered to the AFP.

The NPA continued to claim that it did not recruit children as combatants, but admitted that it recruited, trained, and used them for noncombat purposes. From September 2014 to January 2015, UNICEF, MILF, the Bangsamoro Development Agency, and the international developmental organization Plan International conducted a series of meetings to disseminate information on the UN-MILF Action Plan to stop the recruitment of child soldiers. On May 18, UNICEF and the MILF launched the "Children, Not Soldiers" campaign to better protect children and prevent their recruitment to any military or conflict activities.

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

Other Conflict-related Abuses: The AFP reported that on March 24, NPA insurgents used two civilians as human shields while trying to evade pursuit in Monkayo, Compostela Valley Province.

Using its own guidelines, the AFP sometimes used civilian facilities, such as schools, to house soldiers overnight during military operations in remote areas. During the year to October, the army monitored four incidents in which it conducted activities in school or hospital premises

Authorities suspected that the NPA, ASG, and JI trafficked illegally obtained products, including timber and wildlife.

The NPA tried military personnel, police, local politicians, and other persons in its "revolutionary people's courts" for "crimes against the people." Such trials were often held in absentia and to justify some of its killings as executions of "defendants" whom it had found guilty. The MILF also maintained its own "people's courts."

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

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech and Expression: Individuals were free to criticize the government publicly or privately or discuss matters of general public interest without reprisal. Members of the media and some human rights NGOs believed, however, that certain laws and regulations sometimes abridged freedom of speech and expression.

Press and Media Freedoms: The independent media remained active and expressed a wide variety of views without restriction, including criticism of the government. Media commentators criticized most media outlets for lacking rigorous journalistic standards and for reflecting the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Observers suspected special interests of using bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions.

Violence and Harassment: Journalists continued to face harassment and threats of violence, including from politicians and government authorities critical of their reporting. Human rights NGOs frequently criticized the government for failing to protect journalists. The National Union of Journalists continued to accuse police and local elected officials of subjecting journalists to harassment and surveillance, as well as failing to investigate killings of journalists.

The nongovernmental Center for Media Freedom and Responsibility (CMFR) reported that four journalists or media workers were killed from January to October while carrying out journalistic tasks. The CMFR also reported that radio blocktimer (buyer of blocks of airtime) Alberto “Pastor” Martinez died during the year due to complications from injuries received during an attempt on his life in 2005. The PNP’s TFU, which investigates and tracks killings of media practitioners, classified none of these cases as work-related killings.

Libel/Slander Laws: The law contains criminal sanctions for libel. Authorities used criminal defamation charges, which carry the possibility of imprisonment and fines, to harass, intimidate, and retaliate against journalists. During the year, Vice President Binay filed a libel case against former Makati Vice Mayor Ernesto Mercado for accusing him of graft.

## **Internet Freedom**



The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without appropriate legal authority. The internet was widely available and used. According to the International Telecommunication Union, 39 percent of the population used the internet in 2014.

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

There were no government restrictions on academic freedom or cultural events, although student groups at some universities continued to accuse security forces of harassing student political groups.

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

The law provides for freedom of assembly and association, and the government generally respected these rights.

### **Freedom of Assembly**

The police generally exhibited professionalism and restraint in dealing with demonstrators. Media, however, reported that on May 26, police violently dispersed a group of farmers from Negros Occidental by allegedly using water cannons with a chemical mix similar to tear gas. The farmers' group was demonstrating in favor of passage of a bill creating an agrarian reform commission to protect the rights of the farmers and promote their welfare.

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

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

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection

and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Government limits on foreign travel were generally based on security or personal safety factors, such as when a citizen had a pending court case, or to discourage travel by vulnerable workers to countries where they would face personal security risks, including trafficking or other exploitation. The Philippine Overseas Employment Administration (POEA) was responsible for controlling departures for work abroad and required overseas workers to register and receive pre-departure screening, training, and certification before traveling. The government retained its employment travel ban on Burundi, Liberia, Rwanda, Sierra Leone, Somalia, Syria, and Uzbekistan. Only workers returning to previously held jobs could travel to Afghanistan, Lebanon, Libya, and Yemen. The government prohibited domestic workers from working in Palau.

### **Internally Displaced Persons**

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

In Mindanao, from January to October, UNHCR reported 267,312 displaced persons caused by armed conflict (including violence between local communities) and 100,946 persons displaced due to natural disasters. By the end of October, many of those IDPs had returned home or found durable solutions, although 169,501 persons displaced in Mindanao since 2012 continued to seek durable solutions. As of July the Department of Social Welfare and Development (DSWD) reported assisting almost 60,000 persons displaced by armed conflict in different regions in Mindanao and living in evacuation centers.

Government agencies, often with support from UN agencies and other international donors, provided food (although NGOs noted that food aid was sometimes delayed); constructed shelters and public infrastructure; repaired schools; built sanitation facilities; offered immunization, health, and social services; and provided cash assistance and skills training for IDPs. The government permitted humanitarian organizations access to IDP sites. Security forces sometimes carried out military operations near IDP sites, posing a risk of casualties and damage, and

restricting freedom of movement. Impoverished IDPs were highly susceptible to human trafficking networks. In addition, despite a government policy of free public education, significant numbers of children in displaced families were unable to attend school because of unofficial school fees and transportation expenses.

In July, UN Special Rapporteur for the Human Rights of IDPs Chaloka Beyani visited Davao, Zamboanga City, Tacloban, Maguindanao, and South Cotabato (see Section 6). In his visit to Tacloban, the special rapporteur noted that access to water, sanitation, and stable electricity remained serious problems. He also noted the lack of job opportunities and access to basic services, including health care and education, at the IDP site in Zamboanga City. Beyani commented that the government's response to disaster and climate-change-induced displacement was commendable whereas their response to conflict-induced displacement in locations such as Zamboanga and Cotabato differed significantly.

At times the government encouraged IDPs to return home, but they were often reluctant to do so for security or welfare reasons. On July 23, media reported that a group of 500 police officers, DSWD officials, and other government representatives conducted a "rescue operation" in Davao City to encourage IDPs to return home. The government alleged that the more than 700 indigenous people IDPs who had been staying for several months at the United Church of Christ in the Philippines in Davao due to conflict in their communities were being held against their will and were potentially trafficking victims. The operation escalated into a violent clash between police and IDPs. Twenty IDPs and two police officers were injured. The Davao City vice mayor intervened, saying no one would be forcibly removed; two IDPs chose to leave the camp, allegedly because of health reasons.

### **Protection of Refugees**

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit (DOJ-RSPPU) determines which asylum seekers qualify as refugees in accordance with an established, accessible system that appeared to provide basic due process. From January to August, the department received 80 new asylum applications. Of these, the department approved four cases while 76 remained pending. UNHCR estimated there were 253 refugees residing in the country as of June.

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

Employment: The government allowed refugees to work. A Department of Labor and Employment (DOLE) order affirms refugees' and stateless persons' access to work permits. Since 2013, the Bureau of Immigration has provided temporary work permits for persons with pending applications for recognition as refugee and/or stateless status upon endorsement by the DOJ-RSPPU. The types of employment open to refugees and stateless persons were generally the same as those open to other legal aliens.

### **Stateless Persons**

The DOJ was responsible for statelessness determinations of persons born in the Philippines and of newly arrived persons. According to revised rules, after an applicant files for a determination of statelessness, deportation or exclusion proceedings against the applicant and his/her dependents are suspended and the applicant may also be released from detention. Stateless persons may be naturalized. There were no known cases of social discrimination against stateless persons as of November.

In 2012-13 UNHCR and the government undertook a survey of persons of Indonesian descent at risk of statelessness in Southern Mindanao. The survey identified 4,260 possibly stateless persons out of an estimated total of 6,040 persons of Indonesian descent. In February the Philippine and Indonesian governments issued a joint declaration reaffirming the provision of consular assistance to both documented and undocumented migrants of Indonesian descent. A total of 4,888 persons of Indonesian descent (PID) residing in Mindanao were registered from November 2014 to May 2015, and PID registration continued as of August.

As of July, three stateless persons were also classified as refugees.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this ability.

## **Elections and Political Participation**

Recent Elections: The country conducted two major nationwide elections in 2013 for both houses of congress, provincial governors, and local government officials. International and national observers viewed the election as generally free and fair, but reported that instances of vote buying were widespread and that dynastic political families continued to monopolize elective offices at the national and local level. While the PNP reported a significant decline in violent incidents from the 2010 elections, it confirmed that election violence statistics for the village council elections in 2013 were higher than in 2010.

Participation of Women and Minorities: There are no restrictions in law or practice on participation by women and minorities in politics. Following the mid-term elections, six women served in the 24-seat Senate and 79 women in the 289-seat House of Representatives, 25 and 27 percent respectively. Women comprised six of the 32 cabinet members, three of the 15 Supreme Court justices--including the chief justice--17 of the 80 provincial governors, and 321 of the 1,633 mayors. According to the Commission on Elections (COMELEC), voter turnout for women in the 2013 elections was 77.9 percent and for men was 77.0 percent.

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

There were no Muslim or indigenous cabinet members or senators, but there were 11 Muslim members of the House of Representatives, mostly from Muslim-majority provinces, and one member of indigenous descent in the House of Representatives. Muslims, indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area. They advocated election of senators by region, which would require a constitutional amendment.

The law establishes a party-list system, designed to ensure the representation of marginalized and under-represented sectors of society, to elect 20 percent of the seats in the House of Representatives.

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

The law mandates criminal penalties for corruption by public officials. The government did not implement these laws effectively, and officials engaging in corrupt practices did so with impunity.

Corruption: To combat corruption the constitution established the independent Office of the Ombudsman, the Sandiganbayan (an anti-corruption court at the appellate level), and the Commission on Audit. All three were under-resourced, but all three actively collaborated with the public and civil society and appeared to operate independently and use their limited resources effectively. Despite government efforts to file charges and obtain convictions in a number of cases, officials continued to engage in corrupt practices with relative impunity.

Investigation of allegations in the expanding “Pork Barrel” scandal of 2014 about the diversion of Congressional funds to fake NGOs continued. On August 7, the DOJ filed before the Office of the Ombudsman a third batch of charges, this time against 40 incumbent and former lawmakers, public officials, and private individuals.

As of August the Office of the Ombudsman had won convictions against 22 officials in 50 corruption cases, including the June 8 conviction of a former Koronadal city mayor for hiring a private lawyer in the acquisition of a new city hall in 2003. On June 30, the Office of the Ombudsman dismissed PNP Chief Director General Alan Purisima and 10 other PNP officers for “grave misconduct, serious dishonesty, and grave abuse of authority” in connection with a deal between the PNP’s Firearms and Explosives Office and a courier company chosen to deliver license cards. Aside from dismissal from service, the ombudsman forfeited the officials’ retirement benefits and barred them from re-entering government service.

Reports continued of widespread corruption among prison guards and some prison officials and of solicitation of bribes by PNP members and judicial workers, who were also accused of extorting bribes by threatening to delay or derail cases if not paid off.

Financial Disclosure: The Code of Conduct and Ethical Standards for Public Officials and Employees requires all public officials and employees to file under oath a statement of assets, liabilities, and net worth and to disclose their personal business interests and financial connections, as well as those of their spouses and unmarried children living in their households. Nondisclosure is punishable with

imprisonment not exceeding five years, or a fine not exceeding 5,000 pesos (\$110), or both, and, at the discretion of the court, disqualification from holding public office. The Civil Service Commission implements and enforces this law, forwarding nondisclosure cases to the Office of the Ombudsman for prosecution. In August, the Office of the Ombudsman suspended an official of the Department of Agrarian Reform in Iloilo Province for failing to submit a statement of assets, liabilities, and net worth.

Public Access to Information: The law provides for the right to information on matters of public concern, but there are no definitions of procedures, fees, and deadlines for such access; no exceptions for denial of access; no appeal processes; and no penalties for officials who fail to disclose lawfully available data. Denial of such information occurred during the year, especially when related to irregularities in government transactions. Overall, the lack of guidelines and information on how to obtain government information meant that it was largely unavailable to the general public. NGOs continued to press congress to pass a freedom of information bill.

### **Section 5. 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. Local human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from areas in which incidents under investigation occurred.

The United Nations or Other International Bodies: A number of UN special rapporteur/working group visit requests remained pending with the government.

Government Human Rights Bodies: The CHR's constitutional mandate is to protect and promote human rights; investigate all human rights violations, including those requested by NGOs; and monitor government compliance with international human rights treaty obligations. According to the CHR, its ability to do so faced difficulties due to insufficient resources, even though its budget rose 9 percent in 2014. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with CHR regional offices. Nevertheless, the CHR lacked sufficient funding and staff to investigate and follow up on all cases presented to its regional and sub-regional offices.

The Office of the Ombudsman is an independent agency that responds to complaints regarding all public officials and employees. It has the authority to make administrative rulings and seek prosecutions. Many human rights NGOs believed there was progress in pursuing cases, although administrative and institutional weaknesses remained.

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

The Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged violations in the Autonomous Region of Muslim Mindanao (Bangsamoro). Established in 2014, the commission's effectiveness remained to be determined.

The House of Representatives and Senate committees on human rights and justice continued to pass bills protecting rights. For example, on April 16, the president signed into law Republic Act 10660, which strengthened the functional and structural organization of the Sandiganbayan, an anti-graft appellate court, with the aim of speeding up the hearings of cases.

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

The constitution and law prohibit discrimination based on race, disability, language, or minority status, but not discrimination based on sexual orientation or gender identity. Vague regulations and budgetary constraints continued to hinder implementation of specified protections.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment. As of October the PNP received 1,583 cases of rape of women. National statistics on prosecutions, convictions, and punishments were



unavailable, but BuCor reported that it held 8,976 prisoners convicted of rape, 378 of whom it admitted this year as of October.

There continued to be reports of rape and sexual abuse of women in police or protective custody. Women from marginalized groups, such as suspected prostitutes, drug users, and indigent individuals arrested for minor crimes, were more likely to be raped. From January to June, the DSWD provided shelter, counseling, and health services to 66 female victims of rape.

Domestic violence against women remained a serious and widespread problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and children committed by their spouses, partners, or parents. As of October the PNP reported 26,819 cases of domestic violence against women and children: More than 6,300 cases were filed in court or before the prosecutor's office, while approximately 14,200 cases were settled out of court or the victim/complainant refused to file a case. Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the PNP during the year.

The DSWD extended assistance to 244 victims of physical abuse and maltreatment as of June, a statistic that likely significantly underreported the level of violence against women. A local women's support group noted that in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution. On other occasions, police told women who sought to file complaints to pay special fees before they would register the complaints.

The PNP and DSWD both maintained help desks to assist victims of violence against women and encourage reporting. With the assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers continued to receive gender-sensitivity training to deal with victims of sexual crimes and domestic violence. The PNP maintained a central women and children's unit with 1,833 desks throughout the country to deal with abuse cases.

Sexual Harassment: The law prohibits sexual harassment, and violations are punishable by imprisonment of not less than one month and not more than six months, and/or a fine of not less than 10,000 pesos (\$223) and not more than 20,000 pesos (\$446). Sexual harassment remained widespread and under-reported, including in the workplace due to victims' fear of losing their jobs. For example, women in the retail industry worked on three- to six-month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed. In July, the chief of police of Famy town in Laguna was relieved over

complaints of sexual harassment from a female officer and a civilian employee. The case was still under investigation as of November.

On September 3, the anti-graft court Sandiganbayan convicted Senior Superintendent Cesario Darantinao, former director of the PNP in Davao del Sur, in connection with a sexual harassment case filed by a female subordinate five years ago. Darantinao was ordered to pay the complainant 20,000 pesos (\$446).

Reproductive Rights: The constitution upholds the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so free from discrimination, coercion, and violence.

The maternal mortality rate reportedly was 120 per 100,000 live births, and skilled attendants participated in 62 percent of births. The UN Development Program (UNDP) attributed the high rate of maternal deaths to inadequate access to integrated reproductive health services by women. The UN Population Fund (UNFPA) reported that poverty, remote locations, and a lack of education exacerbated delays in seeking potentially life-saving maternal medical care. Midwives at times had little formal training. Medical personnel also routinely mistreated and denied proper care to women who sought assistance for complications from unsafe abortions.

Provision of health care services is the responsibility of local governments, and restrictions on the provision of birth control supplies at government-run health facilities in some localities reduced the availability of family planning resources for the poor, although modern forms of contraception were available on the market in most areas. During the year local NGOs also reported the government was not committed to providing education and information on modern methods of contraception.

In April the UN Committee on the Elimination of Discrimination Against Women published a report from a 2012 investigation that found the government accountable for tolerating the city of Manila's Executive Orders (EO) 003 and 030. EO 003 discourages the use of artificial methods of contraception, while EO 030 imposes a funding ban on modern contraceptives. The failure to clarify the legal status of the executive orders resulted in uncertainty and confusion on their validity among local health-care providers and community women who continued to suffer the effects of these local laws.

As amended by a Supreme Court ruling in April 2014, the 2012 Responsible Parenthood and Reproductive Health Act (RH Law) allows health practitioners to deny reproductive health services based on personal or religious beliefs in nonemergency situations, requires spousal consent for women in nonlife-threatening situations to obtain reproductive health care, and does not require private health-care facilities to provide access to family planning methods. Many NGOs, including the Center for Reproductive Rights, argued that the reproductive health law has yet to be fully implemented. However, after struggling for over a decade to pass a reproductive health law, several NGOs viewed the new law, even in its amended form, as providing a legal basis to expand sex education and access to contraception in the Philippines, even though full implementation will likely take several years.

On June 17, in response to a case filed against the Department of Health (DOH) for allegedly failing to abide by the RH Law's implementing guidelines, the Supreme Court issued a temporary restraining order preventing the DOH from procuring, selling, distributing, dispensing or administering, advertising, and promoting specific hormonal contraceptives. The same decision also prevents the Food and Drug Administration from granting any pending application for registration and/or recertification of reproductive products and supplies including contraceptive drugs and devices.

Discrimination: In law, but not always in practice, women have most of the rights and protections accorded to men. The law accords women the same property rights as men. In Muslim and indigenous communities, however, property ownership law or tradition grants men more property rights than women.

No law mandates nondiscrimination based on gender in hiring, although the law does prohibit discrimination in employment on the basis of sex. Nonetheless, women continued to face such discrimination on the job as well as in hiring (see section 7.d.).

Generally, the law does not provide for divorce, although legal annulments are possible and courts generally recognized foreign divorces if one of the parties was a foreigner. These options, however, are costly, complex, and not readily available to the poor. Muslims have the right to divorce under Muslim family law. Informal separation is common, but brings with it potential legal problems.

## **Children**

Birth Registration: Citizenship derives from birth to a citizen parent and, in certain circumstances, by birth within the country's territory to alien parents. The government promoted birth registration; authorities immediately registered health facility-based births, while those occurring outside facilities were less likely to be registered promptly, if at all. NGOs confirmed their previous estimates that there were more than 2.5 million unregistered children in the country, primarily among Muslim and indigenous groups. Authorities could deprive children of education if they lacked required documents, such as birth certificates. The DSWD continued working closely with local governments to improve registration; the NSO operated mobile birth registration units to reach rural areas.

Education: Kindergarten, elementary and secondary education is free and compulsory through age 18, but the quality of education was often poor, and access was not universal, especially in rural areas. The research institution Education Policy and Data Center reported in 2014 that 11 percent of primary school age children and 14 percent of secondary school age children were out of school.

Child Abuse: Child abuse remained a problem. From January to September, DSWD offices served 3,300 victims of child abuse, 68 percent of whom were girls. Approximately 40 percent of the girls were victims of sexual abuse. Several cities ran crisis centers for abused women and children.

Early and Forced Marriage: The legal minimum age for marriage for both sexes is 18; however, anyone below 21 must have parental consent. Under Muslim personal law, Muslim boys may marry at 15, and girls may marry when they reach puberty. According to a 2012 UNFPA report, 14 percent of women age 20-24 married before the age of 18.

Sexual Exploitation of Children: The law prohibits the commercial exploitation of children and child pornography, and authorities endeavored to enforce the law. The minimum age for consensual sex is 12. The statutory rape law criminalizes sex with minors under 12 and sex with a child under 18 involving force, threat, or intimidation. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. As of October the PNP reported 5,312 cases of child rape. The production, possession, and distribution of child pornography are illegal, and penalties range from one month to life in prison, plus fines from 50,000 to five million pesos (\$1,120 to \$111,500), depending on the gravity of the offense.

Despite these penalties, law enforcement agencies and NGOs reported that criminals continued to use minors unlawfully in the production of pornography and in cybersex activities.

Child prostitution continued to be a serious problem, and the country remained a destination for child sex tourism by clients from the Philippines, U.S., Middle East, Europe, Australia, and other East Asian countries. The government continued to prosecute accused pedophiles and deport those who were foreigners. Of the 2,726 victims of child abuse to whom DSWD offices provided services as of September, the DSWD identified 74 as victims of sexual exploitation, including victims of cyber pornography. The NBI and the PNP worked closely with DOLE to target and close facilities suspected of prostituting minors.

Displaced Children: In 2012 UNICEF estimated there were some 250,000 street children, the same number as three years previously. Many street children appeared abandoned and engaged in scavenging or begging. From January to September, the DSWD provided residential and community-based services to 1,249 street children nationwide. DSWD's 2011 "Comprehensive Program for Street Children, Families, and Indigenous Peoples" includes activity centers, assistance on education and livelihood, and community service programs. From January to September, DSWD assisted 6,025 street children under this program. NGOs alleged that vigilantes with ties to local government authorities were responsible for killing street children engaged in petty crime in Davao and other cities. Displacement affected children in parts of Mindanao, sometimes disrupting access to education.

Institutionalized Children: The law and associated executive orders provide for the welfare and protection of institutionalized children. Police stations had youth relations officers to ensure that authorities treat minor suspects appropriately, but in some cases they ignored procedural safeguards and facilities were not child friendly. Under the juvenile justice law, children age 15 and under who commit a crime are exempt from criminal liability. The law mandates the DSWD to provide shelter, treatment, and rehabilitation services to these children. As of June, the DSWD assisted 1,288 children in conflict with the law (i.e., alleged as, accused of, or judged as having committed an offense under the law) in 14 rehabilitation centers nationwide. In addition, several local governments established and managed youth centers that provided protection, care, training, and rehabilitation for these children and other at-risk youth. According to the BJMP, DSWD youth centers were lacking in some regions, necessitating the BJMP to take approximately 27 children into its facilities. NGOs believed children held in

integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other mistreatment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For further information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/english/legal/compliance.html](http://travel.state.gov/content/childabduction/english/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/Philippines.html](http://travel.state.gov/content/childabduction/english/country/Philippines.html).

### **Anti-Semitism**

An estimated 400 to 1,000 persons of Jewish heritage, mostly foreign nationals, live in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and other social services, but the government did not effectively enforce these provisions. Laws, such as the Magna Carta for Disabled Persons, provide for equal access for persons with both physical and mental disabilities to all public buildings and establishments, but many barriers remained.

The National Council for Disability Affairs (NCDA) formulated policies and coordinated 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. Persons with disabilities continued to face discrimination and other challenges in finding employment (see section 7.d.).

The DSWD operated two assisted-living centers in the Manila area and five community-based vocational centers for persons with disabilities nationwide. From January to September, the DSWD provided services to 2,057 persons with

disabilities. Persons with disabilities frequently solicited donations in the streets, an indicator of the limited options available for livelihood.

Advocates for persons with disabilities contended that equal-access laws were ineffective due to weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. Many public buildings, particularly older ones, lacked functioning elevators. In its 2010 audit, the Department of Public Works and Highways found that 1,291 of 6,285 government buildings were accessible to people with disabilities. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Some children with disabilities attended schools in mainstream or inclusive education settings. Children with a disability living in poverty or rural areas, however, were unlikely to have access to education. The Philippine Coalition on the UN Convention on the Rights of Persons with Disabilities reported that the Department of Education's 448 special education centers were inaccessible or too expensive for the average family, and a majority of these special education programs and schools were located in urban areas. The government lacked a clear system for informing the parents of children with disabilities of their educational rights, nor did they have a well-defined procedure for reporting discrimination in education.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible, but many stops had unrepaired, out-of-service elevators. Most buses lacked wheelchair lifts. A small number of sidewalks had blocked, crumbling, or too-steep wheelchair ramps. The situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote, with the assistance of other persons if necessary. The Commission on Elections (COMELEC) determines the capacity of persons with mental disabilities to vote during the registration process and citizens may appeal exclusions and inclusions in court. A federal act authorizes COMELEC to establish accessible voting centers exclusively for persons with disabilities and senior citizens. Many persons with disabilities did not vote in the 2013 mid-term elections, however, because of the lack of accessible voting facilities. In preparation for the 2016 national elections, COMELEC forged agreements with two major mall chains, SM and Robinsons, to utilize their malls as polling locations for people with disabilities. Malls tend to be

some of the country's most accessible public locations. During the year, several malls served as locations for COMELEC's biometrics voting registration.

### **Indigenous People**

Although no specific laws discriminate against indigenous people, the geographical remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children often suffered from lack of healthcare, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth either never attended school or left school because of discrimination. According to the NGO National Alliance of Indigenous Peoples Organizations in the Philippines, only a few of the country's government units complied with the long-standing legal requirement that indigenous persons be represented in policy-making bodies and local legislative councils.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect indigenous people. It has authority to award certificates identifying "ancestral domain lands" based on communal ownership, thereby stopping tribal leaders from selling the land. In addition, the commission studies "ancestral sea" claims, since some indigenous groups, such as the Sama-Bajau, who customarily lived in western Mindanao, traditionally practiced migratory fishing. Approvals of "ancestral sea" claims were limited, and the lack of access to traditional fishing grounds contributed to the displacement of many Sama-Bajau.

Indigenous persons suffered disproportionately from armed conflict, including by displacement from their homes, because they often inhabited mountainous areas favored by insurgents and other militants. Armed groups frequently recruited from indigenous populations. On July 26, UN Special Rapporteur on the Human Rights of IDPs Chaloka Beyani visited in Davao City more than 700 displaced Lumads or other indigenous people from Davao del Norte and Bukidnon. The displaced Lumads aired their concerns about the long-term militarization in the region. Beyani also reported alleged forced recruitment of Lumads into the paramilitary group known as "Alamara," which is reportedly linked to the AFP, and harassment in the context of the continuing conflict between the AFP and the NPA (see section 2.d.). Indigenous peoples' lands were also often sites of armed encounters related to resource extraction or inter-tribal disputes.

There were reports of the AFP or Alamara hampering access to education for indigenous children by closing or occupying schools that allegedly had ties to the



NPA. NGOs alleged that security forces identified some indigenous persons as insurgents, often with little or no justification. On August 18, government security forces allegedly killed five members of a Lumad family, including children ages 13 and 17 in Bukidnon Province. The PNP and the AFP insisted that the incident was an encounter between government forces and the NPA and that the five individuals killed were NPA guerillas, which the rebels disputed.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

National laws neither criminalize consensual same-sex sexual conduct nor prohibit discrimination based on sexual orientation and gender identity. Ten cities or municipalities have some version of an antidiscrimination ordinance that protects lesbian, gay, bisexual, and transgender (LGBT)--but not intersex--rights.

Officials prohibit transgender individuals from self-reporting their gender on passport applications. Authorities print the sex assigned at birth, as reported on the certificate of birth, in the individual's passport. NGOs reported that the discrepancy between a transgender person's outward appearance and their identification documents has led to difficulties for transgender persons, particularly at airports. Transgender travelers have been harassed and even offloaded for not appearing to match their official gender identity.

The NGO Gender and Development Advocates Filipinas noted that the transgender community in the Philippines was largely ignored until the high-profile killing of Jennifer Laude, a transgender woman, in October 2014 by a U.S. military service member who was in the country temporarily for military exercises and who has appealed his conviction. It asserted that the Laude case exposed entrenched transphobia in society, exemplified by online hate speech directed at Laude.

NGOs seeking to protect lesbian, gay, bisexual, and transgender (LGBT) individuals from discrimination and abuse criticized the government for the absence of applicable law and policy. NGOs reported incidents of discrimination and abuse, including in employment (see section 7.d.), education, health care, housing, and social services. The Rainbow Rights Project, Inc., a group of lawyers advocating for LGBT rights, claimed that LGBT human rights defenders, particularly in Muslim areas, experienced pressure from community authorities to conduct their activities less openly because of increasing religious radicalization.

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

The law prohibits discrimination against persons with HIV/AIDS and provides for basic health and social services for them. Nevertheless, there was anecdotal evidence of discrimination against HIV/AIDS patients in the government's provision of health care, housing, employment, and insurance services. The NGO Project Red Ribbon reported that there were more than 22,000 people in the country with HIV/AIDS, but the 19 treatment hubs in the country covered only half of the population in need of antiretroviral treatment. Furthermore, those who did have access to treatment faced instability in their supply of life-saving drugs because imports were held up by the Bureau of Customs. Another NGO reported cases of LGBT individuals denied insurance or required to take an HIV test before approval of their insurance applications. During the year the NGO Action for Health Initiatives reported cases of violation of the right to confidentiality of persons living with HIV.

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

During the year vigilante groups, including some allegedly tied to state actors, were suspected of summary killings of alleged criminals, both adults and juveniles, involved in petty crime in six major cities. For example, the NGO Kabataan Consortium recorded cases of suspected vigilante killings involving 16 victims in Davao City from January through March.

## **Section 7. Worker Rights**

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

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

Law and regulations provide for the right to organize and bargain collectively in both the private sector and corporations owned or controlled by the government. The law prohibits organizing by foreign-national workers or migrant workers, unless a reciprocity agreement exists between the countries specifying that migrant workers from the Philippines are permitted to organize unions. The scope of collective bargaining in the public sector is limited to a list of terms and conditions of employment negotiable between management and public employees. Items

requiring appropriation of funds, including health-care and retirement benefits, and those that involved the exercise of management prerogatives, including appointment, promotion, compensation, and disciplinary action, are nonnegotiable.

Strikes in the private sector are legal, although unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain approval from the majority of members before calling a strike. The law subjects all issues affecting labor and employment to mandatory conciliation-mediation for one month. Parties to a dispute must attempt mediation before giving notice to strike; if that fails, the union may issue a strike notice. Parties may bring any dispute to mediation; but strikes or lockouts must relate to acts of unfair labor practice, a gross violation of collective bargaining laws, or a collective bargaining deadlock.

The law provides that employers may dismiss union officers who knowingly participate in an illegal strike. Convicted union officers are subject to imprisonment for up to three years, although there has never been such a conviction. The law prohibits government workers from joining strikes, under the threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes. Government workers may also assemble and express their grievances on the work premises during nonworking hours.

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

By law antiunion discrimination, especially in hiring, is an unfair labor practice and may carry criminal or civil penalties (although civil penalties were favored over criminal penalties in practice). If there is a prima facie finding that termination may cause a serious labor dispute or mass layoff, the DOLE secretary may suspend the termination and restore the status quo pending resolution of the case.

The government generally respected freedom of association and collective bargaining, and enforced laws that provided for protections of these rights. DOLE

has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission (NLRC) labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate payroll and report compliance to the NLRC. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial NLRC as possible unfair labor practices. Penalties under law for violations of freedom of association or collective bargaining laws were imprisonment of not less than three months or more than three years with a fine of not less than one thousand pesos (\$22) nor more than 10,000 pesos (\$220). Such penalties were generally not sufficient to deter violations.

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

The NTIPC serves as the main consultative and advisory mechanism concerning labor and employment. It functions primarily as a forum for tripartite advice and consultation among organized labor, employers, and government in the formulation and implementation of labor and employment policies. It also acts as the central entity to monitor recommendations and ratifications of International Labor Organization (ILO) conventions. DOLE, through the NTIPC, is responsible for coordinating the investigation, prosecution, and resolution of cases pending before the ILO concerning allegations of violence and harassment directed at labor leaders and trade union activists.

Workers faced several challenges in exercising their rights to freedom of association and collective bargaining. Unions continued to claim that local political leaders and officials who governed the Special Economic Zones (SEZs) explicitly attempted to frustrate union organizing efforts further by maintaining union-free or strike-free policies. Unions also claimed that the government stationed security forces near industrial areas or SEZs to intimidate workers attempting to organize and alleged that companies in SEZs used frivolous lawsuits to harass union leaders. Local SEZ directors claimed authority to conduct their own inspections as part of the zones' privileges intended by the legislature. Employers controlled hiring through special SEZ labor centers. For these reasons, and in part due to organizers' restricted access to the closely guarded zones and the

propensity among zone establishments to adopt fixed-term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the SEZs.

Killings and harassment of labor leaders and advocates continued to be a problem. For example, the NGO Center for Trade Union and Human Rights (CTUHR) documented the March 8 killing of Florencio Romano, provincial coordinator of the National Coalition of the Protection of the Workers' Rights in the Southern Tagalog region. The case was under investigation as of August. The CTUHR also documented 27 cases of threats, harassments, and intimidation against trade unionists in both the private and public sectors.

Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign-national workers, as a means of minimizing unionization and avoiding other rights accorded to "regular" workers. The CTUHR contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contractual labor provisions by rehiring employees shortly after expiration of the previous contract. For example, in June the DOLE regional office in the Southern Tagalog region ordered a company in Laguna Province to regularize 103 contractual workers who had filed petition for regularization, claiming to have performed jobs directly related to the business for more than 10 years.

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

The law prohibits all forms of forced or compulsory labor. Under law, penalties for forced labor included imprisonment of 20 years to life imprisonment, and a fine of not less than one million pesos (\$22,300) were sufficiently stringent.

The government did not effectively enforce the law in all cases. Trade unions reported continued poor compliance with the law, due in part to the government's lack of capacity to inspect labor practices in the informal economy. The government continued awareness-raising activities, especially in the provinces, in an effort to prevent forced labor. For example, in September the DOLE provincial office in Cavite conducted household profiling as part of their Convergence Program to determine appropriate interventions for vulnerable workers in the informal sector, child laborers, and farm workers.

There were reports that forced labor of adults and children (see section 7.c.) continued to occur, mainly in fishing, maritime industries, small-scale factories, domestic service, agriculture, and other areas of the informal sector. Unscrupulous

employers subjected women from rural communities and impoverished urban centers to domestic servitude, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations, and in fishing and other maritime industries.

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

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

The law prohibits the employment of children under age 15, except under the direct and sole responsibility of parents or guardians, and sets the maximum number of working hours for them at four hours per day and no more than 20 hours per week. Children ages 15-17 are limited to eight working hours per day, up to a maximum of 40 hours per week. The law forbids the employment of persons under 18 in hazardous work. The law sets the minimum age for domestic workers at 15.

Although the government supported programs that sought to prevent, monitor, and respond to child labor during the year, resources remained inadequate. The government imposed fines and instituted criminal prosecutions for law violations in the formal sector, such as in manufacturing. Under law, fines for child labor law violations ranged from 10,000 to five million pesos (\$220 to \$111,500), but were not sufficient to deter violations. DOLE continued its efforts to remove child workers from hazardous situations. From January to July, DOLE, through its Sagip Batang Manggagawa program, (Rescue Child Laborers) removed 22 minors from hazardous and exploitative working conditions and referred them to the DSWD.

The government, in coordination with domestic NGOs and international organizations, continued to implement programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. DOLE continued its efforts to deliver appropriate interventions aimed at reducing the worst forms of child labor and removing children from hazardous work under the H.E.L.P. M.E. (Health, Education, Livelihood, and Prevention, Protection, and Prosecution, Monitoring and Evaluation) Convergence Program.

Despite these efforts, child labor remained a common problem. Cases reported to DOLE centered in the service and agricultural sectors, notably in the fishing and sugar industries. Most child labor occurred in the informal economy, often in

family settings. Child workers in those sectors and in activities such as mining, manufacturing (including pyrotechnic production), domestic service, trafficking of drugs, and garbage scavenging, faced exposure to hazardous working environments. In September, the NGO Human Rights Watch published a report highlighting the involvement of children as young as nine in artisanal and small-scale gold mines in Camarines Norte and Masbate Provinces in the country's Bicol region. According to the report, children continued to be involved in a number of hazardous activities in such mining, including working underground and underwater, carrying heavy loads, and the use of mercury.

NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation. Findings from the joint National Statistics Office-ILO 2011 *Survey on Children*, the most recent data available, estimated that 5.5 million of the country's 29 million children ages 5-17 were working, and three million worked in hazardous jobs. The survey also found the highest incidence of child labor (60 percent) in the agricultural sector.

Forced child labor continued to occur, and children from rural communities and impoverished urban centers endured forced labor in domestic servitude, forced begging, and forced labor in small factories. Commercial sexual exploitation of children also continued to occur (see section 6). Child soldiering also continued to be a problem (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

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

The law prohibits discrimination with respect to employment or occupation regardless of sex; race; creed; disability; and HIV, tuberculosis, hepatitis B, or marital status. The law does not prohibit employment discrimination with respect to color, political opinion, national origin or citizenship, language, sexual orientation, gender identity, age, other communicable disease status, or social origin. While some local anti-discrimination ordinances have been approved at the municipal or city levels that prohibit employment discrimination against LGBT--but not intersex--persons, there continued to be a lack of an overarching prohibition against such discrimination.

The law requires all government agencies and government-owned corporations to reserve 1 percent of their workforce for persons with disabilities, and for government agencies engaged in social development, the law increases that ratio to 5 percent. The Magna Carta for Disabled Persons also commits the government to providing “sheltered employment” to people with disabilities, such as income-producing projects or in workshops providing special facilities.

The government does not effectively monitor and enforce laws prohibiting discrimination with respect to employment discrimination based on disability, and the NCDA and DOLE did not monitor the regulation regarding the employment of persons with disabilities effectively.

Discrimination in employment and occupation occurred with respect to LGBTI persons. A number of LGBTI organizations submitted anecdotal reports of discriminatory practices that affected the employment status of LGBTI individuals. In 2014 the UNDP published a study that described cases of discrimination, including enforcement of rules, policies and regulations that disadvantaged LGBTI persons in the workplace. For example, transgender women were told by recruitment officers that they would only be hired if they presented themselves as males by cutting their hair short, dressing in men’s clothes, and acting in stereotypically masculine ways. An LGBT NGO also received reports of other direct discrimination, including denial of employment, offers of less favorable employment terms and conditions, social exclusion in the workplace, denial of the same opportunities as equally qualified colleagues, harassment, and abuse.

Despite limited legal protection, women faced discrimination both in hiring and on the job. Some labor unions claimed female employees suffered punitive action when they became pregnant. Women and men were subject to systematic age discrimination, most notably in hiring practices. Although women faced workplace discrimination, they continued to occupy positions at all levels of the workforce.

Persons with disabilities also reportedly experienced employment discrimination during the year. DOLE’s Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities, monitored private and public places of employment for violations of labor standards regarding persons with disabilities, and promoted the establishment of cooperatives and self-employment projects for persons with disabilities. DOLE estimated that only 10 percent of employable people with disabilities are able to find work. The government had limited means to assist persons with disabilities in finding



employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights.

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

Tripartite regional wage boards of the National Wage and Productivity Commission increased the daily minimum wage rates for agricultural and nonagricultural workers in eight of 17 regions as of July. Minimum wages in the nonagricultural sector were highest in the national capital region, where the average minimum daily wage rate was 462 pesos (\$10.32). The lowest minimum wage rates were in the Ilocos Region, where the daily nonplantation agricultural wage was 220 pesos (\$4.90). The law did not cover a substantial number of workers because wage boards exempted some newly established companies and other employers from the rules because of factors such as business size, industry sector, export intensity, financial distress, and capitalization level.

The minimum wage for live-in domestic workers was 2,000 pesos (\$44.61) per month in chartered cities and “first class” municipalities, defined based on the municipalities’ average annual income in the previous four years, and 1,500 pesos (\$33.46) per month for those employed in other municipalities. The law also requires their employers to contribute to social security, PhilHealth, and the national housing scheme. According to the government, a family of five needed an average of 8,022 pesos (\$179) every month to avoid poverty.

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

The law provides for a comprehensive set of occupational safety and health standards. In March, the government revised regulations for small-scale mining to prohibit certain harmful mining practices, including the use of mercury and underwater, or compressor, mining. The law provides for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Most labor laws apply to foreign workers, who must obtain work permits and may not engage in certain occupations.

DOLE's Bureau of Working Conditions monitors and inspects compliance with labor law in all sectors, including workers in the formal sector, nontraditional laborers, and informal workers, and inspects SEZs and businesses located there. As of October the department employed 564 labor inspectors nationwide (an increase of 19 percent from 2014) to monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages. Despite the additional labor inspection personnel hired during the year, DOLE acknowledged that insufficient inspection funds continued to impede its ability to investigate labor law violations effectively, especially in the informal sector and in small and medium-size enterprises.

Penalties for noncompliance with increases or adjustments in the wage rates as prescribed by law are a fine not exceeding 25,000 pesos (\$530), imprisonment for not less than one year nor more than two years, or both. In addition to fines, the government used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily.

DOLE continued to implement its Labor Laws Compliance System (LLCS), begun in 2013, for private sector establishments. The system included joint assessments, compliance visits, and/or occupational safety and health standards investigations. DOLE inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted compliance visits and occupational safety and health standards investigations. DOLE and the ILO also continued to implement an information management system to capture and transmit data from the field in real time through the use of mobile technology. Of the 22,160 establishments jointly assessed by the labor inspectors and worker and employer representatives, 13,253 were found to be deficient in enforcing labor standards, including core labor standards and minimum wage rates. Following a deficiency finding, DOLE may issue compliance orders that can include a fine, or, if the deficiency poses a grave and imminent danger to workers, a suspension of operations.

In addition to joint assessments, DOLE inspectors conducted compliance visits to 400 establishments based on filed complaints and investigated another 40 establishments deemed to have violated occupational safety and health (OSH) standards. DOLE also continued a campaign to promote safer work environments in small enterprises, including providing training and information to a number of companies to reduce accidents and illnesses at work.

Violations of minimum wage standards were common, as was the use of contract employees to avoid the payment of required benefits, including in government-designated SEZs. Many firms hired employees for less than minimum wage apprentice rates, even if there was no approved training in their production-line work. Complaints about payment under the minimum wage and nonpayment of social security contributions and bonuses were particularly common regarding companies in the SEZs.

There were also gaps and uneven applications of law. Some media entities continued to report challenges in the implementation and enforcement of the domestic workers law, including the tedious registration process, the additional financial burden on employers, and the difficulty in monitoring employer compliance. From January to July, the National Conciliation and Mediation Board (NCMB) received some 3,273 request for assistance (RFA) involving 6,312 domestic workers through its Single Entry Approach mechanism, a 30-day conciliation-mediation mode of resolving labor issues. The NCMB settled 70 percent of the RFAs handled, benefitting some 2,441 workers with separation pay, back wages, and other benefits.

During the year, various labor groups criticized the new inspection system, noting in particular DOLE's lax monitoring of occupational safety and health standards in workplaces. The Bureau of Working Conditions recorded 111 work-related deaths and 44 work-related injuries from January to July. Statistics on work-related accidents and illnesses were incomplete, as incidents, especially in agriculture, were underreported.

On May 13, at least 72 workers were killed in a fire inside the Kentex footwear factory in Valenzuela City. Joint fact-finding investigations by labor groups detailed multiple violations of the factory owners and held DOLE accountable for issuing a general labor standards and OSH certificates of compliance following LLCS visits. The Institute for Occupational Health and Safety Development found that Kentex mishandled and improperly labeled an inflammable chemical, did not provide its workers with fire-safety training, and had an inadequate fire alarm system. The secretary of labor and labor groups reiterated their call to criminalize grave violations of occupational safety and health standards by employers, noting that the fines in the labor code for OSH offenses were insufficient.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were contract or temporary workers. Although the POEA successfully registered and supervised domestic recruiter practices,

authorities often lacked sufficient resources to provide worker protection overseas. The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices. For example, from January to June, the POEA canceled the licenses of 55 recruitment agencies for numerous violations of recruitment and migrant worker laws. It also issued closure orders against two agencies engaged in illegal recruitment. Foreigners, generally employed in the formal economy and recruited for high-paying, specialized positions, typically enjoyed better working conditions than those faced by citizens.