

PHILIPPINES 2016 HUMAN RIGHTS REPORT

Note: This report was updated 3/03/17; see Appendix F: Errata for more information.

EXECUTIVE SUMMARY

The Philippines is a multiparty, constitutional republic with a bicameral legislature. President Rodrigo Roa Duterte, elected in May, began the first year of his constitutionally limited six-year term on June 30. The May presidential and 2013 midterm national elections were generally free and fair. The 2016 local elections were postponed until 2017.

Civilian authorities did not maintain effective control over the Philippine National Police (PNP), which did not have a civilian head of the Internal Affairs Service from 2008 until December, when the government confirmed a civilian in the position. There were no reports that civilian control over other security forces was inadequate.

Since July police and unknown vigilantes have killed more than 6,000 suspected drug dealers and users as the government pursued a policy aimed at eliminating illegal drug activity in the country by the end of the year. Extrajudicial killings have been the chief human rights concern in the country for many years and they increased sharply over the past year. The PNP reported 2,155 suspects killed during police antidrug operations between July 1 and December 26 and approximately 4,000 more allegedly drug-related killings by unknown persons during that period. The law requires an internal PNP investigation of all injuries and deaths resulting from police operations. As of September, 709 investigations were opened into deaths resulting from PNP operations. As of December 26, charges had been filed in approximately 800 of the killings by unknown persons. September hearings in the senate on the rise in killings were postponed after three days.

The most significant human rights problems were killings allegedly undertaken by vigilantes, security forces, and insurgents; cases of apparent governmental disregard for human rights and due process; and a weak and overburdened criminal justice system notable for slow court procedures, weak prosecutions, and poor cooperation between police and investigators.

Other human rights problems included: official corruption and abuse of power; torture and abuse of prisoners and detainees by security forces; security force harassment of political activists, including threats of violence against human rights activists; warrantless arrests; lengthy pretrial detentions; overcrowded and inadequate prison conditions; killings and harassment of journalists; insufficient provision of services to 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 investigated a limited number of reported human rights abuses, including abuses by its own forces, paramilitaries, and insurgent and terrorist groups. Concerns about police impunity increased significantly as few administrative or criminal charges were filed against PNP officers following the sharp increase in police killings. President Duterte publicly rejected criticism of the killings and claimed authorities would investigate any actions taken outside the rule of law. Significant concerns about impunity of civilian national and local government officials 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 kill security force members and civilians. Terrorist organizations, with agendas and memberships at times overlapping those of separatist or political rebels, included the New People's Army (NPA), the Abu Sayyaf Group (ASG), and Jemaah Islamiya (JI). 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). Terrorist organizations engaged in kidnappings for ransom and bombings of civilian targets, reportedly used child soldiers in combat or auxiliary roles, and operated shadow governments in areas they controlled. Government negotiations with the NPA, beginning in August in Oslo, resulted in an indefinite ceasefire. Legislation that would implement the 2014 Comprehensive Agreement on the Bangsamoro between the MILF and the government remained stalled in congress.

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

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

The PNP reported that 2,155 suspected drug dealers were killed in police operations under the government's antidrug campaign, Operation Double Barrel, between July 1 and December 26. The PNP reported that 4,049 individuals with alleged links to illegal drugs died in vigilante killings by unknown assailants between July 1 and December 15. President Duterte campaigned on a platform against crime, specifically the widespread trafficking and abuse of illegal narcotics, which included numerous public statements suggesting that killing suspected drug traffickers and users was necessary to meet his goal of wiping out drug-related crime within three to six months of assuming office. Although the president and senior officials stated that police should follow the law, and that there was no tolerance for extrajudicial killings, authorities made promises of immunity from investigation and prosecution for officers involved in drug killings. The PNP's Internal Affairs Service reported that manpower and resource limitations hampered the legally required investigations into deaths resulting from police operations, but asserted that 100 percent of the deaths in police shootings resulted from legitimate, lawful police operations.

On at least two occasions, President Duterte released lists of suspected drug criminals, including government, police, and military officials and members of the judiciary. The government has not revealed the source of this information and the accuracy and legitimacy of the lists has been questioned. Some individuals named on the lists were subsequently killed in either police operations or suspected vigilante killings.

The Commission on Human Rights (CHR), an independent government agency responsible for investigating alleged human rights violations, investigated 227 new complaints of alleged extrajudicial or politically motivated killings involving 299 victims as of August. Some of these complaints involved police or vigilante killings associated with the antidrug campaign. The CHR also announced an investigation into President Duterte's claims that he had personally killed several suspects during his earlier tenure as mayor of Davao. The CHR suspected personnel from the PNP or the Philippines Drug Enforcement Agency were

involved in 112 of the complaints, Armed Forces of the Philippines (AFP) or paramilitary personnel in one, members of the communist/terrorist NPA in four, civilians in one, local government units in one, and unidentified persons in the remainder.

The PNP's Task Force Usig, which was responsible for investigating and monitoring killings of media members, labor activists, and foreigners, reported no new cases from January to August.

The reported number of alleged extrajudicial killings during the year varied widely, as the government and nongovernmental organizations (NGOs) used different definitions. As of August 31, the NGO Task Force Detainees of the Philippines (TFDP) documented six cases of state-perpetrated, politically motivated killings carried out by the AFP and/or the PNP. The TFDP noted that these cases were separate from killings in the antidrug campaign.

In one case, the November 5 killing of Albura mayor Rolando Espinosa in his prison cell by PNP officers executing a search warrant drew condemnation from the Commission on Human Rights and legislators. A one-day senate inquiry into the operation determined there was strong evidence that this was a premeditated killing of a suspect with links to the illegal drug trade by police officers in the line of duty.

In another case, two off-duty police officers were arrested in Mindoro in October after they shot and killed Zenaida Luz, regional chairperson of Citizens Crime Watch. The officers were out of uniform and not undertaking an official operation when they shot and killed Luz. The officers remained in detention as of November, but the trial had not begun.

b. Disappearance

Unlike in previous years, there were no reports of politically motivated disappearances.

The trial of retired Major General Jovito Palparan, Jr., arrested in 2014 for involvement in the 2006 disappearance of two students, continued.

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. 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 previously reported cases were prosecuted.

The government did not respond to the 2012 request by the UN Working Group on Enforced or Involuntary Disappearances for a country visit. The Working Group closed in May, having reported 625 unresolved disappearance cases in the country since 1980.

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

The constitution and law prohibit torture, and evidence obtained through its use is inadmissible in court. 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 reportedly included electric shock, cigarette burns, and suffocation.

As of August, the CHR investigated 33 cases of alleged torture involving 46 victims, with police suspected in 20 cases, the military in five, paramilitaries in three, jail guards in two, other government officials in six, and civilians in three. Some of these cases involved two or more categories of accused perpetrators. In the same period, the TFDP documented five cases of torture involving 11 victims. In 2014 Amnesty International gathered testimony from 55 persons who experienced torture at the hands of police officers since 2009.

In March, PNP officer Jerick Dee Jimenez was the first individual convicted under the 2009 Anti-torture Act for his involvement in the torture of Jerry Corra. Jimenez was sentenced to two years and one month in prison and ordered to pay Corra damages of 100,000 pesos (PHP) (\$2,130).

Mental abuse, including shaming--illegal under the Anti-torture Act--reportedly occurred, especially in drug cases. In May, Mayor Antonio Halili of Tanauan City, Batangas, ordered 11 suspected drug pushers to parade through town wearing t-shirts that read, "I'm a pusher. Don't be like me."

As part of the antidrug campaign, authorities called on drug criminals to turn themselves in to police to avoid more severe consequences. More than 980,000 persons turned themselves in to the PNP between July 1 and December 26.

Documented as “surrenderees,” the majority were later released. Civil society and other observers claimed a climate of fear led many persons associated with drugs to surrender out of fear for their lives.

Prison and Detention Center Conditions

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

Reports continued that prison guards physically abused inmates. TFDP reported that abuses by prison guards and other inmates were common, but stated that prisoners, fearing retaliation, declined to lodge formal complaints.

Physical Conditions: The Bureau of Corrections (BuCor), under the Department of Justice (DOJ), administered seven prisons and penal farms nationwide for individuals sentenced to prison terms exceeding three years. During the year, BuCor facilities operated at roughly 2.5 times the official capacity of 16,010, housing 41,532 prisoners.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government (DILG) and the PNP, controlled 932 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 more than four times their designated capacity. The Quezon City Jail, for example, had an official capacity of slightly more than 1,000 inmates, yet in September held 3,845 prisoners. Several NGOs observed that overcrowding was more severe in smaller cities, a condition that reportedly triggered violence among inmates and promoted gang rivalries. Although international media attention on jail conditions was raised by media coverage of the antidrug campaign, these conditions existed prior to the campaign’s start.

Approximately 98 percent of prisoners in BJMP and PNP jails were pretrial detainees; the balance were convicted criminals serving less than three-year sentences. Juveniles under the age of 18 were typically released by court order or following a petition by the Public Attorney’s Office, the inmate’s private lawyer, or through NGO-led appeals. 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 that poor sanitation, ventilation, access to natural lighting, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. From January to July, BuCor and the BJMP reported 713 inmate deaths, a death rate of 0.45 percent. Most deaths were the result of illnesses, including pneumonia, pulmonary tuberculosis, and cardiopulmonary arrest. There was a process for inmates to receive medical treatment at their own expense from an outside doctor, but the Department of Justice restricted the program in 2015 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 25,089 inmates from BJMP jails as of July.

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 of both Catholic and non-Catholic prisoners and detainees.

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

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

treaty obligations, but in August its access to New Bilibid Prison was limited to conducting interviews with only a few inmates in the visiting area, hampering its overall monitoring of human rights inside the facility.

Improvements: BuCor and BJMP attempted to decongest the inmate population in jails and prisons by constructing additional jails, cells, and dormitories and transferring inmates to less congested prisons and penal farms. Over 373 million PHP (\$7.94 million) was allotted to BJMP for jail construction during the year.

d. Arbitrary Arrest or Detention

As of August, the Office of the Ombudsman, an independent agency responsible for investigating and prosecuting charges of public abuse and impropriety, reported 72 arbitrary detention violations committed by law enforcement agencies or the AFP during the year.

Role of the Police and Security Apparatus

The PNP is charged with maintaining internal security in most of the country and reports 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. On September 3, President Duterte declared a “state of national emergency on account of lawlessness” after a terrorist bombing in Davao City, allowing the military to supplement PNP efforts to prevent or suppress violence. On September 6, the government issued Presidential Proclamation 55, which clarified that the state of emergency did not suspend the writ of habeas corpus or other constitutional protections and that the declaration was indefinite.

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 graft and corruption.

The 168,000-member PNP’s institutional deficiencies and the public perception that corruption was endemic within the force continued. The PNP’s Internal Affairs Service, mandated to the police operate within the law, remained largely ineffective. Efforts continued to reform and professionalize the PNP through

improved training, expanded community outreach, and salary increases. Human rights-based modules were, for example, included in all PNP career courses, and the PNP Human Rights Affairs Office conducted routine training nationwide on human rights responsibilities in policing.

The PNP came under criticism from domestic and international human rights groups for its role in Operation Double Barrel. Between January 1 and September 26, the PNP Internal Affairs Service opened 709 internal investigations into the 940 PNP killings reported in that period. As of late September, no administrative or criminal charges against PNP officers had resulted from the investigations.

Government mechanisms to investigate and punish abuse and corruption in the security forces remained largely ineffective. President Duterte publicly condemned corruption in government and security forces, but oversight mechanisms were poorly resourced and there was little effort to target corrupt security officials. From January to August, the Office of the Ombudsman received 181 complaints concerning 294 cases of alleged military and law enforcement involvement in human rights abuses, including killings, injuries, unlawful arrest, and torture. A large majority (92 percent) of the cases were against low-ranking officials. As of August, all cases remained open pending additional investigation. There were no convictions recorded against high-ranking police or military officials.

Between January and August, the PNP opened 12 administrative cases alleging grave misconduct involving 19 personnel.

The AFP Human Rights Office monitored and reviewed alleged human rights abuses involving members of the military. From January through August, the office identified and investigated six reported incidents, including homicide (one), torture (two), illegal detention and abuse of authority (one), violence against women and children (one), and arbitrary interference (one). As of August, the AFP had settled the homicide case when the victim's family agreed not to pursue charges; the torture investigation was closed with the dishonorable discharge of one individual from the AFP. Four cases remained pending.

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 a 2005 Presidential Memorandum requiring the incorporation of human rights

and international humanitarian law into all AFP education and training courses. Successful completion of these courses is required to finish basic training and for 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.

Staffing of the PNP's network of human rights desk officers at the national, regional, provincial, and municipal levels decreased from 2,488 to 1,808 during the year. The PNP Human Rights Affairs Office included a human rights-based policing module in all PNP career officer training courses, distributed pocket cards bearing a Miranda warning and antitorture warning to all officers, and distributed posters explaining the rights of arrested persons to some PNP offices.

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

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 linked 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 105 defendants. The prosecution rested its case, but the defense only began presenting its evidence in June. The chief suspect, former Maguindanao governor Andal Ampatuan, Sr., died in 2015. 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 for an arrest unless the suspect is observed 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. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, depending on the seriousness of the crime. In terrorism cases, the law permits warrantless arrests and detention without charges for up to three days.

Detainees have the right to bail, except when held for offenses punishable by a life sentence. The bail system largely functioned as intended, and suspects are allowed to appeal a decision to deny bail made by a judge. 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 Public Attorney's Office, however, indigent persons had limited access to public defenders.

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

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and dysfunctional justice system. 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees have the right to a judicial review of the legality of their detention. The 1987 constitution contains severe financial penalties for law enforcement officers who are found to have unlawfully detained individuals. Some human rights observers have linked these penalties to extrajudicial killings, asserting that law

enforcement officers often viewed killing a suspect as less risky than detaining him/her.

e. Denial of Fair Public Trial

The law provides for the right to a fair public trial and an independent judiciary generally enforced this right, although not in a timely manner. Corruption through nepotism, personal connections, and sometimes bribery continued to result in relative impunity for wealthy or influential offenders. Insufficient personnel, inefficient processes, and long procedural delays continued to hinder the judicial system. These factors contributed to widespread skepticism that the criminal justice system delivered due process and equal justice.

Trials took place as a series of separate hearings, often months apart, as witnesses and court time became available, contributing to lengthy delays. There was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were approximately 19 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. Sharia courts do not have criminal jurisdiction. Although the Prosecutor General was given authority to hire hundreds of new prosecutors, training for them was short and considered inadequate.

The Supreme Court continued efforts to provide for 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. The judiciary instituted new court rules and procedures for case processing that limit postponements of hearings and made other procedural changes to expedite case processing.

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. They have the right to confront witnesses against them, be present at their trial, present evidence in their favor, review government evidence, appeal

convictions, and not be compelled to testify or confess guilt. The government generally implemented these requirements, except for the right to a speedy trial.

Although the law provides that cases should be resolved within three months to two years, depending on the court, trials effectively had no time limits. Government officials estimated it took an average of five to six years to obtain a conviction.

Authorities respected a defendant's right to representation by a lawyer, but poverty often inhibited access to effective legal counsel. The Public Attorney's Office, which reports to the DOJ, did not have the necessary resources to fulfill its constitutional mandate, and used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During 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

Under law enacted in 1945, the government defines political prisoners as those who may be accused of any crime against national security. Using this definition, BuCor reported 216 political prisoners in its facilities as of September. Unlike in previous years, the BJMP indicated it no longer tracks political prisoners and only defines prisoners based on security risk.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. The TFDP was tracking 342 political detainees as of July. The majority of those tracked were pretrial detainees, 19 of whom had been arrested in the past 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 facilities.

The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs. The TFDP reported that 31 political prisoners had been released from prisons or detention centers as of July. None of these releases resulted from executive action (pardons or amnesties). In August the government temporarily released 19 individuals from detention to participate in

peace talks between the government and the Communist Party of the Philippines (CPP) and its armed affiliates. Most of those detained had been arrested for violent crimes, but were considered “political consultants” by the CPP.

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, although overburdened local courts often dismissed these cases. There were no regional human rights tribunals that could hear an appeal from the country.

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

The government generally respected the privacy of its citizens, although leaders of communist and leftist organizations and rural-based NGOs alleged routine surveillance and harassment. Authorities routinely relied on informer systems to obtain information on terrorist suspects and for the antidrug campaign. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued to occur. Judges generally declared evidence obtained illegally to be inadmissible. Human rights groups reported that the PNP arrested four farmers in Bulacan in October after illegally searching a residence with no warrant.

g. 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, transnational terrorist organizations (such as the ASG and the JI), and criminal syndicates. During the year there were continued complaints that the AFP, in confronting the ASG and NPA, illegally detained citizens and displaced residents. Additionally, interclan “rido” (feuds) violence continued in Mindanao, causing civilian deaths and displacement.

Killings: Unlike previous years, the AFP did not confirm any civilian deaths in military operations against insurgent groups, and there were similarly no media reports of civilian casualties.

Antigovernment groups were 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 September 3, a bombing in a night market in Davao City killed 15 civilians and wounded many others. The attack was initially attributed to the ASG, which did not claim responsibility for the attack.

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

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 facilitated ransom payments or attempted to rescue victims. From January to August, the PNP investigated 18 kidnap-for-ransom cases allegedly perpetrated by the ASG and other kidnap-for-ransom groups involving 26 victims.

In April and June, the ASG beheaded two Canadian hostages originally abducted in 2015. Two other persons abducted at the same time were released in July and September. The ASG also beheaded a Filipino hostage in August. Other Indonesian, Malaysian, and Filipino hostages were released following ransom payments, escaped, or were rescued by security forces.

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.

Child Soldiers: The use of child soldiers, particularly by terrorist and antigovernment 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 the release of child soldiers. UNICEF

reported in December that the MILF implemented commitments to end the use of child soldiers and had released at least 175 child soldiers since January. Government reporting mechanisms on child soldiers were marred by inconsistencies between agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scope. From January to August, the AFP Human Rights Office reported that 19 NPA 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.

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

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 could criticize the government publicly or privately or discuss matters of general public interest. Civil society organizations reported, however, that President Duterte's public attacks on individuals and international bodies who have criticized his policies had a chilling effect on free speech and expression. In one example, President Duterte made public accusations against Senator Leila De Lima, before formal government investigations had taken place, alleging that she benefitted from narcotics trafficking during her tenure as Commissioner of Human Rights and Secretary of Justice. The Department of Justice subsequently launched an investigation into the accusations. Duterte's allegations came at the same time that De Lima began hearings into alleged extrajudicial killings in the government's antidrug campaign as chairperson of the senate committee on justice and human rights. In September she was voted out of her seat as chairperson of the committee only days after calling a witness to testify to President Duterte's direct involvement in alleged extrajudicial killings during his time as mayor of Davao. Her replacement, Senator Richard Gordon, was elected as an independent but was considered a Duterte ally. The hearings concluded on October 13 with Gordon acknowledging the large number of killings but concluding that there was no proof of Duterte's personal involvement. As of November 21, the Department of Justice continued to

investigate De Lima's alleged ties to illegal narcotics but has not found sufficient evidence to file a criminal indictment.

Press and Media Freedoms: The independent media remained active and expressed a wide variety of views without restriction, including criticism of the government, despite critical and threatening comments from government leaders. 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 faced harassment and threats of violence, including from politicians and government authorities critical of their reporting. In April then candidate Duterte drew widespread criticism after he told the media that journalists should enjoy no special protections and could be "assassinated" if they were "corrupt" and took money from politicians. Human rights NGOs frequently criticized the government for failing to protect journalists.

The nongovernmental Center for Media Freedom and Responsibility (CMFR) reported that two journalists or media workers were killed between January and August in killings related to their profession; both cases were under investigation. The PNP's Task Force Usig, which investigates and tracks killings of media practitioners, did not classify these cases as work-related killings and reported no media killings as of September.

On December 19, unknown gunmen killed a noted columnist and publisher in Catanduanes a few days after the journalist published an article blaming the local government for negligence after a large methamphetamine laboratory was raided by authorities. The National Bureau of Investigation was scheduled to lead an investigation into the journalist's death.

Many journalists reported an uptick in online threats, including threats of violence and harassment, in response to articles posted online that were critical of the government. Journalists critical of the government reported that they did not yet feel that threats to their personal safety were credible but they were concerned about losing access to the president and presidential palace if they were seen as overly critical.

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. In April the CMFR reported that a municipal mayoral candidate and a suspended assistant prosecutor had filed criminal libel cases against several journalists. In September an appeals court also upheld a ruling in favor of Senator Juan Ponce Enrile against two reporters from the *Philippines Daily Inquirer*, who wrote an article in 2001 indicating that a coconut levy settlement allowed the senator to keep money plundered during the Marcos era. Enrile was awarded damages for mental anguish, serious anxiety, and social humiliation.

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, 52 percent of the population used the internet in during the year.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The police generally exhibited professionalism and restraint in dealing with demonstrators. The PNP's forcible dispersal of farmers and protesters at a large protest in Kidapawan City on April 1 left two protesters dead, four critically wounded, and many others less seriously injured, drawing significant media attention and prompting a full investigation by the CHR. PNP officers fired on the drought-affected farmers and protesters who had gathered to demand food assistance from the local government. The CHR investigation found that PNP authorities abused their authority and used unnecessary force to disperse the protest. As of September, the case was still under preliminary investigation by the PNP. No disciplinary action was taken and no charges were filed.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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 manages departures for work abroad and requires overseas workers to register and receive pre-departure screening, training, and certification before traveling. As of September, 23 countries were considered restricted, with either full or partial deployment bans for overseas workers.

Internally Displaced Persons

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters have generated significant internal displacement. The number of IDPs was uncertain, and fluctuated widely 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, UNHCR reported that as of July, 159,541 persons displaced since 2012 remained in need of durable solutions. Of those individuals, 83,162 were displaced by armed conflict (including violence between local communities) and 76,379 by natural disasters.

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

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

Protection of Refugees

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit (RSPPU) determines which asylum seekers qualify as refugees in accordance with an established, accessible system that appeared to provide basic due process.

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 15 refugees between January and August.

Employment: The government allowed refugees to work. A Department of Labor and Employment (DOLE) order affirmed 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 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 country and of newly arrived persons. According to revised rules, after an applicant files for a determination of statelessness, deportation or exclusion proceedings against the applicant and dependents are suspended and the applicant may be released from detention. Stateless persons may be naturalized. As of August there were no known cases of social discrimination against stateless persons.

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 2014 the Philippine and Indonesian governments issued a joint declaration reaffirming the provision of consular assistance to both documented and undocumented migrants of Indonesian descent. After four phases of registration, the project has registered 8,745 such persons, of whom 664 had their citizenship confirmed in March.

As of June, three stateless persons were classified as refugees.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government by secret ballot in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this ability. Candidates, including for the presidency, frequently had their legal right to run for office challenged by political opponents on the basis of criminality, citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court. Political candidates were allowed to substitute themselves for placeholders if unable to complete the registration process on time.

Elections and Political Participation

Recent Elections: The country conducted nationwide elections in May for president, both houses of congress, provincial governors, and local government officials. Barangay, or village-level, elections were scheduled for October, but were delayed for one year. International and national observers viewed the May elections as generally free and fair but reported that instances of vote buying were widespread and that dynastic political families continued to monopolize elective offices. The PNP reported isolated incidents of election-related violence during the campaign and on election day, but overall security incidents were few

compared to many previous elections. Between January 10 and May 8 (the official election period), the PNP recorded 146 “election incident concerns,” of which 28 were validated by the PNP as election-related. There were 67 victims in the cases, including 50 deaths. The AFP National Election Monitoring Center reported 22 election-related violent incidents during the May 9 election that led to 10 deaths and the wounding of three.

Participation of Women and Minorities: There are no restrictions in law or practice on participation by women and members of minorities in politics, and participation by these groups has not changed significantly since the last national election in 2010 or the mid-term elections held in 2013.

Political life is male-dominated and observers commented that some female politicians served as “placeholders” when male members of their dynastic political families had to leave office due to term limits. Media commentators also expressed concern that political dynasties limited 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 provides for a party-list system, designed to ensure the representation of marginalized and under-represented sectors of society, for 20 percent of the seats in the House of Representatives.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: To combat corruption, the constitution establishes the independent Office of the Ombudsman, an appellate-level anticorruption court (the Sandiganbayan), and a Commission on Audit. All three organizations were under-resourced but 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 continued in the expanding “pork barrel” scandal of 2014 about the diversion of congressional funds to fake NGOs. The Department of Justice committed to review the previous administration’s probe of alleged misuse of the Priority Development Assistance Fund (PDAF). To date, three senators have been charged with plunder over the PDAF scam; in November the Office of the Ombudsman recommended the dismissal of Senator Joel Villanueva due to his alleged involvement in the scam.

As of August, the Office of the Ombudsman had won 44 convictions in 210 corruption cases during the year, including the conviction of a former Bukidnon first district congressional representative, Nereus Acosta, and his mother Socorro Acosta, a former mayor, for the illegal use of the congressional representative’s PDAF in 2002. Ignacio Turuc, the former mayor of Buguey, Cagayan was also convicted and sentenced to six to 10 years in prison for withholding the salaries of five employees in 2007. In addition to imprisonment, Turuc was also perpetually disqualified from holding public office.

In August the government released former President Gloria Macapagal Arroyo after several years of detention for alleged corruption during her presidential term. The Supreme Court declared that state prosecutors had failed to present evidence sufficient to prove her guilt.

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 accused of extorting bribes by threatening to delay or derail cases if not paid bribes. In September the House of Representatives began an investigation into the drug trade inside the New Bilibid Prison and allegations that specific government officials, including then-Secretary of Justice Leila De Lima (now serving as a senator), allowed inmates special treatment in exchange for payoffs.

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 by imprisonment not exceeding five years, a fine not exceeding 5,000 (\$104), or both

and, at the discretion of the court, disqualification from holding public office. The Civil Service Commission implements and enforces the law, forwarding nondisclosure cases to the Office of the Ombudsman for prosecution. The ombudsman reported that, as of September, 72 cases were opened for failure to submit sufficient Statements of Assets, Liabilities, and Net Worth. Of these, 69 led to criminal charges for violating the law and three resulted in administrative action. In September the congressional bicameral Commission on Appointments confirmed 24 military officers, despite noting that many had failed to submit sufficient Statements 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 providing 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. In July, President Duterte signed the Executive Order on Freedom of Information (FOI) requiring all executive branch officers to disclose details of their transactions; the online portal for FOI requests went live on November 25.

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. 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. UN Secretary-General Ban Ki-Moon, UN High Commissioner for Human Rights Zeid Ra'ad al Hussein, and UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Agnes Callamard called on authorities to investigate suspected extrajudicial killings by the police in the antidrug campaign. The government issued an invitation to Callamard, but she rejected the restrictive conditions in the invitation in December.

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. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with CHR regional offices. Nevertheless, the CHR lacked sufficient funding and staff to investigate and follow up on all cases presented to its regional and subregional offices. President Duterte was very critical of the CHR since assuming office and publicly disparaged members of the CHR, including the chairman. In August the Department of Management and Budget rejected a request from the CHR for a significant budget increase to improve its investigative capabilities and limited the 2017 budget request to approximately the amount received in the current budget.

The Office of the Ombudsman is an independent agency that responds to complaints regarding 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.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction can also result in a lifetime ban from political office. Penalties for forcible sexual assault range from six to 12 years' imprisonment. As of July, 5,973 cases of rape were reported to the PNP, significantly more than in the same period in 2015. National statistics on

prosecutions, convictions, and punishments were unavailable, but BuCor reported that it held 9,362 prisoners convicted of rape, 487 of whom it admitted as of August.

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 victims of sexual violence.

The Department of Social welfare and Development (DSWD) provided shelter, counseling, and health services to female survivors 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 July, the PNP reported 16,007 cases of domestic violence against women and children. Statistics were unavailable on prosecutions, convictions, and punishments for cases filed by the PNP during the year.

As of June, the DSWD extended assistance to 232 survivors of physical abuse and mistreatment, a small fraction of incidents reported to the police, which were themselves likely to be only a fraction of total incidents. NGOs noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

The PNP and DSWD both maintained help desks to assist survivors 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 women and children's unit with 1,918 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 PHP (\$213) and not more than 20,000 PHP (\$426). 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.

Reproductive Rights: The Supreme Court has ruled that the constitution upholds the basic right of couples and individuals to decide freely 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.

According to the December 2015 *Human Development Report*, 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 family planning supplies at government-run health facilities in some localities reduced their availability to 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.

As amended by a Supreme Court ruling in 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; requires minors in nonlife-threatening situations to get parental consent before obtaining 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, asserted that these restrictions prevented the full implementation of the law.

On April 8, the CHR launched a national inquiry into reproductive health and rights amid reports of local government units denying women access to reproductive health services. In Sorsogon City, for example, the mayor signed a pro-life executive order, which resulted in the withdrawal of contraceptives from health centers.

In September the Supreme Court sustained its June 2015 temporary restraining order preventing the Department of Health (DOH) from procuring, selling, distributing, dispensing or administering, advertising, or 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. The decision came in a case filed against the department for allegedly failing to abide by the RH law's implementing guidelines. The decision blocks the inclusion of contraceptive implants in government reproductive health programs.

President Duterte has said that supporting family planning is a key element of poverty alleviation. The 2017 federal budget signed into law in December included 4.3 billion PHP (\$91.6 million) allocated to the DOH for the implementation of the RH law, an almost two-fold increase over the 2.2 billion PHP (\$46.9 million) allocated in the current budget.

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

In May a CHR resolution found the words (including a joke during the presidential campaign about the rape and murder of an Australian national) and actions of then-president-elect Duterte to be in violation of the law because they amounted to violence against women. In accordance with the law, the CHR called on the Civil Service Commission and the Department of Interior and Local Governance to recommend appropriate sanctions.

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 discrimination on the job as well as in hiring (see section 7.d.).

The Philippines does not allow divorce. 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. The Office of the Solicitor General is required to oppose requests for annulment under the constitution. 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, from birth within the country's territory to alien parents. The government promoted birth registration, and authorities immediately registered births in health facilities. Births outside facilities were less likely to be registered promptly, if at all. NGOs previously estimated that more than 2.5 million children were unregistered, primarily among Muslim and indigenous groups. 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 Philippines Statistics Authority 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 Philippine Statistics Authority reported in May that one in every 10 Filipinos between the ages of six and 24, or 2.4 million persons, was out of school. The shift during the year to free education nationwide through grade 12 put significant strain on educational resources, particularly in rural and poor areas.

Child Abuse: Child abuse remained a problem. From January to June, the DSWD offices served 2,650 victims of child abuse, 68 percent of whom were girls. Several cities ran crisis centers for abused women and children.

Early and Forced Marriage: The legal minimum age for marriage for both sexes is 18; 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 between 20 and 24 were married before they were 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 July, the PNP reported 4,533 cases of child rape, representing 75 percent of total rape cases. 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 PHP (\$1,060 to \$106,400), 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 country and many foreign countries. The government continued to prosecute accused pedophiles and deport those who were foreigners. Of the 2,650 victims of child abuse to whom DSWD offices provided services as of June, the DSWD identified 852 as victims of sexual abuse or exploitation, including victims of cyber pornography. The National Bureau of Investigation 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 in 2009. Many street children appeared abandoned and engaged in scavenging or begging. From January to July, the DSWD provided residential and community-based services to 2,662 street children nationwide. The DSWD's *Comprehensive Program for Street Children, Families, and Indigenous Peoples* includes activity centers, assistance on education and livelihood, and community service programs. Unlike 2015, NGOs did not report any killings of street children involved in petty crime by vigilantes with ties to local government authorities. Displacement due to violence affected children in parts of Mindanao, sometimes disrupting access to education.

Under the juvenile justice law, children who are 15 years old and younger who commit a crime are exempt from criminal liability. Police stations had youth relations officers to ensure that authorities treat suspects who are minors appropriately, but in some cases they ignored procedural safeguards and facilities were not child friendly. The law mandates the DSWD to provide shelter, treatment, and rehabilitation services to these children. As of June, the DSWD assisted 1,476 children in conflict with the law (that is, alleged as, accused of, or judged as having committed an offense under the law) in 16 rehabilitation centers nationwide. Additionally, several local governments established and managed youth centers that provided protection, care, training, and rehabilitation for these children and other at-risk youth.

The PNP's Women and Children's Protection Center reported that approximately 38,000 minors surrendered to authorities in response to the antidrug campaign. As the legal status of those voluntarily surrendering remained ambiguous, it was not clear that these minors were being treated as required by law.

International Child Abductions: The country ratified the 1980 Hague Convention on the Civil Aspects of International Child Abduction during the year. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/english/legal/compliance.html.

Anti-Semitism

An estimated 500 to 5,000 persons of Jewish heritage, mostly foreign nationals, lived in the country. There were no reported cases 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/.

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

From January to June, the DSWD provided services to 2,841 persons with disabilities in assisted-living centers and community-based vocational centers for persons with disabilities nationwide.

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. While recent data was unavailable, the great majority of public buildings remained inaccessible to persons with physical disabilities. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Some children with disabilities attended schools in mainstream or inclusive educational settings. Children with a disability, living in poverty or rural areas, however, were unlikely to have access to education. In 2015 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 most were in urban areas. The government lacked a clear system for informing parents of children with disabilities of their educational right and did not 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. During the year COMELEC reported that 193,904 persons with disabilities were registered voters, of whom 160,802 voted.

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 health care, education, and other basic services. In 2015 NGOs estimated that up to 70 percent of indigenous youth either never attended school or left school because of discrimination. Government officials indicated that approximately 80 percent of the country's government units complied with the long-standing legal requirement that indigenous peoples be represented in policy-making bodies and local legislative councils.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect indigenous peoples. It has authority to award certificates identifying "ancestral domain lands" based on communal ownership, thereby stopping tribal leaders from selling the land. Additionally, the commission studies "ancestral sea" claims, since some indigenous groups, such as the Sama-Bajau, who customarily lived in western Mindanao, traditionally practiced migratory fishing. 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 people suffered disproportionately from armed conflict, including by displacement from their homes, because they often inhabited mountainous areas favored by insurgents and other militants. There were, however, no statistics that quantified violence against or among indigenous populations or compared it to rates of violence in the majority community.

Armed groups frequently recruited from indigenous populations. In 2015 UN Special Rapporteur on the Human Rights of IDPs Chaloka Beyani visited more than 700 displaced Lumads or other indigenous people from Davao del Norte and Bukidnon. The displaced aired their concerns about long-term militarization in the region. Beyani reported the alleged coercive recruitment of Lumads into a paramilitary group known as "Alamara," which was 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 the site of armed encounters related to resource extraction or intertribal disputes.

There were reports of the AFP or Alamara hampering access to education for indigenous children by closing or occupying schools with alleged ties to the NPA.

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. Nineteen cities or municipalities have some version of an antidiscrimination ordinance that protects lesbian, gay, bisexual, and transgender--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.

NGOs seeking to protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) 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 LGBTI rights, claimed that LGBTI 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 (see section 7.d.). In 2015 the NGO Project Red Ribbon reported that more than 22,000 persons in the country had HIV/AIDS, but that 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 occasionally delayed by the Bureau of Customs.

Other Societal Violence or Discrimination

During the year unknown assailants, often described as vigilantes and at times suspected of having ties to security forces (see section 1.a.), were suspected of summary killings of alleged drug dealers and users. As of December, there were more than 4,000 victims of alleged summary execution, which the PNP has labeled as “deaths under investigation.” Many of the victims were found adorned with cardboard signs, plastic wrap, garbage bags, or other markers designating them as drug dealers.

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 non-national workers, to form and join independent unions, bargain collectively, and conduct strikes; it prohibits antiunion discrimination. The law, however, places several restrictions on these rights.

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

Strikes in the private sector are legal. Unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain approval from a majority of members before calling a strike. The 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 be related to acts of unfair labor practice, a gross violation

of collective bargaining laws, or a collective bargaining deadlock. The law provides for a maximum prison sentence of three years for participation in an illegal strike, a requirement that the ILO urged the government to amend.

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

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

The government generally respected freedom of association and collective bargaining, and enforced laws that provided for protection of these rights. DOLE has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission's (NLRC) labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate the worker and report compliance to the NLRC. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial NLRC, as they may constitute possible unfair labor practices. If there is a definite preliminary finding that a termination may cause a serious labor dispute or mass layoff, the DOLE secretary may suspend the termination and restore the status quo pending resolution of the case.

Penalties under the law for violations of freedom of association or collective bargaining laws are imprisonment of not less than three months or more than three years with a fine of not less than 1,000 PHP (\$21) or more than 10,000 PHP (\$213). 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, provides mediation services through a board, which settles most 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 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 exclusive authority to conduct their own inspections as part of the zones' privileges intended by the legislature. Employers controlled hiring through special SEZ labor centers. For these reasons, and in part due to organizers' restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed-term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the SEZs.

Killings and harassment of labor leaders and advocates have occurred in the past, but there were no reports of labor-related violence during the year. The government noted that the March 2015 killing of Florencio Romano, the provincial coordinator of the National Coalition of the Protection of the Workers' Rights in

the Southern Tagalog region, was referred to the Regional Tripartite Monitoring Body, the National Policy Task Force, as well as the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons. As of December, there were no further updates in the case.

Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign national workers, to minimize unionization and avoid other rights accorded to “regular” workers. The NGO Center for Trade Union and Human Rights contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contractual labor provisions by rehiring employees shortly after the expiration of the previous contract. DOLE reported that there were multiple cases of workers alleging employers refused to bargain.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Under law, penalties for forced labor included imprisonment for 20 years to life and a fine of not less than one million PHP (\$21,290) 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. During the year DOLE began an orientation program for recruits for commercial fishing vessels, who were among the workers most vulnerable to forced labor conditions.

Reports of forced labor by adults and children continued, mainly in fishing and other maritime industries, small-scale factories, domestic service, agriculture, and other areas of the informal sector (see section 7.c.). Unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic servitude, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries.

There were reports that some of the reported 700,000-plus individuals who voluntarily surrendered to police and local government units in the face of the violent antinarcotics campaign were forced to do manual labor, forced exercise

programs, or other activities that could amount to forced labor without charge, trial, or finding of guilt under law.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, and sets the maximum number of working hours for them at four hours per day and no more than 20 hours per week. Children between the ages of 15 and 17 are limited to eight working hours per day, up to a maximum of 40 hours per week. The law forbids the employment of persons 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. Fines for child labor law violations ranged from 10,000 to five million PHP (\$215 to \$106,450), but were not sufficient to deter violations. From January to July, DOLE, through its Sagip Batang Manggagawa (Rescue Child Laborers) program, conducted 11 operations and removed 19 minors from hazardous and exploitative working conditions. As of August, DOLE closed six establishments for violations of child labor laws.

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 2015 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 using 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 between the ages of five and 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/.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation on the basis 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 antidiscrimination ordinances have been approved at the municipal or city levels that prohibit employment discrimination against LGBT--but not intersex--persons, there was no prohibition against such discrimination in national legislation.

The law requires most government agencies and government-owned corporations to reserve 1 percent of their positions for persons with disabilities; government agencies engaged in social development must reserve 5 percent. The Magna Carta for Disabled Persons commits the government to providing "sheltered

employment” to persons with disabilities, for example in workshops providing special facilities. DOLE’s Bureau of Local Employment maintained registers of persons with disabilities that indicate their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

There have been few cases filed to test how effectively the law is enforced. The government does not effectively monitor and enforce laws prohibiting employment discrimination based on disability, and the NCDA and DOLE did not monitor the regulation regarding the employment of persons with disabilities effectively. Penalties for violations of the law include a fine of 50,000 PHP (\$1,064) for a first violation and fines and up to six years imprisonment for subsequent violations. The effectiveness of the measures could not be assessed.

The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights. In February an HIV-positive worker won a case against his employer for having been fired as a result of his HIV-positive diagnosis. The court ordered that the individual be reinstated and receive approximately PHP 600,000 (\$12,774) in damages and back wages.

Discrimination in employment and occupation occurred with respect to LGBTI persons. A number of LGBTI organizations submitted anecdotal reports of discriminatory practices that affected the employment status of LGBTI individuals. A 2014 UNDP study described cases of discrimination, including the 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 LGBTI 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.

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 experienced discrimination in hiring and employment during the year. DOLE estimated that only 10 percent of employable people with disabilities were able to find work.

e. Acceptable Conditions of Work

As of September tripartite regional wage boards of the National Wage and Productivity Commission had made no increases to the daily minimum wage rates for agricultural and nonagricultural workers. Minimum wages in the nonagricultural sector were highest in the National Capital Region, where the average minimum daily wage rate was 491 PHP (\$10.45). The lowest minimum wage rates were in the Ilocos Region, where the daily nonplantation agricultural wage was 253 PHP (\$5). 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 2,500 PHP (\$53) 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 PHP (\$32) per month for those employed in other municipalities. The law also requires their employers to contribute to social security, PhilHealth, and the national housing program. According to the government, in 2015, the latest year for which such data were available, a family of five needed an average income of 8,022 PHP (\$171) per 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. Regulations for small-scale mining 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 August, DOLE employed 559 labor law compliance officers (LLCOs) to monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages. The number of LLCOs decreased slightly from 564 in 2015. 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 PHP (\$532), 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 for the private sector. 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 using mobile technology. Of the 39,662 establishments jointly assessed by the labor inspectors and worker and employer representatives, 25,997 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, suspend operations.

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

There were also gaps and uneven applications of the law. Media reported problems in the implementation and enforcement of the domestic workers law, including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

During the year, various labor groups criticized the government's enforcement efforts, in particular DOLE's lax monitoring of occupational safety and health standards in workplaces. Between January and August, the Bureau of Working Conditions recorded 16 work-related accidents that caused 17 deaths and 15 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were contract or temporary workers. Although the Philippine Overseas Employment Administration successfully registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide worker protection overseas. The government, nonetheless, launched an interagency humanitarian mission to provide assistance to the thousands of Filipino workers laid off or stranded in Saudi Arabia and facilitated the repatriation of hundreds. As of September, the DSWD reported there were still "hundreds" of Filipinos needing repatriation from Saudi Arabia.

The government continued to place financial sanctions on, and bring criminal charges against, domestic recruiting agencies found guilty of unfair labor practices. In November the Philippine Overseas Employment Administration announced the closure of KBR International Agency Switzerland/AVA Documentation Services, which was found to be recruiting workers without a proper government license and requiring applicants to pay for medical examinations and training. An illegal recruitment case was being filed against officers and staff of the agency.

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