



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Fifth periodic report submitted by the Philippines
under article 40 of the Covenant, due in 2016****

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I. Introduction

1. This fifth periodic report of the Philippines on its implementation of the International Covenant on Civil and Political Rights (ICCPR), hereafter referred to as Covenant, was prepared following the concluding observations (reference made on the appropriate items) of the Human Rights Committee at the constructive dialogue on the State's fourth periodic report during the Committee's 2924th and 2925th meetings on 15 and 16 October 2012.
2. This report, covering the period of 2012 until December 2017, was prepared by the Department of Justice (DOJ) as the lead agency in monitoring the State's compliance with its ICCPR obligations, under the guidance of the Presidential Human Rights Committee Secretariat (PHRCS) and in coordination with the Department of Foreign Affairs (DFA), pursuant to Administrative Order (A.O.) No. 163, s, 2006.
3. This report incorporates inputs and information received from relevant government agencies, particularly the Department of Health; Department of the Interior and Local Government and its attached agencies, the Philippine National Police and the Bureau of Jail Management and Penology; Department of National Defense and its attached agency, the Armed Forces of the Philippines; National Anti-Poverty Commission; National Commission on Indigenous Peoples; National Economic and Development Authority; Department of Labor and Employment; Department of Social Welfare and Development and its attached agencies; Council for the Welfare of Children; National Commission on Muslim Filipinos; and the DOJ, DFA and PHRCS.

II. Matters of Concern of the Committee

A. Measures to ensure awareness and applicability of the Covenant (item no. 5)

Reply to the paragraph 5 of concluding observations on the fourth periodic report

4. With respect to ensuring legal clarity on the status of the Covenant in domestic law, the State, through its Executive agencies and mechanisms, adopted the following measures:
 - (a) On protecting the right to life under Article 6 of the Covenant:
 - (i) A.O. No. 35 issued on 22 November 2012, creating the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, as the State machinery dedicated to the resolution of cases of politically and advocacy-related extra-judicial killings (EJKs), enforced disappearances (EDs), torture and other grave violations of the right to life, liberty and security of persons; and
 - (ii) A.O. No. 1 issued on 11 October 2016, creating the Presidential Task Force on Violations of the Right to Life, Liberty and Security of the Members of the Media, mandated to act on complaints of abuse and other acts of violence against and/or filed by media workers.
 - (b) On protecting the right to information under Article 19 of the Covenant, the President signed Executive Order No. 02 on 23 July 2016, operationalizing the people's constitutional right to information and the State policy on full public disclosure and transparency in public service;
 - (c) On respecting and ensuring that rights of all individuals recognized under the Covenant is without distinction of any kind under Article 2, the DOLE issued the implementing rules and regulations (IRR) of Republic Act No. (RA) 10911, or the Anti-Age Discrimination in Employment Act, strengthening the policy of the State to promote equal opportunities in employment for every person and prohibiting the arbitrary age limitations in employment;

(d) Recognizing the right of self-determination under Article 1 of the Covenant, the State's expanded Bangsamoro Transition Commission (BTC) submitted the proposed Bangsamoro Basic Law (BBL) to the Office of the President in July 2017.

5. On raising awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account by national courts, the State conducted capacity-building activities on International Humanitarian Law (IHL) in coordination with the inter-agency IHL Ad Hoc Committee, International Committee of the Red Cross (ICRC) and civil society organizations. Likewise, for the same purpose, the State conducted trainings on handling of cases involving EJKs, EDs, torture, and other grave violation of the right to life, liberty and security.

B. Mechanisms to study and implement Views of the Committee (item no. 6)

Reply to the paragraph 6 of concluding observations on the fourth periodic report

6. The PHRC, pursuant to A.O. No. 163, s. 2006, ensures compliance and adherence by the government to all its obligations under international human rights instruments where the Philippines is a party, including the timely submission of treaty implementation reports, replies and comments on cases filed with the United Nations, and proposed actions on the observations and recommendations of treaty bodies concerned in coordination with treaty lead government agencies and working groups designated to monitor compliance with international human rights treaties. Such actions are reflected in the State's National Human Rights Action Plan.

7. With regard to providing victims with effective remedies for the violations of their rights, the following laws were passed:

(a) RA 10368, or the Human Rights Victims Reparation and Recognition Act of 2013, enacted on 25 February 2013;

(b) RA 7309 enacted on 30 March 1992, creating a Board of Claims under the Department of Justice to receive, evaluate, process, and investigate applications for claims of victims of unjust imprisonment or detention and victims of violent crimes. From 2012–August 2017, the Board approved 9,846 out of 12,548 claims;

(c) RA 10353, or the Anti-Enforced or Involuntary Disappearance Act of 2012, enacted on 21 December 2012, prohibiting secret detention places, solitary confinement or *incommunicado*, or other similar forms of detention; and providing penal and civil sanctions for such violations, as well as compensation and rehabilitation for victims and their families, particularly with respect to the use of torture, force, violence, threat, intimidation or any other means which vitiate the free will of persons abducted, arrested, detained, disappeared or otherwise removed from the effective protection of the law.

C. Independence and autonomy of the National Human Rights Institution (item No. 7)

Reply to the paragraph 7 of concluding observations on the fourth periodic report

8. The State has almost doubled the annual budget of the Commission on Human Rights of the Philippines (CHRP), from PhP439 million (US\$ 8.8 million) in 2016 to PhP724.9 (US\$ 14.5 million) in 2017. A bill pending in Congress aims to strengthen the CHRP's functional and structural organization by equipping it with prosecutorial and quasi-judicial powers.

D. Review of Human Security Act of 2007 (item no. 8)**Reply to the paragraph 8 of concluding observations on the fourth periodic report**

9. The Terrorism Financing Prevention and Suppression Act of 2012 (RA 10168) was enacted on 18 June 2012, defining the crime of and penalties for financial terrorism. The implementing rules and regulations (IRR) was issued on 06 August 2012.

10. The State has concluded its multi-sectoral review of the Human Security Act of 2007 and is introducing revisions to the said Act.

E. Women's participation (item no. 9)**Reply to the paragraph 9 of concluding observations on the fourth periodic report**

11. There was an upward trend in women's political participation in the public sector from 1998 to 2016, in terms of the number of female candidates who ran and were elected:

(a) From 1998 to 2016, an average of 18.2% of women candidates won elected positions for national and local political posts. In the House of Representatives, 85 (or 29%) out of 292 are women, while in the Senate, 6 (or 25%) out of the 24 members are women;

(b) In the 2016 elections, 19.4% of candidates for national and local positions were females.

12. To accelerate women's political participation, the Commission on Election (Comelec) conducted six (6) consultations in select cities/provinces and one roundtable discussion in 2015 for the formulation of guidelines in promoting women's integration in political parties and party-list organizations.

(a) The Comelec conducted nationwide seminars/trainings to encourage more women candidates to run in the 2016 elections;

(b) The Comelec enacted 53 Gender and Development (GAD)-related policies for a more gender-responsive and socially-inclusive elections since the establishment of its GAD-Focal Point System (FPS) in 2012. Over the past five years, the number of GAD resolutions adopted by the Comelec has grown steadily from 2012 to 2016. One of such resolutions aims to encourage more qualified females to vote by providing day-care services during elections.

13. The Civil Service Commission (CSC) requires government agencies to regularly report the number of women nominees to vacant third level positions and the total number of female appointees vis-à-vis male appointees. Under the State's Program to Institutionalize Meritocracy and Excellence (PRIME) which assesses the agency's human resource management competencies, systems and practices, an agency is measured for its human resource maturity based on the percentage of women in leadership position in the organization. This is a step to fully realize the vision of RA 9710 or the Philippines' Magna Carta for Women (MCW), to, among others, equally distribute 3rd level managerial positions (from Assistant Bureau Director up to Undersecretary level) in the national government among men and women.

14. Based on guidelines to localize the MCW, local government units (LGU) shall ensure active participation of women in local committees/councils in partnership with national/regional government agencies, academe, private sector and civil society organizations (CSOs) operating at the local level for effective gender mainstreaming. The MCW envisions at least a 40%-membership by women in local development councils. On the other hand, the MCW provides that women should be accorded equal opportunity as men to represent the government at the international level and in the work of international organizations.

15. Women are given substantial participation in sector groups, such as in agrarian reform organizations, agriculture and fisheries councils, and rural women coalitions that cover women in informal sectors, as well as in indigenous and Muslim communities. Women also constitute 48% of local school boards, 50% of local health boards, 30% of

local peace and order councils, 31% of local housing boards, and 16% of local development councils.

16. Women NGO participation in the anti-poverty agenda of the government is institutionalized through the National Anti-Poverty Commission (NAPC). The NAPC is composed of lead government agencies and 14 basic sectoral councils. Aside from the 30% participation of women in the sectoral councils, there is also a separate women's sectoral council. All representatives in the women's sectoral council, as well as all the women representatives in the other basic sectoral councils, are trained on the MCW to ensure that gender perspectives and women's rights are included in all the basic sectoral councils' agenda. The members assist in monitoring the MCW at the local level and participate in local decision-making.

17. The Micro, Small and Medium Enterprise Development (MSMED) Plan 2011–2016 included gender mainstreaming among its key themes to address some of the gender issues that hinder the growth of women's business, such as limited access to resources and lack of capacity to sustain and upgrade businesses. The MSMED realizes the Magna Carta for Micro, Small and Medium Enterprises (MSMEs) of 2008 which guarantees women's participation in the private sector through promotion of entrepreneurship and support for the development of MSMEs.

18. The Department of Labor and Employment (DOLE) implements the *Kabuhayan* (livelihood) Program, a capacity-building facility for entrepreneurship for workers in the informal economy and vulnerable groups of workers that include women, youth, parents of child labourers, indigenous people (IP), and persons with disabilities (PWD). From 2009–2013, some 413,513 workers in the informal economy benefited from the program, 27% (112,026) of whom were women.

19. The Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) implement scholarship programs that support women who enrol in traditionally male-dominated fields, such as vocational-technical courses.

20. The Philippine Congress is also considering special legislative measures to enhance women participation in the public and private sectors, such as:

(a) Senate Bill (SB) No. 1484 for the participation of women-victims of violence through job security;

(b) House Bill (HB) No. 03200 for political parties to design and implement gender and development agenda, ensure equitable representation of women in political parties, and the creation of an empowerment fund for women in political parties;

(c) HB No. 1461 mandating that 50% of representatives nominated among members of a registered political party or organization must be women; that 40% of the five nominees officially submitted by a party to the COMELEC must be women; and that the final five representatives of each party must be composed of at least two women;

(d) Other Senate and House Bills seeking to improve maternity leave benefits.¹

21. In general, there has been an increase in the percentage of women employed in the private sector, registering 29.4% in 2010 to 29.9% in 2015. Figures for 2010 to 2015 reveal that 41.3% and 42.0%, respectively, of these women hold positions of authority, e.g., corporate executives, managing proprietors, and supervisors. In 2015, more women were employed at professional (57.7%) and clerical (62.1%) levels than men.

22. During the reporting period, the Philippines achieved good standing in global indicators on gender equality. It ranked 5th on the Global Gender Gap Index of the 2013 World Economic Forum and 12th in the 2012 Social Institutions and Gender Index of the Organization for Economic Cooperation and Development (OECD). On the other hand, out

¹ Senate Bill Nos. 56, 215, 362, 1153, 1262, 1300 and 1305 of the 17th Congress of the Philippines
House Bill Nos. 00152, 00472, 00483, 00509, 00580, 00985, 00985, 01046, 01182, 01832, 01644,
01912, 01915, 02838, 03224, 03445, 03513, 03650 and 04113 of the 17th Congress of the Philippines.

of the 186 countries included in the 2013 Human Development Report of the United Nations Development Programme (UNDP), the State Party ranked 114th in the Human Development Index and 77th in the Gender Inequality Index, which measures reproductive health, empowerment and labour participation.²

F. Gender and development (item no. 10)

Reply to the paragraph 10 of concluding observations on the fourth periodic report

23. The Philippines has laws that apply to the protection of an individual's free exercise of the right to establish and advance one's sexual orientation and gender identity and expression (SOGIE), namely:

(a) 1987 Philippine Constitution, Article II, Section 1, mandates the State to value the dignity of every human person and guarantees full respect for human rights;

(b) Magna Carta of Women, specifies under its Principles of Human Rights (Sec. 3), non-discrimination on the basis of SOGIE;

(c) Anti-Bullying Act of 2013 includes gender-based bullying – defined as “any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI)” – as a prohibited and punishable act; and

(d) Philippine National Police Reform and Reorganization Act of 1998 (Sec. 59) which mandates the National Police Commission (Napolcom) to “formulate a gender sensitivity program to include prohibition of discrimination on the basis of gender or sexual orientation”.

24. Contrary to allegations, the State does not consider SOGIE as an element of the crime of “grave scandal” under Article 200 of the Revised Penal Code, and therefore LGBT persons are neither arrested nor prosecuted on the basis of SOGIE:

(a) To improve police conduct, services, and protection of LGBT persons, the Philippine National Police (PNP) Human Rights Office (HRAO) partnered with OutRight Action International, a non-government organization, for awareness-raising trainings for police officers on SOGIE issues and the concerns of the LGBT community in general;

(b) In 2013, the PNP formulated modules on Gender, Sexuality and Human Rights which were formally included in the PNP Human Rights refresher seminar, a required course for all police officers of different ranks and operational units. From February 2013 to April 2016, the modules were used in the conduct of 34 trainings for 2,035 police officers from 13 major cities. Three (3) Regional Trainings of Trainers for police officers in the provinces of Luzon, Visayas, and Mindanao were also conducted.

25. For their part, 17 LGUs (two provinces, 12 cities/municipalities, three barangays) issued anti-discrimination ordinances that prohibit discrimination based on SOGIE.

26. The bill prohibiting discrimination on the basis of SOGIE is pending in the 17th Congress.

G. Code of Muslim Personal Laws vis-à-vis polygamy and other discriminatory provisions (item no. 11)

Reply to the paragraph 11 of concluding observations on the fourth periodic report

27. The Code of Muslim Personal Laws (CMPL) exclusively applies to Filipino Muslims in recognition of their culture, tradition and practice.

28. The CMPL regulates polygamy by requiring stringent safeguards to protect the rights of women. For example, before a male Muslim Filipino can contract a valid subsequent marriage, he must file a written notice with the Clerk of Court of the Shari'a

² Item no. 10 of the Philippine State Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 2015.

Circuit Court of the place where his family resides. Upon receipt of the notice, the Clerk shall serve a copy thereof to the wife/ wives. And should any of them object, an Agama Arbitration Council shall be constituted to determine not only the legitimacy of the opposition, but the capacity of the man to comply with the conditions set to keep the harmony in the family. Failure to observe the afore-mentioned procedures constitutes a penal offense as provided for under the CMPL.

29. State-conducted consultations with Muslim women revealed that, for many of them, the CMPL takes primacy over the State's civil law, the former being based on the Qur'an. However, the practice of polygamy and child marriage is now strongly discouraged and regarded as exception to the general rule in the Muslim community.

30. In November 2016, Islamic leaders in the Philippines endorsed a Fatwah on the Model Family in Islam. The Fatwah covers four areas: early and forced marriage, pre-marriage counselling, comprehensive gender and health education for youth, and gender-based violence:

(a) The Fatwah urges Muslim youth to get married when the "necessary conditions of mind maturity and intellectual integrity are met". However, the Dar-al-ifta Bangsamoro clarified that the urgency for such is not applicable to pre-puberty or childhood stage;

(b) The Fatwa clarifies that Islam does not precisely prescribe any marriageable age, although the generally accepted marrying ages for Muslims are 20 years old for males and 18 years for females. In instances where the bride is under 18, the couple can practice contraception to delay pregnancy.

H. Protection of the rights of children and spouses in the event of dissolution or marriage (item no. 12)

Reply to the paragraph 12 of concluding observations on the fourth periodic report

31. Title VIII and IX of Executive Order No. 209 or The Family Code of the Philippines, governs dissolution of marriages, protection of the rights of children as a consequence of marriage, and the rights of spouses to the custody of their children, and matters concerning matrimonial property:

(a) The Family Code explicitly states who are legitimate and illegitimate children and defines and specifies their rights to sustenance, support, shelter, inheritance, property right and right to counsel in the event that legal controversies arise regarding these rights. Whenever there is dissolution of marriage resulting from legal separation, annulment or declaration of marriage as *void ab initio*, including death of one or both of the spouses, these rights are well-defined and procedures are embodied in it and fortified in the several rules promulgated by the Supreme Court;

(b) As regards spousal rights to children custody, the Family Code states that the husband and wife have joint parental authority over legitimate children, while the mother has the sole parental authority over illegitimate children, except that support, property rights, and inheritance may be secured from the biological father or adopter;

(c) During dissolution of marriage through legal methods, the right to custody is always given to the innocent spouse and to immediate relatives in the order specified by law. For children below seven years and below, and in case of disagreement, the mother has legitimate claim over child's custody except when she is judicially declared to be unfit;

(d) In 24 February 2014, RA 9255 was enacted, allowing illegitimate children by way of an affidavit to use the surname of their father and have this declaration recorded in the civil registry.

32. The State, through RA 8369, established family courts which have the exclusive jurisdiction on child and family-related cases. These courts specially protect the rights and promote the welfare of children in keeping with the mandate of the Constitution and the precepts of the United Nations Convention on the Rights of the Child, i.e., to recognize the

sanctity of family life and protect and strengthen the family as a basic autonomous social institution.

33. To determine the equality in the devolution of matrimonial property, reference is made from the law on what property regimes govern the marriage – absolute community, conjugal partnership of gains or separation of property. In each regime, the law specifically states the commencement of marriage; properties involved and excluded; charges and obligations; ownership, administrative enjoyment and disposition; and dissolution and liquidation to properly guide the parties in any proceeding in and out of court. Furthermore, the law provides for the applicable rules on property to be followed in cases of unions without marriage.

I. Access to reproductive health (item No. 13)

Reply to the paragraph 13 of concluding observations on the fourth periodic report

34. On legislations on abortion to protect the right to life or health of the mother, the Revised Penal Code (Article 11, paragraph 4) may justify abortion to protect the life and health of pregnant women. To date, there is no report of women having been prosecuted or taken to court because of the commission of abortion. On the other hand, religious and social recriminations do not form part of routine reporting by any government or quasi-government agency.

35. Over the years, the State's Department of Health (DOH) issued guidelines and orders to protect Filipino women from the ill effects of abortion, specifically from unsafe abortion. The latest National Policy on the Prevention and Management of Abortion Complications, dated November 2016, provides for the expansion of participating health facilities from government to both government and private hospitals and clinics, and of expanded roles of midwives, nurses and doctors. It provides for the training on and monitoring of the Prevention and Management of Abortion and Its Complications (PMAC) as a regular component of the Safe Motherhood Program.

36. To ensure accessibility of reproductive health services for all women and adolescents, Republic Act 10354 or the Responsible Parenthood and Reproductive Health (RPRH) Law, was enacted on 21 December 2012. The State allocated PhP2.275 billion (US\$ 45.5 million) to implement the RPRH law. More than 75% (PhP1.67 billion or US\$ 33.4 million) of the allocation will go to procurement of family planning commodities.

37. With respect to Executive Order 30, s. 2011, of the City of Manila, said Order has been deemed revoked by RPRH Law as contained in the 2014 ruling of the Manila Regional Trial Court. The City of Manila committed to implement the RPRH law and has conducted reorientation trainings for its health personnel and distributed family planning commodities to Manila health facilities. Currently, all the health centers in Manila provide family planning services.

38. On increasing education and family program awareness-raising programs, such programs are integrated into the curriculum of basic high school and college education. A mass media campaign is being conducted by the DOH to increase awareness on the significance of using contraceptives and the right to reproductive health.

J. Measures to prevent Grave Human Rights Violations (item 14)

Reply to the paragraph 14 of concluding observations on the fourth periodic report

39. On measures to prevent, investigate, or prosecute extra-judicial killings and enforced disappearances, the State issued A.O. No. 35 on 22 October 2012 creating the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons, to serve as the government's machinery dedicated to the resolution of unsolved cases on the aforementioned acts.

40. After multi-sectoral consultations with stakeholders, the A.O. No. 35 Operational Guidelines which were adopted on 18 April 2013 defined EJK as killings wherein:

- (a) The victim was:
 - (i) A member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or
 - (ii) An advocate of above-named causes; or
 - (iii) A media practitioner; or
 - (iv) Person(s) apparently mistaken or identified to be so.
- (b) The victim was targeted and killed because of the actual or perceived membership, advocacy, or profession;
- (c) The person/s responsible for the killing is a state agent or non-state agent; and
- (d) The method and circumstances of attack reveal a deliberate intent to kill.

41. In deference to the focused mandate of A.O. No. 35, other cases with causes of deaths other than those defined under the guidelines are addressed by other appropriate mechanisms within the justice system.

42. With regard to EDs, the State enacted RA 10353 on 16 October 2012, defining and penalizing enforced or involuntary disappearances, and issued its implementing rules and regulations (IRR) on 12 February 2013.

43. On mechanisms to disband and disarm all private armies, vigilante groups and to reduce the number of illegal firearms, the Office of the President, through Memorandum Circular 83, series of 2015, created a National Task Force focused on the dismantling of private armed groups (PAG) in the proposed Bangsamoro autonomous area and adjacent regions to stabilize the security situation. The PNP reported that, as of 2016, 35 PAG members were arrested and 47 firearms seized from them.

44. The PNP continues to confiscate illegal firearms through its Kontra Boga (Oppose Firearms) campaign against PAGs, criminal gangs, vigilantes, and threat groups. Some 9,393 illegal firearms were seized from 2015 to July 2016.³

K. Measures to protect the right to life, including human rights defenders (item 15)

Reply to the paragraph 15 of concluding observations on the fourth periodic report

45. Since the creation of A.O. No. 35, the State has taken appropriate measures to protect the rights of human rights defenders and political dissidents through continuing evaluation and monitoring of their cases/incidents falling under the A.O. No. 35 operational guidelines, including the re-investigation of those previously unsolved. In view of the unique investigation required of these cases/ incidents, appropriate trainings were provided for 129 Prosecutors and 118 PNP and National Bureau of Investigation (NBI) personnel.

46. The State continually strengthens its partnership with international organizations (IOs), NGOs, civil society organizations (CSOs), and other stakeholders through joint projects involving relevant information-sharing, grassroots advocacy, and capacity-building.

³ Item 162 of the Philippine State Report to the Universal Periodic Review 2017, Geneva.

L. Witness protection (item 16)

Reply to the paragraph 16 of concluding observations on the fourth periodic report

47. While it is beyond the mandate of the Witness Protection Security and Benefits Program (WPSBP) to investigate crimes, particularly the killings, threats, and intimidation of witnesses, it has not been remiss in providing protection to witnesses under its coverage.

48. There was an increase in the number of covered witnesses and in the number of cases utilizing witnesses covered under the WPSBP, which reflect the effectiveness of the enhanced WPSBP. From 2012–2016, there were 2,877 witnesses covered by the program, the disposition rate of which ranged from 87.18% to 97%. The number of cases won during the same period, wherein witnesses under the program testified, is 145, with conviction ranging from 86.36% to 96%.

49. For the continuous improvement and effectiveness of the Witness Protection Program (WPP), pursuant to RA 7981 or the Witness Protection, Security and Benefit Act and other applicable laws, in ensuring the full protection of witnesses, the following measures are continually adopted:

- (a) Information dissemination campaign to increase public awareness on protection and benefits for those who will testify in cases involving grave felonies;
- (b) Enhancement of witness benefits;
- (c) Professionalization of personnel complement by way of continuous trainings for security and administrative personnel;
- (d) Acquisition of firearms/ammunitions, transportation and office equipment;
- (e) Increase in logistical support to the WPP in general; and
- (f) Promotion of fiscal autonomy of the WPP.

M. Measures against torture (item 17)

Reply to the paragraph 17 of concluding observations on the fourth periodic report

50. Section 16 of the IRR of RA 9745, or the Anti-Torture Act, provides for sufficient government protection measures against all forms of harassments, threats and/or intimidations as a consequence of the filing of complaints or the presentation of evidences.

51. Specific to the above, the PNP undertakes the following measures.

Awareness Campaign

52. The PNP issued new and revised investigation manuals for criminal investigation and administrative proceedings, with support from the European Union through the European-Philippines Justice Support Programme (EPJUST) and from other donors, to serve as references for investigators and case managers in the investigation of high profile crimes and administrative cases.

Capacity-Building

53. The PNP trains and regularly re-trains police investigators in its School for Investigation and Detective Development under the supervision of the PNP Directorate for Investigation and Detective Management (DIDM).

54. Two courses are conducted annually nationwide, namely: Criminal Investigation Course (CIC) for Police Non-Commissioned Officers, and Investigation Officers Basic Course (IOBC) for Police Commissioned Officers. Since its implementation in 2010, 394 classes for CIC with a total of 20,966 graduates, and 54 classes of IOBC with a total of 2,607 graduates, were conducted.

55. In addition to the two basic courses, all PNP Regional Offices conducted the following seminars/workshops from 2013 to 2015:

- 2-Day Automated Fingerprint Identification System Seminar: 194 classes with 9,368 graduates;
- 5-Day Crime Scene First Responders Seminar/Workshop: 158 classes with 7,432 graduates;
- 12-Day Women and Children Protection Desk Specialized Course (WCPD): 168 classes with 7,624 graduates.

56. These trainings have not only enhanced the skills set of investigators, detectives, case managers and supervisors, but have significantly contributed in improving the PNP's Crime Solution Efficiency, which is the main objective of the said courses.

57. To improve forensic investigation capacity, the PNP conducted a Forensic Medical Investigation Seminar (FMIS) in October 2015 with the support of the EPJUST Programme II to address delays in the investigation, prosecution, and adjudication of criminal cases. The nationwide seminar, participated in by medico-legal officers of the PNP Crime Laboratory, focused on the enhancement and upgrading of knowledge on medico-legal autopsy examinations and the proper identification of victims of disaster or of victims of EJK, torture, and physical and mental abuses.

58. The PNP Crime Laboratory maintains sophisticated equipment such as: Automated Fingerprint Identification System with a 5-million memory capacity, Integrated Ballistics Identification System, Combined DNA Index System, and Face Fit Kit for Computerized Facial Composition for better basic scientific investigations. Further, the United States, through the International Criminal Investigative Training Assistance Program, helps improve performance of the PNP Crime Laboratory through capability-building of personnel.

Accountability Measures

59. The Internal Affairs Service (IAS), as an Integral part of the PNP disciplinary machinery, leads in the investigation and prosecution of administrative cases against PNP personnel.

60. With respect to collection of statistical data on investigations, prosecutions, convictions, sanctions and compensation granted to victims of torture or members of their families, the PNP Task Force USIG (TFU), created on 13 May 2006, undertakes such function. Based on TFU data as of August 2017, some 189 cases involving 135 militants and 54 media practitioners were received for monitoring. Some 114 of these cases were referred to the Prosecutor's Office or filed with appropriate courts, 66 were determined to be cold cases, and 4 were deemed closed.

61. Other government mechanisms along this same thrust are as follows:

(a) As for incidents of torture or ill-treatment filed under A.O. No. 35, there were 80 incidents of torture or ill-treatment filed under A.O. No. 35 from the year 2012 to July 2017;

(b) With respect to compensation, the State through the Board of Claims under the Department of Justice, addresses the same (under item 6.b);

(c) The Bureau of Jail Management and Penology (BJMP) under the Department of the Interior and Local Government (DILG) continues to investigate cases of alleged torture and ill-treatment by law enforcement personnel. From 2012–2017, BJMP investigations have resulted in 12 suspensions, one demotion, and one dismissal from service. There are still on-going hearings involving five personnel;

(d) The Bureau of Corrections (BuCor) Operating Manual provides for the respectful and fair treatment of detainees by prison employees. Specifically, detainees shall be protected against cruel, unusual and degrading act, corporal punishment, use of physical force, deprivation of basic needs, and forced labor. Cases of inmate's complaints against employees are likewise investigated and, if found liable, sanctions imposed. These include cases lodged by inmates before the Commission of Human Rights and the Ombudsman.

62. The State accepted the visit of the UN Sub-Committee on the Prevention of Torture (SPT) which was conducted from 25 May to 3 June 2015. The UN SPT visited police stations, pre-trial facilities, prisons, a juvenile rehabilitation centre, a correctional institute for women, and a psychiatric hospital during its 10-day visit. Members of the delegation carried out private and confidential interviews with law enforcement officials, medical staff and persons deprived of liberty. The SPT delegation met with relevant authorities, including select Executive department officials, legislators, and civil society representatives.

N. Protection of victims of trafficking (item 18)

Reply to the paragraph 18 of concluding observations on the fourth periodic report

63. The Philippines enacted RA 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by RA 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 (collectively the Expanded Act), which provides that trafficking in persons⁴ exists when the elements of acts, means, and purpose are all present, with penalties significantly stiffer than counterpart legislation in other countries.

64. The Expanded Act created the Inter-Agency Council Against Trafficking (IACAT) composed of 11 government agencies and three non-government agencies and which serves as the central coordinating body to monitor and oversee the strict implementation of the law. The DOJ and the Department of Social Welfare and Development (DSWD) chairs and co-chairs the IACT, respectively.

65. The IACAT's anti-trafficking task forces created under the Expanded Act ensures that agencies concerned coordinate the immediate and effective response to TIP cases; assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the law; and protect the rights and needs of trafficked persons.

66. These task forces are composed of prosecutors, law enforcement agents, welfare officers, and other stakeholders from other government agencies and non-government organizations (NGOs), perform not only investigation and prosecution work, but also initiate, conduct, or coordinate awareness raising campaigns, trainings, as well as protective and partnership measures and activities necessary to give utmost protection to victims and minimize human trafficking activities in their respective areas of jurisdiction. At present, there are 24 anti-trafficking task forces.

67. On prosecution, protection (of witnesses and victims), prevention measures, and reintegration (medical, psychological and social assistance), the IACAT is implementing the following, preventive, protective and reintegration measures:

(a) Development of the Guidelines on the Referral System Involving Trafficking in Persons Cases to enhance victim identification procedures and to establish and institutionalize an effective and efficient case referral and tracking system of TIP incidents through all the stages of intervention. The guidelines will provide a standard procedure on case-referral of possible YIP victims, including repatriates, and in addressing their concerns and providing the necessary assistance as mandated by law;

(b) Revision of the IACAT Handbook in Combating Trafficking in Person Using the Anti-Money Laundering Law (AMLA) to enjoin relevant IACAT members, specially

⁴ Section 3(a) Expanded Act: Trafficking in persons under the Expanded Act refers to any ACT involving the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders, committed by using any MEANS of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, and for the PURPOSE of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. If the victim is a minor or a child, the element of "means" is no longer required. So long as a child is recruited, transported, transferred, harbored, or received for exploitation, human trafficking is committed, whether or not deception, threats, or abuse was employed.

law enforcement agencies to conduct parallel financial investigation with the Anti-Money Laundering Council (AMLC) to cripple, if not paralyze, the finances of traffickers; and to provide procedural guidelines on how non-government agencies, NGOs, and individuals including the TIP victims may coordinate with the AMLC on financial inquiry and referrals;

(c) Development of a TIP local government ordinance template to empower and provide guidance to LGUs in the training and capacity-building of local officials as well as in the crafting of ordinances that will best serve their needs and strengthen their local framework and mechanism in combatting TIP in their respective areas;

(d) Formulation of guidelines on the establishment of Violence against Women and Children Desks to build a safe and non-threatening assessment and referral process for victims and potential victims of such abuses, in order to adequately provide services, starting with the creation of service desks in hospitals manned by specifically hired/detailed healthcare providers trained in detecting and responding to abuse and trauma patients;

(e) Effective implementation of the Victim Witness Coordinators' Program (VWCP), one of the initiatives under the partnership between the IACAT and the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), to ensure that the needs of the victims are met by: coordinating with the service providers and police; facilitating the delivery of support and protection; maintaining frequent personal contact with victims; providing information to victims; arranging transportation to and from the prosecutor's office or court house; and accompanying the victims during court hearings to make sure that they are not approached by the accused, accused's friends or relatives, defense lawyer, or the media. In an evaluation conducted by AAPTIP, it was found that after only more than a year of implementation, 90% of the victim-witnesses were more likely to appear and testify in court if they are supported by the VWCP coordinators. Without such assistance, only about 60% of the victims will testify in court. At present, there had been a total of 117 trafficking victims assisted since the implementation of the program in July 2015. Out of these victims, 39 have already testified in court and 68 are waiting for trial schedule;

(f) Advocacy and capacity-building programs organized by the IACAT from January to June 2017 led to 105 of such activities, highlighted by collaboration among IACAT member-agencies, anti-trafficking task forces, and key partners from NGOs and IOs;

(g) Implementation of IACAT 1343 Actionline, the first telephone hotline dedicated to receive and immediately respond to requests for assistance, inquiries and referrals from victims, their families and the public. The service has been expanded to accommodate online reporting and text messaging. From January to June 2017, the hotline received 32 reports (24 from calls and 8 from online/web reporting). From these reports, a total of 42 victims (37 females and 5 males) were assisted;

(h) Implementation of the Recovery and Reintegration Program for Trafficked Persons (RRPT), a comprehensive package of services for TIP survivors, their immediate families and their communities. Supervised by the DSWD, the RRPT has the following major programs: capability enhancement for service providers; direct services to trafficked persons; upgrading of temporary shelters; implementation of the National Referral System and updating and maintenance of the National Recovery and Reintegration Database; and advocacy. The DSWD manages 44 shelters under this program;

(i) Conduct of anti-TIP operations by IACAT Regional Task Forces. From January to May 2017, the PNP conducted 104 anti-TIP operations which led to the rescue of 304 victims, identification of 219 suspected traffickers, and 81 traffickers. Of the 104 operations, 40 (38%) are still under investigation, 43 (41%) were filed at the Prosecutor's Office, 18 (17%) were filed in Court, and 3 (3%) involved victims who have yet to execute affidavits;

(j) Assistance to TIP victims/ witnesses through the IACAT Operations Center (OPCEN), wherein 56 individuals were assisted for the first semester of 2017. The OPCEN provided transportation and security assistance to 25 female minors, 7 female adults, and 1 male adult for their attendance in 23 occasions which included legal briefings and court hearings. The OPCEN Ninoy Aquino International Airport (NAIA) Terminal 2 and

Terminal 3 Personnel, together with DSWD social workers and Overseas Workers Welfare Administration (OWWA) representatives, assisted in processing 883 repatriated Filipino workers from Riyadh, Kingdom of Saudi Arabia, most of whom availed of the said State's amnesty program. Risk assessment of passengers is conducted in seaports. The Manila North Harbor Task Force Against Trafficking (MNHTFAT) has identified 1,257 trafficked passengers (713 girls, 536 boys, and 8 adults), with the minors discharged and released to their respective relatives upon presentation of proper documentation. The risk assessment was conducted with the assistance of the Social Workers of Visayan Forum Foundation Incorporated (VFFI) – a non-government organization, OPCEN, and onboard sea marshals;

(k) Monitoring of significant TIP convictions to ensure continued effectiveness of the IACAT's work. A total of 287 convictions against 317 convicted traffickers were registered during the reporting period.

68. Apart from the IACAT's work, other relevant anti-TIP measures of the State were noted:

(a) In 2016, the PNP's WCPD undertook 42 TIP operations leading to the rescue of 267 victims, arrest of 74 alleged traffickers, and the filing of 28 cases before the Prosecutor's Office;

(b) The NBI Anti-Human Trafficking Division has investigated a total of 248 illegal recruitment and 221 TIP cases, and conducted 12 rescue operations, leading to the arrest of 52 alleged traffickers and/or facilitators and the filing of 35 cases now pending in Prosecutor's Offices and in courts;

(c) The PNP and DSWD, with the assistance of the Armed Forces of the Philippines (AFP), implement comprehensive measures to prevent child trafficking, labor, and prostitution, including domestic and sexual violence, in calamity-stricken areas, pursuant to the Children's Emergency Relief and Protection Act (RA 10821);

(d) In September 2012, the State enacted the Cybercrime Prevention Act (RA 10175) which specifies several new acts of cybercrime, including cybersex and online child pornography.

69. The Philippines is a State Party to the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons. Moreover, the State also observes the World Day Against Trafficking in Person, which is promoted by the United Nations every 30th of July.

70. The State made crucial headway at the level of international cooperation in preventing and effectively prosecuting all forms of human trafficking, illegal recruitment, and labor exploitation, as follows:

(a) In 2012, the State issued Administrative Order 28 defining guidelines and procedures on forging bilateral labor agreements with other countries. The Philippines currently has cooperation agreements with Australia, Cambodia, China, Japan, Malaysia, New Zealand, Republic of Korea, Pakistan, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, United Kingdom, United States of America, ASEAN, and the United Nations (UN). The Philippines is also state party to the eight fundamental conventions of the International Labour Organization (ILO);

(b) In 2013, Philippine Overseas Employment Agency (POEA), in cooperation with the International Organization for Migration (IOM) and the Spanish-supported Millennium Development Goal Achievement Fund Joint Programme on Youth, Employment and Migration, initiated the Campaign Against Illegal Recruitment, Trafficking and Irregular Migration;

(c) In 2014, the Philippines and the US led the regional and thematic consultations for the formulation of the non-binding Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster through a State-led process initiative, the Migrants in Countries in Crisis. The Philippines-US cooperation to fight TIP resulted in the blacklisting for possible apprehension of US-registered sex offenders through the

Project Angel Watch. As of March 2016, some 556 of these registered sex offenders were blacklisted;

(d) On 11 April 2017, the Philippines and the US signed the Child Protection Compact (CPC) Partnership, a joint 4-year plan to reduce child trafficking by building effective systems of justice, child protection, and prevention of violence, abuse, and exploitation of children.⁵ At a cost of US\$ 4.3 million, the CPC supports the Philippines' commitment to eradicate online child sexual exploitation and child labor trafficking in two pilot areas, i.e., Metro Manila/ National Capital Region and Central Visayas region;

(e) Other related bilateral agreements entered into by the Philippines are the Philippine-Cambodia Memorandum of Understanding on Cooperation in Combating Transnational Crime signed on 14 December 2016; and the Philippines-Japan Social Security Agreement to coordinate pension programs for people who live or work in either of the two countries ratified on 12 January 2017;

(f) In partnership with the AAPTIP, the IACAT conducted the Transnational Investigation Cooperation Meeting in Makati City, Philippines, on 23–24 February 2017. The meeting enabled prosecutors and law enforcers from the Philippines and Malaysia to align mechanisms for the conduct of joint anti-trafficking investigation and prosecution involving both countries. The meeting resulted in an agreement to ensure the protection and promotion of the rights of trafficked victims, from rescue to investigation, and to establish focal persons in both countries for ease in exchanging and sharing information;

(g) On 21–23 March 2017, the State, through the IACAT, presented the Philippine National Referral System at the gathering on Cross Border Cooperation to Better Address Smuggling of Migrants and Trafficking in Human Beings held in Ulaanbaatar, Mongolia. The State participation in said event was in coordination with Mongolia's Crime Prevention Council under the Ministry of Justice and Home Affairs with support from IOM-Beijing and Mongolia. It strengthened the country's cooperation with Mongolia as the latter progressed toward establishing a comprehensive legal and policy framework on combating human trafficking;

(h) On 27 March 2017, the Philippines, through the IACAT, participated in the Child Protection Study Tour organized by the United Nations Office on Drugs and Crime (UNODC) and which was attended by criminal justice officials from Cambodia, Lao PDR, Thailand and Vietnam. The UNODC noted that the Philippines' child protection system offers valuable lessons on effective legal measures and best practices in combating child sexual exploitation. It also acknowledged the Philippines' expertise in investigating, prosecuting and adjudicating cases of online and offline child sexual exploitation in travel and tourism, and in protecting the rights and welfare of child victims in the process;

(i) The Philippines championed the cause of combatting TIP with its leadership and active participation in the Association of Southeast Asian Nations (ASEAN), especially during its chairmanship of the body in 2017. In 2017, the Philippines ratified the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). The Convention recognizes that human trafficking is "an offense to the dignity of human beings." This was followed by the crafting of the ASEAN action plan on trafficking that seeks to strengthen border control among member states, intensify efforts to prosecute trafficking cases, and strengthen regional cooperation. On 3–4 May 2017, a cross-sectoral collaboration meeting was conducted (a) to finalize the Bohol Trafficking In Persons (TIP) Work Plan 2017–2020 Towards The Implementation of ASEAN Convention Against Trafficking In Persons (ACTIP) and ASEAN Plan of Action (APA), and (b) on the "Strengthening Implementation of the ACTIP through the Establishment of a System of

⁵ Authority: section 1202 of the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4), amended the Trafficking Victims Protection Act of 2000 to add a new section 105A(d), which authorizes the Secretary of State to provide assistance to a country that enters into a child protection compact with the United States for purposes of preventing and responding to violence, exploitation, and abuse against children and supporting policies and programs that reduce the trafficking of minors by building sustainable and effective systems of justice, prevention, and protection.

National Representation” which is envisioned to spur the work of ASEAN in combatting TIP;

(j) The Philippines remains a vital cog in the implementation of the ASEAN Commission on the Promotion and Protection of Women and Children’s Rights (ACWC) Work-plan 2016–2020, along with its project, the Regional Multi-Sectoral Guidelines and Procedures to Address the Needs of Trafficking in Persons Victims (Guidelines). The objectives of this project are (a) to develop a common regional approach to identify individuals who have been subject to trafficking, (b) address their needs and protect their rights, and (c) assist ASEAN-Member States in implementing commitments under the ACTIP and APA, specifically in the area of providing more protection for victims;

(k) The ASEAN Practitioner Workshop on International Legal Cooperation in Trafficking in Persons was held on 16–18 May 2017 in Bangkok, Thailand. This workshop’s specific objectives were: (1) to review, revise and agree to the draft ASEAN Training Program on International Legal Cooperation in TIP; and (2) to review and finalize revisions to the ASEAN Handbook on International Legal Cooperation in TIP;

(l) The 5th Bilateral Meeting between the PNP and the Royal Malaysian Police (RMP) was held on 24–25 May 2017 in Kuala Lumpur, Malaysia. This was part of the Philippine government’s effort to sustain strong cooperation with foreign governments to pursue international law enforcement actions in combating human trafficking, particularly on joint investigations on cross border cases;

(m) The Philippines, through the IACAT and with support from the ILO and the AAPTIP, conducted the ASEAN Regional Workshop on Effective Investigation and Prosecution of Trafficking in Persons for Labour Exploitation on 6–8 June 2017. The workshop focused on sharing and documenting regional and national best practices; on proper identification of cases; on investigation and prosecution of TIP cases involving labor trafficking; and on available legal remedies for migrant workers;

(n) As Chair of the Philippine National Program Steering Committee (NPSC) for the AAPTIP, the IACAT convened the said Committee for updating on the implementation of the Philippines’ eight core projects under the AAPTIP framework and funded programs, as well as in surfacing strategic recommendations to further the implementation of the said projects. The AAPTIP also shared its updated work-plan and its evaluation of the Victim-Witness Coordinator Program implementation, with its 90% success rate;

(o) The IACAT conducted a consultation meeting with the Australian Embassy – Department of Foreign Affairs and Trade (DFAT) representative to provide feedback on the status of DFAT supported anti-trafficking projects in the Philippines, particularly the AAPTIP, and to determine potential future investments;

(p) On 27 June 2017, the IACAT participated in the demonstration of Sweetie 2.00, an artificial intelligence – a “Chatbot” – specifically designed to identify perpetrators engaged in illegal online activities. This is organized by Terre des Hommes Netherlands, an international organization actively working against online child sexual exploitation. The said demonstration was intended to encourage Philippine law enforcement agencies to utilize this proactive tool and innovative approach to monitor illegal online activities against Filipino children;

(q) In observance of the World Day Against Trafficking (WDAT), the IACAT and the International Organization for Migration (IOM) conducted a National Conference on Trafficking in Persons and the Philippine Commitments to ACTIP and APA, Philippines: Leading the Fight Against Human Trafficking in Southeast Asia in July 2017.

71. To further reinforce international cooperation, as well as existing measures to combat TIP and its demand, the IACAT held two regular quarterly meetings in 2017 and adopted resolutions that covered the following resolutions, among others:

- (a) Child Compact Partnership with the US;
- (b) Standards in Building Communities that Protect Children from Trafficking;

- (c) Guidelines on Data Collection and Monitoring for Management of Knowledge on Trafficking in Persons;
- (d) Guidelines on the Grant of Financial Assistance to Victims of Trafficking;
- (e) Guidelines on the Referral System Involving Trafficking in Persons Cases;
- (f) Victim Witness Coordinator Safety Protocol for Victim Assistance Visits Protocol;
- (g) 2017–2021 National Strategic Action Plan Against Trafficking In Persons;
- (h) Handbook “Money Laundering Dimension of Trafficking in Persons;
- (i) Protocol on Blacklisting of Recruitment Agencies, Illegal Recruiters and Persons Involved in Trafficking in Persons; and
- (j) Protocol on Access, Distribution, and Conduct of Operations on TIP and IR Priority Targets.

72. The State, through the DSWD, launched the Reintegration Program for Trafficked Persons for 10,678 TIP victims, mostly women and their families, and instituted social welfare attaché offices in Philippine embassies with the highest incidence of gender-based violence against Filipino overseas workers.

73. The DFA also conducted Anti-TIP Regional Workshops for the Philippine Foreign Service Posts to capacitate its frontline personnel in identifying and in providing assistance to potential victims. The project complements the Pre-Deployment Orientation Seminar for Philippine Foreign Service personnel to be assigned abroad, which includes a curriculum on combatting human trafficking. In 2015, the DFA published a Handbook on International and National Legal Frameworks in Combatting Human Trafficking.

74. Following the milestones in Philippines’s anti-human trafficking policies, the US State Department’s Trafficking in Persons Report in June 2016 recognized the Philippines’ efforts to combat trafficking with a Tier-1 ranking. The recognition is the highest compliance level a government can achieve for its anti-trafficking measures.

75. The improved ranking was attributed to the following developments led by various agencies: (a) the vigorous law enforcement efforts of the PNP and NBI; (b) the continuous trial system piloted by the Philippines Supreme Court to expedite TIP cases; (c) the anti-human trafficking training conducted by the IACAT for law enforcement authorities; (d) the recovery and reintegration program of the DSWD and its partnership with civil society organizations; and (e) the concerted complementary efforts of the Bureau of Immigration, POEA and the Commission on Filipinos Overseas (CFO) to prevent human trafficking.

76. The United Nations Children’s Fund (UNICEF) Workshop on Strengthening Collaboration among Government Agencies, Information and Communications Technology Industry, and NGOs for the Protection of Children Against Sexually-Oriented Computer Programmes was conducted to develop a system for collaboration in detecting and responding to online sexual exploitation (OSEX) involving children. A mechanism for collaboration between the IACAT and the Inter-Agency Council Against Child Pornography was considered.

77. The IACAT became a member of the DOLE’s National Child Labor Committee (NCLC) Sub-Committee on Law Enforcement in May 2017. As member of the sub-committee, the IACAT will contribute to strategic directions, policy formulation, and program development for the committee to ensure enforcement of the anti-child labor law, and other local and international instruments to end hazardous child labor.

78. Focus group discussions were held with the Judiciary to relay processes in the collaborative case build-up between law enforcement agents and prosecutors, to develop greater knowledge and capacities through the publication and utilization of relevant manuals, especially on handling child victims and use of images as evidence, and to support for the development of a Help Book on TIP for Duty-Bearers.

O. Improvement of detention conditions (item 19)

Reply to the paragraph 19 of concluding observations on the fourth periodic report

79. The State, through the BJMP that handles detention prisoners and those convicted of crimes with penalty of three years and below, continues to strengthen efforts to improve the conditions of detained persons and prisoners.

80. The law, RA 6975, provides that there shall be in every district, city and municipality a secured, clean, adequately equipped and sanitary jail (Section 63, Republic Act No. 6975).

81. To address the problem of overcrowding in jails, the BJMP launched a decongestion program through paralegal officers who are trained on relevant laws and policies for the release of inmates, such as RA10592 or the law on the grant of time allowances, Release on Recognizance Act of 2012, AM No. 12-11-2-SC Guidelines for Decongesting Jails by Enforcing the Rights of Accused Persons to Bail and Speedy Trial, and other laws. As a result, 70% of the total releases of inmates are attributable to the assistance of these paralegal officers.

82. To further address jail congestion, the State increased its fund appropriation for construction of jails in 2016 to PhP 373 million (US\$ 7.5 million) from a mere PhP148 million (US\$ 2.96 million) in 2015. For 2017, the budget for the construction of new jails was raised to an unprecedented amount of 1.706 billion (US\$ 34.12 million). For 2018, around PhP1.54 billion (US\$ 30.8 million) was appropriated for new jail constructions and other facility improvements.

83. On the health concerns of inmates, the BJMP entered into a memorandum of agreement with the DOH requiring the mandatory examination of inmates for contagious diseases, such as tuberculosis, in all jails nationwide. Inmates found to be with contagious diseases are separated from the general population. The BJMP reiterates its mandatory policy on regular sunning activity for inmates and the provision of nutritious food, with food allowance of prisoners increased in the last year of the reporting period.

84. The Bureau of Corrections (BuCor), consisting of seven prison facilities for national inmates, provides inmates with basic necessities which include food, potable water, medicines, uniforms, and toiletries. There was also an increase in subsistence and medical allowance.

85. As a policy, the BuCor addresses problems of congestion by transferring inmates from a heavily crowded facility to less cramped prison facilities. In 2016, some 530 inmates were transferred from the densely populated New Bilibid Prison to the larger Iwahig Prison and Penal Farm Reservation.

86. With the application of RA 10592 which enhances the grant of time allowances, there was a 25% increase in the number of released inmates, from 4,100 in 2015 to 5,132 in 2016. From 2012–2016, there were 8,561 inmates released on parole, 95 recommended for conditional pardon, 648 recommended for commutation of sentence, and 11 recommended for absolute pardon.

87. The BuCor strictly prohibits the imposition of any cruel or degrading act as a form of punishment. Instead, alternative modes under the present table of penalties are observed, such as reprimand, deprivation of mail and visits, loss of entitlement to time allowances, community service, confinement in a disciplinary cell, and transfer to other prison facilities, if qualified.

88. The Correctional Institution for Women (CIW), a prison facility managed by the BuCor, provides prison services and programs based on the principle of equality of opportunity and non-discrimination. The CIW's Inmate Health and Welfare Committee issued guidelines on the use of resources for the improvement of ventilation and lighting in the dormitories, which include a special ward for pregnant inmates and those who have just given birth.

89. The CIW has an Inmate Advisory Council for cascading orders to and for facilitating requests or queries from the general population. The body also assists management in identifying dissatisfactions among inmates to prevent any serious security problems. Through the CIW's Kaagapay (Assistance) Center, inmates may also be informed of their visitation rights, medical and social service needs, availment of electronic funeral services or *e-buro*, and updating of e-data system.

90. The State's penal management system promotes clean environment in detention facilities by identifying designated areas for waste disposal and conducting seminars on segregation, recycling, and regular garbage collection in coordination with LGUs. Various organizations assist in keeping the cleanliness and conduciveness of these facilities through support programs, such as installation of portable water systems in BuCor-managed institutions.

P. Strengthening of the Judicial and Bar Council and the Judiciary (item 20)

Reply to the paragraph 20 of concluding observations on the fourth periodic report

91. The Judicial and Bar Council (JBC) determines whether applicants for nomination have the qualifications required by the Constitution and pertinent laws. The council, through JBC 2016-01, dated 20 September 2016, issued The Revised Rules of the Judicial and Bar Council, on the selection and nomination of prospective appointees to the judiciary, the offices of the Ombudsman, Deputy Ombudsman, and Special Prosecutor; and the offices of the Chairperson and Regular Members of the Legal Education Board.

92. As of June 2017, the JBC exceeded its target in opening up vacancies, processing of applications, preliminary screening, background checking, psychological evaluation, essay writing, interview, second deliberation on candidates, and final evaluation and selection of nominees.

93. The JBC, in order to further evaluate applicants and to ensure those that will be short-listed are indeed the best qualified, has devised an evaluation guide wherein applicants are evaluated and rated by their immediate superiors/supervisors and colleagues.

94. The JBC has a website and an Integrated Data System that contains all information about the applicants. The JBC has also established an electronic coder tracking system for this purpose, and is developing the JBC Online Application System which will be linked to the JBC Integrated Data System.

95. The JBC also aims to enhance its electronic records management, digitize records for archiving, and link the ABC Integrated Data System to the JBC Electronic Records System. The JBC Enterprise Information System Plan Committee is finalizing the terms of reference for the project.

96. To strengthen the capacity of the JBC, there are also annual strategic operations planning workshops and trainings of JBC personnel.

Q. State consideration in decriminalization of defamation (item 21)

Reply to the paragraph 21 of concluding observations on the fourth periodic report

97. The State has filed several bills in considering the decriminalization of defamation, as follows:

- (a) Bills decriminalizing libel:
 - (i) SB 127 – An Act Decriminalizing Libel by Means of Writing or Similar Repealing Article 355 of the Revised Penal Code;
 - (ii) SB 149 – An Act Decriminalizing Libel Thereby Repealing Articles 353 to 357 and Articles 360-362 of the Revised Penal Code;
 - (iii) SB 210 – An Act to Decriminalize Libel and for Other Purposes;

- (iv) SB 245 – An Act Repealing Chapter One, Title Thirteen, Book Two of Act No. 3815 otherwise Known as the Revised Penal Code of the Philippines Thereby Decriminalizing Libel and Defamation; and
 - (v) SB 2128 – An Act Decriminalizing Libel, repealing for this Purpose, Article 355 of the Revised Penal Code, as Amended, Otherwise Known as the Revised Penal Code.
- (b) Bills abolishing the imprisonment penalty for libel:
- (i) SB 1218 – An Act Abolishing the Imprisonment Penalty for the Crime of Libel, Prescribing Higher Amounts of Fine as Penalty for the Same, and Providing that the Crime of Libel shall Prescribe in Six Months, Amending for these Purposes Articles 90, 91, 355, 356, 357, and 369 of Act No. 3815, as amended, Otherwise Known as the Revised Penal Code;
 - (ii) SB 1387 – An Act to Abolish the Penalty of Imprisonment in Libel Cases and Providing for the Venue of the Civil Action in Libel Cases Against Community Journalists, Publications or Broadcast Stations, Amending for the Purpose Certain Provisions of Act No. 3815, Otherwise Known as the Revised Penal Code, as Amended, and for Other Purposes;
 - (iii) SB 1962 – An Act to Abolish the Penalty of Imprisonment in Libel Cases Amending for the Purpose Articles 355 and 360 of the Republic Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes;
- (c) Bill prescribing penalties for political and private libel – SB 1503 – An Act Prescribing Different Penalties for Political and Private Libel, Amending Article 354 and 361 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code, for this Purpose.

R. Trade unionism of foreign workers (item 22)

Reply to the paragraph 22 of concluding observations on the fourth periodic report

98. The State recognizes the principle of reciprocity which is a universally accepted principle in international relations. Thus, consistent with the same, the Labor Code of the Philippines, particularly Articles 269 and 270, permits the exercise of trade union rights by foreign workers, on the condition that said workers are nationals of a country which grants the same rights to Filipino workers.

S. Efforts to eradicate child labor and protection of children’s rights (item 23)

Reply to the paragraph 23 of concluding observations on the fourth periodic report

99. The DOLE continues to implement key legislations in combatting child labor, as follows:

- (a) RA 10821 (Children’s Emergency Relief and Protection Act);
- (b) RA 10533 (Enhanced Basic Education Act of 2013);
- (c) RA 10364 (Expanded Anti-Trafficking in Persons Act of 2012);
- (d) RA 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as amended, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”).

100. The DOLE further strengthens its measures to prevent child labor through the following policies, as follows:

(a) Department Order (DO) 175, s. 2017, (Implementing Rules and Regulations of Republic Act No. 10917 Amending for the Purpose Republic Acts 9547 and 7323, Otherwise Known as the Special Program for Employment of Students [SPES]);

(b) DO 173, s. 2017 (Revised Guidelines in the Implementation of the Department of Labor and Employment Integrated Livelihood and Emergency Employment Programs [DILEEP]);

(c) DO 159, s. 2016 (Guidelines for the Employment of Migratory Sugarcane Workers);

(d) DO 156, s. 2016 (Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation);

(e) DO 149, s. 2016 (Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons Below 18 Years of Age);

(f) DO 141, s. 2014 (Revised Rules and Regulations Governing Recruitment and Placement for Local Employment);

(g) DO 131-B, s. 2016 (Revised Rules on Labor Laws Compliance System);

(h) Department Circular (DC) 2, s. 2012 (Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor);

(i) DC 2, s. 2010 (Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases);

(j) Protocol on the Rescue and Rehabilitation of Abused *Kasambahay* (Household Worker).

101. Other programs spearheaded by the State, through the DOLE, to combat child labor, include the following:

(a) Active participation in the international observance of World Day Against Child Labor every June through the conduct of various advocacy activities to raise awareness on the plight of child laborers and to demonstrate the country's solidarity in the worldwide campaign against child labor;

(b) Implementation of the Child Labor Prevention and Elimination Program which includes the Campaign for Child Labor-Free *Barangays* (villages) and Child Labor-Free Establishments, *Sagip Batang Manggagawa* (Rescue the Child Laborers), Livelihood Assistance to Parents of Child Laborers, and Project Angel Tree to help attain the State's target under the Philippine Development Plan 2017–2022 to eliminate 630,000 children from child labor;

(c) Operationalization of the sustainable livelihood framework that prioritizes the provision of livelihood assistance to parents of child laborers in the form of *Negokart* or small enterprise starter kits, or materials needed to start a livelihood;

(d) Training of Labor Laws Compliance Officers (LLCOs) on child labor assessment skills, on top of their basic awareness training on child labor, to ensure a more focused action in eliminating child labor in workplaces. Supported by the ILO, the training focused effective approaches to address child labor, competencies necessary in undertaking assessment, and challenges. Representatives from the Federation of Free Workers, Trade Union Congress of the Philippines, Employers Confederation of the Philippines and Institute for Labor Studies also participated in the training;

(e) Lead implementation of the Philippine Program Against Child Labor (PPACL), a network of mutually enabling social partners working towards the prevention and progressive elimination of child labor through protection, withdrawal, healing and reintegration of child workers into a caring society. The NCLC chaired by the DOLE serves as the central policy and coordinating mechanism for the implementation of the PPACL.