

PHILIPPINES

The Philippines, with a population of 94 million, is a multiparty republic with an elected president and bicameral legislature. On May 10, approximately 75 percent of registered citizens voted in automated elections for president, both houses of congress, and provincial and local governments. The election was generally free and fair, but was marked by some violence and allegations of vote buying and electoral fraud. Long-running Communist and separatist insurgencies affected the country. Security forces reported to civilian authorities.

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of state and non-state actors continued to be serious problems. Concerns about impunity persisted. Members of the security services physically and psychologically abused suspects and detainees, and there were instances of torture. Pretrial detainees and convicts were often held in overcrowded, substandard conditions. Disappearances occurred, and arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Corruption was endemic. Leftist and human rights activists reported harassment by local security forces. Problems such as violence against women, abuse of children, child sexual exploitation, trafficking in persons, child labor, and ineffective enforcement of worker rights were common.

In addition to killing soldiers and police officers in armed encounters, rogue elements of the separatist Moro Islamic Liberation Front (MILF) and terrorist Abu Sayyaf Group (ASG), Jemaah Islamiya (JI), and New People's Army (NPA)--the military wing of the Communist Party--killed local government officials and other civilians. These same groups also were linked with bombings that caused civilian casualties and kidnappings for ransom. The MILF, ASG, and NPA reportedly used child soldiers in combat or auxiliary roles.

RESPECT FOR HUMAN RIGHTS

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

- a. Arbitrary or Unlawful Deprivation of Life

Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings, including in connection with combat operations between

government forces and Muslim rebels in parts of Mindanao (see section 1.g.). The Commission on Human Rights (CHR), an independent government agency, investigated 53 new complaints of politically motivated killings involving 67 victims during the year. The CHR suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in some killings of leftist activists operating in rural areas. Suspects in other cases were ordinary citizens or remained unknown. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) also reviewed allegations of summary executions by government security forces. The TFDP was unable to investigate all allegations it received but counted nine cases involving 11 victims of summary executions by government forces during the year. Karapatan, another NGO, recorded 44 victims of extrajudicial killings.

The PNP's Task Force Usig (TFU), responsible for monitoring extrajudicial killings, has recorded 161 cases of killings since 2001. The TFU, which uses different criteria than the CHR, identified nine new cases of extrajudicial killings during the year. Of the 161 cases monitored by the TFU, 99 were filed in court and prosecutors' offices, 61 were under investigation, and one case was closed. There were no convictions of state actors during the year.

Killings of activists, judicial officials, and local government leaders continued to be serious problems. On March 1, two unidentified armed men shot and killed antimining activist Gensun Agustin in Calamegatan, Cagayan. On June 14, two armed men shot and killed peasant worker and human rights activist Benjamin Bayles in Buenavista, Himamaylan City, Negros Occidental. Two members of the AFP were arrested and charged with the murder. On July 5, Fernando Baldomero, a municipal councilor of Lezo, Aklan, and provincial coordinator of a leftist group, was shot and killed in Kalibo, Aklan. Murder charges were filed against two suspects on August 2, but no arrests were made. In separate incidents on July 9, unidentified armed men shot and killed peasant leader Pascual Guevarra in San Isidro, Laur Town, Nueva Ecija, and elementary school teacher-activist Mark Francisco in Malibas, Masbate. Both cases remained under investigation at year's end.

On May 18, unidentified armed men shot and killed Judge Andres Cipriano in Aparri, Cagayan. There were no available witnesses, and no case was filed. On October 4, Judge Reynaldo Lacasandile was shot and killed in Vigan City. The National Bureau of Investigation filed murder charges against seven persons on November 8 in connection with the killing.

On May 9, the day prior to national elections, two persons were killed and 12 wounded when a hand grenade was thrown inside a mosque in Pikit, North Cotabato. No group claimed responsibility for the attack, which authorities viewed as politically motivated.

Vigilante groups, including those with suspected ties to state actors, were suspected of summary killings of adult criminals and minors involved in petty crime in major metropolitan areas. The Coalition Against Summary Execution recorded 74 cases of apparent vigilante killings in Davao City from January through October. The CHR concluded its public hearings on the Davao killings in 2009 but had not released its report by year's end. The international NGO Human Rights Watch's April 2009 report on the Davao killings concluded that members of the police and local officials were involved or complicit. Authorities made no arrests in vigilante killings cases.

On September 8, the trial started for 19 suspects accused of involvement in the November 2009 massacre of 58 individuals in Maguindanao. An additional 32 suspects were arraigned and in pretrial detention. An additional 146 suspects remained at large, including 10 police officers and four soldiers.

Government forces, terrorist groups, and armed groups killed a number of civilians during clashes (see section 1.g).

Investigations of other cases from 2009 and 2008 were ongoing.

b. Disappearance

According to local human rights NGOs, government forces were responsible for disappearances. During the year, the CHR investigated 10 new cases of enforced disappearances, abductions, and kidnappings involving 16 victims. Of the 16 victims, eight returned to their families and reported they had not been detained or kidnapped, one was found alive and in police custody, two were found dead, and five remained missing as of year's end. CHR investigations found that PNP and AFP personnel were implicated in five of the 10 disappearance cases. Four cases remained under investigation, four cases were closed when the victims resurfaced, and two cases were closed and terminated when the family declined to pursue them. During the reporting period, the NGO Families of Victims of Involuntary Disappearances (FIND) monitored four reported disappearance cases involving

eight victims. At year's end, five victims were still missing, two were found dead, and one was found alive.

Some victims' families complained that the courts and police failed to address adequately their complaints concerning disappearances in which security forces were suspected. Evidence of a kidnapping or killing is required to file charges. FIND and other NGOs continued to support the efforts of victims' families to press charges. In most cases evidence and documentation were unavailable, and convictions were rare.

There were no developments in earlier disappearance cases, and there were no convictions for disappearance cases during the year. The decision as to whether to grant the petition for a writ of amparo providing the court's protection to the family of indigenous rights activist James Balao, who disappeared in 2008, remained pending before the Supreme Court.

Investigative and judicial inaction on previous cases of disappearance contributed to a climate of impunity and undermined public confidence in the justice system.

Terrorist and criminal groups committed a number of kidnappings for ransom in the southern Philippines (see section 1.g.).

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

The constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police were alleged to have routinely abused and sometimes tortured suspects and detainees. According to the CHR and human rights groups, the use of excessive force and torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation included electric shock, cigarette burns, and suffocation.

The CHR investigated 22 cases of alleged torture involving 93 victims, with police, military, and other law enforcement officers identified as suspects during the year. During the same period, the TFDP documented 35 cases of torture involving 57 victims and alleged that security forces were responsible.

In November 2009, then president Arroyo signed the Anti-Torture Law that criminalizes acts of torture. Penalties range from one month to life in prison,

depending on the gravity of the offense. The law also provides rehabilitation and compensation of not less than 10,000 pesos (\$218) to victims of torture and their families. The Secretary of Justice and CHR chair signed the law's implementing rules and regulations on December 10.

There were reports that prison guards physically abused inmates. The CHR and the TFDP reported that abuse by prison guards and other inmates was common, but prisoners, fearing retaliation, refused to lodge formal complaints. Women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. The police sometimes punished officers who committed assault or abuse. Human rights activists believed suspected ASG and NPA members in captivity were particular targets for abuse.

On August 23, authorities filed administrative and criminal cases against a police officer, two of his superiors, and six of his subordinates involved in the alleged torture of a robbery suspect inside a police precinct in March. The case was initiated after a cell phone video of the suspect being questioned by police while lying naked, bound, and with a cord tied to his genitals was broadcast on local media. A police task force, the ombudsman, and the CHR conducted separate inquiries into the case.

There were alleged instances of rape perpetrated by PNP officials. On December 31, a Manila police officer allegedly arbitrarily detained, robbed, and raped a woman inside the Manila Police District headquarters. Unlike in previous years, there were no anecdotal reports of an increase in rape and sexual abuse charges filed against officers.

Prison and Detention Center Conditions

Prison conditions were rudimentary and sometimes harsh. Jails and prisons were often overcrowded, lacked basic infrastructure, and provided prisoners with inadequate nutrition and medical attention.

The Bureau of Corrections (BuCor), under the Department of Justice, administered seven prisons and penal farms for prisoners sentenced to more than three years in prison. During the year, BuCor's prisons and penal farms held 36,101 prisoners, including 2,041 women. The Department of Interior and Local Government's (DILG) Bureau of Management and Penology (BJMP) and PNP control over 1,002 city, district, and municipal jails that hold pretrial detainees, those awaiting final judgment, and convicts serving sentences of three years or less. The DILG reported

that its jails operate at an average of 400 percent over their designated capacity, and that Manila City Jail, built to hold 1,000 inmates, held 5,300 inmates at year's end.

Prison and jail administrators allotted a daily subsistence allowance of 50 pesos (\$1.10) per prisoner. Lack of potable water, poor sanitation, and poor ventilation continued to cause health problems. During the year, BuCor and the BPMJ reported 871 deaths in prison due to various illnesses, including cardiopulmonary arrest and pulmonary tuberculosis. Some prisoners, including women and children, were abused by other prisoners and prison personnel. The slow judicial process exacerbated overcrowding. During the year, the president granted executive clemency to 29 elderly persons. BuCor records showed that at least 8 percent of its inmates were 60 or older.

According to BJMP regulations, male and female inmates should be held in separate facilities and, in national prisons, overseen by guards of the same sex; these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children or place them in youth detention centers, in some instances children were not fully segregated from adult male inmates. Girls were sometimes held in the same cells as boys. As part of reform and budget reduction efforts during the year, the government consolidated women and minors into fewer jails, including some that contained separate facilities for those groups. Of the 1,002 BJMP and PNP-managed jails, 194 had separate cells for minors, while 418 jails had separate cells for women. Lack of adequate food for minors in jails and prisons was a concern (see section 6, Children).

During the year, BJMP and PNP jails held 59,289 prisoners, 95 percent of whom were pretrial detainees. The remainder had been convicted of various crimes. Of the total number of sentenced prisoners and detainees, 5,673 were adult women and 12 were minors. During the same period, the BJMP released 111 minor inmates, usually in response to a court order following a petition by the Public Attorney's Office (PAO) or the inmate's private lawyer, or through NGO-led appeals.

Prisoners and detainees generally had access to visitors, but local NGOs reported that family visitation was restricted at times for some political detainees. Prison officials noted that security concerns and space limitations at times restricted prisoners' access to visitors. Muslim officials reported that while Muslim detainees

were allowed to observe their religion, Catholic masses were often broadcast by loudspeaker to prison populations made up of both Catholic and non-Catholic prisoners and detainees. There were no reports that authorities censored or blocked prisoner or detainee complaints or requests for investigation of inhumane conditions. International monitoring groups, including the International Committee of the Red Cross, were allowed free access to jails and prisons. However, a local NGO reported difficulty accessing jails or detention centers where children were held and was forced to seek court orders or permission from the governor to visit political prisoners in one provincial jail.

In an October 16 riot in the Bataan provincial jail, 57 prisoners were injured when guards used water hoses, truncheons, and rubber bullets to quell an uprising of an estimated 900 inmates. A CHR investigation found that the guards used excessive force against the prisoners, and nine correctional officers were removed from their posts following the incident.

BuCor continued to automate inmate records in order to fast track the release of qualified inmates, and the Public Attorney's Office worked with BuCor and the BJMP to address the status and circumstances of confinement of juvenile offenders and improve pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. It also installed security cameras and constructed a hospital ward for inmate patients with pulmonary tuberculosis in one of its major prisons, and partnered with the Department of Health, international organizations, and other stakeholders to implement a tuberculosis control and prevention program in jails and prisons in the National Capital Region.

d. Arbitrary Arrest or Detention

The law requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, in a number of cases, police and the AFP arrested and detained citizens arbitrarily. During the year, the TFDP documented 80 cases of illegal arrest and detention involving 142 victims. The CHR tracked 57 cases of arbitrary arrest involving 70 victims and 40 cases of illegal detention involving 45 victims. During the same period, the NGO FIND counted one enforced disappearance victim who was later found alive.

Role of the Police and Security Apparatus

The Department of National Defense directs the AFP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The DILG directs the PNP, which is responsible for law enforcement and urban counterterrorism; however, governors, mayors, and other local officials have considerable influence over local police units. The 132,577-member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. The PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, soliciting bribes, and other illegal acts. Efforts were underway to reform and professionalize the institution through improved training, expanded community outreach, and pay raises. During the year, there were 69 administrative cases filed against 97 members of the police force, including administrative officials and police officers, for various human rights violations. Out of the 69 cases filed, 61 were resolved and eight were undergoing summary proceedings. The PNP dismissed 12 persons in connection with these cases. The deputy ombudsman for the military received 67 cases involving alleged human rights abuses by the military and law enforcement officers from January to July, the majority of which were filed against low-ranking police and military officials. All of the cases were under investigation by the Deputy Ombudsman's Office as of August.

The police and military routinely provided human rights training to their members, augmented by training from the CHR. The PNP maintained a network of 1,636 human rights desk officers at the national, regional, provincial, and municipal levels. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of detainee rights remained inadequate. 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. A promotion can be withheld indefinitely if the commission uncovers a record of human rights abuses. Negative findings do not, however, preclude promotion, and there were no reports of promotions withheld on human rights grounds during the year.

Human rights groups and the CHR noted little progress in implementing and enforcing some reforms aimed at decreasing the incidence of killings, and cooperation and coordination between police and prosecutors remained limited. On July 16, the Department of Justice instructed prosecutors to coordinate closely with local law enforcement agencies in resolving political and media killings, violence, or harassment. The CHR approved operational guidelines and rules of procedure

for its witness protection program on April 8, but funding for the CHR and government witness protection programs remained inadequate. Potential witnesses were at times unable to enter the program due to funding constraints or procedural delays. On June 14, a potential witness in the November 2009 massacre in Maguindanao, Suwaib Upahm, was shot and killed in Parang, Maguindanao, while his request for entry into the witness protection program was pending with the Department of Justice. Police arrested two suspects on July 4.

The AFP did not aggressively pursue internal investigations into alleged serious human rights abuses by some of its members. From January to July, the AFP Human Rights Office monitored four new cases of killings, two cases of torture, illegal detention, and illegal arrest, and one case of enforced disappearance. Murder charges were filed in civilian courts in one of these cases (see section 1.a).

Government-armed civilian militias supplemented the AFP and the PNP; the AFP held operational control of Citizens' Armed Force Geographical Units (CAFGU), and Civilian Volunteer Organizations (CVOs) fell under PNP command. These paramilitary units often received minimal training and were poorly monitored, tracked, and regulated. Some politicians and clan leaders, particularly in Mindanao, maintained their own private armies and at times co-opted CVO and CAFGU members into these armies. Human rights NGOs have linked state-backed militias and private armies with numerous human rights abuses, including the 2009 massacre of 58 people--family members and supporters of a gubernatorial candidate, 31 media members, and six passersby--in Maguindanao Province.

Arrest Procedures and Treatment While in Detention

Citizens are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, and are brought before an independent judiciary. However, there were some reports during the year of citizens, including minor children, being picked up by security forces without warrants and detained arbitrarily. The Human Security Act of 2007 permits warrantless arrests and detention without charges for up to three days for committing or attempting to commit acts of terrorism; the Supreme Court upheld the constitutionality of this act on October 5. Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail. During the year, 8,260 detainees (14 percent of detainees) were able to post bail. The law provides an accused or detained person the right to a lawyer of his choice and, if indigent, to one provided by the state. Authorities are required to file charges within 12 to 36 hours for arrests made without warrants, with the time

given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem, due largely to the under-resourced justice system. The BJMP released 29,800 inmates during the year as part of jail decongestion programs. There was no available data indicating the number of detainees who were released because they had been jailed for periods equal to or longer than the maximum prison terms they would have served if convicted. Large jails employed paralegals to monitor inmates' cases to prevent detention beyond the maximum sentence and to assist decongestion efforts.

On December 10, President Aquino ordered all charges dropped against 43 suspected NPA members arrested in a joint PNP and AFP operation in Morong, Rizal, on February 6. The group, dubbed the "Morong 43," asserted they were medical professionals and volunteer health workers attending a community-health training seminar. Although arrested by the PNP, the group initially was detained at a secure military compound. Local CHR personnel, legal counsel, and relatives were denied prompt access to the detainees, and there were reports of psychological and physical abuse in the initial hours of their detention. On February 11, a total of 40 detainees were charged with illegal firearms possession and the remaining three with illegal possession of firearms and explosives, all nonbailable offenses. On May 1, after almost three months in military custody, 38 detainees were transferred to a PNP detention center in Metro Manila. The other five detainees reportedly admitted their NPA affiliation and became state witnesses; they remained in military custody as part of the rebel returnee program. A local court ordered release of the "Morong 43" on December 17 following the Department of Justice's (DOJ) withdrawal of the criminal charges on grounds of illegal search and arrest, as it was determined that evidence gathered under a defective search warrant could not be used in court. Three members of the group remained in jail at year's end due to pending charges in other, unrelated cases; the five state witnesses opted to remain in the rebel returnee program.

The NPA and some Islamic separatist groups were responsible for a number of arbitrary detentions, including kidnappings and hostage taking.

Amnesty

On October 12, President Aquino issued a proclamation granting amnesty to more than 300 soldiers and marines accused of participating in mutinies in 2003, 2006, and 2007.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal connections and sometimes bribery resulted in impunity for some wealthy or influential offenders. This contributed to widespread skepticism that the judicial process could deliver due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. No judges were dismissed or disciplined during the year.

Trial Procedures

The law requires all persons accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial before a judge. Defendants are presumed innocent and have the right to confront witnesses against them, present evidence, and appeal convictions. The authorities respected defendants' right to be represented by a lawyer, but poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the PAO, but their workload was large and resources were scarce. The PAO provided legal representation for indigent litigants at trial; however, during arraignment courts may, at their option, appoint any lawyer present in the courtroom to provide counsel to the accused.

The law provides that cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for a court of appeals; and three months for lower courts. However, these time limits were not mandatory and were not respected in practice. In effect, there were no time limits for trials. Government officials estimated that it takes an average of five to 10 years to obtain a conviction and that the national conviction rate was 20 percent. The system relied heavily on witnesses' testimony and gave relatively little weight to circumstantial and forensic evidence. Written evidence and wiretaps were not routinely employed.

Lengthy pretrial detention remained a problem. Trials take place in short sessions over time as witnesses and court time become available; these noncontinuous sessions created lengthy delays. Furthermore, there was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high; of the total 2,187 trial-court judgeships, 531 (24 percent) were vacant. Courts in Mindanao and poorer provinces had higher vacancy rates than the national average. Sharia (Islamic Law) court positions were particularly difficult to fill because of the requirement that applicants be members of both the Sharia Bar and

the Integrated Bar. All five Sharia district court judgeships and 39 percent of circuit court judgeships remained vacant. Sharia courts do not have criminal jurisdiction.

Political Prisoners and Detainees

Various human rights NGOs maintained lists of incarcerated persons they considered to be political prisoners. The TFDP tracked 287 political prisoners during the year, the majority of whom had not been convicted. Some NGOs asserted it was frequent practice to make politically motivated arrests of persons for common crimes or on fabricated charges, and to continue to detain them after their sentences expired.

The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it did not consider the persons listed to be political detainees or prisoners. During the year, the government released eight persons whom NGOs claimed were political prisoners.

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

Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in civil matters. There are administrative remedies as well as judicial remedies for civil complaints; however, corruption was widespread in the judiciary, and cases often were dismissed. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses.

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

The law allows judges to issue search warrants on a finding of probable cause. While the government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges generally declared evidence obtained illegally to be inadmissible.

The government generally respected the privacy of its citizens; however, leaders of communist and leftist organizations and rural-based NGOs complained of what they described as a pattern of surveillance and harassment.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year. The law provides certain protections for squatters; eviction was often difficult, especially because politicians recognized squatters' voting power. Government relocation efforts were constrained by budget limitations, and the issuance of land titles to squatters was limited.

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

The government combated antigovernment forces and terrorists who actively sought to destabilize the country during the year. Government forces killed a number of civilians during clashes with antigovernment forces. Some citizens' groups complained that the AFP, in confronting the ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages. Clashes between the AFP and forces of the separatist MILF and incidents of clan violence continued in central Mindanao during the year, resulting in the deaths of civilians and the displacement of thousands of others. In July 2009 the government and the MILF signed an agreement to end hostilities and resume discussions on a comprehensive peace agreement. Formal negotiations between the two parties did not resume prior to year's end.

Killings

Government forces acknowledged the civilian deaths in the course of military operations against the MILF, NPA, and other groups, whose forces also killed civilians, police officers, and AFP soldiers. On November 15, three civilians, including respected botanist Leonardo Co, were killed during AFP combat operations in Kananga, Leyte. AFP forces asserted the civilians were caught in the crossfire between the military and suspected NPA insurgents; other witnesses reported the firing came only from one side. CHR and DOJ investigations into the case were ongoing at year's end.

Military sources reported that 176 AFP members were killed in action during encounters with rebel and terrorist groups during the year, 166 by the NPA and 10 by the ASG. During the same period, AFP operations killed 131 insurgents: 97 suspected NPA members, 23 ASG members, and 11 MILF members. Insurgents killed 11 PNP officers during the year, and the PNP claimed 44 NPA insurgents were killed in police operations around the country. The AFP also recorded 55 bombings during the same period.

NGOs alleged that government security forces abducted, tortured, or killed civilians during military operations against the MILF. NGOs also reported that indiscriminate shelling of villages by security forces led to civilian deaths. There were reports that both the MILF and government forces set fire to villages. Clan feuds contributed to violence between various armed factions in Mindanao.

The government suspected groups with ties to the ASG or JI were responsible for bombings in Cotabato City, Jolo City, and Zamboanga City that killed civilians. No group claimed responsibility for the attacks. The government also attributed fatal bombings and beheadings in Basilan to the ASG.

Communist insurgents, mainly from the NPA, used roadside bombs, ambushes, and other means to kill political figures, military and police officers, and civilians, including suspected military and police informers. The NPA and other criminal extortion groups also harassed businesses and government offices, and burned farms, businesses, and private communication facilities to enforce the collection of "revolutionary taxes." During national elections in May, the NPA reportedly solicited money from candidates in exchange for a "permit to campaign" or "permit to win." Upon payment of a fee, candidates were allowed to campaign freely in remote areas that were either rebel infested or were under their influence or control.

In separate June 27 incidents, suspected NPA members shot and killed village chief Maritess Toldanes in Balatan, Camarines Sur, and a Sorsogon-based former militia member, Rodrigo Felonia. Toldanes reportedly was killed when she refused an NPA extortion attempt. The NPA also claimed responsibility for the July 13 killing of former Eastern Samar Town Mayor Mateo Biong, Jr. and the July 31 killing of former NPA member Crisaldo Banan, an alleged military informant.

On March 6, alleged NPA members ambushed and killed 11 soldiers on an election security detail in Mansalay, Oriental Mindoro. On June 9, seven AFP soldiers were killed in an ambush by suspected NPA members while securing a village for a medical mission in Bontoc Town, Mountain Province. On August 22, the NPA claimed responsibility for an August 21 ambush by landmine and small arms fire in Catarman, Northern Samar, that killed eight police officers. On December 14, two days before a scheduled holiday ceasefire, NPA members killed 10 AFP soldiers in a landmine-initiated ambush in Northern Samar. A nine-year-old boy was also killed in the attack.

Abductions

Numerous kidnappings by various armed criminal and terrorist groups, including the ASG, were recorded in Mindanao and the Sulu Archipelago. Often victims were released in exchange for payments or rescued by authorities, while others were killed by their captors.

At least 23 individuals, including five businessmen, three soldiers, three farmers, three loggers, two teachers, and one militia member, were reportedly abducted by ASG, NPA, and other kidnap-for-ransom groups in Compostela Province, Basilan, Cotobato City, and the Zamboanga Peninsula during the year. Five were killed and 12 were either rescued or released; six remained missing or captive.

Unidentified gunmen abducted Nuraldin Yusoph, son of a Commission on Elections (COMELEC) commissioner, in Marawi City on June 20. In exchange for his release, the kidnappers demanded the commission nullify election results in four Lanao del Sur towns. Nuraldin was released unharmed on July 19 in Cagayan de Oro.

On July 29, NPA members used five children as human shields during an encounter with government soldiers in Lupi Town, Camarines Sur. The hostages were later released unharmed.

Child Soldiers

During the year, the NPA and the ASG targeted children for recruitment as combatants and noncombatants. The NPA claimed it assigned persons 15 to 18 years of age to self-defense and noncombatant duties; however, there were reports the NPA continued to use minors in combat. During the year, the AFP reportedly rescued eight child soldiers, all of whom were allegedly recruited by the NPA.

The ASG recruited teenagers to fight and participate in its activities. The AFP stated that some Islamic schools in Mindanao served as fronts to indoctrinate children.

In May the UN released a report identifying the ASG, the NPA, and the MILF as among the world's "persistent violators of children in armed conflicts." According to the report, these groups have recruited or used child soldiers for at least the past five years. It noted the progress made with the MILF when its representatives signed the July 2009 action plan to prevent recruitment and use of child soldiers and to release children from all MILF units. The UN report also noted isolated

cases of minors, ages 15-17, being voluntarily recruited into the paramilitary Citizen Armed Forces Geographical Units that fall under AFP operational control (see section 1.d.). At year's end, according to the UN Children's Fund the government was discussing the issue with the UN country task force.

During the year, the Department of Social Welfare and Development (DSWD) assisted one child soldier rescued from rebel groups. Government reporting mechanisms for children in armed conflict were inconsistent between agencies and regions, making it difficult to evaluate the scope of the problem. See also the Department of State's annual *Trafficking in Persons* report at www.state.gov/g/tip.

Other Conflict-related Abuses

Clashes between the MILF and AFP continued and caused the number of internally displaced persons (IDPs) to fluctuate. Most IDPs were in the central Mindanao provinces of Lanao del Norte, Cotabato, and Maguindanao (see section 2.d.).

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants." The MILF also maintained its own "people's courts." The AFP used civilian facilities such as schools to quarter soldiers during military operations in remote areas. NGOs claimed the AFP sometimes appropriated civilian facilities or private property without compensation to residents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

Journalists continued to face harassment and threats of violence from individuals critical of their reporting.

Journalists continued to be killed. The Center for Media Freedom and Responsibility (CMFR) reported eight journalists killed during the year. The CMFR claimed that four out of the eight were killed in the line of duty. The TFU, which also tracks killings of media practitioners, classified two of these cases as work-related killings. The TFU has recorded 39 media practitioners slain in work-related killings since 2001; this total does not include the 31 media members killed in the Maguindanao massacre, which was monitored by a special task force.

On June 14, a gunman shot and killed local broadcaster Desiderio Camangyan, an anti-illegal logging activist, in Manay, Davao Oriental. On July 21, murder charges were filed against a local police officer and a local village chief in Camangyan's death. The police officer is under restrictive custody pending preliminary investigation. On July 9, two gunmen shot Iriga City-based radio broadcaster Miguel Belen in Nabua, Camarines Sur; he died 20 days later. Murder charges were filed against two suspects on August 6.

On July 21, two gunmen shot and killed local radio broadcaster Jovelito Agustin in Laoag City, Ilocos Norte. On the same day, murder charges were filed against a local government official and his aide.

Cases of journalist killings for 2009 and 2008 remained ongoing.

On August 6, a local court acquitted a former police officer and another suspect in the 2004 killing of Laoag City-based radio broadcaster Roger Mariano.

Human rights NGOs frequently criticized the government for failing to protect journalists. The National Union of Journalists of the Philippines accused the police and the government of failing to investigate adequately these killings and of subjecting journalists to harassment and surveillance. In some situations it was difficult to discern if violence against journalists was carried out in retribution for their profession or if these journalists were the victims of random crime.

Internet Freedom

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

Internet access was available widely. According to International Telecommunication Union statistics for 2009, approximately 6.5 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

Student groups at some universities accused security forces of harassing student political groups. The government did not otherwise interfere with academic freedom. There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The police exhibited professionalism and restraint in dealing with demonstrators, with a few exceptions. An NGO reported that protesters were injured by police in a July 3 protest in Manila calling for land reform.

Freedom of Association

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

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at <http://www.state.gov/g/drl/irf/rpt>.

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

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

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

The government retained its formal ban on travel to Iraq for the purposes of employment, but the Department of Foreign Affairs estimated that 6,000 Filipinos worked there. The travel ban also included Afghanistan, Nigeria, Somalia, Jordan, and Lebanon. The Philippine Overseas Employment Administration (POEA) sought to regulate and control departures for work abroad, and required citizens to register with government agencies and receive pre-departure screening, training and certification before traveling for employment overseas. Millions of citizens worked overseas and remitted money home. Such remittances were equivalent to approximately 10 percent of the 2010 gross domestic product.

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

Internally Displaced Persons

Clashes between the AFP and the MILF and incidents of clan violence during the first half of the year caused the number of internally displaced persons (IDPs) to fluctuate. The International Organization for Migration (IOM) estimated 26,600 families, or between 128,000 and 160,000 individuals, remained displaced in Mindanao either by the AFP/MILF conflict or by clan violence. The overwhelming majority were located in Maguindanao Province and the Muslim-majority areas of Cotabato. A July IOM report estimated 18,874 families, or between 94,000 and 113,000 persons, were living in displacement camps, evacuation centers, relocation sites, or in the homes of relatives in Maguindanao, and that nearly 25,000 people had been displaced by clan violence.

In October 2009 the government and the MILF signed an Agreement on the Civilian Protection Component of the International Monitoring Team, which reconfirmed their obligations under international humanitarian and human rights law to refrain from intentionally targeting or attacking noncombatants and to avoid acts that would cause collateral damage to civilians. The agreement also includes provisions for the protection of key civilian facilities, such as schools, hospitals and relief distribution sites. The terms of reference had not, however, been finalized as of year's end.

The government permitted humanitarian organizations to access IDP sites. NGOs noted that food aid was sometimes delayed. Security forces did not target IDPs, but military operations were carried out near IDP sites. The government did not restrict the movement of IDPs. At various times the government encouraged IDPs to return home, but they often were reluctant due to security concerns and food scarcity. On November 26, unidentified gunmen attacked a UN World Food Program (WFP) truck in Lanao del Sur, killing one WFP contract worker. The incident remained under investigation at year's end.

Government agencies, often with support from UN agencies and other international assistance, provided food assistance and other goods, constructed shelters and public infrastructure, repaired schools, constructed sanitation facilities, offered immunization, health, and social services, and provided cash assistance and skills training. Following its July 2009 cease-fire agreement with the MILF, the government embarked on a program to assist IDPs to return to their villages and regain their livelihoods. UN reports indicated that some IDPs, particularly in Maguindanao and Lanao del Norte provinces, returned to their villages as a result of the improved security situation. Other agencies, including the UN Development Program, Mindanao Emergency Response Network, and the Red Cross, continued to provide food and essential items such as medicine, blankets, water containers, and mosquito nets.

Protection of Refugees

No comprehensive legislation provides for granting refugee status or asylum. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. The refugee unit in the DOJ determined which asylum seekers qualify as refugees. The government also provided temporary protection to individuals who may not qualify as refugees. There were no reports of the government extending such protections during the year.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. In August 2009 the Department of Foreign Affairs and the UNHCR signed a Memorandum of Agreement on the Emergency Transit of Refugees, permitting the transit of refugees through the Philippines for onward resettlement in another country. The UNHCR recorded the transit of 216 refugees during the year.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that were largely free and fair and held on the basis of universal suffrage.

Elections and Political Participation

On May 10, the country conducted nationwide elections for president, both houses of congress, provincial governors, and local government officials. It was the country's first automated election, and voter turnout was high despite procedural problems that caused extensive polling delays. International and national observers viewed the election as generally free and fair, but there were incidents of violence and allegations of fraud in some areas. The PNP recorded 180 election-related violent incidents resulting in the deaths of 55 persons between January 10 and June 9.

On March 30, the COMELEC approved a resolution allowing registered detainees to vote. According to the BJMP, an estimated 17,336 detainees voted in the May 10 elections.

Some 300,000 poll station workers, mostly teachers, were denied the right to vote when COMELEC failed to create procedures allowing them to vote at their assigned polls, which generally were outside their designated precinct.

In general, political parties could operate without restriction. On April 8, the Supreme Court ruled in favor of party-list accreditation for Ang Ladlad, an organization representing lesbian, gay, bisexual, and transgender (LGBT) persons. COMELEC had rejected the group's petition for accreditation in October 2009 on grounds it "tolerates immorality, which offends religious beliefs."

There were no restrictions in law or practice on participation by women and members of minorities in politics. Many women held positions of leadership and authority. There were three women in the 24-seat Senate and 57 women in the 268-seat House of Representatives. There were six women in the 32-member cabinet, three female associate justices on the 15-member Supreme Court, and 16 women among the 82 governors.

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Both the government and the private sector have established a number of anticorruption bodies, including an ombudsman's office and an anticorruption court, and public officials were subject to financial disclosure laws. During the year, the government convicted 42 officials in 125 corruption cases, including the March 3 conviction of a former representative in Sorsogon and the August 19 conviction of a former state university president. There were reports of widespread corruption among prison guards and, to some extent, at higher levels of authority within the prison system. The 132,577-member PNP suffered from a widely held and accurate public perception that corruption remained a problem. PNP members were regularly accused of soliciting bribes and other illegal acts.

The law provides for the right to information on matters of public concern. However, denial of such information often occurred when the information related to an anomaly or irregularity in government transactions, and little government information was available electronically, making it difficult to retrieve. In addition, no legislation sets procedures for access to information or penalties for officials who fail to disclose lawfully available data.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The CHR and, to some extent, the PNP responded to and investigated cases of human rights abuses, as requested by NGOs. Human rights

activists continued to encounter occasional harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. The Presidential Human Rights Committee consulted with NGOs but did not include representation from the NGO community, which some groups claimed reduced their ability to participate in the government's human rights initiatives. The government cooperated with international organizations.

The CHR is mandated to protect and promote human rights. It is empowered to investigate all human rights violations and to monitor the government's compliance with international human rights treaty obligations. The CHR has authority to make recommendations regarding military and higher-level police promotions. The commission has a chairperson and four members. CHR monitoring and investigating continued to be hamstrung by insufficient resources. Approximately three-quarters of the country's 42,000 barangays (villages) have human rights action centers, which coordinated with CHR regional offices; however, CHR's regional and subregional offices remained understaffed and underfunded. The CHR nationwide budget increased 12 percent over the prior year to 285.89 million pesos (approximately \$6.23 million). The CHR conducted numerous investigations during the year and faced some difficulty accessing military facilities and privately owned sites to conduct its searches for missing or detained persons.

The House of Representatives and Senate maintained active human rights committees.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape, including spousal rape, is illegal, but enforcement was ineffective. Rape continued to be a problem, with most cases unreported. From January to November, the PNP reported 4,776 rape cases, 15 percent higher than reported in 2009. The Bureau of Correction's prisons and penal farms held 3,992 prisoners convicted of rape, 42 of whom were serving life sentences. There were reports of rape and sexual abuse of women in police or protective custody--often women from marginalized groups, such as suspected prostitutes, drug users, and lower-income individuals arrested for minor crimes. There were alleged instances

of rape perpetrated by PNP officials. Unlike in previous years, there were no anecdotal reports of an increase in rape and sexual abuse charges filed against police officers.

Violence against women remained a serious problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. From January through November, the PNP reported 9,225 cases of domestic violence against women and their children, a 91 percent increase over the same period last year. This number likely underreported significantly the level of violence against women and children.

A local women's support group noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution. On other occasions, women who sought to file complaints through the police were told to pay special fees before their complaints could be registered.

The PNP and the DSWD both maintained help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Approximately 10 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these matters. There are 1,843 PNP women and children's desks throughout the country.

Although prostitution was illegal, sex tourism, with clients coming from domestic sources, the United States, Europe, Australia, and other East Asian countries, continued during the year. Trafficking in women both domestically and internationally for forced labor and sexual exploitation remained serious problems. Please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The law prohibits sexual harassment, but it remained widespread and underreported in the workplace due to victims' fear of losing their jobs. 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. Some labor unions protested age discrimination and punitive action against female employees who became pregnant (see section 7 a.).

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

However, the provision of health care services is the responsibility of local governments, and although men and women generally were treated equally, restrictions on the provision of birth-control supplies by government-run health facilities in some localities reduced the availability of family-planning resources for impoverished women. For example, in 2000 the then mayor of Manila issued an executive order that discouraged the use of artificial contraception and required city hospitals and health clinics to develop programs to promote natural family planning. According to NGOs, city hospitals and health clinics have ceased to procure, offer, or advise on artificial contraception since the implementation of the order, which remained in effect at year's end. In an October 7 advisory, the CHR found the executive order to be in violation of the laws on non-discrimination. While artificial contraception could be purchased on the open market, it remained unaffordable for many of the city's poorest residents.

Social hygiene clinics in urban areas served everyone who sought consultation and treatment. Women and men were equally diagnosed and treated for sexually transmitted infections, including HIV. The Department of Health trained rural health physicians in diagnosis and treatment, but local health offices faced resource constraints. For maternal health services, 70 percent of pregnant women had at least four antenatal care visits, and 40 percent of births were facility based or had skilled birth attendants. According to UN Population Fund statistics, the adjusted maternal mortality rate was 160 deaths per 100,000 live births in 2009.

The law does not provide for divorce, although courts generally recognized the legality of divorces obtained in other countries if one of the parties is a foreign national. Marriage can be terminated through a legal annulment, but the cost precludes annulment as an option for many families. Many lower-income couples simply separated informally without severing their marital ties. The family code provides that in child-custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of seven are placed in the care of the mother unless there is a court order to the contrary. Children over the age of seven normally also remained with the mother, although the father could dispute custody through the courts.

By law, but not always in practice, women have most of the rights and protections accorded to men. Women are accorded the same rights as men in respect to the ownership, acquisition, management, administration, enjoyment, and disposition of property and assets. Although they faced workplace discrimination, women continued to occupy positions at all levels of the workforce. In an April labor force survey, 57 percent of government officials, corporate executives, managers, and

supervisors were women. The survey also revealed that of the 3.1 million unemployed persons, 37.5 percent were women and 62.5 percent were men.

The Philippine Commission on Women (PCW), composed of 10 government officials and 11 NGO leaders appointed by the president, is the primary policy-making and coordinating body on issues of women and gender equity.

Children

Citizenship is derived by birth within the country's territory or from one's parents. The government continued to promote birth registration. Credible organizations estimated there were more than two million unregistered children in the country, primarily among Muslim and indigenous groups.

Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor and access was not universal. Public elementary and secondary school enrollment rates were 85 and 62 percent, respectively. According to the 2007 UNICEF Mid-Term Review, boys were more likely than girls to drop out of school. Children could be deprived of education if they lacked required documents, such as birth certificates.

Child abuse remained a problem. From January to June, DSWD offices served 4,451 victims of child abuse, of whom 66 percent were girls. Approximately 44 percent of the girls were victims of sexual abuse, while 2 percent were victims of sexual exploitation. Some children also were victims of police abuse while in detention for committing minor crimes. Several cities ran crisis centers for abused women and children. Foreign pedophiles exploited children, and the government continued its efforts to prosecute accused pedophiles and deport foreign pedophiles.

Child prostitution continued to be a serious problem, and the country remained a destination for child sex tourism. Since the passage of a law against child labor in 2003, the Department of Labor and Employment (DOLE) ordered the closure of 22 establishments for allegedly prostituting minors. Trials in these cases were ongoing. In 2009 DOLE issued new regulations that facilitate the immediate closure of establishments suspected of using children for commercial sex acts, with court hearings to determine the validity of the government's complaint to be held at a later time. Under the new regulation, the DOLE was able to close two establishments as of year's end.

The minimum age for consensual sex is set at 12 years of age. The statutory rape law criminalizes sex with minors under the age of 12 and sex with a child under age 18 involving force, threat, or intimidation. The maximum penalty for child rape is reclusion perpetua, a 40-year sentence with no option for pardon or parole until 30 years have been served and a lifetime bar to holding political office. In November 2009 President Arroyo signed the Anti-Child Pornography Act, which carries penalties ranging from one month to life in prison and fines from 50,000 to five million pesos (\$1,090 to \$109,051), depending on the gravity of the offense. Law enforcement agencies and NGOs report that minors continued to be unlawfully used in the production of child pornography and exploited in cybersex operations.

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

UNICEF estimated that there were 250,000 street children. Many street children appeared to be abandoned and engaged in scavenging or begging. At year's end the DSWD had provided services to 2,360 street children nationwide.

NGOs alleged that vigilantes with ties to government authorities were responsible for killing street children engaged in petty crime in Davao and other major cities (see section 1.a.). Children were affected by displacement in central Mindanao but generally had access to government services (see section 2.d.).

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth-relations officers to ensure that child suspects are treated appropriately, but procedural safeguards often were ignored in practice. According to the BJMP, 418 minors were held on "preventive detention" while their trials were underway. Many child suspects were detained for extended periods without access to social workers and lawyers and were not segregated from adult criminals. NGOs believed that children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other ill treatment.

During the year, government agencies and NGOs transferred 399 minor prisoners to DSWD rehabilitation centers and continued to work to secure the release of minors wrongfully imprisoned and of those below 15 years of age. The DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila.

The Philippines is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments, but in practice many barriers remained.

The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment maintained registers of persons with disabilities indicating their skills and abilities. The bureau monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government had limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when their rights were violated because of the financial barriers to filing a lawsuit.

The DSWD operated two assisted living centers in Metro Manila and five community-based vocational centers for persons with disabilities nationwide. Assisted-living centers were understaffed and underfunded. During the year, the DSWD provided services to 3,886 persons with disabilities.

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

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible; however, many stops had unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and one NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused service. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns.

The constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice. In practice, many persons with disabilities did not vote because of the physical barriers described above.

Indigenous People

Indigenous people lived throughout the country but primarily were concentrated in the mountainous areas of northern and central Luzon and in Mindanao. They numbered over 14 million persons or 16 percent of the national population, with more than 63 percent of the total in Mindanao. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children often suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of discrimination they experienced. According to a local NGO, only 21 of 1,700 local government units in the country complied with the requirement of the 1987 People's Rights Act for the mandatory representation of indigenous persons in policy-making bodies and local legislative councils.

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

for Indigenous People's Rights (TFIPR) lobbied for an appropriate mechanism through which indigenous people could be recognized as an official party and represented in peace talks between the government and MILF. During the year, the National Commission on Indigenous People (NCIP) reported 12 cases of human rights violations, including harassment, physical, and sexual abuse allegedly committed by military and NPA forces. The NCIP referred these cases to the CHR, the PNP, and the Office of the Presidential Adviser on the Peace Process for investigation. Other NGOs reported the use of security forces to protect mining and other private interests in indigenous areas.

The NCIP, staffed by tribal members, implemented constitutional provisions to protect indigenous people, including the awarding over the last year of Certificates of Ancestral Land and Ancestral Domain Titles covering over 665,889 acres of land claimed by indigenous people. It awarded such "ancestral domain lands" on the basis of communal ownership, stopping sale of the lands by tribal leaders. TFIPR reported extrajudicial killings of indigenous people and lobbied against encroachment by mining companies on indigenous land. On August 17, two unidentified men shot and killed antilogging tribal leader Carlito Chavez in Monkayo, Compostela Valley. The task force also contended that mining companies were unlawfully claiming three million of the 4.5 million acres of Igorot-owned ancestral land in Cordillera region.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was some societal discrimination based on sexual orientation, including in employment and education. LGBT organizations held public marches or other events during the year to promote equality and antidiscrimination legislation. An LGBT group's effort to register as a political party originally was denied because it "tolerated immorality, which offends religious beliefs." However, on April 8, the Supreme Court allowed it to participate in the elections.

Other Societal Violence or Discrimination

The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers

were required to participate in an HIV/AIDS class as part of a predeparture orientation seminar.

Section 7 Worker Rights

a. The Right of Association

The law provides for the right of most workers, with the exception of the military and the police, to form and join trade unions. Foreign national workers are prohibited from forming or joining unions unless there is a reciprocity agreement between the countries. Trade unions are independent of the government. Unions have the right to form or join federations or other labor groups, and many of them join national and international confederations.

During the reporting period, the Bureau of Labor Relations reported 135 registered labor federations and 16,132 private sector unions. The 1.7 million union members included approximately 4.7 percent of the total workforce of 36.5 million. Use of short-term contractual labor, which is not permitted to organize, was still prevalent, particularly by large employers. There were 1,706 public sector unions, with a total membership of 368,315 or approximately 21 percent of the total employed persons in the public sector.

Killings and harassment of labor leaders and advocates continued to be a problem, although to a lesser extent than in recent years. From January to June, the Center for Trade Union and Human Rights (CTUHR) documented five killings of labor leaders, including the June 14 killing of Benjamin Bayles (see section 1.a.) and the June 2 killing of Edward Panganiban. Panganiban was the secretary of the independent union Samahang Lakas ng Manggagawa sa Takata Philippines (SALAMAT-Independent) in the Japanese-owned company Takata Philippines Incorporated. Union leaders of SALAMAT-Independent link the killing to the continuing collective bargaining dispute between the union and Takata Philippines management; Takata Philippines denied any connection to the killing. The case remains under investigation. In addition, the CTUHR documented 22 cases of threats, harassment, and intimidation affecting 151 workers and labor advocates, seven cases of physical assault, and three case of violent dispersal of protests.

Eight cases alleging violations of freedom of association rights were pending with the International Labor Organization (ILO) Committee on Freedom of Association (CFA). In September 2009 the government cooperated with a high-level ILO mission to investigate labor rights violations in the country. The ILO mission noted

issues relating to violence, intimidation, threat, and harassment of trade unionists and the absence of convictions in relation to those crimes. It also observed obstacles to the effective exercise in practice of trade union rights. In response to ILO mission recommendations, the government constituted the Tripartite Industrial Peace Council on January 20 to monitor the application of international labor standards.

Subject to procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must have been exhausted. During the year, the DOLE reported eight strikes involving 3,034 workers.

On September 9, the association representing flight attendants and stewards of Philippine Airlines (FASAP) filed a notice of strike over alleged unfair labor practices. The 1,600-member association denounced discriminatory airlines policies that mandate retirement at age 40 and require pregnant flight attendants to take seven months of unpaid leave. In addition to the loss of salary or allowance, the seven months are deducted from the employee's years of service. On December 23, DOLE ruled in favor of the FASAP, granting back salary increases amounting to 222 million pesos (\$4.9 million), a compulsory retirement age of 60 years, and other benefits. Philippine Airlines (PAL) was expected to appeal the decision.

The DOLE secretary, and in some special cases, the president, may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the secretary or the president determines the strike-affected company is vital to the national interest. During the year, the DOLE assumed jurisdiction in seven labor dispute cases. Labor rights advocates criticized the government for intervening in labor disputes in sectors that were not vital to the national economy. On December 15, President Aquino assumed jurisdiction over a labor dispute between PAL and the PAL Employees Association (PALEA) regarding PAL's plan to outsource some 2,600 "non-core" positions. Upon assuming jurisdiction, the president issued a stay order that temporarily suspended implementation of a layoff plan that DOLE had previously approved and prohibited a planned PALEA strike. The case remained with the Office of the President at year's end.

Government workers are prohibited from joining strikes under threat of automatic dismissal. Government workers may file complaints with the Civil Service

Commission, which handles administrative cases and arbitrates disputes between workers and their employers.

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

b. The Right to Organize and Bargain Collectively

Law and regulations provide for the right to organize and bargain collectively in both the private sector and in corporations owned or controlled by the government. Similar rights are afforded to most government workers. Collective bargaining was practiced; however, it was subject to hindrance by employers, and union leaders were subject to reprisal. In the public sector, collective bargaining was limited. During the year, 212,054 private- and public-sector workers were covered by collective bargaining agreements, or approximately 12 percent of union members and less than 1 percent of the total workforce.

Allegations of intimidation and discrimination in connection with union activities are grounds for review before the quasijudicial National Labor Relations Commission (NLRC) as possible unfair labor practices. Before disputes reach the NLRC, the DOLE provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. The DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

On March 18, the Bureau of Labor Relations released its decision nullifying the February 13 impeachment of Amado-Kadena union officials. In July the union also filed a complaint before the Commission on Human Rights against Dole Philippines and the AFP, asserting the company is harassing plantation workers and conducting anti-union activities. At year's end there were no reported developments.

According to union leaders, union members were frequently threatened with dismissal, and union organizers were sometimes illegally dismissed. On February 18, a total of 17 bus driver-union members were dismissed after seeking the union's certification as the sole and exclusive bargaining agent. The union filed illegal dismissal cases with money claims regarding underpayment of wages; the case was pending at NLRC at year's end.

Labor law applies uniformly throughout the country, including in Special Economic Zones (SEZs); however, local political leaders and officials who governed the SEZs attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection further obstructed the enforcement of workers' rights to organize. The DOLE can conduct inspections of SEZs and establishments located there, although local zone directors claimed authority to conduct their own inspections as part of the zones' privileges intended by congress. Hiring often was controlled tightly through SEZ labor centers. Union successes in organizing in the SEZs were few and marginal 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.

Labor unions claimed that government security forces were stationed near industrial areas or SEZs to intimidate workers attempting to organize. Labor groups also alleged that companies in SEZs used frivolous lawsuits as a means of harassing union leaders and reported that firms used bankruptcy as a reason for closing and dismissing workers attempting to organize. Bankruptcy is an acceptable reason for closing a firm, unless there is a pattern in which it was falsified and used to deny worker rights.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred, particularly affecting children, mainly in prostitution, drug trafficking, domestic service, agriculture, and other areas of the informal sector (see sections 6 and 7.d.).

Also see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip>.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians. The law allows employment of those between the ages of 15 to 18 for certain hours and periods of the day but forbids the employment of persons less than 18 years of age in hazardous or dangerous work.

Child labor remained a common problem, and a significant number of children were employed in the informal sector of the urban economy as domestic workers or as unpaid family workers in rural agricultural areas. NGO and government officials report cases in which family members sell children to employers for domestic labor or sexual exploitation. A DOLE report estimated there were more than 2.2 million working children ages 15 to 17 in the country in 2009; the majority were laborers and unskilled workers. There were no reliable estimates on the number of working children below age 15, as the last comprehensive child labor survey was conducted in 2001. Government and NGO sources report that child workers were often exposed to hazardous working environments in industries such as mining, fishing, pyrotechnic production, domestic service, garbage scavenging, and agriculture, especially sugar cane plantations. See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Most child labor occurred in the informal economy, often in family settings. The government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the government devoted additional resources to programs that worked to prevent, monitor, and respond to child labor during the year, resources remained inadequate.

The government imposed fines and instituted criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. The trial continued for a Metro Manila garment factory that employed 10 child laborers. In October 2009 the DOLE issued a circular that provides that businesses found guilty of violating the child labor law more than three times would face closure. The DOLE continued its efforts to remove child workers from hazardous situations. From January to September, DOLE conducted five rescue operations involving 35 child laborers.

e. Acceptable Conditions of Work

Tripartite regional wage boards responsible for setting minimum wages approved an increase in daily minimum wage rates in 12 regions during the year. Under a new law, minimum wage earners are exempt from paying income tax. The highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was 404 pesos (\$9). The lowest minimum wage rates were in the Southern Tagalog Region, where daily agricultural wages were 190 pesos (\$4.21). Labor groups protested that the hike, the first since 2008, was too small, and that the national minimum wage did not provide a decent

standard of living for a worker and family. The regional wage board orders covered all private sector workers except domestic servants and others employed in the service of another person; these persons were frequently paid less than the minimum 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 level of capitalization. These exemptions excluded substantial numbers of workers from coverage under the law. During the year, the regional wage boards of the National Wage and Productivity Commission granted minimum wage exemptions to 87 establishments. Unions filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards and the use of contract employees to avoid the payment of required benefits were common, including in the government-designated SEZs, where tax benefits were used to encourage the growth of export industries. According to a January to November Bureau of Working Conditions report, 12,566 of 34,948 inspected firms were found to have violated core labor standards. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work.

DOLE relies on a system of inspections and voluntary self-certifications to verify labor law compliance. DOLE conducts inspections in establishments that employ 10 to 199 workers. Establishments employing under 10 or more than 200 persons and unionized establishments with collective bargaining agreements are subject to self-assessment. DOLE provided training and advisory services to enterprises with less than 10 workers to help them comply with national labor laws. From January to November, 11 percent (606 out of 5,323) of commercial establishments inspected by DOLE were not in compliance with the prevailing minimum wage. DOLE acknowledged that the shortage of inspectors made it difficult to enforce the law. In addition to fines, the government also used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour per day limit. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates one day of rest each week. However, there is no legal limit on the number of overtime

hours that an employer may require. DOLE conducted only sporadic inspections to enforce limits on workweek hours. From January to November, DOLE labor inspectors made 1,245 inspections to check on companies' compliance with general labor and working standards. Labor groups maintained that forced overtime was common.

The law provides for a comprehensive set of occupational safety and health standards. DOLE has responsibility for policy formulation and review of these standards, but with too few inspectors nationwide, local authorities often must carry out enforcement. DOLE continued a campaign to promote safer work environments in small enterprises. Statistics on actual work-related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. Through November, DOLE conducted occupational safety standards compliance inspections on 5,323 establishments; 1,360 (25 percent) of these had occupational safety standards violations at inspection. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were temporary or contract workers. The government placed financial sanctions on and criminal charges against domestic recruiting agencies found guilty of unfair labor practices. Although POEA registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

Most labor laws apply to foreign workers, who must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens, as they were generally employed in the formal economy and were recruited for high-paying, specialized positions.