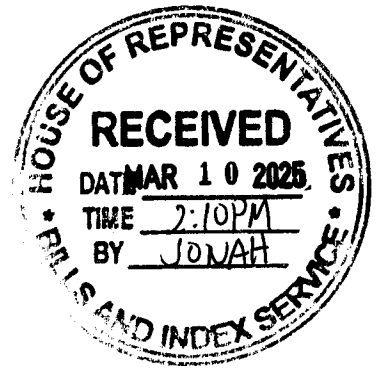


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session

House Bill No. **11478**



Introduced by AKBAYAN Representative Percival Cendaña

Prefatory Statement

In 2024, the United Nations Special Rapporteur on freedom of opinion and expression, Irene Khan released a statement noting that many Filipinos critical of government policies, including human rights defenders, social justice advocates, journalists, students, trade unionists and others, are continued to be unfairly vilified as ‘communists’ ‘terrorists’ and ‘enemies of the state.’

These labels result in increased human rights risks—threats, intimidation, unlawful surveillance, online and physical harassment, enforced disappearance, attacks and even unlawful killings. It creates a chilling effect suppressing freedom of expression, legitimate activism, journalism, and criticism. It also affects the constitutional right of people to peaceably assemble and petition the government for redress of grievances. It has serious implications on the right to privacy and privileged communications.

Even the Administrative Order No. 35 (AO35) Mechanism which is mandated to investigate extra judicial killings, enforced disappearances, torture, and other serious violations are considered by human rights experts to be insufficient to investigate cases of political violence.

This puts the lives, safety, and security of human rights advocates in peril. Thus, their fundamental rights and freedoms must be defined and protected. In addition, state obligations to protect human rights defenders must also be clearly outlined and guaranteed.

There is no democracy when there is no right to dissent. There are no human rights when the right to defend them is not protected. In this light, the passage of this bill is earnestly sought.


REP. PERCIVAL V. CENDAÑA
AKBAYAN PARTYLIST

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House Bill No. **11478**

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**AN ACT DEFINING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF
HUMAN RIGHTS DEFENDERS, DECLARING STATE RESPONSIBILITIES,
AND INSTITUTING EFFECTIVE MECHANISMS FOR THE PROTECTION
AND PROMOTION OF THESE RIGHTS AND FREEDOMS**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

CHAPTER I
PRELIMINARY PROVISIONS

1 SECTION 1. *Short Title.* — This Act shall be known as the “Human Rights
2 Defenders Protection Act.
3

4 SEC. 2. Declaration of Policy - It is hereby declared the policy of the State:

- 5 a) To value the dignity of every human person and to recognize, respect,
6 protect, promote and fulfill the rights and fundamental freedoms of persons,
7 individually or in association with others, regardless of race, ethnicity,
8 color, sexual orientation and gender identity, language, religion, political or
9 other opinion, national or social origin, property, birth or other status;
10 b) To give highest priority to the implementation of legislative enactments,
11 executive issuances and judicial decisions that guarantee respect, protection,
12 promotion and fulfillment of human rights and fundamental freedoms;
13 c) To provide access to legal remedies and reparative measures including
14 monetary compensation and psychosocial complement and rehabilitation to
15 human rights violations victims;
16 d) To fully and strictly adhere to the principles and standards on human rights
17 and fundamental freedoms set by the Constitution and international human
18 rights instruments including the:
19 1. Universal Declaration of Human Rights (UDHR);
20 2. Declaration on the Right and Responsibility of Individuals, Groups
21 and Organs of Society to Promote and Protect Universally
22 Recognized Human Rights and Fundamental Freedoms (Declaration
23 on Human Rights Defenders);

3. International Covenant on Civil and Political Rights (ICCPR);
4. International Covenant on Economic, Social and Cultural Rights (ICESCR);
5. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
6. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
7. Convention on the Rights of the Child (CRC);
8. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);
9. Convention on the Rights of Persons with Disabilities (CRPD);
10. International Convention for the Protection of All Persons from Enforced Disappearance (CPED);
11. Declaration on the Rights of Indigenous Peoples; and
12. Other universal treaties, comments and resolutions.

Sec. 3. *Construction in Favor of Human Rights Defenders.* - All provisions of this Act shall be construed to achieve its objectives. All doubts in the implementation and interpretation of these provisions shall be resolved in favor of the human rights defender.

Sec. 4. *Definition of terms.* - As used in this Act:

- a) *Human Rights and Fundamental Freedoms* refer to rights or entitlements inherent in all human persons and freedoms recognized in or declared by international and regional human rights instruments and customary international law and by national laws that are consistent with the said instruments and law;
- b) *Human Rights Defender* refers to any person who, Individually or in association with others, acts or seeks to act to protect, promote or strive for the protection and realization of human rights and fundamental freedoms and welfare of the people at the local, national, regional, and international levels;
- c) *Human Rights Organization* refers to a group, organization or association in the local, national, regional or international level, whether formal or informal, registered or unregistered, that strive for the protection of human rights and fundamental freedoms and welfare of the people;
- d) *Government Agency* refers to any department, bureau, office, or unit of the National Government, or any of its branches and instrumentalities, or any political subdivision, as well as any government-owned or -controlled corporation, including its subsidiaries, or other self-governing branch, commission or council of the Government, to include but not be limited to any grouping of the Armed Forces of the Philippines, Philippine National Police or other State security forces, including military or police force multipliers;
- e) *Superior Officer* refers to the government official who has direct supervisory powers or control over the head of the government agency to whom the subject head reports and shall include but not be limited to the President, Department Secretaries, Chief of Staff of the Armed Forces of the Philippines, the Commanding General or Rear Admirals of any service

1 Armed Forces of the Philippines, or the Director General of the Philippine
2 National Police;

- 3
4 f) *Intergovernmental Organization* refers to an organization
5 established through a treaty or other agreements and mechanisms in pursuit
6 of common issues, concerns and interests;
7 g) *Public Authority* refers to any person or body performing a function of a
8 public nature that is conferred or imposed by or pursuant to law, by popular
9 election or appointment or delegation or contracted by a governmental
10 authority or agency;
11 h) *Intimidation or Reprisal* refers to any form of violence, threat, retaliation,
12 de facto or de jure adverse discrimination, pressure, judicial harassment, or
13 any other arbitrary or abusive action or threat, including cyber-attacks,
14 hacking, defacement of websites, distributed denial-of- service attacks and
15 similar acts related to a person's status, work or activity as a human rights
16 defender, including proposed, attempted, or imputed work or activity
17 directed at the: (i) human rights defender; (ii) the human rights defender's
18 associate/s; (iii) a legal or other representative of the human rights defender
19 appointed to conduct the latter's affairs or to otherwise act on his or her
20 behalf; (iv) a family member or relative of the human rights defender up to
21 the fourth degree of consanguinity or affinity, and includes common law
22 relations; (v) a group, association, organization, community or network,
23 whether formal or informal, registered or unregistered with which the
24 human rights defender is associated; (vi) or the home, property or
25 possessions of the human rights defender or any of the other persons or
26 entities in items (ii) to (v).
27

28 CHAPTER II

29 RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

30

31 Sec. 5. *Right to Promote and Protect Human Rights and Fundamental*
32 *Freedoms.* — Everyone has the right, individually and in association with others, to
33 promote and to strive for the protection and realization of human rights and
34 fundamental freedoms at the local, national, regional and international levels.
35

36 Sec. 6. *Right to Form Groups, Associations and Organizations.* - Everyone,
37 Individually or in association with others, has the right to form, join, or associate with
38 and participate in local, national, regional, or international organizations, whether
39 formal or informal and whether registered or unregistered, for the purpose of promoting
40 and striving for the protection and realization of human rights and fundamental
41 freedoms.
42

43 Sec. 7. *Right to Solicit Receive and Utilize Resources.* —

44 (1) Everyone, individually or in association with others, has the right to solicit,
45 receive and utilize resources, from domestic and international organizations, including
46 governmental, intergovernmental, philanthropic and private sources, for the express
47 purpose of promoting and striving for the protection and realization of human rights
48 and fundamental freedoms.

49 (2) In pursuance of the right in subsection (1), subject to the of existing laws
50 and consistent with provisions of this Act, freezing, sequestration or seizure by any

1 bank or financial institution of the fund solicited from and released by the source is
2 hereby prohibited.

3
4 *Sec. 8. Right to Solicit, Receive and Disseminate information. –*

5 (1) Everyone, individually or in association with others, has the right:

- 6 a) To know, seek, access, obtain, receive and hold information about all human
7 rights and fundamental freedoms, including information regarding how
8 these rights and freedoms are given effect in the legislative, judicial and
9 administrative systems;
10 b) To know, seek access, obtain, receive and hold such information from
11 business enterprises and other private actors as may be necessary for
12 exercising or protecting, or assisting to exercise or protect human rights or
13 fundamental freedoms;
14 c) To freely publish, impart or disseminate to others' views, information and
15 knowledge on all human rights and fundamental freedoms;
16 d) To study, discuss, form and hold opinions on the observance, both in law
17 and in practice, of all human rights and fundamental freedoms and, through
18 these and other means, to draw public attention to these matters.

19 (2) The right in subsection (1) may be exercised orally, in writing, in print, in
20 the form of art or through any other media, whether online or offline.

21
22 *Sec. 9. Right to Develop and Advocate for Human Rights Ideas. –* Everyone,
23 individually or in association with others, has the right to develop and discuss new ideas
24 and principles which relate to human rights and fundamental freedoms, and to advocate
25 their acceptance.

26
27 *Sec. 10. Right to Communicate with Non-governmental, Governmental and*
28 *Intergovernmental Organizations. –* Everyone, individually and in association with
29 others, has the right to freely communicate with non-governmental, governmental and
30 intergovernmental organizations, including subsidiary bodies, mechanisms or experts
31 with a mandate relevant to human rights and fundamental freedoms, as well as with
32 diplomatic representations.

33
34 *Sec. 11. Right Against Vilification. –* A person, individually and in association
35 with others, has the right against any act of false labeling, red-tagging, name-calling,
36 or malicious and fabricated accusations against him or her of any offense, or from any
37 other kind of vilification.

38
39 *Sec. 12. Right to Access, Communicate and Cooperate with International and*
40 *Regional Human Rights Bodies and Mechanisms. —* In accordance with applicable
41 international instruments and procedures, everyone, individually or in association with
42 others, has the right to unhindered access to and to communicate and cooperate with
43 international and regional human rights bodies and mechanisms, including treaty bodies
44 and special procedures or special rapporteurs.

45
46 *Sec. 13. Right to Participate in Public Affairs. –*

47 (1) Everyone, individually or in association with others, has the right to
48 participate effectively in the conduct of public affairs, including participation on a non-
49 discriminatory basis in the government regarding human rights and fundamental
50 freedoms.

51 (2) The right referred to in subsection (1) includes the right:

- a) To submit to any public authority, or agency or organization concerned with public affairs, criticism on or proposals for improving its functioning with respect to human rights and fundamental freedoms;
- b) To make recommendations to any public authority regarding legislative or regulatory changes relating to human rights and fundamental freedoms;
- c) To draw to the attention of any public authority any aspect of its work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms;
- d) To call the attention of any public authority to any action or omission by any acter, private or public, that may involve or contribute to a violation of human rights or fundamental freedoms; and
- e) To freely publish, impart or disseminate to others any information submitted to any public authority in the exercise of the rights Sit Dut in this Chapter.

Sec. 14. *Right to Peaceful Assembly.* —

(1) Everyone, individually or in association with others, has the right ID meet or assemble peacefully as well as to participate in peaceful activities concerning human rights and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.

(2) The right referred to in subsection (1) includes the right to plan, organize, participate in and disseminate information regarding peaceful activities concerning human rights and fundamental freedoms, including demonstrations, protests, seminars and meetings, whether conducted in a public or private place.

Sec. 15. *Right to Represent and Advocate.* —

(1) Everyone, individually and in association with others, has the right to assist, represent or act on behalf of another person, group, association, organization or institution in relation to the promotion, protection and exercise of fundamental rights and freedoms, including at the local, national, regional and international levels.

(2) The right referred to in subsection (1) includes the right:

- a) To complain about the policies and actions of public authorities with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to domestic judicial, administrative or legislative authorities or any other competent authority such as the Commission on Human Rights and the Ombudsman;
- b) To offer and provide professionally qualified legal counsel, paralegal, or other relevant advice and assistance in defending human rights and fundamental freedoms;
- c) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and human rights and fundamental freedoms; and
- d) To submit communications and information to authorities and bodies referred to in Section 10.

Sec. 16. *Right to Freedom of Movement.* —

(1) A person who is lawfully within the territory, or subject to the jurisdiction of the Philippines shall, within its territory or place of jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and shall have the right to carry out lawful activities in the entire territory or place of jurisdiction.

1 (2) No one lawfully within the Philippine territory shall be expelled therefrom,
2 as an individual or as part of a group, wholly or partially, an account of acts as a human
3 rights defender.

4 (3) No one shall be deprived of the right to enter or leave the country on account
5 of one's status, activities or work as a human rights defender.

6
7 *Sec. 17. Right to Privacy. –*

8 (1) Everyone, individually or in association with others, has the right to privacy.

9 (2) The right referred to in subsection (1) includes the right of a human rights
10 defender to protect one's privacy through lawful means, including encryption of
11 personal data, and be free from arbitrary and unlawful intrusion and interference into
12 one's personal activities including those concerning one's family, livelihood and place
13 of work, one's correspondences and possessions, including all digital data pertaining
14 thereto.

15 (3) "Intrusion and interference" under subsection (2) includes any form of
16 surveillance, recording, within the purview of Republic Act No. 4200, otherwise known
17 as "An Act to Prohibit and Penalize Wire Tapping and Other related Violations of the
18 Privacy of Communication, and for Other Purposes," search and seizure in relation to
19 his or her legitimate activity or work as a human rights defender.

20 (4) The right to privacy extends to groups, organizations or associations.

21
22 *Sec. 18. Freedom from intimidation or reprisal. –* No person shall be subjected,
23 individually or in association with others, to any form of intimidation or reprisal on the
24 grounds of or in relation to his or her status, activities or work as a human rights
25 defender.

26
27 *Sec. 19. Right to a Sanctuary. –* Any person, individually or in association with
28 others, who has been subjected to any form of intimidation or reprisal, has the right to
29 a safe refuge or sanctuary.

30 Said sanctuary shall be considered established if that person gives confidential
31 notice to the human Rights Defenders Protection Committee created under this Act
32 indicating that said place, building or area has been constituted as a sanctuary.

33
34 *Sec. 20. Freedom from Defamation and Stigmatization. –* No person shall be
35 subject to any form of defamation, stigmatization, or other harassment, whether offline
36 or online, and whether by public authorities or private actors, in connection with one's
37 status, activities or work as a human rights defender.

38
39 *Sec. 21. Right to Exercise Cultural Rights and to Development of Personality.*

40 (1) Consistent with Article 18 (1) of the UN Declaration on Human Rights
41 Defenders, everyone, individually or in association with others, has the right to the
42 unhindered exercise of cultural rights in one's activities and work as a human rights
43 defender and to the free and full development of one's personality.

44 (2) The right referred to in Subsection (1) includes the right to challenge and
45 change traditional customs and practices that violate human rights and fundamental
46 freedoms.

47
48 *Sec. 22. Right to Effective Remedy and Full Reparation. –*

49 (1) Everyone, individually or in association with others, has the right to an
50 effective remedy and full reparation, both monetary and nonmonetary, in the event of

1 a violation of the rights in Chapter II or a breach of obligations in Chapter III of this
2 Act.

3 (2) A person whose rights have been violated or who has been adversely
4 affected by a breach of obligations has the right to obtain such effective remedy and
5 full reparation from the appropriate government agency or court of competent
6 jurisdiction.

7 (3) A complaint with the competent court or tribunal relating to the violation of
8 rights under a breach of obligation under Chapter III of this Act may be filed by the
9 following:

- 10 a) a human right defender;
- 11 b) an association of the human rights defender;
- 12 c) a legal or other representative of the human rights defender appointed to conduct
13 the affairs of or to otherwise act on behalf of the human rights defender;
- 14 d) a family member of the human rights defender;
- 15 e) a group, association or organization with which the human rights defender is
16 associated;
- 17 f) any person acting in the public interest and consistently in pursuit of the
18 purposes of this Act; and
- 19 g) the Human Rights Defenders' Protection Committee.

20
21 However, as much as possible, the consent of the victim must first be obtained
22 before a complaint is filed. In the absence of such consent, the human rights
23 organization or association may proceed with filing the complaint or petition unless the
24 lack or absence of consent is based on the threat to the life, liberty, or security of the
25 victim or his or her family.

26
27 Sec. 23. *Limitation on the Rights of Human Right Defenders.* — In exercising
28 the rights in Chapter II of this Act, a human rights defender, individually or in
29 association with others, shall be subject only to limitations that are prescribed by law,
30 and are reasonable, necessary and proportionate in accordance with international
31 human rights obligations and standards. Such rights shall be exercised solely for the
32 purpose of securing due recognition of and respect for the human rights and
33 fundamental freedoms of others and should meet the reasonable requirements of public
34 order and general welfare in a democratic society.

35 36 **CHAPTER III** 37 **OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES** 38

39 Sec. 24. *Obligation to Respect, Promote, Protect and Fulfill the Rights of*
40 *Human Rights Defenders.* — Public authorities shall take all necessary measures to
41 ensure: (1) that the human rights and fundamental freedoms in Chapter II of this Act
42 are effectively guaranteed and protected; (2) that all laws, policies and programs of
43 government are consistent with the rights in Chapter II of this Act; and (3) that human
44 rights defenders are able to freely undertake their activities and work in a safe and
45 enabling environment without restrictions.

46
47 Sec. 25. *Obligation to facilitate the Activities and Work of Human Rights*
48 *Defenders.* — Public authorities shall take all necessary measures in accordance with
49 law to facilitate and protect the exercise of the rights vested on human rights defenders
50 under Chapter II of this Act, which measures shall include the obligations to:

- 51 a) permit and facilitate access to places where persons are deprived of liberty;

- b) permit and facilitate access to places and to information required by human rights defenders to exercise their rights;
- c) provide information about violations of human rights or fundamental freedoms that may have been committed within Philippine territory or jurisdiction, including those committed by agents of the State in the line of duty;
- d) develop and enhance the capacity of rights defenders to defend and promote human rights and fundamental freedoms; and
- e) publicly recognize the role, functions and activities of human rights defenders.

Sec. 26. *Obligation to Provide free Access to Materials Relating to Human Rights and Fundamental Freedoms.* – Public authorities shall make freely available and accessible to the public the following materials online and through other modes and platforms of information dissemination:

- a) The Constitution, national laws and regulations;
- b) International human rights instruments;
- c) Research, studies, reports, data, archived and other information and materials within the possession of public authorities that relate to human rights and fundamental freedoms;
- d) Government reports and information submitted to international human rights bodies and mechanisms;
- e) Reports and communications of international human rights bodies and mechanisms involving the country's compliance with international treaty obligations;
- f) Documents and information related to the decisions or activities of the Commission on Human Rights and other national authorities with competence in the field of human rights and fundamental freedoms; and
- g) All such other information as may be necessary to secure or enable the exercise of any human right or fundamental freedom under Chapter II or access to remedy for violation of any such right.

Sec. 27. *Obligation not to Disclose Confidential Sources.* - Public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders unless both the relevant source and the concerned human rights defender give informed consent in writing to such disclosure or if so required by an independent and impartial tribunal in accordance with international standards.

Sec. 28. *Obligation to Prevent: and to Ensure Protection from Intimidation or Reprisal.* – Public authorities shall take all necessary measures to ensure the prevention of and protection from any intimidation or reprisal by any public or private actor against human rights defenders. These shall include protection measures established under pertinent laws.

Sec. 29. *Obligation to Penalize intimidation or Reprisal.* - Any public authority or private actor who is found guilty of committing intimidation or reprisal against a person on the grounds of or in connection with his or her status, work, activities as a human rights defender, shall be penalized under the appropriate provision/s of the Revised Penal Code, in addition to administrative and/or civil sanctions that may be imposed considering the gravity of the offense, upon the discretion of the court or competent authority.

1
2 Sec. 30. *Obligation to Refrain from Derogatory and Unfounded Labeling.* - (1)
3 Under no circumstance shall public authorities engage in false, unfounded and
4 derogatory labeling of human rights defenders including identifying or tagging them as
5 “reds”, “communists”, “terrorists”, or “enemies of the State”.

6 (2) Public authorities shall immediately expunge or rectify such labeling as part
7 of the non-monetary reparation ID victims referred to in Section 22 (2) of Chapter II
8 and Section 34 of Chapter III of this Act.
9

10 Sec. 31. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion*
11 *and Interference.* –

12 (1) Public authorities shall take extraordinary diligence to ensure the protection
13 of human rights defenders from arbitrary or unlawful intrusion and interference into
14 one’s personal activities including those concerning one’s family, livelihood and place
15 of work, one’s correspondences and possessions, including all digital data pertaining
16 thereto.

17 (2) Intrusion and interference in subsection (1) include any form of surveillance,
18 recording, search and seizure in relation to any person’s legitimate activity or work as
19 a human rights defender without his or her consent.
20

21 Sec. 32. *Obligation not to Participate in Violating Human Rights and*
22 *Fundamental Freedoms.* – All public authorities are mandated not to participate, by
23 acts of commission or omission, in violating human rights and fundamental freedoms.
24 Subordinate employees have the right and duty to refuse any order from their superiors
25 to participate in acts that contravene their duty to protect, uphold and promote human
26 rights and fundamental freedoms, and shall not be subject to any administrative
27 sanctions as a consequence of such refusal.
28

29 Sec. 33. *Obligation to Conduct Investigation.* - Whenever there is reasonable
30 ground to believe that a human rights defender has disappeared, been killed, tortured,
31 ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights
32 in Chapter II of this Act, whether by a public authority or private actor, the state must
33 ensure that a prompt, thorough, effective, independent and impartial investigation is
34 conducted with extraordinary diligence and is prosecuted under existing applicable
35 laws, including RA 9745, “the Anti-Torture Act”; RA 10353, the “Anti-Enforced or
36 Involuntary Disappearance Act”; and RA 7438, “An Act Defining Certain Rights of
37 Person Arrested, Detained or Under Custodial Investigation as well as the Duties of the
38 Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations
39 Thereof”. Presumption of regularity in the performance of duty by the offending public
40 authority shall not be invoked.
41

42 Sec. 34. *Obligation to Ensure Effective Remedy and Full Reparation.* - Public
43 authorities shall take all necessary measures to ensure that an effective remedy and full
44 reparation are available and provided for violations of the rights in Chapter II and for
45 breach of the obligations in Chapter III of this Act.
46

47 Sec. 35. *Obligation to Enforce and institutionalize Command Responsibility.* —
48 Government agencies shall enforce and institutionalize command responsibility and
49 impose sanctions against errant superior in both military and civilian agencies as
50 provided under existing laws and executive issuances.
51

1 Sec. 36. *Obligation to Adopt Human Rights-Based Governance.* – Public
2 authorities shall adapt the human rights-based approach to governance and
3 development, including counterinsurgency and anti-terror programs and policies.
4

5 Sec. 37. *Obligation to Strengthen Protection Program.* — The Commission on
6 Human Rights shall strengthen its protection program and provide a safe place of refuge
7 or sanctuary for high-risk human rights defenders and or their immediate families, more
8 particularly those who have filed formal complaints against high-ranking public
9 authorities.
10

11 Sec. 38. *Obligation to Respect the Principle of Non-refoulement.* – No person
12 shall be forcibly returned, expelled, or extradited to another State where there are
13 substantial grounds to believe that the human rights and fundamental freedoms of the
14 person are in danger of being violated.
15

16 Sec. 39. *Obligation to Promote and Facilitate Human Rights Education.* — All
17 government agencies shall promote, facilitate and adequately provide resources on
18 teaching, training and education about human rights and fundamental freedoms to all
19 persons within the country's jurisdiction. Teaching, training and education programs
20 shall include information about this Act and the important and legitimate work of
21 human rights defenders.
22

23 The Department of Education (DepEd) and the Commission on Higher Education
24 (CHED) shall require human rights education as an obligatory curriculum in all
25 academic institutions, colleges and universities, public or private.
26

27 Sec. 40. *Diligence Required* — Any complaint or report for violation of human
28 rights and fundamental freedoms shall be dealt with and acted upon with extraordinary
29 diligence by concerned government personnel. Failure to act within three (3) days from
30 reporting any violation of this Act shall hold the government personnel criminally,
31 civilly and administratively liable.
32

33 **CHAPTER IV** 34 **THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE** 35

36 Sec. 41. *Creation and Composition of the Human Rights Defenders Protection*
37 *Committee.* –

38 (1) There shall be an independent collegial body to be known as the Human
39 Rights Defenders Protection Committee, herein referred to as the Committee, that shall
40 be composed of one (1) Chairperson and six (6) Members. The Chairperson shall be
41 selected by the Commissioners of the Commission on Human Rights from among
42 themselves in an en banc session. The six (6) members shall be jointly nominated by
43 two (2) representatives each of the Philippine Alliance of Human Rights Advocates
44 (PAHRA), Karapatan Alliance for the Advancement of People's Rights (Karapatan),
45 Free Legal Assistance Group (FLAG), and the National Union of People's Lawyers
46 (NUPL) in a meeting called for this purpose, without prejudice to the nominations of
47 other human rights organizations who have proven track records of probity and
48 independence.
49

50 (2) The aforementioned nominees shall be appointed by the Commission on
Human Rights in an en banc session.

1 (3) The composition of the Committee shall have a balanced gender
2 representation on the basis of the principles of equality and non-discrimination and
3 adequate representation of ethnic, cultural and minority groups.

4 (4) The Committee shall be attached to the Commission on Human Rights
5 (CHR) for administrative and budgetary purposes only.

6 (5) The Committee shall organize itself within thirty (30) days from the
7 completion of the selection process of the Chairperson and Members of the Committee
8 as herein provided in Subsection (1) and shall thereafter organize its Secretariat.
9

10 Sec. 42. *Qualifications of the Committee Members.* – The Members of the
11 Committee shall possess the following qualifications:

- 12 a) High moral character, recognized probity, competence, and integrity;
- 13 b) Known independence in making decisions and taking stances on issues and
14 concerns pertaining to the protection and promotion of human rights and
15 fundamental freedoms;
- 16 c) A deep, thorough and enlightened knowledge and understanding of human
17 rights and fundamental freedoms and the role, work, and protection needs
18 of human rights defenders; and
- 19 d) At least two (2) members, including the Chairperson must be members of
20 the Philippine Bar who have been engaged in the practice of law for at least
21 seven (7) years.
22

23 Sec. 43. *Term of Office.* — The Chairperson and Members of the Committee
24 shall be designated once for a term five (5) years only. Of those first designated, three
25 (3) Members shall serve for five (5) years, two (2) Members for four (4) years, and the
26 last two (2) Members shall hold office for three (3) years. Succeeding Chairpersons and
27 Members shall be designated for a term of not more than five (5) years. Designation to
28 any vacancy shall be only for the unexpired portion of the term of the predecessor.
29

30 Sec. 44. *Functions of the Committee.* — The Committee shall exercise the
31 following functions:

- 32 a) Protect human rights defenders from intimidation and reprisals;
- 33 b) Ensure accountability for acts of intimidation and reprisal;
- 34 c) Facilitate and promote inter-agency and inter-department coordination to
35 prevent, protect from, investigate, and ensure accountability for acts of
36 intimidation or reprisal;
- 37 d) Investigate on its own or on complaint by any party all forms of violations
38 of human rights and fundamental freedoms of human rights defenders;
- 39 e) Publicly acknowledge and promote the legitimate and important role,
40 activities and mark of human rights defenders;
- 41 f) Consult regularly and mark closely with human rights defenders in the
42 implementation of this Act;
- 43 g) Monitor existing and proposed legislation, assess their impact or potential
44 impact on the status, activities and work of human rights defenders, and
45 propose amendments and/or remedial measures or block their passage if the
46 measures shall to a large extent adversely affect the human rights defenders
47 and their work and activities;
- 48 h) Prepare and submit reports and communications on the situation of human
49 rights defenders to relevant international and regional human rights bodies
50 and mechanisms;

- 1 i) Monitor and carry out periodic reviews of the implementation of this Ach,
2 the first of which shall be conducted one (1) year after its effectivity.
3 j) Submit annual reports on the situation of human rights defenders and the
4 status of implementation of this Act to the Office of the President of the
5 Senate and the Office of the Speaker of the House of Representatives;
6 k) Take recommendations to relevant authorities on the appropriate measures
7 to be taken to promote a safe and enabling environment for human rights
8 defenders, mitigate and prevent the risks they face, and address the root
9 causes of violations against human defenders; and
10 l) Perform other relevant functions as may be necessary to attain the objectives
11 of this Act.
12

13 Sec. 45. *Training and Vetting.* – All persons involved in the work and activities
14 of the Committee, including security and law enforcement officials, shall be
15 appropriately vetted and shall receive training on human rights and fundamental
16 freedoms, the situation and protection needs of human rights defenders prior to the
17 commencement of the involvement, and continuing training designed to ensure full and
18 effective implementation of the Act.
19

20 CHAPTER V 21 PENALTIES 22

23 Sec. 46. *Penalty for Violations of Sections 5 to 16 of this Act.* - The penalty of
24 prision mayor in its maximum period to reclusion temporal in its medium period
25 without privilege of parole shall be imposed upon any government personnel or the
26 whole complement of a government unit, the paramilitary personnel or the whole
27 complement of the paramilitary unit, the government asset (and/or the military affiliate)
28 who violates any of the rights of a human rights defender defined in sections 5 to 16 of
29 this Act.
30

31 Sec. 47. *Penalty for Destroying, Altering, or Falsifying Records and*
32 *Documents.* – The penalty of prision mayor in its minimum to its medium period or a
33 fine of One hundred thousand pesos (Php100,000.00) or both, at the discretion of the
34 court, shall be imposed upon any government personnel or the whole complement of a
35 government unit, the paramilitary personnel or the whole compliment of the
36 paramilitary unit, the government asset (and/or the military affiliate) who impede,
37 obstruct, or influence any preliminary investigation, administrative investigation and/or
38 petition by altering, destroying, mutilating, concealing, covering up, falsifying, or
39 making any false entries in any record, document, or specimen whereof, relative to any
40 matter involving any human rights defenders, or the activities of the defenders'
41 organizations.
42

43 Sec. 48. *Penalty for Any Other Violations of this Act.* - The penalty of prision
44 mayor in its minimum period or a fine of One hundred thousand pesos (Php 100,
45 000.00) or both, at the discretion of the court, shall be imposed upon any individual
46 who violates any other provisions of this Act.
47

48 Sec. 49. *Violations of this Act as Aggravating Circumstances* – A violation of
49 any provision of this Act committed during the commission of a crime defined in any
50 penal law shall be considered an aggravating circumstance in the imposition of the
51 penalty on said crime.

1
2 Sec. 50. *Non-Applicability of the Probation Law.* - A violation of any provision
3 of this Act which shall constitute the main crime or as an aggravating circumstance
4 shall not entitle the offender or the accused to the privileges of probation under the
5 Probation Law.

6
7 **CHAPTER VI**
8 **FINAL PROVISIONS**
9

10 Sec. 51. *Implementing Rules and Regulations.* —

11 (1) Within sixty (60) days from the effectivity of this Act, the Commission on
12 Human Rights in consultation with PAHRA, Karapatan, FLAG, and NUPL, and other
13 human rights organizations and individual human rights defenders of known probity,
14 shall promulgate the Implementing Rules and Regulations (IRR) for the effective
15 implementation of this Act and shall ensure the full dissemination of the Act and the
16 IRR to the public.

17 (2) In formulating the corresponding rules and regulations and in implementing
18 this Act, the following guiding principles shall be strictly adhered to:

- 19 a) Adherence to the rule of law is the ultimate safeguard against violations of
20 human rights and fundamental freedoms.
21 b) Empowerment of human rights defenders is enhanced by their active
22 participation in formulating, implementing, and evaluating protection
23 programs for human rights defenders.
24 c) Periodic assessments of risks, vulnerability or conflict help identify
25 protection needs of human rights defenders giving particular attention to
26 those of women and others' who are at increased risks.
27 d) Keeping and maintaining confidentiality of the personal data collected on
28 human rights defenders and those referred to in Sec. 22 (3) herein upholds
29 their right to privacy and security of person.
30 e) Continuous training of the members of the Committee Secretariat on human
31 rights and fundamental freedoms, the root causes of their violations, and the
32 work and protection needs of human rights defenders help sustain their
33 commitment to the objectives of the Act.
34 f) Independent and effective operation of the Committee and its Secretariat
35 requires sustained adequate resources.
36 g) Transparent, aboveboard, and equitable resource allocation and
37 disbursement help ensure maximum protection to human rights defenders
38 and their constituencies particularly those of higher risks and vulnerabilities.
39 h) Risks and challenges faced by women and lesbians, gays, bisexuals and
40 transgender persons, queer, intersex, and asexual (LGBTQIA+) human
41 rights defenders and those working on women's and LGBTQIA+ rights and
42 gender issues demand special attention.
43 i) Generating support from a strong, independent, and effective national
44 human rights institution and from the general public enhances and
45 contributes to the effective work of human rights defenders.
46 j) Open access to the United Nations and international human rights bodies
47 contributes to a safe and enabling environment for human rights defenders
48 to work in.
49

1 Sec. 52. *Suppletory Applications.* — The applicable provisions of the Revised
2 Penal Code shall have suppletory application insofar as they are consistent with the
3 provisions of this Act.

4
5 Sec. 53. *Separability Clause.* — If for any reason any part or provision of this
6 Act is declared unconstitutional or invalid, the other parts or provisions hereof which
7 are not affected thereby shall remain and continue to be in full force and effect.

8
9 Sec. 54. *Repealing Clause* – All laws, decrees, executive orders, rules and
10 regulations and other issuances or parts thereof, inconsistent with the provisions of this
11 Act are hereby repealed, amended or modified accordingly.

12
13 Sec. 55. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after
14 its publication in the Official Gazette, or in a newspaper of general circulation.

Approved,