

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

TWENTIETH CONGRESS
First Regular Session



House Bill No. 214

Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO
and **ACT Teachers Party-list Rep. ANTONIO L. TINIO**

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

EXPLANATORY NOTE

The 1987 Constitution of the Philippines, in its Declaration of Principles and State Policies, affirms that “[t]he State values the dignity of every human person and guarantees full respect for human rights.” This domestic mandate is reinforced by the Philippines’ solemn commitments as a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and other cornerstone human rights treaties. Furthermore, the global standard for protecting activists is enshrined in the UN Declaration on Human Rights Defenders, recently strengthened by the “Declaration +25” which calls for a safe and enabling environment, free from stigmatization and criminalization.

Despite these obligations, the Philippines remains one of the most perilous countries in the world for human rights defenders. A long and bloody history of state-perpetrated violence, harassment, and vilification continues to plague those who courageously stand for the rights of the people. This systematic assault on civil liberties is enabled by a deeply entrenched culture of impunity, a reality consistently highlighted by the international community.

As early as 2008, the UN Special Rapporteur Philip Alston identified a pattern of extrajudicial killings directly linked to the military’s counter-insurgency strategy, which maliciously branded civil society organizations as “communist fronts.” This deadly practice of “red-tagging” became state policy under programs like Oplan Bantay Laya, leading to the

murder of hundreds of activists, farmers, workers, and church people. The state, instead of protecting its citizens, became their executioner.

This reign of terror has only intensified. The 2020 report of the UN High Commissioner for Human Rights detailed the “systematic” and “pervasive” nature of red-tagging under the Duterte administration, which led to killings, threats, and the severe curtailment of civic space. The Human Rights Committee’s 2022 concluding observations on the Philippines reiterated grave concerns over impunity, the repressive Counter-Terrorism Act, and the continuing attacks on defenders.

The creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) under Executive Order No. 70 institutionalized this fascist campaign, weaponizing the entire civilian bureaucracy for a whole-of-nation assault against the progressive movement. Coupled with Memorandum Order No. 32, this architecture of state terror unleashed a new wave of atrocities. In Negros, it paved the way for the Sagay Massacre and the “Oplan Sauron” killings of 14 farmers. In Bicol, it led to the assassination of Karapatan human rights workers Ryan Hubilla and Nelly Bagasala. Across the country, indigenous peoples, environmental defenders, and land rights activists fighting the plunder of our natural resources by foreign and corporate interests have been the primary targets, as noted by UN Special Rapporteur Mary Lawlor, who warned that such public vilification is often a “final warning” before a killing.

Politically detained mothers are separated from their infants, leading to the tragic death of Baby River Nacino. Elderly environmental defenders like 68-year-old Daisy Macanpanpan are violently arrested on trumped-up charges. The democratic space is systematically being constricted, with party-lists like Gabriela Women’s Party and Kabataan Party-list facing harassment suits and activists like Anakpawis Partylist nominee Isabelo “Ka Buting” Adviento being illegally detained to stifle political participation.

The total number of human rights defenders killed under the previous Duterte administration reached a haunting two hundred and twenty two (222), emblematic of the administration’s blatant disregard to human rights. This includes peace consultants Randall Echanis and Ericson Acosta, human rights activist Zara Alvarez, Lumad school teacher Chad Booc, among many others.

This bill seeks to translate our constitutional and international obligations into a binding domestic law. It is a direct response to the urgent and persistent calls from the Filipino people and the international community to stop the attacks and dismantle the climate of impunity.

This proposed measure specifically aims to:

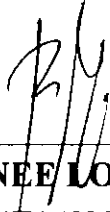
1. Define and guarantee the rights and fundamental freedoms of human rights defenders, including the right to form organizations, to seek and disseminate information, to

develop and advocate for human rights, and to solicit resources, free from obstruction and vilification.

2. Declare the unequivocal responsibility of the State to respect, protect, and promote these rights, and to create a safe and enabling environment for the work of human rights defenders.
3. Establish effective protection mechanisms and grant remedies for human rights defenders who are at risk or have suffered harm.
4. Prohibit and penalize violations against human rights defenders, including malicious labeling, fabrication of charges, and other forms of harassment and violence, thereby holding state and non-state actors accountable for their crimes.

This bill is a refined and refiled version of Bayan Muna's Human Rights Defenders' Protection Bill first filed in the House of Representatives by Rep. Satur Ocampo, Rep. Liza Maza, and Rep. Crispin Beltran during the 14th Congress. The bill was also refiled in the 16th Congress as House Bill 1472 by Representatives Neri J. Colmenares, Carlos Isagani T. Zarate, Luzviminda C. Ilagan, Emmi A. De Jesus, Antonio L. Tinio, Fernando Hicap and Terry Ridon. In the 17th Congress, Rep. Carlos Zarate, Rep. Antonio L. Tinio, Rep. Emmi De Jesus, Rep. France Castro, Rep. Arlene Brosas, and Rep. Sarah Elago refiled this bill as House Bill 1617. It was filed by Representatives Carlos Zarate, Ferdinand Gaité, Eufemia Cullamat, France Castro, Arlene Brosas, and Sarah Elago in the 18th Congress. Most recently, this bill was refiled by Representatives Raoul Manuel, France Castro, and Arlene Brosas in the 19th Congress.

For the foregoing reasons, the passage of this bill is sought.



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KABATAAN Party-List



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PROMOTION OF THESE RIGHTS AND FREEDOMS

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

SEC. 1. *Short Title.* - This Act shall be known as the Human Rights Defenders Protection Act of 2022.

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

- (1) To value the dignity of every human person and to recognize, respect, protect, promote and fulfill the rights and fundamental freedoms of persons, individually or in association with others, regardless of race, ethnicity, color, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth or other status;
- (2) To give highest priority to the implementation of legislative enactments, executive issuances and judicial decisions that guarantee respect, protection, promotion and fulfillment of human rights and fundamental freedoms;
- (3) To provide access to legal remedies and reparative measures including but not limited to monetary compensation and psychosocial accompaniment and rehabilitation to human rights violations victims;

- (4) To fully and strictly adhere to the principles and standards on human rights and fundamental freedoms set by the 1987 Philippine Constitution and international human rights instruments, jus cogens principles, including but not limited to the:
- a. Universal Declaration of Human Rights (UDHR);
 - b. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);
 - c. International Covenant on Civil and Political Rights (ICCPR);
 - d. International Covenant on Economic, Social and Cultural Rights (ICESCR);
 - e. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
 - f. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
 - g. Convention on the Rights of the Child;
 - h. International Labor Organization Declaration on Fundamental Principles and Rights at Work
 - i. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
 - j. International Convention for the Protection of All Persons from Enforced Disappearance;
 - k. UN Declaration on the Rights of Indigenous Peoples;
 - l. UN Declaration on the Rights of Peasants and Other People Working in Rural Areas; and
 - m. General Comments and Resolutions of the United Nations General Assembly and Human Rights Council to existing provisions of aforementioned international conventions.

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. For the purposes of this Act, the following terms shall mean:

1. **Human Rights and Fundamental Freedoms.** - refers 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;
2. **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, at the local, national, regional, and international levels. Any bonafide member of a human rights organization shall be considered to be a human rights defender. Defenders can be of any gender, of varying ages, from all sorts of professional or other backgrounds. This includes defenders who work on women's rights or on gender issues, environmental and land rights defenders, trade unionists and labor organizers and youth human rights defenders. Human rights defenders are not only found within non-government organizations and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector;

3. **Human Rights Organization** refers to a group, organization or association in the local, national, regional or international level, whether formal or informal, that strive for the protection of human rights and fundamental freedoms;
4. **Human rights violation** is any act of commission or omission by State actors acting under the orders of and/or with acquiescence of State actors, in violation of any human rights of any individual, group or organization, registered or otherwise, from which injury and damage to any individual, mental or physical, or property or reputation or privacy of any individual or organization shall be occasioned;
5. **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. This shall include the Armed Forces of the Philippines, Philippine National Police and their force multipliers acting under the direct control and supervision of the said uniformed personnel.
6. **Superior Officer** shall mean the next government official who has supervisory or control powers over the head of the government agency to whom the subject head reports and shall include but not 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 in the Armed Forces of the Philippines or the Director General of the Philippine National Police;
7. **Intergovernmental Organization** refers to an organization established through a treaty or other instruments and mechanisms in pursuit of common issues, concerns and interests;
8. **Public Authority** refers to any person or body performing a function of a public nature that is conferred or imposed by or pursuant to law, by popular election or appointment or delegated, contracted or procured by a governmental authority or agency;
9. **Intimidation or Reprisal** means any form of violence, threat, retaliation, *de facto* or *de jure* adverse discrimination, pressure, judicial harassment or any other arbitrary or abusive action or threat related to a person's status, work or activity as a human rights defender, including proposed, attempted, or imputed work or activity directed at the: (i) human rights defender; (ii) the human rights defender's associate (s); (iii) a legal or other representative of the human rights defender appointed to conduct their affairs or to otherwise act on their behalf; (iv) a family member or relative of the human rights defender, including common-law spouses and relatives by virtue of said common-law relationship; (v) a group, association, organization, community or network, whether formal or informal, with which the human rights defender is associated; (vi) or the home, property or possessions of the human rights defender or any of the other persons or entities in items (ii) to (vi).

SEC. 5. Diligence Required. Any complaint or report of human rights violation shall be dealt with and acted upon with extraordinary diligence by concerned government personnel.

Failure to dispense with the diligence required, within three days from reporting any violation of this Act shall hold the government personnel criminally, civilly and administratively liable.

SEC. 6. *Right to Promote and Protect Human Rights and Fundamental Freedoms.*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the local, national, regional and international levels.

SEC. 7. *Right to Form Groups, Associations and Organizations.* Everyone, individually or in association with others, has the right to form, join, or associate with and participate in local, national, regional, or international organizations, whether formal or informal and whether registered or unregistered, for the purpose of promoting and striving for the protection and realization of human rights and fundamental freedoms.

SEC. 8. *Right to Solicit, Receive and Utilize Resources*

- (1) Everyone, individually or in association with others, has the right to solicit, receive and utilize resources, from domestic and international organizations, including governmental, intergovernmental, philanthropic and private sources, for the express purpose of promoting and striving for the protection and realization of human rights and fundamental freedoms.
- (2) In pursuance of the right in subsection (1), freezing, sequestration or seizure by any bank or financial institution of the fund solicited from and released by the source is hereby prohibited.

SEC. 9. *Right to Seek, Receive and Disseminate Information.*

- (1) Everyone, individually or in association with others, has the right:
 - a. To know, seek, access, obtain, receive and hold information about all human rights and fundamental freedoms, including information regarding how these rights and freedoms are given effect in the legislative, judicial and administrative systems;
 - b. To know, seek access, obtain, receive and hold such information from business enterprises and other private actors as may be necessary for exercising or protecting, or assisting to exercise or protect, human rights or fundamental freedoms;
 - c. To freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
 - d. To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other means, to draw public attention to these matters;
- (2) The right in subsection (1) may be exercised orally, in writing, in print, in the form of art or through any other media, whether online or offline.

SEC. 10. *Right to Develop and Advocate for Human Rights Ideas.* Everyone, individually or in association with others, has the right to develop and discuss new ideas and principles which relate to human rights and fundamental freedoms, and to advocate their acceptance.

SEC. 11. *Right to Communicate with Non-governmental, Governmental and Intergovernmental Organizations.* Everyone, individually and in association with others, has the right to freely communicate with non-governmental, governmental and intergovernmental organizations, including subsidiary bodies, mechanisms or experts with a mandate relevant to human rights and fundamental freedoms, as well as with diplomatic representations.

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

SEC. 13. *Right to Participate in Public Affairs.*

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

(2) The right 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 actor, 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 set out in this Chapter.

SEC. 14. *Right to Peaceful Assembly.*

(1) Everyone, individually or in association with others, has the right to 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 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 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 e.g. Commission on Human Rights, the Ombudsman;

b. To offer and provide professionally qualified legal counsel or other relevant legal or paralegal 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 of the type referred to in Section 10.

SEC. 16. *Right to Freedom of Movement.*

(1) Everyone lawfully within the territory, or subject to the jurisdiction, including the power or effective control, of the Philippines shall, within its territory or place of jurisdiction, have the right to liberty of movement and freedom to choose their residence and the right to carry out their human rights activities in the entire territory or place of jurisdiction.

(2) No one lawfully within the Philippine territory shall be expelled, by means of an individual or a collective measure, from its territory wholly or partially on account of their acts as a human rights defender.

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

SEC. 17. *Right to Privacy.*

- (1) Everyone, individually or in association with others, has the right to privacy.
- (2) The right in subsection (1) includes the right of a human rights defender to protect their privacy, including through encryption, and be free from intrusion and interference that is arbitrary and unlawful in their family, home, places of work, possessions and correspondence, both online and offline.
- (3) "Intrusion and interference" under subsection (2) includes any form of surveillance, recording, within the purview of Republic Act No. 4200, otherwise known as "An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes", search and seizure in relation to their legitimate activity or work as a human rights defender.
- (4) The right to privacy extends to groups, organizations or associations. Any reported act of surveillance against a human rights defender shall be dealt with and acted upon with extraordinary diligence by concerned government personnel. Failure to act with extraordinary diligence for the identification and/or designation, position or assignment, if applicable, of the individual who is doing the act of surveillance within three days from reporting thereof, shall make the concerned government personnel criminally, civilly and administratively liable.

SEC. 18. *Right to be Secure in Educational Institutions.*

- (1) No member of the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or the Citizens' Armed Forces Geographical Units (CAFGU) shall enter the premises of and/or conduct police or military operations in any educational institution without prior notification to, and free and informed consent by the student council and school authorities.
- (2) Detailed plan or design of proposed police or military operations shall be given by the PNP, AFP, or CAFGU to the student council and school authorities for review. The student council and school authorities shall have the right to deny permission and to bar entry of members of the PNP, AFP, or CAFGU.
- (3) No member of the PNP, AFP, or CAFGU shall interfere with peaceful protest actions by student human rights defenders within educational institutions.
- (4) No human rights defender who is a student, faculty, staff, or employee of an educational institution shall be subjected to custodial investigation without prior notification to the concerned student council and school authorities of the educational institution.
- (5) The service of search or arrest warrant on any human rights defender who is a student, faculty, staff, or employee of an educational institution shall be done after prior notification to the concerned student council and school authorities of the educational institution.
- (6) The arrest or detention of any human rights defender who is a student, faculty, staff, or employee of an education institution shall, by the fastest means of

communication, be reported immediately by the responsible head of the unit of the PNP, AFP, or CAFGU effecting the arrest or detention to the concerned student council and school authorities of the educational institution.

SEC. 19. *Right Against Intimidation or Reprisal.* – No person shall be subjected, individually or in association with others, to any form of intimidation or reprisal on the grounds of or in relation to their status, activities or work as a human rights defender.

Any reported act of threat and intimidation against a human rights defender, including through mobile phone, land phone or the internet shall be dealt with and acted upon with extraordinary diligence by the concerned government personnel. Failure to act with extraordinary diligence for the identification and/or designation, position or assignment, if applicable, of the individual who is the author of the threats and acts of intimidation within three days from reporting thereof, shall make the concerned government personnel criminally, civilly and administratively liable.

SEC. 20. *Right Against Defamation, Stigmatization and Vilification.* No person shall be subject to any form of defamation, stigmatization, or other harassment, whether offline or online, and whether by public authorities or private actors, in connection with their status, activities or work as a human rights defender.

Any reported act of defamation, stigmatization, false labeling, name calling, false accusation of any offense, or any other kind of vilification of a human rights defender shall be dealt with and acted upon with extraordinary diligence by the concerned government personnel. Failure to act with extraordinary diligence for the identification and/or designation, position or assignment, if applicable, of the individual who is the author of the defamation, stigmatization and vilification within three days from reporting thereof, shall make the concerned government personnel criminally, civilly and administratively liable.

SEC. 21. *Right to Exercise Cultural Rights and to Development of Personality.* –

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

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

SEC. 22. *Right to Effective Remedy and Full Reparation.* –

(1) Everyone, individually or in association with others, has the right to an effective remedy and full reparation, both monetary and nonmonetary, in the event of a violation of the rights in this Chapter II or a breach of obligations under Chapter III of this Act.

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

(3) Any of the following may file a complaint with the competent court or tribunal relating to the violation of rights under a breach of obligations under Chapter III of this Act:

- a. A human rights defender;
- b. An association of the human rights defender;
- c. A legal or other representative of the human rights defender appointed to conduct the affairs of or to otherwise act on behalf of the human rights defender;
- d. A family member of the human rights defender;
- e. A group, association or organization with which the human rights defender is associated; or
- f. Any person acting in the public interest and consistently in pursuit of the purposes of this Act.

SEC. 23. *Right to establish a sanctuary to human rights victims and/or their families.*

Everyone, individually and in association with others, has the right to establish sanctuaries for any human rights violation victim and/or their immediate families.

SEC. 24. *Limitation on the Rights of Human Rights Defenders.* – In exercising their rights in Chapter II of this Act, a human rights defender, individually or in association with others, shall be subject only to limitations that are prescribed by law, in accordance with international human rights obligations and standards, are reasonable, necessary and proportionate, and are solely for the purpose of securing due recognition of and respect for the human rights and fundamental freedoms of others and meeting the reasonable requirements of public order and general welfare in a democratic society.

SEC. 25. *Obligation to Respect, Promote, Protect, and Fulfill the Rights of Human Rights Defenders.* – Public authorities shall take all necessary measures to ensure: (1) that the human rights and fundamental freedoms in Chapter II of this Act are effectively guaranteed and protected; (2) that all laws, policies and programs of government are consistent with the rights in Chapter II of this Act; and (3) that human rights defenders are able to undertake their activities and work in a safe and enabling environment free from restriction.

SEC. 26. *Obligation to Facilitate the Activities and Work of Human Rights Defenders.* – Public authorities shall take all necessary measures to facilitate and protect the exercise of the rights in Chapter II of this Act, which measures include the obligation to:

- (1) permit and facilitate access, in accordance with the law, to places where persons are deprived of liberty;
- (2) permit and facilitate access to places and to information required by human rights defenders to exercise their rights under Chapter II of this Act in accordance with the law;

(3) provide information about violations of human rights or fundamental freedoms that may have been committed within the territory or subject to the jurisdiction, including the power or effective control of the State;

(4) develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to protect and promote human rights and fundamental freedoms; and

(5) publicly recognize the role, function, and activities and work of human rights defenders as legitimate and important.

SEC. 27. *Obligation to Provide Free Access to Materials Relating to Human Rights and Fundamental Freedoms.* – Public authorities shall make freely available and accessible both offline and online:

a. International human rights instruments;

b. The Constitution, national laws and regulations;

c. Research, studies, reports, data, archives 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;

g. Documents and information relevant to and/or related to the reported human rights violation. Failure to provide for the official copy the said documents and information or general denial of its existence shall amount to an admission of the existence and due execution thereof; and

h. 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. 28. *Obligation not to Disclose Confidential Sources.* –

(1) Public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders.

(2) Notwithstanding Subsection (1), public authorities may disclose the identity of sources used by human rights defenders if 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. 29. *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 other public or private actor. These shall include, but not limited to, protection measures established under pertinent laws.

SEC. 30. *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 their status, work, activities as a human rights defender, shall be subject to penalties as herein provided, in addition to administrative and/or civil sanctions which take into account the gravity of the offense upon the discretion of the court or competent authority.

SEC. 31. *Obligation to Refrain from Derogatory and Unfounded Labeling.* – (1) Under no circumstance shall public authorities engage in false, unfounded and derogatory labeling of human rights defenders including but not limited to identifying them as “red”, “communist”, “terrorist” or “enemies of the State”; (2) Public authorities shall immediately expunge or rectify such labeling as part of the non-monetary reparation to victims referred to in Section 20 (2) of Chapter II and Section 32 of Chapter III of this Act.

SEC. 32. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and Interference.* –

(1) Public authorities shall take all necessary measures to ensure the protection of human rights defenders from arbitrary or unlawful intrusion and interference in their family, home, places of work, possessions and correspondence, both online and offline.

(2) *Intrusion and interference* in subsection (1) includes any form of surveillance, recording, search and seizure in relation to any person’s legitimate activity or work as a human rights defender without their consent.

SEC. 33. *Obligation not to Participate in Violating Human Rights and Fundamental Freedoms.* – All public authorities are mandated not to participate, by acts of commission or omission, in violating human rights and fundamental freedoms. Subordinate employees have the right and duty to refuse any order from their superiors to participate in acts that contravene their duty to protect, uphold and promote human rights and fundamental freedoms, and shall not be subject to any administrative sanctions as a consequence of such refusal.

SEC. 34. *Obligation to Conduct Investigation.* - Whenever there is reasonable ground to believe that a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights in Chapter II of this Act, whether by a public authority or private actor, the State must ensure that a prompt, thorough, effective, independent and impartial investigation is conducted with extraordinary diligence and is prosecuted under existing applicable laws, including but not limited to RA 9745, the Anti-Torture Act, RA 10353, the Anti-Enforced or Involuntary Disappearance Act, and RA 7438, An Act Defining Certain Rights of Person Arrested, Detained or Under

Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations Thereof. Presumption of regularity in the performance of duty by the offending public authority shall not be invoked.

SEC. 35. *Obligation to Ensure Effective Remedy and Full Reparation.* – Public authorities shall take all necessary measures to ensure that an effective remedy and full reparation are available and provided for violations of the rights in Chapter II and for breach of the obligations in Chapter III of this Act.

SEC. 36. *Obligation to Enforce and Institutionalize Command Responsibility.* – Government agencies shall enforce and institutionalize command responsibility and impose sanctions against errant superior in both military and civilian agencies as provided under existing laws and executive issuances.

SEC. 37. *Obligation to Adopt Human Rights-based Governance.* – Public authorities shall adopt the human rights based approach to governance and development including in counter-insurgency and anti-terror programs and policies.

SEC. 38. *Obligation to Strengthen Witness Protection Program.* – The Commission on Human Rights shall strengthen its witness protection program and provide a safe place of refuge for high risk human rights defenders, more particularly those who have filed formal complaints against high ranking public authorities.

SEC. 39. *Obligation to Respect the Principle of Non-refoulement.* – No person shall be forcibly returned, expelled or extradited to another State where there are substantial grounds to believe that the human rights and fundamental freedoms of the person are in danger of being violated.

SEC. 40. *Obligation to Promote and Facilitate Human Rights Education.* – All government agencies shall promote, facilitate and adequately resource teaching, training and education about human rights and fundamental freedoms to all persons within the country's jurisdiction. Teaching, training and education programs shall include information about this Act and the important and legitimate work of human rights defenders.

SEC. 41. Penalties.

a. For violation of Sections 6 to 22 of this Act. The penalty of *twelve (12) years and one (1) day to fifteen (15) years of imprisonment* and a fine of THREE HUNDRED THOUSAND PESOS (Php 300, 000.00) without privilege of parole shall be imposed upon any State actor who violates any of the rights of a human rights defender defined in Sections 5 to 16 of this Act. Non-State actor/s acting upon orders of and/or with acquiescence of State actors for the violation of any of the rights of a human rights defender defined under these sections shall be deemed in conspiracy with the said State actor/s.

b. *For destroying, altering, or falsifying records and document.* – The penalty of *ten (10) years and one (1) day to twelve years (12) of imprisonment* and a fine of ONE HUNDRED FIFTY THOUSAND PESOS (Php150,000.00) shall be imposed upon any State actor who impede, obstruct, or influence any preliminary investigation, administrative investigation and/or petition by altering, destroying, mutilating,

concealing, covering up, falsifying, or making any false entries in any record, document, or specimen whereof, relative to any matter involving any human rights defenders, defenders or organizations or activities. Non-State actor/s acting upon orders of and/or with acquiescence of State actors for the destruction, alteration or falsification of any record and document relevant to and/or related to any human rights violation shall be deemed in conspiracy with the said State actor/s.

c. For any other violations of this Act. – The penalty of *eight (8) years and one (1) day to ten (10) years of imprisonment and a fine of ONE HUNDRED THOUSAND PESOS (Php100,000.00)* or shall be imposed upon any individual who violates any other provisions of this Act.

SEC. 42. *Violations of this Act as aggravating circumstances.* - Any violation of any provisions of this Act committed on the occasion of a commission of a crime defined in any penal laws shall be considered an aggravating circumstance in the imposition of the penalty in said crime.

SEC. 43. *Creation and Composition of the Human Rights Defenders Protection Committee.* –

(1) There shall be an independent collegial body to be known as the Human Rights Defenders Protection Committee composed of one Chairperson and six Members, herein referred to as the Committee. The Chairperson shall be selected by the Commissioners of the Commission on Human Rights from among themselves in an *en banc* session. The six members shall be jointly nominated by two representatives each of Karapatan Alliance Philippines (Karapatan), the National Union of Peoples' Lawyers (NUPL), the National Council of Churches in the Philippines, Philippine Alliance of Human Rights Advocates (PAHRA), Free Legal Assistance Group (FLAG), and the National Secretariat for Social Action, Justice and Peace of the Catholic Bishops Conference of the Philippines in a meeting called for this purpose.

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

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

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

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

SEC. 44. *Qualifications of the Committee Members.* – The Members of the Committee shall possess the following qualifications:

(1) Of high moral character, recognized probity, competence, and integrity;

(2) Of known independence in making decisions and taking stances on issues and concerns pertaining to the protection and promotion of human rights and fundamental freedoms;

(3) Must have a deep, thorough and enlightened knowledge and understanding of human rights and fundamental freedoms and the role, work, and protection needs of human rights defenders; and

(4) At least two (2) members including the Chairperson must be members of the Philippine Bar who have been engaged in the practice of law for at least seven (7) years.

SEC. 45. *Term of Office.* – The Chairperson and Members of the Committee shall be designated once for a term of five (5) years only. Of those first designated, three Members shall serve for five (5) years, two (2) Members for four (4) years, and the last two Members shall hold office for three (3) years. Succeeding Chairpersons and Members shall be designated for a term of not more than five (5) years. Designation to any vacancy shall be only for the unexpired portion of the term of the predecessor.

SEC. 46. *Functions of the Committee.* – The Committee shall exercise the following functions:

1. Protect human rights defenders from intimidation and reprisals;
2. Ensure accountability for acts of intimidation and reprisal;
3. Facilitate and promote interagency and inter-department coordination to prevent, protect from, investigate, and ensure accountability for acts of intimidation or reprisal;
4. Investigate on its own or on complaint by any party all forms of violations of human rights and fundamental freedoms of human rights defenders;
5. Publicly acknowledge and promote the legitimate and important role, activities and work of human rights defenders;
6. Consult regularly and work closely with human rights defenders in the implementation of this Act;
7. Monitor existing and proposed legislation, assess their impact or potential impact on the status, activities and work of human rights defenders, and propose amendments and/or remedial measures or block their passage if the measures shall to a large extent adversely affect the human rights defenders and their work and activities;
8. Prepare and submit reports and communications on the situation of human rights defenders to relevant international and regional human rights bodies and mechanisms;
9. Monitor and carry out periodic reviews of the implementation of this Act, the first of which shall be conducted one year after its effectivity;

10. Submit annual reports on the situation of human rights defenders and the status of implementation of this Act to the Office of the President of the Senate and the Office of the Speaker of the House of Representatives;
11. Make recommendations to relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for human rights defenders, mitigate and prevent the risks they face, and address the root causes of violations against human defenders; and
12. Perform other relevant functions as may be necessary to attain the objectives of this Act.

SEC. 47. *Training and Vetting.* – All persons involved in the Committee, including security and law enforcement officials, shall be appropriately vetted and shall receive training on human rights and fundamental freedoms and the situation and protection needs of human rights defenders prior to the commencement of the involvement, together with continuing training designed to ensure full and effective implementation of the Act.

SEC. 48. *Implementing Rules and Regulations.* –

(1) Within sixty (60) days from the effectivity of this Act, the Committee, together with Karapatan, NUPL, NCCP, PAHRA, FLAG, and CBCP-NASSA in consultation with other human rights organizations and individual human rights defenders of known probity, shall jointly promulgate the Implementing Rules and Regulations (IRR) for the effective implementation of this Act and shall ensure the full dissemination of the Act and the IRR to the public.

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

a. Adherence to the rule of law is the ultimate safeguard against violations of human rights and fundamental freedoms.

b. Empowerment of human rights defenders is enhanced by their active participation in formulating, implementing, and evaluating protection programs for human rights defenders.

c. Periodic assessments of risks, vulnerability or conflict help identify protection needs of human rights defenders giving particular attention to those of women and others' who are at increased risks.

d. Keeping and maintaining confidentiality of the personal data collected on human rights defenders and those referred to in Sec. 20 (3) upholds their right to privacy and security of person.

e. Continuous training of the members of the Committee Secretariat on human rights and fundamental freedoms, the root causes of their violations, and the work and protection needs of human rights defenders help sustain their commitment to the objectives of the Act.

f. Independent and effective operation of the Committee and its Secretariat requires sustained adequate resources.

g. Transparent, aboveboard, and equitable resource allocation and disbursement help ensure maximum protection to human rights defenders and their constituencies particularly those of higher risks and vulnerabilities.

h. Risks and challenges faced by women and LGBTQ human rights defenders and those working on women's and LGBTQ rights and gender issues demand special attention.

i. Risks and challenges faced by environmental and land rights defenders should be taken into consideration.

j. Generating support from a strong, independent, and effective national human rights institution and from the general public enhances and contributes to the effective work of human rights defenders.

k. Open access to the United Nations and international human rights bodies contributes to a safe and enabling environment for human rights defenders to work in.

SEC. 49. *Supplementary Applications.* – The applicable provisions of the Revised Penal Code shall have supplementary application insofar as they are consistent with the provisions of this Act.

SEC. 50. *Appropriations.* – The amount of Fifteen Million Pesos (P15,000,000.00) is hereby appropriated for the initial implementation of this Act. Subsequent funds necessary for the continuing implementation of this Act shall be provided for in the annual General Appropriations Act.

SEC. 51. *Separability Clause.* – If for any reason any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain and continue to be in full force and effect.

SEC. 52. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 53. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation or the Official Gazette, which shall not be later than seven (7) days after the approval thereof.

Approved,