

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

Twentieth Congress  
First Regular Session

House Bill No. **6678**



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**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,  
JOSE MANUEL TADEO “CHEL” I. DIOKNO, and DADAH KIRAM  
ISMULA and Dinagat Islands Representative KAKA BAG-AO**

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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**

**EXPLANATORY NOTE**

Article II, Section 11 of the 1987 Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights. Recent legislations have also been adopted to the promotion of social justice and human dignity such as Republic Act (R.A.) No. 9710 or the Magna Carta of Women, R.A. No. 10353 or the Anti-Enforced Disappearance Act, and R.A. No. 11862 or the Expanded Anti-Trafficking in Persons Act. Despite this constitutional mandate, policy interventions, and the country’s commitments to international human rights instruments, violations of human rights persist.

This is why the role of Human Rights Defenders (HRDs) is crucial as they protect, promote, and strive for the realization of human rights and fundamental freedoms and welfare of the people. It is then alarming how HRDs are often targets and victims of harassment and persecution. They are treated with contempt, even threatened with violence. HRDs are often subjected to summary execution, enforced disappearance, false labelling and red-tagging, and malicious prosecution.

In view of the foregoing, this bill seeks to guarantee the protection of the rights and fundamental freedoms of HRDs, specify the obligations of the State to ensure the enjoyment of these rights and freedoms, and impose appropriate sanctions to counter impunity. Among the HRD rights and freedoms this bill seeks to respect, protect and promote are:

- Right to promote and protect human rights and fundamental freedoms;

- Right to form groups, associations and organizations;
- Right to peaceful assembly;
- Right to seek, receive and disseminate information;
- Right to privacy;
- Right to develop and advocate human rights ideas;
- Right to solicit, receive and utilize resources;
- Right to access, communicate and cooperate with international and regional human rights bodies and mechanisms;
- Right to effective remedy and full reparation ;
- Freedom from intimidation and reprisal; and
- Freedom of movement.

The corresponding duties and obligations of the State and public authorities to protect HRDs include the:

- Obligation to respect, promote, protect and fulfill the rights of HRDs;
- Obligation not to participate in violating human rights and fundamental freedoms;
- Obligation to facilitate the activities and work of HRDs;
- Obligation to prevent and to ensure protection from intimidation or reprisal;
- Obligation to penalize intimidation or reprisal ;
- Obligation to refrain from derogatory and unfounded labeling;
- Obligation to ensure protection from arbitrary or unlawful intrusion or interference;
- Obligation to conduct investigation, and to ensure effective remedy and full reparation;
- Obligation to promote and facilitate human rights education; and
- Obligation to adopt a human rights-based governance.

The rights of HRDs must be fully recognized and the duties of public authorities be institutionalized. Human rights are fundamental anchors of our democratic society. The mission to protect those who defend our rights must persist.

The passage of this measure is thus earnestly sought.



**Rep. Percival V. Cendaña**  
AKBAYAN Party-list



**Rep. Kaka Bag-ao**  
Lone District of Dinagat Islands



**Rep. Jose Manuel Tadeo "Chel" I. Diokno**  
AKBAYAN Party-list



**Rep. Dadah Kiram Ismula**  
AKBAYAN Party-list

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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 House of Representatives of the Philippines in  
Congress assembled:*

**CHAPTER I  
PRELIMINARY PROVISIONS**

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

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

- a) 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;
- b) 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;
- c) To provide access to legal remedies and reparative measures including monetary compensation and psychosocial complement and rehabilitation to human rights violations victims;
- d) To fully and strictly adhere to the principles and standards on human rights and fundamental freedoms set by the Constitution, duties and responsibilities under existing laws, and international human rights instruments including the:

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- 1 1. Universal Declaration of Human Rights (UDHR);
- 2 2. Declaration on the Right and Responsibility of Individuals, Groups
- 3 and Organs of Society to Promote and Protect Universally
- 4 Recognized Human Rights and Fundamental Freedoms (Declaration
- 5 on Human Rights Defenders);
- 6 3. International Covenant on Civil and Political Rights (ICCPR);
- 7 4. International Covenant on Economic, Social and Cultural Rights
- 8 (ICESCR);
- 9 5. Convention against Torture and other Cruel, Inhuman or Degrading
- 10 Treatment or Punishment (CAT);
- 11 6. Convention on the Elimination of all Forms of Discrimination against
- 12 Women (CEDAW);
- 13 7. Convention on the Rights of the Child (CRC);
- 14 8. International Convention on the Protection of the Rights of All
- 15 Migrant Workers and Members of Their Families (CMW);
- 16 9. Convention on the Rights of Persons with Disabilities (CRPD);
- 17 10. International Convention for the Protection of All Persons from
- 18 Enforced Disappearance (CPED);
- 19 11. Declaration on the Rights of Indigenous Peoples;
- 20 12. Declaration on Human Rights Defenders; and
- 21 13. Other universal treaties, comments and resolutions.

22  
23 *Sec. 3. Construction in Favor of Human Rights Defenders.* - All provisions of  
24 this Act shall be construed to achieve its objectives. All doubts in the implementation  
25 and interpretation of these provisions shall be resolved in favor of the human rights  
26 defender.

27  
28 *Sec. 4. Definition of terms.* - As used in this Act:

- 29 a) *Command Responsibility* refers to any government official, including elected
- 30 and appointed officials of Local Government Units (LGUs), supervisor, or
- 31 officer of the Armed Forces of the Philippines, the Philippine National Police,
- 32 or the Citizens' Armed Forces Geographical Units (CAFGU), the National
- 33 Bureau of Investigation (NBI), or any other armed State security force or
- 34 State-deputized group, who may be held administratively liable for Neglect
- 35 of Duty for not taking any preventive or corrective action either before,
- 36 during, or immediately after the commission of a crime or offense despite
- 37 having knowledge of that such crime or offense shall be committed, is being
- 38 committed, or has been committed by his subordinates, or by others within
- 39 his area of responsibility.
- 40
- 41 b) *Government Agency* refers to any department, bureau, office, or unit of the
- 42 National Government, or any of its branches and instrumentalities, or any
- 43 political subdivision, as well as any government-owned or -controlled
- 44 corporation, including its subsidiaries, or other self-governing branch,
- 45 commission or council of the Government, to include but not be limited to
- 46 any grouping of the Armed Forces of the Philippines, Philippine National
- 47 Police or other State security forces, including military or police force
- 48 multipliers.

1 c) *Human Rights and Fundamental Freedoms* refer to rights or entitlements  
2 inherent in all human persons and freedoms recognized in or declared by  
3 international and regional human rights instruments and customary  
4 international law and by national laws that are consistent with the said  
5 instruments and law.

6  
7 d) *Human Rights Based Approach* refers to a policy framework that is designed  
8 to promote, protect, and fulfill human rights that follows national and  
9 international human rights standards adopted by the Republic of the  
10 Philippines.

11  
12 e) *Human Rights Defender* refers to any person who, Individually or in  
13 association with others, acts or seeks to act to protect, promote or strive  
14 for the protection and realization of human rights and fundamental  
15 freedoms and welfare of the people at the local, national, regional, and  
16 international levels.

17  
18 Defenders can be of any gender, of varying ages, disabilities, from various  
19 social classes, ethnicities, religion, and all sorts of professional or other  
20 backgrounds. This includes defenders who work on women's rights or on  
21 gender issues, environmental and land rights defenders, trade unionists and  
22 labor organizers and youth human rights defenders and media or press  
23 freedom. Human rights defenders are not only found within non-  
24 government organizations and intergovernmental organizations but might  
25 also, in some instances, journalists, academe, student leaders, civil servants  
26 or members of the private sector.

27  
28 f) *Human Rights Organization* refers to a group, organization or association in  
29 the local, national, regional or international level, whether formal or  
30 informal, registered or unregistered, that strive for the protection of human  
31 rights and fundamental freedoms and welfare of the people.

32  
33 g) *Human rights violation* refers to any act or omission that contravenes the  
34 international human rights treaties or covenants to which the Philippines is  
35 a State party, as well as the rights guaranteed under the Constitution and  
36 existing domestic laws.

37  
38 Human rights violations may be perpetrated by:

- 39 a. State actors;  
40 b. Non-state actors; or  
41 c. Failure of state actors to act on the violations committed by non-state  
42 actors.

43  
44 from which injury, disenfranchisement, and damage, (mental) psychological  
45 or physical, or property or reputation or privacy of any individual or  
46 organization shall be occasioned

47

- 1 h) *Intergovernmental Organization* refers to an organization established  
2 through a treaty or other agreements and mechanisms in pursuit of  
3 common issues, concerns and interests.  
4
- 5 i) *Intimidation* refers to any form of violence such as sexual and psychological  
6 violence, harassment, death threats, dissemination of propaganda, red-  
7 tagging, while *Reprisal* refers to punishment and prevention of the defense  
8 of human rights that may include arbitrary detention and surveillance,  
9 abduction, extra-judicial killing, freezing of assets, denial of right to travel,  
10 retaliation, de facto or de jure adverse discrimination, pressure, judicial  
11 harassment, or any other arbitrary or abusive action or threat, including  
12 cyber-attacks, hacking, defacement of websites, distributed denial-of-  
13 service attacks and similar acts related to a person's status, work or activity  
14 as a human rights defender, including proposed, attempted, or imputed  
15 work or activity directed at the: (i) human rights defender; (ii) the human  
16 rights defender's associate/s; (iii) a legal or other representative of the  
17 human rights defender appointed to conduct the latter's affairs or to  
18 otherwise act on his or her behalf; (iv) a family member or relative of the  
19 human rights defender up to the fourth degree of consanguinity or affinity,  
20 and includes common law relations; (v) a group, association, organization,  
21 community or network, whether formal or informal, registered or  
22 unregistered with which the human rights defender is associated; (vi) or the  
23 home, property or possessions of the human rights defender or any of the  
24 other persons or entities in items (ii) to (v).  
25
- 26 j) *Intrusion and interference* refers to any form of surveillance, raids, searches  
27 and seizures, recording, within the purview of Republic Act No. 4200,  
28 otherwise known as "An Act to Prohibit and Penalize Wire Tapping and Other  
29 Related Violations of the Privacy of Communication, and for Other  
30 Purposes," search and seizure in relation to his or her legitimate activity or  
31 work as a human rights defender.  
32
- 33 k) *Non-State Actor* encompasses people, organizations, groups and  
34 corporations not composed of State agents or not being State organs.  
35
- 36 l) *Principle of Non-refoulement* refers to the essential protection under  
37 international human rights, refugee, humanitarian and customary law that  
38 prohibits States from transferring or removing individuals from their  
39 jurisdiction or effective control when there are substantial grounds for  
40 believing that the person would be at risk of irreparable harm upon return,  
41 including persecution, torture, ill-treatment or other serious human rights  
42 violations.  
43
- 44 m) *Public Authority* refers to any person or body performing a function of a  
45 public nature that is conferred or imposed by or pursuant to law, by popular  
46 election or appointment or delegation or contracted by a governmental  
47 authority or agency.  
48

- 1  
2 n) *Red-tagging* refers to the act of publicly labeling, vilifying, branding,  
3 naming, accusing, harassing, persecuting, stereotyping, or caricaturing  
4 individuals, groups, or organizations as State enemies, left-leaning,  
5 subversives, armed rebels, communists, or terrorists, or fronts thereof, as  
6 part of a counter-insurgency or anti-terrorism strategy or program, by any  
7 State actor or non-state actor.  
8  
9 o) *Sanctuary* refers to a place, building or area that is constituted as such  
10 under this law or by custom where an HRD can seek refuge and be free  
11 from arrest for offenses associated with his or her work as an HRD.  
12  
13 p) *Strategic Lawsuit Against Public Participation or (SLAPP)* includes any civil  
14 complaint, counterclaim, cross-claim, third (fourth, etc.)-party complaint, or  
15 complaint-in-intervention, criminal complaint or information, or  
16 administrative complaint filed against individual or individuals, groups, labor  
17 unions, entity or associations, community residents, or the like by reason or  
18 arising out of their exercise of freedom of speech, expression, or of the  
19 press, or of the right of the people peaceably to assemble, or petition the  
20 government for redress of grievances in matters of public concern, and is  
21 intended to harass, vex, or silence individual or individuals, groups, labor  
22 unions, entity or associations, community residents, or the like, or exert  
23 undue pressure on them, or deplete their resources.  
24  
25 q) *Superior Officer* refers to the government official who has direct supervisory  
26 powers or control over the head of the government agency to whom the  
27 subject head reports and shall include but not limited to the President,  
28 Department Secretaries, Chief of Staff of the Armed Forces of the  
29 Philippines, the Commanding General or Rear Admirals of any service Armed  
30 Forces of the Philippines, or the Director General of the Philippine National  
31 Police.  
32  
33 r) *Unit* refers to the most basic and smallest unit in a government organization  
34 that is composed of the fewest possible number of personnel to perform its  
35 designated function.  
36  
37 s) Vilification is a public act that could incite hatred, serious contempt or severe  
38 ridicule towards a human rights defender by virtue of his or her work and  
39 stance in favor of rights holders that commonly comes in the form of false  
40 labeling, red- tagging, name-calling, or malicious and fabricated accusations  
41 or criminal complaints.  
42

43 **CHAPTER II**  
44 **RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS**  
45

46 *Sec. 5. Right to Promote and Protect Human Rights and Fundamental*  
47 *Freedoms.* — Everyone has the right, individually and in association with others, to

1 promote and to advocate for the protection and realization of human rights and  
2 fundamental freedoms at the local, national, regional and international levels.

3  
4 *Sec. 6. Right to Form Groups, Associations and Organizations.* – Everyone,  
5 Individually or in association with others, has the right to form, join, or associate with  
6 and participate in local, national, regional, or international organizations, whether  
7 formal or informal and whether registered or unregistered, for the purpose of  
8 promoting and advocating for the protection and realization of human rights and  
9 fundamental freedoms.

10  
11 *Sec. 7. Right to Solicit Receive and Utilize Resources.* –

12 (1) Everyone, individually or in association with others, has the right to solicit,  
13 receive and utilize resources, from domestic and international organizations, including  
14 governmental, intergovernmental, philanthropic and private sources, for the express  
15 purpose of promoting and advocating for the protection and realization of human  
16 rights and fundamental freedoms.

17  
18 (2) In pursuance of the right in subsection (1), subject to the of existing laws  
19 and consistent with provisions of this Act, freezing, sequestration or seizure by any  
20 bank or financial institution of the fund solicited from and released by the source is  
21 hereby prohibited.

22  
23 *Sec. 8. Right to Solicit, Receive and Disseminate information.* –

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

- 25 a) To know, seek, access, obtain, receive and hold information about all human  
26 rights and fundamental freedoms, including information regarding how  
27 these rights and freedoms are given effect in the legislative, judicial and  
28 administrative systems;  
29  
30 b) To know, seek access, obtain, receive and hold such information from  
31 business enterprises and other private actors as may be necessary for  
32 exercising or protecting, or assisting to exercise or protect human rights or  
33 fundamental freedoms;  
34  
35 c) To freely publish, impart or disseminate to others' views, information and  
36 knowledge on all human rights and fundamental freedoms;  
37  
38 d) To study, discuss, form and hold opinions on the observance, both in law  
39 and in practice, of all human rights and fundamental freedoms and, through  
40 these and other means, to draw public attention to these matters.

41  
42 (2) The right in subsection (1) may be exercised orally, in writing, in print, in  
43 the form of art or through any other media, whether online or offline.

44  
45 *Sec. 9. Right to Develop and Advocate for Human Rights Ideas.* – Everyone,  
46 individually or in association with others, has the right to develop and discuss new  
47 ideas and principles which relate to human rights and fundamental freedoms, and to  
48 advocate their acceptance.

1  
2       Sec. 10. *Right to Communicate with Non-governmental, Governmental and*  
3 *Intergovernmental Organizations.* – Everyone, individually and in association with  
4 others, has the right to freely communicate with non-governmental, governmental  
5 and intergovernmental organizations, including subsidiary bodies, mechanisms or  
6 experts with a mandate relevant to human rights and fundamental freedoms, as well  
7 as with diplomatic representations.  
8

9       Sec. 11. *Freedom from Vilification, Defamation, and Stigmatization.* – No  
10 person, individually or in association with others, shall be subjected to false labeling,  
11 red-tagging, name-calling, catcalling, psychological violence, malicious or fabricated  
12 accusations of any offense, or any other form of vilification, derogatory conduct,  
13 defamation, stigmatization, or harassment, whether offline or online, and whether  
14 committed by public authorities or private actors, in connection with one’s status,  
15 activities, or work as a human rights defender.  
16

17       Sec. 12. *Right to Access, Communicate and Cooperate with International and*  
18 *Regional Human Rights Bodies, Tribunals, and Mechanisms.* — In accordance with  
19 applicable international instruments and procedures, everyone, individually or in  
20 association with others, has the right to unhindered access to and to communicate  
21 and cooperate with international and regional human rights bodies, tribunals, and  
22 mechanisms, including treaty bodies and special procedures or special rapporteurs.  
23

24       Sec. 13. *Right to Participate in Public Affairs.* –

25       (1) Everyone, individually or in association with others, has the right to  
26 participate effectively in the conduct of public affairs, including participation on a non-  
27 discriminatory basis in the government regarding human rights and fundamental  
28 freedoms.  
29

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

- 31       a) To submit to any public authority, or agency or organization concerned with  
32 public affairs, criticism on or proposals for improving its functioning with  
33 respect to human rights and fundamental freedoms;  
34  
35       b) To make recommendations to any public authority regarding legislative or  
36 regulatory changes relating to human rights and fundamental freedoms;  
37  
38       c) To draw to the attention of any public authority any aspect of its work that  
39 may hinder or impede the promotion, protection and realization of human  
40 rights and fundamental freedoms;  
41  
42       d) To call the attention of any public authority to any action or omission by any  
43 actor, private or public, that may involve or contribute to a violation of  
44 human rights or fundamental freedoms; and  
45  
46       e) To freely publish, impart or disseminate to others any information submitted  
47 to any public authority in the exercise of the rights set out in this Chapter.  
48

1           Sec. 14. *Right to Assembly.* –

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

6  
7           (2) The right referred to in subsection (1) includes the right to plan, organize,  
8 participate in and disseminate information regarding activities concerning human  
9 rights and fundamental freedoms, including demonstrations, protests, seminars and  
10 meetings, whether conducted in a public or private place.

11  
12           Sec. 15. *Right to Represent and Advocate.* –

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

17  
18           (2) The right referred to in subsection (1) includes the right:

19           a) To complain about the policies and actions of public authorities with regard  
20 to violations of human rights and fundamental freedoms, by petition or  
21 other appropriate means, to domestic judicial, administrative or legislative  
22 authorities or any other competent authority such as the Commission on  
23 Human Rights and the Ombudsman;

24  
25           b) To offer and provide professionally qualified legal counsel, paralegal, or  
26 other relevant advice and assistance in defending human rights and  
27 fundamental freedoms;

28  
29           c) To attend public hearings, proceedings and trials so as to form an opinion  
30 on their compliance with national law and human rights and fundamental  
31 freedoms; and

32  
33           d) To submit communications and information to authorities and bodies  
34 referred to in Section 10.

35  
36           Sec. 16. *Right to Freedom of Movement.* –

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

41  
42           (2) No one lawfully within the Philippine territory shall be expelled therefrom,  
43 as an individual or as part of a group, wholly or partially, on account of acts as a  
44 human rights defender.

45  
46           (3) No one shall be deprived of the right to enter or leave the country on  
47 account of one's status, activities or work as a human rights defender.

48

1           Sec. 17. *Right to Privacy.* –

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

3  
4           (2) The right referred to in subsection (1) includes the right of a human rights  
5 defender to protect one's privacy through lawful means, including encryption of  
6 personal data, and be free from arbitrary and unlawful intrusion and interference into  
7 one's personal activities including those concerning one's family, livelihood and place  
8 of work, one's correspondences and possessions, including all digital data pertaining  
9 thereto.

10  
11           (3) The right to privacy extends to groups, organizations or associations,  
12 families of HRDs, and confidentiality of sanctuary.

13  
14           Sec. 18. *Right to be Secure in Educational Institutions.* – No member of the  
15 Philippine National Police (PNP), Armed Forces of the Philippines (AFP), or the Citizens'  
16 Armed Forces Geographical Units (CAFGU), the National Bureau of Investigation  
17 (NBI), or any other armed State security force or State-deputized group, shall enter  
18 the premises of and/or conduct police or military operations in any educational  
19 institution without prior notification to, and free and informed consent by the student  
20 council and school authorities.

21  
22           Sec. 19. *Freedom from intimidation or reprisal.* – No person shall be subjected,  
23 individually or in association with others, to any form of intimidation or reprisal,  
24 including criminalization and the filing of SLAPP, on the grounds of or in relation to his  
25 or her status, activities or work as a human rights defender.

26  
27           Sec. 20. *Right to Exercise Cultural Rights and to Development of Personality.*

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

32  
33           (2) The right referred to in Subsection (1) includes the right to challenge and  
34 change traditional customs and practices that violate human rights and fundamental  
35 freedoms.

36  
37           Sec. 21. *Right to Effective Remedy and Full Reparation.* –

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

42  
43           (2) A person whose rights have been violated or who has been adversely  
44 affected by a breach of obligations has the right to obtain such effective remedy and  
45 full reparation from the appropriate government agency or court of competent  
46 jurisdiction.

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

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

15  
16 However, as much as possible, the consent of the victim must first be obtained  
17 before a complaint is filed. In the absence of such consent, the human rights  
18 organization or association may proceed with filing the complaint or petition unless  
19 the lack or absence of consent is based on the threat to the life, liberty, or security of  
20 the victim or his or her family.

21  
22 *Sec. 22. Right to a Sanctuary. —*

23 (1) Any person, individually or in association with others, who has been  
24 subjected to any form of intimidation or reprisal, has the right to a safe refuge or  
25 sanctuary.

26  
27 Said sanctuary shall be considered established if that person gives confidential  
28 notice to the human Rights Defenders Protection Committee created under this Act  
29 indicating that said place, building or area has been constituted as a sanctuary.  
30 Provided, places, buildings or areas customarily considered as sanctuaries, such as  
31 religious places of worship, shall be considered as sanctuaries without the need of the  
32 confidential notice referred in the preceding sentence.

33  
34 (2) Any person, individually and in association with others, has the right to  
35 establish sanctuaries for any human rights violation victim and/or their families.

36  
37 *Sec. 23. Limitation on the Rights of Human Right Defenders. —* In exercising  
38 the rights in Chapter II of this Act, a human rights defender, individually or in  
39 association with others, shall be subject only to limitations that are prescribed by law,  
40 and are reasonable, necessary and proportionate in accordance with international  
41 human rights obligations and standards.

42  
43 **CHAPTER III**  
44 **OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES**

45  
46 *Sec. 24. Obligation to Respect, Promote, Protect and Fulfill the Rights of Human*  
47 *Rights Defenders. —* Public authorities shall take all necessary measures to ensure:  
48 (1) that the human rights and fundamental freedoms in Chapter II of this Act are

1 effectively guaranteed and protected; (2) that all laws, policies and programs of  
2 government are consistent with the rights in Chapter II of this Act; and (3) that human  
3 rights defenders are able to freely undertake their activities and work in a safe and  
4 enabling environment without restrictions.

5  
6 *Sec. 25. Obligation to Facilitate the Activities and Work of Human Rights*  
7 *Defenders.* – Public authorities shall take all necessary measures in accordance with  
8 law to facilitate and protect the exercise of the rights vested on human rights  
9 defenders under Chapter II of this Act, which measures shall include the obligations  
10 to:

- 11 a) permit and facilitate access to places where persons are deprived of liberty;
- 12 b) permit and facilitate access to places and to information required by human  
13 rights defenders to exercise their rights;
- 14 c) provide information about violations of human rights or fundamental  
15 freedoms that may have been committed within Philippine territory or  
16 jurisdiction, including those committed by agents of the State in the line of  
17 duty;
- 18 d) develop and enhance the capacity of rights defenders to defend and  
19 promote human rights and fundamental freedoms including creating  
20 mechanisms for reporting and monitoring, and providing spaces for HRDs;  
21 and
- 22 e) publicly recognize the role, functions and activities of human rights  
23 defenders.

24  
25 *Sec. 26. Obligation to Provide free Access to Materials Relating to Human*  
26 *Rights and Fundamental Freedoms.* – Public authorities shall make freely available and  
27 accessible to the public the following materials online and through other modes and  
28 platforms of information dissemination:

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

45  
46 Relevant government agencies shall act on the requests within 5-10 days,  
47 unless sooner required under justifiable circumstances.

48

1           Sec. 27. *Obligation not to Disclose Confidential Sources.* - Public authorities  
2 shall not disclose or require disclosure of the identity of sources used by human rights  
3 defenders unless both the relevant source and the concerned human rights defender  
4 give informed consent in writing to such disclosure or if so required by any competent  
5 courts.

6  
7           Sec. 28. *Obligation to Prevent: and to Ensure Protection from Intimidation or*  
8 *Reprisal.* – Public authorities shall take all necessary measures to ensure the  
9 prevention of and protection from any intimidation or reprisal by any public or private  
10 actor against human rights defenders. These shall include protection measures  
11 established under pertinent laws.

12  
13           Sec. 29. *Obligation to Penalize intimidation or Reprisal.* - Any public authority  
14 or private actor who is found guilty of committing intimidation or reprisal against a  
15 person on the grounds of or in connection with his or her status, work, activities as a  
16 human rights defender, shall be penalized under the appropriate provision/s of the  
17 Revised Penal Code and other relevant laws, in addition to administrative and/or civil  
18 sanctions that may be imposed considering the gravity of the offense, upon the  
19 discretion of the court or competent authority.

20  
21           Sec. 30. *Obligation to Refrain from Derogatory and Unfounded Labeling.* –

22           (1) Under no circumstance shall public authorities engage in false, unfounded  
23 and derogatory labeling of human rights defenders including identifying or tagging  
24 them as “reds”, “communists”, “terrorists”, or “enemies of the State”.

25  
26           (2) Public authorities shall immediately expunge or rectify such labeling as part  
27 of the non-monetary reparation ID victims referred to in Section 21 (2) of Chapter II  
28 and Section 34 of Chapter III of this Act.

29  
30           Sec. 31. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion*  
31 *and Interference.* –

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

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

40  
41           Sec. 32. *Obligation not to Participate in Violating Human Rights and*  
42 *Fundamental Freedoms.* – All public authorities are mandated not to participate, by  
43 acts of commission or omission, in violating human rights and fundamental freedoms.  
44 Subordinate employees have the right and duty to refuse any order from their  
45 superiors to participate in acts that contravene their duty to protect, uphold and  
46 promote human rights and fundamental freedoms, and shall not be subject to any  
47 administrative or criminal sanctions as a consequence of such refusal.

48

1           Sec. 33. *Obligation to Conduct Investigation.* - Whenever there is reasonable  
2 ground to believe that a human rights defender has disappeared, been killed, tortured,  
3 ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights  
4 in Chapter II of this Act, whether by a public authority or private actor, the state must  
5 ensure that a prompt, thorough, effective, independent and impartial investigation is  
6 conducted with extraordinary diligence and is prosecuted under existing applicable  
7 laws, including RA 9745, "the Anti-Torture Act"; RA 10353, the "Anti-Enforced or  
8 Involuntary Disappearance Act"; and RA 7438, "An Act Defining Certain Rights of  
9 Person Arrested, Detained or Under Custodial Investigation as well as the Duties of  
10 the Arresting, Detaining and Investigating Officers, and Providing Penalties for  
11 Violations Thereof". Presumption of regularity in the performance of duty by the  
12 offending public authority shall not be invoked.  
13

14           Sec. 34. *Obligation to Ensure Effective Remedy and Full Reparation.* - Public  
15 authorities shall take all necessary measures to ensure that an effective remedy and  
16 full reparation are available and provided for violations of the rights in Chapter II and  
17 for breach of the obligations in Chapter III of this Act.  
18

19           Full reparation shall include the obligation of the State to expunge from its  
20 records any case, file, or any other document, as well as online posts, that is  
21 associated with spurious allegations, red-tagging, defamation, stigmatization,  
22 criminalization, and any other false information that was used against the HRD to  
23 hinder his or her work. Courts shall include a directive against any and all relevant  
24 agencies to do so in any decision or order acquitting an HRD from a criminal action  
25 considered as SLAPP; otherwise, the HRD may obtain the same relief through an  
26 application with any court following the dismissal of his or her case.  
27

28           Sec. 35. *Obligation to Enforce and institutionalize Command Responsibility.* —  
29 Government agencies shall enforce and institutionalize command responsibility and  
30 impose sanctions against errant superior in both military and civilian agencies as  
31 provided under existing laws and executive issuances. Liability in this section shall be  
32 extended only to the superior, approving authority, or any other superior who has  
33 knowledge on the commission and omission.  
34

35           Sec. 36. *Obligation to Adopt Human Rights-Based Governance.* – Public  
36 authorities shall adapt the human rights-based approach to governance and  
37 development.  
38

39           Sec. 37. *Obligation to Strengthen Protection Program.* — The Commission on  
40 Human Rights shall strengthen its protection program and provide a safe place of  
41 refuge or sanctuary for at-risk human rights defenders and/or their families, more  
42 particularly those who have filed formal complaints against high-ranking public  
43 authorities.  
44

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





1 alternative lawyering organizations. They shall then, in a meeting called for this  
2 purpose, without prejudice to the nominations of other human rights organizations  
3 who have proven track records of probity and independence, nominate the members.  
4

5 (2) The aforementioned nominees shall be appointed by the Commission on  
6 Human Rights in an *en banc* session.  
7

8 (3) The composition of the Committee shall have a balanced gender  
9 representation on the basis of the principles of equality and non-discrimination and  
10 adequate representation of ethnic, cultural and minority groups.  
11

12 (4) The Committee shall be attached to the Commission on Human Rights  
13 (CHR) for administrative and budgetary purposes only.  
14

15 (5) The Committee shall organize itself within thirty (30) days from the  
16 completion of the selection process of the Chairperson and Members of the Committee  
17 as herein provided in Subsection (1) and shall thereafter organize its Secretariat.  
18

19 *Sec. 48. Qualifications of the Committee Members.* – The Members of the  
20 Committee shall possess the following qualifications:

- 21 a) High moral character, recognized probity, competence, and integrity;
- 22 b) Known independence in making decisions and taking stances on issues and  
23 concerns pertaining to the protection and promotion of human rights and  
24 fundamental freedoms;
- 25 c) A deep, thorough and enlightened knowledge and understanding of human  
26 rights and fundamental freedoms and the role, work, and protection needs  
27 of human rights defenders; and
- 28 d) At least two (2) members, including the Chairperson must be members of  
29 the Philippine Bar who have been engaged in the practice of law for at least  
30 seven (7) years.  
31

32 *Sec. 49. Term of Office.* — The Chairperson and Members of the Committee  
33 shall be designated once for a term five (5) years only. Of those first designated, three  
34 (3) Members shall serve for five (5) years, two (2) Members for four (4) years, and  
35 the last two (2) Members shall hold office for three (3) years. Succeeding Chairpersons  
36 and Members shall be designated for a term of not more than five (5) years.  
37 Designation to any vacancy shall be only for the unexpired portion of the term of the  
38 predecessor.  
39

40 *Sec. 50. Functions of the Committee.* — The Committee shall exercise the  
41 following functions:

- 42 a) Ensure the respect for the rights enumerated under Sections 5 to 24;
- 43 b) Initiate complaints for the violation of rights that have corresponding non-  
44 performance of obligations under Chapter III;
- 45 c) Adopt its operational guidelines and Rules of Procedure including issuance  
46 of *subpoena* and *subpoena duces tecum*, and cite for contempt for violations  
47 thereof in accordance with the Rules of Court;

- 1 d) Investigate on its own or on complaint by any party all forms of violations  
2 of human rights and fundamental freedoms of human rights defenders;  
3 e) Ensure accountability for the violation of the rights of HRDs;  
4 f) Facilitate and promote inter-agency and inter-department coordination to  
5 prevent, protect from, investigate, and ensure accountability for acts of  
6 intimidation or reprisal;  
7 g) Publicly acknowledge and promote the legitimate and important role,  
8 activities and mark of human rights defenders;  
9 h) Consult regularly and mark closely with human rights defenders in the  
10 implementation of this Act;  
11 i) Monitor existing and proposed legislation, assess their impact or potential  
12 impact on the status, activities and work of human rights defenders, and  
13 propose amendments and/or remedial measures or block their passage if  
14 the measures shall to a large extent adversely affect the human rights  
15 defenders and their work and activities;  
16 j) Prepare and submit reports and communications on the situation of human  
17 rights defenders to relevant international and regional human rights bodies  
18 and mechanisms;  
19 k) Monitor and carry out periodic reviews of the implementation of this Ach,  
20 the first of which shall be conducted one (1) year after its effectivity.  
21 l) Submit annual reports on the situation of human rights defenders and the  
22 status of implementation of this Act to the Office of the President of the  
23 Senate and the Office of the Speaker of the House of Representatives;  
24 m) Make recommendations to relevant authorities on the appropriate measures  
25 to be taken to promote a safe and enabling environment for human rights  
26 defenders, mitigate and prevent the risks they face, and address the root  
27 causes of violations against human defenders; and  
28 n) Perform other relevant functions as may be necessary to attain the  
29 objectives of this Act.  
30

31 *Sec. 51. Training and Vetting.* – All persons involved in the work and activities  
32 of the Committee, including security and law enforcement officials, shall undergo  
33 vetting conducted exclusively by the Commission on Human Rights (CHR). They shall  
34 likewise receive training on human rights and fundamental freedoms, as well as on  
35 the situation and protection needs of human rights defenders, to be conducted by the  
36 CHR or by other qualified human rights organizations. Such training shall be  
37 undertaken prior to the commencement of their involvement and shall include  
38 continuing capacity-building to ensure full and effective implementation of the Act.  
39

## 40 **CHAPTER VI**

### 41 **FINAL PROVISIONS**

42  
43 *Sec. 52. Implementing Rules and Regulations.* — Within sixty (60) days from  
44 the effectivity of this Act, the Commission on Human Rights in consultation with other  
45 human rights organizations and individual human rights defenders of known probity,  
46 shall promulgate the Implementing Rules and Regulations (IRR) for the effective  
47 implementation of this Act and shall ensure the full dissemination of the Act and the  
48 IRR to the public.

1           Sec. 53. *Suppletory Applications.* — The applicable provisions of the Revised  
2 Penal Code and other special penal laws shall have suppletory application insofar as  
3 they are consistent with the provisions of this Act.  
4

5           Sec. 54. *Appropriations.* – Funds necessary for the continuing implementation  
6 of this Act shall be provided. Subsequent funds necessary for its continuing  
7 implementation shall be included in the annual General Appropriations Act, which shall  
8 in no case be less than that provided in the previous year’s GAA, and provided further  
9 that an increase of 10% in the budget shall be mandatory if the appropriation has  
10 remained the same for three consecutive years.  
11

12           Sec. 54. *Separability Clause.* — If for any reason any part or provision of this  
13 Act is declared unconstitutional or invalid, the other parts or provisions hereof which  
14 are not affected thereby shall remain and continue to be in full force and effect.  
15

16           Sec. 54. *Repealing Clause* – All laws, decrees, executive orders, rules and  
17 regulations and other issuances or parts thereof, inconsistent with the provisions of  
18 this Act are hereby repealed, amended or modified accordingly.  
19

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

Approved,