

Amnesty International Philippines

Human Rights Legislative Agenda for the 19th Congress of the Philippines

Through this seven-point agenda, Amnesty International urges the Philippine Senate and the House of Representatives to ensure that the protection and promotion of human rights are a core part of their legislative plans for the country. Herein, Amnesty International puts forward key human rights issues and offers recommendations so that the Philippines may meet its obligations under international human rights law.

Amnesty International calls upon all legislators to commit to putting human rights at the centre of the Philippine laws they are responsible for shaping, by pledging to uphold this agenda, and intentionally and visibly supporting policies in defense of human rights.

1. LEGISLATE THE PROTECTION OF POLITICAL ACTIVISTS, HUMAN RIGHTS DEFENDERS, AND OTHER GOVERNMENT CRITICS AND TARGETED GROUPS FROM HARASSMENT AND KILLINGS

Human rights defenders and political activists, especially those accused by the government of supporting the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA), have long been the subject of attacks from the government over the years. Government authorities increasingly subjected political activists, human rights defenders, journalists, and lawyers to "red-tagging". The UN Special Rapporteur on freedom of expression and opinion noted that "In many cases, vilification [such as red-tagging] has been followed by threats, unlawful surveillance, attacks or even unlawful killings," she said. "It intimidates and chills freedom of expression and suppresses legitimate activism, journalism or criticism". The absence of any legislated operational definition and subsequent policy penalizing red-tagging essentially reinforces the practice as a state tool for silencing dissent.

In 2017, following the breakdown of peace talks between the government and the CPP/NPA, former President Duterte established the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). Supposedly the government's primary counter-insurgency body, the task force has further perpetuated red-tagging, and enforced a strategy of intrusive propaganda in schools and communities that has increasingly focused on discrediting and dismantling civil society organizations and vilifying individual human rights defenders. They have continued to operate unchecked following a back and forth of its budget allocation for 2024.

In September 2023, student activists Jonila de Castro and Jhed Tamano were surfaced at a press conference hosted by the NTF-ELCAC two weeks after their disappearance. The pair had signed affidavits to state that they had left a communist movement and were seeking protection from the military. De Castro and Tamano, however, accused the military of forcibly abducting them and coercing them to sign the affidavits. Several other activists remain disappeared including indigenous people's rights activists Dexter Capuyan and Gene Roz Jamil. The continued existence and operation of the NTF-ELCAC is enabled by government officials repeatedly red-tagging student, indigenous peoples rights, climate justice activists. All this, even after UN Special Rapporteur Irene Khan recommended and urged the president to abolish the anti-insurgency Task Force during her 10-day visit early 2024.

In addition to red-tagging, activists and human rights defenders are restricted by anti-terrorism legislation. The Anti-Terrorism Act (ATA), now in full implementation, continues to pose a threat to those wrongly accused of terrorism, by granting the government excessive and unchecked powers and being susceptible to arbitrary and discriminatory enforcement. The Anti-Terrorism Council (ATC) has continually designated human rights groups and people's organizations as "terrorists".

Under the ATA, young activists Fritz Labiano and Adrian Paul Tagle were indicted by the Department of Justice for terror financing without having received any summons in February 2024. Labiano and Tagle visited fellow activists in jail and

supplied them with food and five hundred pesos in October 2023, prompting the army to file terrorism complaints against them.

The Marcos Administration created the Special Committee on Human Rights Coordination. The committee's duties include data gathering on alleged human rights violations by law enforcement agencies and facilitating access to redress mechanisms by human rights victims. While the move seemingly signals the Administration's commitment to human rights, the Committee is superfluous and further convolutes the human rights justice system as the Commission on Human Rights and the Presidential Human Rights Committee already exist; with the prior lacking significant support and resources from the administration.

RECOMMENDATIONS:

- **Pass the Human Rights Defenders Protection Act** --a legislation recognizing the work of all human rights defenders and political activists and ensuring protection of their rights as they carry out their work, including the rights to life, due process, freedom of expression, and freedom of peaceful assembly, and ensure that they are able to carry out their work free from harassment, threats, and harm.
- **Defund the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)** to disable it from performing its operations that have consistently been proven to target activists and curtail humanitarian work and peaceful dissent.
- **Repeal or significantly amend the Anti-Terrorism Act to ensure it is consistent with international human rights law and standards**, and not used to unduly target those who are critical of the government.
- **Institutionalize cooperation and collaboration between the government and the CHR**, with a view to **define “red-tagging”** and ensure its inclusion in relevant legislations, and **facilitating the investigation** of killings of activists and human rights defenders, as well as other human rights violations.
- **Ensure sufficient funding for the effective operation of the Barangay Human Rights Action Centers (BHRAC)**, to empower them as the first line of reporting for cases of red-tagging and harassment of activists, as well as other human rights abuses and violations, especially by state and local authorities.
- **Ensure the full independence of the Commission on Human Rights (CHR)** in accordance with the Paris Principles, and provide adequate resources to it, including sufficient budget to strengthen its human rights work.
- **Establish a national preventative mechanism on torture**, in line with the Philippines' obligations under the Anti-Torture Act of 2009, and the Optional Protocol to the Convention against Torture.
- **Institute measures to build trust in law enforcement and security agencies**, thereby enabling civil society groups and the public at large to engage with such government agencies tasked with investigating allegations of human rights violations, without fear of reprisal.
- **Ensure that accountability and human rights protections are included in any peace negotiations**, including by legislating mutual cooperation on human rights protection and joint investigations on credible allegations of violations of human rights and international humanitarian law committed in the context of armed conflict.
- **Ratify key treaties on human rights and humanitarian law**, such as the Optional Protocol of the International Convention on Economic, Social and Cultural Rights, the International Arms Trade Treaty, and the International Convention for the Protection of All Persons from Enforced Disappearances.

2. REPEAL AND REJECT ANY LAWS CURTAILING MEDIA FREEDOM, AND THE FREEDOM OF EXPRESSION AND ASSEMBLY

A free media plays an indispensable role in upholding the right to freedom of expression and enabling people to seek and receive information. Amnesty International is concerned that press freedom in the Philippines has been severely eroded and assaulted over the last few years.

Nobel Peace Prize awardee [Maria Ressa](#) and Rappler, the digital media company she founded, have been a particular target of the authorities due to their consistent criticism of President Duterte and his administration, publishing detailed investigations into extrajudicial executions as part of the “war on drugs” and other exposés. Maria Ressa and Rappler currently face multiple lawsuits and investigations, including for alleged tax violations and violations of the Constitution’s foreign equity restrictions in mass media. In June 2020, Maria Ressa was found guilty of “cyber libel” after being [convicted](#) under the Philippines’ Cybercrime Prevention Act of 2012. Appeals against the cyber-libel verdict and an order to close Rappler remain pending. Amnesty International is among numerous human rights groups around the world that condemned her conviction as an attack on press freedom.

The Philippines remains one of the most dangerous places in the world to be a journalist. The country ranked 134 out of 180 countries in Reporters without Borders’ Press Freedom Index published in May 2024, slipping two places further since 2023. The National Union of Journalists of the Philippines (NUJP) documented 135 attacks and threats against journalists and media workers from July 1, 2022 to April 30, 2024 including the killing of Rey Blanco, Percy Lapid, and Cresencio Bundoquin. There were 75 cases of intimidation within that period, among which were 45 cases of red-tagging and 19 cases of surveillance. Despite this, President Bongbong Marcos has not made mention of any issues surrounding press freedom in his two previous SONAs.

Amnesty International has monitored the rise in local government’s restrictive bureaucracy and the local police’s violent response to peaceful protests with increasing concern. The excessive presence of police, even in permitted protests conducted in freedom parks, diminish the realization of the people’s right to assemble as such state forces bear excessive ‘non-lethal’ weapons, dress in full combat gear, and utilize trucks to block or disperse people.

The police’s failure to practice the principle of maximum tolerance leading to violent dispersals of protests (e.g use of water cannons or shields) also further shrink free civic space. Documented violent dispersals include NutriAsia Workers in July 2018, Indigenous people against Ocean Gold Mining in April 2020, CHR Protests in May 2022, among others. However, there is also a general lack of documentation and media coverage of protests and police response, especially in rural areas and involving vulnerable stakeholders (e.g. indigenous communities, farmers, fisherfolk, laborers). In December 2023, a government prosecutor dismissed a complaint alleging violations of environmental laws filed by the police against artist Max Santiago and three others involved in burning an effigy of the president during a protest in July. However, charges against 14 other individuals for organizing the protest without a permit remain pending.

Despite attempts in 2004 and 2016 to amend, repeal, or otherwise, strengthen the Batas Pambansa 880, the only active legislation operationalizing the right to peaceable assemble and petition the government; none of these have received any significant movement in both legislative houses.

RECOMMENDATIONS:

- Publicly condemn attacks against journalists in the Philippines. **Ensure that a body is independently, transparently and effectively investigate the killings of journalists**, and bring those responsible to justice in fair trials.
- **Repeal or substantially amend all laws unduly restricting the right to freedom of expression, including the Cybercrime Prevention Act of 2012**, and bring them in line with international human rights law and standards.
- **Pass a new Public Assembly Act—a legislation strengthening the people’s right to peaceable assemble and express grievances against the government**, essentially repealing the Batas Pambansa 880; and ensuring that Filipinos are able to access multiple avenues to petition the government, and exercise their freedom of expression and assembly safely, effectively, and without unreasonable obstructions.

3. ENSURE THAT ALL HUMAN RIGHTS VIOLATIONS IN THE “WAR ON DRUGS” ARE PROPERLY INVESTIGATED AND DRUG POLICIES ARE REFORMED IN LINE WITH HUMAN RIGHTS

Extrajudicial executions have been an endemic problem in the Philippines for many years,¹ with successive administrations employing increasingly violent strategies to address the insurgency in the country. Authorities have also consistently failed to improve a weak justice system that has thus far failed to investigate, prosecute and sanction those responsible for committing or ordering extrajudicial executions.

Extrajudicial executions increased dramatically in 2016, when President Rodrigo Duterte took office and promised to wipe out crime within six months through a policy that would target those using and selling drugs. Throughout President Duterte’s six-year term, thousands of people suspected of using or selling illegal drugs were killed by the police or unknown individuals, many of whom may have links to the police. However, only four cases have resulted in a court conviction so far, including the murder of 17 year old Kian delos Santos, which sparked international outcry. While some administrative cases also appear to have been brought against police officers, the outcomes of these are unclear. It is inadequate to impose solely administrative penalties on people responsible of committing or ordering such grave human rights violations, including of the right to life. Amnesty International believes that the unspeakable violence perpetrated in the context of the government’s “war on drugs” amounts to crimes against humanity.

A climate of impunity persists well into the Marcos Jr. Administration. There is an almost complete lack of accountability for all those responsible, including the police and unidentified individuals, many of whom are believed to be linked to the police. According to Dahas, a least 329 people were killed by state agents and unknown individuals during anti-drug operations in 2023.

Families of victims face insurmountable difficulties to obtain justice for their loved ones. It is almost impossible for them to initiate cases against perpetrators, owing to fabricated police reports, the lack of autopsy reports, and the threats of reprisal that these families and possible witnesses face. The Philippine government appealed to stop the resumption of the International Criminal Court’s investigation into the “war on drugs” last year. In July 2023, the ICC Appeals Chamber rejected this appeal. Families of the victims can find comfort in the resumption of the investigation, but accountability remains elusive to this day. This is only exacerbated by the Marcos Administration’s blatant refusal to cooperate with the ICC.

While drugs can certainly pose risks to individuals and societies, it is precisely because of these risks that governments need to shift away from policies based on prohibition and criminalization in favour of evidence-based alternatives that protect public health and the human rights of people who use drugs and other affected communities. The “war on drugs” has failed to decrease the use and availability of drugs over the years, and has instead undermined the rights of millions, exacerbated the risks and harms of using drugs, and intensified the violence associated with illicit markets. Thus, the organization calls on the next administration to end the punitive approach to their anti-drug strategy and address drug-related problems by adopting a health-based approach to drugs which has at its core the respect for human rights.

Under Administrative Order No. 22, among the Marcos Administration’s newly formed Special Committee on Human Rights Coordination duties is to implement a human rights-based approach toward drug control. Human rights experts remain sceptical of the super body, however, as it may serve to defend and deflect against allegations of rights abuse by the state considering that is not independent from the administration.

RECOMMENDATIONS:

¹ See for example, UN Human Rights Council, [Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions](#), Mission to Philippines, Philip Alston, 16 April 2008, A/HRC/8/3/Add.2

- **Empower an independent body to conduct prompt, impartial, and effective investigations into law enforcement officials** suspected of involvement in crimes under international law and other serious human rights violations, including extrajudicial executions, and links to unknown armed persons committing them.
- **Ensure strict compliance with the Philippine National Police Operational Procedures** as well as international law principles for law enforcement officials, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the UN Code of Conduct for Law Enforcement Officials; and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Ensure all police officers are fully trained on these and on human rights standards
- **Legislate adequate assistance for families of victims of drug-related killings**, including financial aid, legal support, and psychological services.
- **Allow immediate and unhindered access to international human rights monitoring and investigative mechanisms**, including UN experts and investigators of the International Criminal Court.
- **Undertake a comprehensive review of all drug laws and policies and enact proper amendments** to bring them in line with international human rights law.
- **Implement a drug control policy that puts the protection of people's health and rights at the centre**, in compliance with international human rights law and standards.

4. ENACT LAWS THAT UPHOLD THE RIGHTS OF MARGINALIZED GROUPS (INDIGENOUS PEOPLES, LGBTI) AND PROTECT THEM FROM DISCRIMINATION AND VIOLENCE

Over the past six years, killings and other violent attacks have escalated against leaders and members of Indigenous communities who have been red-tagged by government security forces.

On 30 December 2020, police and military officers reportedly forcibly entered the houses of targeted members of the Tumandok community in Panay Island, central Philippines, at four in the morning, supposedly to serve arrest warrants for illegal possession of firearms and explosives, a non-bailable charge that has repeatedly been used by the government to detain activists and human rights defenders indefinitely. Nine individuals were killed, who police maintained resisted arrest and fought back – a narrative used to justify killings during police operations, despite evidence of unlawful killing. At least 16 others were arrested. The police vowed to look into possible lapses committed during the raid, but nothing has to date been made public about this investigation. Others who are members of or supporting Indigenous communities in the country have been subject to killings, violent attacks and intimidation. The situation of Indigenous peoples remains concerning, despite the Philippine government voting to adopt the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and the Duterte administration reaffirming in 2017 its commitment to implement the Declaration.

Indigenous people's rights activists Dexter Capuyan and Gene Roz Jamil were relentlessly accused by the government of being members of the CPP/NPA. In April 2023, they were abducted by armed men who claimed to work for a police agency. The Court of Appeals granted a petition for a writ of habeas corpus filed by families of Capuyan and Jamil in July 2023 but later dismissed the same the following month. In July 2023, the ATC also designated four leaders of an Indigenous Peoples' rights group, the Cordillera Peoples Alliance, as terrorists, enabling the government to investigate their activities and freeze their financial assets.

LGBTI people continue to face discrimination and live in constant fear of harassment, arbitrary arrest and detention, and remain vulnerable to violence and persecution based on their sexual orientation, gender identity and expression, and sex characteristics. Amnesty International expressed serious concern about attacks against LGBTI groups in the Bangsamoro Autonomous Region in Muslim Mindanao in September 2021. On 18 September 2021, for example, an improvised explosive device (IED) was detonated by still unknown individuals during a volleyball game in Datu Piang, Maguindanao, injuring eight LGBTI people, one of whom later died. Most of the victims were LGBTI individuals, who reportedly received

death threats in the past because of their sexual orientation and gender identity and expression. A day later, the Bangsamoro Parliament said another LGBTI individual was killed in her own home by an unidentified assailant. To date, no one has been arrested or charged for these attacks.

LGBTI groups and their members are frequent targets of red-tagging. In 2022, former NTF-ELCAC spokesperson Lorraine Badoy accused Iloilo Pride Team Chairperson Irish Inoceto of being a CPP member on national television through Sonshine Media Network International (SMNI). In 2023, the National Intelligence Coordinating Agency (NICA) accused several groups, including Mujer LGBTQ+ of being fronts for the CPP. In October 2023, drag performer Pura Luka Vega was arrested following their performance of a rock version of “Ama Namin” while dressed as Jesus Christ. They were charged under 201 of the criminal code prohibiting “indecent or immoral plays, scenes, acts or shows” that offend any race or religion.”

LGBTI people still face disproportionately high levels of inequality when accessing healthcare, education, housing, and employment. For example, Leyte’s LGBTI community struggles more than most to secure shelter over a decade after Typhoon Yolanda as they are excluded from the government’s housing program.

Quezon City launched its “right to care” card in 2023, granting queer couples the legal right to make healthcare decisions on behalf of one another through a special power of attorney contract. While this is a welcome development, it is an anti-discrimination measure unique to Quezon City. Queer couples in all other Philippine cities and municipalities do not have this right.

The Philippines also continues to have the quickest growing HIV epidemic in the Asia-Pacific region, with the HIV prevalence rate among men who have sex with men the second-highest (5%) after people injecting drugs (29%).

President Bongbong Marcos created a Special Committee on LGBTQIA+ Affairs in December 2023 to strengthen mechanisms addressing discrimination against the community. However, the Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Equality Bill, as well as the Comprehensive Anti-Discrimination Bill have remained excluded from the President’s list of priority bills for passage in Congress.

RECOMMENDATIONS:

- **Pass the Comprehensive Anti-Discrimination Bill and the SOGIE (Sexual Orientation, Gender Identity and Gender Expression) Equality Bill**—legislations that provide LGBTI people and different marginalized and vulnerable groups protection against violence, harassment, discrimination and other forms of attacks.
- **Ensure the comprehensive implementation of the Indigenous Peoples’ Rights Act (IPRA)**, and monitor and address, in full consultation with affected communities, challenges preventing the proper functioning of the law.
- **Take appropriate steps to protect the rights and safety of LGBTI people, and to prevent threats or attacks against them.** Ensure that these cases are thoroughly investigated and those responsible held to account.
- **Launch prompt and impartial investigations into attacks, harassment, and illegal arrests against indigenous communities;** and prosecute and bring to justice those found responsible.
- **Ensure the protection, security and well-being of individuals from all marginalized groups**, especially those risking their lives to call attention to human rights violations in their communities—such as members of indigenous groups fighting for their ancestral land, and members of the LGBTI community calling for justice for the killing of trans people.
- **Improve measures to combat HIV-related discrimination of LGBTI people, and ensure that testing and treatment are readily, easily, and widely available** to people living with HIV across localities.

5. PROTECT HUMAN RIGHTS IN THE FACE OF THE CLIMATE EMERGENCY

Climate change threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations of Filipinos. The Philippines is already witnessing the devastating impact of climate change, such as severe heatwaves and typhoons of high intensity. These events, together with the onset of other impacts of climate change such as sea-level rise, severely threaten the enjoyment of human rights, including the rights to life, water, food, housing, health, sanitation, adequate standard of living, and work in the country.

In response to a report by the Intergovernmental Panel on Climate Change in February 2022, climate change adaptation experts in the country, including from Greenpeace, called on the Philippine government to strengthen its strategies to adapt to the impacts of climate change, including supporting the conservation and expansion of mangrove and beach forests, protecting watersheds and restoring forest cover, and building the capacities of communities to adapt by understanding their needs and rights. Climate change action must also be embedded in national and local plans and budgets.

The Commission on Human Rights has also released a report in 2022, after an extensive national inquiry into the impact of climate change on human rights, declaring that “neglect in climate change mitigation may be considered human rights violation”. The report elaborated on their recommendations to penalize the biggest contributors to pollution, instigate transition from fossil fuel to renewable energy, and end misinformation around the climate emergency.

The authorities have the obligation to adopt all necessary measures to protect the human rights of people affected by disasters and to assist people to adequately prepare ahead of severe weather and climate events and adapt to the foreseeable and unavoidable effects of climate change, in order to minimize impact on their human rights. If the Philippines is unable to take sufficient measures on adaptation, disaster risk preparedness and response in a manner that would ensure continued enjoyment and progressive realization of economic, social and cultural rights for its population, the government must seek international cooperation and assistance to do so and ensure funds received are used to protect and fulfil human rights.

The government has failed to protect human rights in the context of increasing climate change-related disasters. Ten years after typhoon Yolanda, in 2023, the Philippine National Housing Authority (NHA) reported that low completion rate, low occupancy, lack of basic utilities, and the distance from sources of income remain foremost issues in the government’s Yolanda housing program in affected areas. According to the NHA, 172,454 houses have been completed as of September 2023, meaning 31,020 houses remain incomplete a decade after Yolanda. Lack of basic services such as water and electricity, accessibility to sources of livelihood, and construction errors were likewise cited by the Philippine Commission on Audit (COA) in housing projects for Yolanda victims. The COA also criticized the government for its poor use of donated funds and charges were recommended by the Presidential Anti-Corruption Commission against government officials.

Rising temperatures have also become a human rights concern, as the country experienced record-breaking heatwaves in April 2024 leading to the school closures and raising of health alerts. This was also a threat to livelihoods, particularly in the agricultural sector.

The Philippines launched its Philippine Energy Transition Strategies under the Philippine Energy Plan for 2023 to 2050 in November 2023. However, after a visit to the Philippines in the same month, the United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change noted that that Philippine government has robust climate and disaster risk reduction policies but falls short in their implementation. Although the Philippine government has made an effort to reduce the country’s greenhouse gas emissions as per its Paris Agreement obligations, the Rapporteur noted that the choice of mitigation projects have negatively impacted the economic, social, and cultural rights of Filipinos such as the mining for strategic minerals for renewable energy which causes water supply contamination and deforestation, the construction of hydroelectric dams which comes at the expense of Indigenous People’s rights, and the transition from internal combustion engine transport in the PUVMP which threatens the livelihood of traditional jeepney drivers who cannot afford modern jeepney units.

RECOMMENDATIONS:

- **Put in place human rights-consistent legislation, policies and services relating to disaster preparedness and response**, and ensure that the rights of people living in vulnerable communities – such as the rights to life, livelihood, water, housing – are respected and upheld especially in times of disasters, and throughout rehabilitation.
- **Adopt and implement human rights-consistent adaptation measures that adequately protect people from the foreseeable and unavoidable impact of the climate crisis**, reducing harms while taking into account the needs

and requirements of different groups in the design and implementation of climate change adaptation and disaster-risk reduction strategies

- **Ensure all strategies to transition the country to clean and sustainable energy is human rights-based and gives priority to the most marginalized groups, communities, and individuals**, including by seeking to address gender imbalances and be informed by the traditional knowledge of Indigenous Peoples and other local communities.
- **Ensure that funds received through international cooperation and assistance are fairly and promptly channelled** for use to address the immediate needs of those affected by natural disasters, and other effects of climate change
- **Provide legal protection to environmental defenders and climate justice activists** as they endeavour to raise awareness of the climate emergency and call for local initiatives to mitigate its impact.

6. STRENGTHEN LABOUR RIGHTS AND ENSURE EXISTING LEGISLATIONS ARE RESPONSIVE TO NEEDS OF ALL WORKERS

In June, the Philippines was among the ten worst countries for working people according to the International Trade Union Confederation (ITUC). This is the Philippines' eighth consecutive year on the ITUC's list. The ITUC cited red-tagging, abductions and arbitrary arrests, and labor-related killings as government-fostered hurdles to the formation of trade union. Two prominent trade unionists were killed in 2023—Alex Dolorosa in April, and Jude Thaddeus Fernandez in September. Fernandez was shot dead during a police operation on his house in Rizal.

Poor quality of work in the Philippines is evidenced by the OFW deployment boom in 2023. Remittances from overseas Filipino workers continue to form a large part of the country's economy. Despite this, many still suffer from wide-ranging labour abuses, including illegal recruitment practices such as the collection of illegal or exorbitant fees and contract substitution, as well as wage theft and physical abuse at the hands of their employers in destination countries.

The Department of Migrant Workers (DMW) was fully operationalized in 2023 to expand services for migrant workers and bring together agencies working for their protection. However, much must be done to streamline redundant services performed by multiple agencies and make these accessible for OFWs. The National Labor Relations Commission (NLRC), an agency under the Department of Labor and Employment (DOLE), currently resolves labor claims and disputes including those of OFWs. Cases of OFWs are subjected to backlogs as the NLRC handles over 30,000 cases every year, making it difficult for OFWs to seek justice in the event of abuse.

Despite President Marcos's electoral promises to end endo and hence encourage Filipinos to work in the country instead of finding jobs abroad, the Philippines has not yet passed a security of tenure bill to end contractualization. This is the practice of hiring of workers for a period (usually not exceeding 6 months) and continually renewing their contracts to avoid granting them benefits entitled to regular employees.

The current administration still fails to heed the calls of the labour sector for a nationwide wage increase. Only a 40-peso increase was granted to workers in private establishments in the National Capital Region (NCR) last June 2023, despite the inflation rate rising up to 8.7% in January. The last legislated national wage hike took place over 30 years ago. Several bills in Congress propose to raise the minimum wage of private sector workers nationwide with proposed amounts varying between Php 100 and Php 750. Labor Secretary Bienvenido Laguesma has expressed concern that employers—particularly micro, small, and medium enterprises—would not be able to afford the wage increase.

An estimated 38,000 jeepney drivers and their families are threatened by the Philippine Public Utility Vehicle (PUV) Modernization Program. The administration set April 30, 2024 as the deadline for PUV franchise consolidation and the traditional jeepney phaseout. An 81% consolidation rate was achieved by this deadline, but the hefty consolidation requirement threatens these drivers as they struggle to pay for modern jeepney units costing millions of pesos on measly earnings.

Lastly, Amnesty International's research on the situation of workers in nickel mining companies in Dinagat Islands revealed numerous examples of workers of mining companies being hired without contracts, having the payment of

their wages delayed and not being paid compulsory employee benefits (including social security and health insurance) – all of which constitute violations of Philippines labour laws and international human rights law and standards.

RECOMMENDATIONS:

- **Strengthen government institutions responsible for enforcing labour standards** (including the Department of Labor and Employment, and the National Labor Relations Commission) so they are better resourced and have greater capacity to, among other things, monitor and inspect business activities, ensure the fair and timely resolution of worker disputes with their employers, and more effectively collaborate and coordinate with other parts of government.
- **Give local government units a greater role in the enforcement of labour standards, by harmonizing relevant legislation and related orders, rules and regulations** to clarify and strengthen the mandates of government institutions. Ensure all relevant legislation is consistent with the UN Committee on Economic, Social and Cultural Rights' General Comment No. 23 on the right to just and favourable conditions of work.
- **Invest resources and build institutional capacity** to ensure that only registered contractors and contractors which are otherwise compliant with the Labor Code of the Philippines (including contractors not engaging in labour-only contracting) are used by companies.
- **Increase minimum wage, and legislate measures to ensure fair wages for all**, which reflect the impact of their work on their health, safety and personal life, as well as the specific hardships related to their work, in line with international human rights law and standards.
- **Ensure legal protection for workers protesting and advocating** for better labour practices, work conditions, and government oversight.

7. ALLOCATE SUFFICIENT BUDGET THAT ENSURES QUALITY AND ACCESSIBLE EDUCATION

The government has the obligation to ensure that education, as a right, is accessible to all, inclusive and non-discriminatory, and of good quality. For many decades, however, there has not been sufficient investment by the government in the public education system. Public schools have faced perennial problems such as lack of rooms, facilities, equipment, and school buildings especially in remote areas. Public school teachers are overworked and underpaid, and many are forced to use their own funds to purchase supplies and other materials they need.

During the COVID-19 pandemic, thousands of children experienced devastating impacts on their education due to the closure of schools and the resulting shift to remote or online classes to which students and their teachers were not equipped to adapt, such as the use of computers and other gadgets with Internet connectivity. According to [UNICEF Philippines](#), the delays and obstacles to schooling will have long-term effects on students, including a loss of learning, mental health issues, heightened risk of drop out, child labour and child marriage.

School closures persist even as the pandemic comes to an end, with schools calling for class suspension due to extreme heat on multiple occasions earlier this year. This reveals that the infrastructure of thousands of schools in the Philippines are ill-equipped to cope with global warming. There may be a need for another major shift to remote learning for which the government has not prepared.

Instead of addressing the educational crisis in the country, the government continues to prioritize militarization and surveillance. While the Special Education Program (SPED) received zero budget, a 150-million confidential funds were granted to the Department of Education in the 2023 national budget under the headship of Vice President and Secretary Sara Z. Duterte. Despite not being included in the 2021 and 2022 budgets, Duterte proposed the said funds as they were intended to address several issues in the sector including sexual abuse, insurgency recruitment, and drug use of learners and personnel.

Moreover, tactics used by DepEd to address such issues potentially curtail students' freedom of expression. In September 2023, DepEd cited NPA recruitment in 16 Metro Manila public schools as justification for its request of 150 million pesos in confidential funds, making schools a target for red-tagging. DepEd has also allocated funds for the distribution of pamphlets labelling "students and youth as terrorists for opposing the government's policies, especially Charter change and freedom for political prisoners." Although the Senate was able to realign the funds to the healthy learners program of the agency, it was restored by the Congress to "secure the future of our children."

RECOMMENDATIONS:

- **Increase budgetary allocation for public education**, while ensuring that school infrastructure and the number of public teachers meet the demands of quality education, and these teachers are sufficiently trained and paid fair wages and other benefits commensurate to their work.
- **Enhance measures to ensure universal access to quality education**. Alternative learning systems, such as those initiated by community-based organizations for students from Indigenous communities, must not be closed down and threatened, and must instead be given government support, with a view to making education accessible to all.
- **Continue efforts to increase the enrolment of children in schools**. Address the root causes of lack of education, including poverty, a lack of school buildings especially in remote areas, and insufficient funding, especially for early childhood education.
- **Pass the Human Rights Defenders Protection Act**—and recognize schools and universities as civic spaces; and student, teacher, and staff activists as human rights defenders, ensuring the protection of their freedom of expression. The act further directs the Department of Education (DepEd) and the Commission on Higher Education (CHED) to include Human Rights Education contributing to a positive culture for freedoms and human rights.