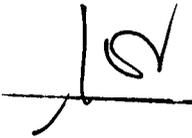


**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)**



23 SEP 21 AIO :19

SENATE
S.B. No. 2447

RECEIVED BY: 

INTRODUCED BY SENATOR RISA HONTIVEROS

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.

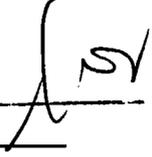
The passage of this measure is thus earnestly sought.


RISA HONTIVEROS

23 SEP 21 AIO :19

SENATE

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

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

**CHAPTER I
PRELIMINARY PROVISIONS**

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

6
7 SEC. 2. Declaration of Policy - It is hereby declared the policy of the State:

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

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

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

23
24 **Sec. 4. Definition of terms.** - As used in this Act:

- 25 a) **Human Rights and Fundamental Freedoms** refer to rights or entitlements
- 26 inherent in all human persons and freedoms recognized in or declared by
- 27 international and regional human rights instruments and customary
- 28 international law and by national laws that are consistent with the said
- 29 instruments and law, and are demandable primarily from the State, but also
- 30 from non-state actors;
- 31 b) **Human Rights Defender** refers to any person who, individually or in
- 32 association with others, acts or seeks to act to protect, promote or strive
- 33 for the protection and realization of human rights and fundamental
- 34 freedoms and welfare of the people at the local, national, regional, and
- 35 international levels; *Provided*, that this definition shall also include
- 36 environmental defenders, women and LGBTQI+ human rights defenders,
- 37 child's rights defenders, and those involved in the defense and promotion
- 38 of economic, social and cultural rights;
- 39 c) **Human Rights Organization** refers to a group, organization or association in
- 40 the local, national, regional or international level, whether formal or
- 41 informal, registered or unregistered, that strive for the protection of human
- 42 rights and fundamental freedoms and welfare of the people;
- 43 d) **Government Agency** refers to any department, bureau, office, or unit of the
- 44 National Government, or any of its branches and instrumentalities, or any
- 45 political subdivision, as well as any government-owned or -controlled
- 46 corporation, including its subsidiaries, or other self-governing branch,
- 47 commission or council of the Government, to include but not be limited to
- 48 any grouping of the Armed Forces of the Philippines, Philippine National

- 1 Police or other State security forces, including military or police force
2 multipliers;
- 3 e) *Superior Officer* refers to the government official who has direct supervisory
4 powers or control over the head of the government agency to whom the
5 subject head reports and shall include but not limited to the President,
6 Department Secretaries, Chief of Staff of the Armed Forces of the
7 Philippines, the Commanding General or Rear Admirals of any service Armed
8 Forces of the Philippines, or the Director General of the Philippine National
9 Police;
- 10 f) *Intergovernmental Organization* refers to an organization established
11 through a treaty or other agreements and mechanisms in pursuit of
12 common issues, concerns and interests;
- 13 g) *Public Authority* refers to any person or body performing a function of a
14 public nature that is conferred or imposed by or pursuant to law, by popular
15 election or appointment or delegation or contracted by a governmental
16 authority or agency;
- 17 h) *Intimidation or Reprisal* refers to any form of violence, threat, retaliation,
18 de facto or de jure adverse discrimination, pressure, judicial harassment, or
19 any other arbitrary or abusive action or threat, including cyber-attacks,
20 hacking, defacement of websites, distributed denial-of- service attacks and
21 similar acts related to a person's status, work or activity as a human rights
22 defender, including proposed, attempted, or imputed work or activity
23 directed at the: (i) human rights defender; (ii) the human rights defender's
24 associate/s; (iii) a legal or ether representative of the human rights defender
25 appointed to conduct the latter's affairs or to otherwise act on his or her
26 behalf; (iv) a family member or relative of the human rights defender up to
27 the fourth degree of consanguinity or affinity, and includes common law
28 relations; (v) a group, association, organization, community or network,
29 whether formal or informal, registered or unregistered with which the
30 human rights defender is associated; (vi) or the home, property or
31 possessions of the human rights defender or any of the other persons or
32 entities in items (ii) to (v).

33
34 **CHAPTER II**
35 **RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS**

36
37 *Sec. 5. Right to Promote and Protect Human Rights and Fundamental*
38 *Freedoms.* — Everyone has the right, individually and in association with others, to
39 promote and to strive for the protection and realization of human rights and
40 fundamental freedoms at the local, national, regional and international levels.

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

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

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

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

11

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

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

14 a) To know, seek, access, obtain, receive and hold information about all human
15 rights and fundamental freedoms, including information regarding how
16 these rights and freedoms are given effect in the legislative, judicial and
17 administrative systems;

18 b) To know, seek access, obtain, receive and hold such information from
19 business enterprises and other private actors as may be necessary for
20 exercising or protecting, or assisting to exercise or protect human rights or
21 fundamental freedoms;

22 c) To freely publish, impart or disseminate to others' views, information and
23 knowledge on all human rights and fundamental freedoms;

24 d) To study, discuss, form and hold opinions on the observance, both in law
25 and in practice, of all human rights and fundamental freedoms and, through
26 these and other means, to draw public attention to these matters.

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

29

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

34

35 **Sec. 10. *Right to Communicate with Non-governmental, Governmental and***
36 ***Intergovernmental Organizations.* –** Everyone, individually and in association with
37 others, has the right to freely communicate with non-governmental, governmental
38 and intergovernmental organizations, including subsidiary bodies, mechanisms or
39 experts with a mandate relevant to human rights and fundamental freedoms, as well
40 as with diplomatic representations.

41

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

46

47 **Sec. 12. *Right to Access, Communicate and Cooperate with International and***
48 ***Regional Human Rights Bodies and Mechanisms.* –** In accordance with applicable

1 international instruments and procedures, everyone, individually or in association with
2 others, has the right to unhindered access to and to communicate and cooperate with
3 international and regional human rights bodies and mechanisms, including treaty
4 bodies and special procedures or special rapporteurs.

5
6 *Sec. 13. Right to Participate in Public Affairs. –*

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

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

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

25
26 *Sec. 14. Right to Peaceful Assembly. –*

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

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

36
37 *Sec. 15. Right to Represent and Advocate. —*

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

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

- 43 a) To complain about the policies and actions of public authorities with regard
44 to violations of human rights and fundamental freedoms, by petition or
45 other appropriate means, to domestic judicial, administrative or legislative
46 authorities or any other competent authority such as the Commission on
47 Human Rights and the Ombudsman;

- 1 b) To offer and provide professionally qualified legal counsel, paralegal, or
2 other relevant advice and assistance in defending human rights and
3 fundamental freedoms;
4 c) To attend public hearings, proceedings and trials so as to form an opinion
5 on their compliance with national law and human rights and fundamental
6 freedoms; and
7 d) To submit communications and information to authorities and bodies
8 referred to in Section 10.
9

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

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

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

18 (3) No one shall be deprived of the right to enter or leave the country on
19 account of one's status, activities or work as a human rights defender.
20

21 **Sec. 17. *Right to Privacy.* —**

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

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

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

34 (4) The right to privacy extends to groups, organizations or associations.
35

36 **Sec. 18. *Freedom from intimidation or reprisal.* —** No person shall be subjected,
37 individually or in association with others, to any form of intimidation or reprisal on the
38 grounds of or in relation to his or her status, activities or work as a human rights
39 defender.
40

41 **Sec. 19. *Right to a Sanctuary.* —** Any person, individually or in association with
42 others, who has been subjected to any form of intimidation or reprisal, has the right
43 to a safe refuge or sanctuary.

44 Said sanctuary shall be considered established if that person gives confidential
45 notice to the human Rights Defenders Protection Committee created under this Act
46 indicating that said place, building or area has been constituted as a sanctuary.
47

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

5
6 Sec. 21. *Right to Exercise Cultural Rights and to Development of Personality.*

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

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

14
15 Sec. 22. *Right to Effective Remedy and Full Reparation.* –

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

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

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

- 27 a) a human right defender;
28 b) an association of the human rights defender;
29 c) a legal or other representative of the human rights defender appointed to
30 conduct the affairs of or to otherwise act on behalf of the human rights
31 defender;
32 d) a family member of the human rights defender;
33 e) a group, association or organization with which the human rights defender is
34 associated;
35 f) any person acting in the public interest and consistently in pursuit of the
36 purposes of this Act; and
37 g) the Human Rights Defenders’ Protection Committee.

38
39 However, as much as possible, the consent of the victim must first be obtained
40 before a complaint is filed. In the absence of such consent, the human rights
41 organization or association may proceed with filing the complaint or petition unless
42 the lack or absence of consent is based on the threat to the life, liberty, or security of
43 the victim or his or her family.

44
45 Sec. 23. *Limitation on the Rights of Human Right Defenders.* — In exercising
46 the rights in Chapter II of this Act, a human rights defender, individually or in
47 association with others, shall be subject only to limitations that are prescribed by law,
48 and are reasonable, necessary and proportionate in accordance with international

1 human rights obligations and standards. Such rights shall be exercised solely for the
2 purpose of securing due recognition of and respect for the human rights and
3 fundamental freedoms of others and should meet the reasonable requirements of
4 public order and general welfare in a democratic society.

5
6 **CHAPTER III**
7 **OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES**
8

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

16
17 *Sec. 25. Obligation to facilitate the Activities and Work of Human Rights*
18 *Defenders.* – Public authorities shall take all necessary measures in accordance with
19 law to facilitate and protect the exercise of the rights vested on human rights
20 defenders under Chapter II of this Act, which measures shall include the obligations
21 to:

- 22 a) permit and facilitate access to places where persons are deprived of liberty;
- 23 b) permit and facilitate access to places and to information required by human
24 rights defenders to exercise their rights;
- 25 c) provide information about violations of human rights or fundamental
26 freedoms that may have been committed within Philippine territory or
27 jurisdiction, including those committed by agents of the State in the line of
28 duty;
- 29 d) develop and enhance the capacity of rights defenders to defend and
30 promote human rights and fundamental freedoms; and
- 31 e) publicly recognize the role, functions and activities of human rights
32 defenders.

33
34 *Sec. 26. Obligation to Provide free Access to Materials Relating to Human*
35 *Rights and Fundamental Freedoms.* – Public authorities shall make freely available and
36 accessible to the public the following materials online and through other modes and
37 platforms of information dissemination:

- 38 a) The Constitution, national laws and regulations;
- 39 b) International human rights instruments;
- 40 c) Research, studies, reports, data, archived and other information and
41 materials within the possession of public authorities that relate to human
42 rights and fundamental freedoms;
- 43 d) Government reports and information submitted to international human
44 rights bodies and mechanisms;
- 45 e) Reports and communications of international human rights bodies and
46 mechanisms involving the country's compliance with international treaty
47 obligations;

- 1 f) Documents and information related to the decisions or activities of the
2 Commission on Human Rights and other national authorities with
3 competence in the field of human rights and fundamental freedoms; and
4 g) All such other information as may be necessary to secure or enable the
5 exercise of any human right or fundamental freedom under Chapter II or
6 access to remedy for violation of any such right.
7

8 *Sec. 27. Obligation not to Disclose Confidential Sources.* - Public authorities
9 shall not disclose or require disclosure of the identity of sources used by human rights
10 defenders unless both the relevant source and the concerned human rights defender
11 give informed consent in writing to such disclosure or if so required by an independent
12 and impartial tribunal in accordance with international standards.
13

14 *Sec. 2B. Obligation to Prevent: and to Ensure Protection from Intimidation or*
15 *Reprisal.* - Public authorities shall take all necessary measures to ensure the
16 prevention of and protection from any intimidation or reprisal by any public or private
17 actor against human rights defenders. These shall include protection measures
18 established under pertinent laws.
19

20 *Sec. 29. Obligation to Penalize intimidation or Reprisal.* - Any public authority
21 or private actor who is found guilty of committing intimidation or reprisal against a
22 person on the grounds of or in connection with his or her status, work, activities as a
23 human rights defender, shall be penalized under the appropriate provision/s of the
24 Revised Penal Code, in addition to administrative and/or civil sanctions that may be
25 imposed considering the gravity of the offense, upon the discretion of the court or
26 competent authority.
27

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

32 (2) Public authorities shall immediately expunge or rectify such labeling as part
33 of the non-monetary reparation to victims referred to in Section 22 (2) of Chapter II
34 and Section 34 of Chapter III of this Act.
35

36 *Sec. 31. Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion*
37 *and Interference.* -

38 (1) Public authorities shall take extraordinary diligence to ensure the protection
39 of human rights defenders from arbitrary or unlawful intrusion and interference into
40 one's personal activities including those concerning one's family, livelihood and place
41 of work, one's correspondences and possessions, including all digital data pertaining
42 thereto.

43 (2) Intrusion and interference in subsection (1) include any form of surveillance,
44 recording, search and seizure in relation to any person's legitimate activity or work as
45 a human rights defender without his or her consent.
46

47 *Sec. 32. Obligation not to Participate in Violating Human Rights and*
48 *Fundamental Freedoms.* - All public authorities are mandated not to participate, by

1 acts of commission or omission, in violating human rights and fundamental freedoms.
2 Subordinate employees have the right and duty to refuse any order from their
3 superiors to participate in acts that contravene their duty to protect, uphold and
4 promote human rights and fundamental freedoms, and shall not be subject to any
5 administrative sanctions as a consequence of such refusal.
6

7 *Sec. 33. Obligation to Conduct Investigation.* - Whenever there is reasonable
8 ground to believe that a human rights defender has disappeared, been killed, tortured,
9 ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights
10 in Chapter II of this Act, whether by a public authority or private actor, the state must
11 ensure that a prompt, thorough, effective, independent and impartial investigation is
12 conducted with extraordinary diligence and is prosecuted under existing applicable
13 laws, including RA 9745, "the Anti-Torture Act"; RA 10353, the "Anti-Enforced or
14 Involuntary Disappearance Act"; and RA 7438, "An Act Defining Certain Rights of
15 Person Arrested, Detained or Under Custodial Investigation as well as the Duties of
16 the Arresting, Detaining and Investigating Officers, and Providing Penalties for
17 Violations Thereof". Presumption of regularity in the performance of duty by the
18 offending public authority shall not be invoked.
19

20 *Sec. 34. Obligation to Ensure Effective Remedy and Full Reparation.* - Public
21 authorities shall take all necessary measures to ensure that an effective remedy and
22 full reparation are available and provided for violations of the rights in Chapter II and
23 for breach of the obligations in Chapter III of this Act.
24

25 *Sec. 35. Obligation to Enforce and institutionalize Command Responsibility.* —
26 Government agencies shall enforce and institutionalize command responsibility and
27 impose sanctions against errant superior in both military and civilian agencies as
28 provided under existing laws and executive issuances.
29

30 *Sec. 36. Obligation to Adopt Human Rights-Based Governance.* — Public
31 authorities shall adapt the human rights-based approach to governance and
32 development, including counterinsurgency and anti-terror programs and policies.
33

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

40 *Sec. 38. Obligation to Respect the Principle of Non-refoulement.* — No person
41 shall be forcibly returned, expelled, or extradited to another State where there are
42 substantial grounds to believe that the human rights and fundamental freedoms of
43 the person are in danger of being violated.
44

45 *Sec. 39. Obligation to Promote and Facilitate Human Rights Education.* — All
46 government agencies shall promote, facilitate and adequately provide resources on
47 teaching, training and education about human rights and fundamental freedoms to all
48 persons within the country's jurisdiction. Teaching, training and education programs

1 shall include information about this Act and the important and legitimate work of
2 human rights defenders.

3
4 The Department of Education (DepEd) and the Commission on Higher Education
5 (CHED) shall require human rights education as an obligatory curriculum in all
6 academic institutions, colleges and universities, public or private.

7
8 Sec. 40. Diligence Required — Any complaint or report for violation of human
9 rights and fundamental freedoms shall be dealt with and acted upon with
10 extraordinary diligence by concerned government personnel. Failure to act within
11 three (3) days from reporting any violation of this Act shall hold the government
12 personnel criminally, civilly and administratively liable.

13
14 **CHAPTER IV**
15 **THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE**

16
17 Sec. 41. *Creation and Composition of the Human Rights Defenders Protection*
18 *Committee.* –

19 (1) There shall be an independent collegial body to be known as the Human
20 Rights Defenders Protection Committee, herein referred to as the Committee, that
21 shall be composed of one (1) Chairperson and six (6) Members. The Chairperson shall
22 be selected by the Commissioners of the Commission on Human Rights from among
23 themselves in an en banc session. The six (6) members shall be jointly nominated by
24 two (2) representatives each of the Philippine Alliance of Human Rights Advocates
25 (PAHRA), Karapatan Alliance for the Advancement of People’s Rights (Karapatan),
26 Free Legal Assistance Group (FLAG), and the National Union of People’s Lawyers
27 (NUPL) in a meeting called for this purpose, without prejudice to the nominations of
28 other human rights organizations who have proven track records of probity and
29 independence.

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

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

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

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

40
41 Sec. 42. *Qualifications of the Committee Members.* – The Members of the
42 Committee shall possess the following qualifications:

- 43 a) High moral character, recognized probity, competence, and integrity;
44 b) Known independence in making decisions and taking stances on Issues and
45 concerns pertaining to the protection and promotion of human rights and
46 fundamental freedoms;

- 1 c) A deep, thorough and enlightened knowledge and understanding of human
- 2 rights and fundamental freedoms and the role, work, and protection needs
- 3 of human rights defenders; and
- 4 d) At least two (2) members, including the Chairperson must be members of
- 5 the Philippine Bar who have been engaged in the practice of law for at least
- 6 seven (7) years.

7
8 **Sec. 43. *Term of Office.*** — The Chairperson and Members of the Committee
9 shall be designated once for a term five (5) years only. Of those first designated, three
10 (3) Members shall serve for five (5) years, two (2) Members for four (4) years, and
11 the last two (2) Members shall hold office for three (3) years. Succeeding Chairpersons
12 and Members shall be designated for a term of not more than five (5) years.
13 Designation to any vacancy shall be only for the unexpired portion of the term of the
14 predecessor.

15
16 **Sec. 44. *Functions of the Committee.*** — The Committee shall exercise the
17 following functions:

- 18 a) Protect human rights defenders from intimidation and reprisals;
- 19 b) Ensure accountability for acts of intimidation and reprisal;
- 20 c) Facilitate and promote inter-agency and inter-department coordination to
- 21 prevent, protect from, investigate, and ensure accountability for acts of
- 22 intimidation or reprisal;
- 23 d) Investigate on its own or on complaint by any party all forms of violations
- 24 of human rights and fundamental freedoms of human rights defenders;
- 25 e) Publicly acknowledge and promote the legitimate and important role,
- 26 activities and mark of human rights defenders;
- 27 f) Consult regularly and mark closely with human rights defenders in the
- 28 implementation of this Act;
- 29 g) Monitor existing and proposed legislation, assess their impact or potential
- 30 impact on the status, activities and work of human rights defenders, and
- 31 propose amendments and/or remedial measures or block their passage if
- 32 the measures shall to a large extent adversely affect the human rights
- 33 defenders and their work and activities;
- 34 h) Prepare and submit reports and communications on the situation of human
- 35 rights defenders to relevant international and regional human rights bodies
- 36 and mechanisms;
- 37 i) Monitor and carry out periodic reviews of the implementation of this Ach,
- 38 the first of which shall be conducted one (1) year after its effectivity.
- 39 j) Submit annual reports on the situation of human rights defenders and the
- 40 status of implementation of this Act to the Office of the President of the
- 41 Senate and the Office of the Speaker of the House of Representatives;
- 42 k) Take recommendations to relevant authorities on the appropriate measures
- 43 to be taken to promote a safe and enabling environment for human rights
- 44 defenders, mitigate and prevent the risks they face, and address the root
- 45 causes of violations against human defenders; and
- 46 l) Perform other relevant functions as may be necessary to attain the
- 47 objectives of this Act.

1 Sec. 51. Implementing Rules and Regulations. —

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

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

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

39
40 Sec. 52. *Suppletory Applications.* — The applicable provisions of the Revised
41 Penal Code shall have suppletory application insofar as they are consistent with the
42 provisions of this Act.

43
44 Sec. 53. *Separability Clause.* — If for any reason any part or provision of this
45 Act is declared unconstitutional or invalid, the other parts or provisions hereof which
46 are not affected thereby shall remain and continue to be in full force and effect.
47

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

4

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

Approved,