



HOUSE OF REPRESENTATIVES

H. No. 10576

BY REPRESENTATIVES LAGMAN, BELMONTE, FERNANDO, ZARATE, GAITE, CULLAMAT, CASTRO (F.L.),
BROSAS, ELAGO, VERGARA, BORDADO, AMATONG, FORTUN, TAMBUNTING, CABATBAT AND
SANGCOPAN, PER COMMITTEE REPORT NO. 1367

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

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 accompaniment 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 and international human rights instruments including the:
 1. Universal Declaration of Human Rights (UDHR);
 2. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders);

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

SEC. 3. *Construction in Favor of Human Rights Defenders.* – All doubts in the implementation and interpretation of the provisions of this Act, including its implementing rules and regulations, shall be resolved in favor of the human rights defender.

SEC. 4. *Definition of Terms.* – As used in this Act:

a. *Government Agency* refers to any department, bureau, office or unit of the National Government, or any of its branches and instrumentalities, or any political subdivision, as well as any government-owned or controlled corporation, including its subsidiaries, or other self-governing branch, commission or council of the Government, to include any of the Armed Forces of the Philippines, Philippine National Police or other state security forces, including military or police force multipliers;

b. *Human Rights Defender* refers to any person who, by one's self or in association with others, acts or seeks to act to protect, promote or strive for the protection and realization of human rights and fundamental freedoms and welfare of the people, at the local, national, regional, and international levels;

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

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

e. *Intergovernmental Organization* refers to an organization established through a treaty or other treaties and mechanisms in pursuit of common issues, concerns and interests;

f. *Intimidation or Reprisal* refers to any form of violence, threat, retaliation, *de facto* or *de jure* adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action or threat, including cyberattacks, hacking, defacement of websites, dedicated denial of service attacks, and similar acts, related to a person's status, work or activity as a human rights defender; including proposed, attempted, or imputed work or activity directed at the: (i) human rights

defender; (ii) the human rights defender's associate (s); (iii) a legal or other representative of the human rights defender appointed to conduct the latter's affairs or to act on the human rights defender's behalf; (iv) a family member or relative of the human rights defender up to fourth degree of consanguinity or affinity, and includes common law relations; (v) a group, association, organization, community or network, whether formal or informal, registered or unregistered, with which the human rights defender is associated; (vi) or the home, property or possessions of the human rights defender or any of the other persons or entities in items (ii) to (vi);

g. *Public Authority* refers to any person or body performing a function of a public nature that is conferred or imposed by or pursuant to law, or by virtue of being elected in a popular election, or being appointed to public office, or contracted by a governmental authority or agency; and

h. *Superior Officer* refers to the next government official who has supervisory powers or control over the head of the government agency to whom the subject head reports and shall include the President, Department Secretaries, Chief of Staff of the Armed Forces of the Philippines, the Commanding General or Rear Admirals in the Armed Forces of the Philippines, or the Director General of the Philippine National Police.

CHAPTER II RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

SEC. 5. *Right to Promote and Protect Human Rights and Fundamental Freedoms.* – Everyone has the right, whether as an individual or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the local, national, regional and international levels.

SEC. 6. *Right to Form Groups, Associations and Organizations.* – Everyone, whether as an individual or in association with others, has the right to form, join, or associate with and participate in local, national, regional, or international organizations, formal or informal and registered or unregistered, for the purpose of promoting and striving for the protection and realization of human rights and fundamental freedoms.

SEC. 7. *Right to Solicit, Receive and Utilize Resources.* – (1) Everyone, whether as an individual or in association with others, has the right to solicit, receive and utilize resources, from domestic and international organizations, including governmental, intergovernmental, philanthropic and private sources, for the express purpose of promoting and striving for the protection and realization of human rights and fundamental freedoms.

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

SEC. 8. *Right to Seek, Receive and Disseminate Information.* – (1) Everyone, whether as an individual or in association with others, has the right:

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

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

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

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

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

SEC. 9. *Right to Develop and Advocate for Human Rights Ideas.* – Everyone, whether as an individual or in association with others, has the right to develop and discuss new ideas and principles which relate to human rights and fundamental freedoms, and to advocate their acceptance.

SEC. 10. *Right to Communicate with Non-governmental, Governmental and Intergovernmental Organizations.* – Everyone, whether as an individual or in association with others, has the right to freely communicate with non-governmental, governmental and intergovernmental organizations, including subsidiary bodies, mechanisms or experts whose mandates pertain to the enjoyment and protection of human rights and fundamental freedoms, as well as with diplomatic representatives.

SEC. 11. *Rights Against Vilification.* – Everyone, whether as an individual or in association with others, has the right to protection against and redress from any act of false labeling or name calling, malicious and fabricated accusations against any offense, or any other kind of vilification.

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

SEC. 13. *Right to Participate in Public Affairs.* – (1) Everyone, whether as an individual or in association with others, has the right to participate effectively in the conduct of public affairs, including participation on a non-discriminatory basis in the government regarding human rights and fundamental freedoms.

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

a. Submit to any public authority, or agency or organization concerned with public affairs, criticism on or proposals for improving its functioning with respect to human rights and fundamental freedoms;

b. Make recommendations to any public authority regarding legislative or regulatory changes relating to human rights and fundamental freedoms;

c. Draw to the attention of any public authority any aspect of its work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms;

d. Call the attention of any public authority to any action or omission by any actor, private or public, that may involve or contribute to a violation of human rights or fundamental freedoms; and

e. Freely publish, impart or disseminate to others any information submitted to any public authority in the exercise of the rights set out in this Chapter.

SEC. 14. *Right to Peaceful Assembly.* – (1) Everyone, whether as an individual or in association with others, has the right to meet or assemble peacefully as well as to participate in peaceful activities concerning human rights and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.

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

SEC. 15. *Right to Represent and Advocate.* – 1) Everyone, whether as an individual and in association with others, has the right to assist, represent or act on behalf of another person, group, association, organization or institution in relation to the promotion, protection and exercise of fundamental rights and freedoms, including at the local, national, regional and international levels.

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

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

SEC. 16. *Right to Freedom of Movement.* – (1) A person who is lawfully within the territory, or subject to the jurisdiction of the Philippines shall, within its territory or place of jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and shall have the right to carry out lawful activities in the entire territory or place of jurisdiction.

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

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

SEC. 17. *Right to Privacy.* – (1) Everyone, whether as an individual or in association with others, has the right to privacy.

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

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

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

SEC. 18. *Freedom from Intimidation or Reprisal.* – No person shall be subjected to any form of intimidation or reprisal on the ground of or in relation to the person's status, activities, or work as a human rights defender.

SEC. 19. *Right to Establish a Sanctuary for Human Rights Victims and or their Families.* – Any person, who has been subjected to any form of intimidation or reprisal, has the right to establish sanctuaries for any human rights violation victim and their immediate families.

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

SEC. 20. *Freedom from Defamation and Stigmatization.* – No human rights defender shall be subject to any form of defamation, stigmatization, or harassment, online or in any other means of disseminating information or communicating to the public or technology, and whether by public authorities or private actors, in connection with their work, status, or activities.

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

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

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

SEC. 22. *Right to Effective Remedy and Full Reparation.* – (1) Everyone, whether as an individual or in association with others, has the right to effective remedy and full reparation, both monetary and nonmonetary, in the event of a violation of any of the rights provided for in Chapter II, or a breach of obligation under Chapter III of this Act.

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

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

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

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

SEC. 23. *Limitation on the Rights of Human Rights Defenders.* – In exercising the rights vested upon them in Chapter II of this Act, a human rights defender, whether as an individual or in association with others, shall be subject only to limitations that are prescribed by law, and are reasonable, necessary and proportionate in accordance with international human rights obligations and standards. The exercise of such rights shall be made solely for the purpose of securing due recognition of and respect for the human rights and fundamental freedoms of others and should meet the reasonable requirements of public order and general welfare in a democratic society.

CHAPTER III OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES

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

SEC. 25. *Obligation to Facilitate the Activities and Work of Human Rights Defenders.* – Public authorities shall take all necessary measures in accordance with law to facilitate and protect the exercise of the rights vested on human rights defenders by Chapter II of this Act, such as by:

- a. facilitating or allowing access to places where persons are deprived of liberty;
- b. facilitating or allowing access to places and to information required by human rights defenders to exercise their rights;
- c. providing information about violations of human rights or fundamental freedoms that may have been committed within Philippine territory or jurisdiction, including those committed by agents of the State in the line of duty;
- d. developing and enhancing the capacity of human rights defenders to promote and defend human rights and fundamental freedoms; and
- e. recognizing the importance of the role, functions, and activities of human rights

defenders.

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

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

SEC. 27. *Obligation not to Disclose Confidential Sources.* – (1) Public authorities shall not disclose or require the disclosure of the identity of sources used by human rights defenders, unless both the relevant source and the concerned human rights defender give informed consent in writing to such disclosure or if so required by an independent and impartial tribunal in accordance with international standards.

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

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

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

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

SEC. 31. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and Interference.* – (1) Public authorities shall take extraordinary diligence to ensure the protection of

1 human rights defenders from arbitrary or unlawful intrusion and interference into one's personal
2 activities including those concerning one's family, livelihood and place of work, one's
3 correspondences and possessions, including all digital data pertaining thereto.

4
5 (2) The terms *intrusion* and *interference* in subsection (1) include any form of surveillance,
6 recording, search and seizure in relation to any person's legitimate activity or work as a human
7 rights defender without the person's consent.

8
9 **SEC. 32. *Obligation not to Participate in Violating Human Rights and Fundamental***
10 ***Freedoms.*** – All public authorities are mandated not to participate, by acts of commission or
11 omission, in violating human rights and fundamental freedoms. Subordinate employees have the
12 right and duty to refuse any order from their superiors to participate in acts that contravene their
13 duty to protect, uphold, and promote human rights and fundamental freedoms, and shall not be
14 subject to any administrative sanctions as a consequence of such refusal.

15
16 **SEC. 33. *Obligation to Conduct Investigation.*** – Whenever there is reasonable ground to
17 believe that a human rights defender has disappeared, been killed, tortured, ill-treated, arbitrarily
18 detained, threatened or subject to a violation of any of the rights in Chapter II of this Act, whether
19 by the act or upon the direction of a public authority or private actor, the State must ensure that a
20 prompt, thorough, effective, independent and impartial investigation is conducted with
21 extraordinary diligence and is prosecuted under existing applicable laws, including RA 9745, “the
22 Anti-Torture Act”; RA 10353, the “Anti-Enforced or Involuntary Disappearance Act”; and RA 7438,
23 “An Act Defining Certain Rights of Person Arrested, Detained or Under Custodial Investigation as
24 well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties
25 for Violations Thereof”. the presumption of regularity in the performance of duty by the offending
26 public authority shall not be invoked.

27
28 **SEC. 34. *Obligation to Ensure Effective Remedy and Full Reparation.*** – Public authorities
29 shall take all necessary measures to ensure that an effective remedy and full reparation are provided
30 for violations of the rights vested upon human rights defenders in Chapter II and for breach of the
31 obligations assigned to State and public authorities in Chapter III of this Act.

32
33 **SEC. 35. *Obligation to Enforce and Institutionalize Command Responsibility.*** –
34 Government agencies shall enforce and institutionalize command responsibility and impose
35 sanctions against errant superiors in both military and civilian agencies as provided under existing
36 laws and executive issuances.

37
38 **SEC. 36. *Obligation to Adopt Human Rights Based Governance.*** – Public authorities shall
39 adopt the human rights-based approach to governance and development, including counter-
40 insurgency and anti-terror programs and policies.

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

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

51
52 **SEC. 39. *Obligation to Promote and Facilitate Human Rights Education.*** – All

government agencies shall promote, facilitate and adequately provide resources on teaching, training and education about human rights and fundamental freedoms to all persons within the country's jurisdiction. Teaching, training and education programs shall include information about this Act and the important and legitimate work of human rights defenders.

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

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

CHAPTER IV THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE

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

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

(3) There shall be a balanced gender representation in the composition of the Committee pursuant to the principles of equality and non-discrimination, and adequate representation of ethnic, indigenous cultural communities, and indigenous peoples' groups.

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

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

SEC. 42. *Qualifications of the Committee Members.* – The Members of the Committee shall possess the following qualifications:

- (1) Of high moral character, recognized probity, competence, and integrity;
- (2) Of known independence in making decisions and taking stances on issues and concerns pertaining to the protection and promotion of human rights and fundamental freedoms;
- (3) Must have a deep, thorough and enlightened knowledge and understanding of human

rights and fundamental freedoms and the role, work, and protection needs of human rights defenders; and
(4) Membership in the Philippine Bar of at least two (2) members, including the Chairperson, and who must have practiced the law profession for at least seven (7) years.

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

SEC. 44. *Functions of the Committee.* – The Committee shall exercise the following functions:

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

1 **SEC. 45. *Training and Vetting.*** – All persons involved in the work and activities of the
2 Committee, including security and law enforcement officials, shall be appropriately vetted and shall
3 receive continuing training on human rights and fundamental freedoms and the protection needs of
4 human rights defenders to ensure full and effective implementation of this Act.
5

6 **CHAPTER V** 7 **PENALTIES** 8

9 **SEC. 46. *Penalty for Violations of Sections 5 to 16 of this Act.*** – The penalty of *prision*
10 *mayor* in its maximum period to *reclusion temporal* in its medium period without privilege of
11 parole shall be imposed upon any government personnel or the whole complement of a government
12 unit, the paramilitary personnel or the whole complement of the paramilitary unit, the government
13 asset (and/or the military affiliate) who violates any of the rights of a human rights defender defined
14 in Sections 5 to 16 of this Act.
15

16 **SEC. 47. *Penalty for Destroying, Altering, or Falsifying Records and Documents.*** – The
17 penalty of *prision mayor* in its minimum to its medium period or a fine of One hundred thousand
18 pesos (Php100,000.00) or both, at the discretion of the court, shall be imposed upon any
19 government personnel or the whole complement of a government unit, the paramilitary personnel or
20 the whole complement of the paramilitary unit, the government asset (or the military affiliate of
21 such asset) who impede, obstruct, or influence any preliminary investigation, administrative
22 investigation or petition by altering, destroying, mutilating, concealing, covering up, falsifying, or
23 making any false entries in any record, document, or specimen whereof, relative to any matter
24 involving human rights defenders, or the activities of the defenders' organizations.
25

26 **SEC. 48. *Penalty for Any Other Violations of this Act.*** – The penalty of *prision mayor* in its
27 minimum period or a fine of One hundred thousand pesos (Php 100,000.00) or both, at the
28 discretion of the court, shall be imposed upon any individual who violates any other provisions of
29 this Act.
30

31 **SEC. 49. *Violations of this Act as Aggravating Circumstances.*** – A violation of any
32 provision of this Act committed during the commission of a crime defined in any penal law shall be
33 considered an aggravating circumstance in the imposition of the penalty on said crime.
34

35 **SEC. 50. *Non-Applicability of the Probation Law.*** – A violation of any provision of this
36 Act which shall constitute the main crime or as an aggravating circumstance shall not entitle the
37 offender or the accused to the privileges of probation under the Probation Law.
38
39
40

41 **CHAPTER VI** 42 **FINAL PROVISIONS** 43

44 **SEC. 51. *Implementing Rules and Regulations.*** – (1) Within sixty (60) days from the
45 effectivity of this Act, the Commission on Human Rights shall, in consultation with PAHRA,
46 KARAPATAN, FLAG, and NUPL, and other human rights organizations and individual human
47 rights defenders of known probity, promulgate the rules and regulations for the effective
48 implementation of this Act, and shall ensure its dissemination to the public.
49

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

- a. Adherence to the rule of law is the ultimate safeguard against violations of human rights and fundamental freedoms.
- b. Empowerment of human rights defenders is enhanced by their active participation in formulating, implementing, and evaluating protection programs for human rights defenders.
- c. Periodic assessments of risks, vulnerability, or conflict help identify protection needs of human rights defenders especially the needs of women and others who are at increased risks.
- d. Keeping and maintaining confidentiality of the personal data collected on human rights defenders and those referred to in Sec. 22 (3) herein upholds their right to privacy and security of person.
- e. Continuous training of the members of the Committee Secretariat of the Human Rights Defenders Protection Committee on human rights and fundamental freedoms, on root causes of violations against human rights defenders and their work and protection needs to help sustain their commitment to the objectives of the Act.
- f. Independent and effective operation of the Committee and its Secretariat requires sustained adequate resources.
- g. Transparent, aboveboard, and equitable resource allocation and disbursement help ensure maximum protection to human rights defenders and their constituencies particularly those with vulnerabilities and those who are at higher risk.
- h. The risks and challenges faced by women and lesbians, gays, bisexuals and transgenders (LGBT) human rights defenders and those working on women's and LGBT rights and gender issues demand special attention.
- i. Generating support from a strong, independent, and effective national human rights institution and from the general public enhances and contributes to the effective work of human rights defenders.
- j. Open access to the United Nations and international human rights bodies contributes to a safe and enabling environment for human rights defenders to work in.

SEC. 52. *Supplementary Applications.* – The applicable provisions of the Revised Penal Code shall have supplementary application insofar as they are consistent with the provisions of this Act.

SEC. 53. *Separability Clause.* – If any part or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or other provisions not affected thereby shall remain in full force and effect.

SEC. 54. *Repealing Clause.* – All laws, decrees, executive orders, memorandum orders, memorandum circulars, administrative orders, ordinances, rules and regulations and other issuances or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 55. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,