



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 0161

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

House Bill No. 9199 entitled “*An Act Defining the Rights and Fundamental Freedoms of Human Rights Defenders, Declaring State Responsibilities, and Instituting Effective Mechanisms for the Protection and Promotion*” was passed by the 17th Congress on 3rd Reading and was transmitted to the Senate for appropriate action. The bill is a consolidation of House Bill No. 1617 filed by Rep. Carlos Isagani Zarate and House Bill No. 8182 filed by Rep. Edcel Lagman.

This bill was passed cognizant of Section 11, Article II of the 1987 Constitution which provides that, “The State values the dignity of every human person and guarantees full respect for human rights.” Further, the Commission of Human Rights is created under Section 17, Article XIII mandated to (1) investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights, (2) provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection, and (3) grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority.

With the issue of “national security” stirring interstate and intrastate tensions in different countries and regions, several accounts of extrajudicial killings, threats and intimidation, arbitrary arrest, and detention of human rights defenders (HRDs) in the Philippines.¹ On top of this, HRDs have also been subjected to surveillance by law enforcement personnel.² The United Nations Special Representative of the Secretary

¹ “Righting Wrongs: Criminal Law Provisions in the Philippines related to National Security and their Impact on Human Rights Defenders.” International Commission of Jurists.

² Ibid.

General has further observed that the laws related to national security have been used to persecute HRDs and hinder them from pursuing their work promoting and protecting human rights.³ The alarming number of cases of harassment by executive and judicial agents is a problem that is further weighed by the suppression of their right freedom of expression, their right to peacefully assemble, and their right to freedom of association.

In response to this contravention of various international human rights standards, this bill aims to spell out the rights and freedoms of HRDs, the obligations of the State and public authorities for the protection of such rights, the creation and composition of the Human Rights Defenders Protection Committee tasked to enforce these obligations, and the penalties for the violations of the Act.

In view of the foregoing, immediate approval of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. Zubizarreta', is positioned to the right of the text 'In view of the foregoing...'. The signature is written in a cursive, flowing style.

³ Ibid.



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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 House of Representatives and the Senate of the Congress of the Philippines in session 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;

1 c. To provide access to legal remedies and reparative measures including monetary
2 compensation and psychosocial accompaniment and rehabilitation to human rights violations
3 victims;

4 d. To fully and strictly adhere to the principles and standards on human rights and
5 fundamental freedoms set by the Constitution and international human rights instruments
6 including the:

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

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

28 **SEC. 4. *Definition of Terms.*** – As used in this Act, the following terms shall mean:

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

1 the said instruments and law;

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

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

9 d. *Government Agency* refers to any department, bureau, office or unit of the National
10 Government, or any of its branches and instrumentalities, or any political subdivision, as well as
11 any government-owned or controlled corporation, including its subsidiaries, or other self-
12 governing branch, commission or council of the Government, to include but not be limited to any
13 grouping of the Armed Forces of the Philippines, Philippine National Police or other state security
14 forces, including military or police force multipliers.

15 e. *Superior Officer* refers to mean the next government official who has supervisory
16 powers or control over the head of the government agency to whom the subject head reports and
17 shall include but not limited to the President, Department Secretaries, Chief of Staff of the Armed
18 Forces of the Philippines, the Commanding General or Rear Admirals of any service in the Armed
19 Forces of the Philippines or the Director General of the Philippine National Police;

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

22 g. *Public Authority* refers to any person or body performing a function of a public nature
23 that is conferred or imposed by or pursuant to law, by popular election or appointment or delegated,
24 contracted by a governmental authority or agency;

25 h. *Intimidation or Reprisal* refers to any form of violence, threat, retaliation, *de facto or de*
26 *jure* adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action
27 or threat related to a person's status, work or activity as a human rights defender, including
28 proposed, attempted, or imputed work or activity directed at the: (i) human rights defender; (ii) the
29 human rights defender's associate(s); (iii) a legal or other representative of the human rights
30 defender appointed to conduct his or her affairs or to otherwise act on his or her behalf; (iv) a
31 family member or relative of the human rights defender up to fourth degree of consanguinity or

1 affinity, and includes common law relations; (v) a group, association, organization, community or
2 network, whether formal or informal, with which the human rights defender is associated; (vi) or
3 the home, property or possessions of the human rights defender or any of the other persons or
4 entities in items (ii) to (vi).

6 CHAPTER II

7 RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

8 **SEC. 5. *Right to Promote and Protect Human Rights and Fundamental Freedoms.*** –

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

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

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

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

25 **SEC. 8. *Right to Seek, Receive and Disseminate Information.*** – (1) Everyone,
26 individually or in association with others, has the right:

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

30 b. To know, seek access, obtain, receive and hold such information from
31 business enterprises and other private actors as may be necessary for exercising or

1 protecting, or assisting to exercise or protect human rights or fundamental freedoms;

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

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

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

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

13 **SEC. 10. *Right to Communicate with Non-governmental, Governmental and***
14 ***Intergovernmental Organizations.*** – Everyone, individually and in association with others, has
15 the right to freely communicate with non-governmental, governmental and intergovernmental
16 organizations, including subsidiary bodies, mechanisms or experts with a mandate relevant to
17 human rights and fundamental freedoms, as well as with diplomatic representations.

18 **SEC. 11. *Rights Against Vilification.*** – A person, individually and in association with
19 others, has the right against any act of false labeling or name calling, or of malicious and fabricated
20 accusations against him or her of any offense, or from any other kind of vilification.

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

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

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

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

4 b. To make recommendations to any public authority regarding legislative or
5 regulatory changes relating to human rights and fundamental freedoms;

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

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

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

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

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

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

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

28 a. To complain about the policies and actions of public authorities with regard
29 to violations of human rights and fundamental freedoms, by petition or other appropriate
30 means, to domestic judicial, administrative or legislative authorities or any other competent
31 authority e.g. Commission on Human Rights, 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 fundamental freedoms;

3 c. To attend public hearings, proceedings and trials so as to form an opinion
4 on their compliance with national law and human rights and fundamental freedoms; and

5 d. To submit communications and information of the type referred to in
6 Section 10.

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

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

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

16 **SEC. 17. *Right to Privacy.*** – (1) Everyone, individually or in association with others, has
17 the right to privacy.

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

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

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

29 **SEC. 18. *Freedom from Intimidation or Reprisal.*** – No person shall be subjected,
30 individually or in association with others, to any form of intimidation or reprisal on the grounds of
31 or in relation to one's status, activities or work as a human rights defender.

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

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

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

12 **SEC. 21. *Right to Exercise Cultural Rights and to Development of Personality.*** – (1)
13 Consistent with Article 18 (1) of the UN Declaration on Human Rights Defenders, everyone,
14 individually or in association with others, has the right to the unhindered exercise of the cultural
15 rights in one’s activities and work as a human rights defender and to the free and full development
16 of one’s personality.

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

19 **SEC. 22. *Right to Effective Remedy and Full Reparation.*** – (1) Everyone, individually or
20 in association with others, has the right to an effective remedy and full reparation, both monetary
21 and nonmonetary, in the event of a violation of the rights in this Chapter II or a breach of
22 obligations under Chapter III of this Act.

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

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

- 28 a. a human rights defender;
- 29 b. an association of the human rights defender;
- 30 c. a legal or other representative of the human rights defender appointed to
31 conduct the affairs of or to otherwise act on behalf of the human rights defender;

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

4 d. develop and implement policies and measures to promote, support and enhance the
5 capacity of human rights defenders to protect and promote human rights and fundamental
6 freedoms; and

7 e. publicly recognize the role, function, and activities and work of human rights defenders
8 as legitimate and important.

9 **SEC. 26. *Obligation to Provide Free Access to Materials Relating to Human Rights and***
10 ***Fundamental Freedoms.*** – Public authorities shall make freely available and accessible both
11 offline and online:

12 a. The Constitution, national laws and regulations;

13 b. International human rights instruments;

14 c. Research, studies, reports, data, archives and other information and materials within the
15 possession of public authorities that relate to human rights and fundamental freedoms;

16 d. Government reports and information submitted to international human rights bodies and
17 mechanisms;

18 e. Reports and communications of international human rights bodies and mechanisms
19 involving the country's compliance with international treaty obligations;

20 f. Documents and information related to the decisions or activities of the Commission on
21 Human Rights and other national authorities with competence in the field of human rights and
22 fundamental freedoms; and

23 g. All such other information as may be necessary to secure or enable the exercise of any
24 human right or fundamental freedom under Chapter II or access to remedy for violation of any
25 such right.

26 **SEC. 27. *Obligation not to Disclose Confidential Sources.*** – (1) Public authorities shall
27 not disclose or require disclosure of the identity of sources used by human rights defenders.

28 (2) Notwithstanding Subsection (1), public authorities may disclose the identity of sources
29 used by human rights defenders if both the relevant source and the concerned human rights
30 defender give informed consent in writing to such disclosure or if so required by an independent
31 and impartial tribunal in accordance with international standards.

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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 committing intimidation or reprisal against a person on the grounds of or in connection with his or her status, work, activities as a human rights defender, shall be subject to penalties as provided for the appropriate crime or crimes punishable under the Revised Penal Code, in addition to administrative and/or civil sanctions which take into account the gravity of the offense upon the discretion of the court or competent authority.

SEC. 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 “red,” “communist,” “terrorist” or “enemies of the State”.

(2) Public authorities shall immediately expunge or rectify such labeling as part of the non-monetary reparation to victims referred to in Section 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 human rights defenders from arbitrary or 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.

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

SEC. 32. *Obligation not to Participate in Violating Human Rights and Fundamental*

Freedoms. – All public authorities are mandated not to participate, by acts of commission or omission, in violating human rights and fundamental freedoms. Subordinate employees have the right and duty to refuse any order from their superiors to participate in acts that contravene their duty to protect, uphold and promote human rights and fundamental freedoms, and shall not be

1 subject to any administrative sanction as a consequence of such refusal.

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

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

17 **SEC. 35. *Obligation to Enforce and Institutionalize Command Responsibility.*** -
18 Government agencies shall enforce and institutionalize command responsibility and impose
19 sanctions against errant superior in both military and civilian agencies as provided under existing
20 laws and executive issuances.

21 **SEC. 36. *Obligation to Adopt Human Rights Based Governance.*** - Public authorities
22 shall adopt the human rights based approach to governance and development, including counter-
23 insurgency and anti-terrorism programs and policies.

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

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

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

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

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

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

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

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

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

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

22 a. Protect human rights defenders from intimidation and reprisals;

23 b. Ensure accountability for acts of intimidation and reprisal;

24 c. Facilitate and promote inter-agency and inter-department coordination to prevent, protect
25 from, investigate, and ensure accountability for acts of intimidation or reprisal;

26 d. Investigate on its own or on complaint by any party all forms of violations of human
27 rights and fundamental freedoms of human rights defenders;

28 e. Publicly acknowledge and promote the legitimate and important role, activities and work
29 of human rights defenders;

30 f. Consult regularly and work closely with human rights defenders in the implementation
31 of this Act;

1 g. Monitor existing and proposed legislation, assess their impact or potential impact on the
 2 status, activities and work of human rights defenders, and propose amendments and/or remedial
 3 measures or block their passage if the measures shall to a large extent adversely affect the human
 4 rights defenders and their work and activities;

5 h. Prepare and submit reports and communications on the situation of human rights
 6 defenders to relevant international and regional human rights bodies and mechanisms;

7 i. Monitor and carry out periodic reviews of the implementation of this Act, the first of
 8 which shall be conducted one (1) year after its effectivity.

9 j. Submit annual reports on the situation of human rights defenders and the status of
 10 implementation of this Act to the Office of the President of the Senate and the Office of the Speaker
 11 of the House of Representatives;

12 k. Make recommendations to relevant authorities on the appropriate measures to be taken
 13 to promote a safe and enabling environment for human rights defenders, mitigate and prevent the
 14 risks they face, and address the root causes of violations against human defenders; and

15 l. Perform other relevant functions as may be necessary to attain the objectives of this Act.

16 **SEC. 45. *Training and Vetting.*** – All persons involved in the work and activities of the
 17 Committee, including security and law enforcement officials, shall be appropriately vetted and
 18 shall receive training on human rights and fundamental freedoms, the situation and protection
 19 needs of human rights defenders prior to the commencement of the involvement, and continuing
 20 training designed to ensure full and effective implementation of the Act.

21 **CHAPTER V**

22 **PENALTIES**

23 **SEC. 46. *Penalty for Violations of Sections 5 to 16 of this Act.*** - The penalty of *prison*
 24 *mayor* in its maximum period to *reclusion temporal* in its medium period without privilege of
 25 parole shall be imposed upon any government personnel or the whole complement of a government
 26 unit, the paramilitary personnel or the whole complement of the paramilitary unit, the government
 27 asset (and/or the military affiliate) who violates any of the rights of a human rights defender
 28 defined in sections 5 to 16 of this Act.

29 **SEC. 47. *Penalty for Destroying, Altering, or Falsifying Records and Documents.*** – The
 30 penalty of *prison mayor* in its minimum to its medium period or a fine of One hundred thousand
 31 pesos (Php100,000.00) or both, at the discretion of the court, shall be imposed upon any

1 government personnel or the whole complement of a government unit, the paramilitary personnel
 2 or the whole complement of the paramilitary unit, the government asset (and/or the military
 3 affiliate) who impede, obstruct, or influence any preliminary investigation, administrative
 4 investigation and/or petition by altering, destroying, mutilating, concealing, covering up,
 5 falsifying, or making any false entries in any record, document, or specimen whereof, relative to
 6 any matter involving any human rights defenders, defenders or organizations or activities.

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

11 **SEC. 48. *Violations of this Act as Aggravating Circumstances.*** - Any violation of any
 12 provision of this Act committed during the commission of a crime defined in any penal laws shall
 13 be considered an aggravating circumstance in the imposition of the penalty in said crime.

14 **SEC. 49. *Non-Applicability of the Probation Law.*** – Any violation of any provisions of
 15 this Act which shall constitute the main crime or as an aggravating circumstance shall not entitle
 16 the offender or the accused to the privileges of probation under the Probation Law.

17 CHAPTER VI

18 FINAL PROVISIONS

19 **SEC. 50. *Implementing Rules and Regulations.*** – (1) Within sixty (60) days from the
 20 effectivity of this Act, the Commission on Human Rights, Member of the House Committee on
 21 Human Rights, Member of the Senate Committee on Justice and Human Rights, in consultation
 22 with PAHRA, Karapatan, FLAG, and NUPL, and other human rights organizations and individual
 23 human rights defenders of known probity, shall jointly promulgate the Implementing Rules and
 24 Regulations (IRR) for the effective implementation of this Act and shall ensure the full
 25 dissemination of the Act and the IRR to the public.

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

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

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

1 rights defenders.

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

5 d. Keeping and maintaining confidentiality of the personal data collected on
6 human rights defenders and those referred to in Sec. 22 (3) herein upholds their right to
7 privacy and security of person.

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

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

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

17 h. Risks and challenges faced by women and lesbians, gays, bisexuals and
18 transgenders (LGBT) human rights defenders and those working on women's and LGBT
19 rights and gender issues demand special attention.

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

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

25 **SEC. 51. *Supplementary Applications.*** – The applicable provisions of the Revised Penal Code
26 shall have supplementary application insofar as they are consistent with the provisions of this Act.

27 **SEC. 52. *Appropriations.*** – The amounts necessary for the implementation of this Act
28 shall be included in the annual General Appropriations Act.

29 **SEC. 53. *Separability Clause.*** – If for any reason any part or provision of this Act is
30 declared unconstitutional or invalid, the other parts or provisions hereof which are not affected
31 thereby shall remain and continue to be in full force and effect.

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

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

6 *Approved,*