

HOUSE OF REPRESENTATIVES

H. No. 10576

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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

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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

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

1 defender; (ii) the human rights defender's associate (s); (iii) a legal or other representative of the  
2 human rights defender appointed to conduct the latter's affairs or to act on the human rights  
3 defender's behalf; (iv) a family member or relative of the human rights defender up to fourth degree  
4 of consanguinity or affinity, and includes common law relations; (v) a group, association,  
5 organization, community or network, whether formal or informal, registered or unregistered, with  
6 which the human rights defender is associated; (vi) or the home, property or possessions of the  
7 human rights defender or any of the other persons or entities in items (ii) to (vi);  
8

9 g. *Public Authority* refers to any person or body performing a function of a public nature  
10 that is conferred or imposed by or pursuant to law, or by virtue of being elected in a popular election,  
11 or being appointed to public office, or contracted by a governmental authority or agency; and  
12

13 h. *Superior Officer* refers to the next government official who has supervisory powers or  
14 control over the head of the government agency to whom the subject head reports and shall include  
15 the President, Department Secretaries, Chief of Staff of the Armed Forces of the Philippines, the  
16 Commanding General or Rear Admirals in the Armed Forces of the Philippines, or the Director  
17 General of the Philippine National Police.  
18

## 19

## 20

## 21 CHAPTER II

## 22 RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

## 23

24 **SEC. 5. *Right to Promote and Protect Human Rights and Fundamental Freedoms.*** –  
25 Everyone has the right, whether as an individual or in association with others, to promote and to  
26 strive for the protection and realization of human rights and fundamental freedoms at the local,  
27 national, regional and international levels.  
28

29 **SEC. 6. *Right to Form Groups, Associations and Organizations.*** – Everyone, whether as  
30 an individual or in association with others, has the right to form, join, or associate with and  
31 participate in local, national, regional, or international organizations, formal or informal and  
32 registered or unregistered, for the purpose of promoting and striving for the protection and  
33 realization of human rights and fundamental freedoms.  
34

35 **SEC. 7. *Right to Solicit, Receive and Utilize Resources.*** – (1) Everyone, whether as an  
36 individual or in association with others, has the right to solicit, receive and utilize resources, from  
37 domestic and international organizations, including governmental, intergovernmental, philanthropic  
38 and private sources, for the express purpose of promoting and striving for the protection and  
39 realization of human rights and fundamental freedoms.  
40

41 (2) In pursuance of the right in subsection (1), subject to the provisions of existing laws and  
42 consistent with the provisions of this Act, freezing, the acts of sequestration or seizure by any bank  
43 or financial institution of the fund solicited from and released by the source is hereby prohibited.  
44

45 **SEC. 8. *Right to Seek, Receive and Disseminate Information.*** – (1) Everyone, whether as  
46 an individual or in association with others, has the right:  
47

48 a. To know, seek, access, obtain, receive and hold information about all human  
49 rights and fundamental freedoms, including information regarding how these rights and  
50 freedoms are given effect in the legislative, judicial and administrative systems;  
51



1           b. To know, seek access, obtain, receive and hold such information from  
2 business enterprises and other private actors as may be necessary for exercising or  
3 protecting, or assisting to exercise or protect human rights or fundamental freedoms;  
4

5           c. To freely publish, impart or disseminate to others views, information and  
6 knowledge on all human rights and fundamental freedoms; and  
7

8           d. To study, discuss, form and hold opinions on the observance, both in law and  
9 in practice, of all human rights and fundamental freedoms and, through these and other  
10 means, to draw public attention to these matters.  
11

12       (2) The right in subsection (1) may be exercised orally, in writing, in print, in the form of  
13 art or through any other media, whether online or offline.  
14

15       **SEC. 9. *Right to Develop and Advocate for Human Rights Ideas.*** – Everyone, whether as  
16 an individual or in association with others, has the right to develop and discuss new ideas and  
17 principles which relate to human rights and fundamental freedoms, and to advocate their acceptance.  
18

19       **SEC. 10. *Right to Communicate with Non-governmental, Governmental and***  
20 ***Intergovernmental Organizations.*** – Everyone, whether as an individual or in association with  
21 others, has the right to freely communicate with non-governmental, governmental and  
22 intergovernmental organizations, including subsidiary bodies, mechanisms or experts whose  
23 mandates pertain to the enjoyment and protection of human rights and fundamental freedoms, as  
24 well as with diplomatic representatives.  
25

26       **SEC. 11. *Rights Against Vilification.*** – Everyone, whether as an individual or in association  
27 with others, has the right to protection against and redress from any act of false labeling or name  
28 calling, malicious and fabricated accusations against any offense, or any other kind of vilification.  
29

30       **SEC. 12. *Right to Access, Communicate and Cooperate with International and Regional***  
31 ***Human Rights Bodies and Mechanisms.*** – In accordance with applicable international instruments  
32 and procedures, everyone, individually or in association with others, has the right to unhindered  
33 access to and to communicate and cooperate with international and regional human rights bodies  
34 and mechanisms, including treaty bodies and special procedures or special rapporteurs.  
35

36       **SEC. 13. *Right to Participate in Public Affairs.*** – (1) Everyone, whether as an individual or  
37 in association with others, has the right to participate effectively in the conduct of public affairs,  
38 including participation on a non-discriminatory basis in the government regarding human rights and  
39 fundamental freedoms.  
40

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

43           a. Submit to any public authority, or agency or organization concerned with  
44 public affairs, criticism on or proposals for improving its functioning with respect to  
45 human rights and fundamental freedoms;  
46

47           b. Make recommendations to any public authority regarding legislative or  
48 regulatory changes relating to human rights and fundamental freedoms;  
49

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

1 d. Call the attention of any public authority to any action or omission by any  
2 actor, private or public, that may involve or contribute to a violation of human rights or  
3 fundamental freedoms, and  
4

5 e. Freely publish, impart or disseminate to others any information submitted to  
6 any public authority in the exercise of the rights set out in this Chapter.  
7

8 **SEC. 14. *Right to Peaceful Assembly.*** – (1) Everyone, whether as an individual or in  
9 association with others, has the right to meet or assemble peacefully as well as to participate in  
10 peaceful activities concerning human rights and fundamental freedoms, free from interference that  
11 is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or  
12 international level.  
13

14 (2) The right referred to in subsection (1) includes the right to plan, organize, participate  
15 in and disseminate information regarding peaceful activities concerning human rights and  
16 fundamental freedoms, including demonstrations, protests, seminars and meetings, whether  
17 conducted in a public or private place  
18

19 **SEC. 15. *Right to Represent and Advocate.*** – 1) Everyone, whether as an individual and in  
20 association with others, has the right to assist, represent or act on behalf of another person, group,  
21 association, organization or institution in relation to the promotion, protection and exercise of  
22 fundamental rights and freedoms, including at the local, national, regional and international levels.  
23

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

- 25
- 26 a. Complain about the policies and actions of public authorities with regard to violations of  
27 human rights and fundamental freedoms, by petition or other appropriate means, to  
28 domestic judicial, administrative or legislative authorities or any other competent  
29 authority such as the Commission on Human Rights and the Ombudsman;  
30
  - 31 b. To offer and provide professionally qualified legal counsel, paralegal, or other relevant  
32 advice and assistance in defending human rights and fundamental freedoms;  
33
  - 34 c. To attend public hearings, court trials, and similar proceedings so as to form an opinion  
35 on their compliance with national law and human rights and fundamental freedoms; and  
36
  - 37 d. To submit communications and information to authorities and bodies referred to in  
38 Section 10.  
39

40 **SEC. 16. *Right to Freedom of Movement.*** – (1) A person who is lawfully within the  
41 territory, or subject to the jurisdiction of the Philippines shall, within its territory or place of  
42 jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and  
43 shall have the right to carry out lawful activities in the entire territory or place of jurisdiction.  
44

45 (2) No one who is lawfully within the Philippine territory shall be expelled therefrom,  
46 whether as an individual or as part of a group, wholly or partially, on account of the acts as a  
47 human rights defender  
48

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

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

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

9  
10           (3) "Intrusion and interference" under subsection (2) include any form of surveillance,  
11 recording, within the purview of Republic Act No. 4200, otherwise known as "An Act to Prohibit  
12 and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for  
13 Other Purposes," search and seizure in relation to his or her legitimate activity or work as a human  
14 rights defender.

15  
16           (4) The right to privacy extends to groups, organizations, or associations.

17  
18           **SEC. 18. *Freedom from Intimidation or Reprisal.*** – No person shall be subjected to any  
19 form of intimidation or reprisal on the ground of or in relation to the person's status, activities, or  
20 work as a human rights defender.

21  
22           **SEC. 19. *Right to Establish a Sanctuary for Human Rights Victims and or their Families.***  
23 – Any person, who has been subjected to any form of intimidation or reprisal, has the right to  
24 establish sanctuaries for any human rights violation victim and their immediate families.

25  
26           Said sanctuary shall be considered established if that person gives confidential notice to the  
27 Human Rights Defenders Protection Committee created under this Act indicating that said place,  
28 building or area has been constituted as a sanctuary.

29  
30           **SEC. 20. *Freedom from Defamation and Stigmatization.*** – No human rights defender shall  
31 be subject to any form of defamation, stigmatization, or harassment, online or in any other means of  
32 disseminating information or communicating to the public or technology, and whether by public  
33 authorities or private actors, in connection with their work, status, or activities.

34  
35           **SEC. 21. *Right to Exercise Cultural Rights and to Development of Personality.*** –

36  
37           (1) Consistent with Article 18 (1) of the UN Declaration on Human Rights Defenders,  
38 everyone, individually or in association with others, has the right to the unhindered exercise of the  
39 cultural rights in one's activities and work as a human rights defender and to the free and full  
40 development of one's personality.

41  
42           (2) The right referred to in Subsection (1) includes the right to challenge and change  
43 traditional customs and practices that violate human rights and fundamental freedoms

44  
45           **SEC. 22. *Right to Effective Remedy and Full Reparation.*** – (1) Everyone, whether as an  
46 individual or in association with others, has the right to effective remedy and full reparation, both  
47 monetary and nonmonetary, in the event of a violation of any of the rights provided for in Chapter II,  
48 or a breach of obligation under Chapter III of this Act.

49  
50           (2) A person whose rights have been violated or who has been adversely affected by a  
51 breach of obligation has the right to obtain such effective remedy and full reparation from the  
52 appropriate government agency or court of competent jurisdiction.



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

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

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

20 **SEC. 23. *Limitation on the Rights of Human Rights Defenders.*** – In exercising the rights  
21 vested upon them in Chapter II of this Act, a human rights defender, whether as an individual or in  
22 association with others, shall be subject only to limitations that are prescribed by law, and are  
23 reasonable, necessary and proportionate in accordance with international human rights obligations  
24 and standards. The exercise of such rights shall be made solely for the purpose of securing due  
25 recognition of and respect for the human rights and fundamental freedoms of others and should  
26 meet the reasonable requirements of public order and general welfare in a democratic society.  
27  
28

### 29 **CHAPTER III** 30 **OBLIGATIONS OF THE STATE AND PUBLIC AUTHORITIES** 31

32 **SEC. 24. *Obligation to Respect, Promote, Protect, and Fulfill the Rights of Human***  
33 ***Rights Defenders.*** – Public authorities shall take all necessary measures to ensure: (1) that the  
34 human rights and fundamental freedoms in Chapter II of this Act are effectively guaranteed and  
35 protected; (2) that all laws, policies and programs of government are consistent with the rights in  
36 Chapter II of this Act; and (3) that human rights defenders are able to freely undertake their  
37 activities and work in a safe and enabling environment without restrictions.  
38

39 **SEC. 25. *Obligation to Facilitate the Activities and Work of Human Rights Defenders.*** –  
40 Public authorities shall take all necessary measures in accordance with law to facilitate and protect  
41 the exercise of the rights vested on human rights defenders by Chapter II of this Act, such as by:  
42

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

1 defenders.

2  
3 **SEC. 26. *Obligation to Provide Free Access to Materials Relating to Human Rights and***  
4 ***Fundamental Freedoms.*** – Public authorities shall make freely available and accessible to the  
5 public the following materials online and through other modes and platforms of information  
6 dissemination:  
7

- 8 a. The Constitution, national laws and regulations;  
9 b. International human rights instruments;  
10 c. Research, studies, reports, data, archived information and other information and materials  
11 within the possession of public authorities that relate to human rights and fundamental  
12 freedoms;  
13 d. Government reports and information submitted to international human rights bodies and  
14 mechanisms;  
15 e. Reports and communications of international human rights bodies and mechanisms  
16 involving the country's compliance with international treaty obligations;  
17 f. Documents and information related to the decisions or activities of the Commission on  
18 Human Rights and other national authorities with competence in the field of human rights  
19 and fundamental freedoms; and  
20 g. All such other information as may be necessary to secure or enable the exercise of any  
21 human right or fundamental freedom under Chapter II or access to remedy for violation  
22 of any such right.  
23

24 **SEC. 27. *Obligation not to Disclose Confidential Sources.*** – (1) Public authorities shall not  
25 disclose or require the disclosure of the identity of sources used by human rights defenders, unless  
26 both the relevant source and the concerned human rights defender give informed consent in writing  
27 to such disclosure or if so required by an independent and impartial tribunal in accordance with  
28 international standards.  
29

30 **SEC. 28. *Obligation to Prevent and to Ensure Protection from Intimidation or Reprisal.*** –  
31 Public authorities shall take all necessary measures to ensure the prevention of and protection from  
32 any intimidation or reprisal by any other public or private actor. These shall include protection  
33 measures established under pertinent laws.  
34

35 **SEC. 29. *Obligation to Penalize Intimidation or Reprisal.*** – Any public authority or private  
36 actor who is found guilty of acts of revenge or intimidation against a person on the grounds of or in  
37 connection with the person's status, work, activities as a human rights defender, shall be penalized  
38 under the appropriate provision of the Revised Penal Code, in addition to administrative or civil  
39 sanctions that may be imposed considering the gravity of the offense, upon the discretion of the  
40 court or competent authority.  
41

42 **SEC. 30. *Obligation to Refrain from Derogatory and Unfounded Labeling.*** – (1) Under no  
43 circumstance shall public authorities engage in false, unfounded and derogatory labeling of human  
44 rights defenders including identifying them as "reds," "communists," "terrorists" or "enemies of the  
45 State".  
46

47 (2) Public authorities shall immediately expunge or rectify such labeling as part of the non-  
48 monetary reparation to victims referred to in Section 22 (2) of Chapter II and Section 34 of Chapter  
49 III of this Act.  
50

51 **SEC. 31. *Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and***  
52 ***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

1 government agencies shall promote, facilitate and adequately provide resources on teaching,  
2 training and education about human rights and fundamental freedoms to all persons within the  
3 country's jurisdiction. Teaching, training and education programs shall include information about  
4 this Act and the important and legitimate work of human rights defenders.  
5

6 The Department of Education (DepEd) and the Commission on Higher Education (CHED)  
7 shall require human rights education as an obligatory curriculum in all academic institutions,  
8 colleges and universities, public or private.  
9

10 **SEC. 40. *Diligence Required.*** – Any complaint or report for violation of human rights and  
11 fundamental freedom shall be dealt with and acted upon with extraordinary diligence by concerned  
12 government personnel. Failure to act within three (3) days from reporting any violation of this Act  
13 shall hold the government personnel criminally, civilly, and administratively liable.  
14  
15  
16

#### 17 **CHAPTER IV** 18 **THE HUMAN RIGHTS DEFENDERS PROTECTION COMMITTEE** 19

20 **SEC. 41. *Creation and Composition of the Human Rights Defenders Protection***  
21 ***Committee.*** – (1) There shall be an independent collegial body to be known as the Human Rights  
22 Defenders Protection Committee, herein referred to as the Committee, that shall be composed of a  
23 Chairperson and six (6) Members. The Chairperson shall be selected by the Commissioners of the  
24 Commission on Human Rights from among themselves in an *en banc* session. The six (6) members  
25 shall be jointly nominated by two (2) representatives each of the Philippine Alliance of Human  
26 Rights Advocates (PAHRA), Karapatan Alliance for the Advancement of People's Rights  
27 (Karapatan), Free Legal Assistance Group (FLAG), and the National Union of People's Lawyers  
28 (NUPL) in a meeting called for the purpose, without prejudice to the nominations of other human  
29 rights organizations who have proven track records of probity and independence.  
30

31 (2) The aforementioned nominees shall be appointed by the Commission on Human  
32 Rights in an *en banc* session.  
33

34 (3) There shall be a balanced gender representation in the composition of the  
35 Committee pursuant to the principles of equality and non-discrimination, and adequate  
36 representation of ethnic, indigenous cultural communities, and indigenous peoples' groups.  
37

38 (4) The Committee shall be attached to the Commission on Human Rights (CHR) for  
39 administrative and budgetary purposes only.  
40

41 (5) The Committee shall organize itself within thirty (30) days from the completion of  
42 the selection process of the Chairperson and Members of the Committee as herein and shall  
43 thereafter organize its Secretariat.  
44

45 **SEC. 42. *Qualifications of the Committee Members.*** – The Members of the Committee  
46 shall possess the following qualifications:  
47

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

1 rights and fundamental freedoms and the role, work, and protection needs of human rights  
2 defenders; and

3 (4) Membership in the Philippine Bar of at least two (2) members, including the  
4 Chairperson, and who must have practiced the law profession for at least seven (7) years.  
5

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

13 **SEC. 44. *Functions of the Committee.*** – The Committee shall exercise the following  
14 functions.  
15

- 16 a. Protect human rights defenders from intimidation and reprisals;
- 17
- 18 b. Ensure accountability for acts of intimidation and reprisal,
- 19
- 20 c. Facilitate and promote inter-agency and inter-department coordination to prevent,  
21 protect from, investigate, and ensure accountability for acts of intimidation or reprisal;  
22
- 23 d. Investigate on its own or on complaint by any party all forms of violations of human  
24 rights and fundamental freedoms of human rights defenders;
- 25
- 26 e. Publicly acknowledge and promote the legitimate and important role, activities, and  
27 work of human rights defenders;
- 28
- 29 f. Consult regularly and work closely with human rights defenders in the implementation  
30 of this Act;
- 31
- 32 g. Monitor existing and proposed legislation, assess their impact or potential impact on the  
33 status, activities and work of human rights defenders, and propose amendments and/or  
34 remedial measures or block their passage if the measures shall to a large extent  
35 adversely affect the human rights defenders and their work and activities;  
36
- 37 h. Prepare and submit reports and communications on the situation of human rights  
38 defenders to relevant international and regional human rights bodies and mechanisms;
- 39
- 40 i. Monitor and carry out periodic reviews of the implementation of this Act, the first of  
41 which shall be conducted one (1) year after its effectivity;
- 42
- 43 j. Submit annual reports on the situation of human rights defenders and the status of  
44 implementation of this Act to the Office of the President of the Senate and the Office of  
45 the Speaker of the House of Representatives,
- 46
- 47 k. Make recommendations to relevant authorities on the appropriate measures to be taken  
48 to promote a safe and enabling environment for human rights defenders, mitigate and  
49 prevent the risks they face, and address the root causes of violations against human  
50 defenders; and  
51
- 52 l. Perform other relevant functions as may be necessary to attain the objectives of this Act





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

29  
30 **SEC. 52. *Supplementary Applications.*** – The applicable provisions of the Revised Penal Code  
31 shall have supplementary application insofar as they are consistent with the provisions of this Act.

32  
33 **SEC. 53. *Separability Clause.*** – If any part or provision of this Act is declared  
34 unconstitutional or invalid, the remainder of this Act or other provisions not affected thereby shall  
35 remain in full force and effect.

36  
37 **SEC. 54. *Repealing Clause.*** – All laws, decrees, executive orders, memorandum orders,  
38 memorandum circulars, administrative orders, ordinances, rules and regulations and other issuances  
39 or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or  
40 modified accordingly.

41  
42 **SEC. 55. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the  
43 *Official Gazette* or in a newspaper of general circulation.

Approved,