



Australian Government
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT THE PHILIPPINES

23 August 2021

MAP



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ACRONYMS

AFP	Armed Forces of the Philippines
ARMM	Autonomous Region in Muslim Mindanao
ASG	Abu Sayaaf Group
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BIFF	Bangsamoro Islamic Freedom Fighters
CHR	Commission on Human Rights
CBCP	Catholic Bishops' Conference of the Philippines
CPP	Communist Party of the Philippines
IAS	Internal Affairs Service (Philippine National Police)
IOM	International Organization for Migration
IS	Islamic State in Iraq and the Levant (also known as ISIL, ISIS or Da'esh)
LGBTI	Lesbian, gay, bisexual, transgender and/or intersex
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NCMF	National Commission on Muslim Filipinos
NPA/CPP-NPA	New People's Army/Communist Party of the Philippines – New People's Army
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
OFWs	Overseas Filipino Workers
PNP	Philippine National Police
UNDP	United Nations Development Programme

GLOSSARY

<i>Bangsamoro</i>	'Homeland for the Moro' (see below), a region in the south of the Philippines
Bangsamoro Basic Law/Bangsamoro Organic Law	A law granting autonomy in the Bangsamoro region. See Security Situation .
<i>Barangay</i>	The smallest unit of local government; a village or urban community. Headed by an elected <i>barangay</i> captain
Moro	Indigenous group in the southern Philippines
<i>Tanod</i>	A public safety officer or watch officer, supervised by a <i>barangay</i> captain. See State Protection .
Troll	A person (or computer program) that deliberately incites anger or violence on the internet

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to the Philippines.

1.2 The report provides a general rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act 1958*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in the Philippines. It takes into account relevant and credible open source reports, including but not limited to those produced by: the International Organization for Migration (IOM), the US Department of State, the World Bank and the International Monetary Fund; relevant UN agencies such as the Office of the UN High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP); international think tanks, non-government organisations, and human rights organisations such as Human Rights Watch, Amnesty International and Freedom House; and reputable media organisations. It also takes into account information from Philippine government sources. Where DFAT does not refer to a specific source of a report or allegation this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on the Philippines published on 21 December 2018.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The Philippines was colonised by the Spanish from 1521 to 1898 and was then ceded to the United States at the conclusion of the Spanish-American War in 1899. As a result, many administrative and legislative processes are based on a combination of US and Spanish approaches. During World War II, the Philippines fell under Japanese occupation from 1942 to 1945. After the war, in 1946, the Republic of the Philippines achieved independence. Parts of Mindanao, the southern group of islands in the Philippines, have been affected by separatist insurgencies dating back to Spanish rule. The area has several ongoing internal conflicts (see [Security situation](#)). In 1989, the Autonomous Region in Muslim Mindanao (ARMM) was established, which later became the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in 2019 (see [Political System](#)).

2.2 The period of martial law from 1972 to 1981 involved significant political and cultural upheaval. Then-President Ferdinand Marcos (who ruled the Philippines from 1965 to 1986) implemented martial law citing the perceived threat of a communist insurgency. Opposition to the Marcos regime and its associated violence and corruption led to the historic 'People Power Revolution', a series of popular demonstrations in 1986, which resulted in the exile of Marcos and the ascension of Corazon Aquino, the first female president. The following years were tumultuous: successive Presidents faced coup attempts, corruption charges, impeachments and forced resignations.

2.3 In 2016, Rodrigo Duterte was elected President. Duterte was the former Mayor of Davao and was known for his strong stance against crime in that city. He was also criticised for his human rights record in dealing with drug-related crime in Davao. Upon election, Duterte's national government launched a campaign against illegal drugs, resulting in arrests and killings, including alleged extrajudicial killings.

2.4 The Philippines is one of the most disaster-affected countries in the world, regularly experiencing severe tropical cyclones. Regular disaster events exacerbate poverty levels and affect livelihood opportunities for the poorest Filipinos. For instance, Typhoon Haiyan (locally known as 'Yolanda'), one of the most intense tropical cyclones on record, made landfall in November 2013, killing over 6,000 people and displacing hundreds of thousands of people.

DEMOGRAPHY

2.5 The Philippines consists of over 7,000 islands, which are divided into three major groups: Luzon (North), the Visayas (Central) and Mindanao (South). The population of the Philippines is approximately 110 million people. According to the 2000 census (the latest ethnographic data available), the main ethnic groups are: Tagalog (24.4 per cent), Bisaya/Binisaya (11.4 per cent), Cebuano (9.9 per cent), Ilocano (8.8 per cent), Hiligaynon/Ilonggo (8.4 per cent), Bikol/Bicol (6.8 per cent), Waray (4 per cent), other local ethnicity (26.1 per cent), and other foreign ethnicity (0.1 per cent). The median age is 24.3 years.

2.6 The Constitution recognises Filipino, a standardised form of Tagalog, as the national language. The other official language is English. There are an estimated 187 languages spoken in the Philippines. Besides Tagalog, major dialects include Cebuano, Bisaya (or Binisaya), Ilocano, Hiligaynon (or Ilongo), Bicol, and Lineyte-Samarnon (Waray).

2.7 Each year millions of Filipinos go overseas to work; they are known as ‘Overseas Filipino Workers’ or ‘OFWs’. Official figures show 2.2 million Filipinos worked overseas from April to September 2019. According to the World Economic Forum, Filipinos make up the eighth-largest diaspora in the world.

2.8 For religious demography, see [Religion](#).

ECONOMIC OVERVIEW

2.9 The World Bank classifies the Philippines as a lower middle-income country. GDP per capita was USD3,486 in 2019. In 2018, services accounted for the largest share of GDP (56.2 per cent), followed by industry (34.8 per cent), and agriculture and fisheries (8.9 per cent). The Philippines’ economy had been growing strongly in recent years but took a significant hit in 2020 due to COVID-19, with negative GDP growth of -8.3 per cent for the calendar year. This contraction was cushioned by government COVID-19 economic stimulus packages and remittances from OFWs, which continue to account for approximately 10 per cent (around USD 22 billion for January to September 2020) of GDP. The World Bank expects economic growth to recover gradually in 2021-2022, assuming the pandemic is contained.

2.10 According to the World Bank, poverty declined from 23.3 per cent in 2015 to 16.6 per cent in 2018, although COVID-19 may reverse some of these gains. Poverty rates are higher in rural areas than in the cities.

2.11 The Philippines is ranked 115 out of 180 countries in Transparency International’s 2020 Corruption Perceptions Index. There are credible reports of corruption in the government and public sector, often linked to personal connections or nepotism. According to the 2020 Global Corruption Barometer, 86 per cent of Filipinos surveyed thought government corruption was a “big problem” and 19 per cent reported having paid a bribe to access public services in the previous 12 months.

2.12 The Department of Social Welfare and Development (DSWD) administers a conditional cash transfer program (*Pantawid Pamilyang Pilipino Program*) for health and education support to over 4 million of the poorest households. The program gives cash grants to the very poor, but is limited to pregnant women and people who have children under 18 years of age.

2.13 During the height of COVID-19 lockdowns in 2020, unemployment reached an all-time high of 17.7 per cent before dropping to 10 per cent by the end of the year. Rates of underemployment are also very high, and people without a job are often forced into the informal sector. This work is usually unskilled and unregulated. Casualisation of work and contract-based work, which does not attract the protections of the Labor Code, are common. There is no universal unemployment insurance in the Philippines, although public sector workers may pay into the Government Service Insurance Scheme, which will pay workers 50 per cent of previous wages for 2-6 months after becoming unemployed.

2.14 On 30 March 2020, in response to the COVID-19 pandemic, the Philippine Government announced plans to implement the largest social protection program in Philippine history as part of the *Bayanihan to Heal as One Act*, including cash grants to 18 million low-income families. There have been delays and difficulties dispersing these grants.

Health

2.15 According to figures published by the UN Development Programme (UNDP), the Philippines spends approximately 4.4 per cent of GDP per year on health, delivered through both state and private facilities (mostly Catholic hospitals). Life expectancy is 71.2 years (75.5 years for women, 67.3 years for men). The infant mortality rate is 22.5 per 1,000 live births.

2.16 The *1987 Philippines Constitution* requires the state at a national level to ‘protect and promote the right to health of the people and instil health consciousness among them’. It also requires the state to make healthcare available to people ‘at an affordable cost’ and includes an undertaking to ‘provide free medical care to paupers’.

2.17 A national health insurance scheme, PhilHealth, was introduced in 1995. In February 2019, President Duterte signed into law the Universal Healthcare Act, which extends coverage to all Filipinos and expands its scope to include preventive, promotive, curative and rehabilitative healthcare services. Nevertheless, many Filipinos still struggle to access adequate healthcare, especially if they are poor or live in rural or remote areas. Those who can afford it usually take out private health insurance.

2.18 The quality of healthcare facilities and services is variable. While doctors in private and public hospitals are equally skilled, private hospitals tend to be better equipped, have more staff and shorter wait times, but are usually too expensive for the poor. Hospitals in cities tend to be much better equipped and staffed and offer a wider range of services than those in rural or remote areas.

COVID-19

2.19 The Philippines recorded its first case of COVID-19 in January 2020 and afterwards enacted strict lockdown measures. The Philippines eventually became one of the worst-impacted countries in Southeast Asia, with more than 1 million confirmed COVID-19 cases and almost 20,000 deaths by May 2021. At the time of writing, 15 hospitals in the National Capital Region were at 100 per cent of their COVID-19 capacity, and an additional 13 were classified as being at critical capacity status.

2.20 By early February 2021, the Philippines had negotiated deals with five vaccine manufacturers to supply up to 178 million COVID-19 inoculations, enough to vaccinate the entire population. Inoculations began in March 2021, but the rollout has been slow. A black market in vaccines has reportedly emerged.

2.21 For COVID-19’s impact on education, see [Education](#).

2.22 For COVID-19’s impact on women, see [Women](#).

Mental Health

2.23 Mental healthcare is available but limited. There is a severe shortage of mental health specialists, and mental health services receive less than 5 per cent of the total health budget. Filipinos with mental health problems are often reluctant to access help due to financial constraints or stigma. Surveys show the COVID-19 pandemic has led to a worsening of mental health for many Filipinos.

2.24 In 2018, President Duterte signed the Philippines’ first comprehensive legal framework for mental health: the Mental Health Act (Republic Act No. 11036). The legislation focuses on consent and de-institutionalisation of patients, as well as increased investment in local mental health services. The implementing regulations were passed in January 2019, although their effectiveness in protecting the rights of people with mental health problems remains to be seen.

2.25 There are two dedicated psychiatric hospitals in the country (in Manila and Luzon), and some general hospitals have out-patient services or mental health wards. The majority of psychiatrists are in private practice in Manila. Mental health services are especially lacking in rural and remote areas, and mental health facilities throughout the country suffer from overcrowding, poorly functioning units, chronic staff shortages and funding constraints.

People Living with HIV

2.26 The Philippines has the fastest rising rate of HIV infection in the Asia-Pacific region. Particularly affected groups include men who have sex with men, transgender women, OFWs and sex workers. There are people living with HIV throughout the Philippines.

2.27 Treatment for HIV is widely available and free, although the UN reports less than 50 per cent of patients are receiving treatment. PREP, a drug that can prevent the spread of HIV when taken by non-infected patients, is available and very popular. Criteria for accessing PREP are strict and there is a black market for obtaining it. Access to care for people living with HIV is better in the cities, particularly Manila.

2.28 Human Rights Watch reported in February 2018 that workers and employees with HIV suffered workplace discrimination but were unwilling to report it for fear of repercussions. This includes refusal to hire HIV-positive people or terminating their employment because of HIV-positive status. Discrimination in employment against people on the basis of HIV status is illegal.

2.29 A stigma against HIV does exist, but DFAT assesses people living with HIV are generally able to access appropriate and professional healthcare. Stigma is social; the Philippines is, in general, a conservative nation where sex and drugs, seen as linked to HIV, are taboo among some people. Young people are generally more open to discussing issues related to sexual health.

Education

2.30 Article 14 of the *1987 Philippines Constitution* grants the right to education, including free public education at the elementary and high school level, although poverty and displacement, such as in the case of the Marawi siege (see [Security Situation](#)) or the COVID-19 pandemic, may affect access. Elementary education is compulsory and primary school-aged children attend school universally. According to figures published by UNDP, about 88 per cent of secondary school-aged children attend school. The adult literacy rate is over 96 per cent.

2.31 Despite high rates of participation, the quality of school education in the Philippines is generally poor. The Philippines was among the worst performers in mathematics, science and reading among 79 countries surveyed in the 2018 OECD Program for International Student Assessment (PISA). Government expenditure per student was the lowest of all participating countries and 90 per cent lower than the OECD average.

2.32 Education and training have been severely disrupted by COVID-19, forcing 2.6 million children out of schools since April 2020. Poor and remote students have struggled to access online and distance education. President Duterte has said schools will not reopen until vaccination is widespread.

POLITICAL SYSTEM

2.33 The Philippines is a constitutional republic with a popularly-elected President and a bicameral Congress. It is governed as a centralised state divided into provinces, with the exception of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which has its own regional government. The BARMM has the power to create its own sources of revenues and to levy taxes, fees, and charges, subject to constitutional provisions.

2.34 The President functions as both the head of state and the head of government, and is the commander-in-chief of the armed forces. The President is elected by popular vote for a single six-year term, during which he or she appoints and presides over the cabinet. The Vice President is elected separately, also for a six-year term, and may or may not be a member of cabinet.

2.35 The bicameral Congress is composed of the Senate, serving as the upper house, with members elected to six-year terms, and the House of Representatives, serving as the lower house, with members elected to three-year terms. The senators are elected at large while the representatives are elected from both legislative districts and through sectoral representation.

2.36 Judicial power is vested in the Supreme Court, composed of a Chief Justice as its presiding officer and 14 associate justices, all of whom are appointed by the President from nominations submitted by the Judicial and Bar Council (see [Judiciary](#)).

2.37 The Philippines has three layers of sub-national government. A governor or mayor leads an independent city, a mayor leads non-independent municipalities and cities, and a *barangay* captain leads a *barangay* (villages or small communities within urban areas, of which there are over 40,000). All these positions are limited to three consecutive three-year terms. Once they end their third term, incumbents must let one term pass before they can run again. In the BARMM, an additional layer, the Bangsamoro Transitional Authority (BTA) sits between the President and the sub-national government. The President has a supervisory mandate over local government, but the constitution stipulates that 'territorial and political subdivisions shall enjoy local autonomy', further provided for under the *Republic Act No. 7160* (also known as the *Local Government Code of 1991*).

2.38 Patronage is reported at all levels of government. The prevalence of political dynasties is a perpetual governance problem, and vote-buying is widespread. Despite these trends, elections in the Philippines are generally assessed as credible. Freedom House rates the country as 'Partly Free'.

2.39 Presidential and vice presidential elections were held on 9 May 2016. Nearly 44 million Filipinos participated in the elections; voter turnout was 82 per cent. Former Davao City Mayor Rodrigo Duterte was elected President, winning 39 per cent of the national vote (63 per cent of the vote in Mindanao and 72 per cent of the overseas Filipino vote). Leonor 'Leni' Robredo was elected Vice President. Both were inaugurated on 30 June 2016, although they ran for different parties and are independent of each other. Duterte campaigned on his priority issues of federalism, the war on drugs, and curbing crime and corruption. Mid-term elections held on 13 May 2019 further entrenched Duterte's power, with Duterte allies winning most Senate seats and taking additional seats in the House of Representatives.

HUMAN RIGHTS FRAMEWORK

2.40 Many rights are theoretically guaranteed by the Philippines Constitution under Article XIII on 'Social Justice and Human Rights' and the Article III Bill of Rights. The Philippines is also party to major international human rights conventions, including:

- Convention on the Elimination of All Forms of Racial Discrimination;

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and
- Convention on the Rights of Persons with Disabilities.

2.41 The Government has a Presidential Human Rights Committee, which coordinates responses to human rights issues across multiple government agencies. The Senate also has a Justice and Human Rights Committee. Draft anti-discrimination bills, which would disallow discrimination on various grounds, including on the basis of religion or sexual orientation and gender identity, have been tabled in parliament over the past decade but are yet to be passed.

National Human Rights Institution

2.42 The Commission on Human Rights (CHR) is an independent office established in May 1987 under the Philippines Constitution. The Government provides the bulk of its funding. The Commission is comprised of a Chair and four members who must be natural-born citizens of the Philippines and a majority of whom must be members of the Philippine Bar. Commissioners are appointed by the President and serve seven-year terms. The current commissioners began their terms in 2015, under President Aquino.

2.43 The CHR is a credible and independent institution, fully compliant with the Paris Principles (relating to the status of national human rights institutions) and carrying 'A' status (the highest status of national institutions accredited by the Global Alliance of National Human Rights Institutions). The CHR has monitoring and investigative capacity but no enforcement powers. The Commission is headquartered in Manila and maintains regional offices throughout the Philippines with the exception of the BARMM, which has its own Regional Human Rights Commission. However, the Commission does conduct 'missions' to the BARMM and considers that human rights in the region are part of its mandate.

2.44 The CHR has been vocal in opposing the methods employed in the 'war on drugs', especially alleged extrajudicial killings, and the President has publicly differed with the Commission about the issue. In 2018 the President's allies in the House of Representatives tried to reduce the Commission's budget to 1,000 pesos (about AUD25), but the Senate prevented this measure.

SECURITY SITUATION

2.45 A variety of security issues affect the Philippines, ranging from widespread crime, especially in urban areas, to active insurgencies and terrorism. Petty crime (bag snatching, pickpocketing and residential burglaries) is common. There is a high rate of gun ownership. The homicide rate was 6.47 per 100,000 people in 2018, one of the highest in the Asia-Pacific region. Crime dropped significantly in 2020 during COVID-19 lockdowns.

Far-left Groups

2.46 The Communist Party of the Philippines - New People's Army (CPP-NPA), the armed wing of the Communist party, has waged a violent insurgency against the Philippines government for decades. According to the CIA, its goal is to destabilise the economy, overthrow the government and install a Maoist-based regime. The CPP-NPA is strongest in Eastern Mindanao, but has a presence throughout the country. The insurgency is active; PSA Risk Consulting, a global specialist risk consultancy, recorded 30-50 violent incidents involving the Communist insurgency every month between March 2020 and March 2021.

2.47 Besides conducting guerrilla attacks against Philippine government forces, the CPP-NPA engages in kidnapping, arson and assassinations, as well as demanding 'revolutionary taxes' from businesses operating in some parts of Mindanao, enforcing their demands by threatening or conducting attacks against infrastructure such as power and telecommunication facilities. Civilians have been caught up in fighting between CPP-NPA and government forces, and the CPP-NPA has also carried out targeted assassinations of its own former members, suspected informants, local government leaders, and tribal leaders.

2.48 The Duterte administration started peace talks with the National Democratic Front (the CPP's political wing) in August 2016, but talks broke off in February 2017. In 2020 the CPP-NPA was designated a terrorist organisation by the Philippines government. President Duterte has ruled out compromise with the CPP-NPA and promised to root out communists by the end of his term.

2.49 There are various left-wing groups in addition to the CPP, including Kabataan (a political party), GABRIELA (a feminist NGO) and Karapatan (a human rights-focused NGO). Ideological and organisational differences exist between left-wing groups, and while some support armed struggle, others are strictly non-violent movements. Some indigenous people in particular are involved in far-left groups as a way to pursue land rights and other grievances against the Philippines government. For harassment and extrajudicial killing of non-violent left-wing activists and other accused communists, see [Red-tagging](#).

Violence in the Southern Philippines

2.50 The south of the country has a history of conflict related to Islamic separatism. In May 2017 militants affiliated with the Islamic State group took over parts of the southern city of Marawi. The Philippines National Army retook the city, which was badly damaged, after a siege that lasted five months. Fighting ended on 23 October 2017, having caused over 1,000 deaths, most of whom were fighters but also including a smaller number of civilians. According to the UNHCR, as of May 2021, about 17,000 families (approximately 87,230 individuals) remain displaced as a result of the Marawi siege, some 4,000 of whom are still living in transitory shelters. For many, COVID-19 has exacerbated their situation and delayed their return home.

2.51 According to Conflict Alert, a monitoring organisation, more than 20,000 incidents of violence occurred in the Autonomous Region of Muslim Mindanao (ARMM) between 2011 and 2019. Violence spiked in 2016-17 as a result of general elections, the war in Marawi and the war on drugs. Since the end of the war in Marawi, violence has declined, although it remains at higher levels than pre-2016 (see Figure 2). The highest number of incidents related to violent extremism, followed by shadow economy issues, including the illegal drug trade, firearms and gambling. Robberies, gender-related violence and inter-clan violence were other common factors.

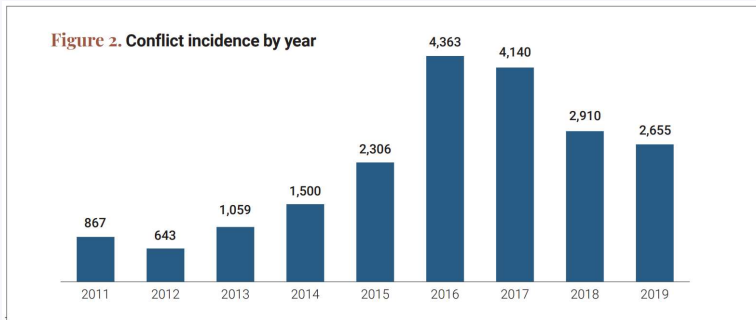


Figure 2. Conflict incidence in the BARMM by year, Conflict Alert 2020: Enduring Wars

2.52 In response to the Marawi siege, martial law operated in Mindanao from May 2017 to December 2019. The practical effects included curfews and roadblocks, which many locals supported due to the consequent drop in violent crime and improvement in governance and the economy. When he announced the end of martial law in 2019, Secretary of National Defense Delfin Lorenzan said it had achieved its objectives and Mindanao was sufficiently pacified for martial law to be discontinued.

2.53 In July 2018, President Duterte signed into law the Bangsamoro Organic Law (sometimes known as the ‘Bangsamoro Basic Law’) following many years of negotiation with separatist groups. Following a two-part plebiscite held in January and February 2019, voters in this region voted to replace the political entity formerly known as the Autonomous Region of Muslim Mindanao (ARMM) with the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). Authority was turned over to the Bangsamoro Transitional Authority (BTA) in 2019. The BTA is now focused on implementing the transition to local rule, drafting laws, responding to COVID-19, and decommissioning former fighters. The disarmament program is well behind schedule; as of 20 January 2021, a total of 12,145 combatants out of an estimated 40,000 had laid down their arms.

2.54 Low-intensity internal conflicts are ongoing, mostly in central and western Mindanao, including the Zamboanga Peninsula and Sulu archipelago. Key threats include terrorist attacks, kidnapping-for-ransom, violent crime and violent clashes between armed groups or with the AFP. Islamic groups have been known to splinter and form alliances; they do not necessarily share goals or resources.

Armed Groups

2.55 The following paragraphs are not an exhaustive list of Islamic armed groups in the south of the country. Many of these groups are prone to splits and factionalism, and new groups may quickly form or split away. There may not be ideological consistency within existing groups.

2.56 **Islamic State – East Asia (IS-EA)**, despite its name suggesting membership across Southeast Asia, is a loose coalition of ISIL-affiliated groups across the Philippines – it is commonly referred to as ISIL-Philippines. Under the leadership of Isnilon Hapilon, it was responsible for the 2017 Marawi siege. Its last known leader, Hatib Hajan Sawadjaan, was reported killed in mid-2020. Under the new Anti-Terrorism Act (see below), the government designated IS-EA as a terrorist group in December 2020.

2.57 The **Abu Sayyaf Group (ASG)** was founded in 1991 as a separatist militant Islamist movement operating in Mindanao, primarily on the islands of Jolo and Basilan in the Sulu archipelago. It operates in various subgroups, some of which have pledged allegiance to ISIL. ASG is responsible for numerous high-profile kidnappings and beheadings, including of foreign nationals, and large-scale attacks. ASG was also

involved in the Marawi siege in 2017. Hatib Hajan Sawadjaan was also an ASG leader and his nephew – Bunyamin Sawadjaan – was the mastermind behind the August 2020 Jolo bombings.

2.58 The **Moro National Liberation Front** (MNLF) was formed in 1972 and was a leading organisation for Moro separatists for the next twenty years. While the MNLF signed a *Final Peace Agreement* with the national government on 2 September 1996, elements of the MNLF remain opposed. Different factions of the MNLF supported or opposed the Bangsamoro Organic Law process, described above.

2.59 The **Moro Islamic Liberation Front** (MILF) formed as a breakaway from the MNLF in the late 1970s. After years of negotiation, the Government and the MILF signed the *Comprehensive Peace Agreement on the Bangsamoro* on 27 March 2014 providing for the transitional process from the ARMM to the BARMM described above. The MILF was involved in negotiations with the government regarding the Bangsamoro Organic Law and currently leads the BTA.

2.60 The **Bangsamoro Islamic Freedom Fighters** (BIFF) is a group that formed in 2010 and continues to conduct attacks in Mindanao, sometimes in cooperation with other armed groups including the MILF and some ISIL-aligned elements, depending on the sub-groups' allegiances. For example, in 2016, the BIFF and the MILF attacked a jail in Mindanao and aided the escape of 150 prisoners.

Anti-Terrorism Act

2.61 New counter-terrorism legislation came into effect on 18 July 2020. The Anti-Terrorism Act of 2020 (Republic Act No. 11479) allows suspects to be detained for 24 days without charge and creates a presidentially-appointed body, the Anti-Terrorism Council, with the power to designate groups and individuals as terrorists, freeze assets, and order arrests or surveillance of terrorism suspects.

2.62 Rights groups criticised the law even before it was enacted, claiming it defined terrorism in overly-broad terms and posed 'a danger to freedom of the media and freedom of expression by providing an open-ended basis for prosecuting speech'. After it was passed, petitioners filed 37 challenges to the law's constitutionality with the Supreme Court. While the law remains to be tested, it features safeguards in line with similar legislation elsewhere in the world, including Australia.

Loan sharks

2.63 Loan sharks (illegal moneylenders who charge extremely high rates of interest) operate in the Philippines. DFAT understands the most typical scam targets gamblers at casinos near Ninoy Aquino International Airport. Victims include Filipino nationals and foreigners; people of Chinese ethnicity are particularly targeted. The scam involves the loan shark lending the victim money to gamble and taking back the value of the loan plus 20 per cent of the victim's winnings. If the victim cannot repay their debt, they are kidnapped and held to ransom by the loan shark gang. Philippine National Police has successfully rescued individuals kidnapped by these gangs.

2.64 Other predatory lending practices include unlicensed online lending services and so-called '5-6' loans, where the borrower must repay 6 pesos for every 5 they borrow (an interest rate of 20 per cent per month). The vice chairperson of the Senate Committee on Banks, Financial Institutions and Currencies said in May 2021 his office received regular complaints from victims of such schemes, who claimed to have suffered 'various forms of grave threats, intimidation, and public-shaming from debt collectors'. DFAT is not able to independently verify these claims.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Hundreds of distinct ethnic and tribal groups have lived in the Philippines for centuries (see [Demography](#)). Generally, Philippine national identity is strong and overrides ethnic or tribal affiliations for many. The Indigenous Peoples' Rights Act of 1997 recognises the vulnerable status of indigenous people and affirms their rights, including ancestral land rights, access to basic services and freedom from discrimination in employment. Despite this, the International Working Group on Indigenous Affairs has claimed the rights of indigenous people are 'routinely being ignored' in the Philippines.

Indigenous People

3.2 Indigenous people (locally referred to as 'IPs') are ethnic or tribal groups that retain their distinct cultural practices and identities. An estimated 14-17 million indigenous people belong to over 100 distinct ethno-linguistic groups. Over 60 per cent of the indigenous population lives in Mindanao, where they are collectively known as Lumad, and around 30 per cent in Northern Luzon, where they are known as Igorot. Smaller groups are scattered throughout the central islands. Indigenous people may have ancestral religions, but most are Catholic. The Moro People in the south are mostly Muslim.

3.3 In 1997, the National Committee on Indigenous Peoples was established to advocate for indigenous people. The Commission employs lawyers who assess land claims and can issue Certificates of Ancestral Domain, 221 of which had been issued as of March 2018. Local governments may also fund or provide social services or land to indigenous people.

3.4 Many indigenous communities are affected by poverty, which may be exacerbated by geographic isolation. They are vulnerable to violence from left-wing or Islamist insurgents and government forces. For instance, BIFF is known to target indigenous groups over land disputes in Western Mindanao (see [Armed groups](#)). Depending on the area, some indigenous people do not have access to education, as trained teachers may not be able or willing to work in remote areas. The Philippines Government has closed indigenous schools in some areas, accusing them of leftist indoctrination. On 15 February 2021, police raided a temporary school for displaced indigenous students in Cebu, detaining 26 people, including 19 children. A PNP spokesperson said the school was training insurgents, a claim rights groups deny.

3.5 Indigenous people advocating for land rights may clash with mining, farming or corporate interests, sometimes violently. Members of groups advocating for indigenous rights may be subject to red-tagging and resultant harassment and violence by state security forces. For instance, on Pinay Island on 30 December 2020, nine indigenous leaders were killed and 17 community members arrested in a coordinated police and military operation (see also [Red-tagging](#)).

3.6 Indigenous people who relocate from their ancestral lands may have distinctive facial features, accents or language differences that make their identity readily apparent. Some low-level discrimination

against indigenous people may occur, but it is common for people from different ethnic groups to live and work together, especially in large cities.

3.7 DFAT assesses indigenous people who live in remote areas on ancestral lands face a moderate risk of violence at the hands of state, corporate or ideological interests, especially if associated with left-wing groups or causes. People of indigenous ancestry living in urban areas such as Metro Manila face a low risk of discrimination or violence.

RELIGION

3.8 The constitution provides for freedom of religion and worship. According to the 2015 census, 79.5 per cent of the population is Roman Catholic. Other Christian groups make up a further 9 per cent of the population. These include international Christian denominations such as Jehovah's Witnesses, Seventh Day Adventists, The Church of Jesus Christ of Latter-day Saints (Mormons), and Anglican and Methodist churches. Other Christian churches include Iglesia ni Cristo, Aglipayan (a Philippines-based schismatic Catholic church in communion with the global Anglican movement), Church of God International, the Kingdom of Jesus Christ and the Name Above Every Name. The Muslim population figure is contested, but is somewhere between 6 and 11 per cent, mostly concentrated in Mindanao.

Christians

3.9 The Philippines is a majority Catholic country with significant numbers of non-Catholic Christians. The Catholic Church has a significant influence in daily life, although it is not as politically active as it was in the past, and there are signs its influence may be waning. While the Catholic Church is seen as conservative on many social issues such as contraception or LGBTI rights, many non-Catholic Christians, especially evangelical Christians, may be more conservative. Views and beliefs within the church are not necessarily uniform and Filipino society is generally conservative even on matters about which the churches do not take a stand.

3.10 Some leaders of the Catholic Church have been outspoken against the Duterte government's war on drugs (see [Extrajudicial killings and the 'War on Drugs'](#)). On 30 January 2017, the Catholic Bishops' Conference of the Philippines (CBCP) issued a public statement opposing the war on drugs. On 18 February 2017, the CBCP held a prayer rally in Manila where around 20,000 people gathered to register their concerns about killings related to the drug war. Religious leaders who criticise the government or its policies have faced harassment and violence (see [Political Opinion](#)).

3.11 Former members of Iglesia ni Cristo have alleged senior church leaders are involved in serious corruption. Church figures have been accused of kidnapping and murder, and some former members have fled overseas. The church is politically influential. In February 2018, President Duterte named Iglesia ni Cristo Executive Minister Eduardo Manalo his Special Envoy for Overseas Filipino Concerns.

3.12 DFAT assesses that, as followers of the majority religion, Catholics and other Christians do not face discrimination or violence on the basis of their faith. Non-Catholic Christians can practise their religion freely. Although the Church is influential, those who disagree with church teaching on social issues face a low risk of societal or official discrimination.

Muslims

3.13 Most Muslims reside in the southern region of Mindanao and are members of ethnic minority groups. Some indigenous groups have syncretic Islamic characteristics without necessarily being Muslim. Islam is the majority religion in the five provinces of Western Mindanao that make up the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). Some Muslims have also moved to large urban centres such as Manila and Cebu and formed communities in those cities.

3.14 Sharia – Islamic law – is practised in part in the BARMM and Muslims from outside the BARMM can travel there to access Sharia courts. Sharia applies to personal laws such as marriage, custody and inheritance, but has no jurisdiction in criminal, financial or property matters. The Presidential Decree No. 1083 states that Muslim personal laws apply only to Muslims, and where Sharia conflicts with general laws, the latter prevail.

3.15 Some Muslim communities in the south, particularly in rural areas, will refer financial, criminal or property matters to community elders or councils which may informally provide Sharia remedies or punishments. The structure of these councils depends on the local tribe and, in some cases, may simply involve discussions among two elders.

3.16 The long history of conflict and secessionist activity in Mindanao has led to a level of distrust between the Christian majority and the Muslim minority. The Office of the President’s National Commission on Muslim Filipinos (NCMF) reported no formal incidents of discrimination against Muslims in 2019, but stated that subtle forms of anti-Muslim societal discrimination existed throughout the country. While some Muslim groups have expressed concern the Anti-Terrorism Act may be used to discriminate against them, DFAT assesses this as unlikely due to the safeguards built into the act (see [Anti-Terrorism Act](#)).

3.17 DFAT assesses that anti-Muslim sentiment outside of majority-Muslim areas does exist, but it is generally low-level. In Muslim majority areas, Sunni Muslims face no risk of discrimination or violence on the basis of their faith.

Shi’a Muslims

3.18 While the vast majority of Filipino Muslims are Sunni, there is a small number of Shi’a Muslims in Mindanao, particularly in the provinces of Lanao del Sur and Zamboanga del Sur. Shi’a Muslims are geographically dispersed within these areas; they do not necessarily live in close communities. Filipino Muslims are more likely to identify by their tribal background or level of conservativeness than by their sectarian (Sunni or Shi’a) identity.

3.19 An accusation of being a Shi’a may be levelled as a slur in personal disputes. Violence is also a possibility, with some extremist groups claiming an affiliation with ISIL (Da’esh), which has carried out anti-Shi’a violence in other countries. But the activities of Islamic extremists in the Philippines do not appear to be focused on sectarian violence so much as on demands for independence.

3.20 The risk of violence against Shi’a cannot be ruled out. However, DFAT assesses Shi’a Muslims are not at risk of official discrimination and are at low risk of societal discrimination and violence.

Ahmadis

3.21 About 300 followers of the Pakistan-originated Ahmadi sect live in the Philippines. They have a mission house in Manila, but others live elsewhere in the country. They are mostly refugees. They do not necessarily live together, but do live close to each other, and many are related.

3.22 Ahmadis attempted to organise an event in 2017 against which other Muslims protested, allegedly violently. Most Filipino Muslims are not aware of Ahmadis and their beliefs, however some Muslims with a connection to Pakistan (either being Pakistani or having travelled to Pakistan), where Ahmadi issues are high-profile, allegedly targeted the local event or influenced other local Muslims to do so. Discrimination against Ahmadis may be worse in the BARMM.

3.23 DFAT assesses Ahmadis living outside of Muslim majority areas are subject to a low risk of societal discrimination, consistent with the treatment of other foreigners. DFAT assesses allegations of incitement of violence against Ahmadis are credible, but is not able to independently verify this. DFAT assesses there are no official restrictions on Ahmadi religious practice.

Atheists

3.24 The Philippines Constitution provides for the separation of church and state (see [Religion](#)). A handful of atheist and/or humanist groups exist in the Philippines, including Filipino Freethinkers; Humanist Alliance Philippines, International (HAPI); and the Philippine Atheist and Agnostics Society (PATAS). These organisations are able to meet and operate free of state interference, and spokespeople such as Filipino Freethinkers founder Red Tani are able to share their opinions online and in the media. There are some reports of online harassment and low-level societal discrimination towards atheists.

3.25 DFAT assesses that atheists are not generally subject to violence or official discrimination, although some may face low-level societal discrimination for their views.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.26 The political party system in the Philippines is weak, with little ideological cohesion. Most Congress members and senators are elected on individual platforms. Since midterm elections in 2019, Duterte allies are in a majority in both houses of parliament. There is limited organised political opposition in Congress.

3.27 Violence, including shooting attacks and bombings, is common during election periods as rival candidates seek to control their district and eliminate competitors. It can be difficult to distinguish politically-motivated violence from general lawlessness. Family members and other bystanders have been injured or killed in this violence. Ahead of the May 2019 midterm elections, President Duterte released a 'narcologist' of 47 politicians he said were involved in illegal drugs, including mayors, vice mayors and congressmen. At least two have since been killed (see also [Extrajudicial killings and the 'War on Drugs'](#)).

3.28 Only a handful of senior politicians have openly criticised the Duterte administration, especially over its conduct of the war on drugs. Those who do face censure and harassment. Former human rights lawyer and critic of the government, Senator Leila de Lima, was arrested and jailed in February 2017. De Lima had led a Senate investigation into extrajudicial killings related to the war on drugs and Duterte's alleged involvement in extrajudicial killings while he was Mayor of Davao. De Lima was charged with drug offences, charges that she described as a 'punishment' for investigating Duterte. Similarly, Vice President Leni Robredo, who has also openly criticised Duterte, was threatened with impeachment and vilified by pro-Duterte social media trolls in 2017. Senator Antonio Trillanes, another critic, was arrested in September 2018. Human rights groups allege his arrest was political (see [Arbitrary Arrest and Detention](#)). In July 2019, charges including sedition, cyber libel and libel were filed against opposition figures including Robredo, De Lima, Trillanes, Senator Risa Hontiveros, former senator Paolo Benigno Aquino IV, and six unsuccessful candidates who ran in the May mid-term elections. Four Catholic bishops and three priests who had

criticised the government over human rights and the war on drugs were also charged. The charges were later dropped.

3.29 DFAT assesses these cases demonstrate an intolerance of high-profile criticism of President Duterte, but are also related to political machinations. DFAT assesses prominent and mid-level politicians and religious leaders who oppose the government face a low risk of violence, especially around election periods. They face a moderate risk of harassment, including by online trolls. *Barangay*-level politicians face a low risk of violence, including from political rivals. DFAT is not aware of evidence that lower-profile supporters of political groups or personalities are targeted, although they may be caught up in violence against higher-profile individuals.

Media and Journalists

3.30 The Constitution guarantees freedom of speech, expression, and of the press. The Philippines has traditionally had a vibrant media sector, but the space for free expression has narrowed in recent years. Journalists and media outlets critical of President Duterte and his policies have faced online harassment, forced closures, threats of violence and judicial harassment. Journalists critical of local officials have also faced harassment and, in some cases, been killed.

3.31 Journalists practise self-censorship; outlets that are careful to stay on the good side of the President operate relatively freely. Some criticism of the government and its policies by these outlets is tolerated. On the other hand, President Duterte has threatened violence against journalists who criticise him, telling them at a 2016 press conference: 'Just because you're a journalist you are not exempted from assassination ...'. A member of the 'Davao Death Squad' told a Senate hearing in 2016 that Duterte had personally ordered the killing of journalist Juan 'Jun' Pala in Davao City when Duterte was mayor there in 2003. Such threats have undermined public trust in the media and led journalists who criticise the President to fear for their safety, especially given incidents of [extrajudicial killings](#) and the impunity of the state officials and 'vigilantes' who commit them.

3.32 Large media companies that repeatedly criticise the government have been forced to shut down or sell to Duterte supporters. In July 2020, broadcaster ABS-CBN ceased broadcasting after the House of Representatives voted to deny its bid to renew its 25-year broadcasting franchise. Senators were pressured to vote against the renewal by the Duterte administration and influential religious group Iglesia ni Cristo (see [Religion](#)), both of which had been the target of critical reporting by the outlet. In 2018, the newspaper *Philippine Daily Inquirer* entered talks to sell to Duterte supporters following verbal attacks by Duterte. The deal later fell through.

3.33 In January 2018, the government revoked the certificate of incorporation of social media and journalism website, *Rappler*, a well-known critic of the Duterte administration. Rappler founder Maria Ressa has been convicted of cyber libel (she is appealing) and faces other charges including tax evasion, violating the Securities Regulation Code and improperly filing a VAT return. Reporters Without Borders has described Ressa's treatment as a campaign of 'judicial harassment'.

3.34 Media outlets and journalists that are critical of the government are often subject to online harassment, including death threats, attacks on reputation and threats of sexual violence. Female journalists and media executives are more likely to face such threats than are their male counterparts. Reports suggest the Government funds social media trolls to promote its policies and attack those who oppose it.

3.35 According to the Committee for the Protection of Journalists, an NGO, since 2010 there have been 11 unsolved killings of journalists in the Philippines, including three in 2020. In 2020, Reporters Without Borders ranked the Philippines 136th out of 180 countries for press freedom, in part due to journalist killings.

Meanwhile, the Committee for the Protection of Journalists ranked the Philippines the 7th worst country in the world on its Global Impunity Index for the killing of journalists. Freedom House has called the Philippines ‘one of the most dangerous places in the world for journalists’.

3.36 DFAT assesses the risk to journalists varies depending on what they report on. Journalists and media executives who criticise the government, local officials or organised crime figures face a moderate risk of violence or harassment, including being accused of libel or other crimes. They face a high risk of online harassment, especially if they are female. Media organisations face a moderate risk of official interference.

Non-Governmental Organisations (NGOs)

3.37 NGOs that are critical of the government make public statements, distribute publications, organise public demonstrations and operate on social media. Some take precautions, such as not operating openly, or hiding the address or names of their staff. It is common for politicians or the media to attack NGOs for doing their job, especially international NGOs. These attacks may undermine public faith in NGOs and encourage internet trolls. In spite of this, domestic and international NGOs continue to operate in the Philippines.

3.38 Human rights groups are generally able to function but continue to report harassment and violence, including against environmental and land activists. Lawyers working on these issues are also targeted. Human rights activists and lawyers are often subject to online harassment and disinformation campaigns, including by state agencies such as the Philippines National Police. Human Rights Watch reported that between 2010 and 2015, 300 leftist activists, human rights defenders and other alleged New People’s Army (NPA) supporters were killed. The Committee on Human Rights is investigating the killing of 89 human rights defenders between 2017 and 2019.

Red-tagging

3.39 Membership, or alleged membership, of a far-left group is politically sensitive. ‘Red-tagging’, where a person is accused of being a communist without evidence, has been used against journalists, students, academics, lawyers, celebrities and human rights advocates. The practice predates the Duterte administration and was especially prevalent under the presidency of Gloria Arroyo (2001-2010), but it has reportedly worsened in recent years. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) is the most active red-tagging agency, but others include the PNP, AFP and local government units.

3.40 Red-tagged individuals are subject to harassment and can be at risk of extrajudicial killings. Rights groups say the problem is exacerbated by the President’s violent rhetoric and promises of impunity. For instance, in March 2021, President Duterte made a widely-publicised address urging police and soldiers to kill all communist rebels and return the bodies to their families, telling them: ‘Ignore human rights. That is my order. I will go to jail for you’. The following day, nine activists were killed in simultaneous raids by the PNP and AFP, and six people were arrested around Metro Manila. Local media reported the victims were linked to left-leaning activist group Karapatan and other labour organisations.

3.41 DFAT assesses that civil society is active in the Philippines but human rights groups may be at a low risk of government interference or violence. They are at a moderate risk of harassment or threats, including online troll campaigns. The risk of violence for human rights defenders, including environmental and land activists, increases when they are working at the local (provincial) level or are associated with left-wing groups. The risk is particularly acute when a person has been red-tagged.

Street Demonstrations and Protestors

3.42 The right to demonstrate is protected by the Constitution. Before COVID-19, street protests were fairly common, and the right to peaceful protest was generally respected by the government. Under COVID-19 Enhanced Community Quarantine measures, applicable during parts of 2020 and 2021, mass gatherings have been banned, and protestors who ignore these bans have been charged with offences including ‘unlawful assembly’ and ‘noncooperation in a health emergency’. In November 2020, protestors in cities throughout the Philippines were able to gather on Bonifacio Day, a national holiday, to criticise the Duterte administration’s response to the pandemic. Protestors wore masks and observed physical distancing rules, and generally went unhindered, although police ordered one group to disperse in Cebu City.

3.43 DFAT assesses that public protests and political events can normally occur without undue state interference, but have been largely disallowed during COVID-19 for public health reasons.

GROUPS OF INTEREST

Women

3.44 The Philippines Constitution ‘recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men’. Gender-based discrimination is illegal under Republic Act 9710 (the Magna Carta of Women). Rape, including spousal rape, is illegal, with penalties ranging from 12 to 40 years’ imprisonment.

3.45 Women in the Philippines have equal access to education, including higher education, and women graduates outnumber men at both the undergraduate and postgraduate level. While women do not face legal barriers to equal participation in the economy, politics and society, social attitudes and power imbalances undermine gender equality in practice. According to UNFPA, Filipina women and girls suffer disproportionately from gender stereotyping, stigmatisation and sexual shaming.

3.46 Violence against women is widespread in the Philippines. It is likely that many cases of rape go unreported. Police stations have ‘women’s desks’ for women to report violence and a specialist police command dealing with women’s issues exists within the police force. The effectiveness of these services varies. Some women who turn to *Barangay* Captains for assistance with domestic violence may be provided effective protection in this way in the form of ‘*Barangay* Protection Orders’, which are analogous to Apprehended Violence Orders. However, other women report that *Barangay* Captains refuse to intervene or insist on trying to reconcile the victim and her abuser, exposing her to further violence. While data is scant, gender-based violence is thought to have worsened significantly during COVID-19, with UNFPA estimating an additional 12,000 cases per month during lockdowns.

3.47 Some women who are victims of violence may be supported by their extended family. Whether or not this is effective depends on the family. Women’s rights workers in the Philippines told DFAT that some women who seek protection from their extended family may be stigmatised and abused for leaving their husbands. Single women with children are particularly stigmatised.

3.48 The Department of Social Welfare and Development, local specialist NGOs and some churches provide shelter and counselling services, which are more accessible in large cities. Local NGOs told DFAT these services were too few in number to meet demand. These services generally target the poor, but women from wealthier backgrounds may be accepted. Victims of domestic violence may be stigmatised; there is a taboo about family violence. Some women are reluctant to leave abusive partners for religious or moral reasons.

3.49 The Philippines is one of only two countries in the world where divorce is illegal. It is possible to seek an annulment, but the legal process is expensive and lengthy. It is legal and fairly common for couples to separate and re-couple without divorcing. Bills to legalise divorce have been introduced to the House of Representatives, although they face opposition from the Catholic church and others. Muslims in the BARMM can divorce under the Code of Muslim Personal Laws (Sharia).

3.50 Local NGOs, charities or churches may provide financial or practical support to single woman-headed households; however, this will vary from place to place and according to individual circumstances. Some local governments provide subsidies to single-headed households which might include discounts on transport or food; however, these services also vary from place-to-place and provider-to-provider. See [Economic Overview](#) for information about health, employment, education and welfare services available to all Filipinos.

3.51 Rates of infant mortality are high. Traditional midwives are often present at births. Traditional midwives work within their local, often poor communities. These midwives may cover many areas of women's reproductive health including contraception, abortion, childbirth and post-birth care. Many Filipina women believe there is an 'ancestral bond' with traditional midwives. Many women prefer traditional birth practices as they find doctors and hospitals to be impersonal.

3.52 Female genital mutilation/cutting has been documented in some parts of Mindanao. Generally involving cutting or pricking of the clitoris, it is mostly performed by traditional midwives, often in unhygienic conditions. DFAT is unaware of how widespread the practice is.

3.53 Abortion is illegal, but underground abortions can be obtained. Women may engage traditional providers who provide 'massages'; however, these can be violent in nature, may not terminate the pregnancy, and can lead to serious injury of the woman or deformity of the foetus. Traditional abortifacient herbs may also be used, some of which are more effective than others. Illegal surgical abortions are less common. A black market exists for abortion drugs such as RU-486. These drugs are illegal, and women are unable to access them for therapeutic purposes such as managing excessive menstruation.

3.54 Women and girls have been disproportionately disadvantaged by the impacts of COVID-19. Many Filipina women are employed in service industries like retail, hospitality and tourism, which have contracted. Women were already overrepresented in the informal economy and lack labour and harassment protections. Women also dominate the health and human services sectors, placing them at higher risk of catching COVID-19.

3.55 President Duterte has made widely reported misogynistic, derogatory and demeaning public statements about women, including condoning rape and encouraging sexual mutilation of female insurgents by soldiers. Such statements may contribute to an environment of impunity for security forces. Leaders of women's rights groups have been singled out for judicial harassment and red-tagging, and women journalists and activists are often targeted by online trolls (see [Media and Journalists](#)).

3.56 Overall, DFAT assesses that women face a low risk of official discrimination. Women activists and journalists face a high risk of online harassment (see [Media and Journalists](#) and [NGOs](#)). Women who are victims of domestic violence may be unable to access services. Single women who have no other means of support, particularly widows, are at a high risk of violence and societal discrimination (see also [Extrajudicial Killings and the 'War on Drugs'](#)).

Sexual Orientation and Gender Identity

3.57 The Philippines is one of the more tolerant countries in Asia towards lesbian, gay, bisexual, transgender and/or intersex (LGBTI) people. The law does not prohibit consensual same-sex relations, and

issues facing LGBTI communities are discussed in public. The Metro Manila Pride Parade is the longest-running in Southeast Asia and has been celebrated every year since 1994.

3.58 Despite this relative tolerance, discrimination against LGBTI individuals does exist, and the LGBTI communities continue to face numerous societal, cultural and legislative barriers. Human Rights Watch has reported LGBTI students face bullying and harassment in schools, despite laws prohibiting this. Provisions of the Revised Penal Code have been used to intimidate, arrest or charge individuals based on their sexual orientation or gender identity, including Article 200 (on grave scandal), Article 201 (on offences against decency and good customs), Article 202 (on vagrancy), Article 226 (on acts of lasciviousness) and Article 340 (on corruption of minors).

3.59 Pride events, while held openly, attract protests. Polling in 2018 about same-sex marriage suggests about 60 per cent of Filipinos are opposed, although that number has been declining in recent years. Young people are generally more accepting of LGBTI people. In general, the Catholic church is more accepting of LGBTI people than are evangelical churches. Same-sex relationships are taboo in the (Muslim majority) BARMM. DFAT understands LGBTI individuals living there would likely hide their LGBTI status or move away.

3.60 Public figures openly criticise LGBTI people. For instance, in 2016 the popular and influential Senator, Manny Pacquiao (also a famous boxer), told local media that couples in same-sex partnerships were 'worse than animals'. On the other hand, a number of high-profile LGBTI people are seen in the media and on television.

3.61 During his election campaign, President Duterte made public comments in favour of increasing LGBTI rights but is yet to enact any policies in support of this. No national legislation protecting LGBTI people from discrimination exists, although discussions about such a provision have been taking place for over 20 years. A small number of municipalities have enacted their own anti-discrimination ordinances, which vary in effectiveness. The Department of Social Welfare and Development has issued a memorandum allowing LGBTI personnel to wear uniforms based on their preferred gender identity.

3.62 It is difficult to generalise how LGBTI people are treated in family contexts. Some relatives may disown LGBTI relatives or force them to undertake sexual identity conversion therapy, especially in Chinese-Filipino families where the eldest male child may forgo his inheritance if he is gay. Sources told DFAT societal discrimination is not necessarily related to socio-economic position, and poor families in rural areas may be more accepting, particularly if the LGBTI family member contributes financially.

3.63 Lesbians are represented by a small number of NGOs, but lesbian issues are not widely discussed in Filipino society. Lesbians, in general, do not face day-to-day harassment or discrimination; however, this may be on the basis that they are not open about their sexual orientation or because lesbian issues are not widely discussed or understood.

3.64 Transgender people are more likely to experience harassment than are other LGBTI people. Isolated hate crimes occur. For instance, a US Marine was convicted of murdering a transgender woman in an apparent hate crime in 2015. On the other hand, a transgender woman, Geraldine Roman, was elected to congress in 2016, the first transgender woman to hold that position. Gender reassignment surgery is not illegal but it is not widely available and is expensive. Under the Clerical Error Law of 2001 it is illegal for a transgender person to change their sex on their birth certificate. Local LGBTI NGOs reported that transgender students have been prevented from wearing their preferred uniform.

3.65 LGBTI individuals may move to metropolitan areas to escape discrimination, particularly Manila, which has a vibrant LGBTI community. LGBTI individuals who live in the south, especially in Muslim areas, are especially likely to relocate.

3.66 DFAT assesses that LGBTI individuals face a low level of official discrimination and a low level of societal discrimination on a day-to-day basis. This is not strongly correlated with socio-economic status or geographic location, except for LGBTI individuals living in the BARMM who face a moderate risk of societal and official discrimination and violence. DFAT assesses transgender individuals face a moderate risk of violence and discrimination in all parts of the country.

Children

3.67 The Philippines does not have a comprehensive code or act that protects the rights of children, but it does have a number of relevant thematic codes and laws, including the Family Code, Labour Code, Child and Youth Welfare Code, Anti-Violence Against Women and their Children Act (Republic Act 9262), Child Protection Act (Republic Act 7610), and the Juvenile Justice and Welfare Act (Republic Act 9344).

3.68 In February 2019, the Philippines government passed the 'Special Protection of Children in Situations of Armed Conflict Act' (Republic Act 11188), prohibiting the recruitment of child soldiers. The passage of the law followed a UN report in 2018 showing a significant increase in the number of grave violations against children in situations of armed conflict, mostly during the Marawi siege. In March 2017, the Moro Islamic Liberation Front released hundreds of child soldiers and promised to end the practice.

3.69 The Philippines government and the UN have accused the CPP-NPA of using child soldiers. For instance, in February 2020 the Armed Forces of the Philippines claimed to have rescued a 14-year-old member of the CPP-NPA, allegedly recruited in Western Mindanao at the age of 13. These claims are contested, and Human Rights Watch has criticised the Philippines military for 'concocting stories of rebel child soldiers that are putting children at risk for propaganda purposes' while calling on the CPP-NPA to investigate accused units. To DFAT's knowledge, there is no evidence of underage recruitment by the Armed Forces of the Philippines.

3.70 The Philippines is a leading destination for child sex tourism and source of online sexual abuse and exploitation of children. Child pornography is illegal, but the minimum age of sexual consent is 12 years old, which is among the lowest in the world. Global COVID-19 travel bans led to a decline in sex tourism in 2020, but worsening economic conditions have caused an increase in online sexual exploitation and abuse of children, especially among the very poor. Social attitudes contribute to the prevalence of online sexual abuse and exploitation of children, including that: if children are physically untouched, they are not harmed; children are expected to help the family financially; and outsiders should not interfere in the internal affairs of a family.

3.71 Under Muslim personal law, Muslim boys may marry at 15 and girls may marry when they reach puberty. Child marriage has been reported, particularly in the south of the country among Muslim communities, but has also been reported in Metro Manila. The legal minimum age for marriage for both men and women is 18 years and anyone below 21 years must have permission from their parents to marry. Unmarried young people who become pregnant may be forced to marry by conservative families and communities.

3.72 Children can legally work a limited number of hours from age 15. Underage labour is widely reported. A 2015 Human Rights Watch report documented child labour in hazardous artisanal and small-scale gold mining operations, and the practice likely continues in some communities. Indigenous children are particularly vulnerable to such exploitation.

3.73 DFAT is not aware of societal or official discrimination against children. DFAT assesses that children who live in poverty or in conflict-afflicted areas face a moderate risk of violence, exploitation or sexual abuse.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extrajudicial Killings and the ‘War on Drugs’

4.1 Extrajudicial killings occur against accused drug dealers and users, activists, judicial officials, local government leaders and journalists. Killings are often blamed on unidentified ‘vigilantes’, but may also involve uniformed police or soldiers. It is highly likely police – both current and former – are involved in extrajudicial killings.

4.2 President Duterte was elected on a promise to eliminate the illegal drug trade. He has regularly called for people involved in illegal drugs to be killed and promised impunity for police and soldiers who kill. Under ‘Oplan Tokhang’ (Operation Knock and Plead), drug users and dealers are encouraged to ‘surrender’ to authorities or risked being killed. The government claimed in 2019 that 1.4 million drug users had surrendered to police since 2016. Police have a network of informants and have conducted campaigns in which they visit suspects’ houses and ‘encourage’ them to cease drug activities.

4.3 Official figures from the Philippines Drug Enforcement Agency state 6,117 people were killed in anti-drug operations between 1 July 2016 and 30 April 2021. Unofficial estimates put the death toll much higher. Tens of killings can occur in a single night. Many cases involve corpses holding handwritten notes that identify themselves as drug users, or telling others not to use drugs, which police attribute to vigilantes. Some victims show signs of being tortured.

4.4 Police rarely investigate claims of extrajudicial killings. Despite the thousands of deaths, DFAT understands only one case – the murder of 17-year-old Kian delos Santos in 2017 – has resulted in the conviction of police officers. In December 2020, the International Criminal Court (ICC) concluded there was a reasonable basis to believe crimes against humanity, including murder, torture and other crimes, had been committed in the Philippines in connection with the war on drugs. The ICC’s chief prosecutor has since sought judicial approval to begin an investigation into the alleged crimes. Human Rights Watch claims the number of killings increased by 50 per cent during 2020’s COVID-19 lockdowns, although this is disputed.

4.5 Some drug dealers who have surrendered have been detained. Users who have surrendered have largely been released but are expected to undergo a rehabilitation process. Some large rehabilitation centres have been built and the effectiveness of these centres is variable.

4.6 Suspected drug users may be forced to take drug tests. These tests used to be conducted by police, but are now administered by Drug Enforcement Agency agents. Tests have previously been conducted in schools, but this practice has reportedly ceased. Sources suggest there may be quotas for these tests and relatives and neighbours may provide samples to cover the drug use of their relatives.

4.7 Drug ‘watch lists’ containing the names of suspected drug users and pushers have been created by *barangay* officials and the police. They may not always be in the form of a written list, and they are generally not vetted or investigated. The drug lists are not confidential, and many communities know who in their

neighbourhood is on the list. Sources claim some people use bribes or connections to have people with whom they have a personal dispute listed. Lists are allegedly associated with quotas of people to test, arrest or kill for drug use. Amnesty International told DFAT that, once listed, it is 'nearly impossible' to be taken off a list. According to the US Department of State, individuals named on these lists have subsequently been killed.

4.8 People accused of drug crimes may have difficulty accessing legal representation. Many lawyers are reluctant to take on such cases. Poor people, subject to strict means-testing, may have access to a government funded lawyer, but these services have capacity and funding constraints (see [Access to Justice](#)).

4.9 The families of victims of extrajudicial killings are often affected by stigma. Children whose parents have been killed are particularly affected. Local NGOs report that some women and children whose husbands or fathers have been killed may be forced into sex work or crime, having lost their source of family income. They may also have trouble accessing support services due to their perceived association with illicit drugs. Some civil society organisations assist families of drug war victims.

4.10 DFAT assesses that accused drug users and dealers face a high risk of violence, including death, from both the Philippine National Police and vigilantes. The existence of drug 'watch lists' and the ease of obtaining these lists would make it difficult to avoid being targeted.

Enforced or Involuntary Disappearances

4.11 The Philippines has a history of politically-motivated disappearances, including during periods of martial law during the Marcos government. The UN Working Group on Enforced or Involuntary Disappearances reported 625 cases of unresolved disappearances in the Philippines between 1980 and May 2016. The Philippines has undertaken to investigate allegations of enforced disappearances, but so far only one major investigation has taken place: Major General Jovito Palparan and two other former AFP officers, who in September 2018 were sentenced to life imprisonment for the abduction of two activists in 2006.

4.12 In 2020, the CHR reported three cases of abduction and enforced disappearance. In June 2020 community organiser Elena Tijamo was kidnapped from her home in Bantayan Island. Her organisation, the Farmers Development Center Central Visayas (FARDEC), had previously been accused of acting as a 'communist terrorist front' by the Department of National Defense. Rights groups claim Tijamo's disappearance was carried out by state security forces as a result of the red-tagging of FARDEC.

4.13 DFAT assesses that while enforced disappearances are not widespread in the Philippines reports of isolated cases are credible.

DEATH PENALTY

4.14 In 2006, the Philippines abolished the death penalty when it signed the *Optional Protocol to the International Covenant on Civil and Political Rights*. President Duterte has repeatedly stated his desire to reinstate the death penalty since coming to power in June 2016. An attempt to reinstate the death penalty passed the House of Representatives in 2017 but later stalled in the senate. In his July 2020 State of the Nation address, President Duterte again called for the death penalty to be reintroduced for drug crimes. In August 2020, the House of Representatives Committee on Justice started deliberating bills needed to reinstate the death penalty. DFAT assesses any attempt to apply the death penalty would likely be challenged in the courts as running contrary to the Philippines' international treaty obligations.

4.15 There is no evidence to suggest a risk of double jeopardy. DFAT understands a person convicted of a crime in another country would not be tried again upon their return to the Philippines for the same crime.

TORTURE

4.16 The Philippines Constitution prohibits torture and the Anti-Torture Law, introduced in 2009, criminalises acts of torture. Evidence obtained through torture is inadmissible in court. The Philippines Commission on Human Rights (CHR) and the Office of the Ombudsman can investigate allegations of torture.

4.17 According to figures reported by the US Department of State, in the first half of 2020 the CHR investigated 27 cases of alleged torture involving 34 victims, the majority of which were allegedly perpetrated by police. Other recent cases have reportedly involved village officials using psychological and physical abuse to punish people who broke COVID-19 curfews. President Duterte has urged officials to take a tough line on curfew-breakers. He has also ‘joked’ about torturing corrupt police officers and state auditors, drawing condemnation from the Committee on Human Rights. Some victims of the war on drugs show signs of having been tortured before being killed (see also [Extrajudicial killings and the ‘War on Drugs’](#)).

4.18 DFAT is not aware of evidence of systematic or widespread torture. Where torture perpetrated by security forces or government officials occurs, DFAT assesses such practices generally reflect the actions of rogue officers rather than state policy, although a prevailing culture of impunity likely contributes.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.19 Arbitrary arrest and detention is prohibited by the Constitution. The Office of the Ombudsman is able to investigate cases of arbitrary arrest and detention.

4.20 In 2018, Australian Catholic Sister, Sr Patricia Fox was allegedly arbitrarily arrested before being detained and deported for activities allegedly in contravention of her missionary visa. Sr Fox had been involved in ministry to the poor, especially in rural areas. Sr Fox was an outspoken critic of the human rights situation in the Philippines.

4.21 Senator Antonio Trillanes, a high-profile critic of the President, was arrested in September 2018. Senator Trillanes, a former naval officer, was involved in an uprising against then President Arroyo and granted an amnesty by President Arroyo’s successor, President Aquino. Former President Arroyo was a member of congress until 2019 and a supporter of President Duterte. Human rights groups allege Trillanes was arrested for political reasons.

4.22 Pre-trial detention is a significant issue in the Philippines. The evidence threshold for pre-trial detention is low and, due to the slow and overburdened judicial system, people spend lengthy periods in detention waiting for their case to come to trial. These pre-trial periods often exceed the upper sentence for the alleged crime and detainees are sometimes released by default, before they even make it to trial.

4.23 In April 2017, the Philippines Commission on Human Rights uncovered a secret jail cell behind Police Station 1 in Tondo, Manila. At least a dozen people were being held in the cell on drugs charges but their arrest notifications had not been processed, their families and lawyers had not been notified and police had allegedly demanded bribes for their release. Conditions in the cell were poor with inadequate lighting, inadequate toilet facilities (including no apparent facility able to be used by women who were detained alongside men) and inadequate ventilation. DFAT is unaware of more recent incidents of this nature.

5. OTHER CONSIDERATIONS

STATE PROTECTION

Military

5.1 The Armed Forces of the Philippines (AFP) consists of an army, navy and air force. It reports to the Department of National Defense (DND). The AFP is engaged in domestic activities and is most active in Mindanao due to the presence of ongoing internal conflicts there. The AFP is also engaged in missions against the CPP-NPA, including in the north and south of the country.

5.2 Capacity and standards of professionalism vary within the AFP from low to very high. Specialist counter-terrorism units (tasked with fighting the Islamic insurgency in the south) are highly capable; conventional line units receive far more limited training and indoctrination before joining combat operations. Recruits are voluntary and the AFP does not have conscription. The most senior military appointments are often political in nature. The AFP actively participates in training activities with other international forces, including the United States and Australia.

5.3 The AFP has a human rights office that monitors and reviews alleged human rights violations involving the military and delivers human rights training, in conjunction with the Philippines Commission on Human Rights. In March 2021 the AFP signed a memorandum of understanding with the CHR to create monitoring mechanisms and share data on human rights violations.

Police

5.4 The Philippine National Police (PNP) is structured as a national police force with specialist commands that cover geographic areas and specific kinds of crime, including child sex abuse, crimes involving women, and counter-terrorism operations. Recruits receive one year of initial training, followed by three to six months of additional training in a specific area. While police are generally competent, they lack resources and capacity, and have poor coordination with other agencies.

5.5 There are credible reports of police involvement in extrajudicial killings of suspected drug users. Amnesty International reports examples of local police conducting their own rogue operations. This may involve plainclothes or retired police officers. Police openly admit the presence of rogue officers. There is a strong fear of the police in some communities, particularly those affected by the war on drugs. There are credible reports of police planting evidence, including weapons and drugs, to justify arrests or killings.

5.6 The PNP has systemic problems with corruption and impunity, including petty corruption. Local sources report the extent to which police are corrupt varies throughout the force and depends on the individual officer. Sources note senior police may be more likely to be involved in serious corruption, due to the patronage-driven nature of Philippines politics.

5.7 The PNP Internal Affairs Service (IAS) was established in 1999 as an independent body mandated to conduct inspections, investigate complaints and refer criminal cases against PNP members to the courts. The IAS commenced an investigation into 20 police officers implicated in the November 2016 killing of Rolando Espinosa, a mayor who was detained in Leyte on illegal drugs and weapons charges, but shot dead for allegedly having a firearm in his cell. The National Bureau of Investigation concluded Espinosa's death was a 'rubout', but after being promised impunity by President Duterte the officers were returned to duty in July 2017.

Tanod (Neighbourhood Safety Officers or Watchmen)

5.8 At the *barangay* level, a watchman role, known as a *tanod*, operates like a local police officer or security guard under the control of the *barangay* captain. *Tanod* do not have the authority of a police officer, and are authorised only to perform basic front-line tasks to maintain peace and order, but they do cooperate with police. While they operate like volunteers, they do receive a stipend from the *barangay* budget and often carry weapons, from truncheons to guns.

Judiciary

5.9 The Supreme Court is the highest judicial authority in the Philippines and is also the administrative body responsible for the entire judiciary. It is composed of a Chief Justice as its presiding officer and 14 Associate Justices, all of whom are appointed by the President from nominations submitted by the Judicial and Bar Councils. President Duterte has so far appointed 15 Supreme Court Justices, although four have retired within his term.

5.10 Courts, including criminal courts, have significant backlogs that may last many years. Lower-level courts in particular suffer from severe resourcing issues, and vacancy rates of judgeships are higher in Mindanao and poorer provinces. Sharia courts in the BARMM (see [Muslims](#)) are also affected by a lack of resources and have difficulties in attracting qualified staff.

5.11 The law provides for the right to a fair trial, but the Philippine judicial system is overburdened and there are often long delays before a case is heard due to lengthy and inefficient legal procedures, the large number of detainees, and a limited number of qualified prosecutors and judges. It takes an average of five to six years to obtain a conviction and sentencing guidelines are either non-existent or inconsistent, which can lead to arbitrary sentences.

5.12 Public confidence in the judicial system is low. Local legal sources told DFAT bribery may be used to speed up a trial process or secure a shorter sentence, and bribes may need to be paid to various court officers, including judges, clerks, sheriffs and even court reporters, to secure the desired verdict or to speed up the process.

Access to Justice

5.13 In theory, poor defendants should be able to access a free lawyer. Several NGOs that provide legal assistance according to strict criteria are found throughout the country. The Integrated Bar of the Philippines, a professional association with powers similar to the law societies of Australian states and territories, also has a court assistance program. Government appointed public defenders are available, but reportedly have capacity and funding constraints.

5.14 Legal sources told DFAT some lawyers are reluctant to take on drugs cases for fear that allegations of being pro-drugs will be levelled against them. Some legal aid NGOs refuse to assist clients with drugs matters. In August 2018, three lawyers observing a drugs raid in Manila were arrested by police, allegedly for obstruction of justice related to their representation of clients involved in drug cases.

Detention and Prison Conditions

5.15 Two government departments manage prisons: the Bureau of Corrections under the Department of Justice, which has responsibility for convicted detainees; and the Bureau of Jail Management and Penology under the Department of Interior and Local Government, which has responsibility for all detainees in pre-trial detention and prisoners sentenced to less than three years, which is the bulk of the prison population. At different stages of the process, local government units and local police stations are also involved in detention.

5.16 The Philippines Commission on Human Rights (CHR), United Nations Office on Drugs and Crime (UNODC) and the International Committee of the Red Cross ordinarily have access to all places of detention, and authorities allow appropriate access for facilities to be inspected. COVID restrictions have reduced access for these groups.

5.17 Prison conditions are poor. Overcrowding of prisons is significant. Prisoners reportedly sleep in shifts, or sitting or standing, because of an inadequate numbers of beds. Overcrowding exacerbates the spread of infectious diseases, including skin diseases and tuberculosis.

5.18 Hygiene facilities in jails are poor; inadequate toilet and hygiene facilities, ventilation and natural light lead to poor health outcomes for prisoners. Crime and corruption within prisons reportedly leads to violence between prisoners and guards.

5.19 According to figures obtained by the US Department of State, over 1,000 people died in prisons in the first half of 2020, a death rate of almost 2 per cent. The spread of COVID-19 in prisons is a serious concern, and prison budgets are inadequate to prevent the spread of the disease. According to the Bureau of Corrections, as of July 2020 (latest available figures), 350 inmates and personnel had contracted the virus and 31 had died, although actual figures may be higher. Some observers have accused the Bureau of Corrections of using the virus to cover up unlawful executions or escapes.

INTERNAL RELOCATION

5.20 Filipino citizens face no legal impediments to relocating within the Philippines and DFAT assesses that Filipinos can and do freely relocate internally, including for employment.

5.21 Internal relocation options can be limited by the absence of family connections or the lack of financial resources. Internal displacement caused by natural disasters, or in Mindanao by conflict, is common and those affected face difficulties in accessing necessities such as shelter, food, water and sanitation, and in rebuilding livelihoods.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.22 The Philippines has several international crossing points for air and sea passengers. Border management in the Sulu Sea in the south is weak; the waters are largely unpatrolled and affected by piracy. There are also informal trading routes with Malaysia. Various armed groups in Mindanao run their shadow economies through these waters.

5.23 DFAT assesses it would be difficult, but not impossible, for a person of interest to the authorities to leave the country without being noticed. The National Bureau of Investigation liaises with the Department of Immigration to identify persons of interest and flag them should they attempt to pass through border screening; however, local systems are often inefficient, and inter-agency communication is poor.

Conditions for Returnees

5.24 Under normal circumstances, thousands of Filipinos enter and leave the country every day, especially for work abroad. People who return to the Philippines after several years' absence are unlikely to face adverse attention on their return on account of their absence, with the exception of those involved in international crime or terrorism. Filipinos who overstayed their work or tourist visas, or breached visa conditions in other countries are returned to the Philippines with no attention paid to them by authorities. DFAT is unaware of any mistreatment or surveillance of failed asylum seekers; it is highly unlikely the Filipino government would be aware a returning person was a failed asylum seeker.

5.25 The International Organization for Migration (IOM) assists voluntary returnees, mainly trafficking victims, and Philippines authorities cooperate with the IOM in these arrangements.

DOCUMENTATION

Birth, Marriage, Divorce and Death Certificates

5.26 The Philippines Statistics Authority issues birth, death, and marriage certificates.

5.27 When a child is born, the parents can apply in person or online for a birth certificate. The government promotes birth registration, and authorities immediately register births in health facilities. Births outside facilities are less likely to be registered promptly, if at all. Birth certificate data, particularly in the case of home births, may not be reliable. Births are classed as legitimate (if the child is conceived or born within a marriage) or illegitimate (if the child is conceived or born outside a valid marriage) which is important to determining custody rights. A child of a marriage that is subsequently annulled is classed as legitimate. Mothers are always granted parental authority of illegitimate children.

5.28 Death certificates can be granted by a medical practitioner or on application by a close relative of the deceased.

5.29 All marriages since 1988 are governed by the Family Code of the Philippines/Executive Order 209. All marriages prior to 1988 are governed by the Civil Code. Muslim marriages are governed by the Code of Muslim Personal Laws/Presidential Decree No 1083.

5.30 The Family Code provides two options to legally terminate a marriage: 1) annulment or 2) a declaration of nullity of marriage. Courts sometimes issue a legal separation but the parties are still considered validly married and are not free to re-marry, although they can re-partner and live with their new partner. Terminating a marriage is a lengthy and expensive process. It is possible to seek ways to expedite the process by paying someone who can allegedly facilitate it without the concerned parties having to appear in court, but often these documents prove to be counterfeit when verified with the alleged issuing court. If a Filipino is married to a foreigner, then a divorce may be judicially recognised only if the divorce was initiated and obtained by the non-Filipino spouse, or after the former Filipino citizen has acquired citizenship of a country where the divorce is recognised.

National Identity Cards

5.31 On 11 May 2017, the Congressional Committee on Population and Family Relations passed a bill to establish a national identity card system to serve as the official identity verification for each Filipino citizen, and President Duterte approved the budget for its implementation in December 2020. Online registrations for the Philippine Identification System (PhilSys) opened on 30 April 2021, although there were technical problems with the launch. The government aims to register 70 million Filipinos by the end of 2021, though it is uncertain this target will be reached.

Passports

5.32 The Department of Foreign Affairs is responsible for issuing passports in the Philippines. Biometric passports have been issued since 2009 and cost 950 peso (AUD25) if obtained in the Philippines, and more if obtained through an embassy abroad. First-time passport applicants must apply in person but renewals can be processed online. Regular Philippine passports are valid for 10 years (five years for children aged under 18).

PREVALENCE OF FRAUD

5.33 DFAT assesses that documents issued by Philippines authorities are generally reliable, but document fraud does occur, either in the form of fraudulently-obtained genuine documents or, more rarely, altered documents or outright forgeries. Other kinds of documents (e.g. financial documents or evidence of employment) are relatively easy to fake or obtain fraudulently. While passports and identity documents are not usually areas of concern, some high-profile cases have occurred. For instance, in 2016, Philippines immigration officials sold fake Filipino hajj passports (slightly different from regular passports) to around 1,000 Indonesians wanting to attend the hajj pilgrimage. In 2021, a regional passport office in Cotabato issued passports with incorrect birth dates to minors, apparently to facilitate sex trafficking.