



PHILIPPINE HEALTH RESEARCH ETHICS BOARD


Philippine National Health Research System
c/o Philippine Council for Health Research and Development
Department of Science and Technology

MEMORANDUM

No. 2017- 001

For: All Concerned

Distribution: Ethics Review Committees, Higher Education Institutions, Filipino and foreign researchers and research institutions conducting research involving indigenous peoples / indigenous cultural communities in the Philippines

From: 
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Date: 07 June 2017

Subject: Policies and Regulations regarding Research involving Indigenous Peoples / Indigenous Cultural Communities

Mindful of the respect that needs to be accorded to indigenous peoples / indigenous cultural communities (IPs/ICCs) as well as their individual and collective rights as enunciated in international and national legal instruments, the Philippine Health Research Ethics Board reiterates the following requirements for research involving IPs and ICCs:

- 1) Research involving IPs/ICCs must undergo ethical review for endorsement to the appropriate NCIP authority;
- 2) The NCIP authority will review and approve the research through the process described in NCIP Administrative Order no. 1 s. 2012;
- 3) The research ethics committee (REC) shall provide the ethical clearance only after the pertinent NCIP authority has issued approval;
- 4) Procedures described in the protocol can only commence after the REC has issued ethical clearance.

The following laws, policies, and guidelines continue to govern research activities involving IPs/ICCs:

- United Nations Declaration on the Rights of Indigenous Peoples of 2007.
 - Article 31 Section 1: *“Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of flora and fauna, oral traditions, literatures, designs, sports and traditional games, visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions.”*

- Indigenous Peoples Rights Act (IPRA) of 1997 (R.A. 8371)
 - Section 13: *“Self-Governance. — The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.”*
 - Section 16: *“Right to Participate in Decision-Making. — ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.”*
 - Section 21: *“Equal Protection and Non-discrimination of ICCs/IPs. — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law.”*
 - Section 35: *“Access to Biological and Genetic Resources. — Access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/IPs only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.”*

- National Commission on Indigenous Peoples (NCIP) Administrative Order no. 1 Series of 2012
 - Section 4(d). Free and Prior Informed Consent: *“The FPIC of the ICCs/IPs to any research activity that affects them shall be secured before any such activity/ies may commence. This is in recognition to their intellectual contribution in the development of knowledge, and their rights over these knowledge and resources. Accordingly, their voluntary consent should be based on informed opinion, which means that they should be fully informed what the activity/research is all about, what are the resources that will be gathered, and the aspects of benefit-sharing, among other concerns.”*

- Philippine National Health Research System (PNHRS) Act of 2013 (R.A. 10532)
 - Section 12: *“The PHREB, created under DOST Special Order No. 091 s. 2006, shall ensure adherence to the universal principles for the protection of human participants in research. It shall, among other things: ... Develop guidelines for the establishment and management of research ethics committees and standardization of research ethics review; ... ”*

- PNHRS Implementing Rules and Regulations (DOST-DOH-CHED, UPM Joint Memorandum Order 001)
 - Rule 23 (b): *“All researches involving human subjects must undergo ethical review and clearance before implementation to ensure the safety, dignity, and well-being of research participants. The research ethics review shall be facilitated by a Research Ethics Committee duly registered with and/or accredited by PHREB as provided for in the Joint Memorandum Order 2012-001 of the Department of Science and Technology (DOST), Department of Health (DOH), Commission on Higher Education (CHED), and the University of the Philippines Manila (UPM).”*

- PNHRS National Ethical Guidelines for Health Research 2011
 - General Guidelines on Research Involving Indigenous Peoples (p.91): *“In deliberations on research involving special populations by any oversight body, the following considerations must be included:*
 - a) *Presence of a community advocate or representative*
 - b) *Psychosocial and cultural needs of the community*
 - c) *Identification of the different roles of various stakeholders such as the sponsors, researchers, caregivers, and volunteer workers must always be clarified and the potential conflicts of interest identified.*
 - d) *Assessment of compliance with existing national and local regulations and international guidelines relevant to the protection of rights of IP populations and a*

monitoring mechanism to ensure that the guidelines are followed; regulations and guidelines include the:

- *Indigenous Peoples' Rights Act (IPRA) of 1997*
 - *Council for International Organization of the Medical Sciences (CIOMS) International Ethical Guidelines for Biomedical Research and International Ethical Guidelines for Epidemiological Studies*
 - *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*
 - *Convention on Biological Diversity (CBD)"*
- **PHREB Policies and Guidelines for REC Accreditation**
 - *Policy 1: "Research proposals involving ICCs/IPs shall secure ethical clearance from a PHREB Level 2 or 3 Accredited REC and approval from the NCIP. Ethical review of the protocol shall follow the guidelines stipulated in the National Ethical Guidelines for Health Research"*
 - **PHREB-NCIP Memorandum of Understanding**
 - *Provision 5: "The NCIP shall advise researchers, investigators, and all concerned stakeholders to secure from PHREB or its accredited RECs, ethical clearance and endorsement of proposals for health research projects involving ICCs/IPs."*
 - *Provision 6: "The PHREB, as the national policy making body on health research ethics, or its accredited RECs, will provide approval and endorsement for proposals of health research projects adhering to the National Ethical Guidelines and which have secured the free and prior informed consent of the concerned ICCs/IPs following existing NCIP guidelines."*

We trust that this will contribute to a shared understanding and consistent implementation of existing laws, policies, and guidelines regarding research involving IPs/ICCs.

For compliance.