

**GABRIELA National Alliance of Women in the Philippines**  
**Submission for the United Nations Commission on Human Rights Universal Periodic Review, 2017**

1. In its 2012 Second Universal Periodic Review report, the Philippine government under President Benigno Simeon “Noynoy” Aquino III underscored its achievements in the passage of laws advancing the rights of women, and the implementation of the Magna Carta on Women (MCW), a combined effort between government and women civil society groups enacted by Philippine Congress into law in 2009 under the government of Gloria Macapagal-Arroyo.
2. The country ranked 7th in the gender equality index of the World Economic Forum in 2015 as more women legislators and senior officials were elected/appointed into office, as well as the rise of more women professional and technical workers. But this number accounts for a minuscule percentage of Filipino women, an overwhelming majority of who belong to the grassroots, and who remain in a far disadvantaged position.
3. The passage of the Magna Carta of Women and other laws, however, has barely made a dent on women’s political, economic and socio-cultural situation. Neoliberal policies implemented since the early 1980’s failed to provide a favorable climate for the meaningful exercise of women’s human rights, causing instead the worsening of the plight of Filipino women.
4. Despite claims of economic growth, poverty and unemployment have remained two of the most pressing issues for the nation. Government statistics grossly underrepresent poverty realities but still reveal a dire situation for women and the country. In the first quarter of 2013 poverty incidence is at 24.9%. This increased to 26.3% for first quarter of 2015. A survey by the Social Weather Station (SWS), an independent survey firm, for the same period however, found that 51% of Filipinos rated themselves poor[1] while an estimated three million families experienced involuntary hunger at least once during the same period[2]
5. The Conditional Cash Transfer program meant to reduce poverty has been graft-ridden, failed to significantly reduce poverty and only added to the nation’s debt crisis.
6. Women are particularly burdened on account of their specific roles in the family.
7. According to the Philippine Statistics Authority, women counted in 2012 among the poorest sectors with a poverty incidence of 25.9%.[3] In 2013, 78% of women wage and salaried workers worked for 40 hours or more, excluding hours spent on domestic responsibilities that normally fall on women.[4] While men reach their peak productiveness during their youth until the middle years, women remain economically productive well into their twilight years or 65 years old).[5]
8. The gender wage gap persists, particularly in agricultural production, due to the prejudicial valuation of women’s work. Domestic responsibilities also bear down on women’s ability to stay in their jobs. [6]
9. The Magna Carta on Women is the Philippine government’s response to CEDAW and the first UNCHR Universal Periodic Review. The law seeks to promote gender equality and the elimination of various forms of discrimination against women in both the public and private spheres. More important provisions of the law include the promotion of women’s human rights and protection from violence by

providing mechanisms for the protection thereof, including the establishment of desks at the barangay or village levels to address issues of violence against women.

10. Yet, the reality which confronted Filipino women during the period under review was one where a culture of impunity existed, where militarism and warlordism reigned, spawning heinous cases of violence against women. Several cases of human rights abuses against women and children were committed by members of the military, police, para-military groups and other persons in authority, with perpetrators of human rights violations rarely brought to the courts of justice.

11. The Aquino government's counter-insurgency program (Oplan Bayanihan) resulted in massive human rights violations and heinous cases of violence against women, particularly in indigenous, rural and urban poor communities.

12. From 2010 to 2014, there were at least eight documented cases of rape committed by members of the military, including three (3) cases of gang rapes involving members of the 80th and 19th Infantry Battalions of the Philippine Army, both based in Southern Luzon. Cases of extra-judicial killings claimed the lives of at least 26 women under this period, according to documentation by the human rights group Karapatan[7]. These instances do not include cases of illegal detention and arrests, forced evacuations and violent dispersals of peaceful assemblies, all of which included hundreds of women as victims.

13. By end 2015, more than 500 political prisoners have been arrested as a result of the Aquino government's offensive against political dissent. Around 43 were women arrested illegally and/or detained on trumped-up charges. Many of these women were involved in community campaigns and protest actions involving land disputes. Some were themselves women's human rights defenders prior to their arrest.

14. Maliciously charged with unbailable crimes (murder, frustrated murder and illegal possession of explosives), a number of these women, unable to hire the services of private counsel, were eventually convicted. Still, a bigger number to date suffer under the excruciatingly slow wheels of the justice system in the country. They are mixed with common criminals, and suffer subhuman jail conditions such as severely congested prisons, measly food rations, inadequate medical services, lack of sanitation and hygiene facilities, and the like.

15. There is one documented case of an illegal DNA swab done by the Philippine National Police on a woman political prisoner arrested under false charges using planted evidence, and on her husband who was maliciously charged with several counts of murder. The DNA swab was performed despite the lack of laws on DNA sampling other than in paternity and rape cases, and without a court order.

16. Reported cases of violence against women is on the upswing. Data from the Philippine National Police indicate a rise in various forms: rape incidences from 5,132 in 2010 to 9,875 in 2014; sexual harassment and acts of lasciviousness from 1,943 in 2010 to 2,979 in 2014[8]. Data on rape from the Center for Women's Resources indicate that one woman or child is victimized every 53 minutes.[9] Year-end data on rape for 2015 is at 10,298 or an increase of 680% from the 2012 data. Government claims these increases as a result of better reporting of cases. [10] However, a 2013 National Demographic and Health survey revealed that only 3 out of 10 women sought help to stop the violence, thus casting clouds of doubt on this claim.[11]

17. There are no reliable indicators as to the operationalization of VAW desks at the barangay level nor as to the effectiveness of VAW desks at the police precinct where they may have been established.

18. Discrimination and hate crimes against LGBTs (lesbian, gay, bi-sexual and transgender) have also merited national attention with the spate of killings that occurred in this period. A most recent case was the killing of transgender Jennifer Laude by Joseph Pemberton, a US Serviceman allowed to go on so-called "rest-and-recreation" from the US warship docked at Subic Bay Freeport. The case was the second involving US servicemen since the Philippine government approved the Philippines-US Visiting Forces Agreement, and the first since the adoption of the Enhanced Defense Cooperation Agreement. The case spawned protests by transgender rights activists and patriotic Filipinos who called for the abrogation of the said executive agreements.

19. The Philippine government claims improvements in law enforcement against human trafficking. Accurate data on the magnitude of the problem is locally difficult to obtain due to the lack of any monitoring mechanism by government. Despite the implementation of a five-year plan for improvements in law enforcement, however, trafficking in persons remains one of the most serious problems in the country. These include local, outbound and inbound trafficking for undocumented work, and trafficking of women and children for the sex trade. Poverty and the reported collusion of government officials in this crime make it difficult to stem the problem. New forms have recently risen, notably the trafficking of young women from disaster-stricken areas. Poverty even prior to the disaster, and the lack of prompt aid from government, much less a rehabilitation program for affected areas by the Philippine government, causes many young women to fall victim to trafficking, a concern raised by several local and foreign organizations involved in disaster response programs in the country. The Philippines has also become a destination for, and not just one of the main sources of, human trafficking victims, both male and female, through the backdoor entry of undocumented workers from other Asian countries.

#### Women's Human Rights Under the Duterte Administration

22. The newly-elected administration of Pres. Rodrigo Duterte took office on June 30, 2016. His campaign centered on a promise of change for the country. Since then, his government has embarked on peace negotiations with the National Democratic Front of the Philippines in a bid to put an end to the decades-long armed conflict in the country. As part of goodwill measures, his government has ordered the release of 22 consultants of the NDFP, including four women (one for humanitarian reasons). Both sides have likewise declared unilateral ceasefires.

There are also ongoing consultations being conducted by the NDFP with various sectors, including women's organizations, with the aim of soliciting sectoral proposals for socio-economic reforms.

23. Since the start of the peace talks, however, his campaign promise of granting general amnesty to all political prisoners has remained unfulfilled. To date there are still more than four hundred political prisoners in various detention cells in the country, with 33 of them women unjustly imprisoned by previous administrations on trumped-up or politically-motivated charges. Some of these women are suffering serious or life-threatening medical conditions.

Instead of fulfilling his promise, the Duterte administration is now making the signing of a bilateral ceasefire agreement a pre-condition for the release. This in itself violates the fundamental right to liberty of these political prisoners, and makes them victims of human rights violations all over again.

24. The new administration is yet to announce a new counter-insurgency program. However, several incidents of human rights violations have already taken place, including the murder of two peasant women in a land dispute case in Central Luzon, allegedly perpetrated by soldiers connected with a military official. Several arrests have also taken place, including that of Amelia Pond, an educator from a religious institution in Mindanao.

25. The anti-illegal drugs campaign of the Duterte administration, while on one hand, a welcome move to arrest the menace of the illegal drug trade and crimes arising therefrom, has resulted in massive violations of due process and extra-judicial killings of street-level drug traders. The culture of impunity, in which politically-motivated killings and arrests became prevalent during the previous administration of Benigno Aquino III, has been replaced with one that is directed against small-time drug couriers and operators under the Duterte administration. As of September 17, 2016, the Philippine National Police reports that 1,138 drug personalities were killed nationwide following the implementation of “Oplan Double Barrel” from July 1 to September 17 2016 with 17,319 drug personalities arrested in 18,832 police operations.[13]

#### Conclusion and Recommendations

i. Thus, while the Aquino government claims to have passed several laws promoting the rights of women, the socio-economic and political policies of the Philippine government provided an unfavorable environment for the meaningful exercise of women’s human rights. Economic policies failed to substantially address the question of economic backwardness. Oplan Bayanihan and other political programs implemented gave rise to a wanton disregard for human rights, spawning massive incidences of violence against women and state violations of women’s political and civil rights. The new administration, while initially exhibiting a favorable response to peace and social reforms, two issues that are also fundamental prerequisites to a meaningful exercise of women’s human rights, is however, hounded by issues related to its disregard for the human rights of poor people caught up in its anti-illegal drugs campaign, and is yet to put a stop to the militarization of the countrysides, particularly in those that are officially and widely regarded as indigenous ancestral lands.

ii. In view of these, we recommend that the UN Commission on Human Rights undertake the following:

iii. Call on the Philippine government to ensure the speedy and just resolution of all cases of human rights violations and acts of violence against women, particularly victims of rape by military and police forces, extra-judicial killings and enforced disappearances committed by the previous administration of Benigno Simeon Aquino III;

iv. Urge the Philippine government to discontinue Oplan Bayanihan and stop all military operations, particularly in the Philippine countrysides and instead, pursue current efforts for peace negotiations. In light of the latter efforts, to ensure the full participation of women, particularly those from the marginalized sectors, in the peace process, and the inclusion of women’s concerns in the socio-economic reform agenda to be tackled in the peace process

iv. Call on the Duterte government to effect the release of political prisoners, particularly women, and to stop the practice of criminalizing dissent

v. Call on the Philippine government to conduct a review of the implementation of the Magna Carta on Women, particularly in the workplace and establish a systematic and comprehensive monitoring and evaluation mechanism for compliance particularly in the private sector and to undertake massive information campaigns on the Magna Carta and other pro-women laws among women workers and employees in both the public and private sectors.

###

### End Notes

[1] Locsin, Joel. May 15, 2016. 11.4M families considered themselves poor in Q1 2015 – SWS. GMA Network. <http://www.gmanetwork.com/news/story/481542/news/nation/11-4m-families-considered-themselves-poor-in-q1-2015-sws>

[2] Viray, Patricia Lourdes. May 12, 2015. SWS: 3M families went hungry in first quarter of 2015. Philippine Star. <http://www.philstar.com/headlines/2015/05/12/1453959/sws-3m-families-went-hungry-first-quarter-2015>

[3] L. Jacob. February 24, 2016. Fishermen, Farmers and Children remain the poorest basic sectors. Retrieved from <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>

[4] Two in five wage and salary workers are women (Results from the October 2013 Labor Force Survey). April 3, 2014. para. 8. Retrieved from <https://psa.gov.ph/content/two-five-wage-and-salary-workers-are-women-results-october-2013-labor-force-survey>

[5] Gender Equality in the Labor Market in the Philippines. December 2013. Retrieved from <http://hdl.handle.net/11540/796>

[6] Gender Equality in the Labor Market in the Philippines. December 2013. Retrieved from <http://hdl.handle.net/11540/796>

[7] All data on human rights situation within the period of review were provided by Karapatan Alliance for the Advancement of People's Rights unless otherwise stated.

[8] Pang-aabuso sa Kababaihan at Bata. Usaping Lila Marso 2016. Center for Women's Resources. Table 1. P.1

[9] Fact not joke: a Filipino woman or child is raped every 53 minutes – CWR. April 20, 2016. para. 1. Retrieved from <http://cwrweb.org/rape-joke-impunity>

[10] Philippine National Police 2015 Annual Report. [http://www.pnp.gov.ph/images/Downloads/PNPAnnualReport2015\\_opt\\_opt.pdf](http://www.pnp.gov.ph/images/Downloads/PNPAnnualReport2015_opt_opt.pdf). Last accessed September 22, 2016.

[11] Pang-aabuso sa Kababaihan at Bata. Usaping Lila Marso 2016. Center for Women's Resources. Table 2. P.2

[12] Raymundo, Perfecto T. September 17, 2016. Drug war stats: 1,138 killed, 17,319 arrested, says PNP. Retrieved from <http://www.philstar.com/headlines/2016/09/17/1624693/drug-war-stats-1138-killed-17319-arrested-says-pnp>