



## Women's Legal and Human Rights Bureau, Inc.

Unit 321 Eagle Court Condominium, #26 Matalino St., Brgy. Central, Quezon City  
Telephone Number: 921-4389 | Email address: [womenslegalbureau@yahoo.com](mailto:womenslegalbureau@yahoo.com),  
[womenslegalbureau@gmail.com](mailto:womenslegalbureau@gmail.com) | Website: <http://wlbonline.org/>

WLB is the first consciously feminist legal organization advocating for feminist legal advocacy as a strategy for the promotion and defense of women's human rights. It was established in 1990 by feminist human rights advocates who wanted to effectively address the prejudices endured by women in the Philippine justice system. Today, the WLB remains true to its purpose of engaging in advocacy for transforming the law and the legal system and empowering women in the marginalized sectors. Through the years, WLB has represented the survivors of various forms of gender-based violence before the courts and quasi-judicial bodies. This has been accompanied by WLB's education and training work with communities and women's groups at the grassroots, NGOs, and people's organizations to raise awareness on the law and women's rights and issues; organize community-based legal advocates; and advocate and lobby for legal reform.



Website: <https://www.facebook.com/Philwomen-on-Asean>

**Philwomen on ASEAN** is a national network established in 2009 which was borne out of the clamor and advocacy of different women advocates and groups to highlight the intersection of women's rights and gender across sectors. The mandate of the network is to surface, in all platforms, the issues and human rights of the most marginalized and underrepresented among women. United by the goal of pursuing women's rights in ASEAN, the network members come together in various engagements and advocacies – such as engaging the treaty bodies like CEDAW in the preparation of the Shadow Report – to underline the interconnectedness of issues of different marginalized sectors of women.

The network is composed of more than 80 organizations in the Philippines – from Luzon, Visayas, and Mindanao – working on various issues and representing different sectors like women with disabilities, lesbians, bisexual women and transgender (LBT) persons, women living with HIV/AIDS, indigenous women, migrant women, women workers, rural and urban poor women, women in education, and young women, among others.

## **EXECUTIVE SUMMARY**

Several laws have been enacted by the Philippine government with the aim of recognizing and promoting women's human rights. Despite the seeming availability and accessibility of these laws, systemic problems of inefficiency and inadequacy in state institutions continue to impede women's access to justice. Structural inequalities between women and men are insufficiently addressed, further propagating poverty, underdevelopment, and injustice. Women are kept systematically and historically disadvantaged because of the gender bias and patriarchal beliefs perpetuated in the judicial system and in society. Substantive equality thus remains beyond the reach of Filipino women across marginalized sectors, such as: women with disability, women living with HIV/AIDS, women migrant workers, indigenous people (IP) women, and lesbian, bisexual, and transgender (LBT) women.

Reality remains – as reflected in data and substantiated by accounts of women – that the culture of impunity prevails in violence, abuse, and exploitation perpetrated against women. Many women and girls continue to bear the brunt of pervasive discrimination and violence that come in diverse forms: lack of access to justice for victim-survivors of violence against women (VAW), lack of mechanisms to report or document VAW incidence, invisibility of women in government records, crimes like trafficking and prostitution, inadequate sexual and reproductive health services, dearth of sustainable and livelihood opportunities, and lack of meaningful political participation.

All of the above contexts reveal that despite the presence of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other domestic laws upholding women's human rights in the Philippines, women are still mired in poverty, injustice, and inequality. Aside from the review and amendment of existing laws, the government would also do well to capacitate and empower women and their communities to enable them to have access to justice and fully enjoy their human rights.

## **Women at the center of worsening poverty and injustice: The Access to Justice of Marginalized Women in the Philippines<sup>1</sup>**

1. Over the years, the Philippine government has consistently taken pride in placing among the top countries in the World Economic Forum's Global Gender Gap Index. The Philippines has consistently been among the top 10 since 2006, and ranked 7<sup>th</sup> place out of 145 countries in 2015. However, despite this kind of recognition, reality remains that systemic problems of inefficiency and inadequacy in government institutions continue to impede women's access to justice, and substantive equality across marginalized sectors is still beyond the reach of Filipino women.
2. Unless structural inequities are addressed and resolved, the Universal Periodic Review will remain a mere monitoring mechanism, leaving state accountability to women good on paper only and severely wanting in relevant and appropriate action. Ultimately, women and their communities need to be fully capacitated and empowered to ensure their access to justice and meaningful participation towards substantive equality and transformative change.

### **Poverty and lack of decent employment**

3. The exceptionally high poverty rate in the country has remained persistent despite the Aquino administration's claims of above-normal economic growth<sup>2</sup> and the widely-touted cash dole-out program called Pantawid Pamilyang Pilipino Program (4Ps)<sup>3</sup>, indicating that economic progress and poverty alleviation efforts under Aquino's administration have been non-inclusive. Women, like most marginalized sectors in the country, have always been at the bottom of development priorities. From 2006 to 2012, poverty incidence among women has been pegged at 26 percent, clearly indicating absence of economic progress among most women.<sup>4</sup>
4. Working Filipinos endure not only low wages, but also insecurity of work tenure and limited or no social benefits, brought about by policies of labor deregulation and contractualization. The Aquino administration may have seemed on track in achieving its target of 6.6 to 6.8 unemployment rate, but it should be noted that about four million of

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<sup>1</sup> Culled from the "Philippine CEDAW Shadow Report: Access to Justice of Marginalized Women in the Philippines" submitted to the CEDAW Committee on July 2016 by the Women's Legal and Human Rights Bureau, Inc. (WLB), Philwomen on ASEAN, and the CEDAW Working Group (CWG), which is composed of Babae Plus, Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities, Rainbow Rights Philippines Inc., Mindanao Migrants Center for Empowering Actions Inc., and WLB.

<sup>2</sup> The National Anti-Poverty Council cited weak economic growth as one of the causes of poverty in its National Anti-Poverty Program in 2010. In 2015, the Aquino administration boasted of recording the world's fastest growing economies in the last five years.

National Anti-Poverty Commission, Office of the President of the Philippines. 2010. National Anti-Poverty Program (2010-2016). National Anti-Poverty Commission.

<sup>3</sup> Pantawid Pamilyang Pilipino Program (4Ps) is the Aquino administration's flagship anti-poverty program. The budget allocation for this program has consistently increased since Aquino's first year in the office, ballooning from P10.93 billion in 2010 to P62.32 billion in 2015. 4Ps has been given more than P200 billion in only six years under Aquino's leadership.

<sup>4</sup> Philippine Statistics Authority. 2014. Poverty Incidence for Women by Region: 2006, 2009, and 2012. Philippine Statistics Authority.

the employed people, mostly women, are considered “unpaid workers”<sup>5</sup>; this number bloats the ranks of the employed, making unemployment appear less serious than it actually is. Moreover, non-government organizations believe that statistics on unemployment are more conservative than the actual figure, estimating that about 4.3 million were unemployed and 7.9 million underemployed in 2014 alone.<sup>6</sup>

5. All these conditions – high incidence of poverty, low wages, contractualization, lack or absence of benefits, dearth of employment opportunities – may seem to have driven the Filipinos, especially women, to impoverishment. The gravity of these structural conditions impede rather than advance human rights, much less women’s human rights. The fact that the government has remained unsuccessful in addressing societal issues like poverty and injustice, raises the question as to how the State could possibly comply with women’s international human rights treaties.

### **Culture of sexism, violence, and impunity in public institutions**

6. Sexist and patriarchal views, values, and practices are deeply entrenched in the culture of our society. These are reinforced in myriad ways and degrees by different influential institutions, among them the profit-driven media, conservative religious sects, and the government itself. The Philippine media is partially culpable for perpetuating violence against women (VAW). Despite the presence of so-called women leaders and achievers in the field of media, and the provision of the Magna Carta of Women on ensuring fair, non-discriminatory, and non-derogatory portrayals of women in the media, women still suffer from objectification and hypersexualization in the media.
7. Sexism and discrimination are deeply ingrained in politics and culture in general – a fact highlighted especially during electoral campaigns. Women are politically marginalized not only through the majority leadership of the ruling elites, but also through the words and actions of some incumbent and aspiring political leaders. In the 2016 national elections, several political parties and politicians were criticized for sexist and discriminatory remarks. The Liberal Party and United Nationalist Alliance (UNA) – political parties of the incumbent president and vice president, respectively – drew flak for lewd campaign shows where women dancers dressed in skimpy clothes were hired for entertainment. Similarly, presidential front-runner and now President Rodrigo Duterte was censured for making a joke at one of his campaign rallies about a brutally raped and murdered Australian woman.

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<sup>5</sup>In 2015, only 58 percent of the workers – in both formal and informal employment – were in what were described as paid jobs. Of the rest, 28 per cent were self-employed with no guaranteed income, and 11 per cent worked on family-owned farms or other businesses where they typically receive food and lodging but no actual cash, according to official statistics. Salvos, Felipe. 2015. Philippines struggles with unemployment despite economic growth. September 1. Accessed May 12, 2016. <http://www.ft.com/cms/s/3/a381f48c-4bf9-11e5-b558-8a9722977189.html>

<sup>6</sup>The employment estimates compensate for how recent official figures underestimate unemployment and underemployment by excluding or having incomplete Region VIII data. There were already 563,000 unemployed and underemployed in Region VIII before Typhoon Yolanda hit and this can only have grown given still unresolved livelihood and infrastructure problems in the aftermath of disaster.

IBON. 2015. Aquino Legacy: Wealth of richest tripled. July 24. Accessed May 11, 2016. <http://ibon.org/2015/07/aquino-legacy-wealth-of-richest-tripled/>

8. State-instigated violence is another issue that women in the country are confronted with. Under the Aquino administration alone, more than 200 people were victims of extrajudicial killings, 21 of whom are women who were raped, tortured, and killed by uniformed men.<sup>7</sup> In addition, there were 42 cases of VAW committed by police, 30 by military, 14 by local government officials, 13 by politicians, nine by US military, and two by Presidential Security Guards (PSG).<sup>8</sup> In 2015, a 15-year old Manobo girl was reportedly raped by three soldiers when approximately 700 *lumad* were displaced from Talaingod, Davao del Norte after alleged government forces and paramilitary groups occupied villages. However, the army quickly denied the claim and countered that the girl was the daughter of a suspected member of the NPA and was pressing fake charges against them.
9. Meanwhile, Oplan Bayanihan, disguised as a peace and development strategy, has been instrumental in the illegal arrest, detention, and killing of activists and advocates. The presence of both Philippine and US armies has been proven detrimental to people in highly militarized areas, especially the women and children, when a rape incident happened in Subic in 2005 and incidence of prostitution near military bases increased. But instead of abolishing existing military exercises, the government has institutionalized the presence of US military in the country through the Enhanced Defense Cooperation Agreement (EDCA). With EDCA, US military bases are expected to expand in more provinces and cities while military presence intensifies and the Philippines is kept under US military influence and control. To cite a specific case, a transgender woman was murdered in 2014 by a US marine in a motel in Olongapo. This killing has piqued discussions on how pervasive but neglected gender-based violence is against LGBT persons in the country. PFC Joseph Scott Pemberton was charged guilty not of murder, but homicide; he remained in the custody of US military officials because his rights as a US soldier are protected under the Visiting Forces Agreement and the EDCA.
10. The government has also bred VAW by reinforcing impunity through deliberate negligence and inaction. In 2014, the CEDAW committee held that the provision of sign language interpretation was essential to ensure R's<sup>9</sup> full and equal participation in court proceedings. It further recommended the State provision of monetary compensation and free counseling to R and the review and amendment of existing laws to guarantee that adequate assistance of interpreters will be provided to deaf victim-survivors of rape and other sexual offenses.
11. Since President Rodrigo Duterte took office and launched his war against drugs on July 2016, more than 3,000 unresolved killings have already been recorded. Most of these killings are claimed to be drug-related as most of the victims were suspected drug users

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<sup>7</sup> Karapatan 2014 Human Rights Report

<sup>8</sup> Gabriela

<sup>9</sup> R, a deaf minor, was raped by a 19-year old neighbor in 2006. After five years of prosecution and trial marked by a lack of sign language interpreting, insensitivity to the needs of R as a woman with disability, and several discriminatory aspects of the legal proceedings, the Court acquitted her perpetrator in 2011. Having no other local legal remedies available for her, R filed a communication to the OP-CEDAW, reporting how the Philippine court has discriminated her and failed to provide her access to justice, on equal basis with other victim-survivors.

or pushers. According to the official record of the Philippine National Police (PNP), 20,860 women and 1,273 girls have surrendered to the authorities for being involved in drug-related activities.<sup>10</sup> However, there are no official data yet as to how many women and girls have been killed. There are only reports that some women and girls have been killed as “collateral damage.” For instance, two girl children have been killed in two separate shooting incidents<sup>11</sup> while a pregnant woman was killed along with her partner, who was a suspected drug user and pusher.<sup>12</sup>

### **Intensifying violence against marginalized women**

12. The government recognizes that violence against women (VAW) is among the most pervasive and persistent women’s human rights issues. Most recent data from a non-government women’s organization reveal that one woman or child is raped every 53 minutes, while one woman is battered every 16 minutes. Based on its estimate, recorded rape cases increased by 92 percent (from 5,132 in 2010 to 9,875 in 2014) while violations of RA 9262 or the Anti-Violence against Women and their Children Act rose by 200 percent from 2010 to 2014.<sup>13</sup> VAW is perhaps the worst and the most prevalent not only in the Philippines, but in the whole world. Its impact ranges from immediate to long-term multiple physical, sexual, psychological, and mental consequences not only for victim-survivors but also for the family and community.
13. The 2013 official data from the Philippine National Police likewise reveal an increase in VAW incidence: a 49.4 percent increase from the 2012 report. There were about 23, 865 cases VAW reported in 2013, by far the highest number of reported VAW cases since 1997. Violation of RA 9262 (with 16,517 cases) is ranked the first among the cases reported to the PNP, followed by physical injuries with 3,564 reported cases, and rape with 1,259 reported cases. However, these numbers are inconclusive as to the pervasiveness of VAW since these are only based on the data reported to the PNP.<sup>14</sup>

### *Undocumented and unaddressed violence against women with disability*

14. Women and girls with disability are more vulnerable to all forms of human rights violations, and this is corroborated by several stories from the ground. Gender-based violence is perpetrated more often against women and girls with disability than those without. One out of every three deaf women in the Philippines is sexually harassed or raped. Half of these cases happen in the victim’s own home, with neighbors and even family members being the most common perpetrators.<sup>15</sup> Moreover, in 108 rape cases with known data, 88 (81%) involve a hearing male perpetrator.<sup>16</sup>

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<sup>10</sup> Accessed September 22, 2016 <http://pcij.org/stories/dutertes-drug-war-snares-20860-women-surrendered/>

<sup>11</sup> Accessed September 20, 2016 <http://newsinfo.inquirer.net/809411/5-yr-old-girl-latest-fatality-in-drug-war>

<sup>12</sup> Accessed September 20, 2016 <http://newsinfo.inquirer.net/814714/pregnant-woman-partner-shot-dead-in-drug-raid>

<sup>13</sup> Data from Center for Women’s Resources

<sup>14</sup> Data from Philippine National Police (PNP), as cited by Philippine Commission on Women

<sup>15</sup> Philippine Deaf Resource Center, 2006-2012 data

<sup>16</sup> Ibid

15. Many cases of violence against women with disability are not reported and monitored because the government has not implemented any mechanism to comprehensively monitor these cases. Furthermore, government agencies hardly have available updated data on persons with disability in the country. The most recent existing data on deaf women's cases were documented by a civil society organization in 2006, which explains why abuses of women with disability are barely addressed. The authorities' lack of awareness and sensitivity in dealing with women with disability continuously bog down the legal and judicial systems.<sup>17</sup>

*Limited access to justice and basic services by indigenous women*

16. The previous administration has been criticized for the arbitrary spate of killings and attacks against indigenous peoples (IPs) in provinces of Mindanao. Hundreds of *lumad* women decry plunder, militarization, rape, and other forms of violence against women, yet they remain overlooked by the government.<sup>18</sup> Mass killings occur such as those that happened in Davao del Norte and Surigao del Sur, where *lumad* leaders, women, and children were mercilessly killed by paramilitary groups, and schools and houses were burned down.

17. Indigenous women's lack of economic power in a patriarchal society has further allowed their spouses to subjugate them. Though many rural and IP women experience domestic violence, few of them seek services due to lack of knowledge on their rights or unavailability of services. For instance, a community of *Mamanwa* in Marabut, Samar (a municipality in central Philippines) lives 16 kilometers away from the nearest community center. To be able to avail of services and report VAW cases to the *barangay*,<sup>19</sup> one needs to hire a private *habal-habal*<sup>20</sup> or van which costs a minimum of P100.00 for a one-way trip.<sup>21</sup> Women fear that reporting will lead them to be ostracized and endangered in their community, citing that there are no authorities to protect them when they return to their houses. A commonly held belief, as explained by an elderly IP woman, is that physical violence within families is inevitable particularly because many men are pressured to provide for the family.<sup>22</sup>

18. Moreover, the implementation of the "No Home Birthing Policy,"<sup>23</sup> – based on the faulty premise that maternal deaths result from home births that are unsupervised by skilled

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<sup>17</sup> From the Research of Philippine Coalition on UN Convention on the Rights of People with Disabilities (CRPD)

<sup>18</sup> Umil, Anne Marxze. 2015. Women protest plunder and militarization. October 29. Accessed May 12, 2016.

[www.bulatlat.com/main/2015/10/29/women-protest-plunder-and-militarization/](http://www.bulatlat.com/main/2015/10/29/women-protest-plunder-and-militarization/)

<sup>19</sup> basic unit of government in the Philippines

<sup>20</sup> a motorcycle or cart bike modified to seat many persons, for use on rough and narrow roads

<sup>21</sup> Almira, not her real name, is the wife of one of the IP leaders in the community. She shared that there are women in their community who were physically abused by their husbands. However, they would rather not report it because the *barangay* and police station are too far from their community. From the "Consultation Workshop on Access to Women's ESCR," Marabut, Samar, April 2016

<sup>22</sup> From the "Consultation Workshop on Access to Women's ESCR," Marabut, Samar, April 2016

<sup>23</sup> In response to the increasing number of maternal deaths in the Philippines, the DOH issued a policy prohibiting the practice of home-birthing. As a result, some local government units passed ordinances banning deliveries by traditional birth attendants (TBAs) or "hilot," and penalizing TBAs for performing home-based deliveries. LGUs that passed ordinances against home births include Cagayan de Oro City, the municipalities of Danao in Bohol, Minalin in Pampanga, Dingle and Estancia in Iloilo,

health professionals – has greatly affected indigenous women, who are mostly from far-flung areas and do not have access to home birthing facilities. The government has failed to take into consideration that public birthing facilities are scarce and oftentimes very far from communities. In fact, only 17,000 (17%) of the country's 41,000 barangays have government-established health stations, which are often understaffed and ill-equipped. Some barangays have only one midwife who services three to five barangays; this translates to a ratio of one midwife to about 6,758 people.<sup>24</sup> Instead of addressing the problem, the policy only oppresses pregnant women and could cause increased incidence of unsafe deliveries which may lead to death.

19. Indigenous women are also confronted with issues related to landlessness and lack of sustainable work and livelihood. For instance, the Mamanwa tribe of Barangay Km. 16 in Marabut, Samar, has already established their own community where they were given their own land and livelihood. However, due to conflict with non-Mamanwa people, they were forced to flee from their land and livelihood. Having been displaced to the lowland community of Tinabanan, the Mamanwa women and men are faced with multiple difficulties. Since Mamanwas rely on farming and livestock as their main source of food and income, and they are without land to till in their new location, they are in continuous threat of food insecurity and loss of livelihood.<sup>25</sup>

#### *Insufficient legal aid and protection for migrant women*

20. For many years, there have been countless reports on women migrants being subjected to unregulated work conditions (e.g. long working hours; low, delayed, or unpaid wages; and lack of legal and social protection), as well as domestic and sexual violence. However, the Philippine government has not done anything significant to address these issues; instead, it indiscriminately and deliberately continues to promote labor exportation of women into unrecognized and lower-paid care/domestic work. In fact, under the Aquino administration, an average of 6,000 Filipinos left the country daily in 2015; 55 percent of this figure were women who worked in the service sector.<sup>26</sup>
21. Existing laws on migrant workers – RA 8042 or the Migrant Workers Act of 1995 and Presidential Decree 442 or the Labor Code of the Philippines – do not provide remedies for women migrant workers who are victims of abuse and violence outside the country. Hence, women migrant workers, bound by territorial jurisdiction of the host country's

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Midzayap in Cotabato, Madsalip in Zamboanga del Sur, and Brooke's Point in Palawan. The WLB was able to secure hard copies of the abovementioned ordinances.

<sup>24</sup> Data from Council for Health and Development. Accessed May 11, 2016 <http://www.chdphilippines.org/category/advocacies-and-campaigns/no-home-birthing-policy/>

<sup>25</sup> From the "Consultation Workshop on Access to Women's ESCR," Marabut, Samar, April 2016

<sup>26</sup> Under the administration of Pres. Aquino, more women overseas Filipino workers (OFWs) have been forced to migrate and leave their families. An estimated 6,092 Filipinos leave the country daily (IBON Foundation, 2015 data) – among them, mothers, sisters, aunts, nieces, grandparents who were forced to face dire straits and uncertain conditions abroad due to widespread joblessness, landlessness, and dismal social services here in the country. This figure is an increase of 50% percent from 4,030 OFWs a day in 2010, when Aquino took office. To date, women OFWs make up more than half (55%) of the stock estimate of OFWs, outnumbering male OFWs especially in the service sector (Center for Filipinos Overseas, 2012). Accessed May 11, 2016 <https://migranteinternational.org/2015/03/08/20-years-after-flor-contemplacions-death-more-women-ofws-abused-exploited-and-enslaved-under-aquinos-term/>



penal laws, are left without any recourse but to illegally escape from employers or endure abuses.

22. Rape and sexual abuse are the common forms of violence experienced by women migrants. In the Kingdom of Saudi Arabia alone, the government estimated that about 15 to 20 percent of the reported cases of women migrants involve sexual violence. Many women, however, still refuse to report rape and sexual abuse because of shame and fear of stigma, and lack of relevant available services.<sup>27</sup>
23. Some women migrants who were able to flee abusive employers and seek refuge from Philippine embassies were subjected to more abuses through the sex-for-flight scheme<sup>28</sup> perpetrated by unscrupulous Philippine embassy and labor officials running Bahay Kalinga.<sup>29</sup> In 2013, four women migrants who worked in the Middle East came out as victims of sex trade modus operandi. However, only one of the government officials tagged in the scheme was dealt one-month suspension without pay, while the others were not convicted. Serious allegations against government officials include: sexual harassment; rape; abuse of power by demanding sexual favors in exchange for speedy facilitation of repatriation; and coercion to perform sexual acts or engage in prostitution for money.<sup>30</sup>
24. Mary Jane Veloso, a 30-year old OFW who was sentenced to death in 2009 for attempting to smuggle heroin in Indonesia, was given a temporary reprieve before her execution on April 2015. Reports claim that Mary Jane lacked adequate legal support during her trial; she was not provided with a private lawyer and an interpreter despite her difficulty in speaking and understanding Bahasa Indonesia and fluent English. According the Department of Foreign Affairs, there are about 3,800 Filipinos jailed overseas while around 125 migrant workers are on death row. Under the Aquino administration alone, seven OFWs have been executed.<sup>31</sup> Half of the cases of Filipinos on death row are drug-related offences, though there is no data accounting for the exact number of women jailed and sentenced to death.<sup>32</sup>

### *Lack of legislation promoting LBT rights*

25. There have been numerous incidents involving lesbian, bisexual, and transgender (LBT) women that show how pervasive but neglected gender-based crimes against LGBT

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<sup>27</sup> A 2013 survey by the Hong Kong-based Mission for Migrant Workers reported that 58 percent of female domestic workers surveyed in Hong Kong suffered from verbal abuse. At least 18 percent reported experiencing physical abuse, while six percent claimed to have been victims of sexual abuse.

Accessed September 19, 2016 <http://www.ucanews.com/news/filipino-workers-still-look-overseas-despite-danger-threats/74030>

<sup>28</sup> Prostitution: <http://globalnation.inquirer.net/105276/govt-didnt-act-against-sex-for-flight-scheme-says-house-panel-report#ixzz49q9oQf1M>

<sup>29</sup> House of care for migrant workers

<sup>30</sup> From the Research of Kanlungan Center for Migrant Workers Foundation

<sup>31</sup> <http://pinoyweekly.org/new/2015/03/flor20-aquino-pinakamasahol-na-presidente-sa-mga-ofw/>

<sup>32</sup> Mary Jane first worked as a domestic worker in Dubai until she fled back to Manila after her employer reportedly attempted to rape her. She moved to Indonesia to find work but ended up being tricked by a trafficking gang into smuggling 2.6 kg of heroin. She was only given temporary reprieve following show of evidence that she is a credible victim of human trafficking. Mary Jane is not the only migrant worker who have been trafficked and have ended up in prison.

Accessed May 11, 2016 <http://www.rappler.com/nation/92275-filipinos-death-row-abroad-statistics>

persons in the country are. In May 2016 alone, two transgender women were brutally killed on separate occasions. One was killed and stuffed in a luggage,<sup>33</sup> while the other was murdered and placed in a trash bag tied with packaging tape.<sup>34</sup> Lack of legislation has resulted in continuing non-recognition of LBT rights and rise in cases of gender-based violence and harassment, which are mostly neglected if not unresolved.<sup>35</sup>

26. LBT women face barriers in finding gainful employment and are being discriminated against in accessing basic, vocational, and higher education due to lack of clear policies. Moreover, there is a proliferation of public establishments that refuse entry or service to transgender people; many health care institutions have also refused them access to medical care.<sup>36</sup>

### *Trafficking and prostitution of survivors of conflict and disasters*

27. Trafficking among women and children comes in many forms – commercial sexual exploitation, forced labor as domestic servants or factory workers, and sex tourism. Most of the recorded cases of trafficking are those involving women and children from the poorest provinces in the country, and from areas affected by armed conflict and disasters like Samar, Zamboanga, Leyte, and others. Many reports claim that trafficking incidence spikes up immediately after a disaster or an encounter as many people, especially women and children, are displaced and desperate for aid.
28. After armed conflict happened between the Moro Islamic Liberation Front (MILF) and the Philippine army in Zamboanga in 2014, more than 40,000 people were displaced and transferred to evacuation centers.<sup>37</sup> With only five months after the crisis, rape cases in evacuation centers had already increased. About 56 cases of sexual attacks have been recorded from January to May 2014; 31 of these cases are incestuous rape with victims aged 5 to 17 years old.
29. Aside from cases of sexual attacks, prostitution among survivors proliferated particularly in evacuation tents after the armed conflict between AFP and MILF broke out. Reports revealed that most of the survivors who engaged in prostitution are minors who were desperate to get money and food to survive. Zamboanga police added that there were about 20 people who were diagnosed with sexually transmitted infections.<sup>38</sup>

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<sup>33</sup> See <http://globalnation.inquirer.net/139951/murder-rap-filed-vs-taiwanese-who-killed-transgender-girlfriend>

<sup>34</sup> See <http://kickerdaily.net/posts/2016/05/body-of-man-wrapped-in-tape-with-note-tulisan-ko-du30-found-in-cebu/>

<sup>35</sup> Report from Naomi Fontanos, Executive Director of Gender and Development Advocates (GANDA) Filipinas. Here are some of the victims of VAW: Luningning Alsado, 23 years old, from Barangay Buhisan in Cebu, was killed in December 2011. Her forehead was cracked open, and she had cigarette burns on her face, neck, and genitals. The skin on her right chest was peeled open and her stomach was filled with grass. A piece of wood was found shoved inside her anus. Nathalie Anne Gonzales, a dentist who lived in Quezon City, was 32 years old, and her body was found with multiple stab wounds. Rio Moreno, 33 years old from Makati City, was killed in March 2014; her body bore 40 stab wounds. Mary Joy Añonuevo, 55 years old, and a restaurant-bar owner from Tayabas in Quezon Province, died in October 2014. She was stabbed 33 times.

<sup>36</sup> Research from Rainbow Rights Philippines

<sup>37</sup> Accessed May 11, 2016 <http://newsinfo.inquirer.net/637993/icrc-40000-refugees-in-zamboanga>

<sup>38</sup> Accessed May 11, 2016 <http://www.gmanetwork.com/news/story/356061/news/regions/zamboanga-city-crisis-evacuees-turn-to-prostitution>

30. When typhoon Haiyan struck some parts of Visayas in 2013, about four million women and girls were affected. In Tacloban City alone, more than 100 VAW cases were monitored by the Department of Social Welfare and Development from January to September 2014,<sup>39</sup> excluding the cases that were not reported to authorities. However, there was no monitoring of VAW cases in other affected areas such as the provinces of Leyte, Samar, and Cebu. The National Demographic and Health Survey (NDHS) 2008 survey showed that pre-Haiyan rates of physical and sexual violence exceed the national average. In Western, Central, and Eastern Visayas, figures went up to 28% for physical violence and 14% for sexual violence perpetrated against women and girls 15-49 years of age.<sup>40</sup>
31. In the municipalities of Marabut and Basey in Samar, women leaders shared that there were VAW cases they were aware of during the typhoon. However, the victim-survivors did not bother to report or seek services as they feel that recovering from the typhoon, getting work, and providing food and shelter to their families are far more important than their experiences. They also noted that most of the women in their areas did not know where to report cases as the barangay and municipal government are busy with providing relief goods to typhoon survivors.<sup>41</sup>

#### *Insufficient legal remedies for survivors of ICT-related VAW*

32. The passage of the 2012 Cybercrime Prevention Act drew protests from several fronts. Women's groups questioned the law, specifically the provision on cybersex,<sup>42</sup> for being overly broad and vague. "The elements of the crime under the cybersex provision are not well-defined, therefore the law poses more harm to women who are usual victims of sexual violence in cyberspace. The law fails to concretely define what constitutes the violation under the cybersex provision of the law. It will only succeed in arresting women found in local cybersex dens and putting them behind bars."<sup>43</sup>
33. The Philippine government's act of criminalizing sexual behavior or activity of women online does not address the underlying causes of VAW and fails to harness the potential of information and communication technology (ICT) to promote women empowerment. In the past years, raids and arrests all over the country have shown that it is women who are being arrested: nine women, including a minor, were arrested in Quezon City on July 2007; nine women in Taguig on April 2011; 38 were mostly women in Bataan on January 2011; and 4 persons, including a minor girl, in an Iloilo raid on July 2014.

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<sup>39</sup> Accessed May 11, 2016 <http://www.rappler.com/move-ph/issues/disasters/76859-disasters-women-children-vulnerable-abuse>

<sup>40</sup> A 2014 study done by Oxfam on diverse respondents in the central part (specifically Samar, Leyte, and Cebu) of the Philippines

<sup>41</sup> From the "Consultation Workshop on Access to Women's ESCR," Marabut, Samar, April 2016

<sup>42</sup> RA 10175, Section 5 Paragraph c (1)

(1) Cybersex - The willful engagement, maintenance, control, or operation, directly or indirectly, of any lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration.

<sup>43</sup> Accessed 10 November 2014 <http://www.genderit.org/es/node/3661>

## *Discrimination and neglect of women living with HIV/AIDS*

34. Women living with HIV suffer the same fate of gross lack of attention and response from the government. As of January 2016, the Department of Health (DOH) has recorded 804 new cases of HIV/AIDS infections, which is by far the highest since 1984, when the first case of HIV was recorded.<sup>44</sup> Of these cases, 28 are identified as women, 3 of whom are pregnant. There are 31,160 cases of HIV/AIDS recorded from 1984 to the present, with 1,901 of them female.<sup>45</sup>
35. Multiple forms of discrimination and deprivation in accessing health services has confronted women living with HIV/AIDS in the country for a long time. Due to the stigma brought about by being identified as positive with HIV/AIDS, many women still do not have access to services and assistance. Most of them are often perceived as prostituted women, perhaps because the first wave of HIV infections recorded in the Philippines was among prostituted women working in the now-defunct US military bases. Unknown to the public, though, there are women infected with HIV by spouses who work overseas or by their partners. Another crucial common issue among people living with HIV/AIDS is the limited or lack of access to health services like the standard antiretroviral therapy (ART), which consists of the combination ARV drugs to suppress the HIV virus and stop the progression of HIV disease. In the Philippines, the issue of HIV/AIDS is linked only to men who have sex with men (MSM), thereby mostly limiting services, assistance, and advocacies to male patients only.<sup>46</sup>

### **Limited access to sexual and reproductive health services**

36. The Reproductive Health and Responsible Parenting (RPRH) law was reduced to a family-centric law which upheld marriage as “an inviolable social institution and the foundation of the family which in turn is the foundation of the nation.” Further, the law required women to seek the consent of their male spouses in accessing reproductive health procedures and prohibited minors from availing of modern methods of family planning without parental consent. Both practices defeat the purpose of addressing teenage pregnancy and empowering women to uphold their sexual and reproductive health rights (SRHR).
37. Gaps of the RPRH law, coupled with opposition against the SRHR advocacy, continue to work against the empowerment of women. On December 2015, the Bicameral Conference Committee of Congress slashed P1 billion from the Department of Health (DOH) budget, which was intended for the purchase of family planning products like condoms, birth control pills, intrauterine devices, and contraceptive injectable.<sup>47</sup>

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<sup>44</sup> See <http://www.doh.gov.ph/node/5406>

<sup>45</sup> Research from Babae Plus, used in the 2016 CEDAW Shadow Report

<sup>46</sup> Research from Babae Plus, used in the 2016 CEDAW Shadow Report

<sup>47</sup> The cut resulted in the reduction of the Family Health and Responsible Parenting budget from P3.27 billion to a mere P2.27 billion, essentially barring poor women from access to contraceptives and thereby upending a major provision of the law. <http://www.rappler.com/nation/118131-no-allocation-contraceptives-doh-2016-budget>

## Misuse of GAD funds in government institutions

38. The Magna Carta of Women has mandated all government agencies – both in the national and local government units – to develop and maintain a gender and development (GAD) database containing systematically gathered gender statistics, as well as age- and sex-disaggregated data to be used as input or bases for planning, programming, policy formulation, and monitoring. Many have failed to comply.
39. In essence, GAD funds are intended to be used for programs and projects that benefit women. However, in practice, GAD-funded projects have shown very little impact on women's lives. GAD funds are largely misused and misallocated in many cities, provinces, and government agencies. In Marikina city, for example, GAD-funded projects – like those related to livelihood, health, and alternative education – are often general, thus not targeted specifically for the benefit of women.<sup>48</sup>
40. Ideally, national and local governments are required to submit a GAD Accomplishment Report to the PCW to account for how funds are used and monitor how GAD-funded projects have addressed the needs of women; nonetheless, this is not done. Since the use of GAD funds is often overlooked, its impacts are often regarded insignificant.

## RECOMMENDATIONS

### *Reviewing and repealing of existing laws*

41. The Philippine government, as mandated by the Magna Carta of Women, should carefully review and, when necessary, amend or repeal existing laws that are discriminatory to women. These laws are the following: Family Code of the Philippines (Articles 14, 55, 96, 124, 211, 225), Revised Penal Code (Articles 202, 247, 333, 334, 351), Labor Code Article 130, Rules of Court Rule 131 Section 3, Code of Muslim Personal Laws, and RA 8353.
42. The “No Home Birthing” policy must be reviewed, specifically the ordinances and executive order which criminalize the practice of home birthing. Most poor and IP women in the rural areas have no options but to avail of the services of traditional home birth attendants because they lack access to maternal health services and because their socio-cultural beliefs require them to do so.
43. There is a need to review policies and programs on SRHR that is encompassing and inclusive of the needs of LBT women, women migrant or domestic workers, and women living with HIV/AIDS, indigenous women, and women with disability. In particular, the government must evaluate and expand its national policy and programs related to breast cancer, including health insurance and social protection, access to screening, diagnosis,

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<sup>48</sup> Women's Legal and Human Rights Bureau. 2013. "Baseline Research on Gender and Development for Marikina City."

and treatment, to ensure nondiscrimination for all women, particularly those who are in the marginalized sectors.

*Comprehensive gender-disaggregation of data*

44. The government must show political will in putting mechanisms in place to comprehensively collect sex- and gender-disaggregated data which will be used in understanding the plight of women, especially those in the marginalized sectors, and the gravity of disaster-related problems with which they are confronted.

*Ensuring access to justice of marginalized groups of women*

45. The government must ensure that all available legal remedies for women who are victim-survivors of VAW are accessible and affordable to all women, specifically those from various marginalized sectors.
46. Women with disability shall be reasonably accommodated in police stations, barangay VAW Desks, and courts when they pursue their cases. The government should create mechanisms for comprehensive reporting and monitoring of cases of violence against women with disability.
47. IP and rural women, despite their geographical location, shall have equal access to legal services as those in the urban areas.
48. Migrant women shall have access to services and assistance abroad. The government shall ensure that migrant women have available, accessible, affordable, and effective remedies should they be abused by their employers. The government must also ensure that training is provided to all officials and employees involved in the administration of VAW cases, including the Philippine embassies and other agencies involved in handling cases of migrant women.
49. LBT women shall also be accommodated fairly and shall not be subjected to gender discrimination. Laws should be put in place to promote the rights of LBT women.
50. The government must pay special attention to the increasing number of women sentenced to death due to drug-related crimes. The Department of Foreign Affairs and POEA must review its programs to address the problem of women who, due to extreme poverty and lack of education, are vulnerable to the schemes of international drug syndicates.
51. For ICT-related VAW, there is a clear need for the government to enhance legislative efforts towards adapting procedural and investigative tools to the specificities of new technology. These can include the issuance of rules or the institutionalization of capacity-

building programs in addressing ICT-related VAW, especially in the law enforcement sector and other government agencies, the private sector, and multi-stakeholder bodies.

*Ensuring access to sexual and reproductive health services and programs*

52. The government must guarantee access to information, and free and accessible health services to all women in the marginalized sectors as stated in the RPRH Law. This includes having nearby public hospitals, clinics, or barangay health centers that would cater to women's needs.
53. Women living with HIV/AIDS should be provided access to health services like the standard antiretroviral therapy (ART).
54. SRHR information and services must be provided to women and men during emergency situations such as disasters to reduce the risks of maternal deaths, unplanned pregnancies, and transmission of sexually transmitted diseases.

*Guaranteeing proper use of GAD funds in government institutions*

55. The government shall pursue with utmost conviction the monitoring of GAD budget and its effectiveness to ensure the full realization of women's rights. The government must fulfill the intention of the right to substantive participation of women in GAD planning and budgeting at all levels of decision-making.##