

EXECUTIVE SUMMARY

During the period being reviewed (July 2012 to July 2016), Filipino women experienced no significant compliance by the Philippine government based on the recommendations of the member states in 2012, as well as on the obligations inscribed in international laws like CEDAW and national laws like the Magna Carta of Women.

The Aquino government's adherence to the neoliberal policies of privatization of services, deregulation of prices, and liberalization of trade, and its policy framework of public-private partnership placed the country's economy at the mercy of the private sector and foreign investors. This only widened the gap between the rich and the poor.

Poverty aggravated the low social and economic status of toiling women. Not only had their labor participation remained low but they were also the primary victims of contractualization, low wages, and low-skilled jobs. Women farmers remained landless, overworked, and heavily indebted.

The government likewise performed poorly in giving the much needed social services to women like health services. It failed in preventing the increase of violence against women especially among women in the lower income quintile.

President Benigno Aquino's government implemented a counter-insurgency program that resulted in massive human rights violations particularly in the countryside, affecting thousands of Filipino families, particularly the communities of the indigenous peoples. More than 500 politically-motivated illegal arrests and detention were carried out. Its lopsided agreements with the US government like the Enhanced Defense Cooperation Agreement (EDCA) made women more vulnerable to abuses.

This report enumerates the Filipino women's condition and poses recommendations for the new government, which hopefully will be supported by other member states.

LEGAL FRAMEWORK

1. The Philippine government prides itself to be a State party to eight core international human rights instruments and six optional protocols.¹ It is also a founding member of the Human Rights Council in 2006 and it commits to be State partner of the Human Rights Council.²
2. As such, the Philippine government had pronounced to support the Human Rights Council, as quoted: *“Consistent with its belief that the protection of the human rights of the most vulnerable should remain the priority of the Human Rights Council, the Philippines consistently co-sponsors initiatives on issues involving the promotion and protection of the human rights of migrants, children, women, indigenous peoples and persons with disabilities.”*³

3. The Philippine government had pronounced its commitment and attachment to the promotion and protection of human rights during its second review in 2012. It specified national laws and regulations to prove such claim, such as the Bill of Rights in the Constitution of the Philippines and for particular women concerns, the Magna Carta of Women and the Reproductive Health Law.

4. It also supported or noted the recommendations of member states during the period in review (2012-2016) in relation to human and women rights. Related to the theme of this report, the said recommendations were the following:

4.1. Fully implement the Magna Carta of Women and provide more resources for its effective implementation especially in aspects of access to justice and health care, including sexual violence, and sexual and reproductive health, as advised by Republic of Korea, Malaysia, and Spain, which can be found in A/HRC/21/12 - Para. 129.

4.2. Continue to promote the empowerment of women and to implement domestic policies of strengthening gender equality and protection against discrimination and violence as recommended by Nicaragua and Singapore. Efforts to fight violence against women should be intensified through public awareness-raising campaigns and training law enforcement personnel as advised by Liechtenstein. Concrete measures to promote gender equality in employment and gender-responsive approach in the judicial system as well as in maternal care should be undertaken, as pointed out by Thailand. These recommendations can all be traced in A/HRC/21/12 - Para. 129.

PHILIPPINE COMPLIANCE WITH ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

5. With the Philippine government's pronouncements of supporting UPR and based on the recommendations given by other member states, this report of CWR and GABRIELA shall enumerate the condition of Filipino women to show how the Philippine government responded on the said recommendations and how it complied with international human rights obligations, especially the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its local version, the Magna Carta of Women.

Women's Right to an Adequate Standard of Living

6. The Aquino government, which covered the period under review, furthered the implementation of neoliberal policies during its six-year term. At the core of its programs were the further liberalization of the country's financial system and its public sector, earning an upgrade from international financial institutions on its investment and credit ratings.

7. Thus, government claimed of economic progress. Foreign direct investment (FDI) increased with a record cumulative US\$16.2 billion over the period 2010-2014. Gross revenue of the Top 100 corporations grew from Php5.3 trillion in 2010 to Php8.7 trillion in 2014 resulting in a corresponding revenue increase (measured as a share of GDP) from 59% in 2010 to 69% in 2014. Net worth of the 40 richest Filipinos bloated almost three-fold from Php1.3 trillion in 2010 to Php3.2 trillion in 2015. Measured as a share of GDP, their net worth increased from just 14% in 2010 to over 25% in 2015.⁴

8. While corporate and top wealthiest families' incomes grew remarkably over this period, the wages and the living standards of the greater majority of the population remain unchanged, and even experienced a downturn.

9. Real (i.e., inflation-adjusted) minimum wages between 2010 and 2015 in the National Capital Region, the highest in the country due to a regionalized wage scheme, increased by only 6.5%. On a nationwide scale, 46% of workers received less than the minimum wage.

10. The period under review had likewise seen falling job creation resulting in the most unemployed, underemployed, discouraged job seekers and overseas Filipino workers in the country's history. Despite government reports of an increase in available jobs, 63% of total employed were non-regular, agency-hired, informal sector, or unpaid family workers.⁵

11. The Philippine Statistics Authority put the poverty incidence among the population at 24.6% in 2014. A survey conducted by the independent firm Social Weather Station (SWS) however, found that 52% of the people considered themselves poor. This percentage was lower compared to previous quarters of the same year, but the annualized average turned out to be the worst in eight years.⁶

12. Although other member states recommended that the Philippine government increase its efforts of poverty alleviation, the impoverished condition of the Filipino people, including women, showed no improvement during the reviewed period. The Conditional Cash Transfer (CCT) Program, its flagship anti-poverty program, failed to make a dent on the country's poverty crisis.

13. The CCT Program, dubbed as Pantawid Pamilyang Pilipino Program (4Ps), enjoyed a huge portion of the government's budget. Allegations of graft and questionable management, including an unliquidated sum of PhP 6.3 billion, further cast doubts on the program's effectiveness. Community-based organizations voiced out their apprehension on CCT/4Ps as it promoted a culture of appeasement through dole outs, and became a tool or politicking by incumbent government officials. Based on CWR's study of 4Ps, 77% of the respondent-beneficiaries recognized regular jobs as the key to alleviate them from poverty.⁷

14. Landlessness and land-use conversion perennially caused distress and poverty among peasant women and their families. Seven out of 10 farmers remained landless in spite of the extension

of the agrarian reform program, CARPER (Comprehensive Agrarian Reform Program Extension with Reforms). It got a budgetary support of ₱150 billion, but hardly increased land distribution to the tillers.

15. Impoverished families can hardly make both ends meet with creeping price increases in basic commodities. From 2012 to 2014, the price index for all income households had a steady average increase of 3.73%.

16. Women are particularly burdened on account of their specific roles in the family. In 2012, women counted among the poorest sectors with a poverty incidence of 25%. 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. While men reach their peak productiveness during their youth until the middle years, women remain economically productive well into their twilight years (65 y/o).

Women's Right to Economic Security and Safe Working Conditions

17. As the crisis worsened, women found it harder to look for work. Based on the July 2015 Labor Force Survey of the Philippine Statistics Authority,⁸ around 1.03 million or 37.9% of 2.72 million unemployed Filipinos were women. Women's labor participation remained low at only 49%. Out of the 15.29 million employed women in 2014, only 55% were wage and salary workers. The rest were self-employed (27%) and unpaid workers (16%). A big majority of the wage and salary workers were service workers, laborers and unskilled workers. This included 1.6 million women working in private households as househelp, cleaners, and nannies, among others.

18. Labor contractualization remained the biggest issue of workers, especially among women. According to the Bureau of Labor and Employment Statistics (BLES), the number of seasonal or temporary workers and daily/ weekly workers increased faster than the number of hired permanent workers. The number of women employed in precarious work, which included women in seasonal or temporary workers and daily/weekly workers, had reached more than two million in 2014. Within six years, the number of those employed in permanent jobs gained only a 4.43% increase. Seasonal or temporary workers posted a 16.35% increase and those employed on a daily or weekly basis increased by 72.87%. Notorious implementors of contractual work were big companies in the wholesale, retail, manufacturing, and service industries where 75% to 85% of workers were women.

19. Many contractual women were hired on "555" work arrangement, employing them for only about 5 months, usually without social protection, health insurance, and other benefits. Only a small portion or 32% of the employed population were covered by social insurance such as SSS (Social Security System) and GSIS (Government Service Insurance System). Without social protection benefits, women could not have maternity benefits and other forms of assistance enjoyed by regular employees.

20. Aside from non-permanent work, wages remained low, especially in the regions where the minimum wage only reached \$6 on the average. In the Muslim Mindanao region, with the highest poverty incidence, its daily minimum wage was from \$4 to \$5 only. This had been the average range in five years. While service workers and laborers comprised the biggest number of women waged workers, they also received the lowest wages, with \$4.66 and \$3.36, respectively.

21. The gender wage gap persists, particularly in agricultural production, due to prejudicial valuation of women's labor.

22. Government claimed to have conducted series of awareness-raising seminars among company executives. Implementation of the Magna Carta's provisions for women workers was difficult to monitor and measure, however, due to the absence of a systematic database on women in the private sector. Moreover, the government had not prioritized information campaigns among women workers and employees to inform them of their rights under this law. Thus, women workers had a very low level of awareness regarding this law and the benefits due them.⁹

23. Under the Aquino administration, the number of deaths among workers garnered an all-time high due to hazardous working conditions. Many employers rarely complied with labor safety standards that resulted in occupational injuries. The Department of Labor and Employment (DOLE) itself revealed that half of the 29,248 monitored establishments had committed violations of labor standards. The companies in the Southern Tagalog region, where large export processing zones exist, had been documented with the highest 83% non-compliance. Women workers were the majority of those who died during the fires that hit the Novo Jeans factory in Cagayan de Oro, Southern Philippines in 2012 (17 casualties), Asia Micro Tech in Pasay City, National Capital Region in (eight casualties), and Kentex factory in Valenzuela City, National Capital Region in 2015 (72 casualties).

24. Thousands of women toiled as farm workers in big plantations and agro-corporations of corn, pineapple, coconut, banana, and other export products. In 2014, more than 3.5 million farmers, including 701,000 women, were employed as wage and salary workers in the agriculture and fishing sector. Women in this sector received wage that was a peso lower than their male counterparts.

25. With unsuitable wage, peasant women sought alternative means to earn extra for their families. Many were lured into borrowing from micro-lending institutions that specifically targeted women as clients. Deep in debt, peasant women's workload increased. Aside from their agricultural work and traditional house chores, they needed to work extra by selling rice cakes or vegetables, raising livestock and poultry, doing laundry for other households, or cleaning other houses. Most peasant women toiled for more than 16 hours per day. This work overload hampered women's health and even their participation in other valuable community activities.

26. Some women farmers opted to work as domestic helpers in cities in the Philippines or in foreign countries which rendered them vulnerable to illegal recruitment and trafficking, as in the

case of human trafficking victim Mary Jane Veloso. Veloso, a farm worker's daughter, sought work in Indonesia to help her family. She, however, fell victim to an international drug trafficking syndicate, was arrested and sentenced to death for smuggling drugs into Indonesia. She was given a temporary stay of execution as a result of protest actions and appeals made by migrant workers' and other organizations, and after she named the individuals responsible for her predicament.

Women's Right to Accessible Health Services

27. The government's public-private partnership (PPP) program aggravated the inaccessibility of health services for marginalized women. The health budget was constantly a far cry from the World Health Organization's (WHO) recommendation of 5% of the gross national product (GNP). A large part or 68% of medical expenditures come from the pockets of households. CWR's research on women and poverty revealed that indigent families rarely availed of medical care and only went to hospitals during serious illnesses, major injury or operation, and childbirth.

28. Despite having passed the Reproductive Health Law, government health and medical services have remained inaccessible for many poor women. Thus, government has reported on the difficulty of meeting its Millennium Development Goals (MDG) target of reducing maternal mortality and neonatal child mortality by 2015.¹⁰

29. The National Health Insurance Act of 2013 provides for health care services for all, especially for the marginalized sector through universal health care. However, services remained wanting because public hospitals continued to be ill-equipped and understaffed. High-end hospitals can only be afforded by the upper 20-30% of the population.

30. Under the government's PPP policy framework, public maternity hospitals like Dr. Jose Fabella Memorial Hospital became up for privatization. The Fabella hospital has, for decades, catered to poor women. Government closed the hospital in the second quarter of 2016, which sparked protests from urban poor women, and thus became a major issue for campaign by the GABRIELA women's alliance.

Violence against women (VAW)

31. Despite the presence of at least 37 national laws for women, including the Magna Carta of Women, the number of cases of violence against women happened without let-up: one woman or child was raped every 53 minutes, seven in 10 victims of violence were children, and violations of the Republic Act (RA) 9262 or the Anti-Violence against Women and their Children Act had escalated by 200%.

32. Poor women and children were more vulnerable to violence. The lack of economic opportunity for women placed them in a position to be controlled by those who have power over them. Most of the VAW victims from the lowest wealth quintile were discouraged to pursue

their cases in court because they could not afford the expensive, long, and tedious judicial process.

33. "*Oplan Bayanihan*", a counter-insurgency program implemented by the Aquino government had spawned a culture of impunity that resulted in increased incidences of violence against women and children. Many of these cases were committed by state authorities. Data from the human rights group Karapatan showed that since President Benigno Aquino came into power, there were eight reported cases of military rape. Some of these cases involved the rape of two indigenous adolescent girls from Mankayan, Benguet (2012), and the case of a young Lumad from Talaingod, Davao (2015).¹¹ Not a single soldier was charged and penalized for these brutal acts.

Women's Right to Just Peace and National Sovereignty

34. The International Humanitarian Law and Protocol II had been violated during the period being reviewed. Communities were displaced due to massive military operations. Politically motivated killings persisted.

35. To date, there are still more than 500 political prisoners. Of the recorded 509 political prisoners, 37 are women, where some are young mothers while others are elderly. They also have health problems and the unfavorable jail setting worsens their condition.

36. The administration of President Aquino refused to resume peace talks with the National Democratic Front. It ignored its commitment to the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed under the previous administration of President Joseph Estrada. The Aquino government initiated the Bangsamoro Basic Law with the Moro Islamic Liberation Front which was never passed in Philippine Congress due to contentious issues related to territorial divisions and questions related to non-inclusion of other Moro peoples' movements.

37. The nation's sovereignty was compromised when the Aquino administration signed on April 28, 2014 the Enhanced Defense Cooperation Agreement (EDCA), which allows the return of the US bases in the country. EDCA has been added to the much-contested Visiting Forces Agreement (VFA), which already gives lopsided benefits to US troops who "visit" the country.

38. Up to the present, women stand firm in opposing EDCA not only because it tramples upon the country's sovereignty, but also because of the social ills associated with the presence of US troops in the country, particularly the issue of prostitution around the base areas and cases of sexual violence committed by US soldiers against Filipino women and children. Many of these cases have remained unresolved. The recent prominent cases that were brought to court, like the Jennifer Laude murder by US Serviceman Joseph Pemberton, fell short of providing real justice to the victims.

39. With the return of US military troops in the country, CWR and GABRIELA estimate that more women will be recruited into prostitution. Based on initial data gathered, the red light districts in Subic and Angeles City were revitalized, serving, as in the past, as “rest and recreation” areas for US military troops during war exercises dubbed as “*Balikatan*” exercises by the US and Philippine governments. Night Bars even offer “military appreciation discount” for US military clientele. CWR and GABRIELA also found out that in Angeles City (Central Luzon), most of the women employed as waitresses, dancers, and entertainers came from the poor provinces all over the country. Many of them came from the Eastern Visayas, particularly from Samar and Leyte, and other impoverished provinces that were highly devastated by typhoons.

Prospects and Challenges for Filipino Women Under the Duterte Administration

40. The incumbent government of President Rodrigo Duterte, who assumed into power on June 30, 2016) has vowed to reduce poverty in the country by nine percent at the end of its six-year term.¹² This, the administration aims to do by ensuring food security, education, security of land tenure, an end to labor contractualization, and expansion of the Conditional Cash Transfer program, among others.

41. However, the current government has also vowed to continue the macroeconomic neoliberal policies pursued by previous governments which have in the first place caused greater poverty among the people, and has put the country in the quagmire of a foreign debt crisis. In particular, the government intends to accelerate physical infrastructure spending to five percent of GDP under a private-public partnership (PPP) framework and implementation of a progressive taxation policy and attract more foreign investments by ensuring ease of doing business in the country.

42. In his State-of-the-Nation Address in July 2016, the President likewise vowed to implement the Magna Carta on Women and Strengthen Implementation of the Responsible Parenthood and Reproductive Health Law.

43. The Duterte administration is yet to announce a new counter-insurgency operation. Instead, the President has extended the ‘hand of peace’ to the revolutionary National Democratic Front of the Philippines (NDFP), and has likewise announced a policy of pursuing national unity by staging a similar policy to Moro liberation movements such as the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF).

44. The first round of peace talks between the Government of the Republic of the Philippines (GRP) and the NDFP started in August in Oslo, Norway. A second round, to draft a Joint Agreement on Socio-economic Reforms is scheduled to be held on the first week of October 2016 in Norway. As part of the peace process, the NDFP has held a series of consultations with various people’s organizations aimed at eliciting proposals for sectoral and national socio-economic reforms for inclusion in the agreement. GABRIELA submitted to the NDFP a

“Women’s Agenda for Reforms” that contain proposals anchored on women’s fundamental and gender-specific concerns.

45. As part of goodwill measures, both the NDFP and the Philippine government issued their respective unilateral ceasefires. The Duterte government likewise released a number of political prisoners who were to take part in the peace process.

46. However, the Duterte administration’s campaign against illegal drugs is hounded by criticisms of massive violations of due process victimizing poor street-level drug users and traders. Many of these violations were committed by elements of the Philippine National Office, under an unwritten policy of both judicial and extra-judicial liquidation of the vast underground drugs network.

Recommendations

47. As Filipino toiling women continue to be marginalized during the period being reviewed (July 2012 – July 2016), Gabriela and CWR put forward their recommendations to the newly installed Duterte government and pray that the UNCHR and member states support these proposals, which include the following:

47.1. Ensure that the current peace negotiation be fruitfully pursued by acceding to the demands for genuine socio-economic and political reforms in the country. As stakeholders, women take interest in the peace process as the resolution of the roots of the armed conflict also constitute a fundamental interest of the overwhelming majority of Filipino women.

47.2. As military operations go unabated in the countryside, peasant women and their families could not tend their farm and their children could not go to school. As the government puts larger budget in defense and counter-revolutionary programs, women and their families suffer the brunt of economic crisis such as lay-offs, loss of social services, and hunger. As the military uses rape and violence as tools of war and suppression, women – especially activists and women in remote, indigenous communities – suffer such abuse.

47.3. Push the peace process forward through the granting of an omnibus and unconditional amnesty for all political prisoners, and the immediate release of all women and ailing political prisoners.

47.4 Immediate pull- out of military troops nationwide and a stop to military offensives against communities and pave the way for the return of the evacuees, especially the indigenous peoples of Mindanao.

47.5. Repeal the Herrera Law and concomitant orders of the Labor Department that legalize contractualization. In the meantime, enforce regulations which would prohibit employers from circumventing labor laws. Legislative proposals such as the Regular Employment Bill should be certified as urgent to promote full employment of Filipinos. In pursuant with the Magna Carta of Women, women should enjoy equal opportunities as men in work, receive equal

pay for equal work and enjoy guarantees against discrimination in hiring, promotion and training.

47.6. Pursue cases against companies that did not comply with safety regulations, which resulted in the tragic deaths of their workers. Settlements should not stop the government from pursuing cases against the company owners of Kentex, Novo Jeans, Asia Microtech and others. Investigations must be made so that local bureaucrats and government officials responsible for securing safety permits to the companies are held accountable. Support should also be given to the families and kins of the victims.

47.7 Resolve all pending agrarian reform cases. Immediate review of past orders issued on land exemption, exclusion, retention, conversion and cancellation of titles given to beneficiaries must be done. File appropriate cases against illegal and premature land conversion. Prioritize the review of agribusiness permits, leasehold and stock distribution arrangements between landowners and tenants. Support (through condonation) farmer beneficiaries with unpaid bank penalties.

47.8. Give land access to all qualified tenant farmers, paying attention to women-headed households. Ensure greater state support for women farmers and food security for Filipinos.

47.9 Adequate protection must be given to the country's food producers. Immediate review of Philippines' engagement with World Trade Organization's (WTO) Agreement on Agriculture must be done to reverse the damaging effects of liberalization in agriculture, which permits importation of agricultural products and consequently kills off the livelihood of farming families.

47.8 Instead of alleviating poverty through CCT/ 4Ps, the Department of Social Work and Development should coordinate with Labor and Education Departments to push for job generation, livelihood programs, and skills training to make the beneficiaries self-reliant.

47.9 Review implementation of the laws on VAW and the Magna Carta on Women, and ensure effective implementation by including provisions for the participation of grassroots-based women's organizations. In the immediate application, conduct appraisals to evaluate the knowledge, awareness, and skills of barangay units nationwide in handling VAW cases. Additional one-stop support centers and shelters for VAWC victims need to be established nationwide.

47.10 Initiate the abrogation of all military agreements with the US that compromise our national sovereignty such as VFA and EDCA. Such military agreements make the country vulnerable to wars of aggression and invasion as well as open the resources of the country for daily operational requirements of other countries especially the US.

¹ International Convention on the Elimination of all Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Optional Protocol to the International Covenant on Civil and Political Rights, Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 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, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Convention on the Rights of Persons with Disabilities

² Annex to the note verbale dated 9 October 2015 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly, Candidature of the Philippines to the Human Rights Council, 2016-2018, par. 9

³ Annex to the note verbale dated 9 October 2015 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly, Candidature of the Philippines to the Human Rights Council, 2016-2018, par. 24

⁴ Birdtalk, Political and Economic Briefing Year-end 2015, Ibon Philippines, January 21, 2016

⁵ Worst Jobs Crisis by Far: Job Creation Down; 24 Million employed in Poor Quality Work Under Aquino, April 30, 2016, Ibon Philippines

⁶ 2014 Self-Rated Poverty Worst in Eight Years, <http://www.bworldonline.com/>, December 29, 2014

⁷ Center for Women's Resources, "4Ps: the Magic Pill for Women? A presentation on the Initial Results of the Qualitative Study of the Experiences and Views of CCT Women Beneficiaries," Monograph Series no. 1, 2011-2013.

⁸ <https://psa.gov.ph>

⁹ Rapid Assessment of the Magna Carta on Women and Other Laws for Women in the Electronics Industry in Export Processing Zones in the Philippines, Crispin Beltran Resource Center, 2015

¹⁰ Philippine Fifth Progress Report for the Millennium Development Goals, National Economic and Development Authority, 2014

¹¹ Karapatan, "State forces raped women, 7 of 10 victims are minors", 6 December 2015

¹² Duterte Aims to Pluck 9M Filipinos From Poverty, www.philstar.com, June 21, 2016