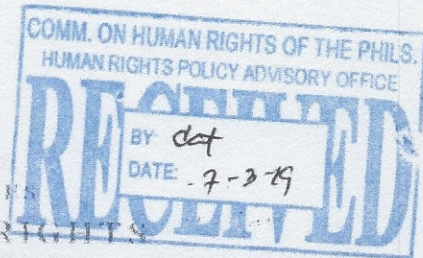


REPUBLIC OF THE PHILIPPINES
COMMISSION ON HUMAN RIGHTS



HUMAN RIGHTS ADVISORY ON THE CONCLUDING OBSERVATIONS ON THE COMBINED 7th AND 8th PERIODIC REPORTS OF THE PHILIPPINES ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CHR A2019-004

The Commission on Human Rights (hereinafter "the Commission"), as an "A" Status National Human Rights Institution (NHRI) and as the Gender and Development Ombud under the Magna Carta of Women, issues this advisory following the 2016 adoption by the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") of the Concluding Observations on the Combined 7th and 8th Periodic Reports of the Philippines ("2016 Concluding Observations")¹, for the purpose of providing updates on the effectiveness of the State Party's implementation of the recommendations set forth in the 2016 Concluding Observations. The advisory serves as a reminder to the State to continue strengthening its efforts towards ensuring the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights pursuant to its commitment under CEDAW.

Historical Background

The Philippines ratified the CEDAW on August 5, 1981. In compliance with its reportorial obligation thereto, the Philippines submitted its initial State report to the CEDAW Committee in 1984. Over the last two (2) decades, the Philippines has submitted six (6) State reports to the Committee, the most recent of which is its combined 7th and 8th periodic reports,² submitted in January 2015.

The Philippines' combined 7th and 8th reports highlighted various measures undertaken to ensure the protection and promotion of women among which are the following:

- The enactment of Republic Act No. 9710 or the Magna Carta of Women (MCW) in 2009. The MCW serves as the national translation of the CEDAW. It designates the Philippine Commission on Women (PCW) as the "primary policy making and coordinating body of women and gender equality concerns" and the "overall monitoring body" to ensure the implementation of the MCW. The MCW also designates the Commission as the country's Gender Ombud, sharing the coordination and monitoring functions with the PCW.

¹ UN Committee on the Elimination of All Forms of Discrimination against Women. Concluding observations on the combined seventh and eighth periodic reports of the Philippines. July 5 2016.
https://digitallibrary.un.org/record/841795/files/CEDAW_C_PHL_CO_7-8-EN.pdf (last accessed on 13 August 2018)

² Philippines Combined seventh and eighth periodic reports of States parties due in 2010 (CEDAW/C/PHL/7-8). 2 March 2015.
<http://library.pcw.gov.ph/sites/default/files/Combined%207th%20%26%208th%20CEDAW%20Philippine%20Progress%20Report.pdf> (Last accessed in 23 August 2018)

As Gender Ombud, the Commission is mandated to: advocate for gender equality and for the promotion and protection of women's human rights; strengthen human rights education for all; assist in the filing of cases against individuals, agencies, institutions or establishments that violate the MCW; investigate violations including those committed by private institutions or private individuals; monitor government compliance of CEDAW and the MCW and recommend appropriate measures/policies to agencies for effective implementation; and recommend sanctions under administrative law, civil service, or appropriate laws in cases of findings of violations of the MCW or its implementing rules or regulations;

- The enactment of the Responsible Parenthood and Reproductive Health Act (RPRH Act),³ the Expanded Breastfeeding Promotion Act of 2009 (RA 10028)⁴, and the "Batas Kasambahay" (RA 10361) protecting the rights of domestic workers;⁵
- Proposed amendments to eliminate remaining discriminatory provisions under the Family Code, the Revised Penal Code, and other penal laws, such as the Anti-Rape Law;
- Updates as to mechanisms established to strengthen the promotion of equal rights between men and women.

One notable advancement in this regard is the establishment of the gender and development focal point system (GFPS) which is now in place in a number of government agencies. Gender mainstreaming, according to the State report, has also been introduced in a number of public offices to ensure that policies and plans are gender responsive. The report also indicated efforts to promote public awareness and consciousness on gender-based violence and violence against women as well as measures to change traditional stereotypical attitudes and perceptions about women;

- Updates as to actions undertaken to protect the rights of the women from the vulnerable sectors of society such as the indigenous peoples and overseas Filipino workers (OFW).

Following the submission of the combined reports of the Philippines, the CEDAW Committee, during its 64th session, adopted the 2016 Concluding Observations⁶ (see CEDAW/C/SR.1405 and 1406). The concluding observations can be classified into four (4) salient components:

1. Legislative frameworks and mechanism.
2. Discrimination, stereotyping and other harmful practices;
3. Gender-based violence against women;
4. Sexual and reproductive health.

The succeeding sections of this advisory provides a brief overview of the matters raised by the Committee in the Concluding Observations, as well as the noted existing challenges and barriers which prevent the full implementation of the CEDAW, with particular focus on sexual and reproductive health, pending proposed legislations

³ Republic Act No. 10354, otherwise known as the Responsible Parenthood and Reproductive Health Act (RPRH Act) guarantees "universal access to medically-safe, non-abortifacient, effective, legal, affordable, and quality reproductive health care services, methods, devices and supplies".

⁴ Republic Act No. 10028 aims to encourage, protect and support the practice of breastfeeding and create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

⁵ Republic Act No. 10361 aims to protect domestic workers and recognize their special needs to ensure safe and healthful working conditions

⁶ UN Committee on the Elimination of All Forms of Discrimination against Women. Concluding observations on the combined seventh and eighth periodic reports of the Philippines. July 5 2016.

https://digitallibrary.un.org/record/841795/files/CEDAW_C_PHL_CO_7-8-EN.pdf (last accessed on 13 August 2018)

amending the anti-rape law, and the law regulating abortion – issues which the Committee requested for the state to expound on in a follow-up report to be submitted two (2) years after the Concluding Observations⁷.

Legislative frameworks and mechanisms⁸

In the Concluding Observations, the Committee welcomed the adoption of the MCW in 2009. Further, the Committee stressed the crucial role of the legislative power in the full implementation of the Convention. It reminded the state of the several proposed measures still pending in Congress, including amendments to the Family Code, the Revised Penal Code, the Anti-Rape Law of 1998, the Anti-Sexual Harassment Act of 1995, and the Code of Muslim Personal Laws.⁹

The Committee also expressed concern over the stringent procedures for legal separation. The Committee recommended that the government strengthen efforts for the full and timely implementation of women's priority legislative agenda and urged the government to provide means to advance the empowerment of women and improve access to social security for women and the adoption of gender-responsive social protection.¹⁰ The Committee further recommended the adoption of comprehensive legislation on gender-based violence against women covering all forms of violence and noted the limited scope of existing laws particularly the Anti-Violence Against Women and their Children Act (Anti-VAWC Act of 2004) or Republic Act No. 9262

Overall, the Committee called on the government to accelerate progress towards the fulfillment of human rights of women by adopting a gender-sensitive and responsive approach to development, peace and security, justice, migration, climate change, and disaster risk reduction responses. The Committee stressed the need for the government to effectively work with the Philippine Commission on Women, the Commission on Human Rights of the Philippines, and other women's organizations for the provision of services for women.¹¹

Discrimination, stereotyping, and other harmful practices

In its Concluding Observations, the Committee noted several instances of discriminatory practices still existent particularly with respect to education, employment and compensation, participation and public life, access to justice and healthcare, and marriage and family relations. The Committee likewise gave particular attention to disadvantaged groups of women such as indigenous people, women with disabilities, and lesbian, bisexual and transgender women, who continue to face heightened risk of violence, discrimination, and exploitation.¹²

With respect to stereotyping and other harmful practices, the Committee recognized efforts of the government to eliminate gender stereotypes from teaching materials in schools which reinforces traditional gender roles. It however noted with particular concern the derogatory statements and behaviors by high-level political figures with respect to women.¹³

The Committee also noted that judicial, legal, and other procedures in courts, police stations, and health care facilities are not sufficiently accessible to persons with

⁷ CEDAW/C/PHL/CO/7-8 Par. 56

⁸ CEDAW/C/PHL/CO/7-8 Par. 10-13

⁹ CEDAW/C/PHL/CO/7-8 Par. 7, 11, 13

¹⁰ CEDAW/C/PHL/CO/7-8 Par. 9, 13

¹¹ CEDAW/C/PHL/CO/7-8 Par. 17

¹² CEDAW/C/PHL/CO/7-8 Par. 43

¹³ CEDAW/C/PHL/CO/7-8 Par. 23

disabilities and are often gender-insensitive. The Committee emphasized that this situation poses barriers to avail of effective remedies for women and further pushes women into the margins. As such, the Committee recommended that the government institute measures that guarantee sufficient access to women in marginalized sectors and to strengthen effectivity of measures already in place.¹⁴

Gender-based violence against women

The Committee emphasized the prevalence of gender-based violence against women and girls and noted with concern the low number of actual reports by victims of violence due to the stigmatization and discrimination of victims. It noted that the costly and lengthy procedures for legal separation and annulment compel women who are victims of gender-based violence, to be further victimized in abusive relationships.¹⁵

Sexual and reproductive health¹⁶

With respect to sexual and reproductive health and rights, the Committee noted the 2014 decision of the Supreme Court recognizing the constitutionality of the Responsible Parenthood and Reproductive Health Act and its effectivity. However, the Committee noted with concern the presence of severe restrictions in women's access to sexual and reproductive health despite the existence of the said law and urged the government to ensure its full implementation, without delay. The Committee particularly noted the adoption of "pro-life" ordinances in local government units which resulted in the withdrawal of modern contraceptives from health facilities.

The Commission emphasizes that while sexual and reproductive health more commonly addresses the care of the physical body of women, ensuring mental health is equally important. In 2009, the World Health Organization noted that women are at greater risk for mental health issues because of the socio-cultural and political factors that reinforce, even institutionalize, gender-based discrimination and violence against women. However, there is limited information on mental health of women as it relates to their issues in sexual and reproductive health.

I. Positive Developments since the Adoption of the Concluding Observations

The Commission welcomes the government's progress and achievements on the advancement of the rights of women since the adoption of the 2016 Concluding Observations.

With respect to legislative measures, the Commission notes with appreciation the formulation of the priority legislative agenda for women through the Philippine Commission on Women (PCW). The legislative agenda, composed of twelve (12) bills,¹⁷ seek to amend or repeal the discriminatory provisions under existing laws which enforce oppression of women, and moves for the formulation and adoption of

¹⁴ CEDAW/C/PHL/CO/7-8 Par. 14-15

¹⁵ CEDAW/C/PHL/CO/7-8 Par. 25-26

¹⁶ CEDAW/C/PHL/CO/7-8 Par. 39-40

¹⁷ The twelve bills included in the priority legislative agenda are as follows: 1) Strengthening the Provisions of R.A. 8353: Amending the Anti-Rape Law ; 2) Increasing and Harmonizing Maternity Leave for those in the Government and Private Sectors; 3) Eliminating Discrimination Against Women in the Revised Penal Code (Rpc): Decriminalizing Adultery and Concubinage; 4) Enacting a Women's Political Participation and Representation Law; 5) Strengthening Law Enforcement and Protection Against Sexual Offenses: Expanding the Anti-Sexual Harassment Law; 6) Ensuring Women's Equal Rights in Marriage and Family Relations; 7) Amending the Family Code Provision on Legal Separation; 8) Magna Carta Of Workers in the Informal Economy; 9) Enacting the Anti-Prostitution Law: Amending Articles 202 And 341 of The Revised Penal Code (RPC); 10) Upholding the Right to Life and Security of Spouses and Daughters: Repealing Article 247 of the Revised Penal Code; 11) Enacting an Anti-Discrimination Based on Sexual Orientation and Gender Identity Law; 12) Adopting Divorce in the Family Code.

new legislative measures and policies that promote women's empowerment and gender equality.¹⁸

One notable advancement in relation to the above is the approval of the '*Expanded Maternity Leave Bill*' (Senate Bill No. 1305 and House Bill No. 4113) by the Congress' bicameral conference committee last October 2018. Once passed into law, the bill would grant 105 days of paid maternity leaves to all working mothers, seven (7) days of which may be transferred to the father therefore extending the latter's paid paternity leave to fourteen (14) days. This would not only give expectant mothers the opportunity to ensure the best possible conditions for a health delivery; it likewise recognizes that child-rearing is a shared responsibility of both parents.

Another positive development is the passage of the '*Anti-Discrimination Act*' (House Bill No. 4982)¹⁹ on third and final reading last 20 September 2017. The Commission considers this as an important step towards protecting the rights of all, regardless of their sexual orientation and gender identity, taking note of the right to freedom from discrimination under Article 2 of the Universal Declaration of Human Rights (UDHR)²⁰.

With respect to gender-based violence, the Commission acknowledges the following proposed bills which aim to recognize and penalize varying forms of VAWC:

- The 'Tres Marias bills' composed of the *Anti-Rape Act* (Senate Bill No. 1252), the *Anti-Sexual Harassment Bill* (Senate Bill No. 1250), and the *Gender-Based Electronic Violence Bill* (Senate Bill No. 1251) which seek to strengthen the existing Anti-Rape Law, criminalize peer-to-peer sexual harassment and impose penalties on perpetrators of misogynistic and homophobic attacks on social media and other multimedia sites;²¹
- The *Address Confidentiality Program Act* (House Bill No. (HB) 1471) which seeks to ensure the protection of women's fundamental rights by establishing the Address Confidentiality Program to substitute mailing address, to help women who are victims of VAWC to return into the mainstream of society. ²²
- The "*Violence Against Women Research Act*" (HB 2850) which seeks to establish a task force that shall develop a uniform law enforcement strategy in order to protect women against violent crime, punish persons who commit such crimes, and enhance the rights of victims. ²³
- The "*2017 Anti-Domestic Violence Act Against Individuals Including Members of the LGBT Community Other than Women and Children*" (HB 5584) which aims to supplement existing laws on VAWC and to extend protection to

¹⁸ Philippine Commission on Women. Women's Priority Legislative Agenda. <http://www.pcw.gov.ph/wpla> (last accessed on 12 January 2018)

¹⁹ House Bill No. 4982 or 'An Act Prohibiting Discrimination on the Basis of Sexual Orientation or Gender Identity or Expression (SOGIE) and Providing Penalties therefore' seeks to penalize those who will be found practicing discrimination based on sexual orientation or gender identity

²⁰UDHR, Art.2 - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

²¹ Senate of the Philippines, 17th Congress. Hontiveros files "Tres Marias" bills vs. gender-based electronic violence, peer-to-peer sexual harassment and Rape. http://www.senate.gov.ph/press_release/2016/1122_hontiveros1.asp November 22, 2016 (last accessed on 27 October 2017)

²² House Bill No. (HB) 1471, entitled "An Act to Establish the Address Confidentiality Program for Victims of Violence Against Women and their Children, Providing Penalties for Violation Thereof, Appropriating Funds Therefor, and for Other Purposes", introduced by Representative Harlin Neil J. Abayon III. http://www.congress.gov.ph/legisdocs/basic_17/HB01471.pdf (last accessed on 20 September 2018)

²³ HB 2850, entitled "An Act Establishing a Task Force to Recommend a Uniform Strategy to Protect Women Against Violent Crime," introduced by Representative Luisa Lloren Cuaresma. http://www.congress.gov.ph/legisdocs/basic_17/HB02850.pdf (last accessed on 20 September 2018)

members of the lesbian, gay, bisexual, transgender (LGBT) community who equally suffer domestic violence.²⁴

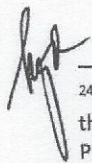
With respect to amendments to the Anti-Rape Law (Republic Act No. 8353), the Commission acknowledges efforts undertaken by the Commission on the Welfare of Children (CWC) and the PCW in preparing a draft bill amending the Anti-Rape law. The draft bill aims to give particular focus on the lowering of the age of consent, among other issues.

With respect to reproductive health, the Commission acknowledges efforts undertaken by the government to improve women and girls' access to reproductive health (RH) services. Particularly, the Commission commends the issuance of Executive Order 12²⁵ which paves the way for the full implementation of the RPRH Act.²⁶ The Commission likewise acknowledges the Food and Drug Administration's (FDA) certification of 51 contraceptive products as "non-abortifacients" thereby making them legally available.²⁷

The Commission further acknowledges the lifting of the Supreme Court's Temporary Restraining Order (TRO) issued in 2016 which prohibited the Department of Health (DOH) and any of its agents from "procuring, selling, distributing, dispensing, administering, advertising and promoting" Implanon and Implanon NXT, and from approving applications for certification of contraceptive drugs and devices.²⁸

Moreover, the Commission appreciates the issuance of DILG of Memorandum Circular No. 2017-85 entitled 'Guidelines in Achieving Desired Family Size through Accelerated and Sustained Reduction in Unmet Need for Modern Family Planning Methods' which directs local government units (LGUs) to ensure full compliance to the RPRH law, provide sufficient funding therefor and to monitor the implementation of RH policies and services.²⁹

In relation to the Sorsogon City Mayor's issuance of Executive Order No. 3 entitled "An Executive Order Declaring Sorsogon City a Pro-Life City" in 2015 which resulted in the withdrawal of modern contraceptives from Sorsogon City and community health facilities therein, the Commission reports that based on the investigative monitoring report of CHR Region V, the Sorsogon City LGU is now starting to comply with the RPRH Act through the issuance of relevant memoranda for its full

 ²⁴ HB 5584, entitled "An Act Defining Domestic Violence Against Individuals Including Members of the LGBT Community Other than Women and Children and Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes," introduced by Representative Federico S. Sandoval II. http://www.congress.gov.ph/legisdocs/basic_17/HB05584.pdf (last accessed on 20 September 2018)

²⁵ This Order aims to intensify and accelerate the implementation of critical actions necessary and sustain 'zero unmet need for modern family planning' for all poor households by 2018, and all of Filipinos thereafter, within the context of the [RH] Law and its implementing rules. The order was issued amid the temporary restraining order issued by the Supreme Court on contraceptive implants, a contraceptive that can prevent pregnancies up to three years. In November 2017, the Department of Health reported that it is now gearing up for the full implementation of the Act after the Food and Drug Administration (FDA) found that the 51 contraceptive products covered by the temporary restraining order (TRO) of the Supreme Court are not abortifacient or cannot cause abortion.

²⁶ Viray, Patricia Lourdes. "Duterte signs EO to implement RH". *The Philippine Star Global*, January 2017. <http://beta.philstar.com/headlines/2017/01/11/1661456/duterte-signs-eo-implement-rh-law#rTHCwJRDyJfkhKIZ.99> (last accessed on 9 January 2018)

²⁷ FDA Advisory No. 2017-302: Results of the Food and Drug Administration's re-evaluation of contraceptive products for recertification (November 2017).

²⁸ In 2016, the Supreme Court, in the case of ALFI vs DoH, issued a temporary restraining order (TRO) prohibiting the DOH and any of its agents from "procuring, selling, distributing, dispensing, administering, advertising and promoting" Implanon and Implanon NXT and preventing it from approving applications for certification of contraceptive drugs and devices. The TRO was only lifted in 2017 after FDA's certification that the questioned drugs are "non-abortifacients".

²⁹ Memorandum Circular No. 2017-85 entitled 'Guidelines in Achieving Desired Family Size through Accelerated and Sustained Reduction in Unmet Need for Modern Family Planning Methods'. (July 2017) <http://www.dilg.gov.ph/issuances/mc/Guidelines-on-the-Implementation-of-Administrative-Order-No-2017-0005-Entitled-Guidelines-in-Achieving-Desired-Family-Size-through-Accelerated-and-Sustained-Reduction-in-Unmet-Need-for-Modern-Family-Planning-Methods/2534> (last accessed on 5 September 2018)

implementation, taking into account the observance of informed choice, voluntarism, accessibility, availability, and comprehensive application of RPRH Act.

On the integration of age-appropriate education on sexual and reproductive health into school curricula, the Commission welcomes the issuance of Department Order No. 31, s. 2018 which provides for "policy guidelines on the implementation of the comprehensive sexuality education (CSE)." The Department Order aims to establish a common understanding of CSE key concepts and messages, and to ensure clear implementation of protocols in the CSE.³⁰ This issuance is a welcome development which fulfills the recommendation of the CEDAW Committee.³¹ It is also a step towards ensuring that students are equipped with appropriate life skills that advance gender equality and empowerment which lead to positive attitudes towards reproductive health. This is envisioned to reduce risks related to poor sexual health understanding.

Finally, the Commission recognizes the positive response of the government towards women and children who were forced out of their homes due to natural disasters and armed conflict. The Commission acknowledges in particular the efforts of the Department of Social Welfare and Development (DSWD), together with humanitarian organizations, to provide friendly spaces for the evacuees³² during the onslaught of the Marawi Crisis. These spaces are utilized by breastfeeding mothers and provides internally-displaced women with a safe space to meet, talk and support each other.³³ Aside from the provision of these spaces, women and children were likewise given cash aid and relief.

II. Existing Challenges in the Full Implementation of the CEDAW Concluding Observations

While the efforts of the government to pursue the rights of women are promising, several women's rights issues are left unaddressed.

The Commission notes in particular the lack of support and advocacy for the enactment of gender-related legislative measures. It is observed that several bills which are necessary to strengthen the implementation of the Magna Carta of Women have long been pending in Congress. With this, it should be emphasized that women play a large role in nation building and development; as such, the fulfillment and protection of the rights of women through positive legislative measures should be ensured.

With respect to the provision of appropriate health care services for women and the implementation of the RPRH Act, the Commission notes that although the efforts of the government pertaining to the implementation of the RPRH Act are laudable, there is still a need to address remaining barriers that hamper the full realization of the rights of women and girls to reproductive health.

In 2016, the Commission launched its National Inquiry Report on Reproductive Health Rights entitled: "Let our voices be heard."³⁴ In the course of the inquiry, fifteen (15) regional consultations were held across all areas wherein regional offices of the Commission are located, hearing from a wide range of groups, including persons with disabilities. In the Report of the Commission on the National Inquiry, it was concluded that the inquiry has shown varying degrees of support from different Local

³⁰ Department Order No. 031, s. 2018. Policy Guidelines on the Implementation of the Comprehensive Sexuality Education. (2018)

³¹ CEDAW/C/OP.8/PHL/1 Paragraph 52 (g)

³² As required under the Implementing Rules and Regulations of R.A. No. 9710 of the Magna Carta of Women Act of 2009 (Sec. 13)

³³ Reliefweb, *DSWD prepares women and children – friendly spaces for Marawi crisis evacuees; says community, women should be consulted in disaster preps.* 21 June 2017. <https://reliefweb.int/report/philippines/dswd-prepares-women-and-children-friendly-spaces-marawi-crisis-evacuees-says> (last accessed on 12 January 2018)

³⁴ Commission on Human Rights of the Philippines. "Let our voices be heard": Report of the Commission on Human Rights of the Philippines' National Inquiry on Reproductive Health and Rights. 2016.

Government Units (LGUs) towards RPRH, ranging from full support to outright refusal. Aside from the uneven support in the implementation of the RPRH Act and how it resulted in the fragmented delivery of RH services nationwide, the Commission was also able to identify existing discriminatory policies and legal barriers in the enjoyment of women's right to reproductive health under CEDAW which lead to further marginalization of women.

Among the prominent and persistent barriers the Commission identified in the inquiry are the following: (1) lack of information on VAW and RH services; (2) religious and cultural resistance resulting to refusal to provide RH-related services; (3) unavailability of family planning (FP) supplies and the "lack of sufficient resources" of LGUs to provide the same; (4) issues of cultural sensitivity; (5) lack or inadequate support and incentives for health workers and health service providers; and (6) lack of health-seeking behavior among women clientele.

A year after the national inquiry, the Commission notes that there are still matters left to address with respect to the women's right to reproductive health. In 2017, five (5) Regional Offices of the Commission submitted their annual report on the implementation of the RPRH Law. In the reports, it showed that generally, RH goods and services are now available across the nation, but in varying degrees. For instance, In Region II, some users of birth control pills (Excluton) from public health offices reported experiencing adverse effects thereby prompting them to resort to commercial contraceptives bought in drugstores. Further, in the City of Balanga, it was reported that the LGU does not procure its own contraceptives therefore relying on DOH Region III for its supply of contraceptives due to the "Pro-Life" ordinances issued by the City Mayor.

In Region VIII, Municipal Health Offices (MHOs) are generally supportive in the implementation programs providing artificial contraceptives, with the exception of the MHO of Naval, Biliran City which refuses to endorse the use of artificial contraceptives and encourages couples to use natural family planning methods.

In Region V, there remains a lack of appropriate and balanced information regarding reproductive health rights and such information is highly demanded both by women acceptors and service providers.

With respect to the administration's ongoing war on drugs, the Commission expresses concern over the continuing spate of extra-judicial executions (EJE) in the country due to the current administration's campaign against illegal drugs. It should be emphasized that extra-judicial executions affect family members of victims in various ways, especially the women and girl children who are left behind. In fact, reports from the Commission's regional offices show that families left behind because of EJE, often wives, live in partners, children or mothers of victims, suffer from trauma, fear and other psychological problems.³⁵

Another gendered impact of the war on drugs is the economic burden on women caused by the deaths of husbands and live-in partners. The Commission's protection office has reported that the victims of the government's war on drugs are primarily from low socio-economic status. Thus, when the victims are executed, these women and children who are left behind usually have no livelihood and no means to support themselves. Saddled with the care of children, the details of burials and issues of safety and security, and access to justice for the killings, it may be concluded that women's multiple burdens are even more pronounced in the context of the country's war on drugs.³⁶

Moreover, based on the findings of the Commission's Protection Office following the conduct of monitoring of detention facilities, the war on drugs has resulted to the

³⁵ Commission on Human Rights of the Philippines. Gender Ombud Report 2016, pg. 25

³⁶ Ibid.

congestion of female detention centers. It was noted that as the number of female detention centers are lesser than that for men, congestion in female detention places becomes a continuing concern. In the Quezon City Female Detention Center, for instance, they have recorded an increase of 100 detainees per month since September 2016 and it is projected that congestion will worsen in the coming years.³⁷

The Commission also raises particular concern over the existence of barriers affecting access to justice which include: insensitivity of service providers, lack of adequate support system, including financial support in pursuing complaints and cases in court, inaccessibility of shelters and psychosocial interventions, and failure to issue or implement protective measures provided by the law. These barriers serve as hindrances to women in seeking legal redress resulting to massive under-reporting of gender-based violence cases. Without a database accurately reflecting the number of gender-based violence cases, it would be challenging for the government to properly identify areas where it failed to establish measures for the protection of the rights of women.

In the case of women with disabilities, one notable obstacle with regard to access to justice is the lack of sign language interpreters allegedly due to budget constraints. Special education teachers who serve as interpreters are often not fully trained to assist victims of sexual abuse, particularly children victims who require various levels of interpretation.³⁸

With respect to rural women and girls, the Commission notes those situated in geographically isolated areas face heightened risks to gender-based violence (GBV) and are faced with greater barriers in accessing justice. Invisibility and non-reporting of GBV remains a problem, especially in inaccessible and disadvantaged areas³⁹.

It is also worth emphasizing that gender-based violence occurs in various forms including those that are technologically-mediated and done through cyberspace.⁴⁰ Considering the continuing advancement of technology which can further expose women to risks of electronic gender-based violence (eVAW), it is crucial for the government to make necessary amendments to existing laws as to include within the scope and definition of violence against women those perpetrated in through electronic means and perpetrated in cyberspace, and to establish new mechanisms that would allow women to effectively seek legal redress against such form of violence.

As regards women migrant workers, the Concluding Observations gave emphasis on the widespread exploitation and abuse of Filipina migrant workers and the insufficient support provided to reintegrate those who return. It further underscored that existing policies do not cover unskilled migrants, which constitutes a large number of Filipina migrant workers.

In November 2017, ASEAN heads of states signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. While the Commission and partner civil society organizations welcome this advancement, there are concerns regarding its limited coverage. It should be emphasized that the Philippines has the largest percentage of migrant workers among ASEAN member states. From 53% in 2007, the percentage has gone up to more than 70% in 2014. It is worth noting that Filipino migrant workers remain concentrated in jobs that are vulnerable to abuse and exploitation. These workers include domestic workers, cleaners, laborers, and those

³⁷ Ibid.

³⁸ Presentation from the Philippine Federation for the Deaf (PFD), "Problematising Access to Justice of Women with Disabilities" 21 April 2017, Bulwagang Ka Pepe, Organized by the CHRP Gender Equality and Women's Human Rights Center, Quezon City, Philippines.

³⁹ Commission on Human Rights, *Gender Ombud Advisory: Comments of the Commission on Human Rights to the CEDAW Committee Draft on General Recommendation 19 (1992): Accelerating elimination of gender-based violence against women*, 2015. (last accessed on 11 October 2018)

⁴⁰ Take Back the Tech Philippines. FMA joins 1st Senate Public Hearing on Gender-Based Electronic Violence. <http://www.fma.ph/?p=734> January 26, 2017.

in the service sector. As the aforementioned jobs are dominated by women,⁴¹ the situation may show that there is a lack of skilled work opportunities for women in the Philippines.

"The Philippines is one of the world's top four sending countries of migrant domestic workers, [most of them women] with an average of 86,000 Filipinos migrated for jobs as domestic workers or household service workers every year between 1992 and 2015."⁴² The Middle East is a major receiving region of Filipino domestic workers, where widespread accounts of abuse are reported, including cruel, inhuman and degrading treatment.⁴³

Lastly, the Commission notes with concern the lack of sex-disaggregated data which generally affects resource allocation and hinders women from receiving social services such as proper education, access to justice, equal employment, sexual and reproductive health services, access to support mechanisms and facilities, and the like. Without sex-disaggregated data, there would be no clear indicator that can be used in determining the sufficiency and effectivity of basic services provided. A repository of data at the regional level is also very critical for monitoring progress relative to development targets specific to women indicated in national development plans and international commitments.

Conclusion and Recommendations:

The Commission strongly urges the Philippine Government to consider the recommendations under the 2016 Concluding Observations and to take the necessary steps to ensure its full implementation. The Commission reiterates that it is a state obligation to comply with its commitments in ratified conventions to ensure continued protection and promotion of the rights of all women in the Philippines and Filipino women migrants abroad.

With respect to legislative measures, the Commission:

- Urges the National Economic and Development Authority (NEDA) to review the Philippine Development Plan (PDP) and other government development plans to guarantee that the same are inclusive and that issues affecting women, especially women in the vulnerable sectors, are duly taken into consideration;
- Calls on the Congress, in line with its mandate, to expedite the amendment, revision, and formulation of bills included in the women's priority legislative agenda and such other laws responding to the human rights of women. The Commission further reminds the government to ensure the participation of women in policy formulation processes;
- Strongly urges the Congress to prioritize the enactment of the CHR charter to strengthen the Commission on Human Rights and ensure its independence such that it may effectively uphold its duties and mandates under the constitution and its role as Gender Ombud under the Magna Carta of Women.⁴⁴

⁴¹ Inputs from the "Civil Society and Commission on Human Rights Statement on the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, October 2017," <http://unlabkabayan.org/ACMW-statement.pdf> (last accessed: 7 November 2017).

⁴² International Labour Organization. (2017). What will it take to protect Filipino domestic workers from abuse and exploitation in the Middle East? Available at: <http://apmigration.ilo.org/news/what-will-it-take-to-protect-filipino-domestic-workers-from-abuse-and-exploitation-in-the-middle-east> [Accessed 19 December 2018].

⁴³ On the situation of Filipino migrant workers in the Middle East, read pages 3-4 of the advisory of the Commission at: Commission on Human Rights of the Philippines. (2018). *Advisory on Overseas Filipino Workers on Death Row*. [online] Available at: <http://chr.gov.ph/wp-content/uploads/2018/11/A2018-004-Advisory-on-OFW-on-Death-Row-1.pdf> [Accessed 19 December 2018].

⁴⁴ CEDAW/C/PHL/CO/7-8 par. 20

With respect to labor issues, the Commission:

- Calls upon the Department of Labor and Employment (DOLE) to institute measures to eliminate inequality of men and women in employment and compensation as well as to oversee the implementation of directives against sexual harassment in the workplace and to actively lobby for bills amending the law on sexual harassment;
- Urges the government agencies tasked to protect the welfare of migrant workers, particularly the Department of Foreign Affairs, DOLE and its attached agencies Overseas Workers Welfare Administration (OWWA), and the Philippine Overseas and Employment Administration (POEA), and the Commission on Filipinos Overseas (CFO) to strengthen mechanisms for the protection of Filipina migrant workers against any forms of exploitation abroad;
- Encourages the Social Security System (SSS) to improve access to social security benefits of all Filipino citizens, especially unpaid women workers in rural and urban family enterprises or those working in the informal sector.

With respect to education, the Commission:

- Commends the Department of Education, the Commission on Higher Education and the Technical Education and Skills Development Authority for working towards the elimination of the use of teaching materials which reinforce gender norms and instigate discrimination against women; and
- Encourages the said institutions to continue this positive action and to likewise consider the same efforts towards the elimination of discrimination against people with diverse SOGIE.

With respect to access to justice, the Commission:

- Requests the Judiciary to carry out necessary actions to guarantee access to justice to women without fear of retribution and to work towards the expeditious disposition of cases involving gender-based violence; and
- Strongly encourages the Congress to review and amend policies in the justice system to ensure equality and non-discrimination to all women, including women with disabilities, making sure that procedural accommodations are institutionalized, and that awareness and sensitivity trainings of government officials are regularly conducted.

Finally, with respect to Local Government Units, the Commission:

- Calls upon the Local Government Units to: guarantee access to goods and services especially to women in vulnerable sectors; issue ordinances that would protect women against all forms of discrimination and other harmful practices; and to ensure the participation of women in all stages of policy development as well as in political discourse.

General recommendations:

The Commission strongly encourages the government to disseminate the text of the concluding observations to all its agencies and instrumentalities such that all may contribute towards the implementation of the recommendations in the concluding observations. The Commission emphasizes that it is only through unity that we may

be able, as a country, to address the human rights situations of and violations against women in all sectors. In line with this, the government is called to give necessary support and assistance to the Philippine Commission on Women which serves as the front-liner in overseeing the provision of government services to women. The Commission likewise urges the Philippine government to stay true to its commitment to human rights and to continue mainstreaming a human rights-based agenda in their national programs and policies to promote the welfare of women in all sectors, especially the most vulnerable groups.

The Commission reminds the government of the submission of its ninth (9th) periodic report in July 2020 and to duly comply with deadlines set by the Committee on CEDAW.

Finally, the Commission stresses the need for the government to constructively engage with the UN human rights treaty bodies. By engaging the treaty bodies, the government obtains the opportunity to learn from experts who comprise the Committee, and to adopt promising practices of other States in complying with obligations under the Convention. Furthermore, active engagement allows the State to make a resounding impression to the international community that it will stand by its statements of commitment towards the protection, promotion and fulfillment of the human rights of women.

Issued this 3rd day of June 2019, Quezon City, Philippines.

JOSE LUIS MARTIN C. GASCON

Chairperson

KAREN S. GOMEZ-DUMBIT

Commissioner

GWENDOLYN LL. PIMENTEL-GANA

Commissioner

LEAH C. TANODRA-ARMAMENTO

Commissioner

ROBERTO EUGENIO T. CADIZ

Commissioner