

Republic of the Philippines  
COMMISSION ON HUMAN RIGHTS  
Diliman, Quezon City

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**HUMAN RIGHTS CENTERS MANAGEMENT OFFICE**  
*Center for Gender Equality and Women's Human Rights*

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CGEWHR 30F-2021-01

**MEMORANDUM**

**FOR : THE COMMISSION EN BANC**

**THRU : KAREN GOMEZ-DUMPIT**  
**Focal Commissioner on Women**



**: THE COMMISSION SECRETARY**

**DR. RENANTE A. BASAS**  
Director, HRCMO



**FROM : ATTY. KRISSI SHAFFINA TWYLA A. RUBIN**  
OIC, CGEWHR

**SUBJECT : ADDITIONAL GEWHRC REPORTS/SITUATIONERS**  
**FOR APPROVAL**

**DATE : 10 October 2021**

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The Center submits the following situationers and reports for the approval of the Commission en Banc. These reports have been previously submitted but has been subjected to editing prior to submission to the en Banc. For consideration

**1. Community Based Peer Monitoring of WWDs (2020)** - This is the edited version of report previously submitted first quarter of this year. It presents the results of the Community Based peer monitoring of women with disabilities. These results have been validated and presented already to key agencies like DSWD, DILG and NCDA.

**Link:**

[https://docs.google.com/document/d/1pqA1VeOHETXwr\\_oEHxs9bbMMc6FXeK1ZhQzDxyyc7dw/edit?usp=sharing](https://docs.google.com/document/d/1pqA1VeOHETXwr_oEHxs9bbMMc6FXeK1ZhQzDxyyc7dw/edit?usp=sharing)

**2 Kwentong Krisis at Bahaghari: Stigma and Resilience of LGBTIQI During the Pandemic and the New Normal** - This is a compilation of submitted narratives from

LGBTQI individuals showing the impact of the pandemic in the LGBTQI community and organizations, the continuing experience of stigma and discrimination, and stories of resilience. It renders visible experiences of LGBTQI persons and organizations during the pandemic and new normal. These narratives have been published as social media cards last Pride 2020 in the Commission's website.

**Link:**

[https://docs.google.com/document/d/1\\_3pvHoD2aY\\_M7pQRtXOUzfSQbtdnA9rXlpxTvO0RjTI/edit?usp=sharing](https://docs.google.com/document/d/1_3pvHoD2aY_M7pQRtXOUzfSQbtdnA9rXlpxTvO0RjTI/edit?usp=sharing)

**3. Bearing of COVID-19 Pandemic on women vis-a-vis the Achievement of Sustainable Development Goal No. 5 (2020)** - This is a CHR-GEWHRC Commissioned research surveying the bearing of the COVID-19 pandemic on the achievement of Sustainable Development Goals number #5 on Gender Equality. The rich desk review ends with proposed areas for research and actions for government agencies.

**Link:**

<https://docs.google.com/document/d/1PF8xSSo3urNDRsQfJBvvQG6EJyEd5944PB5f3BSmEig/edit?usp=sharing>

**4. Gender Ombud Situationer 2020** - This updates the 2nd and 3rd Q report and consolidated data for the entire year. It includes updated data on GBV from the reporting portal as well as comparison of GBV data from the PNP.

**Link:**

[https://docs.google.com/document/d/1jQjKZeE1URV3tBYdw\\_\\_c\\_9Nd2Gs6zwBzIBM2bxtCSHM/edit?usp=sharing](https://docs.google.com/document/d/1jQjKZeE1URV3tBYdw__c_9Nd2Gs6zwBzIBM2bxtCSHM/edit?usp=sharing)

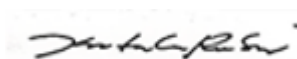
**5. Gender Ombud Situationer First Semester of 2021** - This situationer provides an analysis of continuing gender issues with the continuing onslaught of the pandemic in 2021. It updates and builds on the 2020 report and incorporates some of the submissions from regional offices,

**Link:**

[https://docs.google.com/document/d/1V8mWZNkLy3k0JfzprNxRw5\\_2TMDLj1Npqv85LoV3aqY/edit?usp=sharing](https://docs.google.com/document/d/1V8mWZNkLy3k0JfzprNxRw5_2TMDLj1Npqv85LoV3aqY/edit?usp=sharing)

The Center looks forward to the favorable consideration of these submission to the En Banc. Lastly, the Center requests that should there be edits and comments, we request as much as possible that they be directly inserted in the document either as corrections or comments.

We also would like to follow up on the Status of the approval of the National Inquiry Report on the RH of Women with Disabilities, submitted by the Center way back.



**Krissi Shaffina Twyla A. Rubin**



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

**RESOLUTION**  
**CHR (V) No. POL2022-005**

The Commission **RESOLVES** to **ADOPT** the following reports, submitted by the Gender Equality and Women's Human Rights Center, Human Rights Centers Management Office:

1. Community Based Peer Monitoring of WWDs (2020);
2. Kwentong Krisis at Bahaghari: Stigma and Resilience of LGBTQI During the Pandemic and the New Normal;
3. Bearing of COVID-19 Pandemic on women vis-a-vis the Achievement of Sustainable Development Goal No. 5 (2020);
4. Gender Ombud Situationer 2020; and
5. 1<sup>st</sup> Semester 2021 Gender Ombud Report.

**SO RESOLVED.**

Done this 12<sup>th</sup> day of January 2022, Quezon City, Philippines.

  
**KAREN S. GOMEZ DUMPIT**  
Commissioner

  
**GWENDOLYN LL. PIMENTEL-GANA**  
Commissioner

  
**LEAH C. TANODRA-ARMAMENTO**  
Commissioner

  
**ROBERTO EUGENIO T. CADIZ**  
Commissioner

ATTESTED BY:

  
**MARIA ASUNCION I. MARIANO-MARAVILLA**  
Commission Secretary

**CHR: Dignity of all**



## **1st Semester 2021 Gender Ombud Report**

### ***January to June 2021***

#### **I. Continuing Crisis. Continuing Gendered Impact**

In 2020, the global community dealt with an unprecedented challenge- that of the COVID-19 pandemic. The first few months of 2020 saw the global community shift to a stand-still with quarantines and lockdowns imposed in almost all countries all over the world, including the Philippines. Emergency measures were adopted, and immediate impacts were felt - in the economy, in the strain on the health sector, in the challenge of providing much needed assistance to those most marginalized and affected. By the end of 2020, the global data was staggering - cases rose to 83, 832,334 and 1, 824,590 deaths.<sup>1</sup> Data from the past year reveal the devastating impact of the pandemic on the poor and marginalized, it has also highlighted gender differentiated impacts - as seen in the rise of GBV cases, the shift to work from home and online education adding on to multiple burdens and unpaid care, among others.

As 2020 closed, and with the start of the vaccine roll out, 2021 started with much hope for a better year. November 2020 social weather station survey revealed that only half of Filipinos surveyed expected a happy Christmas, however 91% were hopeful for the coming year. While looking high, this still fell 5 points below 2019's 96% hopefuls for 2020.<sup>2</sup> Those who considered themselves poor were only 89% hopeful for a better 2021. Having survived two stretches of enhanced community quarantine in 2020 and various other formulations of government imposed containment measures, many Filipinos were hopeful for a better year in 2021. With the start of the global roll out of vaccines by the end of 2020, and the start of vaccination for medical frontliners by early March, Filipinos were expecting a better new normal - a period of healing. The government itself has expressed positive hopes for the year - expressing its target to vaccinate up to 70 million Filipinos by year end and hoping by then to achieve herd immunity.<sup>3</sup> Six months passed and yet the crisis continues. Vaccination roll out has been slow in picking up, the National Capital Region was once again forced to impose stricter quarantine measures from end of March to April and faster spreading variants from other countries have made their way into the country.

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<sup>1</sup> AJMC Staff. A Timeline of COVID-19 Developments in 2020. (2 January 2021) <https://www.ajmc.com/view/a-timeline-of-covid19-developments-in-2020> (Last accessed 28 August 2021)

<sup>2</sup> Abad, M. 91%Filipinos entering 2021 'hopeful', lowest since 2009 survey. 25 March 2021. Rappler. <https://www.rappler.com/nation/filipinos-entering-2021-hopeful-sws-survey-november-2020> (Last accessed 28 August 2021)

<sup>3</sup> Jalea, G. TIMELINE: COVID-19 Deliveries and roll out in the Philippines. 25 March 2021. CNN. <https://www.cnnphilippines.com/news/2021/3/25/TIMELINE-COVID-19-vaccines-deliveries-rollout-Philippines.html> (Last accessed 28 August 2021)

This 1st semester Gender Ombud Report of the Commission on Human Rights sets out the human rights impact of the continuing crisis brought about by the pandemic to women, girls, and persons of diverse sexual orientation, gender identity, expression, and sex characteristics (SOGIESC). It fulfills the mandate of the Commission as Gender and Development Ombud and as a National Human Rights Institution (NHRI) - to promote women's and girls human rights and advocate for gender equality, and to monitor governments' compliance of its treaty obligations despite, and more so, with the continuing crisis and global emergency brought about by the COVID-19 pandemic.

This report at the onset highlights key human rights themes for the first six months, building on the Commission's 2020 Gender Ombud Report. It then proceeds to report on the other specific rights and provisions under the Magna Carta of Women (RA 9710). This report incorporates the results of the Commission's sectoral and regular human rights monitoring undertaken by its Central and Regional Offices.<sup>4</sup>

### **Disproportionate impact of the continuing emergency on women, girls and marginalized groups**

In the Commission's 2020 report, the disproportionate impact of the pandemic on women, girls and other marginalized sectors was emphasized. It was stressed that the pandemic has exacerbated pre-existing inequalities and stigma, and made the impact of these inequalities life threatening and dangerous. This has not changed in 2021. The threat posed by the more contagious and deadly delta variant, the gaps in social protection and the difficulty and exorbitant cost of accessing health care continue to loom over hopes for a new normal.

#### ***Economic impact - worsening hunger, poverty***

The Philippines has had one of the world's longest lockdowns. By the first quarter of 2021, the country was in its 3rd hard lockdown since the start of the COVID-19 crisis. The series of lockdowns has severely impacted the economy, resulting in loss of income and employment, increasing poverty and food insecurity. A 2021 Social Weather Station (SWS) survey provides a snapshot of the continuing devastation brought about by the pandemic, even well into 2021. Of the women surveyed the last quarter of 2020, 63.02% reported that their quality of life worsened, 36.4% reported being in the poverty line, while 47.58% reported being poor.<sup>5</sup>

Unemployment in April of 2021, while lower compared to the numbers in 2020, still remained substantially higher than that of 2019. More specifically, 2021 Philippine Statistics Authority report shows that in April of 2021, unemployment is at 8.7%, this is much lower than in April 2020 during the height of

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<sup>4</sup> As of submission, Regional Reports were from Regions 1, X, CARAGA.. CHR E-lawyering data was provided by CHR-Protection Office, External Legal Services.

<sup>5</sup> SWS.Fourth Quarter of 2020 Social Weather Survey. [https://www.sws.org.ph/downloads/media\\_release/pr20201214%20-%20SWR%202020-IV%20Self-Rated%20Poverty%20and%20Self-Rated%20Food%20Poverty%20\(media%20release\).pdf](https://www.sws.org.ph/downloads/media_release/pr20201214%20-%20SWR%202020-IV%20Self-Rated%20Poverty%20and%20Self-Rated%20Food%20Poverty%20(media%20release).pdf) (accessed last 28 August 2021)

the lockdown at at 17.7%.<sup>6</sup> Still, this is very much higher compared to the April 2019 unemployment rate at 5.1%.<sup>7</sup> In numbers, 33.8 million Filipinos were employed in April of 2020 compared to 41.8 million employed in 2019. Self report survey from SWS also show that 47.88% of women reported losing their jobs. With constant repatriation, the number of women migrant workers has also decreased from 1.9M in 2020 to 1.23M in 2021.<sup>8</sup> This continuing unemployment maintained by continuing state of lockdown and crisis brought about by new virus variants translated to more hunger and poverty incidence, especially among the already vulnerable and marginalized. Economists see unemployment staying elevated and more people remaining below the poverty line until 2022, as the pandemic leaves scars on the economy.<sup>9</sup>

Food insecurity and hunger has worsened. With government aid in the form of the Social Amelioration Program largely concentrated during the first few months of the crisis, support during subsequent lockdowns have been wanting. SWS survey the end of 2020 support this, with 15.86% of women reporting hunger - almost doubling the percentage of 8.8 % in December of 2019.<sup>10</sup> In another survey from April 28 to May 2, SWS found that 16.8% of Filipino families experienced 'involuntary hunger' or hunger due to lack of food at least once in the past three months. SWS also stated that some 4.2 million families experienced hunger in May as the pandemic dragged on.<sup>11</sup> In another report Accounts of women's organizations including women in the marginalized sectors during webinars and during sectoral monitoring by the Commission further lend accounts to support this.

During the Purple Action Day Webinar<sup>12</sup>, a representative from Lilak Purple Action for Indigenous Women's Rights<sup>13</sup> highlighted heightened levels of food insecurity due to the pandemic. Lilak shared how indigenous women suffered hunger due to the pandemic and the resulting loss of employment. This was echoed by a representative of Amihan who shared how farmers bewailed the high cost of food, how this severely impacted farmers who, while food producers, are also consumers. They also complained how continued land conversion by developers even during the pandemic further contribute to hunger and food insecurity.<sup>14</sup> Women with disabilities were also not spared, a woman with disability leader from Mindanao

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<sup>6</sup> PSA. Employment Situation in April 2020. [https://www.google.com/url?sa=D&q=https://psa.gov.ph/content/employment-situation-april-2020&ust=1630513380000000&usg=AOvVaw0AN\\_ppxC4-d6pe6mMyM\\_ID&hl=en](https://www.google.com/url?sa=D&q=https://psa.gov.ph/content/employment-situation-april-2020&ust=1630513380000000&usg=AOvVaw0AN_ppxC4-d6pe6mMyM_ID&hl=en); Unemployment rate in April 2021 estimated at 8.17% [https://www.google.com/url?sa=D&q=https://psa.gov.ph/content/unemployment-rate-april-2021-estimated-87-percent&ust=1630513380000000&usg=AOvVaw1o4Q\\_3AXsnjEkBeBGC7heP&hl=en](https://www.google.com/url?sa=D&q=https://psa.gov.ph/content/unemployment-rate-april-2021-estimated-87-percent&ust=1630513380000000&usg=AOvVaw1o4Q_3AXsnjEkBeBGC7heP&hl=en) (accessed 31 August 2021);

<sup>7</sup> Ibid

<sup>8</sup> PSA. PSA Issues Updates on Women and Men in the Philippines. [https://www.google.com/url?sa=D&q=https://psa.gov.ph/gender-stat&ust=1630513380000000&usg=AOvVaw3nSvfGw4NJ5\\_m7Vvd\\_xNfi&hl=en](https://www.google.com/url?sa=D&q=https://psa.gov.ph/gender-stat&ust=1630513380000000&usg=AOvVaw3nSvfGw4NJ5_m7Vvd_xNfi&hl=en) (accessed 31 August 2021)

<sup>9</sup> Rivas, R. Pandemic scars: More Filipinos to remain poor, unemployed even by 2022. Rappler. 4 February 2021. <https://www.rappler.com/business/more-poor-unemployed-filipinos-even-by-2022> (accessed 31 August 2021)

<sup>10</sup> SWS. Fourth Quarter of 2020 Social Weather Survey. [https://www.sws.org.ph/downloads/media\\_release/pr20201214%20-%20SWR%202020-IV%20Self-Rated%20Poverty%20and%20Self-Rated%20Food%20Poverty%20\(media%20release\).pdf](https://www.sws.org.ph/downloads/media_release/pr20201214%20-%20SWR%202020-IV%20Self-Rated%20Poverty%20and%20Self-Rated%20Food%20Poverty%20(media%20release).pdf) (accessed last 28 August 2021)

<sup>11</sup> Rivas, R. 4.2. Million Filipino families stay hungry in May 2021- SWS. Rappler. 13 July 2021.

<https://www.rappler.com/nation/millions-filipino-families-stay-hungry-sws-survey-may-2021> (accessed 31 August 2021)

<sup>12</sup> Purple Action Day is the annual kick off for Women's Month hosted annually by the Commission in partnership with Sarilaya. The Purple Action Day webinar may be viewed here:

<sup>13</sup> Kat Magtoto, Lilak Purple Action for Indigenous Women's Rights

<sup>14</sup> Catherine Estavaillo, Amihan

shared how community based peer monitoring documented food insecurity due to loss of employment.<sup>15</sup> The worsening food insecurity has led many to rely on community pantries, food banks, and community/CSO led efforts to bridge the gap.<sup>16</sup>

### ***Continuing Multiple Burden and Unpaid Care Work***

A year into the crisis, women continue to bear the burden of unpaid care work at home.<sup>17</sup> Employment and current educational arrangements remained remote - straddling women with the burden of taking care of the family, attending to paid employment remotely, and assisting children with their modules or taking care of the ill or the elderly. The situation is even more difficult for indigeneous women and/or women in GIDA areas who also had to deal with their own difficulties in accessing needed government support, educational materials/modules for children, as well as the reality of the digital divide. During the Commissions' women's month celebration, several webinars highlighted the continuing multiple burden of women.

The 2021 National Household Care Survey commissioned by Oxfam affirms this continuing multiple burden and unpaid care work of women. In said survey, Oxfam found that women spent up to 13 hours a day on unpaid care work compared to only 8 hours of men.<sup>18</sup> While it is observed that men's unpaid care work increased from 5 hours in 2017 to 8 hours during the pandemic, it is clear that the burden of care continues to fall primarily on women. Of the 13 hours women spend on care work, more than half or 7 hours are spent multi-tasking or juggling tasks at the same time.<sup>19</sup> Same survey further showed that 1 out of 3 Filipinas experienced injury, illness, disability or other harms through their care work in the past six months.<sup>20</sup>

### ***Health and emergencies***

Women are overly represented in the health sector, and as the pandemic rolls into its second year, the impact of the pandemic on women medical frontliners is among the key women's human rights

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<sup>15</sup> Milagros Maquiling, Women with Disability Leader from Mindanao

<sup>16</sup> Wright and Coles. COVID made the Philippines' hunger crisis worse. So why does hardly anyone want a vaccine?. CNN. 25 May 2021. <https://edition.cnn.com/2021/05/24/asia/philippines-covid-hunger-intl-hnk-dst/index.html> (accessed 31 August 2021)

<sup>17</sup> Ramos,L. Pandemic is tough for all but Filipino women are carrying an even heavier burden. PhilStar. 18 March 2021. <https://www.philstar.com/news-commentary/2021/03/18/2085223/pandemic-tough-all-filipino-women-are-carrying-even-heavier-burden> (accessed 31 August 2021)

<sup>18</sup> Oxfam. Filipino men log more care work hours due to pandemic but bulk of tasks still fall on women - survey' <https://philippines.oxfam.org/latest/stories/filipino-men-log-more-care-work-hours-due-pandemic-bulk-tasks-still-fall-women-%E2%80%94> (Last accessed 28 August 2021)

<sup>19</sup> Oxfam. Filipino men log more care work hours due to pandemic but bulk of tasks still fall on women - survey' <https://philippines.oxfam.org/latest/stories/filipino-men-log-more-care-work-hours-due-pandemic-bulk-tasks-still-fall-women-%E2%80%94> (Last accessed 28 August 2021)

<sup>20</sup> Gime,J. 'Unpaid Carework is real work: Addressing gender roles in household.26 June 2021. Philstar. Available at <https://www.philstar.com/lifestyle/health-and-family/2021/06/26/2107546/unpaid-care-work-real-work-addressing-gender-roles-household> (Last accessed 28 August 2021)



issues needing urgent attention. Another continuing issue from last year is women's access to sexual and reproductive health services, especially concerns pertaining to maternal and neonatal health during a pandemic.

### *Women medical frontliners*

Women are at the forefront of the battle against the pandemic as they make up almost 70% of the healthcare workforce, exposing them to greater risk of infection, while they are under-represented in leadership and decision making processes in the health care sector.<sup>21</sup> In the Philippines, the health profession is dominated by women (75%) and the young. Even before the pandemic, the human resources for health already faced long standing issues related to low pay, high turnover rate of trained personnel, and out migration of the country's experienced health professionals.<sup>22</sup> This has been further highlighted in the pandemic.<sup>23</sup> Last year, and more so this year medical frontliners have been calling out for support due to the burden of the pandemic on the health care system. As early as May last year, Alliance of Health Workers already urged the government to hire more health workers or the system will collapse.<sup>24</sup> In August, health workers called for time out as hospitals were overwhelmed.<sup>25</sup> In October, government was urged to prioritize the health sector in the 2021 budget<sup>26</sup> February of 2021, calls were made to ensure access to safe and effective vaccines by health workers. By 6 March of 2021, the Department of Health reports that there were already 14,963 infected with 89 deaths among health workers.<sup>27</sup> Available data so far are not sex disaggregated. Despite, however, the importance of the work undertaken by health workers, and the risk they and their families face daily because of the virus, many have yet to receive their promised hazard pay. One woman nurse died without having received her hazard pay, and while many others threatened a strike to emphasize their point. February this year, health workers appealed to Congress for pay hikes as even with the increase in salary grades under Bayanihan laws, wages still fail to cover growing day-to-day expenses.<sup>28</sup> This has been exacerbated by long delays in the release of hazard pays prompting health workers from different government hospitals to stage a sit down protest as Bayanihan 2 expires with many hazard pays remaining unpaid.<sup>29</sup>

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<sup>21</sup> OECD. Women at the Core of the Fight Against COVID -19 pandemic. OECD. 20 April 2020.

<https://www.oecd.org/coronavirus/policy-responses/women-at-the-core-of-the-fight-against-covid-19-crisis-553a8269/>. (accessed 31 August 2021)

<sup>22</sup> PIDS. Human Resource for Health in the Time of the COVID-19 Pandemic: Does the Philippines Have Enough?. PIDS. 18 August 2020. <https://www.uppi.upd.edu.ph/research/covid-19/rb8> (accessed 31 August 2021)

<sup>23</sup> Ibid.

<sup>24</sup> Lalu G. Group urges government: Hire more health workers or our system will collapse. Inquirer.net. 7 May 2020. <https://newsinfo.inquirer.net/1271664/group-appeals-to-govt-hire-more-health-workers-or-our-system-collapses> (last accessed 31 August 2021)

<sup>25</sup> V. Barcelo, J. Zurbarano and M. Cruz: "Frontliners plead for 'timeout,'" Manila Standard, 2 Aug. 2020.

<sup>26</sup> Lalo. Health Workers urged congress to prioritize health in 2022 budget.

<sup>27</sup> ANC.COVID-19 Special. ANC. 12 March 2021. <https://www.youtube.com/watch?v=FEILxyKHGDg>

<sup>28</sup> Lalo, Health Workers seeking pay hike say nothing has changed since pandemic started. Inquirer. Net. 16 February 2021. <https://newsinfo.inquirer.net/1396226/health-workers-seeking-salary-hike-claim-nothing-changed-since-pandemic-started#ixzz75CSQWoeV> (accessed 31 August 2021)

<sup>29</sup> Gonzalez,C. Health Workers demand unpaid benefits as Bayanihan 2 expires. Inquirer. Net. 30 June 2021. <https://newsinfo.inquirer.net/1453614/health-workers-protest-unpaid-benefits-as-bayanihan-2-expires> (accessed 31 August 2021)



All these show the dire situation of medical frontliners, many of whom are women - also burdened by care work and competing priorities. It is clear that sustainable response to the current crisis cannot discount the situation of women medical frontliners - the risk they are taking, the gaps in the health system that render them and their families at continued risk, and the mental health impact and trauma, and the need for better support from the government - from provision of needed safety equipment to release of hazard and other benefits that they deserve. Recognizing the need to further substantiate the impact of the pandemic on women health workers, one of the proposed program by the Commission for 2022 focuses on their lived experiences and the concomitant human rights issues.

#### *Access to SRHR including Maternal Health care*

In our Gender Ombud Situationer for 2020, we have already raised the issue pertaining to access to SRHR during the pandemic. The Commission's JMC with DILG specifically covered the need to ensure continued access to SRHR information, commodities, and services. Concern was also already expressed regarding hospital refusals of women who are about to give birth - particularly as it resulted in the death of one woman - Catherine Bulatao in April of last year. She was refused by 6 hospitals.<sup>30</sup>

This 2021, as the crisis brought about by the pandemic continued, ensuring access to SRHR and the need to ensure maternal health remains a continuing concern. As it is, the disruption of access to family planning commodities and services is already expected to increase the number of unintended pregnancies. In a study conducted by the UP PIDS and UNFPA, unintended pregnancies among females ages 15 to 49 is expected to increase by more than 40% to 2.5 million.<sup>31</sup>

In case of maternal mortality, POP Com's Executive Director has admitted that pregnant women could be part of the "collateral damage" of the health crisis.<sup>32</sup> More specifically, he shared how pregnant women have been turned away by hospitals and instead encouraged to go to lying in clinics.<sup>33</sup> He was further quoted as saying 'these are still scattered reports from areas where there was high incidence of COVID-19. So there is collateral effect of COVID in terms of mothers not getting the higher level of care at the right time.'<sup>34</sup> The Executive Director also stressed that while women are not COVID-19 patients, some needed high level care, and failure to access such care render them at risk and vulnerable.

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<sup>30</sup> Valenzuela, N. Woman who had just given birth dies after being refused by 6 hospitals. Inquirer.Net. 27 April 2020. <https://newsinfo.inquirer.net/1265145/woman-who-had-just-given-birth-dies-after-being-rejected-by-6-hospitals> (accessed 31 August 2021)

<sup>31</sup> Pierson and Balagtas See. The pandemic is fueling a baby boom in the Philippines. For some, that's bad news. Los Angeles Times. 6 January 2021. <https://www.latimes.com/world-nation/story/2021-01-06/the-philippines-girds-for-a-baby-boom-after-years-of-declining-birth-rates> (accessed 31 August 2021)

<sup>32</sup> Jaymalin, M. POP COM sees higher mortality rate. Philstar. 5 May 2021. <https://www.philstar.com/headlines/2021/05/05/2095970/popcom-sees-higher-maternal-mortality> (accessed 31 August 2021)

<sup>33</sup> Ibid

<sup>34</sup> Ibid

With overwhelmed health systems and the constant fear of contracting the virus, accounts of pregnant women who were unable to make it to hospitals in time or were forced to give birth in streets were documented. To recall, last 18 March 2021, it was reported that a locally stranded individual gave birth in the streets in Pasay with the help of her husband. The report states that the couple were from Iligan City in Lanao del Norte and were stranded in the Metro during the lockdown. They were temporarily staying in front of the World Trade Center when the wife gave birth.<sup>35</sup> In another report a woman gives birth inside a tricycle on her way to get the results of her swab test, a requirement for hospital admission. While the woman in this case was successfully assisted by her first responders despite complications, it highlights the continuing risks posed by the current crisis exacerbated by the admission requirements.<sup>36</sup>

Additionally, getting pregnant and giving birth during a pandemic is not only difficult as elaborated above, it is also more expensive, more difficult and challenging. Pre-natal check ups are disrupted or have to be adjusted to online or teleconsults. In giving birth, the challenge of finding a non-COVID hospital or even a COVID hospital able to accept is challenging. Some pregnant women who gave birth during the pandemic shared that costs are higher as RT-PCR tests are required prior to admission, and this cost Php3,00-5,000. Payments to hospitals also include personal protective equipment (PPEs) used during treatment. Considering these costs, pregnant women who belong to the marginalized sectors are expected to be the most affected - most unable to access the needed care.

### ***Human rights-based and equity based vaccine roll out***

Fulfillment of the right to the highest attainable standards of health include access to safe, effective vaccines. However, a 2021 Social Weather Stations (SWS) survey recently revealed that only 3 out of 10 adult Filipinos are willing to be vaccinated, months into the national vaccine roll out.<sup>37</sup> Learning sessions with IWG further reflect this hesitancy - coupled with very worrying massive misinformation targeting marginalized community without access to reliable and scientific information. IWG raised concerns of the accounts they heard from neighbors and within their community - that of vaccinated individuals dying after 3 years or turning into zombies after inoculation.<sup>38</sup> A women with disability volunteer who serves as PWD focal in her barangay also raised several issues pertaining to access to vaccine information for the deaf and visually impaired and of the need to dispel and counter fears by PWDs, as she has to convince them in her daily rounds of listing constituents for vaccines.<sup>39</sup> These highlight

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<sup>35</sup> Mendoza, E. Woman stranded in Pasay gives birth to healthy baby on street; paramedic tells story. Inquirer. Net. 18 May 2021. <https://newsinfo.inquirer.net/1433496/stranded-woman-in-pasay-gave-birth-on-street-paramedic-tells-full-story-2> (accessed 31 August 2021)

<sup>36</sup> GMA News. Woman about to get swab test result give birth in tricycle. GMA News. 1 July 2021. <https://www.gmanetwork.com/news/news/metro/793728/woman-about-to-get-swab-test-result-gives-birth-in-tricycle/story/> (accessed 31 August 2021)

<sup>37</sup> Social Weather Stations, "First Quarter 2021 Social Weather Survey: 51% of adult Filipinos are confident, 17% are not confident about the government's evaluation of Covid-19 vaccines, 20 May 2021, available at <http://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20210520103851> (last accessed 28 August 2021)

<sup>38</sup> CHR and Lilak Learning Sessions on Vaccines with IWG

<sup>39</sup> Updates from Bantay Karapatan ng mga Kababaihang May Kapansanan (Women with Disability A2J Volunteer Group)

the limited reach of government information and of the need to ramp up the information campaign by addressing women's fears and apprehension, and by ensuring reach among the most left behind.

First quarter of 2021, the Government has stated that it targets the vaccination of 70 million Filipinos by the end of 2021. Pursuant to this target, the government has adopted a system or prioritization based on vulnerability and risks, prioritizing first medical frontliners, followed by elderly, those with comorbidities, economic frontliners, and indigent populations. The roll out also tasked LGUs to partner with Civil Society Organizations to facilitate faster roll-out. Massive Department of Health campaign has also been rolled out through ResBakuna.

However, the vaccination efforts of the government faced controversies even in its early stages. Questions were raised regarding the efficacy of the earliest and widely procured Sinovac in protecting frontliners. Frontliners initially protested demanding that they deserve the best vaccine, with some opting to wait for a vaccine with higher efficacy rate.<sup>40</sup> Another controversy yet arose when some LGUs refused to disclose in advance constituents of the vaccine available in vaccination sites. This was followed by pronouncements by the Presidents to the effect that he would jail those who refuse to be vaccinated. The President was quoted as saying '*Mamili kayo, magpabakuna kayo o ipakulong sa selda*'<sup>41</sup> (You choose, get vaccinated or I send you to jail?).

In view of clear human rights issues in relation to vaccines, the Commission, as NHRI and as Gender Ombud has issued several statements, reminding the government of ensuring a human rights based approach to vaccine roll out - meaning following the 4 standards of adequacy, effectivity, availability, and accessibility; and for the State to take all necessary measures, to maximum available resources, to guarantee access to COVID-19 vaccines for all Filipinos without discrimination.<sup>42</sup> The Commission has also highlighted the importance of highlighting gender equity in vaccination - that of recognizing the disproportionate impact of gender and of a person's other identities as marginalized individuals in accessing vaccines. Recommendations were forwarded on the need to ensure access to information by marginalized groups, the need to address unpaid care, to ensure that hidden households and those most vulnerable are reached, and the need to ensure protection from sexual exploitation and abuse/ GBV.<sup>43</sup> Together with the Philippine Disaster Resilience Fund, UNFPA and World Health Organization, a 7 point reminder for LGUs on ensuring gender equity on vaccinations was released.

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<sup>40</sup> Mendoza, R. 'Protesting PGH Workers demand best vaccine' 27 February 2021. Manila Times. <https://www.manilatimes.net/2021/02/27/news/top-stories/protesting-pgh-workers-demand-best-vaccine/845730> (Last accessed 28 August 2021)

<sup>41</sup> CNN Staff. 'Duterte threatens to arrest Filipinos who refuse to be vaccinated'. 22 June 2021. CNN. <https://www.cnnphilippines.com/news/2021/6/22/Duterte-threat-to-arrest-those-who-refuse-to-get-vaccinated.html> (Last accessed 28 August 2021)

<sup>42</sup> Commission on Human Rights of the Philippines, Human Rights Advisory on COVID-19 Vaccination, CHR(V)A2021-001, 26 January 2021, available at <http://chr.gov.ph/wp-content/uploads/2021/02/Human-Rights-Advisory-COVID-19-Vaccination.pdf> (last accessed: 14 June 2021).

<sup>43</sup> See CHR Statement on Vaccine Equity and Roundtable on Vaccine Equity

By the end of June, government remains to be far off its target. Specifically, by 28 of June, only 3.6 % of the 70 million Filipinos targeted were fully vaccinated.<sup>44</sup> This is broken down to 7,538, 128 (first doses) and 2,527,286 (second dose). Sex and sector segregated is not yet available - highlighting also the possibility that current roll out could continue to render invisible other marginalized populations .

## II. Specific Rights and Protections under the Magna Carta of Women

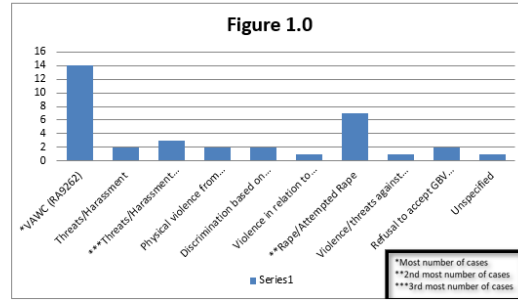
### A. Protection from Violence

In the fulfilment of its role as Gender Ombud, the Commission through different entry points has rendered legal advise and assistance to women, girls, and members of LGBTQI community who were victim survivors of violence. Reports from the Commission's GBV Online Reporting portal - '*E-Report mo sa Gender Ombud*', reports from the E-lawyering service, from the Citizens Help and Assistance Desk (CHAD), and walk in cases from the regions reveal the persistence of GBV amidst the crisis. Dubbed as the shadow pandemic, CSOs and including the Commission has time and again raised the importance of functional and effective referral mechanisms addressing GBV. We have previously stated in our 2020 Gender Ombud report that PNO reported GBV cases in 2020 were much lower than that compared to 2019. We have stated that we see the reduced number as indicative of the many barriers to reporting even as the country moves from one lockdown to another. Currently, from January to June of 2021, the GBV reporting portal has received **35** reports including those from CHAD, of this **5** involved members of the PNP as perpetrators, and **8** from other government employees/elected officials. Intimate partner violence (RA 9262) remains the highest number of complaints, followed by rape/attempted rape, with the third highest complaint pertaining to threats. In all these, many of the violations were committed in online spaces. Violations of the Safe Spaces Act particularly online sexual harassment have been reported in several Facebook groups including groups on online selling, bike groups, and even in deaf community groups where rape videos were disseminated. This semester, the portal received and facilitated the legal assistance and support of two deaf survivors of violence. There were also continuing reports of insensitivity of service providers - discouraging reporting as in the case of a VAWC case reported in Tanay and another case of insensitive handling of a rape case in Iloilo. These highlight the need to continue ensuring and monitoring of the delivery of survivor centered service on the ground and to strengthen accountability mechanisms.

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<sup>44</sup> Jalea, G. TIMELINE: COVID-19 Deliveries and roll out in the Philippines. 25 March 2021. <https://www.cnnphilippines.com/news/2021/3/25/TIMELINE-COVID-19-vaccines-deliveries-rollout-Philippines.html> (Last accessed 28 August 2021)

CATEGORY 1: CASES	
Cases	Number of Reports
*VAWC (RA9262)	14
Threats/Harassment	2
***Threats/Harassment using Social Media	3
Physical violence from people not their husband or ex-spouse	2
Discrimination based on SOGIE	2
Violence in relation to getting or not getting government relief	1
**Rape/Attempted Rape	7
Violence/threats against women's rights defenders	1
Refusal to accept GBV cases	2
Unspecified	1
<b>TOTAL</b>	<b>35</b>



Top 3 most prominent cases are: (1) VAWC with 14 reported cases; (2) Rape/Attempted Rape with 7 reported cases; and, (3) Threats or harassments using social media with 3 reported cases.

The E-lawyering project of the Protection cluster, on the other hand has rendered services to **21** women and girls, most cases pertained to violations of RA 9262, followed by cases of violence committed in online spaces.<sup>45</sup>

In the first half of 2021, data from PNP has not yet come in and yet - we wish to highlight three worrying trends in GBV: cases where members of the PNP are perpetrator and the question of security and impunity; second, complaints regarding insensitivity, including lack of provisions for accessibility, and/or failure to respond to the case by the duty bearer, and finally, the continuing rise of GBV committed in online spaces.

*First, on members of PNP as perpetrators and the dangers of impunity and lack of protection for women survivors of violence.* Middle of December 2021, the country witnessed an active police officer shooting a mother and son in broad daylight in the middle of an argument. The perpetrator, Nuezca, was an active police officer.<sup>46</sup> On the 3rd of May this year, 53 years old mother, Liliberth Valdez was shot in the neck by an allegedly drunk officer in Barangay Greater Fairview, Quezon City last 31 May 2021.<sup>47</sup> In both of these cases, the perpetrators were active policemen, both caught on live video. These cases are particularly concerning, for as stated by the Commission in its statement, members of the Philippine National Police are supposed to serve and protect and these cases, as captured in social media betray how this power is mishandled and how for some this power is abused and facilitated violence against women. Deeply concerning to the Commission is the particular case of Ritchie Nepomuceno, one of the three women who filed criminal, administrative, and human rights cases against members of PNP Cebu for the rape and torture they committed during detention. According to Ritchie, she was one of the 2 victims who were tortured by at least 11 cops inside a secret room at the Pasil Police Station 6 (Sawang Calero Police

<sup>45</sup> Inquiries involved sextortion committed in online spaces; violation of Anti-photo and video voyeurism act

<sup>46</sup> Woman who accused Cebu City Cops of Torture, rape, shot dead. Rappler. 19 April 2021 <https://www.rappler.com/nation/woman-accused-cops-rape-torture-shot-dead-cebu-city-april-2021> (accessed 31 August 2021)

<sup>47</sup> Aspinwall. Police Killing leads to calls for reform in the Philippines. 7 June 2021. The Diplomat. <https://thediplomat.com/2021/06/police-killing-leads-to-calls-for-reform-in-the-philippines/>

station) in Cebu City.<sup>48</sup> Ritchie filed the criminal and administrative case was filed on the 22nd of March before the Integrity Monitoring and Enhancement Group Visayas Field Unit (IMEG-VFU), on the 19th of April 2021, Ritchie was shot dead by unidentified assailants. In these cases, immediate investigations were conducted by the PNP. In the case Ritchie the 11 cops who allegedly tortured and raped her were charged with criminal and administrative cases. They were also administratively dismissed while cases were investigated. In a further development, the cop who allegedly raped Ritchie Committed suicide two hours after she was shot down.

In response, the Commission issued a statement<sup>49</sup> denouncing the persistence of violence against women, especially those perpetrated by state actors. The Commission stressed that women victims, as key witnesses should be granted full protection from any form of retaliation or attacks to ensure that they may exercise their right to participate in investigations and legal proceedings. Conduct of speedy investigation was enjoined as there are other complaints who remain vulnerable to such violence.

For the Commission, it was clear that the case of Ritchie highlighted a gaping protection gap for women survivors of GBV. The Commission already highlighted this in the case of Fabel in 2021 - a minor who was also shot dead after failing to secure protection after filing a case of GBV against members of the PNP. These cases highlight not only the importance of responding immediately to complaints of GBV, but also of ensuring protection for survivors. Navigating the legal system, securing legal and other support services for survivors of GBV is already a challenge, this is more so in cases where alleged perpetrators are members of the law enforcement and with capability of retaliation. There is an urgent need to review the protection gaps from within the referral mechanisms in these cases and to address them thereby ensuring a safe and enabling environment for women to pursue justice.

*Second, continuing complaints of insensitivity, lack of accessibility and failure to follow a survivor centered approach in cases of GBV.* We seek to highlight this as a continuing issue as of the 35 complaints that we have received, 5 of them pertained to members of the law enforcement and 7 from other government officials as perpetrators. One of these complaints included a complaint against law enforcement as a perpetrator in a case of rape, and others pertained to insensitive handling of cases. Accounts of victim blaming were reported to have been exhibited by desk officers of PNP Women's Desks and in the barangay; in one instance, repeated and seemingly threatening questions were raised by the women's desk officers- raising questions regarding a rape survivor's account, doubting the veracity of her account, and perceived to be discouraging the survivor from filing the case. In another, a case of VAWC was recommended to be settled by the Barangay and even by the prosecutors's office. In the Commission's cases involving a deaf survivor, we continue to note the absence of sign language interpreters in government offices - from one stop shops for GBV, in police stations, in hospitals, and in

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<sup>48</sup> Two women claim being tortured in Cebu City Police Station. Rappler. 5 April 2021.

<https://www.rappler.com/nation/women-say-were-tortured-secret-room-cebu-city-police-station> (Accessed 31 August 2021)

<sup>49</sup> CHR ED Jacqueline De Guia. Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the death of former female detainee in Cebu City who was allegedly raped by police officers. 21 April 2021. <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-death-of-a-former-female-detainee-in-cebu-city-who-was-allegedly-raped-by-police-officers/>

the prosecutor's office. This absence of sign language interpreters for deaf complainants disproportionately place the burden on survivors - to pay for and procure their own sign language interpreters, to seek for advocacy groups to help them, or to seek assistance with the Commission. With the adoption of the Filipino Sign Language Law, this has to change. Accessibility of interpreters should be mainstreamed in government offices, and processes should be adopted to ensure accessible complaint mechanisms for women with different kinds of disability, and other groups of marginalized women and individuals. Additionally, the burden of filing complaints in the context of a pandemic should be taken into consideration, and support therefor be provided - including supporting presence of SLIs, providing transportation support, ensuring shelters are open, and psychosocial and other services available remotely.

*Lastly, we stress our continuing concern over the rising number of GBV committed in online spaces.* In our series of webinars on Safe Spaces in April to May, and then in August, and in the results of our Regional Mapping of GBV referral mechanisms -it is evident that cases of GBV committed in online spaces remain very high. With work shifting primarily in digital and online spaces, online sexual exploitation remains high - committed mostly against children, young girls, and against women. Because of the nature of cyberspace, because of the anonymity offered and intractability of perpetrators, these kinds of GBV proliferate with many barriers in accessing remedies. In the Safe Spaces webinars, cases raised include unauthorized distribution of private sexually explicit content, among students and also adults. In one case from the GBV portal on rape, the rape video was posted and reposted online. Even with the intervention of the Commission and with letter requests to Facebook, taking down took long, with several reposting in many other sites. All these highlight the continuing challenges in addressing GBV committed in online spaces and of the need to further strengthen referral mechanisms and response.

In addition to the Commission's protection work in relation to gender-based violence, policy advisory and human rights advocacy to protect women and girls from GBV continue in the Commission's Central and Regional Offices. The Gender Based Violence Observatory continue to house relevant data and research on GBV, while the Commission consistently issued advisories and positions papers for pending legislations in the Central and Regional Office level. A supplemental position paper on the SOGIE Equality Bill was submitted to Congress this year, as well as position papers supporting the passage of the Gender Responsive and Inclusive Pandemic management response bill<sup>50</sup>, and the proposed bill prohibiting child marriages<sup>51</sup>.

The Commission's regional offices have likewise been very active in issuing statements and advisories that address GBV, for instance CHR-IX in Zamboanga City issued an advisory in July 2021 on incestuous rape and protection of victim survivors of rape. The advisory was issued in response to the Region's observation that incestuous rape in the region has increased in 2019-2020. More specifically, the region recorded 25 cases of incestuous rape from 2019 to 2020, and the advisory serves to remind the State of its obligation to protect girls from violence, and to ensure access to justice, access to mental health services,

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<sup>50</sup> CHR. Position paper on the gender responsive and inclusive pandemic management. 21 June 2021

<sup>51</sup> CHR. Position paper on the proposed measures protecting children by prohibiting and declaring child marriages as illegal. 15 June 2021



and reiterating the need to continue supporting the establishment of rape crisis centers as directed by RA 8505.

### **B. Women affected by disasters, calamities, and other crisis situations**

The Magna Carta of Women obliges the State to ensure the protection of women affected by disasters, calamities and other crisis situations. This includes ensuring access to support and health services and protection from violence. This first half of 2021, a positive development is the movement and approval at the House of Representatives Committee level a proposed legislation that seeks to ensure a gender responsive pandemic and crisis response. The proposed legislation seeks to ensure that gender is mainstreamed in government responses to crisis, to ensure participation of women, the provision of gendered needs and services, including protection from GBV and ensuring sexual and reproductive health and rights, among others.<sup>52</sup> The passage of this proposed legislation will also address many of the recommendations set forth in the 2nd and 3rd Quarter Gender Ombud Situation report and JMC 2020-01 of DILG and the Commission.

### **C. Participation and Representation**

In view of the nearing 2022 elections, the Commission, through GEWHRC launched a voters education campaign focusing on women in the marginalized sectors. Through partnership with different organizations, webinars were organized discussing electoral processes and sectoral agenda with 6 key sectors - (1) Indigeneous and rural women, (2) women with disabilities; (3) urban poor women; (4) the youth; (5) older women; (6) women migrant workers. The *Lila ang kulay ng boto* ko webinars also served as a venue to discuss pressing issues and priorities of sectors. It also surfaced concerns regarding the ongoing registration process and on the 2022 elections.

Part of the rights protected by the Magna Carta of Women is women's rights to participation and representation. It seeks to enhance women's leadership and participation in governance. However, as raised during the webinars, women in the marginalized sector have specific issues and concerns regarding registration and the coming elections. Queries and issues raised by the women makes clear that one of the concerns needing immediate attention is the conduct of campaigns and elections amidst a pandemic. Many of the women raised issues on how to ensure safety from the virus when campaigns period start and more importantly, during elections itself. Questions even become more specific for sectors with comorbidities like older women and those with disabilities, as well as those distant from city centers.

Aside from the very real context of the pandemic, the urgent need to make information regarding registration and election accessible to different groups of women was also stressed. Here it is important to stress the need to adopt measures to ensure access - taking into consideration the specific vulnerabilities of women with disabilities, of women in GIDA areas, migrant women, urban poor etc. For

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<sup>52</sup> Cervantes, House OKs bill on gender responsive protocols amidst pandemic. PIA. 1 July 2021. <https://www.pna.gov.ph/articles/1145630> (accessed on 31 August 2021)

instance indigenous women pose the challenge of securing and providing valid IDs which are required during registration, some women with disabilities highlighted the need to ensure accessibility of registration and election sites, while some rural and urban poor women raised concerns regarding the practice they have seen in their communities - of mass registration facilitated by politicians with the implication that this would influence how the registrants will vote in 2022. Queries asked during the webinars also highlighted the need to ensure that the most marginalized are able to register and vote in 2022, this means addressing queries regarding needed documentation and alternatives in cases there are no documents available, and also of the need to further strengthen COMELEC's information campaign targeting marginalized groups. It also flags the importance of adopting early on an online reporting portal for campaigns and election related violations. The sectoral agenda identified by women from different sectors overwhelmingly identify the need for leaders who respect human rights, who recognizes, carries, and responds to the issues and priorities of the sector. Common agenda is also the need to address corruption and impunity, pushing for accountability and integrity.

Another issue pertaining to women's equal protection before the law is the attempt to disqualify Gabriela Partylist. The issue has been brought to the attention of the Commission, particularly invoking women's right to participation and representation. During the Commission's Purple Action Day Webinar last March, speakers from Gabriela including its Secretary General Joms Salvador and Gabriela representative Congresswoman Arlene Brosas detailed how the organization has been subject of different attacks. In the case Joms and other officers of Gabriela, criminal cases were filed by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). A petition for disqualification on the other hand, was filed against the partylist. For Gabriela, these are clear acts of silencing and repression. They have filed petitions for writ of amparo and habeas corpus before the Supreme Court and have questioned as well the constitutionality of the Anti-terror Law. Gabriela stresses that all these actions, like the Anti-terror law are meant to silence dissent, they are an affront not only to Gabriela as an organization that has advance women's human rights for 36 years, but also to all women and women human rights defenders.

For the Commission, as an advocate of women's human rights and a monitor of the Magna Carta of women, we have consistently spoken against red tagging. Last women's month, through focal commissioner Karen Gomez Dumpit, the Commission emphasized the crucial role of women human rights defenders in calling for accountability, resisting impunity and misogyny, and in continuing the fight against systemic barriers to gender equality. The Commission then called out all forms of red tagging, the silencing of women's organizations and women leaders, and other acts that limit women's political participation.<sup>53</sup>

The Commission also commended the courage of WHRDs and the courage of women leaders like VP Leni, Senator Risa Hontiveros, and Senator Leila de Lima. The latter, having been deprived of her right to fully participate in senate proceedings as an elected official of the country.

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<sup>53</sup> Gomez-Dumpit, CHR Recognizes role of women in addressing the pandemic, in defending human rights.3 March 2021. <https://chr.gov.ph/chr-recognises-role-of-women-in-addressing-the-pandemic-in-defending-human-rights/>

## **D. Equal Protection Before the Law**

Women Human Rights defenders continue to oppose the recently passed Anti-Terror Bill, highlighting its impact on women's exercise of their rights to freedom of assembly and right to organize. In several webinars organized by the Commission during the 18 day campaign to end VAW in 2020, and in women's month this 2021, organizations consistently raised concerns regarding the human rights impact of the law. Serious concerns were raised on how the law is being used to target human rights organizations and community organizers, many are women.

Atty. Virgie Lacsa-Suarez, the lead lawyer of the all women petition against the Anti-Terror law called the passage of the contested legislation as a form of weaponizing the law to quell all forms of dissent and to silence women. Together with the organizations and individual women petitioners, Atty. Virgie Lacsa-Suarez calls for collective action among women saying "we all believe that silence breeds violence, silence breeds impunity, and silence will breed more violence. And therefore, let us not be silenced, let us continue to speak up and stand up against Anti-Terror Act."

In the Commission's regional offices, even before the passage of the Anti-Terror law, complaints and requests for assistance due to red tagging were already received. With the passage of the law, Central and Regional offices continue to receive complaints and request for legal assistance relative to it. For instance, in Region IV, a member of the LGBTQI community complained of benign red tagged and visited by persons who introduced themselves as law enforcement and asking his parents questions about his organizational affiliations, with insinuations of his involvement with the communist party.<sup>54</sup>

## **III. Women in the marginalized sector**

### **Rural Women**

Farmers are among the poorest among the basic sectors in the country. This is more so for women farmers, who are often excluded from ownership of lands, discriminated against in the access to resources for production and are primarily straddled with the burden of unpaid care. As was in 2020, Rural women continue to bear the brunt of the pandemic. But additionally, they also had to bear the impact of government policies that negatively impact them such as the Rice Tariffication Law. As articulated by a representative by AMIHAN "*Tatlong dagok sa ekonomiya ang naranasan ng ating mga magsasakang kababaihan dulot pandemya, dulot ng epekto nung Rice Liberalization Law, at dulot nung mga kalamidad na sunud-sunod na naranasan ng ating mga mamamayang Pilipino*" ([Rural women] faced triple economic hurdles - that of the pandemic, that brought about by the impact of the Rice Liberalization law, and those brought about by natural disasters)

Quarantine restrictions have also severely impacted the capacity of rural women to market their goods -thereby affecting their food security. AMIHAN speaker Catherine Estavillo further shared

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<sup>54</sup> CHR IV-A, List of cases against LGBTQI 2016-2020, Submitted to CHR-GEWHRC

*“Maganda yung ani ng ating mga magsasaka sa Davao sa CARAFA - subalit nagsabi yung ating mga magsasaka na umabot lang ng siete hanggang sampung piso ang presyo ng palay dahil walang pumapasok at bumibili ng palay sa ating mga magsasaka dahil sa epekto ng lockdown at epekto nung pagdagsa, pagbaha ng imported na bigas na dala ng Rice Liberalization law. “ (Farmers of CARAFA in Davao had good harvests but our farmers shared that the price of unmilled rice fell as low as PhP7-10.00 and there were no buyers because of the lock down. The influx of imported rice also affected farmers’ income).*

With the continuing pandemic, women fisherfolks continue to bear the impact of the crisis. In 2020, the Commission conducted FGDs with women fisherfolks. This provided an insight into the situation of the sector during the pandemic. According to the FGDs, the pandemic heavily impacted the sector as it is already among the poorest of the basic sectors. The women shared accounts of food insecurity, loss of income, multiple burden, and heightened anxiety. Women fisherfolks also shared how the lockdown resulted to loss or limited income and to difficulties in accessing markets for their catch. One woman from Cebu shared *‘As a senior citizen fish vendor, I experienced financial difficulty, it doubled my worries in terms of money in this time of pandemic. I cannot easily sell my product to the market. Most of our previous customers do not have money as well.’*<sup>55</sup> This is echoed by women fisherfolks in region 3 where they complained that their income was affected by the strict community quarantine. They were not allowed to fish and sell and they were unable to eat regularly.

Women’s registration and non-registration as fisherfolks under the Bureau of Fisheries also affected their access to available relief and government programs. Women shared that as some of them were not registered as fisherfolks or not members of any fisherfolk organization, they were unable to access government support. In some instances, there were confusion on what programs they can access and what are accessible only through their husbands who were often the ones registered as fisherfolks.

While very few women shared accounts of gender-based violence that happened during the pandemic, many shared that different forms of violence - including intimate partner violence, trafficking, and rape happened in their communities pre-pandemic. Some continued during the pandemic. Women’s accounts of GBV reveal that they are not only rooted on gender inequality and male dominance and control but also from poverty and food insecurity. One woman in Cebu shared *‘One time when my husband went home from fishing, he asked me for food. We did not have a good dinner because we had no money. I showed him the bowl of vegetable soup and he asked me to heat it. When it was done, he poured the boiling soup on my face. It was painful and I got burns.,’* in another instance, a woman shared that there were women in her community who had to sell their bodies in order to buy food. Still, in another account, a husband was reported of having beaten his wife, because he had no money, no income, and nothing to feed his children. All these anecdotes and sharing from women affirm the continuing threat of GBV against women, pre and during the pandemic. Accounts of some women fisherfolks even link these bouts of violence to the prevailing anxiety and food and income insecurity.

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<sup>55</sup> Woman fisherfolk from Talisay, Cebu

Through these FGDs, the Commission was able to surface women's lived experiences and gather from the women themselves, specific recommendations to address their situation. Key recommendations from the FGDs include the need to recognize and render visible women fisherfolks in all fishing communities, dedicated support for women fisherfolks, enhanced protection mechanisms in cases of GBV, and ensuring the availability and accessibility of lifesaving information for marginalized communities, including women fisherfolks.

### **Women in Informal Sector**

For 2021, one of the sectoral monitoring focus of the Commission for 2021 are women in the informal sectors. This is in recognition of the gap in the Commission's monitoring work - which has not previously covered the situation of women in the informal sector. The current global pandemic has affected the livelihood of many across different social classes, among the most affected are low wage earners and informal workers. To further monitor the impact of the pandemic on the sector and to surface their situation, a series of FGDs were conducted with a total of 50 women in informal sectors across the country. Conducted on line over the course of three island webinars, the FGDs allowed the Commission to surface the impact of pandemic on the sector including discussions in the reasons that led to their informality. Some of the accounts of the women are as follows:

In region 12, the Fibisco factory retrenchment pushed women to informal work which include laundry, cleaning, and cooking services. In other areas, domestic workers and personal drivers whose employers started working from home lost their jobs. Income generally plummeted for many due to irregular work schedules in compliance with government protocols. Some wage earners were only allowed to work about twice a week earning only around 400php weekly.

Participants identified restricted mobility as one of their most difficult challenges during the pandemic because it led to diminished profits. Mobility is even more restricted among women who are also senior citizens as well as PWDs. PATAMABA-WISE reported a 60-70% reduction of profit due to the reduced demand of non-essentials. Farmers had limited access to farm inputs despite being producers of food. Small stalls and stores as well as ambulant vendors were unable to sell for weeks on end. When restrictions were loosened, they became at risk for exposure to the looming COVID-19 virus.

The transport sector was also forced to stop operating leaving families with little access to food. A food security assessment conducted by a local organization revealed widespread hunger among tricycle drivers as road ordinances make it difficult for them to work. Two participants from the transport sector are unable to provide for their families' needs. In Lanao del Sur, tricycle fare is 20php. Gas costs 50php and they are only allowed to work 3 times a week, where they would be lucky to earn a maximum of 500php. The case is similar in Zamboanga. Both drivers supplement their income as street vendors. Some days, they earn nothing and have to resort to feeding their families porridge or any other food they can afford. They are also unable to pay for permits necessary to operate legally.

A participant and her husband took to fishing after losing their contractual jobs. She makes sea hooks and fish bait with her neighbors, where she earns 50php for 100 pieces. It takes around 2 hours to make a

piece. Fishermen are usually at sea for around 6 months. Wives sell fish in the market apart from making fishing paraphernalia. Restrictions of the pandemic and its lockdowns hindered their sales. Like other fisherfolk, they are also unable to afford registration for their boats.

Sewers, handicraft workers, and other home-based subcontracted workers lost clients and had to stop operations with more than half a million products put on hold nationwide (Anita, 2021). Tailors are affected by the lack in demand for school and office uniforms as well as special occasion dresses. One handicraft worker only earns around 150php every few days and she uses her earnings to purchase raw materials.

Home-based food microbusiness could not afford to restock but customers kept tabs and could not afford to pay the stores. One participant who has a home-based vinegar and food processing business has not earned during the pandemic. Having a registered business, she is being required to pay for her national and local government permits and taxes which she cannot afford. She is also being charged with BIR violations due to this but she has no access to legal aid.

Majority of participants felt that life became more difficult as their already small earnings became even less. Very few of them received social amelioration program (SAP) benefits. Income was more stable among participants prior to the pandemic, who now struggle to provide for their basic needs as they shift between different ways to earn.

"Mahirap kumilos, kumita, mabuhay (It is difficult to move, to earn, to live)," said one sari-sari store owner, who describes how family units need to live on meager and inconsistent daily earnings. "Ginagawan na lang (nilang mag-asawa) ng paraan ang pag-b-budget, (we just find ways to budget)" another participant says as they can only afford what is cheap at the moment which is often vegetables instead of meats. Many found any other means of earning such as online selling, peddling food, plants, and vegetables to make ends meet.

Apart from worries over increasing debt, losing their homes, and food security threats, there is a deep fear of contracting the corona virus among participants of FGDs. Being confined at home is also difficult for some who miss their families who do not live with them. Making matters worse, additional expenses from online schooling such as cellphone credits and gadgets became a burden for women. Mothers also had additional work of helping their children get through online classes. Some women admitted to suffering from mental health issues due to stress from consequences of the nationally mishandled pandemic.

It is clear from these initial results that women in the informal sector bore the brunt of the economic impact of the pandemic. The FGD results emphasize the urgency of responses that recognize the specific vulnerability and challenges faced by the sector, and of the need to adopt programs that recognized and respond to these realities.

## **LGBTQI**

The year 2021 brings the struggle to pass an anti-discrimination law or SOGIE Equality legislation to already 21 years. Having been pending in Congress for 21 years, and now on the 18th Congress, the SOGIE Equality Bill as well as the Comprehensive Anti-Discrimination Bill remained pending. Discussions of the SOGIE Equality Bill revealed a strengthened resistance from the opposition - questions were raised regarding the inclusion of gender identity, of intersex, and lengthy discussion as well on academic and freedom and religions were raised in relation to the prohibited acts under the proposed law. While the Bill remained pending, there were however, positive developments in the LGU levels - there were Anti-Discrimination Ordinances passed in 2020 in Zamboanga City and in Manila. In 2021, a localization of the Safe Spaces Act was adopted in Negros Occidental<sup>56</sup>, this meant clearer operationalization regarding gender based sexual harassment in public spaces including penalization of sexist, misogynistic, homophobic and transphobic remarks.

The first six months of 2021 also saw several cases of discrimination against members of the LGBTQI Community. Foremost in the list is the killing and rape of a transmasculine person, Ebeng Mayor in Quezon City. Another is the case of discrimination against 6 women in Ampatuan, Maguindanao, in the Bangsamoro Autonomous Region in Muslim Mindanao. In this case, the hair of six women between the ages of 16 and 20 were publicly shaved for being lesbians.<sup>57</sup> and the reason cited is that Islam prohibits and does not accept homosexuality. It was also reported that the shaving stemmed from a parents' complaint. In response to this, the Commission's regional office in Region XII coordinated with the Human Rights Commission of BARMM to conduct monitoring and investigation of the case. They also attended the dialogue set by the City with the parents and religious leaders. The Commission's central office for its part issued a statement in response to the public shaving - stressing that religious belief cannot justify human rights violations and no person should ever suffer discrimination and harm on the basis of one's affiliation or creed, or because of one's affiliation or creed, or because of a person's sexual orientation, gender identity and expression, or sex characteristics (SOGIESC).<sup>58</sup>

In another report to the Commission's GBV portal, a lesbian complained of her exclusion from government provided social amelioration programs. She was told that she does not qualify as a beneficiary as she and her partner are not considered a family. In another report, a deaf lesbian was raped by three men during a drinking session. Videos of the violation was posted on line. In this case, the Commission responded by assisting the survivor by providing for her sign language interpreter and seeking medico legal service amidst government imposed ECQ. Letters were written to Facebook for the takedown of posts. The survivor was also referred to IDEALS who assisted her eventually in filing her case. She was also connected to the Barangay for her vaccines and to CSOs like EngendeRights for LGBT focused support during the pandemic. The continuing violence and discrimination against members of the LGBTQI community, the continuing resistance of lawmakers to the passage of the SOGIE Equality bill highlight the continuing

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<sup>56</sup> Negros Occidental strengthens push for safe spaces with local ordinance. Rappler. 29 November 2021. <https://www.rappler.com/nation/negros-occidental-strengthens-safe-spaces-local-ordinance/>

<sup>57</sup> Maguindanao community shaves women heads to punish them for being lesbians. GMA News Online. 10 June 2021. <https://www.gmanetwork.com/news/news/regions/791070/maguindanao-community-shaves-women-s-heads-to-punish-them-for-being-lesbians/story/> (accessed 31 August 2021)

<sup>58</sup>



protection gaps faced by LGBTQI in the Philippines. Violence and discrimination persist amidst the pandemic and even with the passage of the Safe Spaces Law. Protection gaps are exacerbated - stressing the need to continue pushing for effective, prompt and survivor centered responses for measures that prohibit all forms of discrimination on the basis of SOGIESC. These also highlight the important role played by an expanded referral mechanism, not limited to government agencies but also CSOs/NGOs who are able to effectively respond and ensure continuum of care for survivors. In the end however, the duty falls with the State to ensure protection from all forms of violence, including access to justice when violence happens.

#### **IV. Positive Responses from the Government**

As the COVID-19 crisis continues, both the Government and Civil Society organizations adopted means to ensure access to services and support by women, girls and marginalized sectors. Quick to respond, CSO's like Lunas Collective has established its online counselling for GBV survivors in 2020, the same too with CATW-AP, who through support by the UNFPA - developed the Her Voice Ap. The Commission also developed online and remote reporting mechanisms early - through the GBV reporting portal, the Community Based Peer Monitoring with women with disabilities, and the E-lawyering project.

In 2020, more initiatives were developed, especially on the part of the government. This section documents the different platform developed by government to respond to the challenges brought about by quarantine and lockdown measures. Last 5 May 2021, the Department of Social Welfare and Development launched the Wi Support App and web page, the platform provides online mental, psychosocial support program.<sup>59</sup> The Philippine National Police, on the other hand adopted hotlines in order to provide a platform to complaint against members of the PNP through the E- sumbong platform of the PNP.<sup>60</sup> Through the consultations conducted by the Commission on the implementation of the Safe Spaces Act, the Commission noted the adoption by the PNP Cybercrime unit of its own online reporting portal in cases of cybercrimes. The e-complaint desk<sup>61</sup> may be accessed through the PNP Cybercrime Group.<sup>62</sup>

Other noteworthy good practices on the part of the government during this period is the strengthening of shelters as in the case of Quezon City, the execution of memorandum of agreement among members of the inter-agency mechanisms to address VAW. For instance, in March of this year, the Commission's Regional IV-A office executed a memorandum of agreement with the Region IV-A Haven for women. In the said MOU, the Commission's regional office committed to provide legal assistance to GBV survivors housed in Haven, to answer their legal queries, help them prepare legal documents and also monitor their cases. The MOU also includes provision of capacity building lectures for Haven and its

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<sup>59</sup> Luci-Atienza, We Listen, We Care: DSWD Launches online mental, psychosocial, support program. <https://mb.com.ph/2021/05/05/we-listen-we-care-dswd-launches-online-mental-psychosocial-support-program/> (last accessed 31 August 2021)

<sup>60</sup> See here: <https://pnpts.pnp.gov.ph/index.php/10-school-announcement/68-e-sumbong>

<sup>61</sup> See here: <https://acg.pnp.gov.ph/eComplaint/>

<sup>62</sup> <https://acg.pnp.gov.ph/main/>

residents. This is best practice worth emulating, and to strengthen further referrals, the Commission is also connecting with other Gender Ombud partner institutions - including academic institution based legal aid, IBP, and other CSOs providing legal aid. Through this effort, the Commission seeks to fulfill the mandate of the Magna Carta of Women on strengthening legal assistance for survivors of violence and in strengthening referral mechanisms.

For CSO initiatives for 2021, the legal aid and assistance services developed by IDEALS Inc, Tisya Hustisya is a good practice in as much as it bridges women to much needed legal advice not necessarily limited to cases of GBV. Tisya Hustisya, ran by IDEALS Inc, provides legal advise and counselling and may be reached through their FB pages and hotline numbers.<sup>63</sup>

## **VI. Recommendations**

1. Continue to ensure that gender is mainstreamed in government's continuing response to the COVID-19 pandemic. For government programs and service to continue to ensure intersectional approaches and the adoption of affirmative actions to reach out to those who are invisible or most left behind. This include programs related to continuing social protection and support services as well as those related to vaccination;
2. To ensure that gender-based violence, the prevention of sexual exploitation and abuse forms part of all programs and strategies developed to respond to the continuing crisis brought about by the pandemic. Measures should be adopted to ensure access amidst the pandemic -to include adoption of remote reporting and response options. Measures should also take into account multiple vulnerabilities - ensuring access to sign language interpreters for the Deaf, language translators as may be needed, and providing access to transportation and shelter etc.
3. Ensure the continued participation of women and members of the LGBTQI community and other marginalized groups in the planning and programming for the continued response to the pandemic. Participation should be ensured taking into account accessibility;
4. Strengthen the adoption of community-based approaches and engagements to ensure access to information, support services, and medical services by the most vulnerable and marginalized - this include community based efforts to disseminate vaccine related information and related services;
5. In view of the vaccine roll out - to ensure that gender specific issues are addressed - that unpaid care work is accounted for in scheduling, that women' specific contexts - as living in GIDA, as IDP, as street dwellers and homeless persons, and deprived of liberty and other vulnerabilities be duly addressed and taken into consideration.

### **Specific Recommendations:**

### **Executive:**

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<sup>63</sup> <https://www.facebook.com/tisyahustisya/>

- Address impunity and ensure accountability of members of the PNP with administrative and disciplinary cases related to gender-based violence and the sexual exploitation of women;
- Address impact of the pandemic on those worse hit- women workers in the informal sectors, women fisherfolks , rural women, internally displaced women, women in street situations;
- Enhance connectivity of government offices, especially those that provide services for marginalized women; Enhance connectivity and access in community areas to encourage participation of marginalized women

**Legislature:**

- Pass as urgent pending legislation on gender responsive pandemic response;
- Pass as urgent the proposed legislation addressing teenage pregnancy, the bill seeking to lower the age of sexual consent, and the SOGIE Equality bill;
- Ensure participation of women and WHR organizations in the deliberation of the Magna Carta of Women in the Informal Sector as well as in discussions on the Fisheries Code;

**Judiciary and Constitutional Commissions:**

- COA to adopt and modify government rules on the provision of communication allowance and to allow agencies to create an enabling environment for stakeholders from the marginalized sectors to participate. This includes relaxation in the rules providing for communication and food allowances of community women participating in various capacity building activities. The continuing digital divide will continue to exclude women and marginalized groups if the government does not provide affirmative action that ensures and facilitates participation by women and marginalized groups.