



Submission to the 4th Cycle of
the Universal Periodic Review of
the Philippines

Submitted by: General Assembly Binding Women for Reforms, Integrity, Equality, Leadership, and Action (GABRIELA)

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Introduction

1. GABRIELA has submitted a report for the 3rd cycle of the UPR on the Philippines in 2017. The Philippines will undergo the 4th periodic review this 2022. During the last review in 2017, 257 member-states have given their recommendations to the Philippine government, including those pertaining to the protection of women and children, under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Philippine government is a signatory to CEDAW and eight core international human rights instruments and six optional protocols.¹ CEDAW has even its translation to national law, the Magna Carta of Women or the Republic Act 9710. Therefore, it has the obligation to take appropriate measures to eliminate all forms of violence and discrimination against women and to enhance significant gender equality.
2. The Philippine government supported all the recommendations that shall: protect the right of life from conception to death (Rec # 133.99, Holy See); continue programs to put an end to violence against women and children (Rec# 133.125, Bosnia and Herzegovina; 133.228, Tunisia); ensure adequate resources for poverty alleviation programs in line with the commitment to ensure inclusive growth (Rec# 133.208, Lao People's Democratic Republic); and continue working on measures to enable women to have effective access to the justice system (Rec #133.231, Honduras).
3. There were further recommendations to implement reforms for the well-being and full enjoyment of human rights by the population (Rec #133.21, Chad) and to ensure that laws, policies and programs for the protection of human rights of women, elderly persons, persons with disabilities, and indigenous peoples were protected. (Rec# 133.30, Cuba).
4. The state implementation of these recommendations had been monitored by GABRIELA. Regrettably, the Philippine government under President Rodrigo Duterte

failed to fulfill the recommendations especially in addressing the issues of poverty alleviation, discrimination, protection of health, accessibility to the justice system, and violence against women.

5. The condition of women during the period under review had been prejudicial to their well-being since the Duterte government itself has perpetrated discrimination and violence against women. President Duterte had, on several occasions, exhibited a feudal-patriarchal attitude that treated women as inferiors and sex objects. Further, Filipino women, especially those who asserted their rights, have become victims of state attacks and extra-judicial killings by suspected elements of the state.
6. GABRIELA and other women human rights defenders experienced the shrinking democratic space when the Duterte government started implementing Executive Order (EO) 70 (s.2018)² that institutionalized the harassment and illegal arrests of human rights defenders and activists. EO 70 also paved the way for the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) chaired by President Duterte and National Security Adviser (Ret. Gen.) Hermogenes Esperon as vice-chairperson. Amid the hard lockdowns related to the COVID-19 pandemic, President Duterte signed into law the Anti-Terrorism Act (3 July 2020). The said law over-broadly defines terrorism and has blurred the distinction between terrorism and acts related to assertion of rights.³

ON INCLUSIVE GROWTH FOR WOMEN

7. The Philippines had the worst unemployment in Asia, affecting more than 16 million Filipino women who were considered economically insecure.⁴ The Covid-19 pandemic heavily impacted women workers, with many receiving meagre or no support for mass testing, food, and medical care even as the Duterte administration borrowed or received billions of pesos from foreign donors for its Covid response. Militarist lockdowns exacerbated their plight. In April 2020 alone, an estimated 2.3 million Filipino women workers lost their jobs as a result of the lockdowns. Moreover, interviews with women packers in online selling platforms revealed that women received less than the minimum wage and were expected to work long hours especially when the online seller went on sale of its products.⁵

ON THE PROTECTION OF WOMEN AGAINST GENDER-BASED VIOLENCE

8. The economic crisis and the pandemic created conditions for increased violence against women. As a signatory of CEDAW and its national version, the Magna Carta of Women, the Philippine government has reneged on its primary obligation to take measures to eliminate all forms of violence. President Duterte's display of power has included his tirades against women - from remarking in public about molesting their house helper in his youth to declaring that the genitalia of female rebels should be mutilated, to assuring his military personnel not to fear any sanction for sexual abuses because he would cover for them.⁶ The misogynist action of the President himself resulted to a culture of impunity among the perpetrators, especially among law enforcers. In 2019, reported incidents of violence against women peaked at 19,743 or 74 cases per day. In 2021, the

Center for Women's Resources (CWR) counted one woman abused every 34 minutes.⁷

9. GABRIELA usually received three to five cases of VAW victims per day, which have been more frequent during the pandemic. Correspondence became difficult on the side of the victims since they have to clandestinely narrate their harrowing experiences because of the lockdowns. Many women cited loss of jobs and lack of economic activities especially during the pandemic resulted to the worsening abuses at home.
10. Since President Duterte took office in 2016, 56 policemen were reportedly involved in 16 rape cases and seven acts of lasciviousness.⁸ Twelve cases were drug-related, where victims were drug suspects, kin of drug suspects or were assaulted during drug-related operations.⁹ Disturbingly, while law enforcers tried to justify the war on drugs to curb violence and sexual abuses, they themselves committed rape and other forms of sexual abuse. During the militarist lockdown to curb the spread of the COVID-19 virus, reports of sexual abuses by policemen came out, where they demanded sex from some women in exchange for a checkpoint pass.¹⁰
11. According to the Philippine National Demographic and Health Survey, two in five women victims of violence have never sought help to end the violence or told anyone about it.¹¹ GABRIELA believed that aside from victim blaming and stigma that victims experienced, the inaccessibility of services plus the costly and tedious judicial processes have discouraged victims to readily report their cases.

ATTACKS AGAINST WOMEN AND HUMAN RIGHTS DEFENDERS (WHRDs)

12. With their consistent dissent against abuses, neglect, mistreatment, and human rights violations, GABRIELA and other WHRDs have become targets of attacks. GABRIELA has been maliciously tagged as a "terrorist front" by the Duterte government. GABRIELA and other WHRDs have been slapped with baseless criminal complaints, their provincial offices raided through the use of arbitrarily-issued search warrants that resulted to the arrests of officers and members or bring charged in court based on planted pieces of evidence. To date, women leaders and members are facing surveillance, harassment, and some have even been killed.
13. GABRIELA and other WHRDs have sought protection against threats to their lives, liberty, and security using remedies available under the law. The attacks against these women have worsened upon the issuance of EO 70 through the full operation of NTF-ELCAC. The spokespersons of NTF-ELCAC have been and are currently on a witch hunt and red scare rampage nationally and internationally, wantonly branding and tagging organizations and individuals, even movie celebrities who criticize government actions, as 'terrorists' in utter disregard of the fundamental human rights being violated in the process.
14. The continuing attacks have prompted GABRIELA together with human rights alliance KARAPATAN and the Rural Missionaries of the Philippines (RMP) to file in court a petition for Writs of Amparo and Habeas Data. Despite the meritorious showing of immediate threats to their lives and liberty, the Court dismissed the petitions.

15. Meanwhile, efforts to curtail the liberty and to threaten the security of GABRIELA and other WHRDs have continued. The NTF-ELCAC initiated a request for financial investigation of GABRIELA's financial and bank transactions before the Anti-Money Laundering Council (AMLC) without informing the organization.¹² With the Anti-Terrorism Law in place, GABRIELA had raised its concern that under the undemocratic state of President Duterte, the law is being used against it to stymie its function as a watchdog and defender of women's rights.
16. President Duterte on several occasions used public events to denigrate women, particularly women political dissenters. A well-known example is Senator Leila de Lima, a critic of President Duterte, and now incarcerated for five years, without benefit of a speedy and fair trial. Former Gabriela Women's Partylist Representative Liza Maza, former head of the National Anti-Poverty Commission was issued a warrant of arrest (with no bail) in 2018 based on an old fabricated murder case filed against her and three other progressive congressmen in 2006, presumably due to her anti-Duterte stance.¹³ Maza's case has been dismissed by the courts. A recent case was the accusation against Rep. Arlene Brosas, representative of the lone women's party-list in Congress. She has been repeatedly subjected to red-tagging and now has been exposed to danger of arrest and harm by the NTF-ELCAC, which irresponsibly and maliciously tagged her as a leading personality of the Communist Party of the Philippines.¹⁴
17. GABRIELA leaders and members have been red-tagged as a "communist terrorist group" (CTG) or a "communist terrorist front" by officials. National Security Adviser Hermogenes Esperon, vice-chair of NTF-ELCAC, wrote a letter to the European Union, and without any basis specifically named three Belgian NGOs as having partnered with "communist terrorist fronts" that included GABRIELA. Esperon filed a malicious perjury case against Gert Ranjo-Libang, Chairperson and Joan May Salvador, Secretary-General of GABRIELA, after their court petition for legal protection was dismissed by the Court of Appeals.
18. GABRIELA's national vice-chairperson, Jenelyn Nagrampa-Caballero, also an elected local government official in Bicol was arbitrarily arrested in 2020, detained for 21 days on trumped-up charges. In July 2021, the charges against her were dismissed due to lack of probable cause.
19. The number of women political prisoners rose to more than a hundred under the Duterte administration. Many have been arrested based on trumped-up charges and planted evidence. They continue to suffer subhuman prison conditions and the slow grind of the justice system.
20. During the height of the pandemic lockdown, 10 GABRIELA members and displaced jeepney drivers who volunteered in Marikina City were arrested on May 1, 2020 while organizing soup kitchens for communities that were severely displaced economically. The police arrested them for allegedly violating lockdown prohibitions and public gatherings. But public outrage over the arrest led the police to release the volunteers though the charges remained. After five months, the case against them was dismissed due

to lack of merit.

21. On June 2020, members of Bahaghari, an organization of individuals from the LGBTQ+community and their supporters were arrested while marching to Malacañang to commemorate the Pride Month and to call for aid for those affected by the pandemic. Despite observing health protocols, they were arrested and detained for more than a week without charges.
22. Jovita Montes, one of GABRIELA's national officers and a person with disability (PWD) experienced intense surveillance for the whole year of 2021 by uniformed policemen and plainclothesmen who tailed her vehicle and loitered around her house and the GABRIELA office on several occasions. Men posing as public utility employees also attempted to break into her house, with one actually managing to enter their residence compound on February 12, 2021. The man was accosted by her family members and was told to leave the premises. Montes continues to suffer from anxiety brought about by these acts of harassment believed to be carried out by elements of the state.
23. Lila Pilipina, an institution helping the comfort women/ sex slaves of the Japanese Imperial Army in World War II had been steadfast in calling for justice for the victims of sex slavery. However, the Duterte administration had instead heeded the call of the Japanese government to remove the two statues of "comfort women" that aimed to educate the public about World War II. The Duterte administration had also ignored the calls for an investigation on the abrupt removal of the statues and to work on a final resolution with the Japanese government. In 2020, Lila Pilipina experienced redtagging by the Manila police when the the group staged a 'Walk to the Japanese Embassy' together with their supporters.

RECOMMENDATIONS TO THE PHILIPPINE GOVERNMENT:

24. Respect and fulfill the recommendations of UNHRC member-states to ensure the protection of the rights and well-being of Filipino women, including guarantees for marginalized women's unimpeded access to the justice system.
25. Allow Special Procedures and mandate holders to conduct official visits in the Philippines to identify measures or mechanisms under international laws to facilitate transitional justice for victims of human rights violations.
26. Fulfill its obligation as a signatory to the Convention on the Elimination of Discrimination against Women and its local counterpart, the Magna Carta of Women, with the intention of allowing women to obtain economic and social security and to guarantee their rights against all forms of violence at the workplace and elsewhere.
27. Free all women political prisoners and drop all trumped-up charges against women human rights defenders and activists; Resume peace negotiations aimed at instituting much needed political and socio-economic reforms.

28. Repeal the Anti-Terror Law or amend it by striking down provisions that violate basic civil liberties and fundamental human rights.
29. Undertake negotiations for justice on behalf of Filipino "Comfort Women" and respect the Filipino people's right to know about this historical injustice by investigating the case of the disappearance of the two comfort women statues

RECOMMENDATIONS TO THE UN HUMAN RIGHTS COUNCIL:

30. For the UN Human Rights Council to conduct an independent international investigation or a commission of inquiry in the Philippines.

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

² Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict and Directing the Adoption of a National Peace Framework.

³ Republic Act No. 11479 or The Anti-Terrorism Act of 2020 (the "Act"), a law that seeks to prevent, prohibit and penalise terrorism. Terrorism covers any action that could be deemed by the state as threatening its security, when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organisation, or seriously destabilise or destroy the fundamental, political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety. The Act, which provides for, among others — wiretapping, detention without charges for 14-24 days and seizure of assets without any prior notice or trial, and based solely on designation by the Anti-Terrorism Council. Any person suspected could be arrested without warrant, could be stripped of one's economic and social resources, among others. The Act has an extraterritorial application, which means that it may also apply to non-Filipino citizens and/or those situated outside the territorial limits of the Philippines. The penalty is life imprisonment without the benefit of parole.

<https://www.officialgazette.gov.ph/2020/07/03/republic-act-no-11479/>

⁴ Center for Women's Resources, Ulat Lila 2021

⁵ Interview with women workers in factories by organizers of Kilusan ng Manggagawang Kababaihan (KMK), an organization of women workers, 2021

⁶ Michael Beltran, "Serial Misogynist: the Dangers of Duterte's Tyrannical Crusade against Women", The NewsLens, 21 January 2019, <https://international.thenewslens.com/article/112413>

⁷ Center for Women's Resources, ULAT LILA (Report on the current situation of women), 2021

⁸ Gaea Katreena Cabico, "Group documents 33 cop abuses vs. women under Duterte admin", Philstar.com, 31 October 2018, <https://www.philstar.com/headlines/2018/10/31/1864765/group-documents-33-cop-abuses-vs-women-under-duterte-admin>

⁹ Ibid.

¹⁰ April Raffles, "Sex-for-Pass modus umano ng mga pulis ikinababahala ng mga grupo", ABS-CBN News, 25 May 2020, <https://news.abs-cbn.com/news/05/25/20/sex-for-pass-modus-umano-ng-ilang-pulis-ikinababahala-ng-mga-grupo>

¹¹ Philippines National Demographic and Health Survey 2017, Philippine Statistics Authority, Quezon City

¹² Republic of the Philippines, represented by the National Task Force to End Local Communist Armed Conflict vs GABRIELA WOMEN'S PARTY AND GABRIELA, INC. and the GENERAL ASSEMBLY OF WOMEN FOR REFORMS, SPP 19-007.

¹³ <https://www.cnnphilippines.com/news/2018/08/07/liza-maza-murder-case-dismissal.html>

¹⁴ Marita Moaje, "Cases filed by party-lists vs. NTF-ELCAC 'order' from Reds, 29 March 2022, <https://www.pna.gov.ph/articles/1170951>