



**Philippines' Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women  
Suggested List of Issues**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**Initiatives for Dialogue and Empowerment through Alternative Legal Services  
(IDEALS), Incorporated**

a non-governmental organization based in the Philippines

**84<sup>th</sup> Pre-Sessional Working Group of the Committed on the Elimination of All Forms of  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

The **Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS)** is a local non-profit, non-stock legal-focused advocacy and service institution. IDEALS addresses the legal and technical needs of the marginalized, disempowered, and vulnerable groups, particularly farmers, persons and communities affected by disasters, and victims of human rights violations. The Organization envisions an empowered citizenry sustained by participatory and accountable governance, equitable enjoyment of resources and opportunities, and accessible justice. It is dedicated to develop and facilitate partners' initiatives for empowerment and sustainability as well as assisting disadvantaged and marginalized sectors in gaining improved access to justice and equity.

## EXECUTIVE SUMMARY

1. Domestic violence remains a serious problem in the Philippines. Despite the presence of a well-established reporting system through the Philippine National Police (PNP), the national violence against women (VAW) data is inadequate as administrative data are poorly coordinated. This is further aggravated as the State has temporarily halted and redirected its efforts and resources toward VAW to now address COVID-19 concerns. Strict restrictions on mobility have resulted in underreporting to authorities, and VAW Desks personnel lack the necessary training in addressing VAW in their communities.
2. While efforts in strengthening laws pertaining to VAW are in progress, the State has not adequately amended existing provisions that shield perpetrators. Married victims of VAW may sever marriage ties, although current laws remain insufficient to fully protect married women.
3. The State fails to adequately protect women from Violence Against Women and Their Children (VAWC). Despite the presence of an Anti-VAWC law, the current administration's campaign against illegal drugs continues to cause indirect violence to women.
4. Barriers to women's participation in political and public life remain present. Further, the State has yet to eliminate persisting stereotypes regarding the roles and responsibilities of women and men in the family and in society as well as derogatory statements and behavior by high-level political figures. Barriers to adequate employment also continue to impede women from fully participating in public life.
5. This submission employs qualitative research. IDEALS collected and analyzed primary data through its virtual platform for legal assistance (*Tisya Hustisya*), direct service to victims of domestic violence, legal documentation of the relatives of human rights victims, and focus group discussion interviews.

### **The Philippines fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women**

6. As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (the Convention), the Philippines is obligated to treat women and men equally before the law and ensure "effective protection of women" through the courts and institutions under Article 2 of the Convention. The Convention recognizes violence against women as a form of discrimination. Under Article 5, the Convention requires State Parties to adopt measures that will eliminate prejudices against women on the basis of gendered stereotypes. Articles 7 and 11 of the Convention guarantee women's right to participate in public life and the right to work, including equal pay for equal work.

#### **I. Gender-based violence against women (Concluding Observations, paragraphs 25 and 26)**

##### *Legislation and comprehensive policy framework*

7. The Committee on the Elimination of Discrimination against Women (Committee) previously recommended to the Government of the Philippines in its last review to "expedite the amendment of the Anti-Rape Law of 1997, putting lack of consent as the primary element of the definition of rape and raising the minimum age of sexual consent,

currently set too low at 12 years, to at least 16 years.”<sup>1</sup> Although the age of statutory rape has been raised from 12 to 16 years old, the Anti-Rape Law of 1997 (ARL) needs to be further amended to strengthen protections for women and children against discrimination and violence, as well as to address provisions that conflict with other laws pertaining to women’s rights.

8. The Committee’s proposals to “(1) place lack of consent at the center of the offense of rape; (2) repeal the forgiveness clause, in which a subsequent marriage between the alleged rapist and victim will void any criminal allegations of rape; and (3) clarify that the lack of physical resistance to rape does not constitute consent” were stated in the 9th Periodic Report of the Philippines.<sup>2</sup> The Government has failed to address these recommendations. In particular, the existing forgiveness clause fails to protect victims from their rapists and further subjects them to abuse under the guise of marriage.<sup>3</sup>
9. Despite the State’s efforts in addressing VAWC at the local level, the functionality of the *barangay* VAW Desks remains inadequate, particularly with regard to their establishment (i.e. orientation on Anti-VAW Laws such as RA 9262, 9208, and other related laws). IDEALS has identified that there is a lack of knowledge about laws on VAWC at the local level. In a focus group discussion conducted by *Tisya Hustisya*, a participant stated that she was discouraged from seeking help because of the response of the *barangay* VAW Desk officer. She specifically mentioned that her lack of trust in *barangay* VAW Desk officers was due to the incident and further stated that *barangay* VAW Desk officers lack legal knowledge on VAWC.<sup>4</sup>
10. Despite the existence of laws against violence against women and sexual harassment, rates of violence against women and children have not declined.<sup>5</sup> Filipino women are reportedly less likely to seek help due to mobility restrictions; accessibility of assistance; economic displacement; and “misconceptions on quarantine restrictions and fear of authorities,” particularly “fear of apprehension among poor communities.”<sup>6</sup>
11. IDEALS has recorded and coded the recurring legal issues and struggles that Filipino women experience. From June 15, 2020 to December 15, 2021, IDEALS coded 1,347 (8%) of the 16,224 chatbot sessions with female clients as pertaining to VAW. The complaints consisted of violence against women and their children, rape, and acts of lasciviousness.<sup>7</sup>
12. IDEALS lawyers have also taken up several of these cases of violence against women. The gender-based violence cases handled by IDEALS include rape cases involving adults and

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<sup>1</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations: Philippines, (July 25, 2016), U.N. Doc. CEDAW/C/PHL/CO/7-8, ¶ 26

<sup>2</sup> Committee on the Elimination of Discrimination Against Women, *Ninth periodic report submitted by the Philippines under article 18 of the Convention, due in 2020*, October 4, 2021, U.N. Doc. CEDAW/C/PHL/9, ¶ 55.

<sup>3</sup> Philippine Commission on Women, “Strengthening the Provisions of R.A. 8353: Amending the Anti-Rape Law,” May 16, 2022, <https://pcw.gov.ph/strengthening-the-provisions-of-r-a-8353-amending-the-anti-rape-law/>

<sup>4</sup> Focus Group Interview with a Tisya Hustisya client, Quezon City, November 18, 2021.

<sup>5</sup> Philippine Institute for Development Studies, *PH laws on women lack teeth*, vol. XXXVI No. 1 of *Research Development News*, (PIDS: 2018)

<sup>6</sup> *The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya*, (IDEALS, Inc.: 2022), 17

<sup>7</sup> Article 336 of the Revised Penal Code of the Philippines punishes acts of lasciviousness. An act of lasciviousness is any act of lewdness committed against a person of either sex, by using force of intimidation; when the offended party is deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; or when the offended party is under 12 years of age or is demented.

minors, sexual harassment in the workplace, and petition for child support.<sup>8</sup> In rape cases, our lawyers have found that the perpetrators are usually those closest to the victims. These crimes are also often committed inside the victims' homes.

13. In addition to coding for VAW, women also frequently reported family-related legal issues (22% of all chatbot conversations with IDEALS staff). Family-related concerns consist of child support and custody disputes, annulment of marriage, legal separation, adultery, concubinage, and bigamy. Addressing these issues through legal institutions is expensive and takes a lot of time, disincentivizing women from seeking formal legal redress.

### *Campaign against illegal drugs*

14. Women have experienced significant gender-based violence as part of the Government's campaign against illegal drugs. During the Duterte administration, police and government forces illegally arrested, extrajudicially killed, and sexually assaulted women under the guise of fighting back against illegal drugs.
15. IDEALS documented two instances of a "sex-for-freedom" scheme (locally known as "*palit-puri*") wherein police coerced the women they had arrested into having sexual intercourse with them in exchange for their release. IDEALS also documented at least one instance of police raping a woman under the guise of the campaign against illegal drugs.
16. For instance, Police Officer I Eduardo Valencia was charged with rape after arresting a 15-year-old girl who accused him of forcing her to have sex in exchange for being set free.<sup>9</sup>
17. Police have also used the sex-for-freedom scheme on women after arresting or detaining their family members. The media has reported on a case in which police arrested the husband of a former sex worker on fabricated drug charges.<sup>10</sup> The police forced the woman to perform sex acts on the officers when she could not meet the monetary amount they demanded for his freedom.
18. IDEALS also documented a case in which police accosted a woman's live-in partner for allegedly being a known drug user despite having already undergone rehabilitation. The police officers told the woman they would not arrest her partner if she would give herself to them, resulting in three officers gang raping her in front of her partner.
19. Government officials and police pressure victims of sex-for-freedom violations not to report their sexual assaults under threat of retaliation by their assailants.

### *COVID-19 pandemic*

20. The COVID-19 pandemic has placed Filipino women at greater risk of domestic violence as restrictions on mobility have made government services less accessible, limiting the ability of women to report cases of violence at the local level.

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<sup>8</sup> Art. 70 of the Family Code of the Philippines (Executive Order No. 209) provides, "The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be paid from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case of insufficiency or absence of said income or fruits, such obligations shall be satisfied from the separate properties."

<sup>9</sup> Aie Balagtas See, *NGO: Drug war worsens 'palit-puri'*, Philippine Daily Inquirer, November 5, 2018, <https://newsinfo.inquirer.net/1050369/ngo-drug-war-worsens-palit-puri>.

<sup>10</sup> Aie Balagtas See, *NGO: Drug war worsens 'palit-puri'*, Philippine Daily Inquirer, November 5, 2018, <https://newsinfo.inquirer.net/1050369/ngo-drug-war-worsens-palit-puri>.

21. Strict restrictions on mobility brought about by the Enhanced Community Quarantine (ECQ) has left Filipino women increasingly vulnerable as the State is currently utilizing the resources it had previously dedicated to gender-based violence to now address priority concerns such as the Social Amelioration Program (SAP) and other pandemic-related concerns.<sup>11</sup> As such, the State has also directed *barangay*<sup>12</sup> VAW Desk personnel to address the COVID-19 pandemic.<sup>13</sup>
22. Although the Crime Information Reporting and Analysis System of the Philippine National Police with regards to VAW is commendable, national VAW data remains inadequate. This is due to poor coordination in administrative data resulting in a lack of a holistic view in understanding the gaps between national prevalence and service delivery.<sup>14</sup> With State efforts and resources being utilized for COVID-19 priority concerns, accuracy in reported VAW cases is highly unlikely due to redistribution of government employees to combat the pandemic.
23. The Philippine National Police reported a drop in VAWC cases from 2020 to 2021,<sup>15</sup> but IDEALS' online legal platform *Tisya Hustisya* documented an upward trend of VAWC cases during the same period.<sup>16</sup>

## **II. Participation in political and public life (Concluding Observations, paragraphs 31 and 32)**

24. In its previous review of the Philippines, the Committee recommended that the Government “further accelerate its achievement of substantive gender equality and the full realization of human rights for women, in particular by strengthening a gender-sensitive approach to development, transitional justice, among others.”<sup>17</sup> Based on *Tisya Hustisya*'s findings, the Philippines has yet to move towards a substantive model of equality despite the Government's efforts in implementing laws on violence against women and girls, including RA 9262,<sup>18</sup> RA 8353,<sup>19</sup> RA 9208,<sup>20</sup> RA 7877,<sup>21</sup> laws on marriage (i.e. annulment of marriage, declaration of absolute nullity of marriage, and legal separation of marriage), and provisions on labor (i.e. maternity leave, gynecological issue, etc.).
25. Despite the Committee's recommendation to “put in place a comprehensive strategy with proactive and sustained measures aimed at both women and men at all levels of society, including political, traditional and religious leaders, to eliminate discriminatory stereotypes

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<sup>11</sup> Gianna Francesca Catolico, Dorothy Ditching Ferrer, and Gail Ann Diola, *The More Contagious 'Viruses': Women's Rights during the COVID-19 Pandemic through Tisya Hustisya*, (IDEALS, Inc.: 2022)

<sup>12</sup> The *barangay* is the smallest local government unit in the Philippines.

<sup>13</sup> Patricia Denise Chiu, *Lockdown blamed for cases of violence against women*, Philippine Daily Inquirer, June 14, 2020, <https://newsinfo.inquirer.net/1291289/lockdown-blamed-for-more-vaw-cases>.

<sup>14</sup> OCHA, *Ending Violence against Women and Children in the Philippines: Opportunities and challenges for collaborative and integrative approaches*, by UNFPA, UNICEF, UN Women (Bangkok: UNICEF, 2020), 5

<sup>15</sup> James Paul Gomez and Alain Kyle Robredillo, *Fewer violence vs. women cases, but more unreported*, Manila Standard, June 17, 2021, <https://manilastandard.net/news/national/357417/fewer-violence-vs-women-cases-but-more-unreported.html>.

<sup>16</sup> *The More Contagious 'Viruses': Women's Rights during the COVID-19 Pandemic through Tisya Hustisya*, (Quezon City, 2022)

<sup>17</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations: Philippines*, (July 25, 2016), U.N. Doc. CEDAW/C/PHL/CO/7-8, ¶ 9.

<sup>18</sup> Anti-Violence Against Women and Their Children Act of 2004.

<sup>19</sup> The Anti-Rape Law of 1997.

<sup>20</sup> Anti-Trafficking in Persons Act of 2003.

<sup>21</sup> Anti-Sexual Harassment Act of 1995.

about the roles and responsibilities of women and men in the family and in society,” the State fails to eliminate the aforementioned.<sup>22</sup>

26. Between 2018 and 2020, the Philippines dropped from number eight to number 16 on the Global Gender Gap Index of the World Economic Forum. In 2021, the Philippines dropped further to number 17. The Report has four subindexes: health and survival, economic participation and opportunity, educational attainment, and political empowerment. The latter three significantly affected the Philippines’ ranking on the Global Gender Gap Index.
27. The political climate and hostile environment against women have contributed greatly to limiting women’s access to justice. This hostility extends to the highest reaches of the government, including misogynistic and sexist remarks made by the Philippines’ head of state and his admission of sexually harassing a woman in his teens.<sup>23</sup>

### *Campaign against illegal drugs*

28. The campaign against illegal drugs under the Duterte administration has had significant effects on women. It has reduced their socio-economic status, livelihood, and education. Between 2016 until 2019, IDEALS has documented 63 female victims of extrajudicial killings, illegal arrests, and other human rights violations under the guise of the campaign against illegal drugs.
29. Though the majority of individuals arrested or detained are men, most of them have female partners (i.e., they are married or in common-law relationships) and families who are left behind following their arrests. More than 83 percent of these detained men have at least one minor dependent child.<sup>24</sup> While men experience a majority of the human rights violations in the campaign against illegal drugs, women bear the brunt of the post-violation effects.<sup>25</sup>
30. The mothers and wives of these victims are left to care for their families, with some taking additional jobs to compensate for the loss of their male family member’s income. Often, the man who was arrested was the family’s breadwinner. Many women have reported taking out loans and pawning personal property due to financial hardships.<sup>26</sup>
31. Family members of detained men also report experiencing ostracization and stigmatization from their community. Many women have said that their communities blame them for what happened to their family members, including blaming several widows for their husbands’ deaths. Some women have expressed that this blame has caused them to minimize their socialization and further isolate themselves from their communities.<sup>27</sup>

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<sup>22</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations: Philippines, (July 25, 2016), U.N. Doc. CEDAW/C/PHL/CO/7-8, ¶ 24.

<sup>23</sup> Jason Gutierrez, *Philippine President Says He Sexually Abused Housemaid as a Teenager*, The New York Times, December 31, 2018, <https://www.nytimes.com/2018/12/31/world/asia/philippines-rodrigo-duterte-sexual-abuse.html>.

<sup>24</sup> IDEALS, Inc., *Beyond the Numbers: Revealing the Faces of the Victims of the Campaign Against Illegal Drugs*, by Atty. Raphael Carlo Brolagda, Atty. Ivy-ron Quinto, Benjie Allen Aquino, and Juan Paolo de Guzman (Quezon City, 2021), 19.

<sup>25</sup> *Beyond the Numbers: Revealing the Faces of the Victims of the Campaign Against Illegal Drugs*, (IDEALS, Inc.: 2022), 18.

<sup>26</sup> IDEALS, *Unsilencing the Voices of EJK Surviving Families: A Closer Look at their Healing, Recovery, and the Restoration of Justice* by Charmen Balana, KZ Briana, Aloe Pagtiilan, Christine De Leon, and Raevenc Morillo (Quezon City, 2021), 172.

<sup>27</sup> *Unsilencing the Voices*, (IDEALS, Inc.: 2022), 171-2.

### III. Employment (Concluding Observations, paragraphs 35 and 36)

32. The Committee has expressed its concern that women living in poverty in rural and urban areas, in particular those working in the informal sector, lack access to social security. The Committee recommended that the State “ensure that women engaged in unpaid work or in the informal sector, both in rural and urban areas, have access to non-contributory social protection and that those employed in the formal sector have access to contributory social security benefits in their own right, irrespective of their marital status.”<sup>28</sup> The State has not addressed these concerns.
33. The past and present governments of the Philippines have failed to provide efficient remedies for mistreated women and abandoned pro-women’s rights policies. Further, *Tisya Hustisya* has documented how the COVID-19 pandemic has aggravated the already subpar working conditions of its female clients.
34. Several female minimum-wage earners are trapped in a “no-work, no pay”<sup>29</sup> scheme or work overtime without overtime or hazard pay. These exploitative working conditions are also coupled with an intensification of domestic and community work in which Filipino women disproportionately participate.<sup>30</sup>
35. Women also experience discrimination in the workforce. Ten percent of the chatbot sessions with female clients on *Tisya Hustisya* were coded as labor-related, with 52 percent of these queries centered upon labor standards. Most of their questions concern blatant violations of the right to work principle, fair and decent wages, gender equality in the workplace, and the right to social security benefits<sup>31</sup>
36. A majority of *Tisya Hustisya*’s female clients with labor-related concerns reported that they were dismissed from their jobs, placed on a months-long floating status, and/or have not received their separation and final pay. Nearly five percent of the total labor-related queries were about minimum wage and the deprivation of employment benefits; eight percent were about the absence of overtime pay, holiday pay, and unpaid work. The conduct clients inquired about violates Book Three on the Conditions of Employment in the Labor Code of the Philippines.<sup>32</sup>

### IV. Suggested Questions for List of Issues

- How will police officers who are responsible for sexual crimes be independently investigated, held accountable, and how will these incidents be prevented from recurring?

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<sup>28</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations: Philippines, (July 25, 2016), U.N. Doc. CEDAW/C/PHL/CO/7-8, ¶ 42.

<sup>29</sup> “The concept of no work no pay is the basic factor in determining the employees’ wage. If there is no work performed by the employee there can be no wage or pay unless, of course, the laborer was able, willing and ready to work but was illegally locked out, suspended or dismissed, or otherwise illegally prevented from working.” Albuero and Associates Law Offices, “Concept of No Work No Pay,” June 2, 2022, <https://www.alburolaw.com/concept-of-no-work-no-pay>.

<sup>30</sup> *The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya*, (IDEALS, Inc.: 2022), 27.

<sup>31</sup> *The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya*, (IDEALS, Inc.: 2022), 22.

<sup>32</sup> *The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya*, (IDEALS, Inc.: 2022), 23.

- How will the Government address the socio-economic needs of women whose family members were arrested or detained as part of the campaign against illegal drugs?
- How will the State ensure that the rights of widows and female partners of victims who have been extrajudicially killed are being upheld and are not subjected to further abuse?
- How will the Government ensure the compliance of companies and institutions to the Labor Code, particularly with regards to labor standards during the COVID-19 pandemic?
- What efforts are being made by the State in amending the ARL of 1997 with regards to policy recommendations in the 9th Periodic Report of the Philippines to the Committee on the Elimination of Discrimination against Women?
- What efforts are being made by the State in passing a divorce bill?
- What recent developments, if any, have there been in the monitoring and coordinating mechanism of the Local Committees on Anti-Trafficking and Violence against Women and their Children (LCAT-VAWC) given the COVID-19 pandemic?
- How can the Philippines better document cases of violence against women and their children in emergency situations?
- How can the local government ensure the continued provision of government services relating to violence against women and their children during the COVID-19 pandemic given that State efforts and resources are being redirected to address COVID-19 priority concerns?
- What efforts are being made by the Government of the Philippines to strengthen laws against sexual harassment or violence against women in general?