

ALTERNATIVE REPORT ON THE PHILIPPINES
SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS
For the 28th Session of the Universal Periodic Review in the United Nations Human Rights
Council in the 4th Cycle of UPR on the Philippines

Center for Women's Resources (CWR)

LEGAL FRAMEWORK

1. The Philippine government prides itself to be a State party to eight core international human rights instruments and six optional protocols. It is also a founding member of the Human Rights Council in 2006 and it commits to be a State partner of the Human Rights Council.ⁱ
2. As such, the Philippine government made commitments to promote, protect, and fulfill the rights of our citizens, especially the poor and the marginalized and the vulnerable, and social justice shall be pursued, even as the rule of law shall prevail at all times. Further, it states that “this administration shall implement a rights-based approach to development and governance, as we improve our people’s welfare in the areas of health, adequate food and water, housing, environmental preservation, and respect for culture.” Finally, it reiterated that “human rights must work to uplift human dignity.”ⁱⁱ
3. The Philippine government also committed to the promotion and protection of the human rights of women through various policies and programs during its third cycle review in 2017. It cited national laws and regulations to prove such claims, such as the Bill of Rights in the Constitution of the Philippines and for particular women's concerns, the Magna Carta of Women and the Reproductive Health Law.
4. It supported these recommendations on women’s rights during the 3rd cycle:; “To continue its work to strengthen its policies to further promote gender equality and eliminate discrimination and violence against women (Recommendation 133.227 from Brunei Darussalam); and Carry on the efforts to combat all forms of discrimination and violence against women (Recommendation 133.228 from Tunisia).ⁱⁱⁱ
5. With the Philippines government’s ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it committed itself to undertake a series of measures to end discrimination against women in all forms.
6. Further, at the Magna Carta of Women, it defined the State as the primary duty-bearer that shall: (a) Refrain from discriminating against women and violating their rights; (b) Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and (c) Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.^{iv}

7. This report shows that despite these commitments and support to UPR recommendations, the Filipino women's condition remains challenging. CWR is putting forward recommendations for the Philippine government, which hopefully will be supported by other member states.

On women's right to decent work

8. Women's economic participation and access to productive resources are important indicators of inclusive development. However, Filipino women's conditions have been mired with a lack of economic opportunities, insecure work conditions such as informalization of work, contractualization, and violation of rights at work, especially amid the COVID-19 pandemic.
9. Filipino women are still tied to traditional roles of nurturers of the family. Indicative of this is the low participation of women in the labor force. From 49.3% in 2016, it has fallen to 34.5% in 2020 or about 20 million women not in the labor force^v, in the first year of imposing quarantine restrictions. For those who were counted in the labor force, the number of unemployed women in October 2020 reached 1.47 million while there were 2.1 million underemployed.^{vi}
10. For women in the formal sector, the workers continuously suffer because of labor contractualization. Non-regular work is prevalent, veiled under terms such as probationary, casual, contract-based, project-based, seasonal, apprentices, and learners. Non-regular workers are usually employed only for five months, without receiving any benefits and are not entitled to 13th month pay, health insurance, and annual leave, and maternity leave granted to permanent workers.
11. Due to quarantine restrictions during the pandemic, many women workers have only 3-4 days of work, reducing their incomes to 50%. Most companies implemented a "no work, no pay policy". In one garment factory, women workers used to take home Php350.00 (USD7)^{vii} daily, but when the work stopped, they were not able to earn anything, except for the Php2,000.00 (USD40) that the employers provided for the whole month that they did not work.^{viii} In another company, women workers were forced to use their vacation and sick leave days benefits.
12. The minimum wage levels in the country remains low and varies across the country as a result of the implementation of Wage Rationalization Law. The law mandates every region to have a unique minimum wage based on the poverty threshold, employment rate, and cost of living specific to the region. While the National Capital Region (NCR) has the highest minimum wage at Php537.00 (USD10.75)^{ix}, the lowest minimum wage is set at Php256.00 (USD5.12) for workers in the Ilocos Region.^x Only 21.4% of women wage and salary workers are in NCR, while 78.6% of women wage workers get lower than this minimum wage.
13. The COVID-19 pandemic has made evident, the extent and impacts of "occupational segregation" that is when women and men often tend to work in different occupations. While the Magna Carta of Women seeks to promote gender equality and the elimination of various forms of discrimination against women, the occupations that are predominantly held by women pay less and are undervalued.

Women comprise 60% of total unpaid family workers, and most are concentrated in the agricultural sector. In addition, the services sector, where 70% of Filipino women are employed, incurred the most job losses because of the COVID-19 pandemic. Almost 25% of Filipino women in sales and services were laid off.^{xi}

14. There is still a remarkable gap in the wages of men and women. Among laborers and unskilled workers, women get an average daily wage of Php176.41 (USD3.53) while men receive Php239.93 (USD4.80). Among service workers, women get Php243.93 (USD4.88) while men receive Php352.45 (USD7.05).^{xii} In almost all occupation groups, women get lower average daily wages ranging from 3% to 25%.^{xiii}
15. Amid the pandemic, there were cases where workers were not provided safety gears and personal protective equipment (PPEs) and the workers had to provide for their own PPEs. From CWR's Women and COVID-19 Nationwide Baseline Study, it was revealed that less than half (47.5%) of the women employees have employers who provide free face masks, alcohol and other personal protective equipment.^{xiv} This is despite the enactment of the Occupational Safety and Health Standards Law of 2018 that ensures workers' safety and health in the workplace.
16. Because of limited opportunities for women in wage work, they are instead pushed to look for other sources of income and livelihood, usually through informal work and micro-enterprising.
17. Around 28.6% (4.7 million) of women are considered self-employed. Of this, 4.3 million are self-employed without any paid employees. Among these are small vendors, owners of small retail stores, and canteens. Others are maintaining small farms or doing backyard gardening, or providing personal services such as manicurist, and masseuse.^{xv}
18. Only 8% of self-employed women are employers with paid employees, suggesting that only a few women can access financial capital and those who have the capacity to put up a business with paid employees.
19. Women in the informal sector experience vulnerability in security of income and livelihood. Most self-employed women lack social protection and benefits unless they themselves apply for voluntary membership.

Right to productive land and resources

20. Inequitable distribution of productive resources, and the high proportion of women deprived of these resources violates women's human rights. In the Philippines, women's access to productive resources, such as land, remains a challenge. According to Kilusang Magbubukid ng Pilipinas, seven out of ten farmer families do not own the land that they till.
21. Even as the Comprehensive Agrarian Reform Program (CARP) with its extension and reforms has guaranteed the rights of rural women to own and control land, the

number of women holders of emancipation patents (EPs) and certificate of land ownership awards (CLOAs) still lags behind the number of men. Of the total 512,563 holders of emancipation patents, only 19% (94,874) are women. For holders of CLOA, only 31% (622,841) are women out of the total 2,008,191 total CLOA holders.^{xvi}

22. Land use conversion (LUC), which refers to act or process of changing the current physical use of piece of agricultural land into some other use or for another agricultural use^{xvii} is still rampant, with the proliferation of large scale agro plantations and Build Build Build infrastructure projects on agricultural land. Women continuously raise this concern as it displaces families from their source of livelihood while threatening their community and the country's food security.
23. For those who can still till the land, farmer families receive very little support from the government. Peasant women have raised the concern of low price of palay, copra, and other agricultural products where the price of palay can go as low as Php 10-12 (USD 0.20-0.24)^{xviii} per kilo in several provinces in Luzon in 2020 due to the influx of imported rice because of the Rice Tariffication Law.
24. Due to the lack of viable jobs in the country, many Filipinos are forced to go abroad as migrant workers, many of whom are women who are concentrated in low-skilled, low-wage, insecure jobs. In 2019, there were 1.23 million overseas Filipino women workers, 24% higher than men.^{xix}

Women's right to health

25. Amid the pandemic, essential healthcare services especially for women became limited, with quarantine restrictions affecting the delivery and utilization of maternal care services. In 2020, a total of 1,975 women were identified as having died of maternal causes in the country.^{xx}
26. In CWR's Women and COVID-19 baseline study^{xxi}, it was reported that even before the pandemic, many women are not going to the doctor even if they are experiencing illnesses (19.3%), while 45.5% said that they do not have a regular schedule of consultation with a doctor. Only 24.1% said that they regularly consult with a healthcare professional. Amid the pandemic, 40.5% of the respondents said that they resorted to alternative means of addressing illnesses instead of seeking help from health professionals due to lack of financial means.
27. Majority of the women (92.7%) noted that they are the primary caregivers in the household. They reported having difficulties making ends meet with the decrease in income due to loss of jobs and livelihood. Stress, panic, fear, anxiety, due to continuous gendered norms and expectations of women's role as caretakers, doubly burdens women of thinking about where to get food, medicine, and other needs for the family.
28. Deep inequalities persist among rich and poor women in different areas. For the low-income class, delivery in a birthing facility is only 58.4% while it is 96.9% for the highest income quintile.^{xxii} In terms of access to maternal care services, 84% (from

73% in 2013) of women have given birth with a skilled birth attendant, while 78% (from 61% in 2013) have given birth in a facility-based delivery. Amid the pandemic, there was also a reported decrease in facility-based birthing.^{xxiii}

Right to be free from any form of violence

29. Poor women are more vulnerable to violence. The lack of economic opportunity for women placed them in a position to be controlled by those who have power over them. In the Philippines, the 2017 National Demographic Health Survey (NDHS) released by the Philippine Statistics Authority (PSA), showed that 1 in 4 Filipino women, aged 15-49, has experienced physical, emotional or sexual violence from their husband or partner, with high prevalence among poor women.^{xxiv}
30. Since the onset of COVID-19 quarantine restrictions in March 2020 to August 2021, a total of 18,945 VAW cases have been reported to the PNP Women and Children Protection Center.^{xxv}
31. There were at least 81 police and military who were involved in 55 reported cases of abuse against women and girls, which includes 33 cases of rape since July 2016. This includes the case of a two policemen who were involved in the rape and killing of a 15-year-old girl. This happened after the victim filed a complaint against a policeman who molested her while in custody for violating quarantine curfew.^{xxvi}

Women's right to political participation and representation

32. Women's meaningful participation in public life is an important component to ensure that their concerns and perspectives are integrated in decisions and in policy-making processes. While there is an increase in women's representation from 21.45% in 2016 to 21.23% in 2019 in elected positions, the number of elected women in various government posts is still lagging behind men. In higher positions such as in the Senate and House of Representatives, women accounted for only 70 seats out of the total 435 seats.
33. While the gradual increase in the number of women represented in parliament has paved the way for legislation to advance women's rights, yet, the interests and concerns of women are still not considered and given priority. In the 18th Congress (2019 to 2022), there are at least 85 House Bills and 46 Senate Bills filed referring to promotion, protection, and fulfillment of women's rights. Many of these bills have been left pending.

Recommendations

34. Review and make appropriate changes, including repeal, of laws and policies that legalize different forms of labor contractualization and certify as urgent the legislative proposals on regularization of employment to promote full and productive employment of Filipinos.

35. Repeal the Wage Rationalization Act that provides for the regional wage boards to adjust minimum wages in different provinces and regions, based on the estimated cost of living, instead, enact the proposed National Minimum Wage Bill.
36. Ensure social protection of all workers, including those in the informal economy.
37. Ensure the implementation of the Magna Carta of Women, ensure that women enjoy equal opportunities as men in work, receive equal pay for equal work and enjoy guarantees against discrimination in age, civil status, or sexual preference and orientation.
38. Review policies that promote labor export. Generate regular jobs with decent wages in the country.
39. Legislate a genuine agrarian reform law that would provide for the free distribution of land to peasants and small farmers, including women peasants, and the protection of ancestral lands. Stop land-use conversion. File appropriate cases against illegal and premature land conversion.
40. Repeal the Rice Tarrification Law. The government should consult and work with local farmers' groups to learn how they can effectively implement their support in agriculture, including policies to increase the price of agricultural produce.
41. Increase budget for social services especially the health services. Ensure universal, accessible, and quality health services, including reproductive healthcare services for women.
42. Ensure the integration of the prevention of violence against women and girls into national COVID-19 response and recovery plans, and advocate for adequate resource allocation. Strengthen support for existing services and mechanisms such as shelters, safe spaces, hotline, or one-stop centers, wherever they are available.
43. Support and recognize women's rights groups and other organizations that provide services to survivors and/or advocate for policies addressing violence against women.
44. Promote programs that foster leadership skills for girls and women and promote gender equality. Eliminate structural, legal, and cultural obstacles that hinder all girls' and women's participation in politics and decision-making, and hold those obstructing them accountable.

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

ⁱⁱ GRP. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/2

ⁱⁱⁱ Source of position: A/HRC/36/12/Add.1 from Brunei Darrusalam and Tunisia respectively

-
- ^{iv} Magna Carta of Women 2009 <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/>
- ^v These estimates were based on the final results of January, April and July rounds of the LFS and preliminary results of October 2020 round.
- ^{vi} Philippine Statistics Authority, Labor Force Survey 2020
- ^{vii} For the currency conversion, USD1 = Php50
- ^{viii} Interviews with a woman garment worker in Taytay, Rizal province, for the Pandemic Tales: Women and Work in the Time of COVID-19 conducted by the Center for Women's Resources, April 2020
<https://centerforwomensresources.org/blog/2020/04/23/pandemic-tales-women-and-work-in-the-time-of-covid-19-2/>
- ^{ix} National Wages and Productivity Commission
. (2022). Summary of Current Regional Daily Minimum Wage Rates by Region, Non-Agriculture and Agriculture
<https://nwpc.dole.gov.ph/stats/summary-of-current-regional-daily-minimum-wage-rates-by-region-non-agriculture-and-agriculture/>
- ^x Philippine Statistics Authority. Gender Statistics on Labor and Employment 2019
- ^{xi} Businessworld. (2021). Women, young people in PHL most affected by job cuts during pandemic, ADB says
<https://www.bworldonline.com/women-young-people-in-phl-most-affected-by-job-cuts-during-pandemic-adb-says/>
- ^{xii} Philippine Statistics Authority. Gender Statistics on Labor and Employment 2019
- ^{xiii} Based on CWR computation from the PSA GSLE 2019 data
- ^{xiv} Center for Women's Resources (2022) Women and COVID-19 Nationwide Baseline Study
<https://centerforwomensresources.org/wp-content/uploads/2022/03/Women-and-COVID-19-Nationwide-Baseline-Study-Philippines.pdf>
- ^{xv} Philippine Statistics Authority. Gender Statistics on Labor and Employment 2019
- ^{xvi} As of December 2020, Department of Agrarian Reform (DAR)
- ^{xvii} Department of Agriculture (2017) AO No.01 Series of 2017 - Guideline on the Issuance of Certification for Land Use Classification
- ^{xviii} CWR (2020) Pandemic Tales: Filipino Peasant Women in the Time of COVID-19
- ^{xix} Statistics on Overseas Filipinos 2019
- ^{xx} Philippine Statistics Authority 2020 <https://psa.gov.ph/content/registered-deaths-philippines-2020>
- ^{xxi} Center for Women's Resources (2022) Women and COVID-19 Nationwide Baseline Study
<https://centerforwomensresources.org/wp-content/uploads/2022/03/Women-and-COVID-19-Nationwide-Baseline-Study-Philippines.pdf>
- ^{xxii} National Demographic and Health Survey (NDHS 2017)
- ^{xxiii} De Villa, Kathleen. (2022). Pandemic's untold toll on pregnant women: Hardest yet
<https://newsinfo.inquirer.net/1567779/pandemics-untold-toll-on-pregnant-women-hardest-yet#ixzz7NmQyUuig>
- ^{xxiv} National Demographic and Health Survey 2017
- ^{xxv} PNP-WCPC as mentioned by Philippine Commission on Women, 2021
- ^{xxvi} Commission on Human Rights. (2021). Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the slow prosecution of Fabel Pineda's rape and murder case <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-slow-prosecution-of-fabel-pinedas-rape-and-murder-case/>