



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA

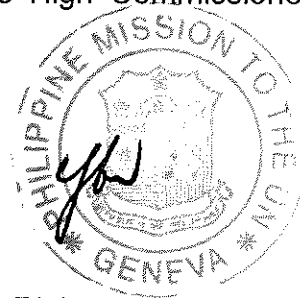
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The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to submit the initial written responses of the Philippine delegation to some of the queries and issues raised during the interactive dialogue with members of the Committee on the Elimination of Discrimination against Women on 5 July 2016 at the Palais des Nations.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 July 2016

Office of the United Nations High Commissioner for Human Rights
Palais Wilson
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PHILIPPINES

INITIAL RESPONSES TO SOME OF THE ISSUES AND QUERIES RAISED BY MEMBERS OF THE COMMITTEE AGAINST THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN DURING THE INTERACTIVE DIALOGUE AND CONSIDERATION OF THE PHILIPPINES' 7TH AND 8TH PERIODIC REPORTS ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Palais des Nations, Geneva, Switzerland
5 July 2016

Articles 1 to 2

On the role of civil society organization (CSOs) in gender mainstreaming, the State Party would like to reiterate that:

An essential element in gender mainstreaming is consultation with various stakeholders in ensuring the gender responsiveness of an agency's policies, plans, programs/projects and activities. The stakeholders include, among others, non-government organizations and civil society organizations.

Recognizing this, mechanisms to ensure the Philippines', through the Philippine Commission on Women (PCW), collaboration with civil society have been established as follows:

- The PCW Board of Commissioners in which 12 of the 22 members are representatives of civil society organizations (CSOs) working on diverse/multi-sectoral concerns
- Partnership with the National Anti-Poverty Commission (NAPC) which has a Women's Sectoral Council representing various women non-government organizations (NGOs) from the country's 17 regions.
- Regular consultation with CSOs and women's groups in crafting reports, policies and development plans, in selecting representatives to national and international bodies and in implementing select activities.

On the question on sanctions for violating the Magna Carta of Women (MCW), the Philippines would like to inform the Committee of the sanctions provided for under the said law:

Upon finding by the Commission of Human Rights of the Philippines (CHRP) that a government agency or unit has violated any provision of the MCW and its Implementing Rules and Regulations, the sanctions under administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission and/or the Department of the Interior and Local Government.

The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable. If the violation is committed by the Armed Forces of the Philippines as an institution, or by any of its officers, the recommendation shall be forwarded to the Department of National Defense.

If the violation is committed by a private entity or individual, the person directly responsible for the violation shall be liable to pay damages.

Filing a complaint under the MCW shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws.

In violations which are considered civil cases, appropriate damages shall be determined by the proper courts. As for those offenses which are criminal in nature, CHRP shall assist the victim or complainant in the filing of cases and develop guidelines and mechanisms for such purpose.

Articles 3 to 6

On the issue of fast-tracking criminal proceedings, the Philippines would like to inform the Committee that:

The Philippine Supreme Court issued Administrative Matter No. 15-06-10-SC Re: "Adopting The Guidelines For Continuous Trial Of Criminal Cases In Pilot Courts" which took effect on 17 August, 2015.

These Guidelines are gender neutral and shall apply to all criminal cases, including violations of the Expanded Anti-Trafficking In Persons Act (Republic Act No. 9208 as amended).

Identified in the Guidelines are fifty two (52) trial courts in nine (9) major cities within the National Capital Region (NCR). Among the 52 courts, twenty (20) are Municipal Trial Courts and thirty two (32) are Regional Trial Courts. Seven (7) of the latter courts are family courts designated to hear cases of violations against women and children (Republic Act No. 9262). Judges are directed to resolve the criminal cases in their respective courts within one hundred eighty (180) days from the time trial commences.

The Philippine Supreme Court has also issued the Judicial Affidavit Rule¹, which requires parties to submit the judicial affidavits of witnesses in place of their testimony on direct examination, and to attach the parties' documentary evidence to these judicial affidavits. Moreover, in reference to trafficking in persons, the Office of the Court Administrator has earlier issued OCA Circular No. 151-2010, which required that:

- "Where practicable and unless special circumstances require otherwise, cases involving violation of R.A. No. 9208 shall be heard continuously with hearing dates spaced not more than two weeks apart."²

¹ Administrative Matter No. 12-8-8-SC.

² OCA Circular No. 151-2010, 26 October 2010.

- It also directed judges to submit the list and status report of trafficking cases pending in their respective courts; and it particularly directed that pending human trafficking cases should be given priority and decided with dispatch, while newly-raffled cases should be heard and decided within 180 days from arraignment of the accused.³

Furthermore, to avoid possible abuses of the safeguards that protect their rights and use those to delay the court proceedings, the Department of Justice issued Department Circular No. 57 directing all prosecutors to prioritize and expedite the resolution and trial of human trafficking cases. The circular, in effect, enacted reforms in the preliminary investigation of a human trafficking case, the stage of the judicial process where the determination on whether the case would be brought to trial, by prohibiting prosecutors from dismissing trafficking cases on the ground of the desistance of the victim or his/her guardians. It also directed prosecutors to vigorously oppose motions designed to delay the case. These measures are instituted to avoid misuse of the rules of judicial procedure through dilatory and dishonest procedural tactics.

The IACAT has already drafted the **Guidelines On Plea Bargaining In Cases Filed Under The Expanded Anti-Trafficking In Persons Act Of 2012**. This Guideline is intended to further assist our prosecutors in the procedures of entering into a plea bargain and to expedite court proceedings.

As a result, cases were disposed faster due to the entry of pleas of guilt to the offense charged or to a lesser offense. From 2014 to 2015, the Philippines, through its judicial system, has resolved **30** trafficking cases, convicting **37** perpetrators, through plea bargaining.

The improvement on the criminal justice system in prosecuting trafficking cases can be shown on the large number of trafficking cases resolved in a short period of time. Since 2014, **16** cases against **16** perpetrators were resolved in less than 2 years, while **9** cases against **8** perpetrators were resolved in less than a year.

On the question about the efforts of the state in reducing or addressing the demand side of trafficking and sexual exploitation, the Philippines would like to inform the Committee that in its aim to reduce the demand for commercial sex acts, including child sex tourism, the Philippines developed and implemented the following programs:

- In 2014, Inter-Agency Council Against Trafficking (IACAT) through the Department of Justice and the Prosecutor's Office of the Netherlands concluded and agreed on the terms of the Memorandum of Understanding (MOU) that lays down the mechanism to enhance cooperation and coordination in the investigation and prosecution of human trafficking, child sexual exploitation (including *via* internet) and child sex tourism. Currently, the State and Netherlands continuously collaborates on cross-border investigation as well as cybersex trafficking investigation on online child sexual exploitation.

³ OCA Circular No. 151-2010, 26 October 2010.

- The Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2-14-80, also known as the “2014 Child-Friendly Local Governance Audit” (CFLGA). It aims to assess the performance of local government units (LGUs) in the delivery of social services on child and youth welfare and to identify positive results of existing interventions. This is an annual mandatory audit that started in the year 2014 in coordination with the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd) and the Council for the Welfare of Children (CWC). Under the CFLGA, there are 12 indicators in assessing a child-friendly LGU. Two (2) out of 12 indicators are related to TIP. Indicator 5 is the percentage reduction in child labor cases while Indicator 6 is the percentage reduction in the number of child victims of violence, abuse, neglect and exploitation, which also includes TIP.

- The Inter-Agency Council Against Child Pornography is currently in the process of finalizing its 4-year National Response Plan (2016-2020) to strengthen its prevention and protection programs and mechanism.

- The Convergence of Committees and Councils for the Special Protection of Children (CCCSPC), which is composed of the Committee for the Special Protection of Children (CSPC), Inter-Agency Council Against Child Pornography (IAC-ACP), the Inter-Agency Council Against Trafficking In Persons (IACAT), Department of Justice’s Office of the Cybercrime (DOJ-OCC), the Juvenile Justice Welfare Council (JJWC), the Council for the Welfare of Children (CWC), the Anti-Money Laundering Council (AMLC), the National Telecommunication Commission (NTC), the Philippine Center for Transnational Crime (PCTC) and other relevant committees and councils, convened a round-table dialogue with representatives of relevant private sector industries for the prevention of online child abuse or cyber trafficking, provision of appropriate social protection and assistance to victims and vulnerable children and the swift and effective prosecution of perpetrators. Three public-private working groups were created to pursue specific action plans in the areas of advocacy and communication, prevention and protection.

- The First International Dialogue on Human Trafficking was held in June 2-3, 2015 and organized by IACAT and Netherlands Embassy. It was participated in by Manila-based embassies, international organizations, civil society and private sector representatives and Philippine authorities. Participants thereafter signed a **Manila Declaration** affirming support for strengthened cooperation on recommended actions on domestic and tourist workers, seafarers, and online child sexual exploitation. Technical Working Groups are created specifically to review programs and actions taken as well as address the challenges in each of these group areas. This was followed by a Second International Dialogue on Human Trafficking which was held in May 31, 2016. Efforts were assessed and recommendations were forwarded by the Technical Working Groups. Further, more bridges were built, cooperation were further strengthened with more foreign missions and other domestic and international partners joining in the cause against human trafficking.

- The Subsidiary Agreement between the Government of **Australia** and the Government of the Republic of the Philippines through the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) was also signed by the parties. Pursuant to such arrangement, AAPTIP Philippines Country Program Strategy 2015-2018 was

formulated and the work plan for 2015 had been successfully rolled out in several project areas:

- LEOs professional development
- Cross-border joint TIP investigations
- Prosecutors Victim-Witness Coordination Program
- Prosecutors TIP Computerized Case Management System
- Prosecutors Professional Development
- Judges/court officers Professional Development
- Marathon Hearings and Plea Bargaining Guidelines
- Referral of Labor Trafficking in Persons Cases for Prosecution

On the issue that persons with mental disabilities cannot exercise their right to vote, the State Party would like to contextualize and explain the provision in the law pertaining to this prohibition:

A person with a condition of insanity is only disqualified from voting under the current law if there has been a declaration from a competent authority that he/she has such medical condition. However, when the insane person has been declared by a competent authority that he or she is no longer in such mental state, such person can be allowed to vote.

The applicability of this provision does not distinguish from men and women, and thus is not gender-discriminatory *per se*. However, we recognize that this law may be improved, fine-tuned and made even more sensitive to the plight of persons with disabilities in general, and there have already been initial efforts to amend the Mental Health Act which aims to protect the rights of people with mental disabilities.

On the effectivity and gender sensitivity of the all-female police units catering to cases of Violence Against Women (VAW), the Philippines wishes to reiterate that these police officers undergo gender sensitivity training and other seminars to ensure their gender sensitivity and their overall effectivity in handling VAW cases.

On the actions taken by the government with respect to the recommendations and report of the Transitional Justice Reconciliation Committee (TJRC), the Philippines would like to inform the Committee that:

- A memorandum was signed by the Executive Secretary issued on 11 March 2016, instructing the Office of the Presidential Adviser on Peace Process (OPAPP) to endorse the TJRC report to the relevant agencies for their review, assessment and implementation of the recommendations.
- The Memorandum also seeks to identify and mobilize resources to support the programs that may be implemented.
- The OPAPP was also mandated to encourage and initiate activities toward the mainstreaming and popularization of the framework for transitional justice and reconciliation.
- There have been efforts on the Establishment of the Bangsamoro Historical

Museum. Initial action already initiated is the gathering of information for the Martial Law victims.

On the inquiry regarding the efforts of the Philippines to eliminate gender bias among traditional and religious leaders, the State Party wishes to inform the Committee that:

- The state has engaged Muslim religious leaders in the discourse of women or gender in Islam.
- Modules were developed on gender in Islam by the Regional Darul Ifta, the Regional Commission on Bangsamoro Women (RCBW) - Autonomous Region in Muslim Mindanao (ARMM), Bangsamoro Development Authority and Noorus Salam.
- The Regional Darul Ifta was instituted in the ARMM in 2014. The Regional Darul Ifta is the highest policy making body in the ARMM.
- The National Commission on Muslim Filipinos (NCMF) has consulted civil society organizations (CSOs) and Muslim religious leaders across the country on gender and the role of women in Islam.
- Several CSOs have also consulted notable women leaders and religious leaders on the Presidential Decree 1083 Code of Muslim Personal Laws (CMPL) and other issues of moro women. One of these CSOs, Al Mujadillah Foundation Nisa Ul Haqq - a leading Muslim woman's organization - has also initiated focus group discussions and round table discussions on Moro women's access to justice and gender equality.
- The Regional Human Rights Commission has institutionalized programs on Bangsamoro and Indigenous Women's Access to Justice and Gender Equality.
- RCBW has institutionalized in the ARMM and local government units Gender in Islam, which was based on the Magna Carta of Women, the ARMM Gender and Development Code and the Shari'ah Law.

Articles 7 to 9

On the request of the Committee to elaborate the contents of the pending Act on Women's Participation in Political Parties, the State Party wishes to share that:

House Bill (HB) 3877 also known as the "Women Participation and Representation in Political Parties Act of 2013", aims to promote women participation and equitable representation in the State Party's political landscape. It mandates political parties to craft and implement a women and gender and development (GAD) agenda, integrate women in the leadership of their party and its internal policy-making structures, and nominate them as official candidates of the political party to elective positions. The bill defines equitable participation and representation when at least 30% of the above-mentioned positions are occupied by women. It also establishes the Women in Political Parties Empowerment Fund to finance the GAD Agenda under this Act.

Articles 10 to 11

On the question about the functions and authority of the Committee on Decorum and Investigation of Sexual Harassment Cases (CODI):

The CODI receives complaints of sexual harassment, investigates such complaints in accordance with prescribed procedures, submits a report of its findings with the corresponding recommendation to the disciplining authority for decision, and leads in the conduct of discussions about sexual harassment within the office to increase understanding and prevent incidents of sexual harassment.

Proposed legislative measures have been filed during in both the Senate and House of Representatives during the 16th Congress to strengthen the CODI, the primary mechanism that monitors compliance with policies against sexual harassment in the workplace and in educational and training institutions. Among its additional proposed functions is to provide security and support measures to aggrieved parties and victims of sexual harassment cases.

Article 12

The Philippines would like to submit these reiterations and additional responses to the issues on health:

Protection Measures for Women living with HIV/AIDS (women in prostitution)

A cumulative number of 66 prostituted women were reported to have HIV/AIDS from December 2012 to March 2016. The Philippines provides protection to these women through provision of free voluntary HIV counseling and testing services, peer education and outreach, augmentation of resources to more than 130 Social Hygiene Clinics. Anti-Retroviral Treatment is also being provided for free in 41 treatment hubs and satellite clinics in all regions of the country.

For the year 2015, a total of Php 324 million was allotted from the DOH Budget to focus on Sexually Transmitted Infections and HIV/AIDS (STI and HIV/AIDS) and 97% has been utilized in medicines, testing, counseling, and advocacy programs against HIV. A total of 13,908 people living with HIV are presently on Anti-Retroviral Therapy, 556 of these PLHIV on ART are women. To ensure financial risk protection among PLHIV, the State through the PhilHealth (national social health insurance system) provides Out-patient HIV/AIDS Treatment Package amounting to Php 30,000.00 (US\$ 630) per year which shall cover drugs, medicines, laboratory examinations including CD4 level determination test and test for monitoring ARV toxicity and professional fees of providers.

The rights of PLHIV, including prostituted women, are protected under the Republic Act 8504 of 1998 known as the Philippine AIDS Prevention and Control Act. Eight Senate Bills and seven House Bills have been filed to revise or strengthen this law to reconstitute the Philippine National AIDS Council (PNAC) with permanent secretariat, participation of local communities and affected populations including PLHIV in developing a multi-sectoral approach to HIV/AIDS and in programs to adopt a human rights framework. The PNAC in partnership with a local telecommunications

company launched a mobile communications campaign “TXT HIV” to provide information and referrals to HIV counseling, testing and treatment program.

State efforts to address the de facto ban on modern family planning contraceptives in Sorsogon City

Current challenge for the Philippines in terms the implementation of RPRH Law is the declaration of Sorsogon City as a “Pro-Life City” by virtue of Executive Order No. 03 signed by Mayor Sally Lee in February 2, 2015. City legislators under the Mayor’s influence threatened to enact an ordinance to codify the de facto ban. Their efforts were derailed by the intervention of the Ministry of Health, the Commission on Population and civil society organizations at the second hearing of the Council.

More importantly, in response to the possible gaps in service delivery and to address unmet needs for family planning of the women of Sorsogon City, the Philippines, through the Department of Health (DOH) capacitated and mobilized deployed nurses, volunteer community health workers, CSOs and other government agencies. The Philippines while at the same time continue to provide technical, logistic and financial assistance to the City of Sorsogon in support of the full implementation of the RPRH Law.

The modern contraceptive prevalence rate (mCPR) of Sorsogon City in 2014 is at 22%. After the issuance of the Pro-Life Executive Order, the mCPR of the City declined to 9.5% because the local health workers intentionally dropped out the FP acceptors from their FP registries. With the State and CSO interventions, the mCPR of the City increased 22% by end of 2016.

Finally, the Legal Office of the Ministry of Health initiated the process of a prospective legal case against Mayor Lee for violation of the Responsible Parenthood and Reproductive Health Law.

Supreme Court’s Temporary Restraining Order (TRO) on Implanon and Certification of Contraceptives by the Food and Drug Administration (FDA)

The TRO on the FDA has already threatened the availability of certain contraceptives, including those that were unable to register before the TRO, as well as those expiring next year. The TRO also affects the availability of the progestin-only subdermal implant “Implanon”, which is a method that is preferred by many Filipino women. As a response, the Philippines through the National Implementation Team strengthened the involvement of CSOs and the private sector in the provision of Reproductive Health Care as part of the Service Delivery Network. The DOH has mobilized the office of the Solicitor General to defend the case, including the recent motion to lift the TRO.

Monitoring and oversight on the implementation of the RPRH Law

The RPRH Law mandates yearly reporting of its implementation to the Philippine President and to the Philippine Congress. Two reports have been submitted for this purpose, one in April 2015 and one in April 2016. The 2nd report was made public via a national dissemination campaign last June 2016.

Apart from the annual report, the IRR prescribes a feedback mechanism through the Reproductive Health Officer (RHO) who is designated to assist RH clients/patients in every facility and also to accept complaints and grievances.

Another accountability mechanism was developed in 2015 by the National Implementation Team (NIT) which is the Monitoring and Evaluation cluster which in turn developed a framework of outcome, output and process indicators as well as the means for gathering and collating data from the basic health units.

The roles and responsibilities of the NIT were also cascaded to the entire country through the establishment of Regional Implementation Teams and inclusion of the RPRH Monitoring and Evaluation Framework in the agenda of the Provincial and Municipal Local Health Boards.

Articles 13 to 14

On ensuring the rights of indigenous (IP) women to land, assets and other entitlements:

The Philippines is committed to implement programs that ensure that IP women enjoy land rights and other claims and bring back pride and peace among the indigenous communities (IC).

As of February 2016, the National Commission on Indigenous Peoples (NCIP) issued a total of 206 Certificates of Ancestral Domain Titles (CADTs) covering 5,110,393.22 hectares benefiting 1,108,223 indigenous rights holders. Of this, 106 CADTs equivalent to 52% of the total CADT issuances are in the Mindanao Regions (9, 10, 11, 12 & 13) covering 2,496,763.46 hectares benefitting 567,619 indigenous rights holders.

In the Autonomous Region of Muslim Mindanao (ARMM) specifically in Basilan Province, ancestral domains of the Samal Bangingi indigenous cultural communities have been recognized, delineated and titled covering 2,673.27 hectares with 3,482 IP claim holders benefited.

In Region 12 where most ICs/IPs affected by the Bangsamoro Basic Law (BBL) are located, 25 CADTs were issued having a total of 537,459.76 hectares with 206,757 ICCs/IPs beneficiaries. These ancestral domains are in the provinces of Cotabato, Sultan Kudarat, South Cotabato, North, Cotabato and Saranggani and are the domains of the Erumanen ne Menuvu, B'laan, T'boli, Aromanon-Manobo, Obo-Menuvu to name a few.

On the issue of the impact of free trade agreements to rural women:

There are a few existing studies on the impact of certain free trade agreements like the Philippine-Japan Economic Partnership Agreement. However, this study is not gender-focused.

One provision in the Philippine-Japan Economic Partnership Agreement is the movement of natural persons, specifically Filipino nurses and certified care workers will be allowed to work in Japan subject to compliance to the requirements. Since the implementation of the Agreement until 2013, about 569 Filipino nurses and certified care workers have been allowed to work in Japan.

Another study⁴ shows that the Philippine-Japan Economic Partnership Agreement have a positive impact on labor. There is also some evidence that there have been progress in the trend on trade and investment with Japan dislodging US as the top trading partner of the Philippines in 2010. Moreover, the Philippines has been part of the group of countries identified by Japanese investors as a favoured destination for Foreign Direct Investments.

Another study notes that the ASEAN Economic Community has the potential to accelerate growth by increasing flows of trade and investment, enabling the freer movement of skilled workers and by strengthening institutions. In the Philippines, women will account for about 40% of potential job gains.⁵ Despite the positive outlook, the integration may also have negative implications on securing decent employment. Specifically it will be particularly difficult for young people and women to gain decent employment because of limited commitments to labor standards and social protection. With this, the study stressed the need to carefully monitor and manage the gender impacts of ASEAN integration and further support women's efforts to enter and stay in the labor force. The establishment of social protection floors as highlighted in the ASEAN Declaration on Strengthening Social Protection is critical to ensure that more women and men benefit from deeper integration and vulnerable groups are not left behind.

To ensure that vulnerable sectors are provided with social protection, the Philippine government embarked on the establishment of the social protection floor in 2015 through an assessment based national dialogue.

Articles 15 to 16

On additional information on the pending Divorce Bill:

House Bill 4408, seeking to legalize divorce, is pending in the 16th Congress. In the said bill. The spouses' rights and responsibilities are equal, to wit:

- The absolute community or conjugal partnership of gains and the assets are equally divided between the spouses.
- The spouse not gainfully employed is entitled to support for one year or until he/she finds adequate employment, whichever is shorter.

⁴ Implications of a Philippine- European Foreign Trade Agreement to the Philippine Labor Market (Preliminary Results) by Dr. Leonardo Lanzona Jr. – a research project commissioned by the Philippine Institute for Development Studies under the DTI Memorandum of Agreement to look at the implication of a possible PH-EU Economic Partnership Agreement

⁵ In terms of sector, the agriculture sector will account for the largest share of job gains. There will also be large job gains in food processing and vehicles. About half of the job gains will be from the trade and transport sectors.

- A Filipino citizen married to a foreigner may now remarry under the Philippine law regardless of who obtained the divorce in another country, provided that it is found by the Philippine court to be based on any similar ground under Article 55 of the Code.

The additional children's rights are also enshrined in the said bill, to wit:

- Custody of minors is decided by the court in accordance with the child's best interest.
- Children are entitled to support and to their presumptive legitime in the partition of assets, in accordance with the provisions of the Family Code.
- Children conceived or born before the divorce has become final and executory are considered legitimate.