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## Совет по правам человека

### Сорок восьмая сессия

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**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

## **Материалы в письменном виде, представленные Филиппинами: Комиссией по правам человека\***

### **Записка секретариата**

Секретариат Совета по правам человека настоящим препровождает сообщение, представленное Комиссией Филиппин по правам человека\*\* и воспроизводимое ниже в соответствии с правилом 7 b) правил процедуры, содержащихся в приложении к резолюции 5/1 Совета, согласно которому участие национальных правозащитных учреждений основывается на процедурах и практике, согласованных Комиссией по правам человека, включая резолюцию 2005/74 от 20 апреля 2005 года.

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\* Национальное правозащитное учреждение с аккредитационным статусом категории «А», присвоенным Глобальным альянсом национальных правозащитных учреждений.

\*\* Распространяется в том виде, в котором оно было получено, только на том языке, на котором представлено.



## Written statement of the Commission on Human Rights of the Philippines for the 48th session of the Human Rights Council:

### Half-Day Panel Discussion on Deepening Inequalities Exacerbated by the COVID-19 Pandemic (HRC Res. 45/14)

The Commission on Human Rights of the Philippines (“CHRP”) brings to the Council’s attention the current situation in the Philippines in relation to the deepening inequalities exacerbated by the COVID-19 pandemic and its implications to human rights.

The COVID-19 pandemic set back progress to attain equality for all. It exacerbated existing inequalities, leaving at a higher risk vulnerable and marginalized people. In this submission, the Commission provides an overview of the inequalities faced by the most disadvantaged and marginalized population in the Philippines and how the COVID-19 pandemic and measures to quell the virus has further deepened their condition.

With the COVID-19 pandemic and resulting policies, women face a great risk of slipping into food and shelter insecurity, poverty and reduced income, and unemployment.<sup>1</sup> Traditional gender roles resulted in increased domestic labour during the quarantine period for women and girls. Women’s overrepresentation in the informal economy means that they are more vulnerable to economic shocks brought about by the lockdown and they often lack social protection.

The pandemic also magnified the vulnerabilities of women and girls with disabilities as it compounded existing gender inequalities and increased the risks of gender-based violence and sexual exploitation and abuse. Pre-existing physical barriers became more burdensome with containment and quarantine measures imposed by the government. Such measures deprive women and girls with disabilities of their right to leave the household to escape violent or abusive situations or to access protective orders and other essential services.<sup>2</sup>

Rural women and indigenous women are among the most affected by the pandemic. They are rendered more vulnerable due to pre-existing inequalities in accessing and control of resources, access to basic health, and other social services, and due to their frequent exclusion from community and local decision-making processes.<sup>3</sup>

Urban poor women face many constraints in finding stable economic opportunities, acquiring decent living conditions, exercising their political rights, accessing social and labor protections and enjoying the same levels of inclusion as the rest to the urban population. However, urban poor women, as a subgroup, experience additional non-income dimensions of poverty, such as time poverty brought about by the unequal distribution of social reproduction activities at home.<sup>4</sup>

The impacts of the government responses to the COVID-19 pandemic magnified ageist views against older persons. The imposition of the enhanced community quarantine in 2020 and again in March 2021 and August 2021, and stringent social distancing measures caused restrictions in mobility among people, suspension of operations, closure of business establishments, implementation of alternative work arrangements in government and private offices, and stoppage of mass public transportation.

In attempts to protect older persons from the COVID-19, the Philippine government imposed a sweeping restriction on their freedom of movement and their autonomy to decide for themselves. Senior citizens, along with minors, have been prohibited from going outside their residences regardless of their health status, their socio-economic conditions, or their housing

<sup>1</sup> Commission on Human Rights, Written Statement of the Commission on Human Rights of the Philippines for the 47<sup>th</sup> Session of the Human Rights Council: Annual Full-Day Discussion on the Human Rights of Women (GRC Res 6/30), 2021, available at <https://chr.gov.ph/written-statement-of-the-chrp-for-the-47th-session-of-the-human-rights-council-annual-full-day-discussion-on-the-human-rights-of-women/> (last accessed August 31, 2021).

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

arrangements. Even though this policy was subsequently revised to a less discriminatory and less restrictive measure where older persons were allowed to leave their homes for essential activities, local governments, law enforcement officers, and private establishments continued to implement such discriminatory policy. Older persons were also banned from some forms of public transportation to discourage them from going outside their homes<sup>5</sup>

People affected by humanitarian crises are often challenged with specific vulnerabilities, such as lack of adequate food and potable water, dismal housing arrangements, and threats to safety and security. The implementation of community quarantine and lockdown limits the mobility of internally displaced persons (IDPs) even more, thus the need for specific protocols that would address the needs of IDPs, i.e., securing permits from the host barangay/municipality for their movement when they need to buy necessities. There were also reports on non-prioritization of IDPs in the distribution of COVID-19 Relief Assistance. Some IDPs from Marawi who were staying in nearby municipalities were allegedly excluded in the distribution of the Social Amelioration Program (SAP) due to their ethnicity. Further, they were also told that they will not be provided with said financial assistance as they were not part of the census in the locality.<sup>6</sup>

As to migrant workers, the impacts of the pandemic have uncovered the weakness of the return and reintegration programs of the Philippines for OFWs and members of their families. According to the report released by the IOM, months after returning home due to the COVID-19 pandemic, more than 80% of Filipino migrant workers continue to be unemployed. The IOM also reported that with their termination, nearly 16% of all Filipino migrant workers were forced to spend their own money to return home, adding that 70% of OFWs did not receive support from their employers before returning to the Philippines. Most women OFWs have lost their jobs as they work in occupations or sectors most affected by the pandemic, such as health care and domestic work.<sup>7</sup>

Healthcare workers continue to press the government for their long overdue COVID-19 benefits. Although the government has already initiated the release of special risk allowance to frontliners, thousands have yet received their benefits. Last August 30, and September 1, 2021, healthcare workers staged protests calling for the immediate release of their benefits.<sup>8</sup> In a statement, the Commission urged the government to make the processing of claims as easy and efficient as possible. All healthcare workers deserve the timely release of their salaries, hazard pay, and bonuses for the work that they do in ensuring the treatment and prevention of diseases caused by Covid-19.<sup>9</sup>

## COVID-19 Vaccine Roll-out

In a statement made by the Philippines president during a meeting with the pandemic task force officials last July 2021, an unofficial order was made directing police and barangay (village) captains to restrict the movement of people who refuse to take the COVID vaccine, in a bid to stem the spread of the delta variant. In the same meeting, the President called on Congress to pass a law imposing penalties on persons refusing covid vaccines. The government later clarified that The Inter-Agency Task force for the Management of Emerging Infectious Diseases (IATF) has taken the position that, at this time where majority of the people have not yet been reached by the covid vaccine, there will be no distinction

<sup>5</sup> Id.

<sup>6</sup> Commission on Human Rights, 2020 Annual Report on the Human Rights Situation of the Philippines, available at <https://chr.gov.ph/wp-content/uploads/2021/08/CHR-V-No.POL2021-006-The-2020-Annual-Report-on-the-Human-Rights-Situation-in-the-Philippines.pdf> (last accessed August 30, 2021).

<sup>7</sup> Special Rapporteur on the Human Rights of Migrants After one and half year: The impact of COVID-19 on the human rights of migrants Commission on Human Rights of the Philippines (CHRP) Submission of Inputs 25 June 2021.

<sup>8</sup> Rappler.com, Underpaid health workers walk out, call for Duque resignation at mass protests, September 1, 2021, available at <https://www.rappler.com/nation/health-workers-walk-out-jobs-mass-protests-duque-september-1-2021> (last accessed 3 September 2021).

<sup>9</sup> See full statement: <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-governments-extension-of-granting-special-risk-allowance-to-pandemic-frontliners/>.

between authorized persons outside residence (APORs) who have been vaccinated and those who have not received such vaccine.<sup>10</sup>

Following the initial pronouncement, the Commission on Human Rights issued a statement highlighting challenges such as insufficient vaccine supply and vaccine hesitancy due to various reasons, including the prevalence of wrongful information on vaccines and its effects. The Commission urged the government to address issues on vaccine supply and hesitancy, as well as improving the overall health system of the country to cover testing, tracing, and treatment of COVID-19 cases, in responding to the pandemic.

The Commission also called for the inclusion of persons deprived of liberty (PDLs) in the priority list of COVID-19 vaccination. The Commission pointed out that prison conditions make PDLs particularly vulnerable in facing the pandemic due to overcrowding, unsatisfactory healthcare services in prisons, and higher rates of pre-existing medical conditions among prison populations, especially the elderly inmates.<sup>11</sup>

### **Apprehension of quarantine violators and food insecurity**

As recently as August 28, 2021, there were reports about a police officer from the Bataan who allegedly sexually assaulted a female at the quarantine control point (QCP) amid the COVID-19 pandemic. The PNP immediately ordered the dismissal of the police officer involved and assured the public that it is taking swift action against erring members within their ranks.<sup>12</sup> It should be noted that there were earlier reports of ‘sex-for-pass’ schemes allegedly perpetrated by police officers in border checkpoints<sup>13</sup>.

The incident prompted a statement from the Commission condemning the alleged sexual assault. According to the Commission, such incident highlights the vulnerability of women to gender-based violence, especially during the pandemic. The Commission recognized the urgent action of the PNP chief on the investigation and dismissal of the erring police officer and urged the government to send an unequivocal message to law enforcement officials that sexual violence in custody will not be tolerated and to place preventive measures to deter such human rights violations among the police ranks. The Commission will also be investigating the incident, consistent with its mandate as the country’s Gender Ombud.<sup>14</sup>

With continued lockdowns and problems in accessing government assistance, especially to the poor, private individuals have been creative in devising ways to help those who are troubled with food insecurity. Last April 2021, one individual organized a community pantry in Quezon City, Metro Manila. This initiative gained traction all over the country and several well-meaning private individuals followed suit. However, this initiative later encountered trouble as organizers faced red-tagging as they were linked to the communist movement. The Commission received reports of local law enforcement agents subjecting organizers of community pantries to questions regarding their affiliations. Photos allegedly showing policemen handing out forms that organizers need to fill out with their personal details also went viral in social media.<sup>15</sup>

<sup>10</sup> Rappler.com, Malacañang: No enforcement yet of Duterte order to keep unvaccinated people home, July 29, 2021, available at <https://www.rappler.com/nation/malacanang-no-enforcement-duterte-order-keep-unvaccinated-people-home> (last accessed August 31, 2021).

<sup>11</sup> See full statement: <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-calling-for-the-inclusion-of-persons-deprived-of-liberty-in-the-priority-list-for-covid-19-vaccination/>

<sup>12</sup> Rappler.com, Eleazar orders probe into alleged rape of quarantine violator by police, August 28, 2021, available at <https://www.rappler.com/nation/eleazar-orders-probe-alleged-rape-quarantine-violator-police> (last accessed August 31, 2021).

<sup>13</sup> Inquirer.net, Victims of sex for pass scheme in checkpoints have to come out in open court, May 25, 2021, available at, <https://newsinfo.inquirer.net/1280459/victims-of-sex-for-pass-scheme-in-checkpoints-have-to-come-out-in-open-court-pnp> (last accessed 3 September 2021).

<sup>14</sup> See full statement: <https://www.facebook.com/784522714997609/posts/4117580641691783/?d=n>.

<sup>15</sup> Commission on Human Rights, Statement of CHR spokesperson, Atty. Jacqueline Ann de Guia, on the Community Pantry Initiative and Profiling of its Volunteers, April 20, 2021, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-community-pantry-initiative-and-profiling-of-its-volunteers/> (last accessed August 31, 2021).

In a statement, the Commission reminded the government, particularly law enforcement officers, that collecting data, including the affiliation of community pantry organizers, is an encroachment upon the right to privacy of citizens and it represents an overreach and abuse of police power bereft of any statutory or legal basis.<sup>16</sup>

Homeless street families and individuals are among the hardest hit population of the pandemic due to their impoverished situation and lack of access to social and health services. During the implementation of ECQ last year 2020, the Commission received reports that homeless people were not provided due protection and were not included in the list of beneficiaries and social assistance. In a statement by the Commission, it mentioned that with the rising number of COVID-19 cases and the community transmission of the Delta variant, the marginalized sector mentioned is faced with great risks of infection. There is also a perception among them that they have no right to access vaccines given their lack of facility and/or could not register in any barangay which they are not a bona fide resident.<sup>17</sup> Given these factors, the Commission urged all local government units (LGUs) to provide a separate and adequate program or mechanism specific to the group to ensure that no one is left behind.<sup>18</sup> The Commission has partnered with NGOs, government, and international organizations to actively promote vaccination of the homeless, especially women and other vulnerable groups including women from the informal sectors.

## The Digital Divide

Lockdowns have made the digital divide more apparent. The Commission, in its statement for the International Day of Education, highlighted that the pandemic has left an unprecedented number of individuals without access to education.<sup>19</sup>

A recent study by the National Research Council of the Philippines (NRCP) revealed the reality of how Department of Education (DepEd) teachers are using their personal funds to purchase devices such as laptop computers, cell phones, and other similar gadgets, which are necessary for teaching and learning during this pandemic.<sup>20</sup>

The Commission expressed its concern about alleged reports of a ‘Christmas sale’ of sensual photos and videos sold by students on social media sites for as little as PHP150 (\$3 USD) to help raise funds for distance learning-related expenses. This concerning report follows the increasing trend of online sexual exploitation of children.<sup>21</sup>

The Commission called upon DepEd and schools to continue to ramp up the efforts of Child Protection Committees (CPC) tasked to identify cases of child abuse. The National Telecommunications Commission (NTC) should equally remain vigilant in ensuring that Internet Service Providers (ISPs) block access to all websites carrying child pornography materials.<sup>22</sup>

The Commission continues to perform its mandates as it closely monitors the human rights situation of Filipinos during the pandemic, giving special attention to the most vulnerable and marginalized. We continue to urge the government to strengthen efforts to protect,

<sup>16</sup> Id.

<sup>17</sup> See full statement: <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-calling-for-urgent-protection-and-aid-for-homeless-street-families-and-individuals-during-the-pandemic/>.

<sup>18</sup> Id.

<sup>19</sup> See full statement: <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-international-day-of-education/>.

<sup>20</sup> National Research Council of the Philippines, PH teachers use personal money to buy devices, services, NCRP study shows, August 10, 2021, available at <https://nrcp.dost.gov.ph/feature-articles/769-ph-teachers-use-personal-money-to-buy-devices-services-nrcp-study-shows> (last accessed September 1, 2021).

<sup>21</sup> The Department of Justice (DOJ) found online exploitation cases to have spiked by over 260% during the COVID-19 lockdowns. The Anti-Money Laundering Council (AMLC) also observed a doubling of suspicious transactions involving child pornography from the PHP65.8 million booked in 2019 to transactions worth PHP113.1 million reported in the first half of last year.

<sup>22</sup> Supra note 19.

promote and fulfil human rights and ensure that pandemic-related initiatives are fully compliant with international human rights commitments and standards.

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