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Письменное представление Филиппин: Комиссия по правам человека*

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Written Statement of the Commission on Human Rights of the Philippines: Meeting on Technical Cooperation in Protecting Human Rights of Vulnerable Persons in and After COVID-19 Pandemic (Res. 46/13)

The Commission on Human Rights of the Philippines (hereafter "the Commission" or "CHRP"),[1] submits its written statement for agenda item 2 on the Meeting on Technical Cooperation in Protecting Human Rights of Vulnerable Persons in and After COVID-19 Pandemic.

The submission focuses on the socio-economic impact of the COVID-19 Pandemic on vulnerable persons and the measures and effectiveness of the government's responses. The Commission upholds the protection of the welfare and the plight of vulnerable people.

The Impact of COVID-19 Pandemic on the Socioeconomic Status of Vulnerable Persons

It is estimated that 7.6 million Filipinos are living in poverty, with the poverty line set at Php 10,727 a month for a household of five. Restricted or no access to soap, water, or face masks, tight and intimate living quarters that make social distance impossible, and limited access to health, basic social services, and public transportation are all major concerns for impoverished people in the context of the pandemic. Furthermore, the suspension of social welfare programs necessitated the provision of cash subsidies to purchase food and necessary supplies, including medicines, which were to be supplied under the Pantawid Pamilyang Pilipino Program, which assists 4.3 million underprivileged households. There has been a significant impact on informal and low-income employees who were unable to work from home are now unemployed and unable to provide basic necessities for their families.[2]

The impacts of the COVID-19 have exacerbated pre-existing inequalities, with its impact on health, livelihood, social protection, freedom from discrimination, and general well-being most felt by individuals and groups already facing multiple and intersecting forms of discrimination. Among those severely impacted and are at risk are indigenous peoples. As has been aptly stressed, the pandemic poses a grave health threat to indigenous peoples around the world, they already face challenges in accessing health and other government services; and even when they do, they are faced with stigma and discrimination. The situation of indigenous women is even graver, indigenous women are overly-represented in vulnerable and underpaid sectors, they are likely to be the caretakers of children, elderly parents, the ill, extended family members, and are often burdened with issues of food security.[3]

Only 5,000 students in just over 100 public schools have been allowed to return to class in a two-month trial program, after 20 months of pandemic preventive measures that amounted to one of the world's longest lockdowns—a tiny fraction of the 27 million public school students who enrolled this year. The Philippines must be one of the few, if not the only, countries that continue to rely heavily on distance learning. According to Social Weather Stations, a private polling firm, slightly over 40% of students do not have gadgets to help

[1] As the National Human Rights Institution (NHRI) of the Philippines, the CHRP has the mandate vested by the 1987 Constitution of the Republic of the Philippines and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has "A"-status accreditation from the Sub-Committee for Accreditation. It is a member of the Global Alliance of National Human Rights Institutions (GANHRI).

[2] IDLO, RULE OF LAW IN THE TIME OF COVID-19: THE PHILIPPINES, at https://www.idlo.int/news/notes-from-the-field/rule-law-time-covid-19-philippines (last accessed: 8 February 2022).

[3] Commission on Human Rights, Written Statement for the Virtual Day of General Discussion on the Rights of Indigenous Women and Girls, available at https://chr.gov.ph/written-statement-for-the-virtual-day-of-general-discussion-on-the-rights-of-indigenous-women-and-girls/ (last accessed: 8 February 2022).

them in distance learning. The remaining 27% were utilizing gadgets they already had, 10% were able to borrow one, and the other 12% had to purchase one.[4]

Almost 6.6 million women work in the largely uncontrolled informal sector. As a result, women in this industry frequently have low earning capacity, few to no labor rights, and no paid sick leave. These variables have heightened the vulnerability of women working in these industries to economic shocks at a time when the pandemic has created prolonged financial slowdowns. The situation is no different in the formal sector, where the majority of Filipino women work in areas that have been worst hit by the pandemic, such as retail, hospitality, and education. Due to the imposition of lockdown measures and the necessity for social distancing, it is unlikely that these industries would be able to completely restart operations in the near future, causing established job modalities for women in the Philippines to be disrupted.[5]

The Philippine Statistics Authority on Thursday, February 10 2022, reported that the unemployment rate inched up to 6.6%, translating to 3.27 million jobless Filipinos. This is slightly higher than the 6.5% recorded in November, when 3.16 million people were jobless. Underemployment fell to 14.7%, equivalent to 6.81 million people. This is lower than the 16.7% in November, equivalent to 7.6 million people.[6]

Displaced communities face movement restrictions as a result of local lockdowns, but often lack the necessary protective mechanisms in their camps. Some local government units had yet to adopt site-specific measures in limiting a possible outbreak during the initial weeks of lockdowns. In camps, poor living conditions make group infection more likely in a short period. Physical distancing is often lacking in evacuation and transitory shelters. They also lack suitable walls or barriers that would allow patients or people with COVID-19 symptoms to be isolated. Water access is also an issue in camps and camp-like settings, as it is required for hygiene and sanitation. These problems make it more difficult for IDPs to avoid catching the virus.[7]

The Commission has continuously drawn attention to the serious overcrowding of jails and detention facilities in the country even before the pandemic—further worsened by poor hygiene, ventilation, and healthcare support. In 2019, the Bureau of Jail Management of Penology (BJMP) reports a 450% congestion rate. CHRP stresses the importance and obligation of the government to treat all PDLs with humans with inherent dignity and rights, including their right to health. In the CHR Human Rights Advisory on Protecting the Rights of Persons Deprived of Liberty (PDLs) during the Covid-19 Crisis, CHRP recalls that under Mandela Rules “all PDLs must enjoy health care with similar standards to those available in the community and should have access to necessary health-care services free of charge and without discrimination.” [8]

[4] Chad De Guzman, Time, The Philippines Still Hasn't Fully Reopened Its Schools Because of COVID-19. What Is This Doing to Children?, available at https://time.com/6124045/school-closures-covid-education-philippines/ (last accessed: 8 February 2022).

[5] Reliefweb, COVID-19: Impact on Women in the Philippines, available at https://reliefweb.int/report/philippines/covid-19-impact-women-philippines (last accessed: 8 February 2022).

[6] Rappler, Ralf Rivas, More Filipinos unemployed even with COVID-19 decline in December 2021, available at https://www.rappler.com/business/unemployment-rate-philippines-december-2021/, (last accesse 15 February 2022).

[7] Reinna S Bermudez et al., Oxford Academic, Displacements in the Philippines in a Post-COVID-19 World: A Recovery Focus, available at https://doi.org/10.1093/rsq/hdaa026 (last accessed: 8 February 2022). Displacements in the Philippines in a PostCOVID-19 World: A Recovery Focus, available at http://chr.gov.ph/wp-content/uploads/2021/01/Displacements-in-the-Philippines-in-a-Post-COVID-19-World-A-Recovery-Focus.pdf , (last accessed 15 February 2022).

[8] Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, to uphold the right to health of persons deprived of liberty through Covid-19 vaccinations, available at https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-to-uphold-the-right-to-health-of-persons-deprived-of-liberty-through-covid-19-vaccinations/, (last accessed 14 February 2022).

COVID-19 Government Responses for Vulnerable Groups

The Assistance to Individuals in Crisis Situation (AICS) program, which is part of the department's protective services for the poor, marginalized, and vulnerable, functioned as a social safety net throughout the COVID-19 reaction, assisting in the recovery and rehabilitation of those who had been affected. Families with at least one member, or families with two or more members belonging to the following vulnerable or disadvantaged sectors, receive outright cash assistance of PHP 3,000, or PHP 5,000, to help them meet their families' basic needs under the AICS. This includes senior citizens, people with disabilities, pregnant and lactating women, single parents, Overseas Filipinos who are in need, indigenous peoples who are affluent, underprivileged people, and those who are homeless, as well as workers in the informal economy.[9]

Approximately 13 million low-income families were not protected by the 4Ps national social protection program, 4.3 million households/beneficiaries registered as 4Ps beneficiaries, and nearly 100,000 public transportation drivers received emergency cash assistance through Social Amelioration Program (SAP)'s second tranche, which was largely completed, though not without some issues. The Financial Subsidy for Rice Farmers (FSRF) and Expanded SURE Aid and Recovery Project, which offered financial assistance to more than 27,000 marginalized and small farmers and fisherfolk, was run by the Department of Agriculture. Over 300,000 displaced workers-beneficiaries from the informal sector were paid out by the Department of Labor and Employment's SAP.[10]

The government, particularly the Department of Health, took steps to ensure that PWDs had access to healthcare. The Employees Compensation Commission (ECC) offered PWD beneficiaries of the KaGabay Program sick and disability benefits, medical reimbursements, and free physical and occupational treatment. The Philippine Health Insurance Corporation (PhilHealth), on the other hand, was supportive of healthcare inclusivity. The Philippines' vaccination program, which included PWDs in group B, as well as frontline workers and the indigenous population, exemplifies this. PWDs will be the second priority group after Group A, which comprises frontline health workers, seniors, and individuals with comorbidities, in this priority group.[11]

One of the programs that the government is implementing is the Emergency Employment Program (EEP) or Tulong Panghanapbuhay sa ating Disadvantaged/Displaced Workers (TUPAD). According to the type of work to be completed, it is a community-based (municipality/barangay) package of assistance that offers emergency employment to displaced employees, underemployed workers, and seasonal workers for a minimum term of 10 days, up to a maximum of 30 days.[12]

Through the Bayan Bayanihan food program, the Asian Development Bank (ADB) worked with Philippine government agencies and the private sector to supply emergency supplies. ADB integrated census and survey data with satellite images and utilized artificial intelligence to create precise poverty maps to help identify which communities required the greatest aid. By directing help to almost three-quarters of a million of the most vulnerable people in Metro Manila and the surrounding areas, the program was able to maximize its impact. Aiming to serve the poor and marginalized, notably persons with disabilities and the

[9] Ceila M. Reyes et al., Mitigating the Impact of COVID-19 Pandemic on Poverty, available at https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps2055.pdf (last accessed: 9 February 2022).

[10] OECD, Women at the core of the fight against COVID-19 crisis, available at https://reliefweb.int/sites/reliefweb.int/files/resources/200804%20COVID-19%20Philippines%20HRP%20August%20Revision.pdf (last accessed: 9 February 2022).

[11] Jacqueline Veronica Velasco et al., Health Promotion Perspectives, available at https://hpp.tbzmed.ac.ir/PDF/hpp-11-299.pdf (last accessed: 9 February 2022).

[12] Philippine Commission on Women, Policies, Programs, and Services of Government Agencies Concerning COVID-19, available at https://pcw.gov.ph/covid-19-programs-and-services/ (last accessed: 9 February 2022).

elderly, as well as daily wage employees in the informal sector, the food program was built on the Filipino Bayanihan custom of aiding one's neighbor as a community.[13]

The Commission has noted, during the early days of the pandemic, several government agencies, including the BJMP; the Bureau of Corrections (BuCor); the Department of the Interior and Local Government; and the Supreme Court, have already looked into ways of managing and decongesting jails and detention facilities, the evolving threats of the pandemic necessitates revising strategies in managing the effects of Covid-19. BuCor shares that vaccination of PDLs and prison personnel remains to be dependent on local governments where prison facilities are situated.

The Effectiveness of National Efforts

During the early surge of the virus, in the aftermath of severe negligence, the authorities failed to keep up with neighboring countries' preventative measures and drastically underestimated the pandemic, the Enhanced Community Quarantine (ECQ) was implemented. Until at least May 15, 2020, all citizens, with the exception of frontline professionals, must strictly adhere to the ECQ. Curfews, harsh punishments for being outside, and an impoverished population have developed as a result of this.[14]

By 2022 The COVID-19 situation in the Philippines worsened, with daily infections extending to new peaks as the Omicron runs rampant through the densely populated Metro Manila region. On January 15, the country registered a new daily record of 39,004 infections, which was the fifth daily record to be registered in less than a month. This was followed by more than 37,000 COVID-19 infections, which brought the country’s total to more than 3.2 million, in addition to 52,929 deaths from the virus. Some of the government’s responses were to hike the COVID-19 alert for Metro Manila and imposed a “no vax no ride” policy on the capital’s public transport system, including public jeepneys, taxis, buses, sea ferries, and commercial flights.[15]

Because of COVID-19, marginalized groups continue to suffer at the hands of the police and face additional issues, such as a lack of access to healthcare and a loss of income as a result of being unable to work owing to pandemic restrictions. During the pandemic, low-income households are more vulnerable to health hazards and experience major challenges in obtaining high-quality, low-cost healthcare. Local governments provided PHP 1,000-4,000 to households in the lowest income category during the most recent enhanced community quarantine (ECQ) that lasted for two weeks, although many complained about the slow distribution of aid.[16]

The pandemic has resulted in significant economic and social consequences, as shown by indicators of quality of life. The economy is expected to expand 4.5% this year, less than expected before the spread of the delta, while community mobility remains 29 % below pre-pandemic levels. The Philippines has a weaker healthcare infrastructure than other ranked countries, as well as a lower Human Development Index score to mitigate the virus hit.[17]

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[13] Data for Change, USING POVERTY MAPS TO REACH THE MOST VULNERABLE HOUSEHOLDS WITH PANDEMIC SUPPORT IN THE PHILIPPINES, https://dataforchange.net/Using-poverty-maps-to-reach-the-most-vulnerable-households-with-pandemic-support-in-the-Philippines (last accessed: 9 February 2022).

[14] Michael Beltran, The Diplomat, The Philippines’ Pandemic Response: A Tragedy of Errors, available at https://thediplomat.com/2020/05/the-philippines-pandemic-response-a-tragedy-of-errors/ (last accessed: 9 February 2022).

[15] The Diplomat, Sebastian Stangio, Omicron Driving COVID-19 Wave to New Heights in the Philippines, available at https://thediplomat.com/2022/01/omicron-driving-covid-19-wave-to-new-heights-in-the-philippines/ , (last accessed 15 February 2022).

[16] Amnesty International, Philippines: Country faces health and human rights crisis one year into the COVID-19 pandemic, available at https://www.amnesty.org/en/latest/news/2021/04/philippines-faces-health-human-rights-crisis-covid/ , (last accessed: 10 February 2022).

[17] Bloomberg News, Why the Philippines Became the Worst Place to Be in Covid, available at https://www.bloomberg.com/news/articles/2021-09-29/why-the-philippines-just-became-the-worst-place-to-be-in-covid , (last accessed 15 February 2022).

The Commission supports the government's vaccination drive but reminds that its exercise of police powers 'to increase the demand for Covid-19 vaccination' still needs to abide and respect existing laws and human rights standards. Resolutions by the Inter-Agency Task Force (IATF) for the Management of Emerging Infectious Diseases, particularly IATF Resolutions 148-B and 149, effectively imposes a 'no vaccine, no work' and 'no vaccine, no pay' policies for workers in the public and private sector tasked to do onsite work. CHRP is concerned that vague policies may lead to erroneous interpretations and applications on that ground, which often result in discrimination and other forms of human rights violations, such as deprivation of the right to engage in productive employment.[18]

[18] Statement of CHR Spokesperson, Atty Jacqueline Ann de Guia, on the push to make Covid-19 vaccination mandatory and its implications on people's human rights, available at https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-push-to-make-covid-19-vaccination-mandatory-and-its-implications-on-peoples-human-rights/, (last accessed 14 February 2022).