

Submission on domestic violence in the context of COVID-19 to the United Nations Special Rapporteur on violence against women, its causes and consequences

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About FMA

The Foundation for Media Alternatives (FMA) is a non-stock, non-profit organization founded in 1987 soon after the People Power Revolution in the Philippines. Its mission is to assist citizens and communities - especially civil society organizations and other disadvantaged sectors - in their strategic and appropriate use of various communications media for democratization and popular empowerment.

In 1996, FMA focused on information and communications technologies (ICTs) and the emerging phenomenon of the Internet, and began to frame communication rights as human rights.

Today, FMA continues to focus on policy research and progressive agenda-building towards engaging the State and the private sector in democratizing Philippine information communications policy and internet governance. It has represented civil society in the ICT policy-making bodies in the Philippines and abroad. It has written numerous policy papers on the Philippine information society and has led a national effort to codify a Philippine Declaration on Internet Rights and Principles: *Isang Internet na Ipaglalaban* (An Internet to fight for).

FMA is a founding member of the Philippine Internet Freedom Alliance, a member of the Philwomen on ASEAN, and the Philippine National Organizing Committee for the ASEAN Civil Society Conference/ASEAN Peoples' Forum. It is a member of the global Association for Progressive Communications (APC). FMA is also a member of the Women's Rights Online Network of the World Wide Web Foundation, and partners with Privacy International in regional and local initiatives on privacy rights. It plays a leading role in campaigns both at the local and international levels. In March 2015, it co-organized and served as the local host of RightsCon Southeast Asia held in Manila.

Introduction and Context

Violence against women (VAW) in the Philippines is pervasive and takes on many forms, such as physical, sexual, economic, emotional and psychological abuse.

The 2017 National Demographic and Health survey found that one in four ever-married women aged 15-49 has experienced physical, sexual or emotional violence by their husband or partner. One in five women has experienced emotional violence, 14 percent has experienced physical violence, and 5 percent has experienced sexual violence by their current or most recent husband or partner.¹ Spousal violence or intimate partner violence is the most common form of violence for women aged 15-49 years old. The same survey found that all forms of violence generally decline with increasing household wealth.

Women likewise experience violence online. FMA has been mapping cases of online gender-based violence (OGBV) in the Philippines since 2012. For the year 2019 alone, it mapped, based on media reports, 49 cases of OGBV. Based on the reports, almost half of the victims are aged 18-30 (49%), 42% fall under 18, and 9% are 31-45 years old. Emotional (24%), sexual (23%), and physical harm (19%) were the top types of harm caused by perpetrators. Among the offenses were repeated harassment (25%), taking photos/videos without consent (22%), and dissemination of the victims' private information (21%).²

In times of crises, including conflicts and disasters, cases of VAW, including rape escalate especially during disasters.^{3 4} Some women are also forced into prostitution, sometimes selling sex in exchange for food.

On March 16, 2020 President Rodrigo Duterte signed Proclamation 929,⁵ placing the entire country under a state of calamity due to the coronavirus, and imposed an enhanced community quarantine (ECQ) or a total lockdown throughout the entire island of Luzon⁶ initially until April 12, 2020. The said ECQ restricts the movement of the population, except for those who are engaged in essential work necessary in response to the pandemic. This includes strict home quarantine for all, the suspension of public transportation, and the temporary closure of establishments deemed non-essential, among others. By March 24, 2020 President Duterte signed the *Bayanihan to Heal as One* or Republic Act 11469, which grants his office more

¹ One in four women have ever experienced violence (Preliminary results from the 2017 National Demographic and Health Survey), *Philippine Statistics Authority*, March 26, 2018, <https://psa.gov.ph/content/one-four-women-have-ever-experienced-spousal-violence-preliminary-results-2017-national>

² Foundation for Media Alternatives, "How do we fight online gender-based violence in the Philippines?," *Foundation for Media Alternatives*, March 9, 2020 <https://www.fma.ph/2020/03/09/how-do-we-fight-online-gender-based-violence-in-the-philippines/>

³ Debra Parkinson and Claire Zara, "The hidden disaster: domestic violence in the aftermath of natural disaster," *Australian Journal of Emergency Management*, Volume 28, No. 2, April 2013

⁴ Sarah Jane Olan, "How disasters make women and children vulnerable to abuse," *Rappler*, December 3, 2014, <https://www.rappler.com/move-ph/issues/disasters/76859-disasters-women-children-vulnerable-abuse>

⁵ See <https://www.officialgazette.gov.ph/2020/03/16/proclamation-no-929-s-2020/>

⁶ The island of Luzon covers 8 of the 17 regions in the country and is home to more than half of the country's population.

powers to respond to the pandemic. This, despite the strong public reservation over special powers, especially with the historical abuses of the administration which was documented in the recent United Nations report.⁷

As feared, the implementation of the ECQ saw the primacy of a militaristic approach, rather than a public health approach.

While the Inter-Agency Task Force on Emerging Infectious Diseases is chaired by the Secretary of the Department of Health (DOH), the actual implementation of the National Action Plan (NAP) on COVID-19 response is led by the Secretary of National Defense.⁸ The heads of the Department of Interior and Local Government (DILG), the Armed Forces of the Philippines, and the Philippine National Police (PNP) are also among the main implementers of the NAP.

During lockdown, not all homes were deemed safe particularly for women and children who endured the company of abusive partners, parents and relatives much longer.⁹ It was difficult to report abuses given their limited mobility. Women have also borne the brunt of partners who are the sole breadwinners but who lost their jobs, mostly temporary and wage-based. The suspension of classes also meant that some children lost a safe space, particularly those who found protection from teachers, peers and the system itself. The loss of income for most families also meant that food, water and other basic services were prioritized while the sexual and reproductive health needs were deprioritized. Sanitary napkins, for example, are hardly a staple in the relief goods which the local governments distributed. It also became difficult to consult with a doctor and get the necessary medication, including contraceptives. Moreover, a rise in an already alarming rate of teenage pregnancy is expected.¹⁰

Most of the working poor became the easy target of policing. Their next meal and other immediate concerns placed them on the streets. Their cramped living spaces made physical distancing impossible and predisposed them to COVID-19. Traditional gender roles were reinforced. Women had to manage households with the crumbs prior to the lockdown, act as teachers for their children who had to stop schooling and more often than not, care for the elderly.

The government's response to the pandemic has been troubling. The Duterte administration has been lackadaisical. Despite the apparent threats of COVID-19 in becoming a nationwide crisis as early as December 2019, the administration continued to accommodate China, such that the Philippines was the last in the region to issue a travel ban in late February 2020. It did not take long before the virus spread locally, prompting the government to declare a lockdown. Without

⁷ Philippines: UN human rights experts renew call for an on-the-ground independent, impartial investigation, available in <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>

⁸ Martin Sadongdong, "Lorenzana heads COVID-19 national task force," *Manila Bulletin*, March 25, 2020, <https://news.mb.com.ph/2020/03/25/lorenzana-heads-covid-19-national-task-force/>

⁹ Agence France Press, "Fears of domestic violence rise as millions confined over virus," *Rappler*, March 28, 2020, <https://www.rappler.com/world/global-affairs/256198-fears-domestic-violence-rise-confinement-coronavirus>

¹⁰ Christia Marie Ramos, "Rise in teen pregnancies likely during COVID-19 pandemic, warns Gatchalian," *Inquirer.net*, <https://newsinfo.inquirer.net/1293209/rise-in-teen-pregnancies-likely-during-covid-19-pandemic-warns-gatchalian>

an action plan, the president devolved the responsibility of responding to the pandemic to local government units - the barangay, municipal, city, provincial and regional governments, which had varying risks, capacities, and resources. Some responded better than others such that some local leaders outshone Duterte and his close aids. But some did not. The chaos put to the test and at times, rendered irrelevant the knowledge and skills which local governments have built and implemented around disaster risk reduction and management. The pandemic is a different kind of hazard that required far more care and resources. But there were traditional challenges, which remain unaddressed, particularly those of women and girls.

It is also important to note that the military approach of the government means that extrajudicial killings continued, on top of abuses such as illegal arrest, illegal detention, physical, sexual and psychological abuse which happen in the context of access. There have been reports of sexual harassment and rape at check points which were managed by police officers who were known to be targeting women.¹¹ Meanwhile, gay persons were asked to perform lewd acts when they were arrested, allegedly for violating curfew and other quarantine measures.¹² These abuses, particularly in this political climate, are likely to serve yet another barrier to access to justice. One can easily be discouraged to file complaints before courts, which themselves operate on a skeletal force.

While the Duterte administration's appointees in the health department appear at a loss with the rate of COVID-19 transmission, which they have to mitigate, the president's allies in Congress have been advancing legislation, which would only suppress freedom of speech, including dissent. Right in the middle of the pandemic, a major television network was shut down, after it was refused a renewal of congressional franchise. An anti-terrorism bill has been railroaded and will likely become a law in early July 2020. Premiere investigative journalists have been convicted of libel for a case which in more reasonable times would have been junked.

To help ease the situation, local government units and civic organizations provide relief goods especially to poor households so that they do not have to worry where the next supply of food will come from; the labor department has initiated assistance for displaced workers; and, the national government came up with the special amelioration package (SAP) to aid vulnerable sectors, most especially those whose financial means have been affected during the quarantine period. While helpful, these efforts may not be sustainable in the long run.

Legal Framework

The Philippines adopts generally accepted principles of international law as part of the law of the land. A Bill of Rights as enshrined in the 1987 Philippine Constitution promotes the rights of all individuals as embodied in the United Nations (UN) Universal Declaration of Human Rights. The Philippines is a long-time member of the UN (since 1945) and has ratified eight of the nine

¹¹ Catherine Gonzales, "'Sex-for-pass' victims in checkpoints have to come out in open court - PNP," Inquirer.net. May 25, 2020, <https://newsinfo.inquirer.net/1280459/victims-of-sex-for-pass-scheme-in-checkpoints-have-to-come-out-in-open-court-pnp>

¹² Allena Therese Juguilon, "Barangay captain makes LGBTQ+ quarantine violators do lewd acts as punishment," Rappler, April 7, 2020, <https://www.rappler.com/nation/257292-barangay-captain-lgbtq-quarantine-violators-lewd-acts-punishment>

core international human rights instruments.¹³ Accordingly, it is duty-bound to observe the rights, as enshrined in such international legal instruments.

The Philippine Constitution recognizes the role of women in nation-building, and declares that the State shall ensure the fundamental equality before the law of women and men.¹⁴ It also states that all persons have a right to the speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.¹⁵

The following are some of the existing legislation in relation to online VAW in the Philippines:

1. Anti-Violence against Women and Children Act of 2009 (Republic Act 9262) - The Act defines violence against women and children as "any act or a series of acts committed by any person against a woman who is his wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which results in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty" (Sec. 5). The law provides measures for victims and prescribes penalties for the offender. Notable in the law's definition of VAW is the existence of a relationship between the woman and the person who committed the act of violence.

2. Anti - Photo and Video Voyeurism (RA 9995) - The Act was passed as a response to the proliferation of intimate photos and videos (usually involving women) being shared or sold without consent. The law recognizes invasion of privacy as a criminal offense.¹⁶ It penalizes those who take photos or videos of a person or group of persons performing sexual acts or similar activities without the consent of the subjects. Likewise, the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting photo or video coverage or recordings of sexual act or activity without the written consent of the person/s involved are punishable.

¹³ The Philippines has signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW), and the Convention on the Right of Persons with Disabilities (CRPD), but NOT the International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

¹⁴ Article II, Section 14

¹⁵ Article III, Section 16

¹⁶ Section 3(d) of RA 9995 defines photo or video voyeurism as "the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person's."

3. Anti-Child Pornography Act (RA 9775) - The Act defines child pornography as "any representation, be it visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated explicit of sexual activities" (Sec. 3 (b)). Any person who produces, distributes, publishes and commits other related acts would be subject to penalties. Further, Sec. 9 of the said Act states that if any form of child pornography is being committed using the server or facility of an internet service provider, they should notify the PNP or the National Bureau of Investigation (NBI) within seven days from obtaining facts and circumstances regarding the matter, and preserve the evidence for the purpose of investigation and prosecution.
4. Expanded Anti-Human Trafficking in Persons Act of 2012 (RA 10364). The Act amends the list of acts considered as promoting human trafficking to include destroying or tampering with evidence, influencing witnesses in an investigation, and using public office to impede any investigation or execute lawful orders. It also increases funding for government agencies involved in the fight against human trafficking. Human trafficking is one of the worst forms of VAW.
5. Cybercrime Prevention Act of 2012 (RA 10175). The law aims to address legal issues concerning online interactions and the Internet in the Philippines. Among the cybercrime offenses included are cybersex, child pornography, identity theft, illegal access to data and libel. Sec. 4(c)(1) of the Act defines cybersex as the "willful engagement, maintenance, control or operations, directly or indirectly of any act of lascivious exhibition of sexual organs or sexual activity, with the aid of a computer system, for favor or consideration."
6. Data Privacy Act of 2012 (RA 10173) - The Act provides guidelines and standards in the collection and processing of personal data by any natural or juridical entity, and can therefore apply to cases of online VAW where personal information is involved. The law also created the National Privacy Commission as its implementing agency.
7. Safe Spaces Act of 2019 (RA 11313) – Under this law, gender-based sexual harassment is banned in all public places, including streets, workplaces, recreational areas and public vehicles. Catcalling, wolf-whistling and other forms of public sexual harassment are also criminalized. The law also features provisions penalizing gender-based online sexual harassment (Article II).
8. Magna Carta of Women (RA 9710) – This law is the country's local adaptation of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). Section 10 of the Magna Carta of Women serves as the basis and guiding principle being followed by the government for women in situations of disasters, calamities and other crisis situations. It states that, "*Women have the right to protection and security in times of disasters, calamities, and other crisis situations especially in all phases of relief, recovery, rehabilitation, and construction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlement, if necessary. It shall also address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other sexual and gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support,*

livelihood support, education, psychological health, and comprehensive health services, including protection during pregnancy.”

The same law also provides for the establishment of VAW desks in every barangay to ensure that VAW cases are addressed in a gender-responsive manner. There is also an inter-agency monitoring team in municipalities and cities to evaluate the functionality of these VAW desks.¹⁷

Violence against women in the Philippines in the context of COVID-19

The PNP Women and Children Protection Center reported 804 incidents of gender-based violence and violence against women and children from March 15 to April 30, 2020.¹⁸ These numbers represent cases from all over the country that include violence against women and children (VAWC), acts of lasciviousness and concubinage, rape, trafficking, sexual harassment, voyeurism, and violation of the Safe Spaces Act. Anti-VAWC cases alone numbered 671 all over the country for this period.

In the first month of 2020, 1,383 cases were reported nationwide. The number went down to 1,224 in February, and to 1,044 in March.

From March 17 to May 23, the PNP reported that 602 people across the country were raped. This translates to an average of eight people being raped daily. Again, the police say that this figure is much lower compared to the documented cases from January 9 to March 16, before the quarantine period, which has an average of 18 individuals raped daily.¹⁹

Based on the reports, it would seem that there has been a drop in the number of reported cases in the Philippines from the time that a lockdown was implemented. The low number of cases reported, however, does not mean that the number has actually dropped. The Women’s Legal and Human Rights Bureau (WLB) pointed out that based on their previous research post-typhoon Haiyan, women tend not to report cases of VAW during a crisis because their family’s survival takes priority.²⁰

By June 17, the PNP had recorded 2,246 cases of domestic violence against women from March 16.²¹ According to the police, the increase in reported cases is due to the ease in the lockdown,

¹⁷ Memorandum Circular No. 2017-114: Guidelines in monitoring the functionality of VAW desk in every barangay, <https://www.pcw.gov.ph/law/memorandum-circular-no-2017-114-guidelines-monitoring-functionality-vaw-desk-every-barangay>

¹⁸ Pia Ranada, “During coronavirus lockdown: Women, children more vulnerable,” *Rappler*, May 9, 2020, <https://www.rappler.com/newsbreak/in-depth/260072-during-coronavirus-lockdown-abused-women-children-more-vulnerable>

¹⁹ Emmanuel Tupas, “8 raped daily during quarantine - PNP,” *Philstar*, May 25, 2020, <https://www.philstar.com/headlines/2020/05/25/2016374/8-raped-daily-during-quarantine-pnp>

²⁰ “Covid-19 crisis is not gender-neutral,” *Women’s Legal and Human Rights Bureau*, April 27, 2020, <https://wlonline.org/covid19-update1/>

²¹ Neil Jayson Servillos, “PNP: Domestic violence, OSEC complaints surge as lockdown eased,” *Philstar*, June 22, 2020 <https://www.philstar.com/headlines/2020/06/22/2022648/pnp-domestic-violence-osec-complaints-surge-lockdown-eased>

meaning that women have more mobility to report directly to the police station. The increase follows the global trend of increasing violence during times of crisis, and has raised concerns from various sectors.

FMA was able to map 49 cases of OGBV in 2019, but from the period covering January 1 to June 24, 2020, the organization has already mapped 61 cases. From March 16 to June 2, or during the lockdown period, FMA was able to monitor 27 media reports that include cases of non-consensual use of photos and videos, threats of blackmail, abusive comments, manipulation of personal data, and repeated harassment.²²

The following are the cases of VAW reported in media during the lockdown:

Harassment and rape of women by law enforcers. Women reported being harassed at checkpoints manned by law enforcers. There are posts in social media by women describing their ordeal while undergoing inspection at the checkpoint.²³ One woman felt harassed by a military officer who sneakily inserted a scrap of paper in her driver's license with his personal number. Another woman who took a motorcycle ride was asked by the police to provide her name and phone number rather than that of the motorcycle driver; the woman then received calls from an unknown number. There were also reports of women, who, in order to pass through checkpoints, have been forced to have sex with the police.²⁴ The chief of the PNP and the Palace have urged the victims to report and file cases against the erring cops but some women have just kept the ordeal to themselves. Two women detainees were also raped inside police headquarters by two policemen in March.²⁵

Harassment as a result of providing personal information for contact tracing. A woman reported receiving calls and text messages from anonymous men. She suspects that these men must have gotten her number from the contact details she had to provide whenever she uses public transportation and does transactions with banks.²⁶

Domestic violence in the home. The video of one government employee beating his wife and son became viral on social media and was reported to authorities.²⁷ FMA through its social media accounts has received two inquiries from women who want to escape from their abusive

²² See ph.tbtt.apc.org

²³ Jeline Malasig, "Reports of harassment of women at checkpoints have reached the PNP," *Interaksyon*, March 26, 2020, <https://www.interaksyon.com/celebrities/2020/03/26/165098/reports-harassment-women-muslim-checkpoints-pnp-afp-bela-padilla/>

²⁴ Ralf Rivas, "To cross coronavirus border, prostituted women abused by cops first," *Rappler*, May 21, 2020, <https://www.rappler.com/newsbreak/in-depth/260588-prostitutes-abused-by-cops-first-cross-coronavirus-border>

²⁵ Consuelo Marquez, "2 Marikina cops charged for rape of female detainees," *Inquirer.net*, March 31, 2020, <https://newsinfo.inquirer.net/1251560/2-marikina-cops-charged-for-rape-of-female-detainees2>

²⁶ Rick Olivares, "NU Pep Squad coach cries harassment allegedly from contact tracing," *Philstar*, June 15, 2020, <https://www.philstar.com/sports/2020/06/15/2021060/nu-pep-squad-coach-cries-harassment-allegedly-contact-tracing>

²⁷ Jel Santos, "MMDA traffic aide fired for beating up wife, son," *Tempo*, April 29, 2020, <http://tempo.com.ph/2020/04/29/mmda-traffic-aide-fired-for-beating-up-wife-son/>

partners. In both cases, the unavailability of public transportation and not having money during the lockdown have made it difficult for them to immediately leave the house.

Online gender-based violence. A woman who criticized a public figure for getting tested for COVID-19 ahead of front liners and those with symptoms was verbally abused online.²⁸ The public figure replied to the criticism saying she was probably mad because she is not getting enough sex. He even threatened to file a case against the woman.

Online sexual exploitation of children. Various groups have monitored an increase in online sexual exploitation of children.²⁹ In many instances, the parents themselves were responsible for trafficking their own children.³⁰

Mental health of women. A former overseas Filipino worker who was subject to quarantine at a government-provided lodging house committed suicide, likely as a result of immense stress.³¹

Discrimination of women frontliners. In the fight against COVID-19, caring responsibilities, both inside and outside the home, are tasks given to women. In the community, many women serve as frontliners. Many of Filipino nurses are women. A 2017 DOH report says that there are 90,308 nurses in the different hospitals all over the country, and that there are 8.67 nurses per 10,000 population, which is very far from ideal. Aside from the low pay of nurses and other medical personnel, they are also being discriminated upon. There have been reports of nurses and medical personnel being evicted by their landlords, not being allowed to enter their own communities, and even being physically harmed, because of fear that they might contaminate others with the virus.

Laws for the protection of women have not been suspended during the pandemic. The Anti-VAWC Act provides protection for women and children who have experienced violence in the hands of their partners, including the granting of a temporary protection order. The Safe Spaces Act, signed into law in 2019, penalizes harassment of women and girls in streets and public spaces. The police, local government units, and other government agencies are tasked to see to it that the law is implemented.

Support to VAW victims

Women have the right to safety and protection at all times, especially during crises and emergencies. The Philippines has many mechanisms in place to protect women.

²⁸ See <https://www.facebook.com/womenslegalbureau/posts/3328824253813659>

²⁹ Janvic Mateo, "Secret pandemic: Online child exploitation on the rise amid COVID-19 problems," *One News*, April 22, 2020 <https://www.onenews.ph/secret-pandemic-online-child-exploitation-on-the-rise-amid-covid-19-problems>

³⁰ "8 children and 1 baby rescued from cybersex trafficking in the Philippines," *International Justice Mission*, <https://ijm.org.au/news/8-children-and-1-baby-rescued-from-cybersex-trafficking-in-the-philippines/>

³¹ "OFW from Kuwait commits suicide after quarantine," *Expat Media*, April 26, 2020, <https://www.expatriamedia.net/ofw-kuwait-commits-suicide-quarantine/2020/04/>

Government agencies such as the Philippine Commission on Women (PCW),³² have published hotlines where women can report cases of abuse, including during the lockdown period. These include numbers of the police, the Commission on Human Rights, the National Bureau of Investigation, the Public Attorney's Office, as well as the telephone numbers of VAW service providers.

All 42,000 barangays also have VAW desks, where women in the community can report cases, and request for the issuance of a barangay protection order.

There are also shelters for women being run by both government and non-government organizations, where abused women can go if necessary. Unfortunately, some shelters declined to accept new clients for fear of being contaminated with COVID-19. Some shelters, like the Quezon City Protection Center, were temporarily shut down during the pandemic. They only accepted inquiries and complaints through email, social media and by telephone.³³ It was only towards the end of May when the shelter was re-opened because of reports that many women were getting raped during the pandemic.

The Commission on Human Rights (CHR) also opened its doors to women victims of abuse because there was lack of shelter.

The presence of support and other services are important for women who need to escape from the abusive situation they find themselves in. Such services and resources available should be made known and advertised. As it is, there are still those who do not know what to do and where to seek help. This is the case of one woman who sought the advice of FMA. She had an abusive husband and wanted to leave him, along with their children. Because it is the husband who holds the quarantine pass,³⁴ she could not leave the house. All means of mass transportation have been suspended during the ECQ, thus making it difficult for women who want to leave their homes.

Access to legal measures

Women's access to legal measures should remain available and accessible even during the pandemic.

Section 8 of the Anti-Violence against Women and Children Act says that protection orders may be issued to prevent further action of violence against a woman or her child. Such should be available to women and children during crises, such as the COVID-19 pandemic. However, reports from a few women's organizations working on the ground say that while barangays still issue Protection Orders, the process is not as speedy as it used to be. There was also a report that a barangay refused to take action on a physical abuse that was reported to them saying that it is a

³² See <https://www.pcw.gov.ph/vawc-hotlines-during-community-quarantine>

³³ Matthew Reysio Cruz, "QC reopens shelter for abuse victims as cases rise," *Inquirer.net*, May 26, 2020, <https://newsinfo.inquirer.net/1280746/qc-reopens-shelter-for-abuse-victims-as-cases-rise>

³⁴ A quarantine pass is issued to only one member of a household during the quarantine period, usually the man. It allows the pass holder to leave the house and purchase essential items such as food and medicines. Individuals caught outside their houses without the pass may be arrested and can be subjected to punishment by the local community head.

family affair.³⁵ One local women’s NGO observed that women working in barangay VAW desks are busy doing COVID-19 related work, such as relief operations, and may have overlooked possible signs of domestic abuse among women in their area.³⁶

Following the lockdown, court operations were reduced. Administrative Circular 31-2020, issued by the Supreme Court, required all courts nationwide to substantially reduce operations starting March 16 until April 15.³⁷ This meant that work in all courts, including its divisions, sections and units were suspended, except in court offices concerned with the resolution or urgent matters and cases. All hearings were also suspended, except those of urgent matter. With COVID-19 disrupting access to courts and other protection mechanisms, cases of gender-based violence may pile up unresolved.

Access to health services

Health emergencies, like the COVID-19 crisis, have a disproportionate effect on the poorest and most vulnerable, particularly women and children. Access to hospitals and clinics have become difficult because of the lockdown. Aside from a quarantine pass being given to only one person per household, mass transportation has also been suspended. In times of emergency, those who have no private vehicles, or even bicycles, are forced to walk to hospitals for their treatment. Some hospitals have focused their services on treating COVID-19 patients, thus affecting other health services. Pregnant women also fear going to the hospital for delivery because of fear that they might be infected by the virus.

A 26-year old woman who had complications after giving birth at home died after she was refused admission by several hospitals.³⁸

There have been interruptions on the delivery of sexual and reproductive health services. Access to contraceptives, which are normally given in local family planning or health clinics for free, have become difficult. If couples are not practicing safe sex, this might lead not just to unintended pregnancy but also to infections, and women are often the ones who bear these unintended consequences.

³⁵ The report was mentioned in one webinar that discussed the issue of sex and gender in the time of Covid-19

³⁶ “Covid-19 crisis is not gender-neutral,” *Women’s Legal and Human Rights Bureau*, April 27, 2020, <https://wlbonline.org/covid19-update1/>

³⁷ CNN Philippines Staff, “Supreme Court suspends Judiciary work, hearings nationwide amid COVID-19 pandemic,” *CNN Philippines*, March 16, 2020, <https://cnnphilippines.com/news/2020/3/16/Supreme-Court-suspends-Judiciary-work,-hearings-nationwide-COVID-19-.html?fbclid=IwAR1hvrIUHno055ycQABE6n41YP6UetjqAqfvviHB1wHcikS7WopKrT1FM>

³⁸ Nikka G. Valenzuela, “Woman who had just given birth dies after being rejected by 6 hospitals,” *Inquirer.net*, April 27, 2020, <https://newsinfo.inquirer.net/1265145/woman-who-had-just-given-birth-dies-after-being-rejected-by-6-hospitals>

There are some places, however, where the city health office has taken the initiative to distribute birth control pills and condoms to the communities, to ensure that the health program does not stop.³⁹ Vitamins, medicines for tuberculosis and HIV were also distributed.

Tensions and stress abound during crises. Confinement to a limited space for quite some time may have an effect on the psycho-social condition of a person. According to one organization that provides counseling, they noticed an increase in the number of individuals that require psycho-social counseling during the lockdown. The way that the Philippine government has been responding to the health crisis is also a source of stress to many Filipinos.⁴⁰ It is notable though that several counseling groups have responded to the call and made available, mostly for free, their online services.

Preventing violence against women in the time of COVID-19

The Philippine government has no excuse to let-up in its efforts to help victims of gender-based abuse, especially in the time of COVID-19.

Recognizing that domestic violence may increase as a result of COVID-19, the PCW, DOH, DILG, Department of Social Welfare and Development, CHR, and the Commission on Population and Development sometime in May issued a statement strongly condemning all forms of gender-based violence during the crisis.⁴¹ It has called on everyone to report cases of abuse in the communities, and urged GBV desks to quickly respond to reports.

The President, in a report to Congress on the pandemic, said that the DILG issued an advisory that "all Barangay Violence Against Women Desks and Barangay Council for the Protection of the Children shall remain active and fully functional during the ECQ."⁴²

These efforts are laudable. However, statements are just reminders to the concerned agencies and the public to do their part. How do we ensure that such directives are cascaded to local government units down to the barangay level, and that laws are implemented properly?

The PCW as the lead agency that works for the promotion of gender equality, women's empowerment, and women's rights, needs to be more proactive and take the lead in monitoring and ensuring that women's rights are protected and safeguarded in the time of COVID-19. Its current efforts leave much to be desired.

³⁹ Consuelo Marquez, "Sex in the time of COVID-19: Taguig City gives pills, condoms to residents," *Inquirer.net*, March 26, 2020, <https://newsinfo.inquirer.net/1248796/sex-in-the-time-of-covid-19-taguig-city-gives-pills-condoms-to-residents>

⁴⁰ Karen Emmons, "A viral call for help from suicidal Filipinos," *Asia Times*, April 17, 2020, <https://asiatimes.com/2020/04/a-viral-call-for-help-from-suicidal-filipinos/>

⁴¹ "Joint statement of government agencies on gender-based violence during the COVID-19 crisis," <http://popcom.gov.ph/joint-statement-of-government-agencies-on-gender-based-violence-during-the-covid-19-crisis/>

⁴² Report to the Joint Congressional Oversight Committee Pursuant to Section 5 of Republic Act No. 11469, Otherwise Known as the "Bayanihan To Heal As One Act," April 13, 2020, <https://www.officialgazette.gov.ph/downloads/2020/04apr/20200413-Report-to-the-Joint-Congressional-Oversight-Committee-RRD.pdf>

Worth noting is the response of the Gender Ombud, an office under the CHR, which took it upon itself to put up a website where anyone can report cases of gender-based violence.⁴³

Women’s rights organizations, for their part, have been providing support to women in the community. The Coalition against Trafficking in Women – Asia-Pacific, Power in Her Story, and other groups have taken risks in order to provide relief and supplemental goods for women. Individuals have also initiated fundraising campaigns to provide much needed assistance to women whose source of livelihood have been disrupted and put on hold at this time.

Lunas Collective, a feminist chat service, provides support related to gender-based violence and reproductive health. It also provides contact information of clients to authorities so that perpetrators or abusers can be removed from their homes.⁴⁴

Most of the clinics of Likhaan Center for Women’s Health remained open to provide health and reproductive services to marginalized women and their communities.⁴⁵ During the pandemic, they also conducted online trainings and digital discussions and consultations.

The Lilak Purple Action for Indigenous Peoples’ Rights, Gender Watch Against Violence and Exploitation, WLB and many other women’s organizations continue to reach out to women in the communities to find out what their situations and needs are. WLB also helps women prepare documents for the filing of VAW cases.

The Foundation for Media Alternatives posts on its social media accounts infographics that are useful to women during crisis, including information on where to seek help. It also provides tips for staying safe online.

The role of technology in a crisis

Technology plays an important role during crises and emergencies. With people forced to stay indoors, the internet has become a necessity in order to connect with their families and friends, and to seek information and support they need to cope with the pandemic. Aside from television and radio, social media and online platforms provide Filipinos with venues to enjoy their freedoms – to get entertained, to express their opinions, to source and share information, and to continue work from home.

However, this same technology has also reeled in pre-existing toxic social norms, giving way to gender-based violence that disproportionately impacts women.

⁴³ See <https://www.gbvcovid.report/landing/about>

⁴⁴ Cody Cepeda, “Lunas Collective: Keeping the distance that COVID-19 social distancing removes between abuser, abused,” *Inquirer.net*, April 3, 2020, <https://newsinfo.inquirer.net/1253503/lunas-collective-keeping-the-distance-that-covid-19-social-distancing-removes-between-abuser-abused#ixzz6ONW29q6h>

⁴⁵ See <https://www.facebook.com/likhaanph/>

FMA was able to map 27 media-sourced reports of OGBV during the lockdown period from March 15 to June 2, 2020. The most common violations were non-consensual use of photos/videos (26.3%) through mobile phones and Facebook committed by someone unknown to the victim (44%). Threats of blackmail (15.8%), abusive comments (15.8%), deleting or manipulation of personal data (13.2%), and repeated harassment (13.2%) were also among the aggressions that were noted. In more than a quarter of the cases, survivors know their aggressors. Almost half of the victims were below 30 years of age, and a third were minors. Platform providers have also been reported to have contributed to aggravating women's experiences of online abuse.⁴⁶

While technology was used to perpetrate the abuse, technology at the same time can serve as a lifeline for women in times of crises, like the COVID-19.

Recently, young women have taken to social media to relate their experiences of harassment and abuse. Hashtags such as #HijaAko and #MCHSDoBetter have trended online as safe spaces where young women can air their grievances, report inappropriate behavior, and demand accountability.⁴⁷

The Gender Ombud launched an online reporting system for women victims of violence. Lunas Collective has an online-based counseling service for VAW victims, and the Population Commission created a COVID-19 helpline. So that women will not need to leave their houses, some organizations running health clinics now offer online consultations.

Some organizations have taken to social media or created online channels and forums to provide women the necessary information they need, including where they can reach out for assistance. This is the case for *Bantay Bastos*, a Facebook group of more than seven thousand members who are committed to surfacing, tracking down, and reporting exploitative accounts on Facebook, sometimes Twitter and Telegram where child porn peddlers allegedly proliferate.

Agencies and organizations have announced telephone numbers, hotlines and social media accounts where women can get help. Infographics and other useful materials are being shared online where women can source needed information. Reporting abuse can be done online. Indeed, the internet, especially social media, has become a lifeline for many women in dire situations. But this is on the premise that they are connected. Those who are not connected have more difficulties in accessing help.

Currently, internet penetration in the Philippines is reported to be at 67% of the total population of 108.8 million.⁴⁸ This means that there are still segments of the population, including women, still unreached by the internet.

⁴⁶ For example, Google drive has been flagged by women's groups for the publicly accessible links containing nude images of women being circulated without women's consent.

⁴⁷ Felicity Santos, "After #MCHSDoBetter, other schools urged to act on sexual harassment," *Rappler*, June 28, 2020, <https://www.rappler.com/move-ph/265084-other-schools-urged-act-sexual-harassment>

⁴⁸ We are social, "Digital 2020: The Philippines," February 18, 2020, <https://datareportal.com/reports/digital-2020-philippines>

Conclusions Recommendations

COVID-19 is a health issue and therefore demands a health response. Unfortunately, the Philippine government treats the COVID-19 pandemic as a public order issue. This is reflected in the composition of the National Task Force to implement the NAP that is composed of men from the military or ex-military. The President's rationale for this is that military men just obey and do not question orders. The Task Force creates the policies and guidelines for people to follow regarding the pandemic. Lamentably, there is not a single woman in the decision-making table to ensure that decisions made incorporate gender-responsive measures.

The country has existing laws and policies to prevent violence against women and children. During the pandemic, government agencies, especially the PCW, should take the lead in efforts to protect women from violence. This includes reminding members of government that they should exert all efforts to ensure the safety of women from violence. It also means reminding uniformed personnel that their task is to serve and protect the people and not violate rights of women.

It is important that we comply with existing measures that the government comes up with to protect the health of the Filipinos. But these guidelines should also be complemented by gender-responsive measures to ensure that women and children are protected in these trying times, including having access to legal aid, safe shelter, financial aid for those who want to leave their house, and medical and psychological care.

Harassment and abuse also happen online. We need to keep the online space safe for all.

The following are some of FMA's recommendations:

- The government should supplement existing laws and policies on domestic violence with gender-responsive guidelines to prevent VAW in times of crises. Such should be cascaded to local government and law enforcement for implementation.
- The government should ensure that women are allowed safe passage in checkpoints and are not harassed by law enforcers manning the checkpoints.
- The PCW, as the main agency for the promotion and protection of women's rights in the country, should be more proactive in coordinating with local government units, reminding them of their duty to protect women and children at all times. It should call out specific agencies that are found to be violating the law.
- The PCW, PNP, and local governments should establish hotlines in all barangays and post them in conspicuous areas, as well as in the barangays' social media accounts, so that women would know where to seek help. They can also develop VAW related materials that can be distributed in the community, both offline and online.
- Local government units should encourage their constituents to report cases of domestic violence in their own localities, and be proactive in responding to reported cases.
- Barangays should ensure safe passage for women who want to leave their house to escape from abuse, by providing transportation, including some financial aid.
- The government should ensure the availability of shelters and safe houses for women victims of domestic violence.

- The government should ensure unhampered delivery of reproductive health services to prevent unplanned pregnancies, as well as the spread of sexually transmitted diseases.
- Government agencies and non-government organizations should help sustain the work of frontliners providing support to women victim-survivors of violence, and provide gender sensitivity education and training to all responders, especially law enforcers.
- Continue capacitating CSOs, especially women's organizations, to have a deeper understanding of how technology works and impacts women's rights, including how to protect and secure their privacy online, as well as respond to reported OGBV cases
- Entities that collect data on women and children who experience abuse and violence during the pandemic should ensure the safety and protection of these people, not divulge their personal identity. When reporting cases online, organizations should ensure the anonymity of the person reporting.
- The government should work with telecommunication companies to improve internet connectivity all throughout the country, so that women needing help can have other avenues to seek help.
- Consultation and engagement of women's groups with internet intermediaries and platform providers for the development, adoption and implementation of policies and community standards that are in line with international human rights laws to prevent OGBV.