



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
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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, with reference to the request for inputs and questionnaire from Ms. Irene Khan, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, has the honor to convey, through the attachment, the initial contribution from government of the Philippines on the SR's thematic report on Gender Justice and Freedom of Opinion and Expression.

The initial contribution is based on the information provided by the Presidential Communications Operations Office (PCOO), the Presidential Human Rights Committee Secretariat (PHRCS), and the Presidential Task Force on Media Security (PTFOMS) on the subjects of promoting and protecting the rights to the freedom of information, opinion and expression and the protection of women media practitioners.

The Philippines consents to having these inputs published in the OHCHR's website. The MS Word version of the inputs is also provided.

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, 21 July 2021

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Attention: The Special Procedures Branch

CONTRIBUTION FROM THE REPUBLIC OF THE PHILIPPINES ON GENDER JUSTICE AND THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

This refers to the request for inputs from Ms. Irene Khan, Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression (SR on FOE), on the topic of gender justice and the right to freedom of opinion and expression with particular focus on women in the public sphere, including women journalists, human rights defenders, politicians, feminist activists and other public figures as well as analysis on related issues through a gendered lens and from a feminist perspective.

The Philippines takes pride and continues to invest in the vitality and vibrancy of its media space, with over 1,700 private media outlets and over 24,000 practitioners. The Philippine government continues to pursue and further strengthen approaches to sustain measures to strengthen media freedom as well as protect freedom of opinion and expression.

We are pleased to share information received from the Presidential Task Force on Media Security (PTFOMs), the Presidential Communications Operations Office (PCOO), and the Presidential Human Rights Committee Secretariat (PHRCS), with focus on promoting and protecting the rights to the freedom of information, opinion and expression and the protection of women media practitioners.

I. Freedom of Information (FOI)

Operationalizing the freedom of information is integral to promoting and protecting the right to freedom of opinion and expression. Among the first executive orders issued by President Rodrigo Roa Duterte upon his assumption to office in 2016 was Executive Order (EO) No. 2 s. 2016¹, which operationalized the Constitutional right to information in the Executive Branch.

As one of the President's landmark policies, the FOI Program is a testament that the present administration is keen on providing the Filipino people access to government information. Since then, it has continuously expanded its efforts in fostering a nation of truly engaged and well-informed citizenry by promoting access to information through standard paper-based and electronic platforms.

The Freedom of Information - Project Management Office (FOI-PMO) was subsequently established under the Presidential Communications Operations Office (PCOO) to oversee the implementation of FOI and electronic FOI programs of all National Government Agencies and all its offices, bureaus and instrumentalities, including Government -Owned or -Controlled Corporations, and State Colleges and Universities, develop programs and mechanisms to enhance the capacity of government agencies, and conduct and facilitate capacity development programs.

Localizing the FOI Program. Based on a thorough review of the top requested information from government agencies since 2017, it is observed that there is high demand for local information such as Internal Revenue Allotments, Regional Development Plans, and information on the Local Government Support Fund, among others. This supports the presumption that people demand more information at the local level which has a direct impact on their everyday lives.

To address this, the PCOO and the Department of Interior and Local Government issued Joint Memorandum Circular 2018-01 also known as the "Reiteration of EO No. 2, s. 2016, Operationalizing the People's Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service" which encourages Local Government Units to pass their

¹ <https://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>

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own local FOI Ordinances or Eos, thereby institutionalizing transparency not only at the Executive branch but also at the sub-national level.

Commitment in the Philippine Open Government Partnership (PH-OGP) National Action Plan. Since its founding in 2011, the Philippines has developed and implemented three action plans with initiatives aimed to address the four OGP values on: 1) access to information, 2) civic participation, 3) public accountability, and 4) technology and innovation for openness and accountability. The PH-OGP initiative is cited in Chapter 5: Ensuring People-Centered, Clean and Efficient Governance of the PDP 2017-2022. This chapter's narrative, under the subsector outcome on citizen engagement and empowerment, specifically identifies the sustainability of the country's engagement in the OGP as a key strategy to actively promote participatory governance and ensure that government policies, programs and projects are responsive to the needs of the people and brings back the people's trust in government.

The strong government support for citizen engagement initiatives is also clearly shown in the provisions under the Executive Order No. 2, s. 2016 or the FOI Program, which operationalizes in the executive branch the people's constitutional right to information and the state policy of full public disclosure and transparency in public service. The EO serves as a benchmarking strategy in parallel with efforts to push for the passage of the access to information law. Several versions of the bill have now been refiled in 18th Congress. Lessons drawn from the implementation of the Program now provide significant input to technical deliberations in Congress, especially when it cites actual cases and experiences that are able to clarify concerns raised by lawmakers.

II. The Presidential Task Force on Media Security (Task Force)

The Presidential Task Force on Media Security (Task Force) was created by the very first Administrative Order (AO1) of President Rodrigo Roa Duterte on 11 October 2016. It is mandated to protect the life, liberty and security of media workers.

The Task Force is comprised by various department heads and other government agencies such as the National Prosecution Service (NPS), the Commission on Human Rights, the National Bureau of Investigation (NBI), and the Philippine National Police (PNP), who are working closely to resolve and monitor violence cases against media workers in general.

Be that as it may, the Philippines is one of the most gender equal countries in the world. The country has consistently ranked higher in several gender-equality indexes than most OECD-member states such as the United States, Canada, Australia, France, or Switzerland.

In the latest World Economic Forum's annual Global Gender Gap Report, the Philippines maintained its position as the most gender equal country in Asia. According to the report, Filipino women outnumber men in senior and leadership roles, and in professional and technical fields.

The Philippines has already had two women presidents, several women lawmakers, and countless women in high government positions such as department heads, commissioners, justices and the like. Two women have already served as Chief Justice of the Supreme Court. The current Vice-President is a woman.

While there are jobs that are traditionally considered for men due to the physical demands of the work such as those in construction and public transportation, the arena of journalism is not among

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them. Women hold high editorial positions among the major media organizations in the Philippines.

While violence against women exists in the country just like in all parts of the world, the Philippines has made tremendous strides in addressing this menace at home or in the workplace. Of particular importance is the Anti-Violence Against Women and Their Children Act (Republic Act (RA) 9262). Other laws of this nature include the Anti-Sexual Harassment Law (RA 7877), the Anti-Rape Law (RA 8353), the Magna Carta of Women (RA 9710) the Rape-Victim Assistance and Protection Act (RA 8505), the Anti-Trafficking of Persons Act 2003 (RA 9208) and many more.

With regard to the women journalists in particular, available cases from the Task Force suggests that the violence perpetrated has not been based on gender but primarily due to the nature of their work as journalists (work-related).

Through the efforts of this Task Force, much has been done to prevent or minimize and address violence perpetrated against Filipino journalists of all genders. The following information and data support the priority of the administration to address violence in the form of felony and online assaults against women journalists. Specific inputs are provided as response to the SR's key questions.

III. Initial Responses to the SR's Key Questions

1. c. How have the pandemic, economic crises and recent political unrests affected women's ability to communicate, protest and access information online and offline?

Right to Information in time of COVID-19. The COVID-19 pandemic may have upended normal government operations but the implementation of the FOI Program remained strong and intact especially during these challenging times.

Demand for information during pandemic. Over the course of the Enhanced Community Quarantine period, the eFOI portal received a total of 13,405 information requests, of which in spite of FOI request suspension, 41% of requests emerged successfully, 31% were accepted, and 28% of requests were denied either due to data privacy concerns or the information requested is not considered as an FOI request.

The top five (5) most requested information about COVID-19 are the following:

- List of Social Amelioration Program (SAP) beneficiaries from the Department of Social Welfare and Development (DSWD);
- Information about the Department of Labor and Employment's (DOLE) cash aid programs;
- Status of calamity loan applications to the Social Security System (SSS);
- Financial assistance of Overseas Workers Welfare Administration (OWWA) for Overseas Filipino Workers; and
- Breakdown of COVID-19 cases from the Department of Health (DOH).

Transparency Initiatives. As the government continues to battle the crisis head on, maintaining a transparent and accountable governance must remain front and center to ensure effective and efficient delivery of public services, proper management of funds and resources, enhanced audit and oversight mechanisms to further mitigate the risk of corruption.

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5. a. What legislative, administrative, policy, regulatory or other measures exist in your State to promote and protect women's freedom of opinion and expression online and offline? To what extent do these measures take into account intersectionality?

6. What legal administrative, policy or other measures exist in your State to protect women from sexual and gender-based violence and harassment online?

The Philippines is proactive in clamping down any violence against women and has put in place various laws and other programs to protect Filipino women's rights and enforce legal measures to reduce and eradicate incidents related to violence against women in general. These include:

- **Republic Act 6725**, also known as **Anti-Discrimination Against Women Act** prohibits discrimination with respect to terms and conditions of employment solely on the basis of sex.
- **Republic Act 9262**, or **An Act Defining Violence Against Women and Their Children, Providing Protective Measures for Victims, Prescribing Penalties Therefor and for Other Purposes**, recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.
- **Republic Act 7882**, also known as the **Women in Development and Nation Building Act** the act that states the Provision of Assistance to Women Engaging in Micro and Cottage Business Enterprises, and for other purposes.
- **Republic Act 7877**, also known as **Anti-Sexual Harassment Act**, addresses the issue of sexual harassment committed in employment, education or training environment.
- **Republic Act 8353**, also known as **Anti-Rape Law of 1997** states that any person having carnal knowledge of a woman through force, threat, or intimidation or by means of fraudulent machination or grave abuse of authority will be punished.
- **Republic Act 8505**, also known as **Rape Victim Assistance Protection Act of 1998** declares the policy of the State to provide necessary assistance and protection for rape victims.
- **Republic Act 9710**, also known as the **Magna Carta for Women** is a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfillment, and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of the society. Pursuant to this law is Executive Order 273 that states the approval and adoption of Philippine Plan for Gender-Responsive Development, 1995-2025.
- **Republic Act 6949**, declares the National Women's Day every 8th day of March yearly, considering as a special working holiday.
- **Republic Act 11210**, also known as the **Expanded Maternity Leave Law** extends the previous 60-day (78 days for caesarian section delivery for women workers in the private sector) paid maternity leave to 105 days, one of the longest in the world.

Moreover, various transparent complaint mechanisms for cases of offline and online and ICT-facilitated violence against women in general have been adopted by the Philippines.

In the case of journalists or media practitioners, the Presidential Task Force on Media Security (Task Force), in coordination with the law-enforcement agencies, is mandated to receive, process, and take necessary action upon complaints of abuse and other acts of violence filed by Media Workers.

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Some of the various transparent measures and policies already put in place by the Task Force on Media Security include:

- The **2020 Task Force's Action Plan**, based on the book *Defending Journalism with 5 principles for Developing and Implementing a National Safety Response* (Strategy, Presence, Collaboration, Influence, and Sustainability)
- The **Handbook on Personal Security Measures for Media Practitioners**, a guide specifically created for journalists on the Do's and Don't's of how to protect oneself and the family against violence, threats and intimidation.
- The **Task Force's Quick Response System** through Incident Report Form is provided to the victims to report the complaint. It includes details of the incidents as well as the assailant.
- Creation of a **Task Force Watchlist of Person/s of Interest (POI)**. The term POI applies to individuals or groups that have been verified as sources of threats against local media workers. This includes giving "Red-flag" warnings to POIs.

Through these initiatives, much of the online threats and defamation against women journalists have been significantly reduced or deterred. Any attempted harassment or threats against journalists are given utmost priority by the task force using all available law enforcement agencies at its disposal and are therefore resolved immediately.

Worth mentioning is House Bill 2476 (HB 2476), otherwise known as the "Media Workers' Welfare Act" (MWWA), pending before Congress. The bill seeks to provide media workers with security of tenure, better pay, insurance and conditions of work.

The digital age, while providing opportunities for enhancing freedom of expression, media independence and diversity, has also brought in new challenges and threats. These include the growth of online trolls/ fake accounts among other forms geared toward spreading hate in the online community which heightens the risk for media workers of actual physical attacks following online threats and harassment.

Of the reported cases of threats received by the Task Force, three cases involved online threats in which the journalists were tagged as communist terrorists by certain Facebook pages in relation to their published news articles. The reposting and sharing generated comments that constituted intimidation and threats. The Task Force immediately coordinated and made representations with Facebook to take down the damaging posts. The Task Force also discussed long-term collaboration with Facebook on the implementation of measures to neutralize and counter the proliferation of dubious social media accounts or pages that continue to target journalists for the practice of their profession and other related measures to further strengthen the online protection and security of media workers.

Another challenge relating to the digital age is the **proliferation of fake news**. The spread of fake news and disinformation assails the foundations of a strong and vibrant democracy. The Presidential Communications Operations Office (PCOO) launched in 2019 its "**Dismiss Disinformation Campaign**" to stop disinformation by encouraging a culture of responsibility and discernment among the public, including media practitioners, highlighting the civic responsibility of every citizen to share only the correct, right and truthful information.

Last but not the least, **Administrative Order No. 1 (AO1)** signed by President Duterte upon assumption of office in 2016, creating the Task Force whose mandate is to "establish a government-wide program of action where the whole system of the bureaucracy is involved in the

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efficient, coherent, and comprehensive resolution of unsolved cases of violence in the form of killings, enforced disappearances, torture, and other grave violations of the right to life, liberty, and security of persons against the members of the press”.

Beginning 1986, it was recorded that 11 women journalists have been killed. Four of the deaths occurred during the infamous Maguindanao Massacre (November 23, 2009), hence classified as work-related (WR). Six were classified as cold cases (1986 to 2016). One case of death was recorded under the President Duterte's administration (October 2016 – present) but was classified as a non-work-related (NWR) incident. There were also a total of eight (8) online threats that were recorded against women journalists, all occurring in the present administration. It must be noted that such harassment was brought to light due to the efforts of the Task Force.

It is important to note that Task Force Deputy Investigation Chief is P/COL Rechie A Duldulao, a retired woman police officer. She is actively investigating all incidents related to media violence and online harassment especially against women journalists.

The Task Force is mandated to record and address every complaint of harassment and violence against media workers in the Philippines. The State response to such complaints is both immediate and immense. All are given utmost importance. These cases are all painstakingly documented, investigated, and prosecuted to the full extent of the law with assistance of all relevant agencies of the government. Kindly note that the Administrative Order no. 1 creating the Task Force enjoined all branches and agencies of the government to render full support, assistance and cooperation to the task force in carrying out its mandate of providing security to all media workers.

As of June 2021, Task Force data shows that there have been 51 cases resulting in convictions and that there have been 67 convicted killers of media workers.

The Task Force has a dedicated 24/7 hotline (+639178406790) for media workers to ensure a prompt response and immediate access for protective measures. Also, an online platform, the Task Force's Facebook page, caters updated and factual information related to media practitioners.

The Task Force's Quick Response System is put in place to serve as a mechanism for receiving, recording, resolving and responding to reports on complaint/ grievance or requests for assistance by media workers involving threats and intimidation. After careful and thorough validation of the threats, the Task Force immediately issues a notice/letter to persons of interest, informing them that they are on the Task Force's watchlist. This has served as an effective prevention measure.

Since its creation up to 2019, the Task Force received 58 reported cases of threats made against media workers. The 58 cases have been acted upon and investigated by police and judicial authorities and the departments which comprise the Task Force.

Moreover, the Task Force, in consultation with its member-agencies, observers or resource persons, and media partners, came up with what is known as the Task Force Protocols (“Protocols”). Launched on 11 October 2018, the Protocols consists of rules and compilation of the procedures, methodologies, and mechanisms that the Task Force observed and adopted in the course of implementing Administrative Order no. 1 and the Operational Guidelines to ensure a safe environment for media workers. The Protocols also serves as a manual for the purpose of assisting journalists - threatened or killed - while in the exercise of their profession. Specifically, it provides media workers, as well as their families, the proper action to take when confronted with

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any of five different situations considered as acts of violence, namely: (a) personal threats; (b) online threats; (c) actual physical attack, torture, etc.; (d) surveillance; and (e) killing.

The Protocols was ratified by the member-agencies of the Task Force and has been integrated into a comprehensive handbook containing security measures for media workers and a directory of contact numbers of the relevant government agencies, including the Task Force hotline, which aggrieved media workers may contact for immediate assistance. Administrative Order no. 1 Prosecutors were appointed in the different prosecution offices all over the country to give a big boost on the investigation of cases of violence against media workers.

7. What do you believe States should do to a) uphold women's human right to freedom of opinion and expression b) protect women from violence, harassment and intimidation online and offline and c) promote women's public participation?

The Philippines has already passed several laws which criminalize online and ICT-facilitated violence. These laws specifically deal with the use of current technology as means to promote violence against individuals and may be utilized by women journalists and women in general. These include:

- **Republic Act No. 9995**, an act defining and penalizing the crime of photo and video voyeurism.
- **Republic Act No. 10627**, an act requiring all schools to adopt policies to prevent and address the acts of bullying in their institutions, including cyber bullying. This can be used by student journalists as a means to protect against any form of bullying.
- **Republic Act 10175**, also known as the Cybercrime Prevention Act is an act defining cybercrimes and providing for the prevention, investigation, suppression and the imposition of penalties therefor.

There are plenty of other existing laws against violence, threats and intimidation that have been enacted years ago and have been used successfully to prosecute such crimes that were "online and ICT facilitated". The Revised Penal Code (as amended) enacted way back in 1930 remains the primary law in penalizing any act of violence, including those committed through the internet or other forms of ICT.

Toward this end, the Philippine Supreme Court, as early as July 17, 2001, has issued the Rules on Electronic Evidence (A.M. No. 01-7-01-SC) which provided for the procedure on how to admit in evidence any form of electronic document in legal proceedings. Under the rule, an "Electronic document" refers to information or the representation of information, data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation extinguished, or by which a fact may be proved and affirmed, which is received, recorded, transmitted, stored, processed, retrieved or produced electronically. It includes digitally signed documents and any print-out or output, readable by sight or other means, which accurately reflects the electronic data message or electronic document. For purposes of these Rules, the term "electronic document" may be used interchangeably with "electronic data message".

The Task Force secretariat, in coordination with various law-enforcement agencies immediately acts and initiates investigative measures on all reported violence and harassment against media practitioners.

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As earlier mentioned, as one of the most gender equal countries in the world, the Philippines has laws to protect women's rights at home and in the work place, and gender-based violence is prosecuted to the fullest extent of the law.

The Presidential Task Force on Media Security is very proactive in ensuring the protection of journalists and has developed the "Handbook on Personal Security Measures for Media Practitioners." Media outlets in the Philippines are also encouraged to formulate additional strategies in facing these challenges. **END.**