

Inputs from DSWD, Philippines for consideration of the Office of the United Nations High Commissioner on Human Rights relative to the comprehensive approach on the enjoyment of human rights by women and girls in humanitarian situations.

The Department of Social Welfare and Development (DSWD) is mandated by law to develop and administer social welfare policy and programs designed to uplift and empower women in need, including children, among other target stakeholders. Further, it has the responsibility to oversee the implementation of social welfare programs and services at all levels being the primary agency for social welfare. Guided by Section 8 of **Republic Act (RA) No. 9710 (Magna Carta on Women)**, the DSWD ensures that all rights in the Philippine Constitution and those rights recognized under international law shall be rights of women to be enjoyed without discrimination which is apparent in DSWD's policies and programs.

The DSWD also chairs the Inter-Agency Council on Violence against Women and their Children (IACVAWC), a body created by **RA No. 9262 (Anti-Violence Against Women and Their Children Act of 2004)**. This committee oversees and leads efforts focused on VAW and VAC across the Philippines. Membership of IACVAWC includes key departments (Secretaries of the Departments Social Welfare and Development and the Interior and Local Government as chair and co-chair respectively, and the heads of Department of Justice, Department of Health, Department of Education, Department of Labor and Employment, Philippine National Police, Civil Service Commission, Commission on Human Rights, Council for the Welfare of Children, National Bureau of Investigation, and National Commission on the Role of Filipino Women) and NGO representation. Each agency is tasked with formulating programs and projects to eliminate violence against women based on their mandates, as well as develop capability building programs for their employees to become more sensitive to the needs of their clients, while the IACVAWC serves as the monitoring body overseeing initiatives to end violence against women and children.

In addition, DSWD is a member of the Inter-Agency Council on Children in Situations of Armed Conflict (IAC-CSAC), a body created in turn by **RA No. 11188 (Special Protection of Children in Situations in Armed Conflict Act)**. Under the law, children are declared as "Zones of Peace" and requires the government to "provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background."

RA No. 11188 requires the government to take measures to "prevent the recruitment, re-recruitment, use, displacement of, or grave child rights violations against children involved in armed conflict" and also provides that such services must include psycho-social support, health and nutrition, education, livelihood for families and other basic or legal services.

1. Please provide information on the enjoyment of human rights by women and girls in humanitarian situations, which include humanitarian emergencies, forced displacements, armed conflicts and natural disasters, including sudden-onset natural disasters and slow-onset events.

The Department of Social Welfare and Development (DSWD), in coordination with local government units (LGUs), has established child- and women-friendly spaces in the evacuation centers in all regions in order to ensure the safety and welfare of women and children in the aftermath of typhoons.

The establishment of child and women-friendly spaces is in accordance to **Republic Act. No. 10821 or the Children's Emergency Relief and Protection Act** (RA No.10821) which seeks to protect children, nursing mothers and pregnant women before, during, and after disasters, calamities or any emergency situation.

According to **RA No. 10821**, child-friendly spaces offer activities such as psychosocial counseling, games, educational activities, art therapy sessions, and supplementary feeding, among others. Women-friendly spaces on the other hand, provides privacy for breast feeding mothers.

Another key feature of the law is the development of a comprehensive emergency program (more on this on number 3). The components of the Program are as follows:

- establishment of evacuation centers;
- establishment of child and women-friendly transitional shelters, and a referral mechanism for orphaned, unaccompanied and separated children;
- assurance for immediate delivery of basic necessities and services;
- stronger measures to ensure the safety and security of affected children;
- delivery of health, medical and nutrition services;
- plan of action for prompt resumption of educational services for children'
- establishment of child-friendly spaces; and
- promotion of children's rights.

At the ASEAN level, where DSWD is the lead in the Senior Officials' Committee for the ASEAN Socio Cultural Community Council (SOCA) and Senior Officials Meeting on Social Welfare and Development upholds the ASEAN Human Rights Declaration. Specifically, in its General Principles, which states that the rights of women, among others are an inalienable, integral and invisible part of human rights and fundamental freedoms. The ASEAN Community Vision 2025 envisions "an inclusive community that promotes the high quality of life, equitable access to opportunities for all and promotes and protects human rights of women..." among others. The ASEAN Socio-Cultural Community 2025 has identified strategic measures that seek to reduce barriers faced by women and girls, promote and protect human rights and ensure equitable access for all, among others.

The regional strategic direction that ASEAN is taking towards the empowerment of women and girls are guided by the following regional instruments:

1. Declaration on the Advancement of Women in the ASEAN Region (1988)
2. Declaration on the Elimination on Violence Against Women in the ASEAN Region (2004)
3. Ha Noi Declaration on the Enhancement of the Welfare and Development of ASEAN Women and Children (2010)
4. Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children (2013)
5. ASEAN Regional Plan of Action on the Elimination of Violence Against Women (2015)
6. ASEAN Regional Plan of Action on the Elimination of Violence Against Children (2015)
7. ASEAN Declaration on the Gender-Responsive Implementation of ASEAN Community Vision 2025 and the Sustainable Development Goals (2017)

2. Please provide information on patterns and structures of discrimination and inequalities exacerbated or created by humanitarian settings, which undermine access to health-care services and information, housing, water, sanitation, education and employment, and disrupt protection systems for women and girls.

The Philippine Commission on Women (PCW) provides a comprehensive report specifically in this area in its **BPfA +25 Philippine Progress Report**. Please copy and paste the link below.

https://library.pcw.gov.ph/sites/default/files/Report_BPfA%2B25-Progress-2019-rebranded%282021%29_0.pdf

3. Please provide examples of concrete measures taken by your Government or organization to respect, protect and fulfill the human rights of women and girls in humanitarian settings. In the context of the humanitarian programme cycle, please provide examples of measures taken to ensure protection of the human rights of women and girls in the different stages of programming (design, implementation, monitoring and evaluation).

In 2016, the Philippine Congress passed the Republic Act 10821 otherwise known as the Children Emergency Relief and Protection Act. This law is the first of its kind that sets a trailblazing standard of accountability to children in terms of protection and provision of their needs in the humanitarian setting, before, during, and after a disaster. RA 10821 promotes children's right to life, Survival and Development, and Participation as enshrined in the United Nations Convention on the Rights of the Child (UNCRC). Section 4 of the law stipulates that immediately after the completion of the implementing rules and regulations, a Comprehensive Emergency Program for Children (CEPC) shall be developed. The DSWD spearheaded the features of the law and its corresponding IRR. Specifically, it will be the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery once the local or national State of Calamity has been declared.

In February 2021, the first meeting of the Technical Working Group on Protection, Gender, and Inclusion was held virtually. The DSWD, through its Disaster Response Management Bureau (DSWD_DRB) shared related programs and activities such as Camp

Coordination and Camp Management and Internally Displaced Person Protection (IDPP) Crash Course, among others which helps staff deployed during the Taal Volcano Response Operations. Camp Management during COVID 19 pandemic.

The DSWD, in its Strategic Plan 2018-2022 has committed to the development of the DSWD Comprehensive Sector Plans. The Comprehensive Sector Plans will service as strategic documents of the Department to ensure that all sectoral concerns are being addressed using the human right-based approach (HRBA) as perspectives and approaches. These perspectives help the Department to accelerate the realization of peoples' fundamental rights towards empowerment of the sectors as the Chair of the Regional Inter-Agency Committee of Sectors, e.g. , Regional Inter-Agency Committee Against Trafficking—Violence Against Women and Children—Against Child Pornography, Regional Inter-Agency Council on the Welfare of Children and Persons with Disability, among others).

In December 2020, the Department adopted the DSWD Gender and Development Agenda 2020-2025. The GAD Agenda is the Department's framework and plan for gender mainstreaming and achieving gender equality and women's empowerment. The development of the DSWD GAD Agenda was guided by the outcomes and goals in the Magna Carta of Women and other women on gender-related laws relevant to the Department's mandates, including commitments on Women, Peace, and Security. It focuses on different areas of resilience, peace and security, taking into account migration, violence, occurrence of disasters, and climate change.

The DSWD also introduced the concept of Women and Children-Friendly Spaces (WSF). A WSF is a formal or informal place where women and girls can feel physically and emotionally safe. The term "safe" is used to refer to a space when there is the absence of violence, trauma, threat to safety, and fear. The guidelines in the institutionalization of Women Friend Space in Camp Coordination and Camp Management in 2025 was also issued.

In this time of pandemic and with the declaration of community quarantine which resulted to severe disruption of economic activities all over the country and affected the means of livelihood and subsistence of poor and low income household. The enactment of RA NO. 11469 or the Bayanihan to Heal as One Act (Bayanihan 1) adopt an intensified government response which covers full assistance for LGUs and mobilizes necessary resources to undertake urgent and appropriate measures to curb the effects of the community quarantine declarations on the economic, physical and psychosocial wellbeing of the most affected citizens. As mandated, the DSWD has to implement social amelioration measures to provide subsidies for basic necessities and for the recovery of the most affected families and individuals.

4. What challenges does your Government or Organization face in promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations? Please elaborate on the nature of these challenges and steps taken to address them.

At present, the impact of the COVID-19 pandemic continues to threaten the lives and rights of women and girls. Many women have now lost fragile livelihoods and have been thrust into abject poverty with disastrous and wide-ranging impacts. Apart from this, the lack of public awareness regarding and dealing with women's and children's issues in humanitarian situations, as well as the lack of access to digital technologies are some of the challenges that have been reported.

Under Republic Act No. 11494 or the Bayanihan to Recover as One Act (Bayanihan 2) –a law that follows on the passage of RA No. 11469 or Bayanihan 1, the DSWD sustains the implementation of social amelioration measures, particularly as COVID-19 response and recovery interventions to address the emergent socio-economic needs of the poor, vulnerable and disadvantaged individuals, families and communities.

At the core of its social amelioration measures, the DSWD implements the Emergency Subsidy Program (ESP) involving the provision of a cash subsidy. The cash subsidy amounts from a minimum of P5000.00 a month, for two (2) months, to provide for basic needs such as food, medicine, and toiletries. The basis of the computation is on prevailing regional minimum wage rates, taking into account the cash grants from the Pantawid Pamilyang Pilipino Program estimated at P2,150 per month per family. Thus, the 4Ps cash grants are augmented to reach the mandated ESP subsidy of P5,000.00 to P8,000.00. The DSWD collected sex disaggregated data in the provision of social amelioration program.

5. Please provide information on international cooperation, technical assistance and humanitarian support provided by the international community, including Member States, and by relevant United Nations agencies and humanitarian actors, to address the human rights of women and girls in humanitarian situations, with a focus on good practices, challenges and lessons learned.

DSWD continues to closely coordinate with the United Nations Children's Fund (UNICEF), World Vision and the United Nations Population Fund (UNFPA), for possible augmentation support of child friendly kits, family tracing reunification kits and women friendly kits on the establishment of Child/Women Friendly Spaces in humanitarian crises.

In addition, as early as 2016, a partnership agreement with DFAT was also inked by DSWD, focusing on support of women's economic empowerment in the country in order to contribute to inclusive economic growth and power reduction. The program components include a) business partnerships; b) impact investing in women in business; c) government partnerships and d)

advocacy. The DSWD sits in the Investing in Women Program Advisory Board and provide expert advice to Investing in Women programs on gender equality and empowerment.

6. Please provide information on the barriers women and girls face in reporting and seeking justice, as well as protection for violations of their human rights in humanitarian settings, including women and girls who face intersecting forms of discrimination. Please also provide information on mechanisms that operate in our context to ensure access to justice and remedies for human rights violations and abuses that women and girls may experience, thus ensuring accountability. (E.g. judicial and non-judicial mechanisms; truth-seeking initiatives; community-based initiatives; investigative and independent monitoring and/or reporting bodies, community complaint mechanisms; parliamentary-led oversight etc.).

In the Philippine criminal justice system which includes not only law enforcement but also prosecution, judiciary, and penology, the Public Attorney's Office (PAO), which is attached to the Department of Justice, is mandated to ensure access to justice, especially to indigent litigants, the oppressed, marginalized, and underprivileged members of the society.

To ensure access of women and girls to justice and remedies for human rights violations and abuses that they may experience. Several laws have been passed to address these concerns:

1. RA 9262- Anti-Violence Against Women and their Children (VAWC) Act of 2004. The law classifies VAWC as a public crime. Under the law, the offended party may file a criminal action or apply for Protection Order as an independent action or an incident in civil or criminal action and other remedies. Offenders proven in court to be guilty of the crime shall be penalized with imprisonment ranging from 1 month and one day to 20 years, payment of Php 100,000 to Php300,000 in damages, and mandatory psychological counseling or psychotic treatment.
2. RA 9710 or the Magna Carta of Women. The MCW is a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfilment, and promotion of the rights of Filipino women, especially those belonging to the marginalized sectors of society. It conveys a framework of rights for women based directly on international law. Here it was explicitly affirmed that women's rights were human rights. All rights in the Philippine Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine laws are rights of women under the MCW. These rights should be enjoyed without discrimination since the law prohibits discrimination against women.
3. RA 9208 as amended by RA 10364: the Antitrafficking in Persons Act of 2003 and the Expanded Anti-Trafficking in Person Act of 2012. Trafficking in persons is an illegal act and is considered a violation of human rights. Any person found guilty of acts that promote trafficking in persons shall be penalized with imprisonment of 15 years and a fine of not less than 500,000 but not more than 1 million pesos.

4. RA 8363, the Anti-Rape Law of 1997 An Act Expanding the Definition of the Crime of Rape and Reclassifying the same as Crime Against Persons. The law considers that any person, whether a prostituted person, non-virgin, or anyone who has an active sexual life, may be victimized by rape.
5. RA11313 or the “Safe Spaces Act” expanded the definition of sexual harassment and protects everyone from sexual harassment both in physical and online spaces.
7. What steps has your government or organization taken to ensure women’s and girls’ meaningful participation, empowerment and leadership, including that of survivors and victims, in efforts to prevent, reduce the risk of, prepare for, resolve and rebuild from humanitarian emergencies. Please elaborate on any lessons learned, good practices as well as challenges faced

The DSWD ensures women’s participation during the project development workshops for the implementation of the Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAH-CIDDD) national Community Driven Development Program. It targeted communities in the local government unit. It empowered them to achieve improved access to services and participate in more inclusive local planning, budgeting, implementation, and disaster risk reduction and management. For 2020, the implementation shifted to disaster response operation modality to address COVID-19 impact.

To reiterate, the DSWD’s introduction of the concept of Women and Children-Friendly Spaces. The need to involve more women in disaster preparedness efforts and put together information and education campaigns wherein women and their safety are given focus and priority are the efforts of the DSWD.

The DSWD also supports the AHON Convergence Program as per issued Executive Order 137 or the “Accelerating and Harmonizing Aid and Humanitarian Operations of the National Government during disasters.” The “Aid and Humanitarian Operations Nationwide (AHON) Convergence Program in which the DSWD shall provide Livelihood Assistance or Interventions under the : (i) Sustainable Livelihood Program of the DSWD; (ii) “Kapit-Bisig Laban sa Kahirapan-Comprehensive and integrated Delivery of Social Services (KALHAI-CIDSS) provide through the Balik Probinsya Program, Bagong Pag Asa-BP2 Program under Executive Order No. 114, 2. Of 2020, Educational assistance in the form of cash allowance to qualified students through DSWD-AICS, Transportation assistance under BP2 Program and AICS, Direct financial assistance such as the enhanced financial grant under the “Katutwang sa Diwa at Gawa para sa Masaganang Ani” program of the DA and the DSWD-AICS.

In addition, a series of Technical Working Group Meetings which started in February 2019 is being undertaken by government agencies and NGOs for the crafting of IHL Manual which aims to serve as reference material for use in the training of judges, prosecutors, public attorneys, human rights officers and law enforcers in the proper interpretation and application of the provisions of **Republic Act (RA) No. 9851 or the Philippine Act on Crimes Against IHL, Genocide, and Other Crimes Against Humanity**. The project is spearheaded the Philippine Judicial Academy of the Supreme Court in partnership with the International Committee of the Red Cross.

Moreover, the Inter-Agency Committee on Children in Situations of Armed Conflict, chaired by the Council for the Welfare of Children, an attached agency of DSWD, continues to undertake a series of TWG Meetings toward enhancing the Rules and Regulations implementing RA No. 11188 or the Special Protection of Children in Situations of Armed Conflict Act.