

PHILIPPINES

On the final year of President Duterte's current administration (his term ends in June 2022), substantial change is yet to be seen in terms of Indigenous Peoples' rights in the Philippines. As reported in *The Indigenous World 2020¹ and 2021²*, attacks against Indigenous human rights defenders and Indigenous Peoples' organizations escalated over the period, as did the increasing presence of development aggression on Indigenous territories in spite of the pandemic. Similar trends in human rights violations were documented and reported by Indigenous Peoples' organizations and advocates in 2021. Executive Order No. 70 (December 2018) creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)³ remains the main driver of these violations.

The situation of Indigenous women in the Philippines in 2021 must be seen within the overall plight of Indigenous Peoples in the country. One major development in Philippine legislation affecting Indigenous Peoples in 2021 was the passage of Executive Order No. 130,⁴ which lifts the moratorium on new mining agreements in the country with the aim of bolstering the pandemic-hit economy. With many mineral-rich areas located on Indigenous Peoples' territories, EO 130 could potentially usher in more human rights disasters alongside environmental ones. A few months after EO 130 was signed, the Philippine government allowed Australian-Canadian mining company OceanaGold to resume gold mining operations in Nueva Vizcaya until 2044, with financial terms and conditions unchanged in spite of reported environmental violations and non-recognition of Indigenous Peoples' rights.⁵ Aside from EO 130, in December 2021 Department of Environment and Natural Resources (DENR) Secretary Roy Cimatu signed Departmental Administrative Order 202140 lifting the 4-year ban on open pit mining for copper, gold, silver and other complex ores.⁶

In December 2021, Indigenous Peoples in the Cordillera faced yet another railroaded Free, Prior and Informed Consent (FPIC) process in the Gened Dam application of the Pan Pacific Renewable Power Philippines Corporation (PPRPPC), where elders opposed to this dam were prevented by local police from participating in the process.⁷ In Benguet province, Indigenous Peoples in Mankayan municipality rejected the mineral exploration of Nickel Asia Corporation (NAC) subsidiary Cordillera Exploration Inc. (CEXI) during the consensus-building for the project's FPIC.⁸ And, according to announcements from the Metropolitan Waterworks and Sewerage System (MWSS), excavations for the Kaliwa Dam were set to commence in December 2021⁹ with potentially devastating consequences for the Indigenous communities in the area.

Increasing attacks on Indigenous Peoples

The infamous "Bloody Sunday" event took place in Southern Tagalog region in the first quarter of 2021, in which at least three progressive leaders were killed and six more arrested in "tokhang-style"¹⁰ police raids.¹¹ These executions are extrajudicial killings under the pretext of "resisting arrest" or "nanlaban" (fighting back).¹²

Among the victims killed were two Indigenous Dumagat from Rizal who were members of a Dumagat organization that had been opposing the Laiban Dam for almost two decades as well as, more recently, the Kaliwa Dam. Bloody Sunday and the earlier Tumanduk Massacre¹³ were the result of Synchronized Enhanced Managing Police Operations (SEMPO), usually conducted in pursuit of drug-related suspects.¹⁴ Another massacre took place in Surigao del Sur in July when three Indigenous Manobo were massacred by troops from the Philippine Army's 3rd Special Forces Battalion. Two of the victims were women: Lenie Rivas and 12-year-old Angel Rivas. Karapatan, an organization working for the protection and promotion of human rights in the Philippines, reported that the military had claimed the three were armed rebels who engaged in a fight with them. Family members and villagers refuted this, however, saying that the three were farmers who had been harvesting abaca hemp when they were killed.¹⁵ Angel was a Grade 6 student of the Lumad school's Tribal Filipino Program of Surigao del Sur (TRIFPSS) while Rodriguez and Lenie were members of the Lumad organization Malahutayong Pakigbisog Alang sa Sumusunod (MAPASU). The Save our Schools (SOS) Network denied claims made by the soldiers that the three had "fought back"/*nanlaban*. Karapatan-CARAGA region reported that soldiers brought their remains to the military brigade in Lianga where they were presented as members of the armed opposition of the New People's Army (NPA).¹⁶

In the same month, Manobo leader Julieta Gomez from CARAGA region was arrested along with development worker Niezelle Velasco.¹⁷ Gomez is the secretary general of KASALO, the regional Indigenous Peoples' organization in CARAGA region. They were later falsely represented in a press conference as New People's Army leaders.¹⁸

A total of 24 individuals (including the eight mentioned above) were illegally arrested in 2021, 17 of whom were Tumanduk.

One victory for the Philippine Indigenous Peoples' movement in 2021 was the case of Cordillera Peoples Alliance (CPA) chairperson Win-del Bolinget, who was earlier arrested on fabricated murder charges. On 8 March 2021, the Regional Trial Court in Tagum City, Davao del Norte, granted Bolinget's motion for reinvestigation of the fabricated charges. The same court order also granted a recall or withdrawal of the arrest warrant issued against him.¹⁹

Increased attacks on Indigenous women

Among those arrested was a woman human rights defender, Renalyn Tejero, a Manobo and a paralegal for Karapatan, which is an alliance of individuals, groups and organizations working for the promotion and protection of human rights in the Philippines.²⁰ Renalyn was a student of Alternative Learning Center for Agricultural and Livelihood Development (ALCADEV), a Lumad school located in Surigao del Sur that is also under constant attack from security

agents. Lumad schools have been under attack for allegedly serving as “training centers for New People’s Army communist rebels.”²¹ There were also 15 incidents of forced or fake surrenders in 2021 alone, where the victims are usually residents of a community purported to be a stronghold of the NPA, and who are then forced to clear their names.²² In an interview, BAI Indigenous Women’s Network Spokesperson, Kakay Tolentino, stated that the Indigenous women in prison were in a highly vulnerable situation, especially those in the provincial jails as these are more cramped and have less segregation of male and female detainees.²³

Staunch Manobo woman chieftain Bai Bibyaon Ligkayan Bigkay decried the harassment and coercion of her relatives, who were allegedly forced to sign affidavits claiming that the tribal leader needed to be rescued from her sanctuary in Manila. The military alleged that Bai Bibyaon had been kidnapped and was being held against her will.²⁴

Resolutions passed by the Regional Law Enforcement Coordinating Committee (RLECC) in the Cordillera were also a cause for alarm, with their direct breaches of human rights.²⁵ In February this year, advocates and human rights activists sounded the alarm with the RLECC’s passage of a resolution encouraging the conduct of *Oplan Tokhang* against “leftist personalities.” The measure urges law enforcers, local government and civil society groups to visit the homes of “known members of communist front organizations or CFOs.” CFOs (Communist Front Organizations) are almost always legal activist organizations. A few months later, the Cordillera Regional Peace and Order Council (CRPOC) adopted the “*dumanon makitongtong*” (visit and talk) strategy, patterned essentially on the *tokhang*.²⁶ Many of those who received letters from the local police for a “talk” were Indigenous women activists from Baguio, and even journalists were sounding the alarm over the potential impact of this resolution on press freedom.²⁷ Previously, the former RLECC chief had sued CPA Secretary General Sarah Dekdeken for libel and, a month later, asked the RLECC to support his plan to file libel charges against CPA Deputy Secretary General Aisah Mariano, although fortunately these did not materialize.²⁸ He also led libel charges against staff of the Northern Dispatch, an online alternative media, in 2020.²⁹ Hearings are ongoing in all libel cases against Dekdeken and the Northern Dispatch staff.

In the first quarter of 2021, community leader Beatrice Belen from the Cordillera was released from prison, having previously been arrested in October 2020.³⁰ While in jail, Belen was held in the same cell as male detainees until she was moved to a separate space following action by her legal counsel.³¹ Belen’s community of Ag-agama remains militarized, posing both a risk and threat to the local community itself and to women and children in particular. In November 2021, reports from local Innabuyog members stated that army personnel had been going around Belen’s village trying to convince local women to sign documents that would allegedly clear them from activities organized by Innabuyog and CPA.

In an interview, BAI spokesperson Kakay Tolentino stated that the human rights violations against Indigenous women amounted to State-perpetrated violence against women (VAW) as they were the result of development aggression and militarization. “It is because of development aggression and militarization that Indigenous women’s rights to their ancestral land is violated,” she said, adding that many Indigenous women are not only breadwinners alongside their husbands but also perform a major role in the education of their children and in community leadership. Their absence from the community due to State VAW thus deprives not only their families but also their organizations and the communities they serve. “They are not your typical women in the house. Marivic was even a barangay captain and Aileen a barangay councilor,” she continued, referring to Tumanduk leaders Marivic Aguirre and Aileen Catamin who were among those arrested in 2020.³²

Indigenous women, children and COVID-19

COVID-19 has exacerbated the marginalized situation of Indigenous Peoples in the Philippines, Indigenous women included. As most communities are situated in geographically isolated and disadvantaged areas, access to adequate health services became more difficult during the pandemic, as did access to the correct information needed by Indigenous communities with regard to COVID-19 and vaccination.

Even before the pandemic, Indigenous women were bearing the brunt of maternal healthcare due to the inaccessibility of health services. This situation did not improve during the pandemic, given the restrictions and testing requirements the women needed to pay for. The government’s ban on home-birthing only exacerbated this, with the burden resting on poor women because it is expensive and punitive. Failure to comply with the no-homebirthing policy results in penalties that can be levied on the mother, the traditional birth attendant, the companion during childbirth and the midwife. The child can also be denied registration.³³ For Indigenous women, such a policy is culturally inappropriate. Unfortunately, the policy was not suspended or lifted during the period of the pandemic, during which mobility and access to health services became more problematic. In 2021, Innabuyog and CWEARC (Cordillera Women’s Education Action, Research Center) interviewed a number of women who had given birth during the pandemic in the provinces of Ifugao and Abra. The women admitted that going to hospital for antenatal checks was expensive, worrisome and made them very anxious for fear of contracting COVID-19. A mother from Ifugao decided to give birth in a provincial hospital in a neighboring province of Quirino where COVID-19 cases were low to minimize her risk of infection. Post-natal vaccination for newborn babies was again anxiety-inducing for the mothers since this required venturing out of the home and into the health centers, putting both mother and child at risk of infection.

Distance learning online was the new method of schooling during the pandemic with mothers, willingly or not, taking on the role of teacher to their children—an additional load when many were already suffering distress due to loss of income and food insecurity.

Tolentino recounted the experience of a Dumagat teacher using online and modular learning who crossed mountains and rivers just to bring the modules to the children. Teaching challenges doubled as the modules needed to be

appropriated or translated into the local dialect to facilitate easier learning. “It has been hardest on the children,” said Tolentino, adding that the low literacy level in some Indigenous communities is a serious concern. Tolentino disclosed that one cell phone was donated to a local school in her province, for the shared use of nine pupils, but that they needed to go further up the mountain in the swidden farm to get a stable signal. Under the Save Our Schools (SOS) Network, Tolentino noted that only a few of the displaced Lumad students had moved up to high school in 2021 because of the difficult education set-up, which is also inappropriate for them. SOS is a network of NGOs advocating for children’s right to education.

The Philippine Task Force for Indigenous Peoples’ Rights (TFIP) has reported that Indigenous youth in Southern Tagalog are experiencing bouts of mental health problems because of their inability to cope with modular learning, while unverified reports of suicide have also been noted.³⁴ The same may be true in other Indigenous areas of the country and access to mental health services is another problem altogether, for both Indigenous women and children. In the Cordillera region, where many Indigenous women work on the economic frontline as rice and vegetable farmers, they too experienced massive losses due to the COVID-19 response measures of lockdowns and quarantines, without any safety nets. This was exacerbated by the smuggling of cheap but unsafe vegetables from China, resulting in a sudden drop in both price and demand. When prices are depressed, local farmers are forced to dispose of their produce at a loss because they cannot store it for long. Their vegetables have a limited shelf life. And this shelf life is much shorter than that of the vegetables imported from China. Local carrots, for example, start to wilt after only three days while those from China last up to a month – indicating that these imports have been treated with some kind of preservative such as formalin.³⁵

Rising above the barriers

Tolentino stated that, in spite of the political situation in the Philippines, Indigenous women are persisting in their demands and not backing down. They are active in local dam struggles, particularly regarding the FPIC processes in applications for the construction of the Kaliwa-Kanan Dam in Southern Tagalog and the Gened Dam in the Cordillera. They are able to mobilize and participate in the meetings as long as there are no lockdowns or the meetings are online. Young Indigenous women are at the forefront of the multisectoral network the Lapat Apayao: Movement Against Apayao Dams,³⁶ alongside their elders, contributing their energy and skills to the campaign against the Gened Dam. Lapat forms part of the Indigenous knowledge systems of the Isnag Indigenous people aimed at protecting and conserving natural resources in the ancestral domain.

With most activities shifting online due to COVID-19, Tolentino said that the use of online applications and Android phones was a barrier to the women’s effective participation. “If they did have their children to assist them with the use of phones, their next concern would be to get to a place with stable signal.” Tolentino went on to share how BAI had maximized the use of online applications and phone calls to keep in touch with its members during the pandemic and to raise awareness of the plight of Indigenous women. “The students taught their mothers the basics of Zoom so that they can participate in our activities. Phone calls were frequent and scheduled to have enough time to keep in touch with local BAI leaders,” she said. An exchange of learning on dams was even possible online among Indigenous Peoples affected by the Gened and Kaliwa dams, organized by the Philippine TFIP.

In Palawan, Indigenous Cuyunon and Tagbanua women managed to continue their rehabilitation efforts to restore the mangrove forests as a natural barrier to typhoons. Busuanga was among the communities severely hit by Typhoon Haiyan eight years ago. The local Indigenous women function as citizen scientists, involved in the entire process of mangrove rehabilitation with the support of advocates.³⁷

Indigenous women were able to participate in national and international engagements despite the challenges. BAI itself organized a series of webinars with local leaders as the speakers, while the Cordillera chapter of Innabuyog was able to co-organize and speak in a dialogue with the office of the UN Special Rapporteur. “We encouraged each other so that we can participate effectively in the different events,” Tolentino said. BAI leaders were also able to participate in the Second World Conference of Indigenous Women (2WCIW). International redress mechanisms were continually optimized, with some Indigenous women leaders participating in UN mechanisms such as the United Nations Permanent Forum on Indigenous Issues (UNPFII), the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In particular, a written submission of general recommendations on Indigenous women and girls was submitted to the CEDAW by the Asia Indigenous Peoples Pact (AIPP) and the Network of Indigenous Women in Asia (NIWA) in June 2021.³⁸

Many online events ranging from webinars to photo opportunities were organized by various women’s and Indigenous women’s organizations and networks for the 16 Days of Activism against Gender-Based Violence in November 2021, leading up to the International Human Rights Day on 10 December. In the Cordillera, women’s groups CWEARC and JaPNet (Women Working for Justice and Peace Network in the Cordillera) organized a tribute to Indigenous women human rights defenders in the region to honor their steadfast commitment to Indigenous Peoples’ rights and social justice, the awardees being mostly women elders and pioneers in the Indigenous women’s movement in the Philippines. At a time of several challenges to the human rights situation in the Philippines, the organizers deemed it vital to highlight the role of Indigenous women in nurturing and defending Indigenous Peoples’ and women’s rights.³⁹

All these efforts for and by Indigenous women are safe spaces they create for themselves and which also serve as a mechanism by which to contribute to improving their general state of well-being as women.

It is remarkable that, while experiencing further marginalization during the COVID-19 pandemic as well as State attacks, Indigenous women and their organizations have mobilized together with NGOs and church-based institutions in the distribution of relief, in community pantries and community education on COVID-19.⁴⁰

Conclusions

The situation of Indigenous women in 2021 is reflective of the State policies that are violating Indigenous Peoples' rights to ancestral lands and their right to defend these. Ever more Indigenous women leaders' human rights are being violated because of development aggression, militarization and State policies that allow this to happen. State-perpetrated VAW is continuing and, while there are several domestic laws for the protection of women and children, there is no separate law or mechanism by which Indigenous women can have their grievances heard. Republic Act 8371 or the Indigenous Peoples' Rights Act of 1997 remains the sole legislative measure for the protection of Indigenous Peoples, and there remain several FPIC issues outstanding in relation to large dam applications on Indigenous territories in Luzon and Southern Tagalog. There is, however, Republic Act 9710 or the Magna Carta of Women, which has specific provisions⁴¹ for the protection of Indigenous women from State-perpetrated VAW and gender-based violence, although this is not adhered to. Overall, Indigenous women in the Philippines are bearing the brunt of COVID-19, being on the economic front-line as food producers, as mothers and, in terms of their general state of well-being, as women.

And yet, despite these challenges, Indigenous women continue to draw strength from each other, their organizations and their communities. This reciprocity is rooted in Indigenous values of collectivity, which have enabled them to survive as Indigenous Peoples and land rights defenders despite the political climate in the country and COVID-19. National elections are looming in the Philippines in 2022—yet another opportunity, hopefully, for Indigenous women to make their voices heard for meaningful change in governance. International mechanisms will remain an important channel for Indigenous Peoples' issues to be heard and for Member States and businesses to comply with their obligations.

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