

REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

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**POSITION PAPER ON THE WOMEN PARTICIPATION AND  
REPRESENTATION IN POLITICAL PARTIES ACT OF 2016  
(HOUSE BILL NO. 3200)**

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The Commission on Human Rights (hereinafter "the Commission") has been and will always be an instrument for advocating for a society that affirms just, equitable, and fair inclusion for all. An equitable society is one in which all can participate and prosper and which ensures conditions that allow everyone to reach their full potential.

In line with this, the Commission, as the Gender and Development Ombud<sup>1</sup>, undertakes to ensure the primacy of all human rights and their protection, promotion, and fulfillment on the basis of equality and non-discrimination, in particular, for those who are marginalized and vulnerable, such as women.

Aware of the challenges in passing laws that will address gender-based discrimination and inequality in society, the Commission strongly supports legislative proposals that remedy these challenges and promote international standards for the protection of women's rights.

Pursuant to the request of the 17<sup>th</sup> Congress of the House of Representatives' Committee on Women and Gender Equality (hereinafter "the Committee") and exercising its constitutional mandate to recommend to Congress effective measures to promote human rights,<sup>2</sup> the Commission respectfully submits its position paper on House Bill No. 3200, entitled "**AN ACT PROMOTING WOMEN PARTICIPATION AND EQUITABLE REPRESENTATION IN AND BY POLITICAL PARTIES, GIVING INCENTIVES THEREFOR, CREATING THE WOMEN IN POLITICAL PARTIES EMPOWERMENT FUND, AND FOR OTHER PURPOSES**".

The 1987 Philippine Constitution guarantees the primacy of human rights. It is a declared policy of the State to value the dignity of every human person and to guarantee full respect for human rights.<sup>3</sup> Further, the Universal Declaration of Human Rights (UDHR) declares that all human beings are born free and equal in dignity and rights<sup>4</sup> and that all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the UDHR and against any incitement to such discrimination.<sup>5</sup>

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<sup>1</sup> Section 39 of the Magna Carta of Women (R.A. 9710)

<sup>2</sup> Article XIII Section 18 (6) of the 1987 Philippine Constitution

<sup>3</sup> Article II Section 11 of the 1987 Philippine Constitution

<sup>4</sup> Article I of the Universal Declaration of Human Rights

<sup>5</sup> Article VII of the Universal Declaration of Human Rights

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Commonwealth Avenue, U.P. Complex, Diliman 1101 Quezon City Philippines  
Tel. Nos. (02) 294 8704 \*(02) 925 3886



The State recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men.<sup>6</sup> In pursuance of protecting and promoting women's rights and as State-Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Philippines has the obligation to implement measures that would ensure the advancement of women, such as:

"States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men;"<sup>7</sup> and

"States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government."<sup>8</sup>

Relevant thereto, Section 11 of Republic Act 9710, otherwise known as the Magna Carta of Women, specifically directs the State to undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society, particularly in the decision-making processes in government. The State shall likewise provide incentives to political parties with women's agenda and encourage the integration of women in their leadership hierarchy, internal policy-making structures, appointive, and electoral nominating processes.

It is apparent that women remain seriously underrepresented in decision-making positions. This can be attributed to a number of factors, one of which is the assumption that women still have to do more than men to prove themselves. This puts women in the position of having to go above and beyond the standards to which men are held in order to demonstrate their competence. Another is that women continue to struggle to obtain decision-making positions within political parties. Political parties play a vital role in advancing or hindering women's participation in decision-making bodies because these political parties determine who will be candidates for elected offices.

It is, therefore, high time that a legislative measure is put in place that will remedy the lack of laws compelling political parties to put forward a certain number of women candidates in their political parties and will ensure women representation in the local and national political arena. Bearing in mind the objective of House Bill No. 3200, the Commission respectfully provides the 17<sup>th</sup> Congress of the House of Representatives Committee on Women and Gender Equality, its recommendations, for the Committee's consideration:

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<sup>6</sup> Article II Section 14 of the 1987 Philippine Constitution

<sup>7</sup> Article III of the Convention on the Elimination of All Forms of Discrimination Against Women

<sup>8</sup> Article VII (b) of the Convention on the Elimination of All Forms of Discrimination Against Women



1. To effectively promote equality, we recommend that the political parties implement effective electoral/gender quotas to achieve equitable representation of women candidates in elected positions, including placement in winnable positions of the women candidates. Hence, political parties should have women leaders occupy at least 50% of the leadership and internal policy-making positions of the political parties and have 50% of women be nominated as official candidates of the political parties.
2. Section 8 of the proposed legislation adopts a mechanism to increase women's participation in politics, such as providing a fund which shall be the source of incentives for political parties that comply with the provisions of House Bill No. 3200. The said incentives include financing campaign funds of women candidates. In using the incentives given to political parties, we recommend that the fund be also used in providing training and skills development for women candidates to further develop their political skills. Such political skills should include improving women candidates' electability since women candidates should not just run in, but win, elections in order to attain gender parity in the political system.

Giving other non-cash incentives that are equally useful to reach the purpose of the bill is, likewise, recommended.

Further, there must be a mandatory limitation or ceiling with respect to the incentives given to the political parties.

3. Section 9 states the allowable women and gender and development activities. There must be a clear definition of women and gender and development agenda, which will serve as basis for the determination of the Commission on Elections and the Philippine Commission on Women in making comprehensive list of specific activities which shall be considered as a development and implementation activity under Section 8 of the said bill.
4. Section 11 thereof should state that public disclosure of the amounts a political party received must include complete details of the expenditures made out of those funds to prove that the same were utilized directly and exclusively for the purposes as provided by the proposed legislation. This will assure the Philippine Commission on Women (hereinafter "PCW") that the concerned political party is fully compliant with the requirements of the fund as well as to enable the PCW to properly impose the sanctions provided by the succeeding provision.
5. In line with Section 11 of R.A. 9710, which states that special measures to accelerate the participation and equitable representation of women in all spheres of society should be temporary, we recommend that the Women in Political Parties Empowerment Fund should revert to the government treasury once the objectives of the fund and House Bill 3200 have been met in a permanent and lasting manner.



6. Section 12 of the bill provides for the disqualification from receiving a share in the Fund and the forfeiture of all rights and privileges under the Act in case of failure of a certified political party to comply with the provisions of the Act, particularly regarding non-disclosure found on Section 11 of the bill. We recommend that a provision providing for a sanction specifically for failure of a political party to comply with the electoral quota be considered. The sanction must go beyond financial forfeitures and, instead, should mandate that the non-compliance of political parties with the electoral quota should constitute as a ground for the revocation of their registration with the COMELEC.

In sum, the Commission reiterates its commitment in ensuring the primacy of all human rights and their protection, promotion, and fulfillment on the basis of equality and non-discrimination, in particular for those who are marginalized and vulnerable. It fully supports the enactment of a bill that protects and promotes women's rights and endeavors for their full development and advancement. It is said that without the active participation of women and the incorporation of women's perspective at all levels of decision making, the goals of equality, development, and peace cannot be achieved.<sup>9</sup> The passage of the Women Participation and Representation in Political Parties Act of 2016 will mark a significant step in giving life to the constitutional guarantee against discrimination and ensuring equality of rights of all persons.

Issued this 24<sup>th</sup> day of June 2019, Quezon City, Philippines.

  
**JOSE LUIS MARTIN C. GASCON**

Chairperson

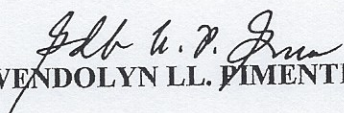
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Commissioner

  
**LEAH C. TANODRA-ARMAMENTO**

Commissioner

  
**GWENDOLYN LL. PIMENTEL-GANA**

Commissioner

(On Official Business)

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Commissioner

<sup>9</sup><https://www.omicsonline.org/open-access/challenges-and-opportunities-of-women-political-participation-in-ethiopia-2375-4389-1000162.php?aid=64938>