

# Reactions of the Philippine government to the March 2023 UN CEDAW decision

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## Abstract

On March 8, 2023, the UN Committee on the Elimination of Discrimination against Women [CEDAW] issued a decision including their views and recommendations to the Philippine government calling for full reparations recognizing continuous discrimination in their country against female war survivors of World War II. The decision was made after an examination of the communication submitted by 24 members of *Malaya Lolas* [Free Grandmothers], a group of Filipino wartime sexual violence survivors. How did the Philippine government react to the 2023 CEDAW recommendations? To what extent have the reparation measures been implemented? In this research note, the past reparation measures for Filipino WWII sexual violence/slavery victims and the attitude of the Philippine government to the “comfort women” issue will be reviewed based on the previous studies. The 2014 UN principles for reparations for conflict-related sexual violence will be utilized for evaluating the reparation measures. Then, the 2023 CEDAW recommendations and the responses to them from the Philippine government would be examined on whether they meet voices of the advocates of Filipino WWII sexual violence and slavery survivors.

## I. Introduction

### 1. Who are *Malaya Lolas* and the survivors in Mapanique?

Filipino wartime sexual violence/slavery survivors during WWII including “comfort women” have been called “*lolas*” [grandmothers] as a sign of respect.

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Some of these *lolas* in 1996 formed a new group called *Malaya Lolos* [free grandmothers]. Mapanique mass rape survivors also joined and became the majority of the group (Gajudo, et al., 2000; Okano, 2000). The *Malaya Lolos* members who submitted a communication to the CEDAW Committee were Mapanique survivors.

On November 23, 1944, the Japanese Imperial Army attacked Mapanique, Pampanga Province, and male residents were tortured and massacred. Young girls and women were forced to carry looted items for a few kilometers to “*Bahay na Pula* [Red House]” and they were repeatedly raped there or in nearby areas (CEDAW, 2023; Okano, 2000; Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery [WIWCT], 2001, pp. 91-95).

The female survivors of Mapanique were victims of mass rape, not categorized as “comfort women” (Gajudo et al., 2000, p. 191). However, “confining women at the *Bahay na pula* for the purpose of repeatedly raping them may in some cases also constitute sexual slavery” (WIWCT, 2001, para. 671).

## **2. An Overview**

This research note deals with reparation, one of the four pillars of transitional justice: truth seeking, prosecution, reparations, and institutional reform (American Friends Service Committee, 2011; UNSG, 2023).

Based on previous studies, reparation measures taken to seek justice for the Filipino WWII sexual violence/slavery survivors, and the position of the Philippine government on the “comfort women” issue will be reviewed. Basic principles on reparations for conflict-related sexual violence stipulated in the guidance note of the UN Secretary-General (2014) would be referred to evaluate the reparation measures.

Then, the 2023 CEDAW recommendations and the responses to it from the Philippine government would be examined on whether they meet voices of the advocates of Filipino WWII sexual violence and slavery survivors, referring to (1) demands of the Task Force on Filipino Comfort Women [TFFCW] (1992) and *Lila Pilipina* (2003) to the Philippine government; (2) demands of *Flowers*

for Lolas Campaign (2023, March 17); and (3) comments of *Malaya Lolas* representatives (CenterLaw&ECCHR, 2023, December 15) submitted to the UN CEDAW Committee on the written response of the Philippine government (RP, 2023, September 4).

### **(1) Demands of the former Filipino “comfort women” to the Philippine government**

Since the movement to advocate Filipino “comfort women” started, the Task Force on Filipina Victims of Military Sexual Slavery by Japan [TFFCW] (1992) has requested the Philippine government to demand an official apology and compensation from the Japanese government, and to conduct an official investigation. The task force was reorganized as Lila Pilipina, a group of Filipino “comfort women” and their advocates in 1994. Aside from these demands, including the “comfort women” issue in the Philippine history documentation, curriculum, textbooks and other instructive materials at all levels, building historical markers and shrines around the country, and material support were included in the five demands of Lila Pilipina to the Philippine government (Center for Women’s Resources [CWR], 2003, p. 8; Lila Pilipina, 2003; TFFCW, 1992).

### **(2) Demands of Flowers for Lolas Campaign (2023)**

On March 17, Flowers for Lolas Campaign held a press conference on the CEDAW (2023) recommendations and issued a statement. The campaign is a broad network of supporters for the World War II Filipino sexual slavery/violence victims formed in 2018 when the “comfort woman” statue was removed by the Philippine government. The primary convenor is *Kaisa Para Sa Kaunlaran*, an NGO organized in 1987 and made up of Chinese Filipinos who pro-actively participate in nation-building efforts. *Malaya Lolas*, Lila Pilipina, Center for International Law in the Philippines [CenterLaw] and other groups such as *Wha Chi* guerrilla descendants and the Tulay Foundation, which initiated and raise funds to put up the comfort women statue, are working together in the campaign. (Flowers4Lolas, 2023; Teresita Ang-See, personal communication, November

14, 2024).

### **(3) Comments made by the Malaya Lolas representatives (2023)**

On December 15, CenterLaw and the European Center for Constitutional and Human Rights [ECCHR], the representatives of *Malaya Lolas*, submitted the Comments (2023) on the Philippine government's follow-up submission concerning the CEDAW (2023) recommendations to the UN CEDAW Committee.

## **II. Review of Related Literature**

### **1. Reparation measures in the Philippines**

#### **(1) San Francisco Peace Treaty and the Reparations Agreement**

Both the Japanese and Philippine governments consider that reparation issues between Japan and the Philippines were legally settled by the Treaty of Peace with Japan (1951), and the Reparations Agreement (1956), including the “comfort women” issue. On the other hand, the survivors and their advocates argue that the “comfort women” issue was not discussed nor included in the reparation negotiation processes (CWR, 2003; Ministry of Foreign Affairs [MOFA] of Japan, n.d.; Nakajima, 1995). CEDAW (2023) recognized that “no mention was made in the negotiations of” the female victims of the wartime sexual slavery system, and “no compensation was provided” (para. 2.4). It was a “collective” reparation. “Individual” reparation (UNSG, 2014) was not included.

#### **(2) Lawsuit against the Japanese government demanding compensation**

After the first Filipino survivor went public to share her wartime experience as a “comfort woman” in 1992, 46 *Lolas* filed lawsuits at Tokyo District Court against the Japanese government to seek compensation in 1993. However, their claim was dismissed in 1998 as the court did not recognize the right of individuals to demand compensation directly against the State liable for reparation under Article 3 of the 1907 Hague Convention. In short, it is a “state-to-state” issue. Their appeals to the Tokyo High Court and the Supreme Court were also dismissed (Henson v. Japan case, 1998; Karganilla, 2003: 42, Utsumi, 2002; WAM, 2011).

### **(3) Atonement projects of the Asian Women's Fund**

To fulfill Japan's moral responsibility, the Asian Women's Fund [AWF] was established in 1995 and provided atonement money (equivalent to JPY 2 million for each survivor) which had been donated from Japanese people to 211 Filipino "comfort women" survivors. A letter of apology signed by then four successive Japanese prime ministers, and a five-year medical and welfare support project funded by the Japanese government were included in the atonement projects. The Philippine government fully cooperated with the AWF project. Department of Justice [DOJ] was in charge of screening applicants to determine the recipients from August 1996. The medical and welfare project was implemented by the Department of Social Welfare and Development [DSWD] for five years from January 1997. DSWD formed this framework within half a year, before Lila Pilipina could propose their suggestions for the project (Arima et al., 2007; AWF, 2007b; Kumano, 2016; MOFAJ, 2021).

As the AWF atonement was not considered as official compensation from the Japanese government, it generated serious controversy and division among the survivors and supporters. In 1996, several survivors who refused the AWF atonement and sought official reparation established *Malaya Lolas* (Kumano, 2016; Okano, 2000; WAM, 2011).

During the screening process in the Philippines, rape victims who were not confined in a Japanese garrison or a quasi-comfort station for a certain period were excluded from the AWF recipients. Among around 500 applications, more than half were not accepted (Arima et al., 2007; AWF, 2007a; Kumano, 2016; Wada, 2012). Kumano (2016) pointed out that this division by the length of confined period did not meet the wartime situation in the Philippines, and deeply hurt the women who were denied their damages of wartime sexual violence/slavery.

Mapanique mass rape victims were also excluded from the AWF atonement. In the DSWD evaluation report (2002), only one *Malaya Lolas* member was included in their survey (DSWD, 2002, p. 10, Table 3). This AWF recipient was confined and victimized as a "comfort woman" for three months at another

garrison before being victimized again at Mapanique (Yumiko Saito, 2024, July 15; Virginia Suarez, 2024, October 30, personal communications).

The AWF atonement project could be an “interim” “individual” reparation, but not an official one, which did not meet the UN principle to “not exclude or marginalize any group of victims” (UNSG, 2014, pp. 1,10,12).

## **2. Previous studies on the attitude of the Philippine government prior to the CEDAW decision**

### **(1) Role of the Congress**

Numerous resolutions to compensate or support “comfort women” have been proposed in the Philippine Congress from the early phase of the movement, and their reactions were faster than the government (Okada, 2022; Kumano, 2016; WAM, 2011). There were sympathetic Senators or Representatives in the Congress who had dialogues with support groups and submitted bills or resolutions, but most efforts did not materialize (Kumano, 2016).

### **(2) Attitude of the Philippine government to the issue**

Kumano (2016) analyzed the long-term reactions of the Philippine government toward the “comfort women” issue in the Philippines since the movement started in the early 1990s until 2015. She pointed out that the Philippine government has NOT supported the former “comfort women” survivors in the following points: 1) investigation of the truth and search for potential survivors; 2) negotiation with the Japanese government seeking for official apology and compensation; 3) providing enough livelihood support, unlike the governments of South Korea or Taiwan.

When the party liable for harm is unable or unwilling to meet their obligations, States should endeavor to establish programs for reparations (UNSG, 2014, p. 4). The Philippine government failed to do it.

Although some remarks from politicians or government officials supportive to the survivors were observed (Gluck, 2007; Karganilla, 2003; Kumano, 2016), after the AWF atonement projects, the Philippine government has since expressed

its view that the “comfort women” issue has been settled by the Reparations Agreement (1956) and the AWF atonement projects (Kumano, 2016).

Kumano (2016) concluded that the Philippine government “placed more importance on the relationship with the Japanese government than on the dialogue with” former wartime sexual slavery survivors. Lo, Setiawan, and Sigit (2022) also pointed out that “the Philippine government prefers to retain diplomatic ties with Japan and strategic foreign policy in line with national interests” and the Philippine government’s continued lack of support in voicing the “comfort women” victims demand for formal apologies and reparations from Japan. Removal of a “comfort woman” statue after four months in 2018 by the Philippine government facing Japanese pressure was also mentioned as an example of such attitude. (Kumano, 2019).

### **(3) Approach of the Malaya Lolas to the Philippine government and the Supreme Court**

While a State “can bring claims by proxy against another State,” if its nationals “were injured by that other State” (UNSG, 2014, p. 6), the Philippine government did not opt to do it. After the lawsuit against the Japanese government was dismissed in 1998, *Malaya Lolas* approached some government offices requesting to endorse their claim to negotiate with the Japanese government. However, they did not support their claim. The CenterLaw representing *Malaya Lolas* filed a petition for the Supreme Court in 2004 to require the government to espouse the claims of *Malaya Lolas*. However, the 2004 petition was dismissed in April 2010 because it was a political issue related to diplomacy for the government to decide. In May to July of 2010, the CenterLaw filed a motion and a supplemental motion for reconsideration. However, these were denied in 2014 (CEDAW, 2023, paras. 2.8, 2.9). Kumano (2016) pointed out that the Court accepted the inaction of the Philippine government by dismissing the motions.

In 2016, ECCHR and CenterLaw submitted individual complaints to two UN Special Rapporteurs. In 2017, three Special Rapporteurs sent a joint communication to the Philippine government requesting additional information

and comments. However, the Philippine government's response in April 2018 was that the issue had been resolved by the Treaty of Peace with Japan (1951) and the bilateral Reparations Agreement (1956). Given these circumstances, based on the Optional Protocol of the Convention which came into force in the Philippines in 2004, a communication to the CEDAW Committee was submitted in 2019 (CEDAW, 2023, paras. 1.1, 2.10, 2.11).

### **III. The 2023 UN CEDAW Committee recommendations**

#### **1. What is CEDAW and its process of transmitting their views and recommendations?**

The Committee on the Elimination of Discrimination against Women [CEDAW] is the body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (OHCHR, 1996). Under its Optional Protocol (UNGA, 1999, A/RES/54/4), the CEDAW Committee can receive and consider communications from individuals under the jurisdiction of the State Party, claiming to be victims of a violation of the rights set forth in the Convention by that State Party. The Committee may consider a communication if “all available domestic remedies have been exhausted.” After examining the communication, the CEDAW Committee shall transmit its views on the communication, and its recommendations (UNGA, 1999).

#### **2. Outline of the CEDAW (2023) view and recommendations**

Gopalan and Kather (2023, April 5) summarized the core of the demands of *Malaya Lolos* as “the quest for recognition for the lack of State support” and “the failure to grant participation avenues to co-create justice and reparation responses by the State.”

As the CEDAW can only deal with the issue related to the State party after it has ratified the convention, it cannot deal with the wartime sexual slavery issue itself committed by Japan during WWII. The major argument was whether discrimination against women continued in the Philippines after they became a CEDAW state party. The CEDAW recognized continued discrimination against



women because while male war veterans receive privileged treatment, female survivors of WWII sexual violence and slavery have not received such privileged treatment. The CEDAW Committee decided that the State party has failed to fulfill its obligations and has thereby violated the rights of wartime sexual violence victims, and recommended the Philippine government to provide the survivors full reparation and specific measures, and required the Philippine government to submit a written response within six months (CEDAW, 2023, paras.5.1, 5.5, 5.6, 9.2, 10-12).

### **3. Significance and limitation of the CEDAW (2023) decision**

Gopalan and Kather (2023) praised the CEDAW decision as “precedent-setting,” acknowledging how continuous gender-based discrimination has been perpetuated by (in)action of government, courts and society. The CEDAW decision in this case “has now firmly established that gender discrimination through laws, policies and (in)action by the State constitute breaches of State obligations under CEDAW.”

However, the CEDAW Committee (2023, paras. 8.4, 9.2) noted the argument of the Philippine government that its right to claim against Japan had been waived by signing the Treaty of Peace (1951), and the issue of the Philippine government’s role in negotiation with the Japanese government is not included in the recommendations.

Except for that point, other demands of the Filipino survivors/supporters to the Philippine government such as material support, inclusion in the curriculum, memorials, and shrines, were addressed.

## **IV. Response of the Philippine government**

### **1. Initial positive responses**

#### **(1) Immediate reactions in March 2023**

On March 10, Secretary Remulla expressed his will to talk to the leaders of Congress about the necessary legislation, and establish a study group to tackle the comprehensive policy (Pulta, 2023). On March 13, the Commission on Human

Rights Philippines [CHRP], an independent human rights institution of the Philippine government, issued a statement and urged the Philippine government to seriously consider and act on the CEDAW Committee recommendations, particularly on providing the victims “full reparation.” CHRP affirmed its desire to assist the government in making a policy and supporting mechanism for this envisioned reparation (CHRP, 2023b). Also, on March 13, Senator Hontiveros submitted a resolution urging the Philippine government to immediately fulfill its treaty obligations under CEDAW and provide just and meaningful reparations to the “comfort women” and their families (P.S. Res. No.539, 2023). These initial positive moves culminated in May 2023.

## **(2) Cash aid from the Department of Social Welfare and Development [DSWD] started**

On May 5, 2023, the DSWD Secretary met with lawyers and a representative from Flowers for Lolas member organizations. The DSWD shared their decision to apply their existing three programs to the *lolas* and their family members to provide cash aid. On May 12, DSWD started handing PHP10,000 each cash aid to 20 *Malaya Lolas* survivors. (Orejas, 2023b). The president of *Malaya Lolas* commented that the aid was “a step to justice,” and the amount would help buy medicines. However, it “would not compensate for the abuses inflicted” on them (Lalu, as cited in Orejas, 2023a).

## **(3) Presidential order on May 13, 2023**

The next day after the DSWD started its cash aid, President Marcos Jr. ordered concerned government agencies to extend aid and assistance to the case of the “*Malaya Lolas*,” and explained that the government agencies concerned were formulating a comprehensive response to submit to the CEDAW committee. He assured the commitment of the government to undertake measures and find ways to help the survivors live better lives as an expression of continued deep solidarity with them and their utmost respect for them (Presidential Communications Office, 2023).

## **2. Submission made without dialogue with *Malaya Lolas* and their advocates**

Participation and consultation of the victims is one of the particularly important principles for reparation (UNSG, 2014: 15, 16). However, except for the DSWD, the CHRP, and Senator Hontiveros, it turned out that the Philippine government as a whole lacked consultation with the survivors.

According to Teresita Ang-See, representing the Flowers for Lolas, communications between the advocates and the government agencies relied on their personal connections to negotiate individually. However, their attempts to deal with each government agency faced difficulties. Despite their positive immediate comments, Flowers for Lolas could not even arrange a schedule for discussions with the DOJ for more than a year. No response was received to the letter sent to the Department of Health to seek urgent medical aid and assistance for the *Malaya Lolas* (CenterLaw & ECCHR, 2023, para.6). There is no contact with the Department of Education [DepEd] regarding the curriculum of educational institutions, no progress in preserving the Red House, and no prospect of re-installing the disappeared "comfort women" statue. This situation remains the same to date. (Teresita Ang-See, personal communications, August 21, 2023, August 8, 2024).

The follow-up submission of the Philippine government to the UN was made on September 4, 2023 without dialogue with *Malaya Lolas* and their advocates. The CHRP had planned an inter-agency meeting with Flowers for Lolas on September 7, 2023. However, the Presidential Human Rights Committee Secretariat [PHRCS] requested to postpone the meeting (CHRP, 2023c, para.14).

The CHRP tried to convey the voices of the advocates at the CEDAW Consideration of the 9th State Report of the Philippines in Geneva held on October 11. The *Malaya Lolas* case was mentioned in the Opening Statement by the CHRP Commissioner (Dumarpa, 2023). CHRP's concerns, that no specific strategy and concrete actions to address the recommendations have been adopted, and the postponement of the dialogue left *Malaya Lolas* and supporters without

updates, and their urge to the Philippine government “swiftly deliver remedies for the *Malaya Lolas*” were mentioned in two documents (CHRP, 2023a, 2023c). Several days after the 9th State Report Review, CEDAW, in care of OHCHR in Geneva, sent a copy of the follow-up submission of the Philippine government to ECCHR, one of the *Malaya Lolas* representatives on October 16 (OHCHR to ECCHR, 2023). Except for an article by Thomson Reuters (Ramos, 2023), not much detail on the implementation plans of the Philippine government regarding the CEDAW recommendations was publicized until then.

### **3. Issues related to the written response of the Philippine government**

#### **(1) Denied continuous discrimination**

The Philippine government did not admit to the continued discrimination in the Philippines. Maintaining that “substantial distinctions” exist between the wartime sexual slavery victims and the Philippine war veterans, the Philippine government justified their different treatments, arguing that the types of suffering they endured were different so it does not need to have the same treatment (Republic of the Philippines [RP], 2023).

The CEDAW recommended establishing equally accessible reparation scheme for “civilian victims of war” and removing restrictive and discriminatory provisions from legislation and policies relating to redress for civilian victims of war, including wartime sexual violence and slavery survivors (CEDAW, 2023. paras.11.b.i-ii) whereas the Philippine government argued that the alleged “restrictive and discriminatory provisions” are “more imaginary than real” (RP, 2023: para.28).

CenterLaw and ECCHR (2023) pointed out that as the Philippine government denied the existence of discrimination, their initial recognition of the suffering of the *Malaya Lolas* was also questionable, and requested the Philippine government to acknowledge that the *Malaya Lolas* are entitled to reparation as they “have been subjected to gender-based discrimination” (para. 11).

#### **(2) Already compensated by the Asian Women’s Fund [AWF]?**

The Philippine government reiterates its position that several wartime sexual slavery victims were already compensated through the AWF, and some benefited from the AWF's atonement projects. (RP, 2023, para.20).

However, the only member of *Malaya Lolos* who was an AWF beneficiary (DSWD, 2002) was outside the 24 authors of communication submitted to the CEDAW Committee. The Philippine government should recognize that all current *Malaya Lolos* members in Mapanique were excluded from the AWF atonement and did not receive any aid from the Philippine government until 2023.

CenterLaw and ECCHR (2023) also pointed out that the AWF atonement was “an inadequate form of compensation” not accompanied by “Japanese assumption of legal responsibility” (para. 11).

### **(3) Financial aid of the DSWD, “not a reparation”**

According to Atty. Suarez, the DSWD cash aid has been paid in three installments in total of PHP30,000. Up to three grandchildren are subject to a one-time PHP5,000 educational assistance, which has been implemented. The plans to provide family members with PHP15,000 for a one-time livelihood start-up fund, and to include the *lolos* for their existing PHP1,000 per month pension have yet been implemented (Orejas, 2023b, 2024a; De Villa, 2024; Suarez, personal communication, October 30, 2024). While this is the only progress that materialized, the amount *Malaya Lolos* survivors have actually been able to receive was minimal.

On the other hand, senior World War II veterans are entitled to a PHP20,000 monthly pension, and a maximum of PHP60,000 per academic year educational benefit including surviving spouse or one direct descendant (PVAO, 2023, pp. 5, 20).

The CEDAW (2023: para.11.b.iii) recommended to “establish a State-sanctioned fund to provide compensation and other forms of reparation.” Flowers for Lolos (2023) requested the Philippine government to “establish a General Fund for the official compensation of the victims.”

However, the Philippine government submitted “that it can provide financial

assistance, not reparation nor compensation, through its existing government programs” (RP, 2023, para. 29). It means the Philippine government officially admitted the cash aid which DSWD has started applying their existing program was “not reparation nor compensation, and shown non-willingness of providing recommended full reparation to the survivors.

CenterLaw and ECCHR (2023, para.7) pointed out that as the Philippine government failed to acknowledge the existing discrimination and the right of the victims to reparation, the financial aid or assistance on already existing government programs cannot be equated to any form of reparation. They cannot be considered as implementing the Committee’s views and recommendations.

#### **(4) Legislation issue: Non-enacted bill and ongoing effort**

In their written response, the Philippine government (2023) argued that it proposed laws or measures for the benefit of the victims of wartime sexual slavery through its legislative body, including House Bill No. 1182 filed on July 5, 2016 aimed to provide pensions and health benefits specifically to comfort women. However, CenterLaw and ECCHR (2023) pointed out that House Bill No. 1182 was even filed before the filing of Communication 155/2020 and has yet to be enacted into law.

As an ongoing effort, on May 7, 2024, the Senate Committee on Foreign Relations Hearing was presided by Senator Imee Marcos on the proposed Senate Resolution No. 539. In line with this, on May 21, 2024, CenterLaw (2024) submitted a position paper to the two Senators, which presents concrete steps and the domestic legal framework for implementing the CEDAW (2023) recommendations. On July 3, 2024, Sen. Hontiveros issued a press release after a meeting with *Malaya Lolas* in Mapanique. She reiterated her call for the Philippine government to comply with the CEDAW treaty obligation including “just and meaningful reparation” for the victims, mentioning that only 18 *Malaya Lolas* members are surviving now, they cannot wait any longer, and the government should not let them pass away without getting justice for them. (Hontiveros, as cited in Senate of the Philippines, July 3, 2024).

### **(5) Proposed Joint Memorandum Circular: Inaction**

Flowers for Lolas (2023) requested the Philippine government to “form a task force to see all aspects of the CEDAW recommendations are budgeted for implementation.”

Recognizing the necessity of a multi-faceted approach in providing humanitarian aid to the *Malaya Lolas*, the Philippine government was reviewing a proposal to adopt a Joint Memorandum Circular [JMC] among relevant government agencies in social welfare services, medical and wellness services, oral history and historical documentation, and educational awareness and advocacy (RP, 2023, paras. 22-25). However, CenterLaw and ECCHR (2023) pointed out that the JMC has yet to materialize into concrete actions.

### **(6) Preservation of Red House and oral history**

On creating a memorial to preserve the site of *Bahay na Pula* (Red House) or establish another space for commemoration (CEDAW, 2023, para. 11.b.iv), the Philippine government suggested that under the proposed JMC, the National Historical Commission of the Philippines [NHCP] and DSWD, jointly record and preserve oral history on the experiences of *Malaya Lolas* through interviews. The government would also study the possibility of building a memorial. However, the government “has no title nor possession over” the site of *Bahay na Pula*, as it is a “privately-owned property.” (RP, paras. 31-33).

CenterLaw and ECCHR (2023, paras. 8-9) pointed out that “the private ownership of the *Bahay na Pula* is not a legal bar” for the Philippine government to declare and protect *Bahay na Pula* as historically significant and requested to take all legal measures under domestic law to preserve it. Senator Hontiveros (2024) also visited *Bahay na Pula*, expressed her hope to stop its being torn down and to rebuild it as a memorial for all the victims of wartime sexual violence.

“Establish other shrines and memorials” was also among the demands of Flowers for Lolas (2023) including the restoration of the comfort women statue the government removed in April 2018, which was also mentioned by Senator

Hontiveros (2024) and CHRP (2023b).

It took only four months for the Philippine government to remove the statue under Japanese pressure in 2018. Yet, no action has been materialized to preserve historical sites/memorials after the CEDAW (2023) recommendations.

#### **4. Independent initiatives**

##### **(1) “Behind the Battle of the Malaya Lolas” exhibit**

This exhibit was held at the NHCP Museum of Philippine Social History from April 13 to May 19, 2024. It was a combination of interviews with five *lolas*, including historical background and art works. According to the curator in charge, the exhibit was conceptualized through their own efforts together with their partner Alaya Women’s Center in Angeles City. The interview with the five *Malaya Lolas* members was conducted as part of the activities of the Alaya Women’s Center (NHCP Museum of Philippine Social History, 2024; Curator, personal communication, June 1, 2024). Thus, this was not in conjunction with the interview or oral history preservation the Philippine government proposed in its written response.

Furthermore, according to the curator, no catalogue or publication of the exhibit was available. It might be more practical to provide some budget and support to preserve the record and materials of the exhibit as it included interviews with the survivors, than planning a series of new interviews to preserve oral history of the *Malaya Lolas*. There have already been many books, documents, photos and other materials in which the memories of the *lolas* are included. The government should preserve and utilize such materials already acquired in the process of previous measures.

##### **(2) Mainstream Curricula**

Regarding the CEDAW (2023) decision to include the teaching of the history of Filipina victims/survivors of wartime sexual slavery in the country’s educational curriculum (CEDAW, 2023, para. 11.b.v), the Philippine government proposed to interview the *Malaya Lolas*, establish a compendium of their experiences, and



develop a “communication plan and educational awareness campaign” under the proposed JMC (RP, 2023, paras. 35, 36). However, the Philippine government has not communicated any plan regarding its implementation.

That being said, in an updated DepEd Curricular revision released in August 2023, the new Matatag [sturdy] Curriculum indicated that the “comfort women” issue was to be included for the Grade 6 social studies course (DepEd, 2023, p. 27). Though this might have been planned before the 2023 CEDAW recommendations, evidence of direct dialogue with advocate groups regarding its implementation has yet to be made. Furthermore, there are no Philippine History subjects from Grades 7 to 12. At the college level, the mandated subject, “Readings in Philippine History,” focuses on understanding Philippine history through primary sources has been introduced (Candelaria, 2023). Preservation of WWII materials and sites including wartime sexual violence has the potential to provide precious learning opportunities for college students. At the same time, it would be challenging to include the issue in secondary education.

## **V. Conclusion**

The Japanese and the Philippine governments consider that post-WWII reparation issues have been settled by the Treaty of Peace (1951) and the Reparation Agreement (1956). The lawsuits against the Japanese government were dismissed, and did not recognize individual survivors’ rights to directly claim compensation from Japan. The AWF atonement projects in the Philippines from 1996 to 2001 were an interim and exclusive measure not accepting the survivors of various forms of wartime sexual violence.

The Philippine government has not been supportive of the Filipino “comfort women” survivors prioritizing the good relationship with Japan. The CEDAW (2023) recommendations addressed the inaction of the Philippine government recognizing the continued discrimination against female wartime sexual slavery/violence survivors while war veterans are entitled to privileged treatment.

However, the Philippine government denied that continued discrimination exists in the Philippines, justifying the difference in treatment due to the

difference in the types of wartime suffering between the two groups. Consultation and participation of the victims and advocates were lacking in the process. The Philippine government still argues that some “comfort women” survivors benefited from the AWF, without even noticing that the complaint came from a group of excluded survivors.

The pattern of the reactions of the Philippine government remains the same: inaction in support of the survivors while prioritizing its relations with Japan. While they reacted swiftly to meet the demands of the Japanese government to remove the “comfort woman” statue in four months or the implementation of the AWF project within several months, the Philippine government has not materialized any concrete action in response to the UN CEDAW (2023) recommendations except for aid under existing programs.

As a result, what *Malaya Lolas* survivors were able to receive was just a small amount of aid, not a reparation. It was a step forward, and the DSWD worked hard. Still, that was the only progress that materialized in response to the CEDAW (2023) recommendations so far.

There is still hope in some government agencies and Senators independently supporting the *lolas* together with their advocates. The hope mentioned in the DSWD report (2002, p. ii) is still relevant after more than 20 years: “the immediate approval of a proposed Senate Resolution on the Filipino Comfort Women.” The recommended inclusive full reparation for civilian war crime victims, especially for the Filipino wartime sexual violence/slavery survivors, needs to materialize immediately.

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