

## PHILIPPINES

### CEDAW A/39/45 (1984)

69. The committee considered the initial report of the Philippines (CEDAW/C/5/Add. 6) at its 32<sup>nd</sup>, 33<sup>rd</sup>, 36<sup>th</sup> and 37<sup>th</sup> meetings, held on 29 March and 2 April 1984.

70. The report was introduced by the representative of the State party who said that it covered the period between 3 September 1981 and 31 August 1982 and had been prepared by the National Commission on the Role of Filipino Women, in co-operation with various governmental and non-governmental agencies. Created in 1975, the National Commission had been entrusted with the task of accelerating the integration of women in the economic, social, political and cultural development of the country. All the measures mentioned were the continuation of efforts taken in the Philippines by both the public as well as the private sector to achieve equal treatment for women and to eliminate discrimination against them, even before the Philippines became a party to the Convention on the Elimination of All Forms of Discrimination against Women.

71. The representative of the State party gave a brief background on his country and its people on the status and role of women, who comprised 48.9 per cent of the population and had always been in the mainstream of Philippine history. Women in his country had always managed to penetrate what used to be the “men’s exclusive world”, although the level of their representation in some areas was still very low.

72. He then supplied statistical data and quoted articles of the Constitution and other laws which embodied equal treatment and protection of women. But he also said that improvement in several areas was still needed and much remained to be done. In an effort to reach and include rural women and the urban poor in the national effort of integration for development, the National Commission had launched a programme with the main objective of fully integrating women, men and youth for economic, social and cultural development through co-ordination of government and organized private efforts to maximize benefits for the people.

73. Regrets were expressed by the Committee that the useful and substantial information contained in the introduction to the report had not been supplied earlier and submitted as an addendum to the initial report, especially since the report was found to be difficult to study because of its format and structure. However, the Committee was impressed by the number of activities undertaken and measures implemented in such a short timespan, although many of them were still at the project stage. The opinion was also voiced that the initial report did not correspond to the information required by article 18 of the Convention because it did not contain the necessary information on the legal situation, or on other measures adopted to give effect to the provisions of the Convention, and it did not contain the legislative texts asked for by the Secretariat. As the report constituted mainly a programme of action, it was difficult for the Committee to evaluate the status of the application of the convention in that country. Several experts wanted to have a copy of the introductory remarks made by the representative of the State party.

74. Concern was expressed that only one third of the relevant institutions had answered the questionnaire. Concern was also expressed by some experts at the severity of the penalties foreseen for certain crimes and, in particular, for the crime of rape. They wondered about a model or prototype which led the legislator to enact such penalties.

75. More information was sought on the nature and functions of the National Commission and the kind of obstacles that hampered its work. In case the Commission had no authority to take action to promote the equality of women, the Committee wanted to know whether other organs had such authority and whether the Commission would take into account the views of other women's associations.

76. Many experts asked for more concrete explanations concerning the statement made in the report that the national five-year development plan for 1983-1987 may provide an unfortunate set-back to women's rights to equal treatment, and wanted to know what measures were being taken to prevent more discriminatory acts against women. Serious concern was expressed at the method of classifying women among special types of workers, together with the disabled and minors, in clear contradiction of the Convention. One expert asked what was the impact of the adoption of the convention on national law. If the Convention became part of the legal system of the country, discriminatory laws should no longer exist. She also asked whether in cases of contradiction the later law derogated the earlier one, and wanted to know what had prevented the Government from amending the laws. Since the discriminatory laws existed in that country, she requested some explanation as to the meaning of the sentence contained in the report that "there was a continuing need to identify gaps between de jure and de facto discrimination against women", and she wanted to know whether there existed minorities in the country and, if so, whether women belonging to such minorities enjoyed the same rights as women in general in the Philippines. It was asked whether any legislative measures had been undertaken to implement articles 2, 3 and 4 of the Convention, and the impression prevailed among the experts that no measures existed to guarantee the equality of both sexes before the law. Some experts wanted to know whether any progress had been made in reviewing the Civil Code with a view to eliminating discrimination against women and what were the contents of the laws that were to be amended.

77. It was felt that the percentage of women in high managerial positions was low, and some experts wanted to know what was being done to encourage women to assume higher positions. Some experts asked whether women were discriminated against in professional life and if they had a right of recourse in cases of professional discrimination. It was also asked whether there was equal pay for equal work. Furthermore, one expert wished to know whether cases of discrimination could be brought before a court and whether sanctions were foreseen.

78. As regards measures taken in "private sectors", one expert required clarification as to which private sectors were endeavouring to eliminate discrimination against women. More information was also sought on the discriminatory practices referred to in the report.

79. Some experts asked what the position of women was in political life, whether women had the same voting and other political rights as men and what the voting age was. It was asked who could make nominations for electoral lists and how many women were put on such lists. Furthermore, the Committee wanted to know whether the Philippines had adopted or ratified the Convention on the

Political Rights of Women. Clarification was also sought on the meaning of a statement made on page 31 of the report that all promotions took effect as per prescription made by the Civil Service Commission. One expert wanted to know whether the appointment and election of women to high governmental positions was done by quota.

80. Positive comments were given with regard to the efforts made to eliminate sex-based prejudices and to make husbands more aware of the shared responsibilities in maternity and child-rearing. One expert wished to know whether a family court existed, whether provision was made for joint custody of the children and maintenance of the wife after dissolution of the marriage, what sort of matrimonial system existed, and what was the situation of children born out of wedlock.

81. As women had the right to maintain their maiden name after marriage, information was sought about the name of the children. It was asked whether a single woman could adopt a child. As a marriage licence was not issued to a widow before 300 days following her husband's death, it was asked whether the same constraint applied to a widower, a divorced woman and a divorced man.

82. Questions were asked as to whether measures had been taken by the Government to facilitate the life of a woman who was confronted with the double burden of household duties and professional tasks and whether the age of retirement was different for women and men. One expert inquired about the existence of a special programme for women who worked in agriculture and about the percentage of women who could not find paid work.

83. Several experts wanted to know whether boys and girls had similar educational opportunities, how many fellowships had been granted to girls and what was the percentage of women students in courses where traditionally males predominated. It was also asked whether and in what way girls were encouraged to study beyond primary level and what measures had been taken in general to raise the educational level of women. One expert wanted to know what percentages of girls attended and finished school.

84. Questions were raised as to whether abortion was allowed and under what circumstances it could be obtained as well as what was being done to eradicate prostitution.

85. The Committee asked for clarification as to whether women could obtain a bank loan and conclude contracts without the consent or permission of their husbands.

86. As the country consisted of many islands, it was asked whether remote islands had the necessary infrastructure to enable the population to enjoy social well-being and social welfare.

87. One expert voiced the idea that over-protective legislation might easily lead to negative results. He mentioned the project for menstruation leave and prohibition of night work for women, both of which may be counter-productive in terms of equality. He asked about specific measures to promote and facilitate the participation of women on the labour market in traditionally male-dominated areas, and inquired whether the counselling programme on how best to combine work and home duties concerned men as well as women. He did not consider the practice of making the woman the keeper of the purse a step towards equality and stated that the sharing of responsibilities was preferable.

88. More information was sought on the role played by women in peace-related activities.
89. Several experts remarked on the severity of the law regarding rape of girls under 12 years of age and inquired about the background to that law as well as its present application regarding the rape of adolescent and adult women.
90. With regard to the labour law, clarification was requested regarding provisions made for Filipino women working in Hong Kong and it was pointed out that those provisions should be made to apply also to Filipino women working in other countries.
91. In general it was stated that the report lacked information such as empirical data on employment patterns, education and literacy, and it was difficult to make any judgement on that basis; it was requested that such data should be provided in the next report in order for the Committee to arrive at certain conclusions.
92. There was also a lack of information pertaining to the overall legal framework relating to the conditions and status of women in the country. It would be desirable, it was said, that that aspect of the report be strengthened in the future. An example was cited in which, though the constitution seemed to provide for the equality of men and women, the provision was too general.
93. The report did contain a matrix of activities as well as annexes which gave a breakdown of departments and institutions in charge of implementing several articles of the convention. However, no reference was made to articles 9 and 15 of the Convention, which were very important. It was of course noted that the Government of the Philippines had submitted its report prior to the adoption of the Committee's guidelines on the subject.
94. The question of citizenship and nationality was also referred to and several experts asked about the relevant guarantees and provisions.
95. With regard to laws prohibiting the practice of prostitution, it was asked whether those laws also penalized the client since those who benefited from the trade in white slavery walked away with impunity while the real victims were severely penalized. Inquiries were also made regarding the rehabilitation and education of prostitutes, their integration into society and the protection of their rights. More specifically, the role of the organization which monitored hospitality girls was questioned as to whether it was a trade union or a re-education type of organization.
96. The creation of the National Commission was noted and more information was requested on its activities and aims.
97. More details were requested on programmes and activities related to rural women, which comprised 49 per cent of the population, as well as statistics relating to unskilled labour and the percentage of women involved in it.
98. Although the principle of equal pay for work of equal value seemed to be accepted, it was asked whether in reality it was practised. There also seemed to be certain discrimination regarding labour since women were not allowed to work at night.

99. Finally, it was noted that the Government seemed to be making efforts to implement the Convention but that there were areas which still remained to be answered and addressed. One such area where more explanation was needed was how the law addressed single women as compared to married women. In addition, concrete examples were needed on the actual results of studies that had been completed by the Government and how it intended to act on them.

100. In replying to some of the questions raised, the Permanent Representative of the Philippines to the United Nations, in his capacity as representative of the State party explained that in his perception, there were cultural and traditional aspects in every country which could not be legislated. His culture regarded both sexes not as equal but as complementary to each other.

101. He took note of the reservations made in the presentation of his country's report and noted that it covered only the period from 3 September 1981 to December 1982, and that it outlined measures concerning the Convention undertaken by the Government during that period.

102. Answering the question related to widows, he explained that the law had in the past been designed to protect the inheritance of a child born of a deceased father. The change from 300 days to 30 days was because, scientifically, pregnancy could now be determined at an early stage.

103. Referring to the law on rape, he stated that honour and family were the highest concepts of life in his culture and the honour of a husband, father or brother was affected if such a thing happened to a women in the family. The crime, thus, was considered abominable and therefore required due punishment.

104. As to the extension of maternity leave to fathers, such a law was being studied although in the private sector it was already being practised by some companies.

105. In responding to questions raised by the experts, the representative of the State party expressed some personal views and perceptions on the role of women in the Philippines. He said that it was preferred that its women retain their femininity and gentleness because, in such a way, they had obtained many advantages and progress. It was for that reason that no women's liberation movement had existed in the Philippines. He said that other questions would be answered during the session by a designated member of his Government.

106. At the 36<sup>th</sup> and 37<sup>th</sup> meetings of the Committee, held on 2 April 1984 the Third Secretary of the Permanent Mission of the Philippines to the United Nations, as representative of the State party, provided answers to questions raised by the Committee.

107. She stated that the National Commission had been established as a national mechanism to review, evaluate and recommend measures including priorities, to promote the full integration of Filipino women in the social, economic and cultural development of the country at the national, regional and international levels. One of its functions was to advise the President in formulating policies and implementing programmes to increase the contribution of women to the national development of the country. The Commission had been assigned the task of monitoring the implementation of the letter of instruction issued by the Government regarding the integration of women in national development. This directive applied to those in public as well as private

employment and was one of the measures taken by the Government to increase the number of women in policy-making and decision-making positions. Furthermore, the President of the Civil Assembly of Women, the umbrella organization under which 75 women's associations operated, was one of the members of the Commission.

108. The Philippines was a party to several conventions of the United Nations which formed part of national law, as stated in section 3, article II, of the Philippine Constitution.

109. Laws regarding the family had been introduced to protect women within the family. However, there were some which were still discriminatory to women. Examples of such laws were: a daughter above 21 but below 23 was not allowed to leave home without parental consent except to become a wife, or when she exercised a profession or calling or when the father or mother had contracted a subsequent marriage. Sons of the same age did not face any such restriction. Another law was that which forbade a wife without the consent of the husband to receive any gift by gratuitous title, except from ascendants or collateral relatives. A husband might object to his wife's exercise of a profession or occupation, while a woman could not object to her husband's exercise of a profession. In addition, the wife's mobility was subordinate to her husband's choice of residence and the husband was considered the administrator of conjugal property. Although the above provisions existed, they were generally not practised and at the present time a review of those laws was being carried out in order to change them.

110. Divorce, she said, was not recognized under Philippine law except for the Muslim population. Nevertheless, legal separation was allowed. In that case, the court determined the custody of the children. Children below five years of age stayed with the mother.

111. All family planning methods were allowed, except abortion, which was permitted on therapeutical grounds only.

112. As a result of a reorganization of the judiciary, the family courts had been abolished and their functions were assigned to specifically designated branches of the regional trial courts.

113. Prostitution was a crime and it was punishable by law. Those engaged in it and the procurers were all subject to prosecution. It was recognized in her country that the main cause for the problem was economic, and the Government, women's organizations and trade unions were working together to train and provide employment for the affected women. It should be noted as well that sex tourism as depicted by the media was being organized by travel agencies based in foreign countries. In reaction, the Government had made representations to foreign Governments in order to stop the promotion of sex tours. The Ministry of Tourism had issued an order to travel agencies to discontinue those tours under penalty of cancellation of their permits.

114. Women in the Philippines had made great progress in the political life of the country. They had won the right to vote as early as 1937 and had been members of the National Assembly, governors, and mayors. In the 1978 National Assembly election, 49.96 per cent of voters were women. There were no laws or practices that prohibited any women from seeking election to public office. During the 1981 Presidential election, one of the candidates was a woman.

115. Regarding education, as stated earlier, women enjoyed equal opportunities with men. There were more women enrolled in the tertiary level than men, thus preparing them for professional, technical and vocational employment. Some statistics were as follows: college education, 54.23 per cent; graduate education, 63.99 per cent; post-graduate education, 64.49 per cent; and technical/vocational, 50.33 per cent.

116. Finally, any complaint regarding employment, including the issue of equal pay for equal work, was brought to the attention of the Ministry of Labour and Employment where it was handled by the National Labour Relations Commission and such cases had been successfully solved.

117. The committee took note of the replies and several experts' wishes to record their objections and reservations at the statement made by the Permanent Representative of the Philippines to the United Nations at the 33<sup>rd</sup> meeting of the Committee. It was considered an insult to the Convention and the Committee as well as to all experts present. It was further asked whether the views of the Permanent Representative were a reflection of official policy. The concept of harmony or complementarity of the sexes as stated by him served only to perpetuate the traditional roles of, and views held by men about, women.

118. Many other experts joined in the opinions already expressed by fellow speakers that the statement made by the Permanent Representative constituted disrespect for the Committee and for its members. Some of them noted the fact that he had made his remarks in his personal capacity, but others emphasized that representatives of State parties normally reflected the opinion of their Governments and did not express their personal views. They were grateful to the representative of the State party for the answers she had given to some of the questions, even if the replies were not exhaustive. They showed that the Philippines was very active in matters of social development, although the de facto situation revealed that the Convention had not yet been fully implemented in that country.

119. In reply to a question as to whether a contradiction existed between some laws in that country which were discriminatory against women but which did not seem to be implemented in practice and the fact that where no such laws existed women were protected by custom, the representative of the State party said that in her country not everything was protected only by law, and there was no conflict between law and practice. While some laws provided for a number of restrictions, they were rarely invoked, and women enjoyed more freedoms and rights. Besides that, the Government was in the process of reviewing those laws.

120. Other questions asked referred to the provision that widows could not marry until 30 days after the death of their husband, which was found by a few experts to be discriminatory. Experts inquired about the impact that the Convention had had on the national law apart from being just incorporated as provisions of international law, about the role of women in the preparation of new legislation concerning the family and whether women in the Philippines were satisfied with playing a part or influencing events through their husbands. One expert also asked whether it was true that there was no women's liberation movement in the Philippines.

121. The representative of the State party further said that her country had become a State party to a number of international conventions. She also stated that the Committee which was now drafting

revisions of the Civil Code was headed by a woman and the membership was composed of both men and women.

122. The representative of the State party also replied to the questions concerning implementation of article 9 on the nationality of married women and their children, the full rights enjoyed by unmarried women and the right of married women to administer and control their paraphernal property, as well as the labour union proposed for women working in restaurants and amusement places as hospitality girls, and she explained why research on Filipino women employed in Hong Kong was being made, namely, that there was a big number of them doing domestic work there.

123. She explained that the Permanent Representative of her country had introduced the report in his capacity as representative of his country; some of his replies reflected, however, his personal opinion. She expressed regret that the views put forward by the Permanent Representative had offended the feelings of the experts and said that all comments made would be referred to him for his information.

124. Subsequently, the Ambassador of the Permanent Mission of the Philippines to the United Nations sent a written apology for the remarks made in his replies to the questions of the experts, explaining that no insult was intended.



## **CEDAW A/46/38 (1991)**

199. The Committee considered the second periodic report of the Philippines (CEDAW/C/13/Add. 17 and Amend. 1 and Corr. 1) at its 179<sup>th</sup> meeting, on 25 January (see CEDAW/C/SR. 179).

200. The representative of the Philippines reported that eight consultative workshops on gender analysis had been conducted by the National Commission on the Role of Filipino women (NCRFW). The workshops had resulted in an increased consciousness of women's issues among the key staff of government agencies and non-governmental organizations and in improved cooperation between NCRFW and those offices. In a second phase, the Commission would conduct further consciousness-raising workshops as part of a five-year training package entitled "Women in Development Training and Orientation Programme". In response to a request for more details on measures undertaken by the Bureau of Women and Young Workers, she stated that, as focal point in the Department of Labour and Employment, the Bureau had conducted consciousness-raising workshops in the Department itself. The Bureau had proposed the establishment of the Women Workers Development Institute, which would increase awareness on the part of women workers with regard to legislation, standards, policies and benefits. Those measures represented the main strategies for increasing an awareness of the double burden of working women.

201. On article 2, the representative stated that the most obvious discriminatory provisions in Philippine law had been eliminated. Gender analysis of existing laws was being undertaken to identify the more subtle or unintended discriminatory provisions. It was considered that the legal status of Filipino women was good but that de facto equality still had to be achieved. Responding to a question on cases brought before the courts based on the provisions of the Convention, she informed the Committee that the enactment of most national laws against discrimination had preceded ratification of the Convention so any such cases would invoke Philippine law rather than the Convention itself. However, great emphasis was placed on increasing an awareness of the provisions of the Convention, particularly within the Government, and a consciousness of the law and the empowerment of women under it.

202. In reply to a question on the enactment of the 1987 bills, the representative stated that those which had been enacted included an act strengthening the prohibition on discrimination against women with respect to terms and conditions of employment (Republic Act 6725); the Comprehensive Agrarian Reform Law guaranteeing rural women rights to ownership of land, and an equal share of the farm's produce, as well as representation on appropriate advisory and decision-making bodies (Republic Act 6657). Another act had been enacted to declare as unlawful the practice of "mail-order brides" and such brochures and other publicity material to promote the matching of Filipino women for marriage to foreign nationals; penalties were provided for violations (Republic Act 6955). She informed members that the mandate of NCRFW was to work with non-governmental organizations and not necessarily to replace them. The Pilipinas for Education, Research, Law Reform Advocacy and Service (PERLAS) had been established following an initiative of NCRFW. The Civil Service Commission had Equality Advocates (EQUADS) in the central office and 14 regional offices who investigated complaints in any area of discrimination, including sexual harassment at the workplace. It was reported that, at present, there were two cases of discrimination before the Civil Service Commission and one concerning sexual harassment.

203. On article 2, further information was requested on how the Civil Service Commission could intervene in cases of discrimination and to what extent.

204. In relation to article 3, the representative stated that the powers of NCRFW were sufficiently broad under Executive Order 348 approving and adopting the Philippine Development Plan for Women, 1989-1992. She said that the second periodic report (CEDAW/C/13/Add. 17/Amend. 1) had provided more information on the Philippines Development Plan for Women and the Medium-Term impact of the Plans, which would be updated regularly. The first analysis had been completed establishing the methodology and base level for future evaluations. The economic and political difficulties experienced by the Philippines in recent years had hampered a complete implementation of the Plans.

205. On article 5, the matter of complementarity was the subject of debate among the various groups working for equality, whose level of consciousness were not always the same. With regard to a request for more information on the elimination of sexist prejudice and the stereotyped image of women in education, she stated that efforts to counteract sex stereotyping in textbooks were being made by the Department of Education, Culture and Sports, where a focal point on women had been established. The Department had formulated guidelines for the evaluation of instructional manuals and were testing them at different educational levels. The guidelines had been designed to review and edit educational materials in connection with the visibility of both sexes, role models for women, behaviour and the use of language. Material had been produced to counteract gender discrimination in textbooks and would be incorporated in the current review of textbooks; the exercise would be repeated every six years. Efforts had been made to strengthen the gender-specific guidelines for evaluation exercises in future by conducting programmes on consciousness-raising and gender awareness. The focal point on women had also reviewed existing policies and training programmes for their impact on women. In response to a question on the involvement of women in the mass media as journalists, the representative stated that, although the number of journalists was not large, they formed a very visible group both in the print media and in broadcasting, but not many of them were editors. Those women had formed themselves into a group entitled "Women in Media" and supported the work to achieve equality by publicising programmes for women. During Women's Month (March), there were many programmes on women but at other times activities were related mostly to individual events. A programme entitled "Woman Watch", was broadcast weekly. Concerning the Practical Skills Development courses, the representative said that they were part of the high-school curriculum and introduced a more practical aspect into it. The courses were of an introductory nature and not aimed particularly at the advancement of women in the economic sphere. However, the courses were strictly non-stereotyped and both sexes were encouraged to take part in all of them.

206. On article 6, poverty was considered the main reason why women entered into prostitution but there were also other factors. The presence of large foreign military bases, tourism and psychological factors were also causes. In the absence of real alternatives, prostitution represented the path of least resistance in order for women to obtain an adequate income. The representative clarified that the present Department of Social Welfare and Development was essentially the same as the former Ministry of Social Services and Development and the change had been in name only. The representative stated that it was difficult to evaluate the success of the programmes of the Department to protect young prostitutes as their effectiveness was limited by a lack of resources,

facilities and alternative sources of income. Concerning the sanctions imposed on customers of prostitutes, such as sex-tourists, it was reported that if the offender was a foreign national, immediate deportation followed the enforcement of a penalty for the offence, which could be either a fine or imprisonment. Most laws and ordinances relating to prostitution focused on the procurer.

207. Members endorsed the need for bilateral cooperation in efforts to stop the mail-order bride trade. A further request was made to include sociological statistics in the third periodic report with regard to: the social reality of prostitution in the Philippines; the level of intervention by the social services; and the implementation of legal penalties, including the number of sentences and the incidence of involvement by minors.

208. On article 7, in response to questions on representation in political forums and the right of NCRFW to propose candidates for political appointments, the representative stated that in the Government there were special offices that focused on marginalised groups such as women, youth, urban poor, children and the disabled. NCRFW was attached to the Office of the President and had the right to propose candidates for all levels, including the Cabinet. NCRFW had proposed candidates in the past and would continue to do so.

209. The representative introduced article 10 on education by stating that women were disadvantaged because of socio-economic and regional factors. In response to a question on the major reasons why girls discontinued their education, she stated that the participation figures for both men and women were basically equal and that the main reasons for students to discontinue school had little to do with gender but were mostly related to poverty. Although tuition was free of charge, peripheral costs (clothing, transportation, food) often prevented children from poor households continuing in school. In such households, absenteeism was caused by the fact that children had to augment the family income and were often ill because of the lack of medical attention and general malnutrition. There was no evidence that the drop-out rate for girls was higher than that for boys. Literacy campaigns for women, particularly rural women, were run by both governmental and non-governmental organizations. Concerning the percentage of female university graduates, the representative stated that data was limited as gender analysis at the tertiary level of education was usually based on the number of registrations for professional examinations and on the accreditation to professional groups. The fields of engineering, technical vocational education, law, architecture and sciences were traditionally male-dominated and it was considered unlikely that female participation would be above 25 per cent. In the field of medicine, there was equal participation between men and women. Quotas existed in medical schools and the graduation rate was almost equal, although the choice of specialization often showed gender preferences. In answer to a question on the availability of scholarships, awards and grants to women, she replied that they were generally granted to males and females equally but the total number was insufficient. She reported that most teachers, particularly at the elementary and secondary levels, were women but she had no exact figures for teachers at the university level. Although strong lobbying occurred, most top-level posts, such as principals and heads of department, were occupied by men. In response to a query on the inclusion of women's studies in university curricula, the representative informed members that the University of the Philippines had established a Centre for Women's Studies that conducted a master's degree programme but she had no details on the law programme.

210. Responding to a question as to whether teenage pregnancies had any effect on the drop-out rate

of women, the representative considered that the figure was probably not high enough to be considered a major cause in comparison with the factor of poverty. More information would be provided in the subsequent report of the Philippines. The Philippine Government was commended on the fact that primary education was mandatory but further information was requested on any sanctions that were applied in cases of non-compliance with the law.

211. In relation to article 11, the representative considered that career and vocational counselling was not well developed; it tended to be traditional in its approach to careers for women. She said that no special mechanisms had been set up to deal with cases of sex discrimination; redress for women who did not receive equal pay for work of equal value could be sought through the regular mechanisms for all violations under the Labour Code. Further information on the details and enforcement of labour legislation would be provided in the third periodic report. Responding to a question on the programmes being developed to encourage men's participation in the care of children, the representative said that some efforts were being made by non-governmental organizations. Proposals for benefits for paternity leave that were before Congress had not received universal support as it was considered possible that the leave would not necessarily be used for helping care for the children. The Philippine Government provided child-care facilities but, with the large, young population and an average of five children per household, those facilities were insufficient to meet the demand. Following efforts by non-governmental organizations, there was a growing awareness in the Government of the problem and pilot projects to provide day-care centres at the workplace had been instigated. On the subject of "domestic outworkers", the representative informed members of an important recent development: the formulation of a homeworkers code, which was the result of initiatives by rural women workers and the Association of New Filipino Women, a non-governmental organization. The code endeavoured to extend labour protection laws to homeworkers.

212. In response to a request for more information on female overseas workers, the representative said that statistical data were generally not gender sensitive but measures had been taken to amend the forms of the administering authority in order to improve the collection of data. The National Commission on Women had launched a programme to develop a database on women in international labour migration. Measures such as bilateral agreements with receiving countries, pre-departure orientation programmes, and the assignment of social welfare officers in receiving countries had been partially effective in protecting overseas workers. She pointed out that it was difficult to gain access to private homes in order to assess the conditions of domestic service.

213. The representative welcomed the follow-up comment that more bilateral cooperation was needed to combat the exploitation of overseas workers and the illegal export of their earnings from some countries. She reported that some women had formed themselves into groups to increase the awareness of their rights and to improve their conditions of employment.

214. She said that details on job creation programmes specifically intended for women in skilled jobs and on measures to improve the health conditions for women in the electronic industry would be provided in the subsequent report.

215. On article 12, the right to choose the number and spacing of children was protected by the Constitution and was the right of the couple and not specifically of the woman. The general laws

against violence contained provisions to protect women and family members against violence. Laws specifically against domestic violence had been proposed as the awareness of the problem had increased. Responding to a question on data on the incidence of HIV infection and AIDS among men and women, the representative said that government statistics were still limited and inadequate. Public awareness of the problem was only beginning. She reported that there were no plans to revise the law on abortion as there was a strong lobby against it in the Philippines, where the Roman Catholic Church was influential. Family planning counselling was available but the services were considered inadequate.

216. Further questions were asked on measures to improve access to family planning services in connection with the high fertility rate and on whether contraceptives could be purchased readily. Responding to a further question as to whether family planning counselling was available only to married women, the representative stated that all methods of contraception were available, theoretically, so women were free to choose, but social pressures often prevented single girls from availing themselves of the services. The representative said that no data were available on illegal abortions and recognized that more data were required. Further information was requested on vaccination programmes, the measures being taken to inform women of, and to protect them against, sexually transmitted diseases and AIDS, and on whether women's organizations were involved in the preparation of health policies.

217. Regarding provisions under article 13, the representative reported that there was currently a bill in Congress entitled "Women in Development" that sought to remove the requirement for the husband's signature in order that his wife could apply for an agricultural loan. The social security system in the Philippines already covered workers in agriculture, domestic service and overseas employment and would be extended to cover homeworkers as well.

218. She said that information on article 14 with regard to the enrolment of rural women in primary, secondary and university education, and the level of literacy among rural women, would be provided in the subsequent report. Generally, the rural population was more disadvantaged than the urban population, which was reflected in the level of educational attainment of rural women. In response to a question on the Rural Improvement Clubs, members were informed that the activities were funded centrally from the budget of the Department of Agriculture. Rural women benefited from the activities of the Clubs, but she considered that the benefits to women, and to the country as a whole, could be increased if the activities for rural women focussed on their role in farming rather than in peripheral occupations.

219. Responding to questions on article 16, the representative stated that inheritance laws in the Philippines did not discriminate against women or illegitimate children. Strict rules existed covering the adoption of Filipino children by foreign nationals. In response to a question on whether there had been any cases before the courts of a husband objecting to his wife seeking employment, the representative replied in the affirmative but said that the information was not well documented. One example she gave was of a husband who had unsuccessfully sued a certain agency for assigning his wife overseas.

220. The representative concluded by stating that the de facto implementation of the provisions seeking to remove discrimination was a problem in the Philippines. Gender-consciousness-raising

programmes were being introduced to train judges and legal personnel with regard to women's issues. Equally important was the need to make women aware of the laws and to educate them regarding their rights.

221. The Committee thanked the representative for her informative presentation and frankness. The Philippine Government was congratulated on the progress it had made to eliminate discrimination against women, particularly in the control of the mail-order bride trade, the protection of homeworkers, the prevention of violence against women in the family and the promotion of agrarian reform. It was commended on the awareness-raising campaign of judicial personnel in particular. The Government was also commended for having followed the guidelines for the preparation of the second periodic report, which was a great improvement on the initial one.

222. Responding to a follow-up question on the suffering that was experienced by women as refugees within the Philippines owing to the recent civil unrest, the representative informed members that the incidence of violence against women and of women who were victims of military action in certain areas of the country would become visible when the relevant sections had been added to the Philippine Development Plan for Women. The non-governmental organizations were particularly active. The representative replied to a question on the implementation of a series of seminars on gender analysis in project development for key planners and technical personnel by confirming that all 13 seminars had been conducted prior to the development of the Plan. The programme of the Canadian International Development Agency had included a five-year grant to continue the series and to extend it to all levels of the Government, including the Cabinet.

223. Responding to a suggestion from members that a ministerial body for women's affairs would be beneficial, the representative said that the issue had been discussed but it was considered more advantageous for NCRFW to be closely associated with the President's office and to work with all government offices under the broad mandate accorded it under Executive Order 348.

## **CEDAW A/52/38 (1997)**

275. The Committee considered the third and fourth periodic reports of the Philippines (CEDAW/C/PHI/3 and 4)\* at its 327<sup>th</sup> and 328<sup>th</sup> meetings, on 27 January 1997 (see CEDAW/C/SR.327 and 328). The representatives, including the Chairperson of the National Commission on the Role of Filipino Women, presented a three-part document containing extensive responses to the questions of the Committee's pre-session working group. The document had been prepared collaboratively by ministerial agencies and non-governmental organizations.

276. The Committee was informed of the various measures the Government had taken in the implementation of the Convention. A 30-year perspective plan had been devised containing information on the status of women in every sector and stipulating measures to be taken to achieve full equality between women and men. It was the policy of the Government to pursue a gender-responsive approach to poverty alleviation. Moreover, the National Commission on the Role of Filipino Women had been given direct access to the highest policy-making level. The Government's commitment was also reflected in the secured funding within the national budget for the purpose of improving women's lives. The Committee was further informed that considerable improvements had been made in the fields of women's health and education.

277. At the same time, the representative of the Philippines acknowledged that, although much progress had been achieved since the consideration of the State party's second report, there was still more to be done before the Convention was fully implemented in the country. She also noted the lack of an effective mechanism to monitor the implementation of the Convention. She described the major challenge posed by the Government's decentralization policy to the achievement of the effective implementation of the Convention.

278. The representative noted that, in spite of the rapid economic recovery, women in the Philippines suffered disproportionately from poverty, thus contributing to the continued feminization of overseas employment. Rural women were particularly affected, and this had led to the migration of a large number of rural women to urban areas as well as overseas. She reported that that was a major concern of the Government of the Philippines, which had set up, *inter alia*, monitoring centres, counselling services and specific support programmes, as well as providing welfare assistance. The Committee was informed that most women migrant workers were employed as entertainers and domestic helpers. Those jobs often put them in a very vulnerable position and exposed them to risks of violent abuse. In that respect, the representative recognized that further efforts were required to establish more effective systems to allow the particular needs and problems of women migrant workers to be addressed.

279. The representative alerted the Committee to the increasing incidence of crimes of violence against women. Various measures had been taken by the Government to combat such violence, reflecting the Committee's general recommendation 19 on violence against women. The

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\* At its 313 meeting, the Committee was informed that its Bureau had waived the general rule requiring simultaneous release of official documents in all working languages of the Committee and agreed to take up document CEDAW/C/1997/PHI/4 on the basis of the edited English Version.

Committee was informed that various support systems had been set up, including women's shelter homes and a 24-hour helpline. Several bills had been proposed, for example on rape and domestic violence, as a result of the lobbying of non-governmental organizations and government agencies. However, it remained to be seen whether they could be effectively implemented. The Government was aware that the prevailing gender-stereotyped images had to be eliminated and that a public awareness-raising campaign needed to be organized in that regard.

280. The Committee was further informed that prostitution was illegal in the Philippines. However, the representative noted that there had been changes in public opinion on that subject, and much debate had been taking place in the country in relation to the issue.

281. The representative of the Philippines concluded her presentation by assuring the Committee of her Government's commitment to advancing the status of women.

### Concluding comments of the Committee

#### Introduction

282. The Committee welcomed the presentation by the Government of the Philippines, and commended it in particular on the high quality of its fourth periodic report, which contained detailed information on the implementation of the Convention in accordance with the Committee's guidelines. The report gave a comprehensive overview of legal and administrative measures taken by the Government of the Philippines, and the analysis indicated a good understanding of the obstacles to the advancement of women. At the same time, it lacked factual information, including statistics, on the actual effect of government programmes and policies. The Committee applauded the initiative of the Government to collaborate with non-governmental organizations in preparing the report. It was particularly pleased with the frank and sincere approach of the national machinery in identifying the major obstacles to the elimination of discrimination against women.

#### Factors and difficulties affecting the implementation of the Convention

283. The Committee noted the major economic policies undertaken by the Government, including economic and trade agreements at the regional and global levels, which will have a profound impact on women. In particular, the direction towards economic liberalization and privatization may have serious implications for the economic position of women and, in particular, on the economic position of women in the free-trade zones and in rural areas. The Committee was concerned that the trend towards feminization of migration and its attendant problems, including violence against women migrant workers, might be exacerbated.

#### Positive aspects

284. The Committee welcomed the adoption by the Government of the Philippine Plan for Gender-responsive Development, 1995-2025, and also the priority policy imperatives set by the national machinery for women to implement the Beijing Platform for Action and to mainstream gender and development throughout the Government.



285. The Committee commended the decision to allocate a given percentage of all governmental budgets to women's programmes and projects, and encouraged an increase in the minimum percentage allocated.

286. The Committee noted with satisfaction several measures taken between the third and fourth periodic reports, such as the provision of credit assistance to women, legislation prohibiting sexual harassment, raising the minimum wage for domestic workers and increasing maternity and paternity benefits for employed persons.

287. The Committee applauded the report on an initial consultation to measure women's unremunerated work within a satellite account to the national economic system.

288. The Committee also commended the increase in the number of women's non-governmental organizations working at the grass-roots level and their significant contribution to the advancement of women, which was reflected in the reports of the State party.

289. The Committee was gratified at the exceptionally high level of literacy (93 per cent) among Filipino women.

#### Principal areas of concern

290. The Committee noted with concern the inadequacy of monitoring mechanisms and indicators to measure the impact of government policies and programmes, as well as laws and administrative directives and regulations, especially at the local level.

291. The Committee expressed its grave concern about the economic reforms, which had resulted in growth in the gross national product, on the one hand, but in an increasing gap in the rates of employment of women and men and the economic marginalization of women on the other. Such damage, even if short-term, would be increasingly hard to rectify. It appeared that, owing to the lack of a livelihood, rural women were migrating to urban areas, where unemployment was higher than ever, which could account for the large number of women working as prostitutes and for the high proportion of women migrating as overseas contract workers.

292. The Committee commented on the discriminatory application of laws enforced against women prostitutes and not the men involved as traffickers, pimps and clients, and noted further that forced medical examinations of the women without similar attention to the male clients was not effective as a public health measure.

293. The Committee expressed its deep concern about deficiencies in the legal system with regard to violence against women, in view of the fact that incest and domestic violence were not specifically penalized by law and were still shrouded in silence.

294. The Committee noted that the decentralization of population and development programmes should bring services closer to the people. The Committee was concerned that without the requisite resource capacities and gender sensitivity of officials, such decentralization could deny women access to those services in contravention of the Convention.

295. The Committee noted with concern that despite the increased participation of women in decision-making in the public sphere, especially in non-governmental organizations, there was still very low representation of women in politics, top levels of Government and the judiciary.

#### Suggestions and recommendations

296. The Committee urged the Government of the Philippines to adopt a top-priority policy of creating safe and protected jobs for women as a viable economic alternative to the current unemployment of women and their participation as subcontractors and, in the informal sector, as workers in free-trade zones, as prostitutes or as overseas contract workers.

297. The Committee suggested that the Government ensure that its economic policy did not lead to marginalization and exploitation so that women were encouraged to seek overseas employment to the detriment of society.

298. The Committee strongly recommended that the Government strengthen agencies that provide information and support services to women before they depart for overseas work, as well as in the receiving countries in cases of need.

299. The Committee suggested that measures for dealing with prostitution should focus on penalizing traffickers and creating alternative job opportunities for the women.

300. The Committee strongly urged the Government to enact legislation to combat violence against women and to compile the relevant data.

301. The Committee recommended that reproductive and sexual health services, including family planning and contraception, be made available and accessible to all women in all regions.

302. The Committee recommended that temporary special measures be adopted to increase the participation of women in top-level decision-making positions in the public sector.

303. The Committee suggested that there was a strong need for developing gender-disaggregated data in all areas.

304. In order to facilitate the implementation of the Convention, the Committee recommended that monitoring mechanisms and indicators be developed to measure the effect of government policies and programmes.

305. The Committee requested the Government of the Philippines to address the concerns included in the present concluding comments in its next report and to include information on the implementation of the Committee's general recommendations, as well as information relating to the follow-up to the Beijing Platform for Action in accordance with its revised reporting guidelines. It also requested wide dissemination of the comments throughout the Philippines.