



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-sixth session 7-25 August 2006

Concluding comments of the Committee on the Elimination of Discrimination against Women: Philippines

1. The Committee considered the combined fifth and sixth periodic report of the Philippines (CEDAW/C/PHI/5-6) at its 747th and 748th meetings, on 15 August 2006 (see CEDAW/C/SR.747 and 748). The Committee's list of issues and questions is contained in CEDAW/C/PHI/Q/6, and the responses of the Philippines are contained in CEDAW/C/PHI/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, which, although overdue, was in compliance with the Committee's guidelines for the preparation of periodic reports and was candid and informative. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Secretary of the Department of Social Welfare and Development, which included the Chairperson of the National Commission on the Role of Filipino Women and representatives of the Department of Health and the Department of Labour and Employment. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

4. The Committee congratulates the State party on having ratified the Optional Protocol to the Convention in November 2003 and on having accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee, also in November 2003.

5. The Committee notes with appreciation the adoption of laws which contribute to the enhanced implementation of the Convention. They include the Anti-Trafficking in Persons Act of 2003, the Anti-Violence against Women and Their Children Act of 2004, the Family Courts Act of 1997, the Rape Victims Assistance Act of 1998, the Indigenous People's Rights Act of 1997 and the Social Reform and Poverty Alleviation Act of 1997.

6. The Committee welcomes the Philippine Plan for Gender-Responsive Development 1995-2025, which intends to translate the Convention and the Beijing Platform for Action into policies, strategies, programmes and projects for Filipino women.

7. The Committee commends the State party for providing pre-departure information and support services to overseas Filipino workers who migrate on a legal basis.

Principal areas of concern and recommendations

8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention until the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Congress so as to ensure their full implementation.

9. The Committee notes with regret that it did not receive a fully satisfactory explanation regarding the status of the Convention in the national legal system. The Committee is also concerned that there is no definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, in national legislation.

10. The Committee requests the State party to clarify, in its next periodic report, the status of the Convention in the national legal system, including which provisions would prevail in case of a conflict between the Convention and a national law. The Committee urges the State party to ensure that the Convention becomes fully applicable in the national legal system, and that a definition of discrimination in line with article 1 of the Convention is included in national law.

11. While the Convention has been in force in the State party for 25 years, the Committee notes with great concern the lack of progress in undertaking and completing necessary revisions of discriminatory provisions in national legislation and in enacting a comprehensive legal framework pertaining to gender equality. In particular, the Committee is concerned that the Magna Carta for Women Bill, the Marital Infidelity Bill and several other bills aimed at amending the Family Code, the Civil Code and the Revised Penal Code are still pending. The Committee is particularly concerned about existing discriminatory provisions of the Code of Muslim Personal Laws, which permit marriage of girls under the age of 18, polygamy and arranged marriages.

12. **The Committee urges the State party to give high priority to strengthening the legal framework for the promotion of gender equality and women's enjoyment of their human rights and, to that end, to expedite the adoption of pending bills in order to promptly bring the relevant national laws into line with the Convention. The Committee recommends that the State party undertake a systematic review of all legislation and initiate all necessary revisions so as to achieve full compliance with the provisions of the Convention. It also encourages the State party to intensify dialogue with the Muslim community in order to remove discriminatory provisions from the Code of Muslim Personal Laws. The Committee also calls upon the State party to increase its efforts to sensitize parliamentarians and public opinion regarding the importance of these reforms.**

13. While recognizing the efforts of the State party to integrate a gender perspective into all fields and to collect statistical data for gender and development indicators, the Committee is concerned that the national machinery for the advancement of women, i.e., the National Commission on the Role of Filipino Women, lacks the necessary institutional authority, capacity and resources to effectively promote implementation of the Convention and support gender mainstreaming across all sectors and levels of Government to bring about equality for women and men in all fields.

14. **The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women and to provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and the enjoyment of women's human rights. The Committee recommends that the national machinery take a more proactive role in the formulation of laws, policies and programmes for the effective implementation of the Convention, as well as in monitoring the Philippine Plan for Gender-Responsive Development and the use of the gender mainstreaming strategy in all sectoral departments to realize the equality of women with men.**

15. While welcoming the establishment of family courts in major cities all over the country to foster an active approach to protecting the rights of women and children against domestic violence and incest, the Committee remains concerned about the prevalence of violence against women. The Committee notes with appreciation the Anti-Rape Law of 1997, which redefines and expands rape from a crime against chastity to a crime against the person and implicitly recognizes marital rape. However, the Committee is concerned that the subsequent possibility for the wife, as the offended party, to forgive the crime extinguishes the criminal dimension of the action and the consequent severity of the penalty.

16. **The Committee recommends that the State party undertake measures to increase awareness of all forms of violence against women, including domestic violence, marital rape and incest, and the unacceptability of all such violence. It recommends that the Anti-Rape Law of 1997 be reviewed with a view to repealing the provision pertaining to the extinguishing of the criminal action. It calls on the State party to enhance data collection on various forms of violence against women, especially domestic violence. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to**

serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report.

17. The Committee notes with concern the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of violence against women, as well as of the disadvantaged position of women in a number of areas, including in all sectors of the labour market and in political and public life.

18. The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public educational campaigns addressing women and girls, as well as, in particular, men and boys, and religious leaders with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.

19. While welcoming the Anti-Trafficking in Persons Act of 2003, the Committee notes with concern that trafficking in women and girls and the exploitation of prostitution continue to thrive in the Philippines, owing to the poverty of women and girls. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and those who exploit the prostitution of women.

20. The Committee recommends that the State party further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to address trafficking in women more effectively. It urges the State party to pursue a holistic approach aimed at addressing the root causes of trafficking and improving prevention. Such efforts should include measures to improve the economic situation of women and girls and to provide them with educational and economic opportunities, thereby reducing and eliminating their vulnerability to exploitation and traffickers. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution. It should also facilitate the reintegration of prostitutes into society and provide rehabilitation, social integration and economic empowerment programmes to women and girls who are victims of exploitation and trafficking. The Committee recommends that the State party provide financial support to non-governmental organizations, including religious non-governmental organizations, which run shelters and drop-in centres for the rehabilitation of women and girls in prostitution. The Committee urges the State party to prosecute and punish traffickers and those who exploit the prostitution of women, and provide protection to victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls and the exploitation of prostitution and on the impact of the various measures undertaken in that regard.

21. While commending the conclusion of bilateral agreements and the memorandums of understanding on migrant workers' rights with some countries and regions, and the programme of pre-departure and support services for overseas Filipino workers, the Committee remains concerned at the continued feminization of migration. It also remains concerned that bilateral agreements and memorandums of

understanding do not exist with all countries and regions to which Filipino women migrate, and that women workers who migrate to other countries and regions in search of work opportunities through informal channels remain vulnerable to becoming victims of various forms of exploitation, violence and trafficking.

22. The Committee urges the State party to continue conducting bilateral agreements and memorandums of understanding with countries and regions to which Filipino women migrate in search of work. In addition, it requests the State party to develop policies and measures to protect women migrant workers who go abroad through informal channels from all forms of violations of their rights. The Committee also encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment.

23. While acknowledging that the President, five Supreme Court justices, 17 appellate court justices and two justices in the Court of Tax Appeals in the Philippines are women, the Committee is concerned about the low level of participation of women in elected and public bodies.

24. The Committee calls upon the State party to establish concrete goals and timetables and to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population, particularly indigenous women and Muslim women. The Committee recommends that the State party implement training programmes and awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making. It also calls on the State party to monitor the impact of measures taken, track trends over time, take necessary corrective measures and provide in its next report detailed information about results achieved.

25. The Committee expresses its concern about the possible adverse impact that trade liberalization may have on the living and working conditions of Filipino women, especially in rural areas. The Committee notes with concern the high unemployment rate among women and the gender wage gap. It is also concerned at the overrepresentation of women in the informal economy, which negatively affects their eligibility for social security and health care.

26. The Committee requests the State party to evaluate the impact of the free trade agreements on the socio-economic conditions of women and to address the high unemployment rate of women by creating new sustainable employment opportunities for those affected. The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to take measures that enhance the situation of women in the informal economy. It invites the State party to monitor the impact of measures taken and trends over time and to report to the Committee on results achieved in its next report.

27. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, high fertility rates, inadequate family planning services, the low rates of contraceptive use and the difficulties of obtaining contraceptives. It is also concerned about the lack of sex education, especially in rural areas. It is concerned at the high rate of teenage pregnancies, which present a significant obstacle to girls' educational opportunities and economic empowerment.

28. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.

29. The Committee expresses its concern about the precarious situation of rural and indigenous women, as well as the Muslim women in the autonomous region of Muslim Mindanao, who lack access to adequate health services, education, clean water and sanitation services and credit facilities. The Committee is also concerned about women's limited access to justice in cases of violence, especially in the conflict zones, and the lack of sanctions against the perpetrators of such violence. The Committee is furthermore concerned that the practice of early marriage is persistent among Muslim women.

30. The Committee calls upon the State party to pay special attention to the needs of rural women, indigenous women and Muslim women living in the autonomous region of Muslim Mindanao, ensuring that they have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision-making processes. The Committee recommends that the State party ensure women's access to justice through the provision of legal aid and take steps to prosecute the perpetrators of violence against them. It also encourages the State party to provide increased educational opportunities to Muslim girls to discourage early marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women.

31. The Committee expresses its concern about the lack of a law on divorce, making it impossible for women to obtain legal divorce.

32. **The Committee urges the State party to introduce and support vigorously legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women be granted the right to initiate divorce on the same terms as men.**

33. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

34. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

35. **The Committee commends the State party for having ratified the seven major international human rights instruments.¹ The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

36. **The Committee requests the wide dissemination in the Philippines of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

37. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in September 2010.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.