



**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

Summary record of the 748th meeting (Chamber A)

Held at Headquarters, New York, on Tuesday, 15 August 2006, at 3 p.m.

Chairperson: Ms. Schöpp-Schilling (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fifth and sixth periodic report of the Philippines (continued) (CEDAW/C/PHI/5-6; CEDAW/C/PHI/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Philippines took places at the Committee table.*

Articles 10 to 14 (continued)

2. **The Chairperson**, speaking as a member of the Committee, commended the State party for its efforts to reduce poverty. However, she would be grateful for detailed information about the results of the various strategies implemented. She was a little concerned about the importance accorded to microcredit programmes, at the expense of more ambitious initiatives to improve women's economic prospects, and urged the Government to address the problems affecting the informal labour market. In particular, and in line with general recommendation No. 16, the necessary steps should be taken to ensure that unpaid women working in family businesses had access to social benefits. On previous occasions, the Committee had pointed to the negative effects of trade liberalization on women's employment, and she would therefore like to know more about the steps taken by the Government to counteract those effects.

3. She was also concerned about home-based workers. The State party should indicate whether such workers were represented by trade unions, whether they received health benefits and whether their working conditions were monitored. Information about their hourly wage should also be provided. With regard to rural women, she enquired about the influence of religion, especially Islam, on their employment prospects. The significant pay gap between women and men must not be allowed to persist, and she encouraged the Government to draw on studies already conducted in the United States and Scandinavia in order to gain a clearer understanding of the problem.

4. Women accounted for 63 per cent of Filipino migrant workers and, despite the protective measures adopted by the Government, still suffered from abuse and discrimination. She would like to know more about the steps taken to monitor the whereabouts of female migrant workers, particularly since many of them left the country on tourist visas. How many countries had entered into bilateral labour agreements with the Philippines, and were those countries major destinations for migrant workers?

5. **Ms. Šimonović** recalled that, following its consideration of the combined third and fourth periodic report of the Philippines in 1997, the Committee had recommended that reproductive and sexual health services, including family planning and contraception, should be made available and accessible to all women in all regions. The current report suggested, however, that the State party had failed to act on that recommendation, and she was particularly concerned about the ban on artificial methods of contraception in some areas. What had the Government done to ensure that comprehensive reproductive health services were available to all women?

6. The Philippines had the highest maternal mortality ratio in South-East Asia. Given the link between unsafe, illegal abortions and maternal mortality, she asked whether any steps had been taken to reduce the number of unsafe abortions. She enquired whether the State party was considering decriminalizing abortion, which remained an offence under the revised Penal Code. She would also be interested to know how many women had been imprisoned as a result of those provisions and whether girls under the age of 18 were also subject to prosecution. Lastly, the State party should indicate the measures taken to ensure that women who had undergone abortions received adequate aftercare.

7. **Ms. Morvai** recalled her visit to the Manila airport, where she had witnessed the distress of women migrant workers who were leaving their children in order to take up employment overseas. While some feminists believed that working abroad was a liberating experience for women, she took the view that the phenomenon carried a high cost for both society as a whole and individual workers. She enquired whether the State party had devised a comprehensive, long-term strategy to deal with it, and also asked whether any thought had been given to adopting measures designed to encourage women to stay in the Philippines. How

did the remittances sent back to the Philippines by migrant workers benefit their communities of origin, and did the Government receive a share of that money?

8. Turning to the question of abortion, she said that so-called “natural” methods of family planning could actually benefit women, insofar as they did not involve the ingestion of toxic chemicals and facilitated the involvement of men in decision-making processes. In that connection, she requested further details about the natural family planning methods used in the State party.

9. **Ms. Padilla** (Philippines) said that, since the Philippine Government respected the right of individuals to seek all kinds of employment, working abroad would continue to be an option. However, a comprehensive set of measures had been introduced with a view to protecting overseas workers at every stage of employment, from recruitment to repatriation. For instance, only licensed recruitment agencies were able to contract migrant workers, and such agencies were jointly and severally liable with the foreign employer. Furthermore, Philippine embassies had appointed labour attachés responsible for verifying and approving employment contracts for overseas workers, and Philippine Overseas Labour Officers were posted in countries with high concentrations of Filipino workers. Twenty Philippine resource centres had also been set up in Asia, Europe and the Middle East to provide support and training for overseas workers. The centres also served as “halfway houses” for individuals in distress.

10. Referring to the question put by the Chairperson, she said that 13 bilateral agreements on migrant workers were currently in force. Those agreements were designed to promote and protect the rights of overseas workers, and their conclusion gave the Philippine Government an opportunity to discuss relevant issues with potential host countries.

11. **Ms. Yao** (Philippines) said that, although globalization had had a negative impact on the labour market in the Philippines, the Government was actively encouraging companies to employ more women. President Arroyo was promoting microenterprise with a view to ensuring that women who were unable to find work elsewhere could generate some income, but under 10 per cent of the country’s female population currently benefited from such projects. The National Commission on the Role of Filipino Women (NCRFW)

was mandated to focus on the economic empowerment of women and, to that end, had launched the GREAT Women Project, which was designed to support women’s enterprises. Partnerships between the Government, NGOs and the private sector were another effective way of promoting female employment.

12. **Ms. Torres** (Philippines) clarified the different types of informal work carried out by women, not always with the support of microcredit, which had initially been geared towards poor rural women. Another type of informal sector worker had emerged as part of the trend towards globalization, and was more vulnerable to exploitation: the subcontractor who made toys, garments or even electrical products in or near her home. In the Philippines such homeworkers had organized themselves into a National Network of Homeworkers, which was internationally active and supported by the International Labour Organization (ILO). One of the successes of that organization had been the enactment of a law giving homeworkers the right to social security benefits, including paid maternity leave, as stated in the country’s last report. Another kind of informal work was often taken up by women who had been displaced from the formal labour sector: direct sales, often for multinational companies. Allied to that type of work were catering, freelance sewing, selling insurance and telemarketing. It was simply not possible to have a minimum wage in a global subcontracting system with a wide variety of working conditions. Until the country’s formal economy strengthened, the informal sector would continue to provide a kind of safety net, however imperfect.

13. As to whether there was employment discrimination based on religion, Muslim women were among the country’s most active retailers. Nor was there discrimination in the extension of credit by private banks or Government agencies; on the contrary, there was often affirmative action to make better provision for minorities than for others.

14. **Ms. Padilla** (Philippines) hastened to correct the erroneous impression that remittances from overseas workers went to the Government: they went directly to the families of the workers, and benefited the economy only when spent by the families. The Government’s long-term goal was, of course, to enable women to stay in the Philippines, but for the moment it was forced to respect their right to work abroad and, when they chose to do so, provided the same protections that it offered

all workers. The Philippine Overseas Employment Administration and the Overseas Workers' Welfare Administration had special pre-departure orientation seminars that focused in particular on women in more vulnerable employment situations, such as domestic workers. The seminars provided detailed information on what the employment contracts involved, as well as an introduction to the culture of the country of destination.

15. **Ms. Cabral** (Philippines) said that while there were adequate mechanisms for those who sought work abroad through formal channels, the Department of Labour and Employment was less able to assist women who left on tourist visas and then looked for work while abroad. The Department tried to find and monitor those women too, so as to be able to help them if they found themselves in difficulties.

16. **Ms. Nieto** (Philippines), on the subject of reproductive health, pointed out that the Philippines was a signatory to the Convention, international instruments on population and development, and the Millennium Declaration, and that the Department of Health had clearly articulated the country's reproductive health programme. By 2015 all citizens would enjoy appropriate, accessible, high-quality, gender-responsive reproductive health services. The relevant administrative orders were already in place, including the policies governing safe motherhood and the prevention and management of abortion and its complications. The national family planning policy included a strategic plan for 2002-2006, with guidelines for the management of donated contraceptive commodities and for cooperation between the public and private sectors in the delivery of health services. Reproductive health policy focused on the couple's right to decide on matters of fertility, and the need to match population growth to economic growth and thus contribute to sustainable development. The four pillars of reproductive health were responsible parenthood, birth spacing, informed choice, and respect for life, and the Government's responsibility was to provide information on those methods of contraception that were safe and legal. Although some cities had banned artificial contraceptives, the Government would always provide them through the public health service, because informed choice was the right of every couple.

17. As for the high rate of maternal deaths, the Department of Health had a project to promote safe

motherhood, which included improving the delivery of women's health services, strengthening the capacity of local authorities, establishing partnerships with NGOs and communities, and establishing research programmes. The measures to improve service delivery included a campaign for safe pregnancy with family planning services for men and women, provided under a public-private partnership where the private sector supplied the contraceptives and the public sector, the services. The Government promoted both natural and artificial family planning methods. While it was true that some local administrations banned artificial contraceptives, government hospitals supplied them with the help of NGOs and other civil-society or religious organizations. There were even volunteer health workers, trained to take the family planning campaign from door to door.

18. As for abortion, in 2000 there had been 473,408 induced abortions in the Philippines. Induced abortions accounted for 76 per cent of abortion-related hospital admissions and 12 per cent of maternal deaths, with unsafe abortion being the fourth most important cause of maternal deaths in the country. The maternal mortality ratio was 107 deaths per 100,000 live births. Of the 2.6 million pregnancies in 2000, 55 per cent had been unintended. Abortion was a crime under article 259 of the revised Penal Code, and there were no plans to change the commitment to protect the life of the unborn child and its mother, enshrined in the country's Constitution. There had, however, been no prosecutions for criminal abortion. Women had access to quality services for the prevention and management of abortion complications, with health practitioners trained in counselling, infection prevention and clinical management of such complications. As for the issue of what was included in the concept of natural family planning, there was the rhythm method, and also the Billings method.

19. **Ms. Cabral** (Philippines) added, with respect to the prosecution of minors, that the new Juvenile Justice and Welfare Act had raised the age of criminal responsibility from 9 to 15, and that even a minor over 15 could not be prosecuted unless her ability to discern her criminal responsibility had been established by the court.

20. **Ms. Zou** wondered why, if no one had ever been prosecuted for abortion, the Philippines should not modify the Penal Code and decriminalize abortion.

21. **Ms. Coker-Appiah** said that article 12 obliged States to provide high-quality, accessible family planning services. She was very concerned that the current Government was promoting natural family planning methods, which the delegation still had not defined for the Committee. Her understanding was that it referred to the rhythm or withdrawal method, which required both parties to be responsible. However, the delegation had previously stated that family planning remained largely a female responsibility. Since women generally had little or no power to impose conditions in relation to sex, she wondered how the Philippine Government could expect women to do so. The Government should put aside religious considerations and look seriously at women's rights. Despite the huge number of women risking imprisonment and death to have an abortion, the Government still insisted on following its unrealistic approach.

22. **Ms. Tan** said that she was not convinced that there was the political will to build on poverty-alleviation programmes initiated under different leaderships. Learning from previous mistakes and improving existing programmes was key to obtaining results. One area the Government might wish to look at was the extent to which women were being sidelined from the benefits of land titles, productive resources and support services in agrarian reform programmes as a result of gender discrimination and stereotyping. In that regard, she wondered whether the Government was planning to establish a sex-disaggregated data collection at the barangay level, so that such an analysis could be carried out.

23. According to documentation provided, women represented only 25.5 per cent of beneficiaries of agricultural programmes and twice as many men as women were registered holders of land ownership certificates. The Government should study the reasons behind such figures and report the findings at the grass-roots level, to raise awareness of women's rights. The Government's "Productivity Skills and Capability Building (PSCB) for Disadvantaged Women" programme had helped many women find jobs. Had any studies been conducted to find out if the traditionally "female" skills taught were effective in sustaining women in the highly competitive market over the medium or long term? If not, did the Government plan to conduct such a study?

24. Lastly, what was preventing the Government from providing the whole population with access to

clean drinking water and water for sanitation at an affordable price?

25. **Ms. Simms** had noted the indication that victims of botched abortions were going to hospitals for treatment. Her concern was that other procedures might be neglected as a result, especially in rural areas. The delegation had stated that none of the women concerned had been arrested. But why would they be? Surely the people arranging or performing the abortion were the ones who should be arrested. It was also important to consider why women were getting abortions in the first place. One reason was poverty. Another was that many of the women had become pregnant because they were victims of incest or had been raped by soldiers or policemen in their own communities. Women were seeking abortions not because they wanted them, but because the conditions under which they had become pregnant were absolutely inhumane. The Government needed to consider all those factors.

26. Turning to rural women, she said that she understood the problems facing the country, such as the high external debt and the lack of infrastructure. The same problems affected all third-world countries. However, rural women still needed to be encouraged to stay in their communities so that they did not migrate to the cities and become the next wave of overseas workers. In response to the suggestion that working overseas was a matter of individual choice, she stressed that women who had to work in slavery-like conditions in other countries did so not out of choice, but out of necessity. The situation would continue as long as there was overwhelming poverty.

27. She was also concerned about incidents of political violence against women, in particular rural and indigenous women. While the Convention did not specifically address political murders, abusing or imprisoning women who took a stand against the Government constituted a violation of their human right to question authority. Military force should not be used against such women or against indigenous people who spoke out about ancestral rights, land rights and pollution. She hoped that the national machinery would look closely at what was happening.

28. **Ms. Nieto** (Philippines) said that the Government promoted, and had allocated resources to, both natural and artificial family planning. Natural family planning required fertility awareness and gender sensitivity. The

Government had prepared modules to help women assert their rights and to enlighten husbands. As to why abortion had not been decriminalized, she explained that, under the Philippine Constitution, the unborn child, as well as the mother, had rights. The Government therefore preferred to focus on prevention. In that regard, it had designed a youth policy and prepared modules aimed at making couples more responsible.

29. **Ms. Torres** (Philippines) said that, as a result of advocacy by women's groups and women in academia, land transfer certificates could now be issued in a woman's name. Previously, all such certificates had been issued in a man's name. However, women were sometimes reluctant to be registered as property owners. The Government was aware that more advocacy was required in that regard.

30. In response to the question on sex-disaggregated data at the barangay level, she said that local governments were being given a considerable amount of technical advice. The national machinery was also pushing for sex-disaggregated data to be included in the local government performance management system. Such data should also boost progress towards the Millennium Development Goals.

31. Regarding access to microcredit, she acknowledged that women did indeed receive only survival-level funds. However, the Government had set up credit assistance programmes aimed at giving women access to enough capital to become competitive. A number of local governments were implementing such programmes. There had also been some dramatic cases of women vendors becoming multimillionaires. However, success would depend not only on whether the Government provided avenues for progress; it would also depend on the talents and persistence of women.

32. **Ms. Yao** (Philippines) said that the Government was committed to improving the plight of rural women, who could receive credit under a number of targeted programmes. The Government was also committed to promoting asset reform, greater participation of women in governance, freedom from violence and social protection. Thousands of women had benefited from microfinance projects and an empowerment and self-employment project aimed specifically at women. Trade fairs and inter-agency meetings had been organized. The number of beneficiaries of

microfinance in the poorest provinces had gone up from 86,000 in 2004 to over 114,000 in 2005. She did not have data for 2006. Other initiatives included rural improvement clubs, the Home Economic Extension Programme, an all-woman dairy cooperative project and post-harvest technology demonstration centres. In short, there were many initiatives for rural and indigenous women.

33. **Ms. Dunuan** (Philippines) said that, as of June 2006, certificates of ancestral domain titles totalling over 800,000 hectares and over 200,000 beneficiaries had been approved and awarded to 44 indigenous tribes or communities. In addition, certificates of ancestral land titles totalling over 4,000 hectares had been awarded to 116 families, clans or individuals. The National Commission on Indigenous Peoples (NCIP) had already surveyed over 700,000 hectares for ancestral domain claims and over 400 hectares for private ancestral land titles. Surveys were ongoing for over 700,000 hectares, while over 900,000 hectares were being prepared for survey and delineation. In total, 2.5 million hectares' worth of claims were currently being processed.

34. For too long, the indigenous people of the Philippines had been sacrificed on the altar of so-called development. She admitted that, as a member of an indigenous community, she had been disappointed by the revival of the mining industry. However, since the Constitution called for a balancing of interests, it was a reality with which indigenous people had to contend. At the insistence of NCIP, the national policy agenda on revitalizing mining in the Philippines, as set out in Executive Order No. 270, had at least been amended to take account of the rights of indigenous communities. Now, before any development programme could be implemented in an ancestral domain, the written consent of the community concerned must be obtained first. In the event that a community gave its consent, the Government was responsible for managing the project and ensuring that the community benefited from it.

35. **Ms. Cabral** (Philippines) said that there was no excuse for the political murders referred to by Ms. Simms. The President had called for an immediate investigation and promised that the perpetrators would be punished, even if they were members of the police force or the military.

Articles 15 and 16

36. **Ms. Coker-Appiah** expressed concern about a number of discriminatory provisions in Philippine law. For example, the report stated that, under article 39 of the Civil Code, a married woman aged 21 or over was qualified for all acts of civil life except in cases specified by law. In what cases was a woman not qualified? Another example was the Philippine Passport Act of 1996, which required women, but not men, to submit proof of marriage, divorce or annulment when applying for a passport.

37. She would also appreciate a clarification concerning divorce. The documentation stated that the only ground for divorce in the Philippines was infidelity. However, according to other information, divorce was virtually impossible, as the only option available was nullity. If that was the case, what were the grounds for nullifying a marriage? Under other jurisdictions, a declaration of nullity implied that a marriage had been illegal from the start.

38. **Ms. Bokpé-Gnacadjia**, noting the statement in the report that legislative provisions cited in the fourth report as being discriminatory or inconsistent with new laws still persisted in the Family Code, the Civil Code, the Code of Muslim Personal Laws, the revised Penal Code and customary law, pointed out that the fourth report had been submitted over nine years earlier. If in that time it had not been possible to repeal discriminatory laws and apply more appropriate ones, there was a problem. There was a need to go beyond plans, programmes and strategies and to recognize that greater political will must be demonstrated and greater efforts must be made to provide information, awareness-raising and training. Sometimes there was a need to advance even in the absence of a national consensus, counting on the future to vindicate the decisions taken.

39. She asked whether the Regional Trial Courts designated by the Supreme Court as family courts were actually in operation and were effective. Noting that not all of the judicial districts created by the Code of Muslim Personal Laws had even assigned judges, she asked what the Government was doing to deal with such shortcomings.

40. She expressed concern that the Government tended to amend, rather than repeal, discriminatory laws. As an example of an amended law that was unconvincing, she pointed out that in the revised Penal

Code, infidelity by the wife was referred to as adultery, while infidelity by the husband was termed concubinage. Thus, there was discrimination even in the definition of the offence. The rules of evidence were just as discriminatory, and the penalties were more severe for the woman's offence than for the man's. She questioned whether anything could usefully be amended in such a provision; it would be better simply to repeal it.

41. She asked for clarification of the terms "nullity" and "legal separation", and whether divorce actually existed in the Philippines.

42. **Ms. Šimonović**, recalling the statement that some mayors banned the use of artificial contraception even though it was permitted by national policy, asked how the Government could ensure that rights acquired under the Convention were observed throughout the country. In her view, every mayor should uphold national policy, and the Government should be in a position to repeal local laws that were contrary to legally binding human rights instruments such as the Convention.

43. **Ms. Gaspard** welcomed the fact that the Family Code had been revised in 1997 in order to eliminate certain discriminatory measures. However, the problem remained that the Civil Code did not apply to all women in the Philippines, owing to the existence, alongside the Family Code, of the Code of Muslim Personal Laws and customary law (on which the Committee had no information). Recalling that the existence of Muslim law had been briefly referred to at the preceding meeting in the context of respect for a particular culture, she said that while respecting different cultures had great merit, a culture could not be allowed to justify inequalities and discrimination. Modernization and progress demanded the secularization and standardization of law. Noting that Muslim law, in contradiction with the Civil Code, allowed marriage at the age of 15 or even 12, as well as polygamy, she asked what the Government was doing to discourage such regrettable phenomena.

44. **Ms. Tan** asked how the issue of maintenance for the woman was handled in the event of an annulment or legal separation. How were the interests of the children protected? How was custody decided in each of the two proceedings? She also asked how the couple's jointly and separately owned assets were divided up. She also wished to know how many

petitions for annulment had been filed in the preceding five years, and how many for legal separation. Of those petitions, how many had cited domestic violence as the grounds?

45. She understood that a Muslim woman needed her husband's consent before she could exercise her right to pursue an occupation. Since that did not appear to be consistent with Islamic teachings, she asked what the Government was doing to break those cultural chains and to familiarize Muslim wives with their legal rights.

46. **Ms. Dunuan** (Philippines) said that amendments to several of the legal provisions perceived as discriminatory were currently being considered in the House of Representatives or the Senate. For example, the discriminatory provisions on infidelity were being amended by the Marital Infidelity Bill, which would no longer make a distinction between concubinage and adultery. There would also no longer be a more severe penalty for women than for men. The Government was making every effort to identify any remaining legal provisions that were discriminatory against women and to determine whether they should be amended or repealed. In the case of the Civil Code and the revised Penal Code, the usual procedure was to amend individual provisions.

47. Divorce was not legal in the Philippines. The marriage contract could be terminated only on the basis of a petition for annulment, on the grounds given in the Family Code. Nullification meant that the marriage became void from the very beginning, as if it had never been contracted. Legal separation, on the other hand, might be categorized as a virtual divorce. It provided for separate living arrangements and terminated the marital rights of husband and wife, but the couple remained married in name. Over and above the grounds enumerated in the report, an annulment or legal separation could be obtained if either spouse had not consented to the marriage or lacked the capacity to contract marriage, or if the person who had performed the marriage ceremony lacked the authority to do so.

48. In the event that a marriage was annulled or a legal separation was granted, the decision normally included a declaration as to the settlement of the property. Usually, the spouse providing the grounds for separation or annulment would forfeit all conjugal property. Thus, the children's inheritance would be protected.

49. **Ms. Verzosa** (Philippines), referring to efforts to amend the Code of Muslim Personal Laws, said that both the national Government and two NGOs had begun dialogues with Muslim women's groups in Mindanao to address gender issues in the context of Islam. The plan was to have dialogues at the provincial level and a consultation at the national level to make Muslim women more aware of gender concerns. Studies had been undertaken by the NGOs on how the provisions of the Convention related to the discriminatory provisions of the Code of Muslim Personal Laws. Initiatives to amend that Code were pending in the regional legislative assembly, and it was hoped that there would be progress before the end of the current legislative term.

50. **Ms. Dunuan** (Philippines) said that the courts were very liberal in granting petitions for separation or annulment, provided that they were grounded in the criteria allowed under the law. Success in communicating to women that they had such remedies could be seen in the fact that the family courts, which had been revived in 1997 and now numbered 79, had a backlog of thousands of cases. In fact, it had been necessary for the Supreme Court to establish a mobile family court, based in the Manila region, with two more planned for the Visayas and Mindanao. That demonstrated that more women were asserting their rights.

51. **Ms. Verzosa** (Philippines) said that statistics were not available on the number of annulments or separations, but the Supreme Court had recently installed a new information system that might have the capacity to provide those statistics.

52. **Ms. Padilla** (Philippines) wished to clarify that her description of overseas employment as an option for the workforce had been made in the context of the provisions of the Migrant Workers Act, which stated that overseas employment was not a strategy for national development. The Government would not compel workers to go abroad, nor would it stop them from doing so, and it would provide them with all the necessary protection.

53. **Ms. Cabral** (Philippines) thanked the Committee for its useful comments, which would be reported to the Government for serious consideration. It was to be hoped that the next report would show further advances in the elimination of discrimination against women.

54. **The Chairperson** recalled that there had been a clear concern in the Committee about the need to speed up the legislative reform process. She also pointed out that the seventh report of the Philippines was already due in the current year, and suggested that combined reports should be presented in four years' time.

The meeting rose at 5 p.m.