

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
36<sup>TH</sup> SESSION (NEW YORK, 7 TO 25 AUGUST 2006)**

**PHILIPPINES (5<sup>TH</sup> AND 6<sup>TH</sup> COMBINED PERIODIC REPORTS)**

Information submitted to the Committee

Esperanza I. Cabral, Secretary for Social Welfare and Development, headed the Filipino delegation,<sup>1</sup> which included the Chairperson of the National Commission on the Role of Filipino Women, representatives from the Permanent Mission of the Philippines to the United Nations, government officials and experts on women's rights.

On 15 August 2006, the Philippines submitted its 5<sup>th</sup> and 6<sup>th</sup> combined periodic report<sup>2</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses<sup>3</sup> to the Committee on the Elimination of Discrimination against Women's (the Committee) list of issues and questions.<sup>4</sup> The report and written responses presented a picture of the current situation of women's rights; progress in women's emancipation; new legislation and programmes introduced to combat discrimination; and areas where women still lack protection and equality. The report was prepared by various governmental agencies in cooperation with non-governmental organisations (NGOs) working on women's rights. It addresses the Committee's previous recommendations, outlines the current political, social and economic situation in the Philippines and provides an overview of progress achieved under each article of the Convention.

According to the report, widespread poverty and the continuing conflict between the Islamic militia and the Government leave many women vulnerable. Despite efforts, the Government has yet to provide full protection to women and make the whole population accept the need for gender equality. In addition, the absence of women in political positions and the persistence of traditional views contribute to slow progress in implementing the Convention. Under the current President, the Government has used a Framework Plan for Women to implement women's rights and create equal opportunities for women and men in the labour market, education and other areas. The Committee commended the State Party for its report and the new laws passed to expand protection for women, but remained concerned about continuing violence against women and limited data to support the declared advances in women's rights.

In the list of issues and questions, the Committee probed the delegation about the implementation of the Convention in domestic law. The Committee was concerned that the definition of discrimination as outlined in article 1 of the Convention has yet to be implemented in domestic law and noted that several laws still contained discriminatory provisions towards women. The Committee therefore asked the State Party to provide data that would indicate the impact of laws, notably those aimed at combating violence against women and trafficking.

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<sup>1</sup> Full list of delegation is available: [http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation\\_philippines.pdf](http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation_philippines.pdf).

<sup>2</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N04/459/70/PDF/N0445970.pdf?OpenElement>.

<sup>3</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/353/01/PDF/N0635301.pdf?OpenElement>.

<sup>4</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/250/30/PDF/N0625030.pdf?OpenElement>.

A shadow report<sup>5</sup>, prepared by women's organisation from three regions of the Philippines, presented a negative picture of women's rights, arguing that failures to fulfil the obligations set out by the Convention were common. According to the shadow report, market-driven practices, corruption, the enduring struggle between military and Islamic militants and the strong influence of the Catholic Church hinder growth and stability and expose the most vulnerable groups to abuse. Areas of concern included the labour market, where women are still discriminated against; violence against and sexual exploitation of women; and reproductive rights where the influence of the Catholic Church has led the Government to push for natural family planning, limiting access to other birth control methods. The NGOs called on the Government to make more efforts to protect women and to ensure that the gap between laws and their actual implementation disappears and women's rights are upheld and protected.

## Themes and Issues<sup>6</sup>

### Violence against Women and Trafficking

Women are one of the most vulnerable groups in the Philippines. The lack of economic opportunities and the persistence of traditional perceptions of women are seen as major challenges to the promotion of their rights. The Committee inquired about the Government's initiatives regarding violence and marital rape. The delegation indicated that in 1997, an anti-rape law was introduced, making rape a criminal offence. Furthermore, the Government passed the *Anti-Trafficking in Persons Act of 2003*, to provide legal recourse to victims and punish individuals responsible for trafficking human beings.

### Legal Reforms

The Committee noted that many laws still discriminate against women and are not consistent with the Convention. It asked the State Party to clarify the Government's plan to review discriminatory laws and repeal them. The delegation stated that the Philippines already have laws that prohibit discrimination against women, such as an anti-rape law, a family code and anti-trafficking laws. Furthermore, Magna Carta for Women legislations, which properly define discrimination against women should be approved by the Congress by the end of 2006. The State Party acknowledged that the real impediment to gender equality is not the lack of laws, but rather their insufficient implementation. In response to the Committee's concern about the deficiency of monitoring bodies with regard to women's rights, the delegation indicated that the National Commission on the Role of Filipino Women has started a campaign disseminating information about the Convention and educating governmental employees at all levels about women's rights.

### Reproductive Rights

The Committee repeated its worries from its previous session in 1997 about negative stereotypes and perseverance of traditional sex roles. During the discussion, the Committee asked the State Party about women's access to health clinics, family planning and abortions laws. The report and the delegation's responses indicated that women are primarily responsible for family planning. The State Party report

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<sup>5</sup> [http://www.iwraw-ap.org/resources/pdf/Philippines\\_%20SR.pdf](http://www.iwraw-ap.org/resources/pdf/Philippines_%20SR.pdf).

<sup>6</sup> For summary records of the meeting see <http://daccessdds.un.org/doc/UNDOC/GEN/N06/466/91/PDF/N0646691.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N06/467/03/PDF/N0646703.pdf?OpenElement>.

explained that the Health Department provides information on artificial birth control methods and family planning services and that the Government plans to make family planning accessible to all Filipinos by 2015. However, it acknowledged that in some areas, family planning was still not available. Abortion is illegal under current laws, and even though no one has been prosecuted for having an abortion, the patriarchal structure of society makes it difficult to change the laws to legalise abortions. Based on the information presented by the State Party to the Committee, it was clear that women often cannot fully exercise their reproductive rights, such as using artificial family planning methods. The Committee urged the State Party to enhance women's access to health services, especially reproductive and family planning services, and remove restrictions on having abortions.

## **Employment**

High unemployment and discrimination at work force many women to seek employment abroad. The Committee asked the State Party to clarify measures undertaken by the Government to improve opportunities for women and safeguard their rights at work. The delegation reported that in an effort to combat poverty and provide more jobs, the Government introduced the Medium-Term Philippines Development Plan, which would help create 1.4 to 1.6 million jobs annually. The delegation also reaffirmed the Government's desire to assist Filipinos seeking employment abroad, notably by providing pre-departure seminars, establishing labour offices across Asia and signing memoranda with governments in the Middle East to protect migrant workers. The Committee urged the Government to identify the root cause of migration, strengthen regional cooperation with regard to migrants' rights and adopt special measures to help bridge the wage and opportunity gaps between men and women.

## **Conclusions and Next Steps**

The Committee thanked the State Party for its delayed report and highlighted the positive steps undertaken by the Government, including laws to protect women such as the *Anti-Trafficking in Persons Act*, the *Anti-Violence against Women and their Children Act*, the *Family Court Act* and the *Rape Victim Assistance Act*. It also praised the Government for its effort to educate migrants about employment abroad and establishing offices across Asia to assist Filipino workers in the region.

Despite some progress, the Committee remained concern about the slow progress of legal reforms and the continuing discrimination faced by women in the labour market, political life and health sector. During the last review of the Philippines in 1997, the Committee expressed similar concerns, notably urging the Government to address the economic disadvantages women face in the Philippines and create new jobs to prevent further migration. The Human Rights Committee has also called on the Government to impose tougher sanctions and enforce legislation to combat trafficking. Similarly to the Committee, both the Committee on the Rights of the Child and the Human Rights Committee noted an implementation gap between the laws adopted to comply with the various international treaties and their application.

The discussion between the Committee and the State Party was productive. The delegation clarified the implementation of the Convention and acknowledged that more would be required to reach full equality and protection for women.