



**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 747th meeting (Chamber A)

Held at Headquarters, New York, on Tuesday, 15 August 2006, at 10 a.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 10.05 a.m.

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

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

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

2. **Ms. Cabral** (Philippines), introducing the fifth and sixth periodic reports of the Philippines (CEDAW/C/PHI/5-6), said that since 1997, when the previous periodic report had been submitted by the Philippines, the Government's gender mainstreaming policy had resulted in both national and local legislation to improve gender equality. The key components of the Framework Plan for Women (FPW) were the promotion of women's human rights, women's economic empowerment and gender-responsive governance. With respect to article 2 of the Convention, legislation to correct women's historical disadvantages in national life either had been enacted or was before Congress. In June 2006, President Arroyo had abolished capital punishment, commuting 1,200 death sentences to life imprisonment, including those of 27 female convicts.

3. As for article 6, under laws intended to address violence against women and human trafficking, the Convention could be cited in relevant cases. Moreover, the Department of Justice had directed all prosecutors to give trafficking cases priority. Standards and tools for the gender-sensitive handling of cases of violence against women had been formulated. The Government had made arrangements with non-governmental organizations (NGOs) and Philippine embassies in host countries to provide overseas workers who were victims of trafficking or exploitation with the necessary means of protection. Over the previous year, the courts had convicted seven individuals for trafficking offences and sentenced four to life imprisonment; 67 offenders had been charged and 31 prosecuted. In recognition of its progress in combating trafficking, the Philippines had been removed from the United States State Department Watch List.

4. The Magna Carta for Women, nearing the completion of its review in the House of Representatives, would commit the State to guarantee the rights and fundamental freedoms of women, especially the marginalized. Once a similar bill had been filed in the Senate, the two would become the Gender Equality Law. The National Commission on the Role of Filipino Women (NCRFW) formed the national machinery at the centre of State efforts to achieve gender equality and women's empowerment. The provisions of the proposed Magna Carta for Women would further strengthen the body, for example by stipulating that its Chairperson should report directly to the President. Since enacting laws on women's rights had always required lengthy lobbying, it was expected that NCRFW and civil society would need continually to engage legislators until the legislation was passed.

5. Democratic processes to combat discrimination were also active at local government level. In 2005, its thirtieth anniversary, NCRFW had given public recognition to ten local government units that had incorporated gender mainstreaming principles into local governance. Gender and Development (GAD) Codes and local laws had been formulated in line with the provisions of the Convention, and gender analysis had been applied when designing local programmes to address priority gender issues. Both the public and private sectors had been mobilized to deal with cases of violence against women, prostitution and exploitation, improving access to economic opportunities, providing shelter and utilities for poor women, and broadening women's rights to health care, social protection and political participation. Thanks to gender-responsive Government policy and persistent civil society advocacy, many local governments had taken part in the gender equality campaign, but it was difficult to persuade local officials to redesign their programmes within a gender framework in places dominated by patriarchal values, patronage and corruption. In keeping with article 4, NCRFW and the Department of Budget and Management had issued two joint circulars to institutionalize gender mainstreaming in local government activities and budgeting processes. Another circular to local governments called for women to be involved in development planning by means of councils representing different community sectors. Gender indicators had also been incorporated into the Local Government Performance Management System.

6. Women's, Juvenile and Children's Protection Desks, set up at police stations across the country, worked with local officials, civil society, social welfare offices and the judiciary to implement laws to safeguard women's rights. The Department of Justice had assigned additional regional prosecutors to focus on trafficking cases and had launched a programme to guide local judges on legal provisions for the protection of women and children. Various women's groups were working with local chief executives to deepen their commitments to implementing the Convention, the Beijing Platform for Action and the FPW.

7. Although the provisions and mechanisms for implementing the Convention were in place, progress in women's rights and gender equality needed to be examined in the context of other circumstances in the Philippines, such as poverty. Almost one quarter of the population and nearly one third of Philippine women lived below the poverty line, with rural women bearing the brunt. The devolution of powers and responsibility for many public services to local governments had led to an uneven distribution of social services, infrastructure and economic resources, and women's employment, health and education opportunities had suffered as a result. Focusing its Medium-Term Development Plan on poverty reduction, the Government hoped to generate 1.4 to 1.6 million jobs a year in key industries: tourism, agribusiness, housing, information and communication technologies, exports and mining. While women were likely to benefit from the job creation, the challenge was to ensure that those industries also promoted women's labour rights. Since the promotion and development of small businesses were seen as critical for economic growth, loan funds were available for aspiring entrepreneurs, workers and rural families. Over the previous decade credit assistance had been given to more than 770,000 women in the 60 poorest provinces. The Government's flagship programme in the fight against poverty, the KALAHI-CIDSS Programme, prioritized the delivery of social services and empowered rural communities to address women's practical needs. It was expected to assist two million poor households or ten million Filipinos in six years. The Programme had also funded capacity-building activities and innovative income-generating projects. In collaboration with the Technology and Livelihood Resource Centre, ENTREPINAY groups of unemployed women had been organized in some 200 communities. Thanks to TLRC training and assistance

to start up small-scale home-based businesses, many women had become self-reliant and productive members of their communities.

8. The peace and order situation in the Philippines also severely affected women. Despite years of negotiations between the Government and communist rebels and Muslim separatists, a lasting truce remained elusive. The President had instructed local governments to initiate community development programmes in areas where extreme poverty made residents vulnerable to the influence of rebels and insurgents. She had also called for broader dialogue between Christians and Muslims and had strengthened the Peace Panels engaged in dialogues with insurgents. Civil society, academics, and peace and equality advocates had launched their own initiatives to promote the rights of indigenous peoples and religious and cultural minorities. In early 2006, a multisectoral national workshop on indigenous women, peace and development had drawn up a Plan of Action to promote and protect the rights of indigenous women, protecting them from violence, abuse and exploitation.

9. Another factor delaying the advancement of gender equality in Philippine society was stereotyping, although gender values and roles had been significantly changed. Over the previous twenty years, many laws and policies had promoted shared parenting and egalitarian relationships. Men were entitled to paternity leave and either parent could take leave to care for sick children. Day-care facilities had been established in public and private offices. Under the Early Childhood Care and Development Act, the Department of Social Welfare and Development provided services to under-six-year-olds, and trained parents and caregivers in responsible parenthood, child abuse prevention and children's rights.

10. The Women's Studies Association of the Philippines, which had expanded its membership to over 100 public and private tertiary institutions, had been instrumental in integrating gender concerns into higher education programmes and in offering training to teachers in primary education. Eight regional Gender Resource Centres had recently held a workshop on application of the Convention in gender mainstreaming, and a module for integrating the Convention into the curriculum was being developed. The Department of Education had revised its primary education textbooks to convey gender-fair values and images and had introduced GAD Exemplars, including

core messages for a gender-fair society and a discussion of gender issues. Government training institutions had integrated gender equality issues in their in-service training curricula for civil service workers. The Technical Education and Skills Development Authority had long encouraged women to enrol in non-traditional trades. Courses offered by the Department of Labour and Employment emphasized the role of women in trade unions and encouraged women to become part of their hierarchy. It had also developed a system for monitoring compliance with the provisions of the Anti-Sexual Harassment Law in the private sector, and set strict rules for processing the contracts of female overseas migrant workers, in keeping with the Philippine Labour Code and the Convention.

11. A growing number of influential journalists, filmmakers, artists and media practitioners articulated gender issues and concerns. Legislation was planned to curb the display and circulation of pornographic materials in public, including on the Internet. In March 2006, NCRFW had launched a media campaign on the Convention, as the central theme of Women's Month.

12. Traditional views on sex roles had been more difficult to influence in the area of reproductive health and rights. Family planning remained largely a female responsibility and few male spouses used contraception. Family planning and population policy revolved around the four pillars of responsible parenthood, birth spacing, respect for life and informed choice. Natural family planning methods were promoted and service providers were trained to deliver and popularize them. Responsibility for the provision of reproductive health information and services had been devolved to local governments, which chose whether or not to implement the Responsible Parenthood Programme. On a more positive note, the Department of Health had instituted programmes for women's health and development, safe motherhood, breastfeeding, breast and cervical cancer prevention, and care for the elderly. Adolescent health was addressed through educational service programmes emphasizing young people's right to exercise responsible sexuality, in order to reduce the number of teenage pregnancies, early marriages and sexually transmitted infections. Under the National Insurance Act, prenatal examinations and maternity expenses for normal deliveries were paid for. A law had been passed

to promote public awareness of HIV/AIDS and its causes.

13. The transition from traditional stereotypes to gender-fair and gender equal values was a major challenge, meeting which would continue to be central to legislative and civil advocacy. With regard to article 7, Philippine women were well-represented in key positions of power and decision-making. The Philippines was one of the few countries with a female Head of State; there were two women in the Cabinet, and her own department, that of Social Welfare and Development, played a key role in the State's fight against poverty and in promoting women's access to social and economic opportunities and benefits. Women were well represented in the judiciary: five of the 15 members of the Supreme Court were women, along with 17 of the 25 Appellate Justices and two of the six judges in the Court of Tax Appeals. In 2005, between 26 and 32 per cent of judges in the lower courts had been women, whereas half of the judges in the Metropolitan Trial Courts had been women. There were no female judges in the sharia district courts, however, and only one in the sharia circuit courts. About one third of constitutional agencies, Government-owned and controlled corporations and executive line agency bureaux were led by women. The same proportion of career diplomats were also women. The number of women in elected positions had steadily risen since the previous report, but not as fast as hoped. Women occupied four of the 23 Senate seats and 32 women sat in the House of Representatives, compared to 178 men. Career executives had played critical roles in the institutionalization of gender mainstreaming in national and local governance. Female legislators had sponsored laws translating provisions of the Convention into national mandates and local ordinances. A number of legislative and executive policies had also been adopted to increase women's participation in national and local State sectoral bodies. The Civil Service Commission had issued a circular on the equal representation of women and men in the highest positions of the bureaucracy. The Philippines was continuing to take legislative action, formulate policy and provide intensive capacity-building for aspiring women politicians and civil servants to improve the gender balance in the administrative, legislative and judicial bodies.

14. The main trade union federations had been working to eliminate discrimination and achieve

equality in the workplace. Women business leaders had bonded together for the economic empowerment of women. Private banks and government financial institutions had set up credit assistance programmes for poor women and those without property. Educational institutions increasingly participated in national and global programmes to promote women's empowerment and gender equality. Media practitioners had been mobilized to highlight gender issues in their work. Women's rights and gender advocacy had become the nationwide and multisectoral concerns of different women's groups. Programmes had been directed towards extending women's participation in governance, broadening the scope of women's rights and uplifting the situation of women who were impoverished, abused or discriminated against. Civil society groups participated in the concerted quest for gender equality.

15. Philippine women advocating gender equality had constantly striven to cooperate with likeminded women and organizations worldwide. Many Philippine women had been elected to head United Nations bodies, including the Commission on the Status of Women and CEDAW itself. They were visible in regional and international forums, associations and networks to mainstream gender concerns in economic relations, culture and politics.

16. The Philippines had made considerable progress in disseminating information about the Convention and its Optional Protocol. The periodic reports were based on data provided by governmental and non-governmental agencies and were finalized only after they had been presented at consultative meetings attended by multisectoral stakeholders. In March 2006, Women's Month, NCRFW had mobilized national agencies and local governments in a series of events to raise public awareness of the Convention. The periodic reports to the Committee and the responses to its questions had been submitted to the President and her cabinet, leading them to commit themselves to prioritizing a bill aimed at repealing the Labour Code's prohibition of night work for women. They had also agreed to certify the immediate passage of the Magna Carta for Women. In conclusion, she gave an assurance that the Philippines was prepared to act on the Committee's views and suggestions on ways of further implementing the Convention and its Optional Protocol.

Articles 1 to 6

17. **Ms. Šimonović** asked what steps were being taken to incorporate the Convention into domestic law, as required under the Optional Protocol. When did the Government intend to complete the elimination of gender discrimination from all legislation, and what specific steps were planned to ensure that all national laws complied with all provisions of the Convention? Were judges being offered training with respect to the Convention, the Optional Protocol and all relevant domestic laws?

18. **The Chairperson**, speaking as a member of the Committee, asked why reforms to bring national legislation into line with the Convention were taking so long. Why was the elimination of discrimination from legislation not a priority? She wondered whether there was resistance to gender equality in Parliament. Recalling that the national Government was responsible for implementing the Convention, she asked what machinery existed to ensure that local governments, to which powers had been devolved, carried out that implementation consistently. She asked how the impressive set of statistics and indicators in the report was translated into gender-sensitive policies and actions at the national and local levels. Finally, she asked how the Government intended to reform legislation with regard to the Muslim personal laws, how those laws failed to comply with the Convention, whether and how the independent sharia courts were to be reformed, and when all such reforms would be completed.

19. **Ms. Gaspard** requested full clarification of the respective roles of the State, NCRFW and the Philippine Commission on Human Rights (PCHR) in producing the periodic report and in monitoring and evaluating implementation of the Convention. According to the report, NCRFW had limited authority and influence. She therefore asked for details of its status, place in the State machinery, membership, mission, terms of reference, human resources and budget, and any planned changes to them. She also enquired about the status and membership of PCHR, the number of its women members and the existence of any special group to monitor implementation of the Convention.

20. **Ms. Bokpé-Gnacadjá** said that, despite the State party's commendable efforts in the legislative sphere, the persistent stereotypes regarding the roles of men

and women were holding back efforts to achieve equality. In particular, the legal system was inadequate with regard to violence against women. She asked what measures had been taken to raise awareness among judges, police, hospital staff and other relevant officials of the problems of violence and discrimination against women and what impact such measures had had on the way victims were dealt with and on the procedure for complaints. She also asked whether the fact that women were well represented in the judiciary was helping to reduce stereotyped attitudes in the handling of complaints.

21. In the past, the Human Rights Committee had expressed concern about the ill-treatment of women and children detainees, and the State party's report said that police officers were responsible for 31 per cent of the cases of violations of women's human rights investigated by the Philippine Commission on Human Rights between 1995 and June 2001. In addition, military personnel perpetrated almost as many such violations as civilians. She asked what was being done to address that problem, since a failure to find a solution could be interpreted as State toleration of such violations. Lastly, she requested more information about the role of the barangays in the strategy for barangay-level responses to domestic violence.

22. **Ms. Dunuan** (Philippines) said that the Constitution provided that the generally accepted principles of international law were adopted as part of national law. Since women's human rights under the Convention were regarded as part of international law, they automatically formed part of Philippine law, although additional national laws were adopted where necessary under article 2 of the Convention. The Constitution recognized the role of women in nation-building and ensured the fundamental equality of women and men before the law. Several specific laws sought to embody the principle of equality and to prohibit discrimination against women. In addition, discriminatory provisions in certain laws, such as the Anti-Rape Law, the Anti-Sexual Harassment Law and the Family Code, had been amended.

23. A number of pro-women bills were currently before the legislature, notably the Magna Carta for Women, which contained the definition of discrimination set out in article 1 of the Convention and guaranteed women's human rights. The Magna Carta was currently awaiting its second reading in the House of Representatives and it was hoped that, if the

President fulfilled her commitment to certify the Magna Carta as an urgent administrative bill, it would be deliberated by the House and submitted to the Senate by the end of 2006. A further procedure would then be required for final Senate approval. The Convention had also been cited in a number of court decisions, in particular, two Supreme Court decisions relating to the dismissal of women from employment because of marriage.

24. The Code of Muslim Personal Laws contained a number of discriminatory provisions, such as those relating to polygamy, marriage under the age of 18, arranged marriage and unequal rights of women in marriage and in terms of authority over children. It was recognized that all norms relating to personal and family relations should be in line with the Convention, but there was also a need for cultural sensitivity towards the country's large Muslim population. The National Commission on the Role of Filipino Women (NCRFW), along with NGOs, had embarked on a dialogue with women and with leaders of the Muslim community in the Autonomous Region of Muslim Mindanao, which had its own regional government and laws. It was hoped that Muslim women themselves would increasingly agitate for change. It was recognized that the sharia courts' handling of cases relating to women's rights was unsatisfactory, mainly because of a shortage of appellate court judges. It was hoped that a programme would be put in place to find suitable candidates for those positions.

25. **Ms. Torres** (Philippines) said that the adoption of the Convention in the 1980s had coincided with the transition from a military to a democratic form of government, which had culminated in the Epifanio de los Santos Avenue (EDSA) "People Power" Revolution of 1986. It was particularly in the post-EDSA period that discussion of women's rights had opened up and attention had turned to enacting or amending laws under articles 1 to 6 of the Convention, such as the Anti-Violence against Women and Their Children Act and the Anti-Trafficking in Persons Act. The country's legislative review process was lengthy, as in many other countries, but the sustained efforts of women lobbyists in the legislature had helped to secure the adoption of important laws.

26. Replying to a question about the monitoring of the application of the Convention in local government, she said that a programme for capacity-building in gender mainstreaming had been in place from 1986 to

2004, with a view to providing training for various officials, first in national agencies and subsequently at the level of provinces, cities and *barangays*. In 2004, a number of circulars had been issued by the Government on gender mainstreaming in both national and local agencies, in the context of the Philippine Plan for Gender-Responsive Development and the Framework Plan for Women. Judges, prosecutors, social workers and other professionals were also provided with training in the laws relating to women's rights and the application of those laws right down to the local level. However, given the size of the population and the scale of the government machinery across the country, more time would be needed to achieve gender mainstreaming at every level.

27. A large number of local councils of women and gender focal points had been established, and mechanisms existed for monitoring local government activity with regard to women's rights and the implementation of gender mainstreaming. All government agencies were required to allocate a minimum of 5 per cent of their budget to projects relating to gender equality, and systems were in place to monitor compliance with that requirement. NCRFW was encouraging data-gathering agencies to compile gender-disaggregated statistics wherever possible.

28. **Ms. Verzosa** (Philippines) said that NCRFW was a policymaking and advisory body which also had oversight functions. It was the leading government agency for the promotion of women's rights and, in partnership with civil society and the private sector, encouraged the Government to work towards women's empowerment and gender equality through the gender mainstreaming strategy. NCRFW did not provide direct services to women; that was the function of the different line agencies and ministries. Its major functions were policy analysis, lobbying Congress, providing technical assistance with gender mainstreaming, and gender auditing of various government agencies, including local government units. NCRFW had a library and a website where information could be easily accessed by the general public. The Board of Commissioners of NCRFW was composed of 10 line ministry secretaries, together with 12 sectoral representatives, who served on a voluntary basis.

29. The Philippine Commission on Human Rights was an independent constitutional body with investigatory powers whose recently established

women's centre would soon start hearing cases of violations of women's rights. Its current Chairperson was a woman.

30. **Ms. Zou** requested clarification as to whether NCRFW currently reported to the Office of the President or the Department of Social Welfare and Development. She wished to know how many of its members worked full time, where its budget came from and to what extent it was able to influence Government policy on women in areas such as family planning. She also asked whether NCRFW had branches at the local level.

31. Noting the policy to allocate 5 per cent of the budget of each government agency to gender equality projects, she said she had independent information that those funds were not being used properly. She asked whether NCRFW planned to monitor the use of the money and to evaluate the effectiveness of the policy.

32. **Ms. Saiga**, noting that the Chairperson of NCRFW was neither paid nor vested with legal authority, asked who, therefore, had real responsibility for implementing policies with regard to women. Welcoming the preparation of the Magna Carta for Women, she expressed the hope that it would be adopted as soon as possible and asked whether it provided for any change in the status of NCRFW.

33. Noting that the report stated that the remaining challenges and obstacles under article 3 of the Convention included a lack of political will on gender issues and the lack of an adequate mechanism for monitoring progress, she expressed the hope that the President's personal commitment to gender issues would be matched by the executing ministries and that each of them had a clear mandate in that regard.

34. **Ms. Tan** asked how the State party planned to ensure that the gender and development budget allocation was actually used for the prescribed purpose and whether there were plans to evaluate the effectiveness of the use of those resources. She asked how often such evaluations would take place and whether they would be carried out by NCRFW. She also asked whether the Government planned to strengthen NCRFW, broaden its mandate and increase its budget so that it could meet its obligations more effectively.

35. **Ms. Simms**, noting that the Chairperson of NCRFW did not have Cabinet rank, asked whether any

of the other Commissioners were members of Congress. It was crucial for the Commissioners to be in a position where they could influence the Cabinet's decision-making process. The gender and development focal points should also have the authority to make a difference. Commending the work done by NCRFW with the support of the Canadian International Development Agency (CIDA), she expressed concern about the anticipated shortage of resources for NCRFW following the end of the CIDA project. The funding of NCRFW should not be dependent on foreign sources, and strengthening of the national machinery should be guaranteed in the Magna Carta for Women.

36. With regard to violence against women and prostitution, she noted that the law seemed to be applied more strictly to prostitutes than to pimps and clients. She asked what action was being taken to protect prostitutes and to ensure that their voices were heard, since NCRFW had a responsibility to uphold the rights of all women.

37. **The Chairperson**, speaking as a member of the Committee, asked whether the Magna Carta for Women would mandate temporary special measures under article 4 of the Convention, in particular with regard to combating stereotypes and increasing the representation of women in Congress. She asked why the President did not prioritize the adoption of laws favouring women, such as the bill requiring a minimum of 30 per cent representation of women in decision-making positions in government, which was still pending in Congress. She wished to know whether there were any constitutional obstacles to the introduction of such measures. She also asked what was being done to monitor the implementation of the provisions on the representation of women under the Indigenous People's Rights Act and whether the circular on the representation of women in the civil service provided for specific targets rather than just reporting mechanisms.

38. **Ms. Yao** (Philippines) wished to clarify that NCRFW operated under the Office of the President rather than under the Department of Social Welfare, which merely oversaw its activities. While the question of whether NCRFW should become a ministerial body remained under debate, it was important to bear in mind that ministerial-level operations would require a large budget, when NCRFW was already subject to budget constraints. Furthermore, since women's issues were a cross-cutting concern, NCRFW was more

effective under the Office of the President than it would be as a ministerial body, since the President could issue any necessary directives and promote implementation of the various relevant policies more effectively through the different government agencies. Under the Magna Carta for Women, NCRFW would retain its function as an advocacy, policymaking and monitoring body, but its Chairperson would have Cabinet rank.

39. Approximately 65 permanent staff worked for NCRFW, which had a budget of some US\$ 600,000 in addition to funding from international agencies. Focal points serving NCRFW at the local level in different municipalities and government agencies received training and reported to NCRFW on women's concerns throughout the country. NCRFW was monitoring implementation by the various government agencies and different municipalities of their respective GAD plans and the gender and development (GAD) budget policy.

40. In view of the many challenges facing the Philippines, including globalization, terrorism and economic concerns, the President was unable to accord higher priority to women's issues, but the Magna Carta for Women bill represented a positive step forward and reflected her support for women.

41. **Ms. Torres** (Philippines) said that, while the 40 per cent rate of compliance with the GAD budget provision (CEDAW/C/PHI/5-6, paragraph 112) might seem low, that proportion was accounted for by more than 200 government agencies and national institutions, and was steadily increasing. The provision continued to be reviewed, modified and aligned with the Framework Plan for Women, the Convention and the Beijing Declaration and Platform for Action, and the circular on national GAD planning and budgeting had been amended to include guidelines on what constituted acceptable GAD plans.

42. Gender focal points played a key role in the formulation of GAD plans, and both they and their respective agencies were represented in NCRFW, together with representatives of the Government and diverse sectors including businesspersons, the elderly and disabled, academics, indigenous peoples, rural and urban women and trade unions, which had led to tangible results in those sectors. NCRFW had enlarged the scope of its own work through advocacy and training for GAD focal points, who held meetings and

conferences every year and had been able to motivate their respective heads of agencies to make a genuine commitment to gender issues.

43. Research had recently been carried out under the aegis of the United Nations Development Fund for Women (UNIFEM) on ways to improve the GAD budget process. The resulting recommendation had been to move from 5 per cent GAD planning and budgeting to influencing the overall budget process, and to ensure permanent civil society representation, particularly in local government, so that gender equality goals were properly identified and met by local governments and the national agencies concerned.

44. **Ms. Cabral** (Philippines), referring to the question of whether parliamentarians participated in NCRFW, said that since the Philippine system of government was presidential rather than parliamentary, NCRFW agencies were headed by persons appointed by the President and who were not members of Congress. Any change in the form of government from presidential to parliamentary might therefore have an impact on the ability of NCRFW to influence Congress to pass laws on women's issues and concerns more expeditiously. NCRFW hoped that, in the next few years, the Philippines would see changes that would promote gender and women's issues and create a more gender-responsive and quick-acting legislature.

45. **Ms. Javate de Dios** (Philippines), endorsing the comments made by Ms. Schöpp-Schilling regarding the need for temporary special measures, said that both NCRFW and NGOs had been trying for many years to change the patriarchal mindset and policies of politicians, government officials and policymakers, which were the root cause of delays in the passage of laws relating to women. The GAD budget provision was one of the most important measures to address gender stereotypes, and a powerful tool with which NGOs could claim considerable budget resources at the local level.

46. NCRFW had also been very active in addressing the serious problem of how women were portrayed in the media, and had implemented guidelines on media coverage of women, including victims of rape and violence, through ongoing dialogue with the media and awards and incentives to promote gender-sensitive films and advertisements, all of which were helping to convey the gender equality message. While the Magna

Carta for Women bill offered the greatest possibility of achieving gender balance, NCRFW was considering whether a further bill would be needed.

47. **Ms. Dunuan** (Philippines), responding to the questions raised by Ms. Schöpp-Schilling and referring to temporary special measures, said that the Philippine Constitution did not preclude the application of temporary special measures; indeed, article 13 of the Constitution on social justice and human rights could provide the legal basis for the passage of such measures.

48. The Indigenous People's Rights Act (IPRA) provided that at least two of the seven commissioners on the National Commission on Indigenous Peoples should be women, and that women should account for at least 20 per cent of council members serving the provincial consultative bodies of indigenous peoples. IPRA also prohibited discriminatory cultural practices against women and guaranteed gender equality, in line with CEDAW, which was specifically mentioned as part of IPRA itself.

49. It was hoped that the passage of the Magna Carta for Women bill would result in translation of the Convention into national law and ensure the establishment by law of NCRFW, which presently existed only as the result of an executive order. The delay in the passage of the bill was partly attributable to the amendment of its scope to provide comprehensively for women across all sectors.

50. **Ms. Torres** (Philippines), referring to NCRFW representation in local government, said that the Commission had undertaken considerable efforts to build the capacities of local government bodies, which now had the power to initiate their own legislative actions. The national machinery had thus set about influencing local executive and legislative bodies to create the infrastructure required for development planning within the GAD framework by encouraging them to pass ordinances and establish GAD councils or women's councils which in turn established GAD codes or women's rights codes in line with the Convention, the Beijing Declaration and Platform for Action and the Millennium Development Goals. The national machinery was thus represented in the provinces, cities and municipalities, and local authorities were able to select priority programmes to address directly some of the key gender issues faced by local constituencies, such as reproductive rights and

the decriminalization of prostitution. Thus, in spite of the delay in the passage of related legislation at the national level, the process of changing perspectives had already been initiated by implementing provisions in line with the gender equality goals set out in the Convention and other international instruments with a view to giving those provisions effect at the local level in advance of their wider application under national legislation. To that end, NCRFW had undertaken extensive efforts to work with local governments.

51. While it was true that foreign assistance had been helpful in advancing that work, it would be unfair to say that NCRFW would collapse without that assistance, since related programmes were designed and implemented by the national machinery.

52. **Ms. Coker-Appiah** said that the State party report should indicate whether any of the measures being taken to address sexual stereotypes recognized or addressed the link between such stereotypes and violence against women, and whether the Government intended to make that link clear.

53. While the redefinition of rape as an offence against the person and the implicit recognition of marital rape under the Anti-Rape Act of 1997 (CEDAW/C/PHI/5-6, para. 117) represented a positive step, it was troubling that the Act absolved a husband of criminal liability for marital rape if he was forgiven by his wife. Given the pressure exerted on women not to report cases of violence against them, including rape, that provision appeared to nullify the effect of criminalization of marital rape, since it would simply be exploited by the family in order to discourage women from using the Act to protect themselves and defend their rights. The Government should therefore consider repealing that provision. The State party should indicate how many persons had been prosecuted since the Act had entered into force, particularly in cases of marital rape.

54. It would also be helpful to know what additional steps were being taken to address the problem of mail-order brides who were forced into prostitution in the countries of their foreign husbands.

55. **Ms. Morvai** said that she was shocked and dismayed at the visibility and extent of sexual exploitation of women and girls and by the number of Philippine women trafficked for prostitution abroad. She therefore welcomed the anti-prostitution bill and related measures taken, and the important change in

attitudes towards prostitution reflected in paragraph 28 of the report. However, she wondered what opposition and obstacles there were — and why — to the passage of the bill and related legislation, and what progress had been made in overcoming those obstacles.

56. The limited availability of data on the implementation and impact of the Anti-Trafficking in Persons Act in the three years since its entry into force was surprising. In that regard, it would be useful to know how many persons had been prosecuted and convicted under the Act, and what sentences they had received. The State party might also indicate how many women had been rescued as a result, and from which countries, what had happened to them, what kind of rehabilitation they had received and what budget had been allocated to such programmes.

57. It was also surprising and disappointing that the State party report failed to recognize the work of faith-based organizations in rehabilitating women and child victims of forced prostitution, particularly since many such organizations operated countrywide. The State party should indicate why that was so, and whether the Government offered cooperation or financial support to those organizations, or allocated any funds to them.

58. **Ms. Simms** expressed surprise that incest remained a hidden crime in the Philippines, and that very little was done to address it. The State party report gave the impression that many Filipinos preferred to turn a blind eye to the issue. However, research had shown that many women who turned to prostitution had been victims of incest. She wondered what the reasons were for that trend, and whether incest was not discussed openly because of sexual stereotypes and the devaluation of women in religious and State ideology.

59. Attitudes towards pregnant teenagers should also be addressed as a further possible source of violence and discrimination. While she welcomed the State party's efforts to encourage teenagers to be responsible in their sexual behaviour, in the case of adult men who engaged in sexual intercourse with teenage girls, that responsibility should be placed on the adults concerned and not on girls, given that in many cases sexual encounters were forced upon them. It would be interesting to know whether any research had been carried out on the age of the men who had impregnated teenage girls, whether any adult men had been arrested in such cases, and how it might be possible to obtain such data.

60. **Ms. Javate de Dios** (Philippines), responding to the comments concerning the linkage between sex stereotypes and violence against women, said that in a study conducted in 2004 by the Women's Crisis Centre, a partner of NCRFW, six out of 10 incest survivors had reported that their mothers had also been abused by their fathers. Nine out of 10 of the battered women interviewed had experienced marital rape, and six out of 10 had been battered during pregnancy. There was unquestionably a link between the two phenomena, and it was important to acknowledge that and to deepen research in order to gain a better understanding of how sexual stereotyping contributed to violence.

61. With regard to the request for statistics on rape and prosecutions under the Anti-Rape Law, rape was still one of the most frequently committed crimes against women. In 2005, cases had totalled about 348, with a total of 2,703 from 2001 to 2005. The statistics on rape were not sufficiently nuanced, however, to reflect the specifics of how the rape had happened or whether or not it had occurred in the context of marriage. In that regard, she agreed with the view that the provision absolving men from culpability for marital rape if their wives forgave them should be repealed.

62. During the period 2001-2005, approximately 65 cases of incest had been reported. While the issue had come out into the open to a somewhat greater degree in recent years, incest was still largely regarded as a family matter that was better settled in the home. She agreed that incest was a horrendous crime that went on victimizing women throughout their lives and that it must be addressed in way that did not criminalize or stigmatize the victim but rather sought to redress the imbalance in power relationships between men and women.

63. With regard to the status of the anti-prostitution bill, the obstacles to its adoption were about the same as those that had been encountered each time legislation having to do with gender equality had been put forward. Such legislation was generally low on the priority list of traditional male politicians. However, with strong advocacy by women's groups, which had been very important in the passage of all previous laws relating to women's rights, she expected that the anti-prostitution law would be adopted within two years.

64. As for the Anti-Trafficking Law, the number of trafficking cases pending before the Department of

Justice in 2005 had totalled 186. At present, five cases were pending trial, two had been dismissed and seven had resulted in convictions, with sentences ranging from six months' community service to life imprisonment with a fine of 2 million pesos. The Anti-Trafficking Law was backed up by an Inter-Agency Committee Against Trafficking, which included representatives of all law enforcement agencies and of two NGOs. Local inter-agency committees were currently being set up to ensure partnership with communities in educating families against trafficking. The National Bureau of Investigation, the Bureau of Immigration and the Department of Justice were all cooperating to make the law effective and prevent the victimization of Philippine women.

Articles 7 to 9

65. **Ms. Gaspard** sought clarification of the Party List System Act of 1995, which allocated a certain number of seats in the House of Representatives for representatives of marginalized groups. She noted that, according to the report, women were included as one of those groups, along with peasant communities, the urban poor, farmers and fishers. She found it curious that women should be included as a separate group in that list, since they belonged to all of the groups and, in principle, they made up about half of each one. She wondered, therefore, how the distribution of seats among the various groups was effected and whether there were any sanctions for parties that did not respect the provisions of the Act. The report also indicated that the Act was not well known. In the light of that statement, she would like to know whether the law was, in fact, being applied and how the Government ensured its enforcement.

66. The State party's responses to the list of issues and questions (CEDAW/C/PHI/Q/6/Add.1) indicated that legislation had been proposed to increase the presence of women in local-level political bodies and in decision-making in general. However, the responses also indicated that those bills were not included among the priorities of the Government at present. She wondered what was being done to accelerate their passage.

67. Noting that the percentage of female judges was still relatively low, she requested additional information on how members of the judiciary were appointed and what measures were being taken to

increase the proportion of women appointed to judgeships.

68. **Ms. Cabral** (Philippines) said that there was not a set number of seats reserved for women in Congress. However, by banding together women could garner enough votes to win seats in the House of Representatives as party list members. As for the participation of women in the judiciary, it was true that the ratio of women to men was not satisfactory, but it was improving steadily, and she was hopeful that there would soon be a better balance, not only in the judiciary but also in the other branches of government.

69. **Ms. Dunuan** (Philippines), replying to the questions relating to the appointment of members of the judiciary, said that there was a Judicial and Bar Council, composed of representatives of the Integrated Bar of the Philippines, the national organization of lawyers, and from other sectors, including members of the judiciary, which formed a screening committee that provided a short list of three nominees for each judiciary post. That list was then submitted to the President for appointment. One explanation for the paucity of women judges was that vacancies did not occur very frequently, as judges could serve until the age of 70. Another reason was that, in the past, very few women jurists had sought such posts. To remedy that situation, NCRFW, in collaboration with other concerned sectors, had drawn up a proposal to form a selection committee that would identify interested and qualified women lawyers who could be recommended for appointment. As had already been mentioned in relation to the sharia courts, the President had directed NCRFW, together with other agencies, to initiate the preparatory selection of women lawyer nominees for eventual appointment to judgeships in the sharia courts, where there were several vacancies at present.

70. **Ms. Javate de Dios** (Philippines) said that the Government was constantly trying to improve the gender responsiveness of the court system through a series of training programmes to educate members of the judiciary on gender issues. For instance, the Supreme Court had created a committee on gender responsiveness in the judiciary, which implemented gender mainstreaming in its programmes, projects and policies. Capacity-building seminars and training had been conducted for judges, justices and prosecutors. The Philippine Judicial Academy, which was the training arm of the Supreme Court, had already introduced teaching modules on the Anti-Trafficking in

Persons Act and the Anti-Violence Against Women and Their Children Act, and all the new laws relating to women, including the anti-rape law, the anti-trafficking law, and the anti-violence law, had been made part of the mandatory continuing legal education for lawyers throughout the country. In addition, through the efforts of NGOs, the Supreme Court and NCRFW, a gender justice award had been initiated in 2005 to recognize justices who displayed a critical and sensitive understanding of gender issues in their rulings.

71. **The Chairperson** invited members of the Committee to ask follow-up questions on articles 1 to 9.

72. **Ms. Morvai** noted that she had not received an answer to her question regarding the care and rehabilitation services available to victims of trafficking under the Anti-Trafficking in Persons Act of 2003 and regarding how many women had been rescued since the law was enacted. She would like to know what rehabilitation options were available to such women and what the budget for those services was. She would also appreciate clarification of the role of religious organizations such as the Sisters of the Good Shepherd and Sister Sol, which were providing valuable services for trafficking victims all over the country and thus, in a sense, were assuming some of the Government's obligations under the Convention.

73. **Ms. Saiga** noted that the delegation had said in its introductory statement that under the proposed Magna Carta for Women, the chairperson of NCRFW would report directly to the President in Cabinet meetings. She enquired whether that meant that the chairperson would have the rank of Cabinet minister and would attend Cabinet meetings as a full member. She also asked when it was expected that the proposed Women's Empowerment Act would be adopted.

74. **Ms. Zou Xiaojiao** requested information on the percentage of women serving in elected positions at the national, provincial and municipal levels. She also asked for clarification of the measures alluded to in the State party's response to question 12 in the list of issues and questions (CEDAW/C/PHI/Q/6/Add.1), which said that measures were being taken to further the efforts to increase women's participation in decision-making positions.

75. **Ms. Javate de Dios** (Philippines) said that 25 rescue operations had been carried out in the period 2003-2005 and 137 victims of trafficking had been

rescued, most of them women and children; 57 people had been arrested for trafficking crimes during that period. At present, 22 cases were on file before the National Bureau of Investigation, and 109 cases had been received and investigated by the Philippine National Police and the National Bureau of Investigation. As to the rehabilitation of women who had been victims of trafficking, the Department of Social Welfare and Development was responsible for providing immediate assistance to survivors of trafficking. The Department had a network of 19 crisis centres and havens around the country, which offered shelter and counselling for victims.

76. Regarding Government support for Sister Sol and religious organizations that assisted trafficking victims, the Government certainly recognized the importance of their work and coordinated closely with them. The Department of Social Welfare and Development had a system for accrediting NGOs for the purpose of establishing centres and intervention programmes to assist trafficked women, and Sister Sol's organization was one of the accredited organizations. Most organizations did not receive any direct budgetary support from the Government, but agencies that were part of the Inter-Agency Council against Trafficking could receive funding from the regular budget and from the GAD budget.

77. **Ms. Cabral** (Philippines) said that there were 19 crisis centres and 16 havens, one in each region, to provide temporary shelter not only for victims of trafficking, but also for victims of rape, incest and violence. The number of women being sheltered at any one time averaged 50 to 60. In addition to shelter, those facilities provided psychosocial support, legal assistance, and skills training, including not just job skills but skills for life itself in order to enable the women to reintegrate successfully into society and be less vulnerable to trafficking and violence in future.

78. The Government did indeed recognize the important role played by NGOs, including religious organizations, in providing services and social protection for women who had been victims of trafficking or violence. Unfortunately, the Government was unable to support them monetarily to any significant extent. Indeed, its own havens were not adequately funded. The Department of Social Welfare and Development had exactly 27 Philippine pesos (about US\$ 0.50) to spend each year on social services for every Filipino. Even if only one in 50 people

actually needed such services, the amount available per person was only US\$ 5 a year. Thus the Government really needed the help of NGOs to provide social services and protection for the population, and it valued their contributions highly.

79. **Ms. Torres** (Philippines), replying to the questions on participation of women in local government, said that the Philippine Constitution mandated local legislative bodies to have sectoral representation. The law through which that provision was carried out was the Local Government Code of 1991, which established that there must be local representation in local governments, that representation to include women, workers, and other sectors, such as the urban poor, farmers and indigenous people. A bill currently pending in Congress, the Local Sectoral Representation Bill, would ensure that marginalized groups, including women, would be represented in decision-making processes and structures of local government.

80. Regarding the numbers of women serving in government posts, as of the most recent elections (2004), women had made up 17 per cent of local, municipal and city councillors; 14 per cent of vice-mayors; 15 per cent of mayors; 16 per cent of Provincial Board members; 9 per cent of vice-governors; and 19 per cent of governors. At the national level, 15 per cent of the members of the House of Representatives were women. The proposed Women's Empowerment Act, currently pending in Congress, would mandate that at least one third of appointed positions in the national and local governments be reserved for women. It would also require all duly accredited provincial parties to reserve one third of their party slate for women in national and local elections.

81. It had already been explained that the low proportion of women in the judiciary was due to a lack of female applicants for judgeships. The same was true of women in public life. Fewer women than men sought election to public office. To address that situation, training was being provided by the Government and civil society groups to increase the political and leadership capacity of women and encourage more of them to stand for election.

82. **Ms. Yao** (Philippines) said that, under the Magna Carta for Women, the chairperson of NCRFW would have Cabinet rank, but would be a member without

portfolio. That was because it had been thought that seeking a portfolio for the chairperson, which would have budget implications, might hold up passage of the bill. The legislation as drafted would, however, accomplish the Commission's main objective: ensuring that the chairperson had a Cabinet-rank post.

Articles 10 to 14

83. **Ms. Simms** said that the report reflected remarkable strides in the education of girls and women, for which she congratulated the State party. She wondered, however, whether schools that served minority groups and people living in the hinterlands were equipped to give them the quality education they needed to enable them to compete in modern Philippine society and whether there were any special measures to ensure that members of such communities received scholarships for study in tertiary institutions. She would also like to know what was being done in the public education sphere to eliminate the stereotypes about women that seemed so entrenched in Philippine society. Such stereotypes stood in the way of women's empowerment and advancement, and they affected the application of the law, as exemplified by the discriminatory provisions relating to adultery mentioned in the report.

84. **Ms. Zou Xiaojiao**, referring to the high female unemployment figures cited in the report, noted that the delegation had mentioned in its introductory statement that the Government aimed to generate 1.4 to 1.6 million jobs annually. She wondered whether that initiative had helped to reduce unemployment among women and whether any training was being provided to women to help them take advantage of the new employment opportunities. She would also like to know whether the Government was taking measures to address the lack of legal and social welfare protection in the informal sector, where most women continued to be employed. Paragraph 374 of the report indicated that the revised Social Security Act extended coverage to self-employed persons, housewives and house helpers. She would like to know whether the Government was taking any concrete measures to implement the new social security system and whether there were any channels through which women could lodge complaints if they were not receiving the social security coverage to which they were entitled.

The meeting rose at 1 p.m.