



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-sixth session

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List of issues and questions with regard to the consideration of periodic reports

Philippines

The pre-session working group examined the combined fifth and sixth periodic report of the Philippines (CEDAW/C/PHI/5-6).

Constitutional, legislation and status of the Convention

1. The report states that a legal definition of discrimination against women that is aligned with the definition in article 1 of the Convention has not been put into law (para. 119). Please clarify the legal standing of the Convention with respect to national legislation. Does the Government intend to introduce legislation that will define and explicitly prohibit discrimination against women as defined by article 1 of the Convention? Also, please clarify the status of the Convention in the domestic legal system and whether the Convention can be used in court cases.
2. The report mentions that the Family Code, the Civil Code, the Code of Muslim Personal Laws, the Revised Penal Code and Customary Law still contain provisions that are discriminatory to women or are inconsistent with new laws, for example in defining sexual infidelity for women and men (para. 559). Please indicate whether a timetable has been put in place to review and amend these laws so as to bring them into line with the Convention.
3. According to the report, the Government plans to complete implementation of its gender and statistics programme in order to monitor changes in the status of women and the fulfilment of their human rights (para. 25). Kindly provide information on the set of 32 core indicators of the status of women and women's enjoyment of their rights mentioned in paragraph 20 and assess progress in the systematic use of gender and development indicators in policymaking in all relevant areas.

Violence against women

4. The report notes that the Family Courts Act of 1997 established family courts in major cities all over the country to foster a more proactive approach to protecting the rights of women and children against domestic violence and incest (para. 210). Please provide information on whether an assessment of the effectiveness of these courts has been undertaken and related findings and describe any plans to establish family courts in those cities where they do not yet exist.

5. The report indicates that from 1995 to June 2001, the Philippine Commission on Human Rights investigated 377 cases of violation of women's human rights and that the perpetrators were identified as police officers, local officials or employees, civilians and military personnel (para. 131). Please provide information on the number of prosecutions that have been brought against these individuals and the sentences imposed. What measures are being taken to prevent violation of women's human rights by police officers and other public officials who abuse their authority?

6. The Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people indicates that militarization has engendered human rights violations against women and children (E/CN.4/2003/90/Add.3, para. 50). Most of these abuses are cases of rape, sexual harassment, forcing girls to serve as "comfort women" in military camps and compulsory prostitution. Kindly explain the measures taken by the Government to address the issue of violence against indigenous women.

7. The report states that the Anti-Violence against Women and Their Children Act of 2004 aims to stem the high incidence of violence against women and criminalize perpetrators (para. 207). The Act also provides for issuance of "protection orders" to stop violence and prevent recurrence of future violence. Please provide information on measures taken to disseminate the Act in society, especially among women and other people in the community, and how many "protection orders" have been issued since 2004. Please also provide information on action to train judges, police officers and other law enforcement personnel with regard to the provisions of the Act.

Trafficking and exploitation of prostitution

8. The report notes that the Anti-Trafficking in Persons Act of 2003 sets penalties for various types of offences related to trafficking (para. 188 (c)). Please provide information on the rate of arrests and convictions under the Act.

9. In its previous concluding comments, the Committee commented on the discrimination in the application of laws against women prostitutes but not against men involved as traffickers, pimps and clients, and suggested that measures dealing with prostitution should focus on penalizing traffickers.¹ Please provide information on what effective measures have been taken to stop such discriminatory application of laws and to focus on penalizing traffickers.

10. The report states that in January 1999, the Philippine Center on Transnational Crime was created and tasked with establishing a shared central database among government agencies for information on criminals, arrests and convictions on

¹ *Official Records of the General Assembly, Fifty-second Session, Supplement No. 38 (A/52/38/Rev.1)*, paras. 292 and 299.

various transnational crimes, including trafficking in human beings (para. 198). Please assess progress in the systematic use of the Center and evaluate its impact on combating trafficking.

11. According to the report, data reported on human trafficking is very low compared to the number of actual victims not reported. The report attributes this to the lack of a systematic monitoring mechanism on the movement of Philippine migrants (para. 180). Please indicate measures taken to introduce a systematic monitoring mechanism on the movement of Philippine migrants.

Participation in political and public life

12. In its previous concluding comments, the Committee recommended that temporary special measures be adopted to increase the participation of women in top-level decision-making positions in the public sector.² Please provide an update on the status of proposed laws to provide for temporary special measures to increase women's participation described in paragraph 43 of the report, as well as on any alternative measures contemplated or implemented to increase the number of women in public office.

13. The report acknowledges the need for temporary special measures to increase women's participation, especially in the judiciary, police and military academy (para. 258). Has the Government introduced any temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25 to increase women's participation in the judiciary, police and military academy? If yes, please elaborate on these measures.

Stereotypes and education

14. Please provide information on the impact of the initiatives listed in paragraph 168 to raise public consciousness and understanding of women's issues in order to address the stereotyped and negative portrayal of women and girls in media and on any other measures taken to promote a more balanced and non-stereotypical image of women and men in the media.

15. Please describe the progress achieved as a result of reforms related to gender mainstreaming in the education curricula and indicate what measures are being taken to integrate a gender perspective into the curricula at all levels of education.

16. The report notes that while the national school participation rate is high, it is lower in remote areas, among street children, those living in extreme poverty, indigenous people and those in living areas undergoing armed conflict (para. 288). Please provide information on specific measures or actions taken to ensure the right to education of girls and women in these groups.

Employment

17. According to the report, a bill to establish a Civil Service Code was proposed in 2001 to codify existing laws on civil service and provisions on maternity leave for unmarried women, paternity leave, parental leave for single parents, flexible working hours and a provision for a disciplinary action on the ground of sexual harassment (para. 383). Kindly provide information on whether the pending bill has

² Ibid., para. 302.

been adopted, and if so, assess adherence in practice to this legislation and any remedies available to and used by women to ensure full implementation of such legislation.

18. The report notes the implementation of the Anti-Sexual Harassment Act in the late 1990s (para. 379) and states that the law is unclear as to which agency should monitor private sector observance of the law (para. 422). Please indicate what measures are in place for the effective enforcement and monitoring of this law in the private sector. Please also provide information of measures taken to solve the problem of women suffering from many forms of subtle and overt discrimination in hiring and promotion and through sexual harassment.

19. In its previous concluding comments, the Committee urged the State party to adopt a top priority policy to create safe and protected jobs for women as a viable economic alternative to the current unemployment of women, their participation as subcontractors and, in the informal sector, as workers in free-trade zones, as well as prostitutes or overseas contract workers.³ Please indicate what legislative or other measures have been taken to implement this recommendation and to promote equal employment opportunities for women in both the formal and informal sectors.

20. The report states that the Labour Code prohibits night work for women, except in specified circumstances. The report acknowledges that, while this might aim to protect women workers, it discriminates against women, as it fails to address the real issue of security for women working at night (para. 351). Does the Government intend to change this provision of the legislation that discriminates against women?

Health

21. The report states that there are two bills pending in Congress that seek to establish an Integrated National Policy and Programme on Reproductive Health that recognizes women's reproductive rights, gender equality and ensures universal access to reproductive health, services, information and education (para. 450 (g)). Please provide information as to whether the pending bills have been adopted and have entered into force. If so, what effects can already be seen?

22. According to the report, the Health Department's reproductive health programme offers a range of contraceptive methods (modern methods of natural family planning, pills, condom use, injections and sterilization) using a reproductive health-care approach (para. 455 (b)). The report also notes, however, that the Health Department has adopted the anti-artificial contraception position of the current Administration, and states that some local governments are already banning the dissemination of information about and sale of emergency contraception as well as artificial contraception (para. 481). Please explain and describe any measures taken to ensure availability of, information about and easy access to, contraceptives in order to avoid unwanted pregnancies in accordance with the Committee's recommendations in its previous concluding comments and general recommendation 24 on article 12.

23. Please indicate the extent to which illegal abortions contribute to the maternal mortality rate, which, according to the report, remains relatively high (para. 445). Please also provide details on the content of the Reproductive Health Care Bill, which "cites the need to remove legal barriers to abortion" (para. 481) and include updated information on progress regarding its adoption.

³ Ibid., para. 296.

Vulnerable groups of women

24. Kindly provide information on the impact of initiatives to provide information and support services to women before they depart for overseas work, including the Migrants Advisory and Information Network and the skill and country-specific pre-departure orientation programmes for overseas Philippino workers (para. 16). Please include information on the number of women benefiting from these programmes and their country of destination.

25. The report acknowledges that despite efforts by the Government to alleviate the plight of the rural poor, poverty remains a major issue confronting rural women (para. 524). Please provide data on rural women living in poverty and information on the impact of the Local Government Code and other government poverty-alleviation projects for rural women.

26. The report mentions a bill pending in the House of Representatives that seeks to protect and promote the rights of rural women by recognizing the roles and contributions of rural women to the country's economic development and food security and offers measures to enhance and develop their skills, provide employment and enable them to contribute to their communities to the fullest of their capabilities (para. 511 (d)). Kindly provide information on the status of this bill and describe what specific measures have been taken to implement it.

27. The report mentions that the implementation of the Indigenous People's Rights Act, which provides equality between indigenous women and men in connection with rights and opportunities in various spheres of life, and participation of indigenous women in decision-making process in all levels, has encountered serious obstacles due to dispute over ancestral lands (para. 511 (c)). Kindly provide information on measures taken to remove the obstacles and the progress made with regard to its implementation.

28. Please report on the situation of rural and indigenous women's access to agricultural credits and loans, marketing facilities, training and education and participation at village decision-making level.

29. Please provide information on the situation of older women, including the impact of migration on them, and indicate what specific measures are in place to address the situation of older women, particularly in rural areas.

Optional Protocol

30. Please provide information about steps taken to make the Optional Protocol, which the Philippines ratified in 2003, more widely known.
