



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
27 November 2015

Original: English

Committee on the Elimination of Discrimination against Women

Sixty-fourth session

4-22 July 2016

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues and questions in relation to the combined seventh and eighth periodic reports of the Philippines

Constitutional, legislative and institutional framework

1. The Committee notes from the report of the State party that the Magna Carta of Women adopted in 2009 defines discrimination against women (CEDAW/C/PHL/7-8, paras. 12 and 20 (a)).¹ Please provide further information as to whether that definition includes direct and indirect discrimination in the public and private sectors, in line with article 1 of the Convention. It is also indicated that the State party has formulated the Women's Priority Legislative Agenda and made progress in legislative advocacy for the adoption or repeal of laws to eliminate discrimination against women (para. 19). Please clarify the status and content of the amendments to the Family Code, the Anti-Rape Law (including the definition of rape and whether it includes marital rape), the Anti-Sexual Harassment Act and the Magna Carta of Workers in the Informal Economy. Please also explain in more detail the various amendments to the revised Penal Code pertaining to gender equality, including the bills on prostitution and sexual infidelity and the amendment to article 351 on early marriage, and indicate the status of the draft Philippine Criminal Code and how it differs from the revised Penal Code in those areas. Please also provide information on how the State party is enhancing the awareness and knowledge of all branches of government, members of the judiciary and parliamentarians about gender equality, the Convention and relevant international human rights standards.

Note: The present document is being issued in English, French and Spanish only.

¹ Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of the Philippines.



2. It is indicated that the Magna Carta of Women mandates that customary laws relating to marital relations are to be respected, provided that they do not discriminate against women, and that this primarily affects discriminatory provisions in Presidential Decree No. 1038 and the Code of Muslim Personal Laws (para. 23). Please describe how these conflicting provisions are reconciled in practice. Please also explain how customary justice mechanisms function and describe their relationship to the formal justice system.

Access to justice and legal complaint mechanisms

3. It is indicated that the Commission on Human Rights has been designated as the Gender and Development Ombud under the Magna Carta of Women (para. 46). Please provide information on the number of cases of discrimination against women that have been received and processed by that mechanism and on decisions handed down by the judiciary in cases of violations of women's rights. Please describe measures taken to ensure reparation, including adequate compensation, for victims in such cases. Please also include information on the legal aid currently available to support women who are victims of discrimination and violence, including returned migrant workers, rural women, indigenous women and Muslim women living in the Autonomous Region of Muslim Mindanao, in gaining access to justice. In that regard, please update the Committee on the work of the Gender and Development Ombud to establish guidelines and mechanisms to facilitate access by women to legal remedies and assist in the filing of cases (ibid.).

National machinery for the advancement of women

4. The Committee notes that the mandate of the Philippine Commission on Women has been expanded and that it includes monitoring of the implementation of the Magna Carta of Women (paras. 13 and 27). Please indicate measures taken to ensure that the Commission has adequate human, financial and technical resources and decision-making authority to work effectively for the advancement of women and the promotion of gender equality at all levels. Please describe how cooperation with civil society is ensured. It is also mentioned that an assessment of the plan for gender-responsive development was carried out (paras. 38 and 39). Please indicate whether any corrective measures have been taken as a result of that assessment and how continuous monitoring and evaluation of the implementation and impact of the plan are ensured.

Temporary special measures

5. It is indicated that section 11 of the Magna Carta of Women provides for temporary special measures (para. 118). Please provide information on any temporary special measures, including quotas, taken or envisaged by the State party to accelerate the achievement of substantive equality of women with men in all areas covered by the Convention, in addition to those mentioned in paragraph 119 of the report.

Gender stereotypes

6. The Committee notes the various advocacy and awareness-raising activities carried out by the State party to advance gender equality and address violence against women. Please indicate whether a comprehensive strategy has been

developed and implemented to specifically address social and cultural patterns that lead to patriarchal attitudes and gender stereotyping of the roles of women and men in the family, the community and the wider society, including initiatives involving collaboration with traditional and community leaders and women's organizations.

Violence against women

7. Please provide updated information on the current legal and policy framework addressing violence against women in the State party and on specific results achieved by the implementation of that framework. Please also provide information on the prevalence of violence against women, including domestic violence, rape and sexual violence, and in particular, violence in armed conflict and during disasters and calamities (para. 49). Please specify whether comprehensive data on the incidence of all forms of violence against women are being collected and what they reveal in terms of trends. Please also provide information on measures taken to ensure that victims of violence, including women with disabilities, have access to high quality protection and support services, including shelters and rehabilitation programmes. In addition, please update the Committee on the progress achieved in operationalizing the national violence documentation system at the national level (para. 53). Please also provide information on measures taken to ensure full compliance with the views adopted by the Committee in communications No. 18/2008, *Vertido v. the Philippines*, and No. 34/2011, *R.P.B. v. the Philippines*.

Trafficking and exploitation of prostitution

8. The Committee notes the adoption of the amended Anti-Trafficking in Persons Act (para. 67) and the progress made in combating trafficking in women and girls (para. 64). Please provide information on how systematic monitoring and evaluation of the various anti-trafficking programmes are ensured. The State party has also made reference to the Philippine anti-trafficking in persons database (para. 72) and the national recovery and reintegration database (para. 73). Please provide updated comprehensive, disaggregated data and statistics on the number of complaints, investigations and prosecutions (specifying the offences), convictions and sentences handed down for the crime of trafficking, as well as the types of protection and compensation provided to women victims. Please describe policies and procedures for the early identification of victims of trafficking, in particular women and girls. It is indicated that the Association of Southeast Asian Nations Plan of Action to Combat Transnational Crime was implemented between 2010 and 2012 to further strengthen regional and international cooperation and that the results of the assessment of the Plan of Action are being used as a basis in the continuing discussion on a possible convention on trafficking in persons and regional plan of action (para. 66). Please update the Committee on the efforts undertaken to ensure bilateral, regional and international cooperation to prevent trafficking and on whether any progress has been made in ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (para. 65).

9. According to the information before the Committee, the total number of people exploited for prostitution in the Philippines in 2014 may have been as high as 800,000, the majority being women, and hundreds of victims are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex

acts. Please provide information on measures adopted to prevent the sexual exploitation of women and girls. Please indicate whether measures exist to support women in prostitution who wish to find alternative means of livelihood.

Participation in political and public life

10. It is indicated that, in 2013, women occupied 6 of the 24 senatorial seats (25 per cent) and about the same percentage (25.64 per cent) of the congressional seats (para. 121). Please provide information on the specific steps taken by the Commission on Elections to incorporate, in its accreditation of political parties, specific provisions to promote the integration of women (para. 118). The Committee notes that the State party introduced a quota for third-level managerial positions (50/50) and local development councils (40 per cent) (para. 119). Please indicate whether the State party has established timetables to achieve the said goals in order to accelerate equal participation by women in all areas of political and public life, including higher levels of the public service and the judiciary. Please provide information on measures taken to ensure full diversity in the representation of women in political and public bodies, in particular indigenous and Muslim women. Please also indicate whether campaigns to raise awareness of the importance for society as a whole of the participation of women in decision-making positions have been carried out and whether mechanisms for monitoring the impact of those measures exist. Please include information on the participation of women in peacebuilding processes (para. 33).

Education

11. The report is silent on education. Please supply updated information and disaggregated data on the situation of education for women and girls in the State party. In particular, please provide information on:

- (a) Access to education for women and girls, including disparity in access between urban and rural areas;
- (b) Enrolment and retention rates of women and girls at all levels of education and areas of study;
- (c) Measures taken to reduce the dropout rates of girls;
- (d) Current situation in the State party regarding violence against and sexual harassment of girls in schools;
- (e) Integration of age-appropriate sexual and reproductive health and rights education into the curricula at all levels of education;
- (f) Stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

12. In the light of the Committee's previous recommendation (CEDAW/C/PHI/CO/6, para. 26), please indicate measures taken to protect women working in the informal sector, in particular to provide them with social benefits, such as the health benefit package (para. 114), and to promote their integration into the formal labour force, in particular those living in rural areas. Please also indicate measures taken or envisaged to address the high unemployment rate of women, reduce the wage gap

between women and men and eliminate horizontal and vertical segregation in the labour market. Please provide data on the number of reported cases of sexual harassment in the workplace and on measures taken to prevent and punish such acts. Please also provide information on mechanisms in place to address complaints of discriminatory practices with regard to employment. Please indicate whether the State party has evaluated the impact of free trade agreements on the socioeconomic conditions of women and provide information on measures taken to address the high incidence of child labour in the State party.

13. The Committee notes the adoption of the amended Migrant Workers' Act (para. 85) and of amendments to the household service workers policy (para. 84). Please provide information on the impact of those measures; whether regular monitoring and assessment are ensured; and on any steps taken to strengthen access to justice for women migrant workers in the receiving country. Please also provide statistical data concerning women migrant workers, including returning migrant workers. The report contains information on various steps taken to increase employment (paras. 100-103), support women's entrepreneurship (paras. 97-99) and improve social safety nets and social protection (paras. 105-114) with a view to addressing the root causes of trafficking and migration. Please indicate the results of the measures taken and whether regular monitoring and assessment have been carried out. Please provide information on measures taken to address the minimum age limit for women seeking employment outside the country. According to information received by the Committee, early in 2013, a "sex-for-flight scandal" exposed violations of the rights of women migrant workers by employees of the Department of Foreign Affairs and the Department of Labour and Employment. Please describe measures taken to address the treatment and handling of cases of women migrant workers by the State authorities.

14. The Committee notes the adoption of a labour agreement with Saudi Arabia (para. 82). Please provide further information on the implementation of the agreement, including whether implementing guidelines have been adopted and how effective monitoring and the provision of information to migrant workers on their rights are ensured. It is also indicated that bilateral labour agreements of 20 destination countries of Filipino migrant workers were reviewed in 2013 (para. 82). Please provide information on the outcome of that review and how a human rights and gender-based approach is ensured when adopting such agreements. Please also update the Committee on the progress made in the adoption of labour agreements with other destinations (para. 83).

Health

15. Please indicate the budget allocated to women's health and measures taken to ensure access to health-care services for all women, in particular rural women, women with disabilities, indigenous women and Muslim women. Please also provide information on the number of women living with HIV in the State party, in particular women in prostitution, measures taken to protect HIV-positive women from discrimination and measures for containing the spread of HIV.

16. Please provide information on measures taken to give effect to the recommendations contained in the summary of the Committee's inquiry concerning the Philippines under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/PHL/1, paras. 51 and 52), including any results achieved and how

monitoring and effective oversight are ensured. In particular, please include information on steps taken to implement the following recommendations: (a) officially revoke Executive Orders Nos. 003 and 030; (b) amend articles 256 to 259 of the Criminal Code in order to legalize abortion in cases of rape, incest, threat to the life and /or health of the mother or serious malformation of the foetus; and (c) provide women with access to the full range of contraceptive services, including emergency contraception, and to high-quality post-abortion care in all public health-care facilities.

Women with disabilities

17. Please provide disaggregated statistics and data on the situation of women with disabilities in the State party. Please also provide information on measures taken and envisaged to address discrimination and violence against women and girls with disabilities and to ensure that they have effective access to inclusive education, employment, vocational opportunities and social services and can effectively participate in political and public life.

Indigenous and Muslim women

18. According to information before the Committee, a Bangsamoro basic law is currently being considered by Congress. Please provide information on the status of the bill and how the rights of indigenous women, including to ancestral domain and self-governance, are ensured. Please also indicate steps taken to address the effects of extractive industries, including mining activities and large-scale infrastructure development projects, on indigenous women, including reported incidents of sexual violence, land-grabbing and forced relocation and displacement. Please provide information on measures taken in the Autonomous Region of Muslim Mindanao, such as the PAMANA (Peaceful and Resilient Communities) and HELPS (Health, Education, Livelihood, Peace, and Governance and Synergy) programmes (paras. 152-153), and their impact on indigenous and Muslim women, in particular with respect to access to health care, social security, education, clean water and sanitation services, fertile land, income-generating opportunities and participation in decision-making processes. Please specify steps taken to effectively ensure a gender-sensitive approach to address the needs of displaced Muslim and indigenous women.

Rural women

19. It is indicated that the State party is implementing programmes primarily to increase access by rural women to resources for livelihoods, education, health care and leadership opportunities (para. 155). Please provide information on those programmes, their impact and the results achieved, and on specific measures taken to address rural women living in poverty. Please also describe steps taken to ensure that women working in the agriculture and fisheries sectors can effectively gain access to support services, including microcredit and training, and technology. Please include information on the number of rural women recognized as agrarian reform beneficiaries (para. 156) and specify how a gender perspective is ensured in the area of food production.

Natural disasters and climate change

20. Please provide further details on the ways in which natural disasters and climate change affect women (para. 11) and indicate whether the State party has incorporated a gender perspective into risk reduction strategies. Please describe measures taken to ensure sustainable durable solutions for persons who have been internally displaced owing to natural disasters, taking into account in particular the specific needs of women and girls. Please further indicate measures taken to ensure the equal participation of women, in particular rural women, at the decision-making level of climate change and natural disaster management.

Marriage and family relations

21. Please update the Committee on the status of the bill legalizing divorce (para. 148). Please also indicate whether both parties are accorded the same rights and responsibilities upon dissolution of the marriage and how the rights of children are protected. It is indicated that the Gender and Development Code of the Autonomous Region of Muslim Mindanao discourages marriage to a child, defined as below 18 years of age (para. 25). Please provide updated information on steps taken or envisaged to repeal provisions on the minimum age of marriage for girls that discriminate on the basis of religion and on steps taken or envisaged to prohibit polygamous marriages.
