

GOING CEDAW

in the Philippines



The UNIFEM CEDAW South East Asia Programme 2005-2008

United Nations Development Fund for Women



UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all its efforts, UNIFEM focuses its activities on four strategic areas:

- Reducing feminized poverty;
- Ending violence against women;
- Reversing the spread of HIV/AIDS among women and girls;
- Achieving gender equality in democratic governance in times of peace as well as war.

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The UNIFEM CEDAW South East Asia Programme 2005-2008

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Foreword

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights and other international treaties which guarantee women's equality provide the framework which UNIFEM's work is anchored upon.

The UNIFEM CEDAW Southeast Asia Programme (CEDAW SEAP) has been working with seven countries; Vietnam, Cambodia, Thailand, Timor Leste, Laos, Indonesia and the Philippines; to formulate and implement laws and policies to promote gender equality in such areas as land and inheritance rights, decent work for women and ending violence against women. We also work with partners to make duty bearers more accountable and strengthen the capacity of women's rights advocates.

CEDAW as a human rights tool provides the normative content for laws and policies, and promoting State Party's accountability to its *de jure* commitments brought about by the ratification of the Convention. UNIFEM works with governments to improve their ability to pursue policies and laws upholding CEDAW while working with women's groups to strengthen their ability to claim their rights guaranteed under CEDAW. UNIFEM also facilitates collaboration between duty bearers and right claimants in identifying gaps and forging measures to address these through national development plans which embody the tenets of CEDAW.

CEDAW SEAP in the Philippines has been instrumental in raising the level of awareness on the Convention in the country, and its engagement with government officials in the preparation of the CEDAW Report has fostered deeper commitment to uphold women's rights. Recognizing that ratifying CEDAW creates both *de jure* obligations requiring the laws of the State party to accord with the Convention and *de facto* obligations requiring that the obligations created by the Convention are not merely reflected in the laws of the country but implemented in practice with the intended results, many senior government officials have joined voices of women advocates in pushing for the Women's Legislative Priority Agenda.

"Going CEDAW in the Philippines" highlights lessons and good practices culled so far from the project implementation for the past four years which we hope will be replicated not just in the Philippines but in other similarly situated countries as well.

Dr. Jean D'Cunha

Regional Programme Director

UNIFEM East and Southeast Asia Regional Office, Bangkok



Message

It is with great pleasure that I introduce this UNIFEM publication “Going CEDAW in the Philippines”, which documents the hard work and more importantly, the impact of the CEDAW South East Asia Programme (SEAP) in the Philippines by the various partners both from government and non-government, as well as the academe in the last four years (2005-2008). I commend the support of UNIFEM, CIDA and the UN Joint Programme to work for the implementation of CEDAW and its Concluding Comments.

Indeed in 2005 when the programme started, hardly anyone has heard of CEDAW, a treaty on the human rights of women and which was ratified by the Philippines in 1981, almost 28 years ago. Not many of the organized women, who are familiar with the International Conference on Population and Development (ICPD), Beijing Platform for Action and the Millennium Development Goals were invoking CEDAW in their advocacies.

As Chair of the CEDAW Committee, I was congratulated by other CEDAW experts on the Philippines’ excellent reporting in 2006, thanks to the CEDAW SEAP preparatory activities.

After four years, I take great pride in women’s NGOs’ understanding of CEDAW as a framework and standard in all aspects of their work – research, monitoring, shadow reporting, planning, budgeting and teaching; as well as its use to advance jurisprudence and catalyze reforms by filing complaints under the Optional Protocol, a first in the region for both the individual complaint and inquiry procedures, and a first in the world on violence against women.

To the members of the CEDAW SEAP Country Consultative Committee, CEDAW SEAP partners and CEDAW Watch, a network of advocates including young men and women, and the untiring CEDAW Philippine Programme National Coordinator, Luz Lopez Rodriguez...thank you for bringing life to CEDAW and for showing that CEDAW works.

I look forward to implementing CEDAW and its General Recommendation No. 27 on migrant women’s rights which I initiated and recently passed by the CEDAW Committee, through the creation of an ASEAN Human Rights Body.

Ambassador Rosario G. Manalo

CEDAW SEAP Country Consultative Committee Chair

Former UN CEDAW Committee Chair and current member of the ASEAN High Level Panel negotiating for the ASEAN Human Rights Body



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The production of “Going CEDAW in the Philippines” was a collective effort of the UNIFEM CEDAW SEAP, the Women’s Feature Service (WFS) Philippines, and other implementing partners with government, women’s NGOs and academe.

The WFS writing team collaborated closely with CEDAW SEAP implementing partners in re-telling their stories in popular, reader-friendly way and did further research on the background of these stories. The following helped comment on the drafts, provided photos and facilitated interviews: Emmeline Verzosa, NCRFW Executive Director and her staff; Elizabeth Yang, PILIPINA Executive Director; Amparita Sta. Maria, AHRC Director for Research and Publication; Mae Buenaventura, WLB Executive Director; Yasmin Busran-Lao, AI-Mujadilah Executive Director; Raissa H. Jajurie, Nisa Ul-Haqq fi Bangsamoro Vice Chairperson; Carol Sobritchea, then UPCWS Executive Director; Odine de Guzman, UPCWS Deputy Director and Aurora Javate-de Dios, Miriam College Women and Gender Institute (WAGI) Executive Director.

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List of Abbreviations

ADB	Asian Development Bank
AHRC	Ateneo Human Rights Center
AMDF	Al-Mujadilah Development Foundation
ALFI	Alliance for the Family Foundation Philippines Inc.
ALS	Ateneo Law School
APJR	Action Program for Judicial Reform
ARMM	Autonomous Region of Muslim Mindanao
BLGD	Bureau of Local Government and Development
BPFA	Beijing Platform for Action
BWSF	Bangsamoro Women Solidarity Inc.
CCA	Common Country Assessment
CEDAW	Convention on the Elimination of All Form of Discrimination Against Women
CEDAW SEAP	CEDAW South East Asia Programme
CFA	Communication Foundation for Asia
CGRJ	Committee on Gender Responsiveness in the Judiciary
CHED	Commission on Higher Education
CIDA	Canadian International Development Agency
CLOA	Certificates of Land Ownership Agreement
CMPL	The Code of Muslim Personal Laws
CPAP	Country Programme Action Plan
CRR	Center for Reproductive Rights
CSO	Civil Society Organizations
DFA	Department of Foreign Affairs
DILG	Department of Interior and Local Government
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
EP	Emancipation Patents
EU	European Union
GAD	Gender and Development
GFW	Global Fund for Women
GIG	Gender in Governance
GO	Government Organization
GR	General Recommendation
GRCs	Gender Resource Center
GWG	Gender Working Group
HRBA	Human Rights-Based Approach
ICPD	International Conference on Population and Development
IHR	Institute of Human Rights
ILO	International Labor Organization
IWD	International Women's Day
IWRAP-AP	International Women's Human Rights Watch-Asia Pacific
LGU	Local Government Unit
JRSP	Judicial Reform Support Project
JURIS	Judicial Reform Institute Support
M & E	Monitoring and Evaluation
MAP	Management Association of the Philippines
MCW	Magna Carta of Women
MDGs	Millennium Development Goals
MED	Monitoring and Evaluation Division
NAPC	National Anti-Poverty Commission
NBI	National Bureau of Investigation
NCIP	National Commission on Indigenous Peoples

NCR	National Capital Region
NCRFW	National Commission on the Role of Filipino Women
NEDA	National Economic and Development Authority
NGOs	Non Government Organizations
NSCB	National Statistical Coordination Board
NSO	National Statistics Office
ODA	Official Development Assistance
ODA-GAD	Official Development Assistance-Gender and Development
OP CEDAW	Optional Protocol to CEDAW
PDI	Philippine Daily Inquirer
PGA	Participatory Gender Audit
PHILJA	Philippine Judiciary Academy
PILIPINA	Ang Kilusan ng Kababaihang Pilipino
PKKK	Pambansang Koalisyon ng Kababaihan sa Kanayunan
PNP	Philippine National Police
PNU	Philippine Normal University
PO	People's Organization
POEA	Philippine Overseas Employment Administration
PSQs	Pre-session questions
RCO	Resident Coordinator's Office
RCS	Resident Coordinator System
RPC	Revised Penal Code
SAC	Special Areas of Concern
SACG	Study and Action Core Group
SEAWATCH	South East Asian Women's Watch
TWG	Technical Working Group
UCO	UNAIDS Country Office
UDHR	Universal Declaration of Human Rights
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDEF	United Nations Democracy Fund
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIC	United Nations Information Center
UNICEF	United Nations Children Fund
UNIFEM	United Nations Development Fund for Women
UN-GMC	United Nations Gender Mainstreaming Committee
UNJP	United Nations Joint Programme
UNRC	United Nations Resident Coordinator
UPCWS	University of the Philippines Center for Women's Studies
USAID	United States Agency for International Development
VAW	Violence Against Women
WAGI	Women and Gender Institute
WB	World Bank
WB-KDC	World Bank Knowledge Development Centers
WFS	Women's Feature Service
WHO	World Health Organization
WIN	Women in Nation-building
WLB	Women's Legal Bureau
WPLA	Women's Priority Legislative Agenda



Introduction

How do you make women's rights real? The United Nations crafted a treaty for the rights of women and the UN Development Fund for Women (UNIFEM) came up with a programme to help make women's rights a reality in seven countries in southeast Asia. This book documents how the programme was carried out in the Philippines. To be able to appreciate the contents of this book, it is necessary to know the background behind these series of activities documented here...all leading towards making women's rights real.

CEDAW

Central to all these is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) also known as the International Bill of Rights for Women, the Women's Convention or the United Nations Treaty for the Rights of Women.

This is the first and only international treaty that comprehensively addresses women's rights, not only within civil and political spheres, but also within economic, social, cultural and family life. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

CEDAW considers discrimination against women as a human rights violation. It defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field." (Article 1)

CEDAW was adopted in 1979 by the UN General Assembly and came into force on September 4, 1981. The Philippines signed it on July 17, 1980 and ratified it on July 19, 1981, making it a State Party to CEDAW. Today, there are 185 States Parties out of 191 UN member states. States Parties are bound to respect, protect and fulfill women's rights by repealing all discriminatory laws and policies, enact anti-discriminatory policies and promote equality through all appropriate means.

Part of the state's obligation is to report to the UN CEDAW Committee on the implementation of the treaty a year after ratification and every four years thereafter. The CEDAW Committee is made up of 23 experts elected by States Parties to review the reports and issue recommendations which the Parties must carry

out and report on in the next period. Last August 15, 2006, the Philippines gave its combined Fifth and Sixth Progress Report to the Committee. (The training and preparation for this is documented in the first chapter in Section 1 “Going CEDAW in Government” while the making of the Shadow Report is told in Section 2 “Organized women go CEDAW”). The Concluding Comments of the CEDAW Committee outline the priorities for state implementation, progress on which will be the focus of the next report due in 2010. These recommendations are the subject of monitoring by non-government organizations on state obligations.

CEDAW South East Asia Programme

The United Nations Development Fund for Women (UNIFEM) in partnership with the Canadian International Development Agency (CIDA) developed a regional programme for southeast Asia in “Facilitating CEDAW Implementation Towards the Realization of Women’s Human Rights in South East Asia”. It is being implemented in Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Timor-Leste, and Vietnam from 2004 to 2009.

Programme goal and outcomes

The programme goal is more effective CEDAW implementation to better contribute to the realization of women’s human rights in seven southeast Asian countries. The following outcomes will contribute to the programme goal:

1. Improved awareness of women’s human rights and deepened understanding of CEDAW by the organs of the State and by organized civil society groups including women’s NGOs.
2. Strengthened capacity of States Parties and organized civil society groups to promote women’s human rights under CEDAW.
3. Strong political will for CEDAW implementation in support of women’s ability to claim their human rights.

Strategy

Using CEDAW as the mechanism for change, CEDAW SEAP utilizes an integrated approach to the realization of women’s human rights. It adopts a three-pronged strategy targeting:

1. The substance of laws and policies

- Incorporate the principle of equality of men and women in the legal system
- Abolish discriminatory laws and adopt new laws prohibiting discrimination against women

- Apply the norms and standards set out by CEDAW in the planning, implementation and monitoring of national and local policies for the protection, promotion and fulfillment of women’s human rights

2. Institutional structures and procedures

- Develop the capacity of institutions that will enforce or implement the new laws and policies
- Set up the institutional arrangements for monitoring progress in the fulfillment of women’s human rights and for reporting to the CEDAW Committee

3. Cultural Factors

- Raise the awareness of the whole society on the equal human rights of women and men as guaranteed by CEDAW

The stakeholders

The programme strategy recognizes the important roles to be played by various stakeholders and seeks to develop awareness, skills, processes and other means to build their capacity to protect, promote and fulfill women’s human rights.

Parliament or Legislature
Executive Branch
Judiciary
Schools

Organized civil society
Media establishments
Religious institutions
Business sector

CEDAW Philippine Programme

To carry out the CEDAW SEAP goals and outcomes, the Philippine programme sought out the various stakeholders employing the three strategies above. And these comprise the three sections in the book documenting government-executive, legislature, and judiciary; organized women, schools and media interacting in various activities from 2005-2008.

Raising public awareness

This involves a multimedia campaign to promote a CEDAW-based analysis of human rights issues and development strategies. Multi-stakeholder forums and dialogues were organized in Luzon, Visayas and Mindanao to orient local governments, women NGOs, mass media practitioners and community-based groups on basic women’s rights provisions under CEDAW. Feedback forums on the Philippine government and NGO Shadow Reports to the UN CEDAW and the latest Concluding Comments on the Philippine Report were also conducted.

Capacity building and training

This refers to an integrated system of activities involving training, mentoring in application, evaluation and refinement of knowledge and operational skills on CEDAW and its Optional Protocol. This aims to develop a pool of CEDAW experts among selected state organs, women's NGOs, academe, mass media and other civil society partners.

Research and advocacy

The programme supported the legal review and gender analysis of selected laws using the CEDAW substantive equality framework, to identify discriminatory provisions to be amended. Consultation workshops were held in key cities of the country to draft the Magna Carta for Women which introduces the principle of non-discrimination and applies such in comprehensive ways to economic, political and socio-cultural areas of Philippine society.

CEDAW monitoring & reporting

The programme provides technical support for the development and implementation of a government coordination system for CEDAW monitoring and reporting. This includes the preparation of the CEDAW official report by government and the shadow report by women's NGOs as well as the implementation of the Concluding Comments in between the reporting cycle.

Technical assistance

This involves support for the incorporation of CEDAW in key national documents and policies. It includes mentoring the technical staff of legislators and justices in the drafting of legislative bills and court decisions. A CEDAW Watch network was organized to be a pool of experts and advocates to sustain peer mentoring.

Partnership building and networking

The programme works with partners at various levels. At the donor level, technical inputs are provided to integrate CEDAW in development programming of the United Nations Gender Mainstreaming Committee (UN-GMC) and the Official Development Assistance Gender and Development (ODA-GAD) Network. At the advocacy level, support is given to a multi-sectoral CEDAW Watch network for peer mentoring and advocacy. At the programme management level, periodic consultations are held with programme implementing partners and the Country Consultative Committee to catalyze programme development. These partners put in counterpart resources and activities to support CEDAW advocacy and implementation.

GOINGCEDAW



Going CEDAW in Government

Building awareness and institutional
capacities of government agencies on
state obligations under CEDAW

Section 1

Going CEDAW in government

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Section Editor:
Elena Masilungan



Section 1

Introduction

Government has a critical role to play if CEDAW is to achieve its goal of ending discrimination and bringing equality to women everywhere. This is because government, or the State Party in UN parlance, is the one that signs the CEDAW and commits its power, resources and mechanisms to enable this human rights treaty to become real and make a difference in the lives of ordinary women. The ideal is for the three branches of government — the executive, the legislative and the judiciary — to work together and pursue collective actions that respond to the provisions of CEDAW.

The Philippines ratified CEDAW in 1981, barely two years after it was adopted by the UN. More than two decades later, government's implementation of it is, at the very least, spotty and limited. True, policies and legislation have been put in place that aim to fight gender inequality and discrimination. But there are still many other existing policies and legislation that need to be examined and amended to bring them in tune with the CEDAW. This international bill of rights of women has not even been translated into a national legislation that would address specific conditions of inequality and discrimination confronting Filipino women. Monitoring how the three branches of government apply it, if at all, is weak. There is no critical mass yet of government officials who know CEDAW enough to consider it as a guide and reference when they make decisions and policies that directly affect the lives of women. The application of CEDAW as a tool to empower women and transform their lives for the better is, unfortunately, not being maximized at a level and intensity it deserves.

It is against this background that the UNIFEM CEDAW SEAP, in partnership with CIDA began engaging government in 2005. It initiated projects and activities involving the three branches of government to better equip them with knowledge and skills on how CEDAW can be effectively and fully implemented.

For the executive branch, the CEDAW SEAP Philippine Programme's main partner was the National Commission on the Role of Filipino Women (NCRFW), the central policy-making body to the President and the Cabinet on women's issues and concerns. The Programme supported the NCRFW in holding consultations, public forums, mentoring sessions and training as it prepared for the presentation of the country's progress report to the CEDAW Committee on how it had been fulfilling its commitment to the Women's Convention. In the process, the NCRFW was able to strengthen its partnership with other government agencies and civil society

organizations in facilitating CEDAW implementation and monitoring. It was able to conduct a policy dialogue and advocacy meetings with legislators to push for a women's priority legislative agenda that has CEDAW as one of its anchors. It also initiated the development of a monitoring and evaluation framework to generate sex-disaggregated data on the implementation and outcomes of gender-responsive policies, programs and services, including those that reflect the provisions set forth by CEDAW.

For the legislative branch, CEDAW SEAP did not directly partner with any law-making institution. Instead, it supported the efforts of women's groups in lobbying for the passage of the bill on the Magna Carta of Women, widely considered as the counterpart of the international treaty that is CEDAW at the national level. CEDAW SEAP worked closely with two non-government organizations to influence the legislative branch to promote the Women's Convention and firm up its implementation through legislation. These were the CEDAW Watch, a group formed to uphold women's human rights by advocating and monitoring CEDAW's implementation, and PILIPINA, a network of women's organizations nationwide. One of CEDAW Watch's major agenda was to have a gender equality law that would serve as an enabling national legislation of the Women's Convention. It tapped PILIPINA to shepherd this initiative in both Houses of Congress.

For the judiciary, CEDAW SEAP had the Supreme Court and the Ateneo Human Rights Center (AHRC) as key partners. CEDAW may be a human rights treaty and it sets the standards on how the rights of women are respected and fulfilled but it is not that well-known nor appreciated even by officials of the court. CEDAW SEAP's project with the judiciary aims to deepen its knowledge on CEDAW and build its capacity to apply it in its deliberations and rulings. It drew on the experience and expertise of the AHRC to develop and conduct training sessions on gender sensitivity and CEDAW for judiciary members. The project was also able to publish resource materials based on the training that judiciary members could refer to for information and guidance on how to apply CEDAW. The Supreme Court gave its explicit support to the project by approving the conduct of the training and including it in its training curriculum for the judiciary.

The following three chapters present a detailed account of these UNIFEM CEDAW SEAP projects with government. They illustrate how each branch of government is crucial in the CEDAW's implementation. At its most basic, the executive sets the direction and policies for implementing CEDAW through its programmes, projects and services that advance women's rights. The legislative makes laws that respect, protect and fulfill women's rights. The judiciary interprets these laws and ensures that they are followed. If only for these basic mandates, government has a stake in seeing to it that its obligations to CEDAW are fulfilled and implemented, one that the UNIFEM CEDAW SEAP helped government achieve.



Chapter 1

Enhancing state reports to CEDAW: Accounting for progress in women's human rights

On August 15, 2006 the Philippines, as a State Party to the Convention on the Elimination of All Forms of Discrimination against Women, reported the country's implementation of the Women's Convention to the United Nations CEDAW Committee.

The 12-member, high-level Philippine delegation was led by Department of Social Welfare and Development (DSWD) Secretary Esperanza Cabral and the National Commission on the Role of Filipino Women (NCRFW) Chairperson Myrna Yao. Members of the delegation were two undersecretaries representing the Departments of Health (DOH) and Labor and Employment (DOLE), two NCRFW commissioners, the NCRFW Executive Director, officials of the Philippine Mission to the UN, and Professor Aurora Javate-de Dios. De Dios, having served as CEDAW Expert and CEDAW Committee member from 1995 to 1998 and Chair of the NCRFW from 2001 to 2004, served as technical advisor and mentor to the government reporting process.

"We had a mock session (of reporting to the CEDAW Committee) even in New York," recalls De Dios. "We really prepared because you cannot leave anything to chance. We had observed several delegations who had all the information before them but were scrambling for the data when the ideal is to answer immediately."



DSWD Sec. Esperanza Cabral, Amb. Rosario Manalo and Prof. Aurora de Dios at the CEDAW Mock Session in July 2006



NCRFW's Myrna Yao (Co-chair) and Sec. Cabral, Chair of the Philippine delegation at the actual reporting to the UN CEDAW Committee.

The Philippines relied on what she calls the most basic technology in reporting – index cards on which were printed direct answers to possible queries. They were printed using “age-friendly” 16-18 font size.

“ ‘Formula questions’ arise from each of the (CEDAW) provisions – on violence against women, for instance,” says De Dios. “But there will also be unexpected political questions such as extra-judicial killings. Even these, we had to prepare for. There were probing questions, political questions, superficial questions, but on all of them we planned who would answer, how to answer, and how briefly – otherwise, you would be cut.”

According to De Dios, the lawyers usually ask about discrimination – the standing of the CEDAW in the Philippine Constitution and legislation, the impact of laws which may have been in place but still have no impact per measurable indicators and other statistics, and the overall implementation of the CEDAW after 25 years, more so because it was the Philippines that co-sponsored the draft creating it in the 1976 session of the UN Commission on the Status of Women.

The CEDAW Experts had a positive reaction to how the delegation presented the country report and responded to their questions.

In their Concluding Comments, the UN CEDAW Experts commended the Philippines:

4. The Committee congratulates the State party on having ratified the Optional Protocol to the Convention in November 2003 and on having accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee, also in November 2003.

5. The Committee notes with appreciation the adoption of laws which contribute to the enhanced implementation of the Convention. They include the Anti-Trafficking in Persons Act of 2003, the Anti-Violence against Women and Their Children Act of 2004, the Family Courts Act of 1997, the Rape Victims Assistance Act of 1998, the Indigenous People’s Rights Act of 1997, and the Social Reform and Poverty Alleviation Act of 1997.

6. The Committee welcomes the Philippine Plan for Gender-Responsive Development 1995-2025, which intends to translate the Convention and the Beijing Platform for Action into policies, strategies, programmes and projects for Filipino women.

7. The Committee commends the State party for providing pre-departure information and support services to overseas Filipino workers who migrate on a legal basis.

The Concluding Comments were received by the Philippines on August 25, 2006, ten days after it reported to the CEDAW Committee.

Ambassador Rosario Gonzales-Manalo, Chair of the CEDAW Committee at that time and CEDAW Expert since 1999, did not join the session since it was her country that was reporting. She was in another chamber, hearing another State Party's report, but her co-members rushed to her after the session and said, "Rosario, your country reported so excellently."



Some members of the Philippine Delegation. From left: Usec. Luzviminda Padilla (DOLE), Atty. Evelyn Dunuan (NCRFW Commissioner for Indigenous Peoples), NCRFW Chair Myrna T. Yao, Sec. Esperanza Cabral (DSWD), Usec. Ethelyn Nieto (DOH), Emmeline L. Verzosa (NCRFW Executive Director), Yvette Banzon-Abalos (Phil. Mission to NY) and Prof. Amaryllis Torres (NCRFW Commissioner for Academe).

Mentoring the NCRFW and key government partners

The country's engagement with the CEDAW Committee dates back prior to May 2004 when the Philippine government prepared and submitted its combined Fifth and Sixth Philippine Progress Report on the implementation of the Women's Convention from 1998 to 2004. The NCRFW sought the support of two gender experts, Jeanne Frances Illo and Rosanita Serrano, former Deputy Executive Director of NCRFW, to update the draft report by the NCRFW staff and edit it down to fit the CEDAW Committee guideline on length. The new draft was then presented in a multi-sectoral consultation with government and non-government organizations. Incidentally, state reporting to the CEDAW Committee often lagged behind by at least one reporting cycle due to its tight schedule and backlog, hence the combined Fifth and Sixth Report.

Between the report's submission in 2004 and the actual presentation to the CEDAW Committee on August 15, 2006, the NCRFW had to prepare a "bridge report" to update and supplement the earlier combined report. The bridge report also responded to the pre-session questions (PSQs) received from the CEDAW Committee. It allowed the CEDAW Committee to review and deliberate on positive changes as well as on the persistent and emerging gaps and challenges to effective promotion and protection of women's human rights in the Philippines.

Timeline for Reports to the UN CEDAW Committee

Official Report	Coverage	Reporting
1. First	1981-1982	Submitted to the UN through the Assistant Secretary for Social Development and Humanitarian Affairs
2. Second	1983-1987	Presented to the UN CEDAW in 1991 by NCRFW Chairperson Patricia Licuanan
3. Third	1988 - November 1992	Presented January 27, 1997 by NCRFW Chairperson Imelda Nicolas
4. Fourth	December 1992 - November 1995	Presented January 27, 1997 by NCRFW Chairperson Imelda Nicolas
5. Fifth and Sixth	December 1995 - December 2003 (updated by responses to pre-session questions for 2004-2006)	Presented August 15, 2006 by Social Welfare and Development Secretary Dr. Esperanza Cabral

The NCRFW sought capacity building support from CEDAW SEAP to improve its CEDAW reporting process. In the past, the NCRFW relied on external consultants to write the report. The quality of data mostly focused on projects and programmes rather than on effects on women’s lives. Earlier reports were also constrained by a lack of sex-disaggregated baseline data and gender analysis. With the assistance of CEDAW SEAP, the NCRFW gathered data and coordinated with Illo, a gender expert who had been contracted to make the initial draft of the combined report. As part of the entire process of reporting to the CEDAW, the NCRFW drafted the combined report in partnership with other government agencies and with civil society organizations. The participation of civil society was and continues to be integral to many of its activities.

A two-pronged approach to capacity building was activated to enhance the capacities of government agencies to carry out commitments to CEDAW as well as monitor its implementation. The first approach focused on the national women’s machinery, the NCRFW, as the lead agency for CEDAW reporting and as oversight agency for mainstreaming gender equality in government. The second approach is the training of national, sub-national and local government agencies on the CEDAW and monitoring its implementation.

Capacity building, through training, is central for an effective CEDAW implementation and monitoring. There was no government institution directly tasked and equipped to train government agencies on CEDAW. To a limited extent, an independent Commission on Human Rights has been conducting a generic training module in human rights-based approach for selected government

agencies but it lacked a substantive module on women's human rights and CEDAW. NCRFW, on the other hand, is mostly a policy advisory and oversight body with no regional and local reach nor budget, except when external funding allows it to undertake pilot testing and modeling interventions in specific areas.

Training for state organs

To address this need for training, the Women and Gender Institute (WAGI) of Miriam College was tapped to customize a CEDAW training program for government officials and staff and test-run and validate it. WAGI is a private tertiary academic institution led by feminists and women's human rights advocates. It has been offering a summer course on international women's human rights for at least seven years, with De Dios as Course Coordinator and one of the lead faculty. WAGI organized a team of human rights lawyers, economists and women's studies experts to develop the CEDAW training for state agencies. Manalo was also tapped to share her experiences and insights on the history and features of the Women's Convention and the processes of the CEDAW Committee.

De Dios was brought in as individual consultant in a series of mentoring sessions for NCRFW's commissioners and staff, particularly on drafting and polishing responses to the PSQs of the CEDAW Committee.

The first mentoring session, held on October 6, 2005, was mainly for NCRFW commissioners who set its policies and guidelines. Manalo, then CEDAW Committee Chair, served as one of the resource persons and talked on the status of Filipino women in law (*de jure*) and in fact (*de facto*). This prompted NCRFW Chair Yao to ask during the open forum, "How should we frame our advocacy for equality? Should we continue to use 'gender equality' or 'women only'?"

Manalo replied, "Gender equality is the essence of CEDAW. Data show that more women are disadvantaged. (Thus), the entry point (for our advocacy) is women's empowerment. Hence, CEDAW focuses on women."

The succeeding mentoring sessions involved the NCRFW technical officers and representatives of the DSWD, DOLE and its Philippine Overseas Employment Administration (POEA) and the Department of Interior and Local Government's (DILG) Bureau of Local Government Development (BLGD). These were held on January 24 and February 8, 15, and 21, 2006.

At the second and third sessions, De Dios zeroed in on the Women's Convention and on analyses of CEDAW issues in the Philippines and in other countries – the United States, Nepal, Australia, Zambia, Zimbabwe, Colombia and Costa Rica.

On February 8 and 15, 2006 the trainees had exercises on evaluating the effectiveness of the implementation of the Women's Convention; a review of data gaps in the combined Fifth and Sixth Report and the responses to the PSQs of the CEDAW Committee; and identification of data sources.

Also, the NCRFW and its partner agencies learned of new formats and indicators for measuring the impact on women of the implementation of CEDAW. From this emphasis on compliance indicators, they saw that at their level, they had obligations under the Women's Convention to gather appropriate data on the impact of its implementation. Particularly for the NCRFW, its staff saw the need to strengthen their role in documenting efforts to implement the Women's Convention and in sustaining regular evaluation and reporting to the United Nations and even to women at the community level.

WAGI also conducted two training workshops for national agencies and local governments. The first training was held in Manila on March 28-30, 2006 while the second training was held on April 25-27, 2006 for sub-national agencies and local governments in the Visayas and Mindanao. The training workshops made participants see the importance of the Women's Convention and their major role in realizing the government's commitment to promoting women's human rights by harmonizing the link among the Women's Convention, existing guidelines on gender and development (GAD), and the Beijing Platform for Action (BPFA).

The modules of the training workshops were validated by the participants and yielded substantive inputs for a framework paper called "From *De Jure* to *De Facto* Rights for Women: Strengthening Implementation of CEDAW in the Philippines." In this framework paper, WAGI linked the Millennium Development Goals (MDGs), the BPFA and the CEDAW as an integrated and comprehensive framework vital to the full protection of women's human rights by government agencies.

Overall, the result of the mentoring process helped shape the combined report to reflect the qualitative shift made by the NCRFW from a needs-based approach to a rights-based framework for empowering women and holding government accountable to its commitments under the Women's Convention. In the process, the report acquired a participatory character with inputs coming from national government agencies, local government units, NGOs, resource centers, other partner agencies, and the NCRFW itself.

Validating the combined report

Aside from the mentoring sessions on monitoring, there was also a National Validation Workshop for Updates to the Combined Fifth and Sixth Philippine Report to the CEDAW and Responses to the UN CEDAW Pre-session Questions held on April 6, 2006. Aptly named "CEDAW, Act Now! Bridging the Gaps, Strengthening Actions to Fulfill Women's Rights," the activity gathered 120 participants from national and local government units, national and region-based NGOs, and gender resource centers and networks. In the afternoon, the workshop segued into the Public Forum on the Application of CEDAW to Domestic Laws, Culture and Religion, the last activity under the mentoring sessions.

For the validation workshop, CEDAW indicators were prepared by the Monitoring and Evaluation Division (MED) of the NCRFW, the unit coordinating the drafting of the combined report. Participants were able to answer the PSQs of the CEDAW Committee using these indicators as well as their knowledge and understanding of the Women’s Convention.

MED Chief Gladys Franco reflects on the importance of the CEDAW indicators: “We saw that we should be able to gauge how far or how near we are toward the goal of eliminating discrimination in health, employment, etc. Earlier, it was abstract – is access to microfinance enough for true economic empowerment? With the clearer parameters, our strength has been enriched.”



At the Forum on CEDAW and Validation Workshop in April 2006



Stretching break between workshops

On April 20-21, 2006 inputs from the validation workshop facilitated data collection for a writeshop by NCRFW technical officers on responses to the PSQs. All in all, preparing responses to the PSQs involved more than 50 government and civil society organizations. The NCRFW consulted its partners in the National Capital Region and in the regions, including representatives of indigenous peoples and Muslim women.

Franco says of these sessions, “I learned that when we give agencies technical assistance, we can point out that the CEDAW is a treaty that binds us to help women who are half of the population that agencies are working with. If we promote their rights, that’s half of the population we’re creating a balance for. It’s a challenge to work for the rights of half of the world.”

In addition to involving women’s groups in one-time events like the workshop, the NCRFW also invited them to contribute inputs to the official combined report and to prepare alternative, shadow reports. And when women’s groups had concerns beyond the chapters of the official document, the NCRFW incorporated these in the section on “Remaining Issues and Challenges.”

De Dios, who served as technical adviser to the report writing in the combined report and in its presentation says “We had the benefit of hindsight because we had reported earlier and had gotten feedback.

“And as a CEDAW Expert, I had been able to observe other countries as they reported.

“There’s no point in withholding information about the conditions of women because you cannot hide anything. If not available through government, the truth is available on the web, from NGOs and in media. Everything can be verified and so, it is good to give full disclosure of information to the extent that we know that we are capable of giving,” she adds.

Less than a month later, in May 2006, the NCRFW transmitted the final version of the combined report to the CEDAW Committee through the Department of Foreign Affairs (DFA). The next month, it finalized the composition of the delegation that would be going to the UN in New York.

Coaching the Philippine delegation

Integral to the mentoring process is coaching the members of the Philippine delegation on reporting and presentation techniques while they are before the CEDAW Committee.

The first official meeting of the Philippine delegation took place on July 6, 2006 when it conferred with Manalo on how to handle the questions of the CEDAW Experts. On July 21, 2006, they held a mock session that simulated the constructive dialogue between the delegation and the CEDAW Committee. Gender and women’s human rights experts from government, academe and NGOs were invited to play the role of CEDAW Experts who will probe into the contents of the combined report. Here, they benefited from the expertise of then CEDAW Committee Chair Manalo, who was also a CEDAW Expert from 1999 to 2006, and former CEDAW Experts De Dios and Teresita Quintos-Deles, whose stint in the CEDAW Committee was from 1991-1994.

Interestingly, the critical exchange with some feminist leaders was for real and impassioned, especially when it came to such controversial issues as reproductive health, labor and migration, and rural women. The mock session proved to be a very helpful preview of the dialogue with the CEDAW Committee.

Orienting legislators and the Cabinet on CEDAW

The NCRFW also reached out to national leaders who are vital in institutionalizing the Women’s Convention. It gave an orientation session to legislators and their staff on March 28, 2006, with Manalo as resource speaker. Signatories to the Women’s Convention, she stressed, must have measures and programs that recognize, protect and enforce women’s rights. She also pointed out areas of discrimination against Filipino women, particularly the lack of a clear national policy on women’s reproductive health rights, the lack of stronger policies and

programmes for women's empowerment, and the presence of discriminatory laws which must be repealed or amended.

For their part, Representatives Josefina Josen, then Chair of the House Committee on Women and Gender Equality, and Loretta Ann Rosales, Akbayan NGO party list representative, vowed to continue pushing for pro-women and human rights laws, including the bills on anti-prostitution, sectoral representation, responsible parenthood and population management, and the Magna Carta for Women (MCW). They would also strive to amend the Revised Penal Code provisions on adultery and concubinage. (Up to the end of the 13th Congress, the draft bill had the title Magna Carta for Women. When the 14th Congress convened in June 2007, women's NGOs advocated the change to Magna Carta of Women to signify women NGOs' initiative and broad-based consultations in drafting the bill.)

The NCRFW believes that with this session, legislators were able to understand their role as advocates of laws for women's empowerment and against discrimination. At the open forum, they and their staff clarified issues in implementing the CEDAW, in answering opposition to certain pro-women's bills, and in advancing women's rights through laws.

In the afternoon of the same day, NCRFW Chairperson Yao also reported to President Gloria Macapagal-Arroyo and her Cabinet the highlights of the combined report and the status of interventions aimed to benefit women. The Chief Executive responded to concerns about impediments to the implementation of the Women's Convention. These are mainly on labor migration, human rights and their violation, reproductive health, continued discriminatory provisions in some laws, and the need for a legal definition of discrimination against women. She directed the Cabinet, especially the Department of Justice (DOJ) and the DILG, to fast track programmes for women and to work with the NCRFW to make these programmes and activities affect women positively.

Checking implementation of the CEDAW

In signing the CEDAW, women, explains NCRFW Executive Director Emmeline Verzosa, can hold government accountable for its implementation. "It is the duty and obligation of government to make sure that the CEDAW is known to government agencies, that they are duty holders who have to respect, protect, fulfill and promote women's rights... And because (NCRFW's) main client is government agencies, we now make use of the CEDAW to tell them that they have to implement it," she adds.

Even as the NCRFW staff was preparing the Philippine Delegation for the dialogue with the UN CEDAW Committee, they were also planning for the Multi-Stakeholder Feedback Forum. It was also an Action Planning Workshop and Launching of CEDAW Knowledge Products. Held on September 27, 2006, the forum had delegation head Secretary Cabral presenting the highlights of the combined report to 158 participants from government organizations, NGOs, and other

partner organizations. Lawyer Claire Padilla of the feminist group EnGendeRights summarized the shadow report on reproductive health and rights. CEDAW Chair Manalo discussed the Concluding Comments. At the action planning workshop participants identified concrete measures being done or will be done to address the Concluding Comments.



Dr. Amelou Benitez-Reyes, PWU President, at the Multi-stakeholder Feedback Forum



Action planning workshop to address the Concluding Comments

Several feedback sessions were conducted upon invitation of various groups, such as Women in Nation-building (WIN), Zonta, local government units in Davao, regional development councils, and the Regional Commission on Bangsamoro Women (RCBW) in ARMM.

A positive development happened in February 2007 when UN agencies operating in the Philippines pooled their resources for a UN Joint Programme to facilitate the implementation of the CEDAW Concluding Comments. The NCRFW implemented two components of the Joint Programme – the Multi-Stakeholders Consultations and Monitoring with National Government Agencies on Priority Themes of CEDAW and the Policy Dialogue/Advocacy on Women’s Priority Legislative Agenda (WPLA). The priority areas to be monitored included violence against women (VAW), trafficking in women, reproductive health, unpaid work, the wage gap, indigenous and Muslim women.

Setting up monitoring systems for CEDAW

With support from the UN Joint Programme, the NCRFW oriented and guided some partner agencies on how to generate sex-disaggregated data, and to the extent possible, gender data on the implementation and outcomes of gender-responsive policies, programs and services. This activity addressed the recommendations of the CEDAW Experts to build up the capabilities of government agencies to ensure the outcomes of responses to their Concluding Comments. Partner agencies who attended it were the DFA, DOLE, POEA, DOH, DOJ, the National Economic and Development Authority (NEDA), the National Statistics Office (NSO), the National Statistical Coordination Board (NSCB), the Philippine National Police (PNP), and the National Commission on Indigenous Peoples (NCIP).

Another initiative was an orientation involving 15 technical staff of the NCRFW on the use and application of the NSO Census and Survey Processing System, including how to use and apply it to generate data on wage gaps and unpaid work.

Although not part of the monitoring component of the UN Joint Programme, the NCRFW gave an orientation and workshop to the NCIP for gender mainstreaming on June 24-27, 2008. NCIP staff from the central and regional offices were briefed on the basic concepts and framework of gender mainstreaming, on identifying indicators still relevant to the CEDAW Concluding Comments, and on applying the rights- and results-based monitoring and evaluation (M&E) system. The NCRFW also helped the NCIP develop its GAD Plan and Budget for 2009.

Another activity on monitoring under the UN Joint Programme focused on women-at-risk. On May 12, 2008, the NCRFW convened the Inter-agency Meeting on Indicators and Data Generation for Violence against Women, Trafficking, and Reproductive Health on CEDAW Concluding Comments. Participants came from the DSWD, DOJ, the National Bureau of Investigation (NBI) and the provinces of Masbate and Ifugao, where significant numbers of migrant women are vulnerable to trafficking. This meeting enhanced data matrices on the Concluding Comments, generated baseline data and indicators on the three concerns it was addressing.

On May 28, 2008 an Inter-agency Forum on the Application of the Rights- and Results-Based Monitoring and Evaluation on CEDAW was conducted. Here, the NCRFW technical staff presented to key partner government agencies the enhanced indicators on the priority areas of the CEDAW Concluding Comments. Also presented were the challenges and actions to be taken by agencies for adopting these indicators.

One of the practical results of the forum was that the NCRFW staff once again drew a commitment from the participants to address the challenges of institutionalizing the application of the rights- and results-based framework for monitoring.

Local governments also got into the act of implementing the CEDAW. On June 25-27, 2008, they joined the NCRFW in drafting Joint Memorandum Circular with the Department of Budget and Management and the Department of Interior and Local Government, on Integrating GAD in Local Planning, Programming and Budgeting, and Monitoring and Evaluation. This draft identified CEDAW as a key document on which to anchor the respective GAD Plans and Budgets of local governments. Recommendations were also presented to enhance the circular and the operational guidelines for crafting the GAD Plan and Budget and the subsequent accomplishment report on how they have been implemented.

The NCRFW also held an orientation on Promoting Women's Human Rights: Responding to the UN CEDAW Concluding Comments. The NCRFW briefed 109 participants from government and NGOs on the WPLA as well as on the rights- and results-based monitoring and evaluation of responses to the Concluding Comments.

Policy dialogue and advocacy on Women's Priority Legislative Agenda (WPLA)

The NCRFW included legislators and their staff as targets of the capacity building effort for CEDAW implementation. A number of activities on this were also supported by the UN Joint Programme.

An important objective in orienting legislators on the CEDAW is to gain their backing in supporting Women's Priority Legislative Agenda. It is anchored on the provisions of the Women's Convention and focuses on concerns that needed legislative intervention. One such concern is the repeal of discriminatory provisions in the Revised Penal Code (RPC), the Family Code of the Philippines and the Labor Code. Specifically, it seeks the repeal of articles 333 and 334 through the passage of a marital infidelity bill that equalizes penalties for erring husbands and wives and the repeal of Article 202 through the passage of an anti-prostitution bill that treats prostituted women, children and men as victims rather than criminals. Other priority legislative agenda include the revision of the anti-rape law, and the passage of bills on the Magna Carta of Women, reproductive health, the rights of *kasambahay* (domestic workers), and on local sectoral representation.

The NCRFW briefed members of the Senate and the House of Representatives and relevant government agencies and NGOs on the WPLA. For these sessions with legislators, it prepared a briefing kit on the priority bills containing a policy paper, the situation of women vis-a-vis the policy being advocated, the salient features of the bill and its status in Congress.

The first orientation, held on September 19, 2007, gathered women members of the House of Representatives and the staff of the House Committees on Higher and Technical Education, Women and Gender Equality, Human Rights, Justice, Constitutional Amendments, Rural Development, and the Millennium Development Goals (MDGs).

The second orientation came a month later on October 17-18, 2007. It involved 21 members of the legislative committee staff and of the technical staff of the five House Committees on Labor and Employment, Ethics and Privileges, Women and Gender Equality, Local Government, and Revision of Laws. Representatives of 11 out of the 23 senators also attended.

As part of their lobbying activities, the NCRFW staff served as resource speakers in committee hearings and meetings of technical working groups (TWG). They also revised and updated the handbook on "How to be a Gender-Responsive Legislator" to help legislators see issues with a gender lens, propose gender-responsive bills and to review and revise existing laws to make them in harmony with the Women's Convention.

The NCRFW believes that the strategy of presenting bills from a gender perspective helped persuade lawmakers and their staff to discuss the WPLA and support its

passage. This insight has led it to consider continuing training on the legislative advocacy process, including learning about practical methods, techniques, plans and strategies for advocacy.

Other lessons learned from this experience of engaging legislators are the need to expand the circle of stakeholders who would champion CEDAW, to systematically coordinate activities for key legislators and determine their position, interest and power or influence over a policy issue, and to identify policy issues which could be points of convergence.

Post-report reflections

After the reporting session in New York, the recommendations of the CEDAW Committee as detailed in its Concluding Comments are being taken to heart, says Verzosa.

“We take the Concluding Comments with us as we pursue gender mainstreaming. But rather than expect agencies to mainstream gender in all their programmes with gender, our minimum expectation now is for them to focus on and really prioritize what is needed to fulfill specific Comments,” explains Verzosa.

“For example, LGUs which prioritize violence against women, can establish and strengthen inter-agency councils mandated by the law. And if they work against trafficking in persons, they can focus on its prevention, protection or on enforcement of the law. Agencies involved in economic development can focus on enhancing the enabling environment for women to have better access to enterprise development or social protection while engaging in entrepreneurship,” she adds.

Two years after the country’s presentation to the CEDAW Committee, delegation head Cabral warns: “We have a lot of cultural baggage and traditions that work against women’s rights, which are not things that can be transformed overnight. Just because there is a convention doesn’t mean that people are going to follow it.”

Manalo, for her part, underscores the effects of customs and traditions. “These should not negate the human rights or be a reason to continue discrimination. People who use them should be told that we don’t want this.” But she sees a possible benefit in them.

“Customs are supposed to be enriched with positive things and the removal of negative things. They should work toward uplifting the human rights of women. I’m not saying to drop all customs but only those which negate the human rights of women. And that’s how they should be approached,” Manalo says.

Cabral calls for constancy as government promotes the CEDAW and the human rights of women.

“The government has many priorities... Administrations change, people change, they have their own priorities. Sometimes these things can fall through the cracks, get lost in the shuffle. We have signed enough protocols, enough conventions, enough treaties, we’ve passed enough laws. What remains is implementation. It’s the people in implementing and law enforcement agencies who now need to be convinced that this is important and that they should do what the law says they should.”

As for the NGOs, she asks them to continue helping government address the Concluding Comments and translate its recommendations into actions that will implement the CEDAW.

The total support of UNIFEM, including the CEDAW SEAP, has been very vital in ensuring a comprehensive preparation and exceptional presentation of the Philippines’ combined report to the CEDAW Committee. Its support covers a wide range of activities – from capability building of implementers and stakeholders to implement the CEDAW and monitoring and evaluating its impact to the development of women’s knowledge and capacity to claim their human rights.

Still and all, there must be enough political will among implementers and stakeholders in and out of governments to see to it that the CEDAW is fully enforced. This is especially crucial in pushing for the passage of priority bills for women and in instilling stronger commitment among government officials and staff when it comes to performing their role in implementing the CEDAW.

Effective monitoring of CEDAW implementation by the NCRFW and its partners in government and the NGOs is another continuing challenge, more so since this will give implementers and stakeholders a sense of how the Women’s Convention is affecting women’s lives. Hopefully, with these concerns addressed, the Philippine delegation can surpass its previous accomplishment in the next round of reporting to the CEDAW Committee. ♦

Many of the participants at WAGI's CEDAW training held high positions, had previous training on gender sensitivity, and were familiar with GAD mainstreaming. Some reactions to the training:

- *I've been reading and hearing about the CEDAW in all GAD-related seminars but this the only session I fully understand the contents of CEDAW from the concepts/principles up to the concluding statements because of the workshops and exercise conducted applying those principles. My salute to WAGI!*
- *Next level (of training must be on) specific implementation of CEDAW per government agency: a workshop which would involve CEDAW experts, CSO [civil society organizations], agencies, ODA [official development assistance]. I hope more participants can come from local governments.*
- *I learned so much in this training, especially in my understanding of CEDAW provisions and their linkages with other GAD mandates, commitments and issuances. The regional GAD coordinating committee, I just hope, can localize this CEDAW. Thanks for the opportunity. The topics discussed have enriched me and will help me (more) in the different activities I have planned for GAD implementation.*

Some gave suggestions on how to improve the training:

- *I hope you have a vernacular translation of RA 7877 (Anti-Sexual Harassment Law) and of the CEDAW. LGUs must be reached!*
- *I suggest a special training for municipal, provincial planning officers for each LGU because this is where GAD plans are conceptualized.*



Chapter 2

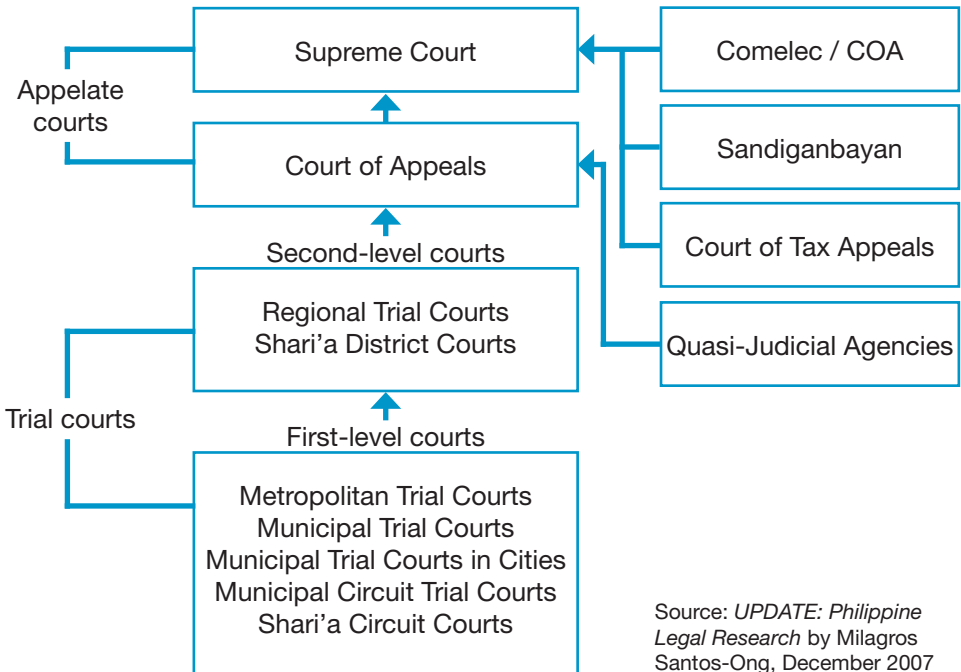
The Judiciary goes CEDAW

Background

The judiciary is a necessary ally of CEDAW. It is, as Supreme Court Justice Conchita Carpio Morales said, “the last line of defense for discriminatory policies, rules, and laws.” (Foreword by Conchita Carpio Morales in *CEDAW Benchbook*, Amparita S. Sta. Maria, Ateneo Human Rights Center, 2008).

In the Philippines, the judiciary is a multilevel organization with central authority in the Supreme Court which is based in the City of Manila. There are 2,287 judicial positions in the various courts throughout the country. Aside from justices and judges, the judiciary has a pool of lawyers who do the research and case writing as well as court personnel such as clerks of court, stenographers, and court interpreters.

The Hierarchy of Courts in the Philippines



Judicial Posts

The higher courts in the Philippine judiciary are: the Supreme Court (15 judicial posts); the Court of Appeals (69 posts); Sandiganbayan or the anti-graft court (15 posts); and Court of Tax Appeals (6 posts). The men and women who are appointed to these courts are called Justices.

The first and second level courts are: the Regional Trial Courts (962 judicial posts); Metropolitan Trial Courts (95 posts); Municipal Trial Courts in Cities (212 posts); Municipal Trial Courts (387 posts); Municipal Circuit Trial Courts (470 posts); Shari'a District Courts (5 posts); and Shari'a Circuit Courts (51 posts). The men and women appointed to these courts are called Judges.

Source: Statistical Reports Division, Supreme Court of the Philippines, September 2008

The judiciary's journey toward CEDAW had been energized and fast tracked with the assistance of the CEDAW SEAP. Projects were initiated within the judiciary to build the capacity of justices, judges, lawyers, and court personnel to be gender-sensitive in the way they do their work and to understand and appreciate the equal rights of women.

This chapter documents efforts in the Supreme Court to deepen the knowledge of members of the judiciary and enhance their ability in fulfilling the country's obligations to CEDAW. (Data were collected from post-activity reports submitted to UNIFEM, documents from the Philippine Judicial Academy, interviews with key program implementors, review of literature on efforts to engender the judiciary, and discussions on the documentation organized by the Women's Feature Service).

From 2005 to 2008, the CEDAW SEAP Philippine Programme had three major inputs in the judiciary, namely: (1) the conduct of five seminar-workshops on CEDAW and gender sensitivity; (2) the publication of the "Training Manual on Gender Sensitivity and CEDAW"; and (3) the development and publication of the "CEDAW Benchbook", a compilation of court decisions on cases involving women's human rights. The programme also supported the study tour of select justices, judges, and other personnel from Vietnam and Thailand to the Philippines to see and understand how their Filipino counterparts are working toward becoming fully gender-responsive.

According to Luz Lopez Rodriguez, UNIFEM CEDAW SEAP National Coordinator for the Philippines, the "paced" implementation of the projects was directed to achieve the overall mission of engendering the judicial curriculum. The training module was assessed and revised in the course of the conduct of five seminar-workshops. By the time the training manual was published in 2007, the module had been validated and fine-tuned into a compact two-day training on CEDAW and gender sensitivity. In 2008, the CEDAW Benchbook was published so justices

and judges could refer to a resource book on cases on women's equal rights and gender sensitivity. These three CEDAW SEAP projects contributed in making the Philippine judiciary a good benchmark for its counterparts in southeast Asia in terms of approaches to engendering the judiciary.

Two institutions that collaborated with CEDAW SEAP in this project with the judiciary were the Supreme Court of the Philippines and the Ateneo Human Rights Center.

The Supreme Court of the Philippines

The Supreme Court has been very conscientious about instituting reforms within the judicial system since the late 1990s. Its Action Program for Judicial Reform (APJR), 2001-2006, launched in December 2000 under the leadership of then Chief Justice Hilario G. Davide Jr., is a wide ranging and comprehensive set of projects and activities aimed to enhance conditions and performance for the improved delivery of judicial services.

"The Davide Court: Its Contributions to Gender and Women's Rights", a book published by the University of the Philippines Center for Women's Studies (UPCWS), summarizes the initial efforts at engendering the judiciary:

The APJR undertook some projects together with the judiciary's development partners who insisted on the integration of gender and gender-related concerns into the collaborations. The projects underwent gender assessment to ensure that gender issues affecting them were adequately addressed. An example is the Judicial Reform Initiative Support (JURIS) Project funded by the Canadian International Development Agency (CIDA), which specifically called for the incorporation of a gender-responsive planning into the Philippine Judicial Academy (PhilJA) program. Another is the World Bank-funded Judicial Reform Support Project (JRSP). Other development partners like the United Nations Development Programme (UNDP), the Asian Development Bank (ADB), the United States Agency for International Development (USAID), and the European Union (EU) have also expressed their commitment to GAD and integrated gender into the projects that they support.

In 2002, the UPCWS and the UP Law Center undertook the research project "Gender Sensitivity in the Court System." It "confirms" that "gender bias indeed permeates the entire fabric of the court system in many countries, including the Philippines."

These projects prompted the Supreme Court to formulate the Program of Action to Mainstream Gender in the Judiciary in March 2003. Among the activities in the Program of Action was the formation of the Committee on Gender Responsiveness in the Judiciary (CGRJ) to ensure the judiciary's compliance with the mandate to

integrate gender and development (GAD) principles into its policies, programmes, and structures.

The CGRJ is composed of the heads of all departments of the Supreme Court. Among its tasks are to train the members of the judiciary on gender equality, to promote the use of gender-fair language, and to review court policies, programs, and practices to make them more gender-responsive. The CGRJ also seeks to establish partnerships and network with other GAD advocates. Its subcommittees were formed for each core strategy identified in the GAD Plan.

In 2004, the Gender Justice Awards was launched by the UPCWS, the UP Center for Women's Studies Foundation, Inc., and the National Commission on the Role of Filipino Women, with support from UNIFEM-Bangkok. Twenty judges from all over the Philippines were recognized for their decisions on cases that contributed to the development of gender-responsive jurisprudence.

Meanwhile, all training programmes for the judiciary are managed and conducted by the PhilJA, created by law to be the training ground for judges. It is headed by a Chancellor who reports directly to a Board of Trustees of which the Chief Justice of the Supreme Court is the Chair. One of the many trainings it manages is the orientation of newly appointed judges on laws and rules of court and court procedures and protocol.

Ateneo Human Rights Center

The Ateneo Human Rights Center (AHRC) was established in October 1986 to protect and promote human rights in the Philippines. It is based at the Law School of the Ateneo de Manila University. Its programmes are focused “on the continuing formation of human rights lawyers and advocates, the monitoring of the human rights situation in the Philippines and abroad, research, education, publications, and legal assistance to victims of human rights abuses.”

The AHRC conducts trainings and seminars for government and non-government organizations and grassroots communities, publishes human rights legal treatise, and renders legal assistance to indigent clients and grassroots communities. Its beneficiaries include urban poor communities, women, children, laborers, migrant workers, indigenous peoples, asylum seekers, students, non-government organizations, and the general public.

While a large component of the AHRC staff are law students on internship, it has on board key figures who have, through years of working on human rights, become specialists in their respective fields. Two of them, particularly, had extensive involvement in the projects of the CEDAW SEAP with the judiciary.

Prof. Sedfrey M. Candelaria, the Associate Dean for Student Affairs and professor of law at the Ateneo Law School (ALS), has been actively involved with the AHRC since 1990 and handles issues on children, refugees and indigenous peoples.

Prof. Amparita S. Sta. Maria, professor of laws at the ALS specializing in gender and the law, international human rights law, and family relations, and is the Director of the Urduja Women's Desk at the AHRC where she has been working since 1990.

The ties that bind the Supreme Court and AHRC

Prior to the CEDAW SEAP, PhilJA, the training arm of the Supreme Court, and the AHRC were already working together. The formal relationship started when the PhilJA took in Candelaria to join its core of faculty. Later, Sta. Maria was taken in to lecture at several PhilJA trainings.

When Dr. Purificacion V. Quisumbing, then head of PhilJA's Office of Research, Publications, and Linkages, was appointed chairperson of the Commission on Human Rights, Candelaria took over her post at PhilJA. Both Quisumbing and Candelaria are in the Academic Council of PhilJA. He is now also in charge of PhilJA's Special Areas of Concern (SAC) Department. The SAC handles issues that cross cut gender such as environment, indigenous peoples, and agrarian justice. These positions give Candelaria a direct hand in the development of the curriculum for the judiciary.

The relationship deepened when the AHRC conducted a training on women and children's issues for the Supreme Court. This tie-up resulted in the insertion of a multisectoral approach to gender and children's issues and other sectoral issues into the curriculum of PhilJA.

Years of handling issues of marginalized groups and its academic persona have made the AHRC a credible training group for justices and judges. "Ateneo has a good track record," explains Candelaria. "We have developed trust as an academic institution. We have tried to weigh, balance issues. We are respectful of institutions we work with. We think if you want to work constructively with government, there is room to work, even if people accuse some institutions as being corrupt. We should not close doors in having more constructive engagements... We are able to deliver and even develop programmes that are objective and not judgmental. That for us is the niche and integrity we are able to put across. We are able to win the trust of PhilJA and the Supreme Court."

I. CEDAW SEAP seminar-workshops at the Supreme Court

The AHRC was a logical choice for an institution that could implement projects focused on capacity building on CEDAW in the judiciary. The AHRC has training expertise, a core of lecturers, who not only understands, but is committed to women's rights, the necessary linkage to the Supreme Court, and most importantly, the conviction that the judiciary needs to understand CEDAW. UNIFEM's point person at AHRC was Sta. Maria.

It was agreed that any project on capacity building on CEDAW in the judiciary would go through the existing setup in the Supreme Court. The AHRC would tap whatever is workable in the system; there was no need to re-invent.

The route toward project approval

A concept paper covering specific topics for a seminar-workshop on CEDAW and gender sensitivity was developed largely by Sta. Maria. This was presented to the Supreme Court to get approval from two groups — the CGRJ and the PhilJA — that collectively approve all proposals for capacity building on gender sensitivity.

The CGRJ first approves any proposed project concept. It then goes to the Academic Council and to the judicial research group of the PhilJA for review of the training design. Once approved, the proposal is returned to the CGRJ which issues a resolution for approval. The PhilJA then schedules the training for implementation.

“It was not a very saleable concept then,” says Sta. Maria of the proposed training on CEDAW. “They (PhilJA) had so many trainings lined up and if you asked the newly appointed judges, they preferred to be apprised of laws and rules. At that time, PhilJA seminars extended for two weeks. We were not sure how they would react to a proposal for a stand alone seminar-workshop on gender sensitivity.”

Advocates of the CEDAW training found a staunch ally in Quisumbing who was then already Chairperson of the Commission on Human Rights (an entity separate from the Supreme Court) but is still an influential and respected personality in the Supreme Court. She is PhilJA's representative to the CGRJ where she chairs the Sub-Committee on Training and Capacity Building. It was Quisumbing who insisted that the seminar-workshop on CEDAW and gender sensitivity be a stand-alone module; it was not to be integrated in any of the regular training sessions of PhilJA. “Dr. Quisumbing was an ally; she was a proponent... a mother of sorts for this programme,” says Candelaria.

PhilJA Chancellor Justice Ameurfina Melencio-Herrera was very receptive and posed no objections to the AHRC proposal. Then the concept paper was presented to the PhilJA judicial research group which undertakes judicial study

and curriculum development initiatives. Both Quisumbing and Candelaria are members of this group. They also presented the proposal to the Academic Council where they are also members. Both groups also approved the proposal.

What was needed now was to get the CGRJ to approve the proposal. There was reportedly some resistance from some officials. However, when the proposal was formally presented to the CGRJ, no objections were raised.

The CGRJ then issued a resolution of approval and the training was scheduled for implementation by the PhilJA.

Development of the seminar-workshop design

A team of AHRC lawyers prepared the design for the seminar-workshop which they named “Seminar-Workshop on CEDAW, Gender Sensitivity, and the Courts.” Led by Sta. Maria, the team was composed of lawyers who are very knowledgeable on women issues and who are experienced lecturers on gender sensitivity, with a number of cases on file that are related to women’s equal rights. “We were not exactly starting from scratch. We were building on existing resources,” says Professor Sta. Maria.

The Seminar-Workshops on CEDAW, Gender Sensitivity, and the Courts

Five sessions of the seminar-workshop were conducted, with funding support from UNIFEM and CIDA. The AHRC was in charge of the seminar-workshop module, including lecturers, handouts, exercises, visual aids, and training flow. The PhilJA took charge of administrative details such as sending notices about the training to the offices concerned, list of participants, and logistics, and administrative expenses.

The initial target participants were judges and court personnel of family courts. They requested to be excused, however, as they were then undergoing several trainings. Eventually, targeted participants were judges, lawyers and court personnel of the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, Regional Trial Courts, Municipal Trial Courts, and Metropolitan Trial Courts. The Sandiganbayan is the court that hears cases involving government officials and employees which the Ombudsman handles.

As standard procedure for PhilJA sessions, the heads of offices were sent notices informing them of the seminar-workshop and asking them to elect their office representative(s). The names submitted were compiled and sent to the Office of the Chief Justice which issued an Administrative Circular mandating the designated participants to attend the seminar-workshop. The circular, signed by the Chief Justice, ensured almost perfect attendance.

Each session was a two-day event with 28 to 33 participants and was held at the Supreme Court in Manila. One hundred fifty-six judges, lawyers, researchers, and clerks of court were trained under the CEDAW SEAP from 2006 to 2007. Seventy percent, or 109 of them were women. Thirty-three were judges, 95 were Supreme Court lawyers and researchers, and 28 were clerks of court.



Court personnel who attended the third CEDAW seminar-workshop held February 2007, pose with lecturers (seated), from left, Amparita Sta. Maria, Justice Justo P. Torres Jr., PhilJa Vice Chancellor; AHRC lawyer Gilbert Sembrano; and AHRC lawyer Sarah Lou Arriola.

The two-day seminar-workshop had four major units:

Unit 1: Gender sensitivity training. For a start, the participants were given exercises that made them aware of their own assumptions, beliefs and stereotypes about the capacities and characteristics of men and women. “We started with an exercise and used what came out from them,” says Atty. Gilbert Sembrano, a member of the AHRC team who handled the unit in four out of the five seminars. “If we just lectured on the concepts, there would have been no effect on the participants.”

One exercise, for example, made participants classify if a given word (i.e. professions, physical or emotional characteristic, or object) referred to men or to women. Such words were firefighter, judge, gardening, toy tea set, and domestic helper. Participants were then asked: Why did you classify the characteristic or profession under the column WOMEN/MEN? What do the classifications assume about the capacities of women and/or men?

“We believe that our perceptions on men and women are based on the culture we grew into. Gender is culture. Culture is dynamic and can be changed. So in such sessions, we start with an exercise and process what we can change,” explains Sembrano.

Following the exercises was a lecture on the basic concepts of gender sensitivity, sex, gender, gender roles, gender stereotypes, and gender ideology. One of the key messages in the lecture was that these sex-gender systems, gender ideology, and gender stereotypes can have a detrimental effect on the lives of men and women. Dignity, or the self-worth or inner worth of the individual, is the foundation of human rights.

The last input in Unit 1 dealt with the process of gender socialization. Participants were made aware that our consciousness of how men and women should be is learned at home, in school, and through exposure to mass media.

Unit 2: Gender-fair language. This unit sought to make participants aware that there is gender-biased language and this occurs “when language is sexist, devalues members of one sex, fosters gender inequality and discriminates women by rendering them invisible or by trivializing them, at the same time that it perpetuates notions of male supremacy.”

Associate Justice Adolf S. Azcuna handled this unit in four out of the five training sessions. He explained the following:

- Why use gender-fair language?
- The importance of gender-fair language
- Gender polarization of meanings
- Hidden assumptions in language

He also gave guidelines on the use of gender-fair language.

As a high-ranking official of the judicial system, Azcuna’s active participation in the gender responsive research is, according to Candelaria, a symbolic development.



Workshop participants discuss the case study assigned to them with PhilJa’s Rouschelle Mercado (with computer) facilitating.



Lawyer Gilbert Sembrano of AHRC clarifies the concept of gender sensitivity and gender equality.

Unit 3: CEDAW and the courts. This unit aimed to deepen the participants’ understanding of CEDAW, the State’s obligation under it, and identified areas for applying CEDAW and its principles in cases. It clarified the dimensions of human rights and explained the need for a separate human rights treaty for women. It also defined the critical role of the judiciary in promoting women’s rights. Participants were given examples of cases that illustrated gender-sensitive decisions as well as cases under the new rape law that espouses gender sensitivity.

Sta. Maria handled this unit in all the five workshop-seminars. Quisumbing served as reactor to the inputs on CEDAW. Eventually, whenever she was available, her talk on CEDAW and the administration of justice was given its own time slot in the seminar.

Unit 4: Case studies. Participants were divided into groups of five members. A case was assigned to each group where members had to resolve the question: Is there discrimination?

A facilitator was assigned for each group to guide members into a deep discussion of their case. Each group then presented its work before the body. Although there was a panel of reactors, anyone in the other groups could comment or react to a presentation.

The case studies discussed were the following:

- Female employees working at night. A female secretary working in a factory filed a case before the Supreme Court to challenge Article 130 of the Labor Code of the Philippines which disallows women from working the night shift. All the male encoders were allowed to work the extra shift and were paid night shift differentials while all the women, including the petitioner, were disallowed to do any kind of night work due to Article 130.
- Providing seats to cashiers only. In a certain supermarket, the packers are all male while the salespersons as well as the cashiers are all female. Pursuant to Article 132 of the Labor Code, management issued a memorandum that provided seats only to the cashiers during work hours. The memorandum is being challenged by the packers as being discriminatory. It is also being challenged by the salespersons who say that they are not given seats despite the fact that they are women.
- Protection for women who are victims of violence. The husband challenged Republic Act 9262 which provides women victims of violence to take possession of the car, regardless of ownership, as well as to temporarily prohibit the spouse from entering the conjugal home, also regardless of ownership.
- Privacy rights for victims. In the cited case, the Supreme Court explained it withheld the name of the victim-survivor and instead used fictitious initials to represent the victim. It cited several laws and the positions submitted by the Office of the Solicitor-General.

Participants were asked: If you had the opportunity to add a gendered perspective to the above position and support the move to withhold names of offended parties, what could you offer as explanation and how would you say it? Can you cite CEDAW provisions? Do you think the Supreme Court should change the names of the offended party in its final decisions on paper as well. What about the trial courts?

- Equal rules for girls' sports team. A memorandum issued by the Department of Education, Culture and Sports instructed school officials to ensure that all student sports competitors were below the age of 13. The suggested way to determine if the girl is below 13 years of age is to check for pubic hair in the student's private parts. The male sports supervisor of a school ordered the girls of the junior volleyball team to strip below the waist so he could check. The girls, all of them 12 years of age, refused. As a result they were excluded from the sports fest and all sports activities of the school.
- Stereotypes in rape case. This case quotes a decision of the Regional Trial Court finding the accused guilty of raping his daughter. Participants were asked to discuss: 1) the gender stereotypes/misconceptions perpetuated by the decision and 2) the provisions of CEDAW that can be invoked in the case. They were also asked to improve the tone of the decision by using gender-fair language.
- Harassment by factory manager. A factory supervisor routinely yelled at his female employees even with little or no provocation. His behavior made the women so scared of him, especially because his ranting would be accompanied by aggressive actions like throwing things or lunging at the walls. However, no one reported that he shouted derogatory language about women or that his behavior was lewd or sexual. The women claimed that he created a hostile work environment nevertheless and that he discriminated against women since his outbursts were directed only at them.

Choice of lecturers

Lecturers in the seminar-workshop were mostly from the AHRC. "I made sure that every lecturer is qualified to talk on the assigned topic. We have master's degree in law, we have written for law journals, and have done seminars on women. We are not members of the bench (justices and judges), just members of the bar (lawyers and prosecutors). But we have further studies on these issues," explains Sta. Maria.



Lawyer Gilbert Sembrano explains the social situations that have led to society's distinctions of what is masculine and what is feminine.



Workshop rapporteur presents the group output before the panel consisting of, from left, Gilbert Sembrano, Sarah Lou Arriola, Amparita Sta. Maria, Nimfa Vilches (deputy court administrator) and lawyer Eleanor Conda.

Another strategy she used was to make sure there were male lecturers in the seminar-workshop. She had very convincing lecturers in Azcuna and Sembrano.

Several justices also took part in the sessions, be it to formally open the session, deliver lectures, or to deliver closing messages.

II. Publication of the Training Manual on CEDAW and Gender Sensitivity

The second project of the CEDAW SEAP and the AHRC was the publication in 2007 of the “Training Manual on CEDAW and Gender Sensitivity.” It was approved for publication in print and in electronic form by the PhilJA Chancellor.

The manual contains the full lectures delivered at the “Seminar-Workshop on CEDAW, Gender Sensitivity and the Courts” by the following lecturers:

- Atty. Gilbert V. Sembrano’s lecture on Gender Sensitivity Training;
- Associate Justice Adolf S. Azcuna’s lecture on Gender-Fair Language;
- Prof. Amparita S. Sta. Maria’s module on CEDAW and the Courts; and
- Atty. Rea A. Chiongson and Atty. Sarah Lou Y. Arriola, also of AHRC, added their own inputs as lecturers.

The eight case studies were appended as were the American Declaration of the Rights and Duties of Man (1948) and the UN Human Rights Treaty System.

Their experience in conducting the five seminar-workshops for the judicial sector gave the AHRC a firm basis in developing the manual. “We already knew the best approach (to develop the manual),” says Sta. Maria. “The format is question-and-answer because that style is reader friendly. We elaborated on topics that needed more explanation. We also added to the case studies.”

Most of the copies of the print version have been turned over to the PhilJA for distribution to participants in subsequent seminar-workshops it is conducting. After funding support from UNIFEM and CIDA lapsed when the CEDAW SEAP project ended, PhilJA and CGRJ have sought funding support from other sources to conduct similar sessions in Cebu City, Davao del Sur, and Baguio City as well as for the Sandiganbayan (Ombuds court) employees. Another session is being planned for first level trial court judges who are newly appointed judges based in the regions. The AHRC module is being used in these training.

III. Development and publication of the CEDAW Benchbook

The third UNIFEM-CIDA supported project of the AHRC is the development and publication in 2008 of the “CEDAW Benchbook.” It illustrates how the judiciary has contributed “to the realization of women’s human rights and the ways it can still do so following the State obligations under the CEDAW as the standard.”

Sta. Maria wrote the framework and most of the annotations for the Benchbook which was conceived to be a companion material to the Training Manual on CEDAW and Gender Sensitivity. The choice of cases to be included “was a team decision with the contributors who gave their respective annotations on some of the cases. It was also decided that the Benchbook will not be a compilation of Supreme Court cases only so that duplication of doctrines can be avoided,” she explains. Students of the Ateneo Law School on internship at the AHRC were tapped to summarize the selected cases.

Sta. Maria explains the framework: “This book has been divided and classified according to the rights and principles in the CEDAW. The categories of rights have been patterned after Fact Sheet No. 22 on CEDAW, published by the UN Centre for Human Rights. The summary of domestic and some foreign jurisprudence have been included under such principles and rights as illustrative cases and examples of how courts have upheld and can uphold the rights of women using the human rights framework of CEDAW, through the development of case law. Almost all of the cases cited were decided from 1981, this being the year when the Philippines ratified the Convention.”

Illustrative cases are given for the following issues affecting women:

- Discrimination;
- Human rights and fundamental freedoms (Equality in the economic field, in the political field, in the social field);
- Temporary special measures;
- Stereotypes and prejudices (gender subordination in sexual harassment; stereotyped roles of men and women);
- Prostitution and trafficking: suppressing exploitation of women;
- Political participation: equality in political and public life;
- Representation;
- Equality in nationality and citizenship laws;
- Equality in education;
- Equality in labor and employment rights;
- Right to health;
- Economic and social benefits;
- Equal protection: a standard against gender discrimination;
- Family and marriage;
- Violence against women (family violence, double victimization, stereotyping, stigmatization, paradigm shift, language); and
- Sexual harassment

“The CEDAW Benchbook is a major contribution and breakthrough,” says Candelaria. “Now we leave judges with something to work on... It’s a learning tool for judges and even justices. It is easy to apply in terms of language, in terms of presentation when they write decisions, and in daily court proceedings. Those who now appear in court have to be very careful with their language. The judges can call their attention.”

According to Sta. Maria, half of the 600 print copies of the CEDAW Benchbook were turned over to PhilJA for distribution as resource book for judges and court personnel during its training. The other copies were circulated among other government agencies, donors, schools, and women’s NGOs. Aside from print copies of the Benchbook, there is also an interactive CD version. It is also posted in the Web as <http://cedawbenchbook.org>. It was launched in a Quezon City court on March 28, 2008.

IV. Study tour of Thai and Vietnamese judges to the Philippines

The fourth project was the study tour of Thai and Vietnamese judges to the Philippines from January 15-18, 2008. The host organization was the CGRJ.

As stated in the proposal prepared by the CGRJ’s Program Management Office (PMO), “the study tour will be an opportunity for participants from Vietnam, Indonesia, and Thailand to see the work that has been done to engender the justice system in the Philippines, interact with those responsible for these programs, gender sensitive judges, justices and feminist law groups on how they have individually and collectively advocated for judicial reforms.”

Only Vietnamese and Thai delegates participated in the study tour. Their itinerary allowed them to understand the initiatives of the PhilJA and various Philippine organizations in gender equality, interact with Filipino judges and lawyers involved with women and children issues, and observe proceedings in a family court.

A Vietnamese delegate observed that all the three countries are facing the same issues and challenges: case congestion and delay, institutional deficiencies, budget limitations, deficient court technologies and facilities, inadequate human resources, perceived graft and corruption in the judiciary, and limited access to justice by the poor and disadvantaged sectors of society.

Nguyen Thi Hong Tuoi, permanent deputy director of the Committee for the Advancement of Women in the National Court System in Vietnam, wrote about the study tour: “Though the two systems (Philippines and Vietnam) have differences, we could learn a lot for application in our court system, such as gender-responsive court procedures and decisions, CEDAW/gender training for judges and other court personnel, gender-justice awards, etc.”

Learnings and reflections on the CEDAW SEAP in the Judiciary Project

The working relationship between the Supreme Court and the Ateneo Human Rights Center demonstrated how respect and trust in each other's capacities and integrity can make possible a smooth interaction between a high government institution and an NGO. According to Candelaria, working with an NGO is "something new for the Supreme Court... It is one of the more innovative developments in the Supreme Court."

Whatever misgivings the justices and judges had about the capabilities of the AHRC lecturers were quickly dispelled. Though there were reactions to the age of some lecturers, lawyer Sembrano, for example, is in his 30s, the judges realized the AHRC lawyers are experts on the issue of equal rights for women and have the necessary training skills.

Likewise, since the AHRC was the proponent of the project, UNIFEM released the fund for the seminar-workshops to it. However, the AHRC turned over to PhilJA the funds for the administrative details of the seminar-workshops, including that for catering and logistics. It was a wise move. Not only did it create trust in the partnership, it also spared the AHRC from administrative concerns like having to cancel a catering order for the first session due to a typhoon.

There is a need to develop a core group of lecturers on CEDAW and gender sensitivity within the judiciary. The conduct of the five seminar-workshops on CEDAW and gender sensitivity still leaves much ground to be covered. With over 2,000 courts nationwide and less than 200 trained by the CEDAW SEAP project, there is still much to be done. "We have barely scratched the surface," says Sta. Maria.

The PhilJA is continuing the conduct of seminar-workshops. As of June 2008, it had conducted seven similar seminar-workshops on its own using funds from other sources. It conducted seminar-workshops in Baguio City, Davao del Sur, and Cebu City; two one-day sessions for Sandiganbayan employees; and another seminar-workshop for lawyers and legal researchers. Though the AHRC project had ended, Sta. Maria was present at the Cebu and Davao training. She continues to assist in whatever way she is needed when sessions are held in Manila.

But such efforts at replication usually face a problem of availability of competent and skilled lecturers, especially if the seminar-workshops are being done in the regions. "We need to form a pool of lecturers so that anytime we have a training, we have people to tap," says Arianne Galope, then the Supreme Court's focal person on gender concerns. "The CGRJ is looking into developing trainees (in the AHRC-managed seminar-workshops) to be the resource persons."

The challenge now is not only to expand the coverage of the CEDAW training within the judicial system but also monitoring the extent to which the trained

judges, lawyers, researchers and court personnel are able to internalize and actualize their CEDAW learning.

The CEDAW SEAP Philippine Programme 2005-2008 added fire to the Supreme Court's vision of having "a judicial system that is sensitive and responsive to gender equality and empowerment in all its policies, programs and activities...." Even before the CEDAW SEAP inputs, the Supreme Court had attempted to conduct training on gender sensitivity in 2003 but this was not continued. The Supreme Court's openness to have an NGO complement its efforts to be CEDAW-compliant has resulted in an increased interest and acceptance in the judiciary of the need for seminar-workshops on CEDAW and gender sensitivity.

The AHRC professors agreed that their strategy in making the seminar-workshop very interactive and including "very personal issues" such as relationships among husband and wife, father and daughter, and employee-employer resulted in lively and fun sessions. In the process, better understanding of the issues was achieved. "It also made issues more concrete for participants. That was a technique that can be conducive to a very focused thinking," says Candelaria. ♦

Some reactions to the seminar-workshops as written in the standard evaluation sheets distributed by PhilJA:

- *I was enlightened on the need for laws to protect women.*
- *It raised my awareness on the forms of discrimination against women.*
- *It confirmed my lack of gender sensitivity.*
- *Gender concepts and principles were defined and practical cases were presented such that my awareness of the topic was enhanced.*
- *Before attending the seminar, I did not even know what the acronym CEDAW stands for.*
- *The seminar-workshop is an eye opener on the significance of CEDAW; on a lot of gender concerns which I or most of us have taken for granted.*
- *The seminar provided me insights on the rights of women.*
- *I was enlightened on the provisions of CEDAW and on matters affecting gender sensitivity and to apply the same in dealing with the cases pending in my court.*

Read the CEDAW story "A lawyer's journey towards CEDAW" at http://cedaw-seasia.org/philippines_lawyer_journey.html



Chapter 3

Drafting and lobbying for a gender equality law: The progress so far

The intent of the Philippine Constitution is clear: “The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.”

But the reality is full equality in all aspects of human life remains elusive for Filipino women.

Against this glaring disconnect, women’s groups and gender advocates have come together to push Congress to enact a bill on a Magna Carta of Women (MCW). This legislation also builds on the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The CEDAW has been in force in the country since 1981. Yet, more than two decades later, awareness of it, much more using it to influence the passage of gender equality laws, has been very limited. It was a timely intervention, therefore, when CEDAW SEAP, with the help of partners in government and civil society, initiated a number of activities to bring the Women’s Convention into the awareness of the general public as well as improve how its provisions are carried out. It also sought to review existing laws and advocate for new ones that are in harmony with the Women’s Convention.

In August 2006, two years into the programme’s run, the Philippines presented its progress report to the UN CEDAW Committee on how it has been complying with its treaty obligations. One of the concerns of the CEDAW Committee that stemmed from the Philippine report was “the status of the Convention in the national legal system” and the absence of a “definition of discrimination...in national legislation.”

The Committee’s Concluding Comments urged that “high priority” be given to strengthen the legal framework “for the promotion of gender equality and women’s enjoyment of their human rights” and “to expedite the adoption of pending bills to promptly bring the relevant national laws in line with the Convention.”

The bill on the Magna Carta of Women directly responds to this concern. This is not to say, however, that it was crafted just to meet the Committee's recommendation. Even before the reporting to the CEDAW Committee, some women's groups were already carrying out parallel efforts to have a stronger, more comprehensive gender equality law in place, either by amending provisions in the Constitution or through legislation.

The beginnings of a gender equality law

Charter change was a recurring political issue during the early 2000s. It was a major campaign platform during the 2004 re-election bid of President Gloria Macapagal-Arroyo. After she won, she set the motion going for amending the Constitution by creating the Consultative Committee and tasked it to propose necessary revisions to the 1987 Constitution following consultations with various sectors of society.

Civil society organizations opted to participate in the process by proposing their counterpart amendments. One of them was PILIPINA, a national network of women's groups. Together with other women's groups and gender advocates, it initiated the drafting of a women's agenda to provide inputs in deliberations to amend the Constitution.

"Our intention then was to influence the Charter change process so that proposed amendments would reflect or complement the CEDAW provisions," recalled Elizabeth Yang, PILIPINA National Coordinator, who convened a number of these dialogues and forums on the women's agenda and Charter change. "We also wanted to safeguard the gender equality provision of the Constitution and to revise other provisions that we deemed were not supportive of gender equality," she added. However, the political crisis of 2005 and the subsequent doubts on the legitimacy of the Arroyo presidency resulted in many civil society organizations disengaging in the process, including PILIPINA. The women's agenda crafted earlier was also shelved.

The move for Charter change eventually fizzled out. But not the momentum to have a gender equality law. One thing about the women's movement in the Philippines is that it is tenacious and resourceful in moving its causes forward. Thus, it was able to find another arena where it can lobby for a gender equality law: Congress.

While deliberations for Charter change were ongoing, a bill on the Magna Carta for Rural Women was making its way through the legislative mill. It was drafted by the *Pambansang Koalisyon ng Kababaihan sa Kanayunan* (PKKK or National Rural Women's Coalition). The PKKK had been lobbying for it since 2002. The bill even reached third reading in the House of Representatives, although it had no counterpart in the Senate. ([See Annex 1: How a bill becomes a law](#))

While not anchored on the CEDAW, this Magna Carta bill nevertheless sought to advance the rights of rural women.

“The bill would enable rural women to have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision-making processes,” noted Daryl Leyesa, PKKK’s Secretary General.

The Magna Carta of Women

The idea to expand the coverage of the rural women’s bill and make it instead a Magna Carta for Women came up in one of the public hearings conducted in 2005 by the House Committee on Women and Gender Equality. Citing the limitations of the initial Magna Carta bill as it only pertained to rural women, the committee drafted a substitute bill that would include all women — the Magna Carta for Women bill. It was not, however, based on the CEDAW since the Convention was generally unknown then even among legislators.

Around that time, CEDAW Watch was organized to promote women’s human rights through advocating and monitoring the implementation of the Women’s Convention. One of the major agenda of CEDAW Watch was to push for a gender equality law with CEDAW as its basic framework. CEDAW Watch also tapped PILIPINA to steer forward this initiative. PILIPINA, in turn, formed the Study and Action Core Group (SACG) to serve as the technical working group (TWG) that would draft the gender equality bill and lobby for its passage. Together with CEDAW Watch, SACG decided to engage the House Committee on Women and Gender Equality through its proposed Magna Carta bill which would enhance the earlier version that was then up for second reading.



Women leaders brief the media on CEDAW



Philippine delegation members share the State and NGO reports for the CEDAW Committee

The CEDAW SEAP also got involved in efforts to disseminate information on the Magna Carta bill and mobilize support for it. It partnered with PILIPINA when it convened the following activities: (1) roundtable discussions with 140 women leaders undertaken in Davao, Cagayan de Oro, Bacolod, Cebu, Metro Manila,

Baguio and with the core group of the Muslim women's rights advocates to generate comments and recommendations on how to improve the bill; and (2) a national conference attended by 114 participants for updating, leveling-off and consensus-building on the improved version of the draft bill.

For the present 14th Congress, five versions of the bill were initially filed in the House that had since been consolidated into House Bill 4273, sometimes referred to as the "CEDAW Watch bill." Twelve bills were filed in the Senate which had also been consolidated as Senate Bill 2396, or an Act Providing for the Magna Carta of Women.

Claiming and asserting women's rights

The bill drafted by the SACG is dubbed as the Magna Carta of Women. It proposes an omnibus law that aims to eliminate discrimination against women and to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women, particularly the poor and marginalized. It also ensures that the rights of women embodied in the CEDAW are codified in Philippine laws.

The bill's title – the Magna Carta of Women as opposed to the Magna Carta for Women – stresses that women are not reactive beneficiaries of whatever rights this proposed law bestows on them. Rather, through it, they are claiming and asserting the basic, fundamental rights that are due them.

If, as CEDAW implies, women's human rights are basic, fundamental, and universal and even the country's Constitution affirms women's right to equality, is there really a need for a Magna Carta of Women?

Feminist lawyer Carolina Ruiz Austria thinks so. "On one level, articulation of so-called rights into law or legal provisions does not really imbue the rights with more validity. However, enacting law assures us of practical options or remedies to either claim, assert or promote and protect rights. It also helps safeguard the enabling conditions for the exercise of so-called fundamental rights and freedoms," she explained.



Their t-shirts do the talking for supporters of the Magna Carta of Women bill



The banner says it all as women call for the passage of the Magna Carta of Women bill

Several laws had been passed addressing different issues affecting women after the Philippines signed and ratified the CEDAW. One of the earlier ones that anchored other legislation promoting gender equality and women's empowerment was the Women in Development and Nation Building Act (Republic Act 7192). It provides women with equal access to resources, including credit and training. It also requires the allocation of a substantial portion of official development assistance (ODA) to support programmes and activities for women. Other laws were enacted to protect women's human rights. These included the Anti-Mail Order Bride Act (RA 6955), the Anti-Sexual Harassment Law (RA 7877), the Anti-Rape Law (RA 8353), the Rape Victims Assistance and Protection Act (RA 8505), the Anti-Trafficking Law (RA 9208), and the Anti-Violence Against Women and their Children Act (RA 9262). Women's desks in all police stations were created through the National Police Commission and Philippine National Police Reorganization Act (RA 8551) while the Family Courts Act (RA8369) established family courts with exclusive jurisdiction over child and family cases in major cities.

Features of the Magna Carta

The Philippines has achieved much in meeting its commitment to the CEDAW since it ratified the Women's Convention, especially in enacting laws that promote and protect women's human rights and empowerment. But as can be seen in the review of the economic laws, these measures are inadequate in defining and covering a basic concept that is the core issue of CEDAW – discrimination. They also respond to specific concerns and do not provide a general framework for addressing discrimination against women in all aspects of their lives. The Magna Carta bill would correct these limitations.

One of the more important features of the bill is that it defines the term "discrimination against women." Its definition even echoes the CEDAW definition: "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."

Despite the widely-held perception that Filipino women enjoy equal status with men, the reality is that there are still discriminatory provisions in many of the country's laws. "The definition of 'discrimination against women' can guide legislators and government policymakers when they review existing or proposed laws and policies to determine if they are discriminatory to women. There is now a clearer basis on whether to repeal or improve measures that violate the rights of women," explained Emmeline Verzosa, Executive Director of the National Commission on the Role of Filipino Women (NCRFW) and one of the organizations represented in the SACG.

The Magna Carta bill is not meant to replicate nor supplant existing laws addressing women's concerns. Rather, it is intended to strengthen them and repeal or amend discriminatory laws that still exist today. For example, Articles 333 and 334 in the Revised Penal Code that addresses adultery and concubinage, respectively, reflects a double-standard definition of marital infidelity. Articles in the Family Code still uphold the "superiority" of the husband when it comes to decision-making on family matters. The Code of Muslim Personal Laws has provisions that allow polygamy, early and arranged marriages, and unequal rules for inheritance for women. Even the landmark Anti-Rape Law that redefined rape from a crime against chastity to a crime against persons needs to be amended, specifically its "forgiveness" clause which extinguishes the criminal dimension of marital rape and its penalties in case a wife "forgives" her husband of the offense.

The Magna Carta bill covers all women under the jurisdiction of Philippine laws, especially those who have been marginalized due to economic, physical, cultural or religious background such as small and rural farmers, fishers, urban poor women, workers in the formal and informal economies, migrants, indigenous women, Moro women, children, senior citizens, persons with disabilities and solo parents.

The bill directs government agencies, through measurable and time-bound requirements, to meet the demands of full and realizable equity, including a target of 50 percent women at all third-level positions of management and decision making in government and 40 percent in all development councils, from the village to the regional level.

The Magna Carta includes putting in place institutional mechanisms that will operationalize its implementation. It strengthens the mandate of the National Commission on the Role of Filipino Women, renaming it the Philippine Commission on Women, for monitoring and oversight. Gender and Focal Point Officers shall be designated in Philippine embassies and consulates to address the concerns of women migrant workers. It creates a gender and development (GAD) Ombuds in the Commission on Human Rights to monitor violators and recommend possible sanctions and penalties.

Opposing the bill

Not everybody supports the bill, however, with critics expressing their opposition to it during public hearings conducted by the Committee on Women in both the House and the Senate.

One of the more vocal of these critics is the Alliance for the Family Foundation Philippines Inc. (ALFI). Its position paper said: "The Magna Carta may seem like a good bill to protect women's political and civil rights. On the contrary, it is a subterfuge for a feminist-led, gender-obliteration, and pro-population control movement that will destroy the strength of the traditional Filipino family."

Easily the thorniest issue of contention revolves around reproductive rights, reproductive health services and family planning.

According to ALFI, the bill “uses the same agenda, vocabulary, and principles espoused by pro-choice, feminist advocates for the (CEDAW)... and the Cairo International Conference on Population and Development (ICPD)...”

At the other end of the debate, there are those who think that the Magna Carta bill is “very weak” in asserting women’s reproductive rights. In its website, the feminist group Isis International-Manila reported that “some women and gender rights advocates are poised not to support the bill unless Congress maintains the controversial but necessary provisions on reproductive rights.”

Aside from the issue of reproductive rights, ALFI also questions the bill’s provision of holding gender sensitivity training programs in media and gender education in all schools. It considers gender sensitivity training and gender education as “anti-family cultural beliefs that disregard the differences between men and women. Filipino women are fighting for their basic needs including nutrition and education, while the youth need basic skills – not gender sensitivity training.”

Opposition to the Magna Carta bill or to some of its provisions is par for the course. “Part of our mandate as the national machinery on women is to review bills filed in Congress to ensure that they are in harmony with government’s gender policies. In doing this, we are open to all ideas and recommendations, even to those that question the merits of the bills or totally oppose them. By seriously considering them, we are able to see issues from all sides. We are able to know if more clarification or dialogue is needed or if the bill is weak and needs to be strengthened. In this case, opposition against the bill is as important as support for it in so far as developing its final version is concerned,” reflected Alice Rosero, Chief of the NCRFW’s Policy Analysis Division.

Priority bill

Legislation is an arduous, painstaking process where it may take years before a bill is passed into law. One possible way to expedite the process, however, is for a proposed measure to be certified as a priority bill and include it in the legislative agenda of the President. The NCRFW assumed the responsibility of initiating efforts at this level since it is government’s policymaking and advisory agency on women’s issues and concerns.

In early 2008, the Philippines was scheduled to submit a Universal Periodic Review (UPR) of its obligations and commitments to human rights treaties it is a party of, including the CEDAW. The NCRFW, as a member of the Presidential Committee on Human Rights (PCHR), is the designated lead agency for CEDAW during the UPR reporting. In the process, it was able to express in the UPR the “imperative”

for “the establishment of a legal framework for the promotion of gender equality and women’s rights... that will integrate CEDAW in the national legal system through the passage of the Magna Carta of Women bill.”

This articulation in the UPR eased the way for the Magna Carta bill to be certified as a priority measure in the President’s legislative agenda.

A parallel effort was done by PILIPINA, this time through its engagement with the National Anti-Poverty Commission (NAPC), government’s oversight and coordinating body on anti-poverty programmes and policies. The NAPC also endorsed the Magna Carta bill as a priority measure for the President’s legislative agenda.

Women’s NGOs had been lobbying to have it signed into law this March, which is Women’s Month. As of this writing, the Magna Carta of Women has been approved by the Bicameral Conference Committee, pending ratification upon resumption of Congress in April 2009.

Legislative lobbying

Legislation is, in part, a numbers game. Legislators need to see that the bill being lobbied is supported by a constituency from various sectors. This is why a core of women leaders and advocates, mostly coming from the networks of PILIPINA and PKKK, are always visibly present during public hearings in both Houses as well as in plenary sessions where the Magna Carta bill is part of the agenda. SACG members participate as members of the technical working group that fine-tunes the bill. As the principal drafters, they serve as resource persons that clarify and explain issues and respond to critiques on the bill. They hold the unenviable task of safeguarding features that are non-negotiable for women since the bill is subject to revisions up until it passes the third reading. The challenge for them is to know when to give way to some revisions and when to be uncompromising in rejecting them. Either way, their presence in deliberations and public hearings is crucial if the bill’s spirit and integrity are to remain intact as it goes through the legislative mill.

Lobbying for a bill’s passage, however, is not limited in the halls of Congress. Aside from legislators, a strategy for constituency building is important to get the support of women’s groups and gender advocates. PILIPINA, with SACG members, did a series of local forums nationwide where both the bill and the CEDAW were presented and discussed. Signatures endorsing the bill were also collected from participants to be submitted to the two Houses of Congress.

A multimedia campaign to introduce the Magna Carta bill was also launched to bring it beyond the attention of its natural women constituency and out to the general public. Print media were asked to cover local forums and resource persons were invited to speak in local radio programs. At the national level, SACG

activities and updates about the bill regularly appear on the pages of the Philippine Daily Inquirer, the nationwide broadsheet with the widest circulation. Talk shows on radio and on TV were tapped to feature the bill and the CEDAW as topics for discussion.

Insights

In this 14th Congress, there are only 51 women, or just 21.25 percent, out of the 240 members of the Lower House. And of the 21 elected party-list representatives, six or just 28.57 percent are women. In the Senate, four of 23 senators are women, or 5.75 percent. With Congress dominated by men, and perhaps even women who think and act like men, it is difficult for the women's perspectives to influence decisions that address issues affecting the country. Yet, Congress has to be one of the arenas where the fight for gender equality must be waged.



Sen. Benigno Aquino III with women advocates during the bill's introduction in plenary session



Women advocates meet Sen. Jamby Madrigal, left, the bill's principal author, and co-author Sen. Loren Legarda, right, during the same event

This insight is not lost on PILIPINA. Its experience in shepherding the Magna Carta bill through Congress has surfaced critical insights on how to engage the legislative process and influence it to champion the women's agenda. Its report to the CEDAW SEAP outlined its lessons:

The creation of a SACG is crucial. Its members' credibility, technical capability and vast experiences in advocating for women's rights helped to facilitate the lobbying work in both Houses of Congress. Many of the SACG members have established track records of lobbying for different bills on women's issues and concerns as well as other social reform issues.

Cultivating allies in Congress among legislators, Committee secretariats and legislative staff is an important part of the lobbying work. This includes sensitive handling of the personality of legislators and the interpersonal dynamics among them since this can slow down or hold hostage the progress of a bill, especially when legislators do not see eye-to-eye and have personal issues among them.

It's important to recognize the diversity of views and opinions among women leaders and advocates and strive always to manage the dissenting voices from within the women's movement to show that the bill has a critical mass of constituents.

They also need to widen the constituency beyond PILIPINA and the CEDAW Watch networks and advocates in government. It is especially crucial to reach a wider public to counter the strong lobby of conservative sectors within the Roman Catholic and Christian Evangelical churches against bills that seek to promote and fulfill women's human rights, especially their reproductive health rights.

Women have been – and continue to be – at the forefront of the legislative process to have the Magna Carta of Women approved. They have tirelessly participated in its drafting, in consultation and public hearings, and in advocacy and lobbying efforts to rally support for it. They are not asking for additional rights but only that their basic, fundamental human rights be recognized, respected, promoted, protected and fulfilled. After all, the rights they are claiming through the Magna Carta are theirs all along. Surely, legislators who have women as half of their constituents can muster enough political will to finally break down all the hindrances that bar them from fully achieving them.

Gender review of economic laws

A Gender Review of Selected Economic Laws in the Philippines, published by the University of the Philippines Center for Women's Studies (UPCWS) in collaboration with the CEDAW SEAP shows that women are more at risk to poverty compared with men, mainly because of gender inequality. This is because men having greater access to productive resources such as “capital, markets, training, information, technology and technical assistance, and just wages and benefits” than women. The Review maintains that such a situation greatly limits women's economic empowerment and worsens the feminization of poverty. One way to correct this is through legislation promoting women's economic rights and advancing their economic participation.

Through the years, laws have been enacted to protect women in the workplace and enhance their economic participation. *(See Annex 2: Laws to protect women in the workplace and enhance economic participation)*

These economic laws, which are supposed to fulfill women's economic rights and improve their economic status, still leave much to be accomplished, especially for women struggling to overcome lives of poverty and gender inequality. Such an assertion is also supported by The Review of Selected Economic Laws in the Philippines. This after it “assess(ed) the extent to which such laws comply with the standards of the CEDAW,” specifically the Labor Code, laws on micro-enterprises and micro-finance, the Cooperative Code and the Cooperative Development Authority Law, and the Comprehensive Agrarian Reform Program.

A research team was organized to draft the initial review which was then

presented in five validation workshops “attended by legislators, law researchers, and representatives from key government agencies, academic institutions, and non-government organizations.” Three advocacy workshops followed the validation workshops “involving the CEDAW SEAP partners, the 42 members of the Committee on Women of the House of Representatives, and those advocating for women’s economic empowerment through a comprehensive program on rural development.”

The review had three major conclusions.

1. First, women, “still lag behind men in access to economic opportunities.” Even as they are able to find employment and contribute to the economy, the review identified the following gender issues that continue to confront women:

Inadequate support services for workers with family responsibilities.

The CEDAW urges that “necessary support social services” be provided to parents to allow them “to combine family obligations with work responsibilities and participation in public life.” One of these supporting social services established by law is childcare or nursery facilities in the workplace. While the law mandates that these facilities are only for women, this reflects the gender stereotype that women are the primary child care givers. Moreover, very few employers set up these facilities.

Lack of women’s voice and participation in decision-making bodies.

The CEDAW calls on women’s participation in the political and public life of a country, including holding public office and positions of leadership and making decisions and policies. But the implementation of this provision by government offices is still highly inadequate. Take the Cooperative Development Authority, the government agency that regulates cooperative development in the country. The review found that its Board of Administrators does not allocate a minimum number of seats for women in this governing body’s membership even if majority of members of cooperatives are women. Nor are members of the board required to be gender-sensitive. In the case when women do take on a leadership role, “women end up occupying positions or offices that are considered ‘for women,’ which are usually the positions of secretary or treasurer of the cooperative,” a clear example of gender stereotyping.

Difficulty in access to credit, technology, support services, land, and information. The Comprehensive Agrarian Reform Program (CARP), enacted in 1988, is meant to end centuries of agrarian unrest and redistribute land ownership to farmers and tenants who are directly working on the land. It also provides that “all qualified women members of the agricultural labor force... be guaranteed and assured (of) equal rights to ownership of the land, equal shares of the farm’s produce, and representation in advisory or appropriate decision-making bodies.”

Twenty years into the CARP’s implementation, however, equal access to and control of the land remains elusive for women. The review finds that

in 2003, “only 50,720 women were given emancipation patents (EP) while there were 329,789 men with EPs. There were 16,616 women holders of certificates of land ownership agreement (CLOA) as compared (with) 33,711 men.” The EP represents the CARP’s beneficiaries’ absolute ownership of the land while CLOA is the title given to farmers for their land as covered by the Comprehensive Agrarian Reform Law.

Occupational segregation that leads to pay gap and fewer opportunities for skill development. The review points to “the absence in the Labor Code of affirmative measures to address occupational segregation, or “the exclusion or preference for either worker for a particular work or occupation.” These affirmative measures could encourage women to develop nontraditional skills and enter into nontraditional jobs that pay more, usually jobs that are dominated by men. According to the review, by addressing occupational segregation, the principle of equal pay for work of equal value can “have greater impact in improving the economic power of women workers.”

Discrimination in hiring, training and promotion. Discriminatory practices continue to thrive despite provisions in the Labor Code that combats discrimination. “Incidence of discrimination,” notes the review, “is very evident at pre-employment state where advertisements tacitly express sex-based preferences or preferences for particular age groups and physical attributes.” The same is true for promotion. Women find it difficult to rise to the top of the corporate ladder because of discriminatory invisible barriers that block them from being promoted to executive and management positions. “There are cases,” the review explains, “where employers tend to employ men for high positions because men can devote much time to work since they are not expected to perform work at home.” This highlights how women still have to juggle childrearing and family responsibilities at home with work demands and responsibilities.

Lack of social protection for workers in atypical work arrangements such as part-time workers, home workers, seasonal and casual workers, and workers in the informal economy. Women, especially those with family responsibilities, have long engaged in part-time work, short-term contractual work, even homework. These working arrangements provide women the opportunity to gain additional income. However, according to the review, they also “limit access to paid leave, training, welfare benefits, and other social-security entitlements. Moreover, they do not provide long-term job and income security.” Recognizing that this phenomenon of atypical working arrangement is here to stay, the International Labor Organization had recommended measures to protect the rights of part-time workers, temporary workers, and homeworkers. Yet, the country’s Labor Code, the review claims, “does not explicitly provide measures to ensure that part-time workers receive the same protection and treatment equivalent to comparable fulltime workers. Considering that women dominate part-time work, they are again economically disadvantaged.”

2. The review also concludes that economic laws aimed to benefit women “contain provisions that are not gender-sensitive and responsive to the issues faced by women in the labor force.”

One of the areas it studied was the Labor Code’s policy on the prohibition of night work for women, with the exceptions of a few working arrangements to be determined by the Secretary of Labor and Employment. While taking on a protectionist approach, government’s prohibition of night work for women “reinforces discriminatory gender stereotypes – that women are weak and vulnerable to the dangers of night work... Consequently, this protectionist approach... marginalizes women’s access to resources and benefits through unnecessary protection that impede their choices and restricts their economic participation,” the review maintains.

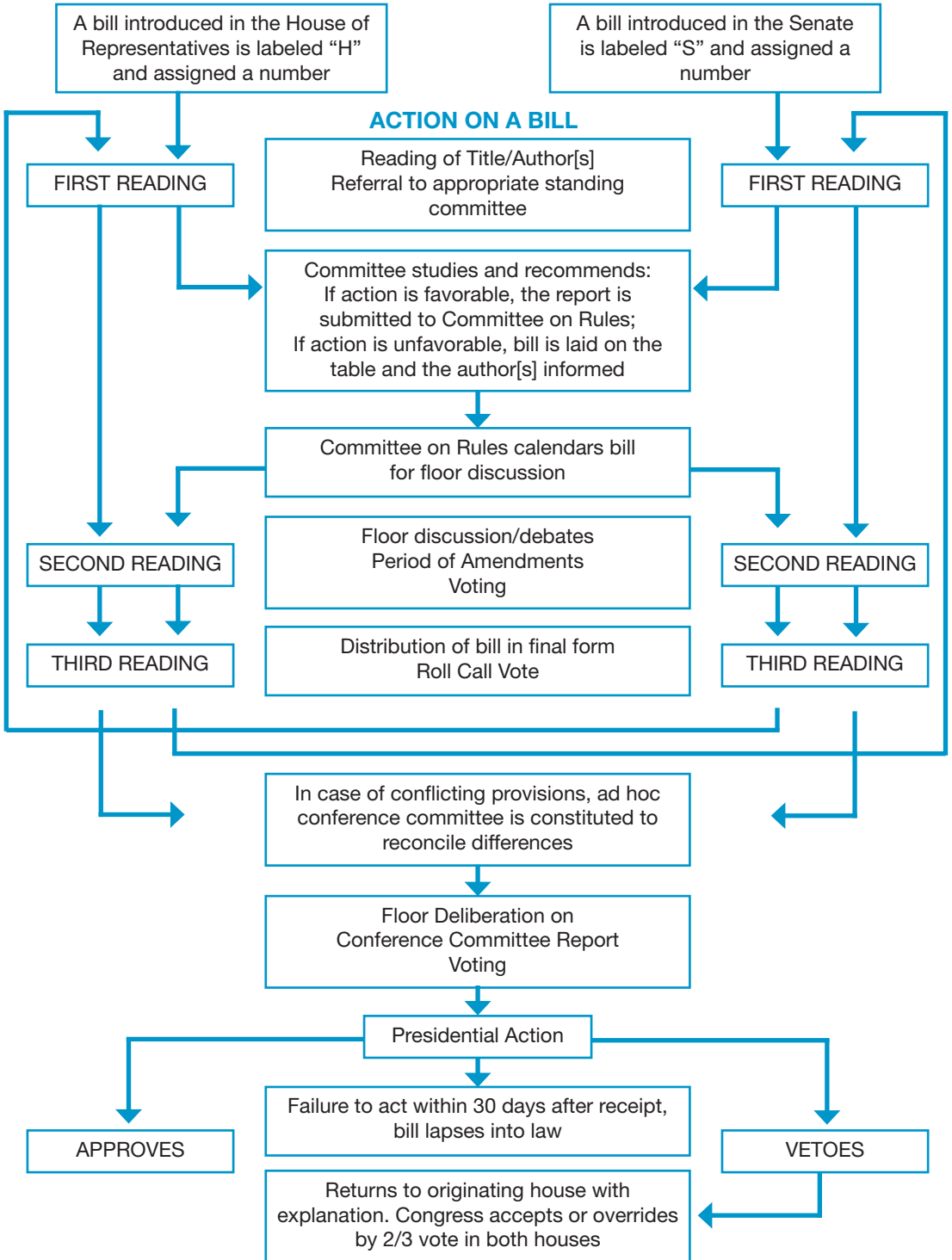
Lately, however, there has been a growing demand to repeal this provision of the Labor Code that prohibits night work for women, especially with regard to the call center industry where more than half of the workers are women. Instead, the growing concern for women has shifted to the health risks posed by working the graveyard shift in call centers. The Institute for Occupation Health and Safety Development, citing a study by the US-based Fred Hutchinson Cancer Research Center, had cautioned that women who work at night could be prone to breast cancer.

In its analyses of the economic laws, the review also cites the “lack of enabling policies, programs and measures for women, especially poor women, to ensure gender equality... Concretely, they do not include gender training and mainstreaming as components of capacity building, or provide affirmative action to address gender imbalance in leadership and in hiring and promotion, or institute monitoring and evaluation of programs to ensure that gender equality is enforced and mainstreamed in all economic activities.”

3. Finally, the review cites how the laws are phrased “in a non-gender fair language...” that uses “the male as the reference point, thereby reinforcing the male-centered bias (in) legislation. This lack of gender sensitivity in the use of language contributes to making women’s voice and presence invisible in spite of their visible presence in the labor market and their contribution to the development of the Philippine economy.”

Armed with these findings, the UPCWS is continuing with its efforts to advocate for the amendment of economic laws to make them consistent with the CEDAW’s goal of eliminating all forms of discrimination. At the same time, it is also undertaking reviews of other policies and legislation that discriminate against women. “We use the CEDAW as the framework in our review of discriminatory policies and laws. This also helps in surfacing gender issues and biases that sustain inequality and undermine government’s efforts in complying with the CEDAW,” explains Dr. Carol Sobritchea, Project Leader of the research team that produced the book. ♦

Annex 1: How a bill becomes a law



Annex 2: Laws to protect women in the workplace and enhance economic participation

RA 6725 prohibits discrimination against women with respect to the terms and conditions of their employment.

The Day Care Act (RA 6972) establishes day care centers in all villages nationwide to allow working mothers to take on jobs outside the home.

There is even the **Paternity Leave Act (RA 8187)** that grants a seven-day paternity leave to married male employees so they can support their spouses and share in the responsibility of caring for their newborn child.

For women in the informal economy, **RA 7882** provides credit assistance to those engaged in micro and cottage industries.

The New Magna Carta for Small and Medium Enterprises (RA 8289) recognizes the special role of women in development and supports women entrepreneurs who are engaged in manufacturing, processing, service and trading businesses.

The Social Reform and Poverty Alleviation Act (RA 8425) allots one seat for the women's sector in the National Anti-Poverty Commission, the lead agency overseeing government's programs on reducing poverty.

The General Appropriations Act of 1997 (RA 8250) included a gender and development budget, or a GAD budget, that directed all public offices to allocate at least five percent of their respective budgets for programs, projects and activities designed to benefit women and promote their active participation in nation building. Since then, the five-percent GAD budget has remained an integral component of succeeding national budgets. It has even been expanded to include the budgets of local government units, government-owned and -controlled corporations, and state universities and colleges.

GOINGCEDAW



Organized Women go CEDAW

CEDAW training and advocacy among women
NGOs and Civil Society Organizations

Section 2

Organized Women go CEDAW

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Section 2

Introduction

United Nations treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol (OP) are foremost the obligation of the States Parties. Governments are obligated to ensure the effective and efficient implementation of the provisions of the CEDAW and the Optional Protocol to the CEDAW through national legislations and the actions of their various agencies and branches. However, civil society, particularly through non-government organizations (NGOs), people's organizations (POs) and academe, has a responsibility too to ensure that a treaty's provisions are implemented and positively affect citizens or the social groups for which it was created. This responsibility is not so much an obligation to the UN, the treaty or the government, as it is to the people, or more specifically, to the social group they promised to serve and work with. In the case of the CEDAW and its Optional Protocol, it is the women.

In the Philippines, women's NGOs are not new to this "responsibility." There are a number of women's NGOs who have included in their focuses, programmes and advocacies the CEDAW and Optional Protocol, and various projects have been implemented in relation to these treaties. The Women's Legal Bureau (WLB), through a partnership with the UNIFEM CEDAW South East Asia Programme, conducted trainings on CEDAW and the Optional Protocol for women's groups in Luzon, Visayas and Mindanao, as well as in Thailand which was attended by representatives from other Asian countries. WLB also organized consultations and trainings as venues for preparing and drafting a Philippine NGO Shadow Report.

Another landmark had to do with its role in the preparation and submission of the first Philippine communication under the OP-CEDAW, the Karen Vertido Communication. Another OP-CEDAW related activity was the filing of an inquiry procedure by the Task Force CEDAW Inquiry on discrimination against urban poor women by a local government for denying health services. WLB's efforts to sustain consciousness-raising activities continue and the impact are now being felt, with other local organizations conducting their own seminars and training-workshops to popularize CEDAW and OP-CEDAW. In Mindanao, for instance, taking off from WLB's trainings, organizations such as the SALIGAN-Mindanaw, *Nisa Ul-Haqq fi Bangsamoro* or Nisa, Al-Mujadilah Development Foundation (AMDF) and Bangsamoro Women Solidarity Forum (BWSF), are now leading efforts to raise awareness on the treaties and how these may help address the unique situation of the Muslim Moro women.

The academe too is making its own unique contribution with the support from UNIFEM and CIDA. The Miriam College's Women and Gender Institute (WAGI) and the University of the Philippines Center for Women's Studies (UPCWS), together with the South East Asian Women's Watch and CEDAW Watch, have taken initiatives to monitor the Philippine government's compliance to CEDAW. As a key implementing partner of CEDAW SEAP in the Philippines, WAGI developed the "Core Training Module on CEDAW" now used in workshops. Meanwhile, UPCWS has also developed tools for monitoring and conducted training workshops where women's NGOs were familiarized on how these tools can be used and further enhanced through the writing of case studies. These tools can now be used by the NGO community as templates for monitoring not only government's performance vis-à-vis CEDAW but also in relation to other government obligations.

In addition to the above-mentioned efforts, these non-government organizations and academic institutions contributed to the writing of the articles on the NGOs' role in relation to CEDAW and OP-CEDAW found in this section. They provided documents as well as helpful insights through interviews by the writers.



Chapter 1

Shadow reporting

In the early '90's, an assessment by three women law students cum advocates of women's rights of the situation of women in the Philippines and the women's movement revealed these disturbing conditions: (1) the law and the legal system were prejudicial to women, and (2) many concerns of women were not being addressed by the law. Flawed in both substance and mechanisms of implementation, laws supposedly passed to address these concerns were, in truth, unresponsive to the real needs and conditions of women.

While there were organizations that specialized in legal services, their concerns included other sectors. There was no group within the women's movement that responded to the legal needs specifically of women and women's organizations. At the same time, there seemed to be little awareness among women of their rights, and how violations of these rights can be addressed within and outside the legal system.

These realizations led to the founding of a feminist legal non-government organization, which eventually took on the name Women's Legal Bureau. It was registered in 1990 with the Securities and Exchange Commission as a non-stock, non-profit corporation, and started operations in 1991.

Today, the Women's Legal Bureau Inc. (WLB) continues to work for the empowerment of women through the use of and engagement with the law and government institutions. The range of WLB's work includes policy advocacy, information-education campaigns, research and publications, feminist legal services, and institutional support and development.

The WLB's efforts are not only geared towards ensuring that national laws for women's welfare, protection and rights are passed and effectively implemented, but also on monitoring and actively participating in the implementation of international treaties to which the Philippine government is a State Party, such as the CEDAW.

The mechanism for shadow reporting

Realizing that government reports may not always show a complete picture of women's rights in a country, the United Nations (UN) Treaty body has created a procedure called shadow reporting to give a country's non-governmental organizations (NGOs) an opportunity to prepare their report and reflect their own perspectives during the review process.

Since the Philippine ratification in 1981 of the CEDAW, the Philippine government has yet to show adequate progress of its implementation. Awareness of government officials about CEDAW and its significance is still minimal, resulting in gaps in government's report during the CEDAW Committee sessions. Government's assessments of its efforts to comply with the Convention are often incomplete and tend to minimize problems while magnifying accomplishments. Shadow reporting is only one of the ways of making CEDAW States Parties more accountable.

A shadow report is usually based on the state's official report but is also a means to provide more information on unreported state violations and acts of omissions. NGOs may also prepare an alternative, instead of a shadow report, if the state does not submit its official report.

However, whether or not NGOs submit shadow reports, governments or States Parties are accountable because of the principle of state obligation stated in the CEDAW.

Because women's NGOs are involved in direct service, research and advocacy, they are in a situation where they would know how women's rights are being promoted, practiced and realized on the ground. One of the problems being cited by NGOs is that although government reports are national in scope, they often lack sex-disaggregated information and are not up-to-date. NGO reports have richer area-specific data and case studies to draw from.

According to Mae Buena Ventura, WLB Executive Director, shadow reporting is necessary in providing a different dimension to the government report during the CEDAW Committee sessions.

"Shadow reporting needs to be done because the government will always try to put their best foot forward. By providing this mechanism of shadow reporting, the CEDAW Committee showed that there may be an alternative to the picture painted by States Parties, a picture that NGOs could provide," says Buena Ventura.

NGO input is also vital in providing a review of non-reporting countries. In the absence of official data from the State Party, information provided by NGOs in their shadow reports become particularly valuable to the CEDAW Committee and can create a strong impact about the real country's situation, Buena Ventura explains.

In 1997, the WLB and a coalition of women’s groups called *Sama-Samang Inisyatiba ng Kababaihan sa Pagbabago ng Batas at Lipunan* (Combined Initiatives of Women for Change in Law and Society or SIBOL) brought together Filipino women to prepare the Philippine shadow report. However, the initiative was largely Metro Manila-based and their report was a component of a regional NGO report by the International Women’s Human Rights Watch-Asia Pacific (IWRAP), which submitted and made representations to the CEDAW Committee.

In 2005, the WLB organized the NGO Advocacy Campaign for the Philippine Shadow Report which mobilized various NGOs in the Philippines to prepare and draft a comprehensive shadow report. This project was supported by CEDAW SEAP. The objectives of this campaign are to: enable participants to understand how CEDAW can be applied in the process of shadow reporting; provide a framework that can help those who are preparing a shadow report in their analysis, and; contribute to the collective effort of women’s groups from all over the country in coming up with a shadow report.

The advocacy campaign was built from the national CEDAW training for women NGOs and human rights advocates which the WLB held in 2005. The project was held in collaboration with the IWRAP-AP.

Preparing the Philippine Shadow Report

The advocacy campaign on Shadow Reporting had two main activities—Skills Training (on how to use the CEDAW and the Optional Protocol) held in the country’s three main island regions, and Advocacy Research to prepare and write the actual Shadow Report.

The skills trainings were held in Luzon, Visayas and Mindanao from 2005-2006. The skills training workshop utilized inputs from resource persons, focus group discussions, plenary sharing and action planning. At least 96 participants (34 for Luzon, 32 for Visayas and 30 for Mindanao) represented women’s groups and NGOs from all over the country.



WLB conducts consultation workshops with women’s NGOs and human rights advocates (Photo taken during “Using CEDAW in the Philippines: Claiming our Place, Claiming our Rights” October 17-21, 2005, Bayview Park Hotel, Manila). Photo courtesy of WLB.

The research preparation and writing of the shadow report was done in Manila, but the document was circulated electronically to the groups for feedback and suggestions.

Representatives of key NGO networks involved in the preparation process delivered highlights about the issues of their sectors, both orally and in written format, during the CEDAW Committee's Fifth and Sixth sessions in New York, August 13-17, 2006. The NGO delegation was led by Prof. Maureen C. Pagaduan of WLB who gave the comprehensive overview, Prof. Mary Lou C. Alcid of Kanlungan for migration issues in the Philippines, Atty. Claire Padilla of EnGendeRights for reproductive rights issues, Ms. Rosa R. Presno of *Pambansang Koalisyon ng Kababaihan sa Kanayunan* (PKKK) for rural women's issues and Liza Masa of Gabriela for extra-judicial killings and other political issues.

EnGendeRights, which sent two participants to New York, was able to secure travel grants from Canada Fund, CordAid, and Global Fund for Women (GFW) to present their own shadow report during the CEDAW Committee session.

Highlights of Shadow Report prepared by EnGendeRights, Center for Reproductive Rights & Reproductive Rights Resource Group

A. The Right to Health Care, including Reproductive Health Care and Family Planning

- Lack of Access to Family Planning and Contraceptive Methods
- Restriction on Emergency Contraceptive Pills
- Illegal and Unsafe Abortion
- Adolescents' Right to Access to Information and Reproductive Services

B. Violence Against Women and Girls

- Rape
- Forced Prostitution and Trafficking
- Domestic Violence (Violence against Women and Children)

C. Equal Rights Within Marriage

- Discriminatory Family Laws
- Lesbian Rights

Source: "Philippine CEDAW Shadow Report" prepared by EnGendeRights, Reproductive Rights Resource Group (3RG) and Center for Reproductive Rights (CRR). May 2006



At the 36th session of CEDAW, members of the NGO delegation (Reena Marcelo of 3RG, Liza Maza of GABRIELA, Rosa Presno of PKKK, Clara Padilla of EnGendeRights, Mary Lou Alcid of Kanlungan and Maureen Pagaduan of Women's Legal Bureau) mingle with CEDAW experts.

Highlights of the report

The training conducted by WLB for the purpose of drafting the shadow report focused on five key issues faced by women: economic empowerment, the environment, sexual and reproductive health and rights, violence against women and participation in public life.

The Philippine Shadow Report 1995-2005 (prepared by the WLB and its partners) presented during the 36th CEDAW session in August 2006 gave specific recommendations, in relation to Article 3 of CEDAW, to ensure that the Philippine government would meet its state obligations. The report's recommendations focused mainly on the following:

- Legislation (e.g. to ensure that laws are consistent with CEDAW; advocacy for passage of pending bills that will ensure women's rights such as the Reproductive Health Bill and Magna Carta of women);
- Participation in policy making (e.g. ensure visibility of women's communities that are not typically represented in decision-making, such as rural poor, indigenous, Muslim, migrant and urban poor women);
- Civil and Political Rights (e.g. uphold the Bill of rights to guarantee rights to free speech, mobility and security);
- Minority/Indigenous Peoples Rights (e.g. respecting rights to ancestral lands and natural resources of indigenous people);
- Economy and Social Services (e.g. promoting and protecting women's equal rights to decent livelihood);

- Planning and monitoring for impact (e.g. putting in place mechanisms for monitoring and accountability to track results of government initiatives that will address women’s social services); and
- Education/Information Dissemination (e.g. educating the public, particularly the grassroots communities about CEDAW).

Challenges and lessons learned

Creating collaborative reports even among cause-oriented groups, local and international, and which work on different issues, is not always easy. Getting them all together in a room to discuss and come to a consensus is challenging both logistically and in terms of output. Then add to this the lack of sex-disaggregated data and statistics available on women’s issues. Data were mostly anecdotal, unwritten or unrecorded, and lacked proper attribution. Even NGOs lacked proper documentation of violations of women’s human rights.

The challenges provided opportunities for learning. Throughout the project, the organizations involved in the shadow reporting learned valuable insights about the process.

After the shadow reporting training, WLB realized that there was need to continue the conduct of skills training/consultation-workshop on shadow reporting and engage more women’s groups in the preparation of the next report. NGOs also need to familiarize themselves with the reporting guidelines to create maximum impact.

Drawing from this lesson, the WLB now plans to further popularize the Women’s Convention among more advocacy and women’s groups so they can use CEDAW and the Optional Protocol in their advocacy and monitoring work. In the future, trainings are foreseen to become more organized around island groupings to allow for a deeper coverage of issues in the regions.

WLB also realized that the shadow report is not an end in itself, but a means to a goal. While the NGO representatives were able to contribute significantly to the Concluding Comments through their substantive oral interventions and written reports to the CEDAW Committee during its 36th session in New York, this is not the only purpose of the shadow reporting.

“The greatest impact lies in the effective use of the Philippine Shadow Report as an advocacy tool aimed at ensuring state accountability in protecting and promoting women’s human rights,” says Buenaventura.

According to Buenaventura the shadow report can also be used by women’s NGOs in so many other ways, including in reports for media and multilateral bodies for awareness-raising and advocacy, for campaigning and lobbying, and even for fundraising.

“Women’s groups should highlight what they’ve been doing all along in line with CEDAW and use this as platform for their work. Even if the government does not submit its report, the shadow reports prepared by women’s groups can be a regular mechanism for reporting to give a broad picture of the diverse issues that women face,” she adds.

Best experiences and practices

A good shadow report is a result of proper planning and dynamic collaboration with as many women’s groups as possible. For the project, WLB employed a clear step-by-step process to help break down the task into doable phases.



Feedback sessions and constant communication via email kept the other women's NGOs updated on the progress of the shadow reporting process. The workshops and consultations for the shadow report and the shadow report training were an empowering process for the women's NGOs. WLB noted in its progress reports the participants' "overwhelming" enthusiasm in wanting to get involved and making their voice count. Even beyond doing the shadow reporting, the women's groups expressed interest in launching an advocacy campaign for CEDAW.

Based on feedback from participants, the training-workshop was a success. Participants claimed that after deepening their knowledge and appreciation of the treaty, their view of the CEDAW and how shadow reporting is done has been enriched. The women's groups also expressed their appreciation for the chance to make their voices heard and to contribute to the preparation of the Philippine shadow report in their own way.

"The CEDAW shadow report training highlighted not only the substantive and procedural aspects of making a shadow report but also its significance in making government accountable in its success/failure in the implementation of CEDAW. A shadow report, however, will only reflect the true sentiments of the women in society if it undergoes a series of consultations with other stakeholders and when there is no single voice dominating or maneuvering civil society's position to make it a real comprehensive assessment of women's status," remarks Melanie Reyes of the Women and Gender Institute, one of the training's participants.

During the feedback sessions held in October 2006, the participants also shared how the different ways they were involved in the CEDAW training contributed to their own advocacy work.

Majority of the organizations represented in the training said they made use of inputs from the CEDAW training for their own training activities, particularly with gender sensitivity and gender mainstreaming. They also said that the CEDAW materials provided more substantive explanations in the discussions of specific issues. Another feedback was that they integrated CEDAW in programme activities, training modules and even in staff manuals. There were those who organized a series of activities using the CEDAW framework.

However, the women's groups also pointed out that there should be more materials on CEDAW translated in their dialects so they can disseminate the information to the communities.

They noted that even as more organizations have been using CEDAW as their framework, the treaty is still relatively new to many organizations and their staff. They said basic materials on the issue could help popularize and integrate CEDAW deeper in their gender mainstreaming activities.

Concrete results of the trainings

1. A pool of facilitators and documenters from the regions were identified and tapped for a more efficient conduct of workshop sessions.
2. Gaps between the existence of pro-women laws and pertinent CEDAW provisions vis-a-vis realities/actual implementation were identified.
3. Participants were able to share analyses, insights and information on the field especially on the thematic issues of VAW, sexual and reproductive health rights, environment, political participation and economic empowerment, as they impact on women particularly urban poor, rural women, lesbians, Muslim women, indigenous women and migrant women.
4. A comprehensive NGO shadow report to CEDAW involving women NGOs from the three island regions of the country was produced for the first time in the Philippines.
5. The number of advocates from women's groups and NGOs who will help further in the advocacy campaign for the next shadow reporting increased.

Beyond the UNIFEM Project

The training project resulted in greater awareness of women's rights as human rights enshrined in local and international laws, and in a deeper understanding and appreciation of the link between municipal laws and international treaties and conventions.

The project involved a large number of women's groups and advocates from all over the country in the preparation of the shadow report. Compared to previous efforts in 1997, significantly more advocates joined the collaborative efforts in shadow reporting covering the period 2005-2006.

At the end of the training activities, the participants from women's NGOs showed their grasp of how to apply CEDAW and how data on local and national women's issues can be analyzed and processed for purposes of shadow reporting. Because of these positive experiences, the activities contributed to the collective effort of women's groups to gather data from all over the country and consolidate these into a shadow report.

With this success in preparing and sharing their shadow reports, other women's groups like the rural women's coalition (PKKK) were inspired to produce their own sector-based shadow report. The value in this is that different women's groups can spend most of the 30-page limit on their own issues, giving it more depth, unlike if they contributed only a few key points in a collaborative report.

As shown by the Philippine experience in shadow reporting, the process of developing a shadow report became as important as the report's content. The process drew together women's NGOs and gave them the opportunity to collaborate, to establish priorities and to share common goals, all for ensuring women's equal rights in the country. ♦

Success story

The entire Shadow Reporting project can be considered a successful story because for the first time in Philippine history, the shadow report was done through the collaborative efforts of more women's groups from all over the country.

Over a hundred women's NGOs from Luzon, Visayas, and Mindanao were able to actively participate in the preparation of the report, enriching it with their wealth of experience from their work on the ground truly giving it a national scope.

The final shadow report reflected the different faces of women – rural and urban poor women, laborers, peasants, migrant women, indigenous and Muslim women, lesbian women, and leaders of different women's NGOs.

Source: Women's Legal Bureau (WLB) in collaboration with WEDPRO, 2006. NGO Advocacy Campaign for the Philippine Shadow Report - Terminal Report (January – October 2006).



Chapter 2

The Optional Protocol to CEDAW: How does it work for Filipino women?

The Philippines, a State Party to the CEDAW, signed the Optional Protocol to the CEDAW in March 2000. The OP-CEDAW was enforced in the country beginning February 2004, almost three months after its ratification in November 2003.

By ratifying the OP-CEDAW, the Philippine government has opened for Filipino women an avenue for addressing issues and seeking solutions to conditions that continue to discriminate against them. Today, five years after the Protocol went into force in the Philippines, Filipino women await the results of historic efforts that might be achieved with the filing of a Philippine case under the OP-CEDAW which could set a precedent for other future actions, due to its implications for Philippine society, government institutions and even for individual women.

Under the Protocol there are two mechanisms that can be used to file a case and seek redress before the CEDAW Committee. These are the communication and inquiry procedures. Communication is an instrument for individuals or groups to petition the CEDAW Committee to act on certain cases after meeting the primary condition that all national remedies have been exhausted. The inquiry procedure may be used for cases of serious or systematic violation of women's rights and/or discrimination against women by a State Party or any of its apparatus or agency.

The Communication Procedure

The Karen Vertido Communication may yet become a milestone if the CEDAW Committee upholds its recommendations, not only because it is the first rape case to be filed in the southeast Asian region and in the world but all the more because of its implications for Filipino women. Says lawyer Evalyn Ursua, Chairperson of the Women's Legal Bureau, who took the lead in preparing the Vertido communication, the case may not be a special one, "but whatever happens will make a difference" not only in the Philippines but in other Asian countries as well, and can pave the way for other Filipinos to see the concreteness of the Protocol in their lives.

The Karen Vertido Communication shows the continuing existence of age-old discrimination against Filipino women that just won't be eliminated. Despite the

passage of the Anti-Rape Law in 1997, the archaic viewpoint that rape is a crime a woman brings upon herself, mostly as a result of her values and conduct, and that the rape victim is the one on trial still pervades government institutions and even Philippine society at large.

But why seek redress through the Optional Protocol? What does the Protocol have to offer Filipino women? Through the CEDAW Committee, an international forum led by independent experts, women all over the world can seek and “obtain remedies for breaches of their human rights,” particularly justice that was denied them by their government. It is also a means to get the world to focus on women’s conditions within different societies. Experience has shown that international attention has been effective in putting pressure on erring and non-complying governments.

Beyond providing redress for specific persons, which is an equally important objective, the Protocol envisions itself as a mechanism for initiating legal and judicial reforms within countries that can contribute to the development of progressive jurisprudence, which will guide national governments as well as international bodies. The Protocol is also a mechanism for heightening public awareness of international human rights standards within societies, so that cultures may become anchored on human rights-based values.

In a sense, the Karen Vertido Communication is now considered the “test case” of how the OP-CEDAW can be made relevant to Filipino women.

The Karen Vertido Communication

The Karen Vertido Communication was filed with the CEDAW Committee in November 2007 after six months of preparation, during which the most intense, according to Atty. Ursua, was the period of writing. Ursua however qualified that the process of preparing said document started in 2005, immediately after Judge Virginia Hofileña-Europa handed down the judgment on the rape case filed by Vertido as early as 1997, acquitting the accused of any wrongdoing. But due to “financial limitations” and the need to do more research, the preparation process was temporarily stopped. The group also needed to rest after the trial, said Ursua.

In 2007, the non-government organization Women’s Legal Bureau (WLB) gained funding support from UNIFEM CEDAW SEAP for the Karen Vertido Communication, not just for its filing before the CEDAW Committee but also for training other women’s groups in the use of the Optional Protocol. Ursua eventually formed a team of researchers as part of this undertaking of WLB, where she also serves as Board Chair. WLB’s efforts to promote the CEDAW and OP-CEDAW and realize the vision of these international instruments in the Philippines are supported by the UNIFEM and CIDA.

The research and documentation process involved in the Karen Vertido Communication became very important, as other cases needed to be cited and

attached to the final document to show that Vertido's case is only "one of the many," and that it is only "part of a systematic pattern of discrimination against women in the [area] of sexual violence," explains Ursua.

The communication cited seven more similar cases of this kind of discrimination. In this sense, the communication, though it has been filed by an individual, has broader significance because these other cases reinforce the point that there is failure in the system, specifically in the existence of gender discrimination in the judicial branch of government.

Ursua underscores the importance of the research that went into the communication. The researchers had to deal with lack of sufficient and systematized documentation, a condition which they have observed not only among non-government organizations but in the courts too.

"Documentation is not the most important, but is a critical element," she says.

In trainings on the OP-CEDAW conducted by the WLB, the need to strengthen documentation work was often stressed. Referring to the experience in documenting cases for the Vertido communication, Ursua also said that an OP-CEDAW communication should have "defensible, accurate and incontrovertible" data. She thus recommends the establishment of standards and guidelines for documentation especially for women's advocacy groups engaged in direct services and have personal encounters with victim-survivors of discrimination and violence against women.

The communication also benefited from different perspectives and suggestions gathered during a presentation session in November 2007 where the draft was shared by WLB and the research team with a group of lawyers, psychiatrists, academicians, and other women's rights advocates and activists. According to the WLB 2007 Progress Report, inputs about "the patriarchal and sexist norms being deeply entrenched in the culture and post-traumatic stress disorder being accepted in forensic psychology as indicative of a rape," and on the myth about "lack of pressure on victims of other felonies (such as a robbery) to prove that attempts were made to escape" further enriched the communication.

The relief sought by the communication and its recommendations to the CEDAW Committee aim to gain personal remedies for Karen Vertido as well as realize far reaching changes in Philippine laws, in the justice system and in social-political culture. Karen Vertido herself said in a letter read by her daughter during a 2007 press conference: "I fight because I am given the opportunity to make this world more respectful of women."

As author of the communication, Vertido is no longer asking for the indictment of Jose Custodio, which is no longer possible after he was acquitted, but for the Philippines to implement changes to end discrimination against women, in accordance with its commitment as signatory to CEDAW.

The 100-page communication recommends the Committee to find that the author was a “victim of discrimination and that the Philippines has failed to fulfill its obligations under Article 2 (c), (d) and (f) of the Convention.”

The CEDAW provision cited in the communication requires States Parties “to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women...”

Specifically Article 2 (c) of the CEDAW requires a State Party to: “establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination...”

Under Article 2 (d), the State is asked to “refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.”

While Article 2 (f) makes it the obligation of the State to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women...”

All these had been violated by Judge Europa's promulgation acquitting Custodio, which the Vertido Communication comprehensively argued as based on well-entrenched gender-based myths discriminatory to women.


Entrenched myths in Philippine society about rape

- A rape victim must try to escape at every opportunity;
- To be raped by means of intimidation, the victim should be timid or easily cowered, which according to Judge Europa in Vertido's case she was not;
- To be raped by means of threat, there must be a clear evidence of direct threat, which Judge Europa says the complainant failed to establish;
- That because the victim and the accused are more than “nodding acquaintances” the sexual act must then be consensual;
- That the victim should prove she physically resisted all throughout the act of rape, and if she had not it to be concluded that she had consented.


Source: Communication under the Optional Protocol to the Women's Convention, Karen T. Vertido vs. the Philippines, 29 November 2007, pp. 31-44

On the filing of Karen Vertido's communication under the Optional Protocol to the UN CEDAW, 29 November 2007

"Lumalalang karahasan laban sa kababaihan, Pananagutan ng pamahalaan!"



WLB, Inc. kasama ang EnGendeRights, Kaisa-Ka, Pambansang Kongreso ng mga Kababaihan sa Kanayunan, 3RG-Philippines, Tambuyog, Unlad Kabayan, at iba pang grupong nagsusulong ng mga karapatan ng kababaihan



The event slogan calls on the government to end violence against women

In the communication, the personal remedy the author seeks is “financial compensation in the amount proportionate to the physical, mental and social harm caused her and the gravity of the violation of her rights and to enable her to continue with her therapy and other treatment.”

On another level, Vertido also identifies measures that the two branches of government, namely the judiciary and Congress, need to undertake to ensure that all forms of discrimination against women are condemned and eliminated.

For the judiciary, the following steps are being sought: the investigation of Judge Europa through a review of her previous decisions to determine if there is a pattern of discrimination against women in her handing down of judgments of acquittal; the education and training of trial court judges and public prosecutors on sexual violence to address misconceptions and prejudices that have long held sway in the halls of justice; the review of doctrines in jurisprudence on rape and sexual violence; the establishment of a monitoring system on rape and sexual violence cases that could serve as guidelines for compliance with human rights standards and to use these data to analyze discriminatory practices against women victims of sexual violence, and; provision of a mechanism that will allow women to appeal questionable acquittals.

Ursua says there should be more focus on how the judiciary operates, as it has often shown lack of knowledge and appreciation of international human rights standards and treaties. Ursua recalls a remark of an officer of the Supreme Court about not being aware of the Optional Protocol. “[The justice] didn’t know that the Philippine Supreme court can be sued under OP-CEDAW.”

For Congress, the remedies sought are: the review of laws against rape and sexual violence and how these are being enforced and to ensure implementation of the Rape Victim Assistance and Protection Act of 1998 so that victims can avail of appropriate services.

Ursua believes that if these recommendations are seriously implemented by the Philippine government, the result will be thorough reforms with long-term effect, as these will help promote and strengthen respect for women’s rights within and outside government.

Action Watch Asia Pacific (IWRAW-AP) filed with the CEDAW Committee the “Request to undertake an inquiry pursuant to Article 8 of the Optional Protocol to CEDAW in the Philippines.” The request for inquiry seeks the investigation of the violation of rights of Manila’s urban poor women who have been adversely affected by an executive order issued in 2000 by then Manila Mayor Jose Atienza Jr.

Executive Order Number 003 called “Declaring Total Commitment and Support to the Responsible Parenthood Movement in the City of Manila and Enunciating Policy Declarations in Pursuit Thereof” banned the distribution and use of contraceptives in the city’s public health clinics and Department of Health hospitals. “Private clinics and clinics run by non-governmental organizations that previously provided family planning information and services have been shut down. Health-care workers in such institutions have been harassed and labeled abortionists. Medical missions that offer artificial methods of family planning have ceased.” (“Imposing Misery: The Impact of Manila’s Ban on Contraception”, June 2008)

Said Executive Order (EO) has not been revoked by the incumbent mayor and thus the issue remains urgent. EnGendeRights Executive Director and lawyer Clara Rita Padilla explains that “the inquiry procedure supports the needs of the case” where local remedies need not be exhausted before filing it with the Committee. EnGendeRights, a non-government organization, is a lead member of the Task Force.

The EO, according to the request for inquiry, has curtailed the women’s practice of its reproductive health rights—rights guaranteed in the 1987 Philippine Constitution. This local order “is reinforced by a national population policy which, as proclaimed by President Gloria Macapagal-Arroyo in March 2002, is in line with the tenets of the Catholic Church.” (Request to undertake an inquiry pursuant to Article 8 of the Optional Protocol of the CEDAW in the Philippines, June 2008)

Meanwhile the Constitution provides for the right to health and equality of all citizens even as it underscores respect for the right of couples to choose the means of raising a family according to their own values and beliefs.

Specifically, the request states that the Republic of the Philippines through the implementation of the EO in the city of Manila has violated Articles 2, 3, 12 and 16; as well as articles 5, 10 and 11 of the Women’s Convention.

This is only the second request for inquiry that CEDAW received under the Optional Protocol of CEDAW (OP-CEDAW). The first was from Mexico, filed in 2002 by the non-government organizations Equality Now and Casa Amiga requesting CEDAW to conduct an inquiry into the abduction, rape and murder of women in and around Ciudad Juarez, state of Chihuahua, Mexico.

The personal accounts of Manila’s urban poor women show the physical, emotional/psychological, social-economic impact of the EO on their lives. These accounts are part of the document attached to the request, entitled “Imposing Misery: The Impact of Manila’s Ban on Contraception.”

A 36-year old mother of eight children lived daily in fear of getting pregnant and not being able to provide for her current brood and for its future members if she gives birth again. Her family survives on scavenging, which earns for them PhP150 a day. Already one of her sons had died from rheumatic heart. The National Statistics Office's recent calculations set the poverty line at PhP15,000 (PhP500/day) a month for a family of six.

Another mother, 44-years old with seven children, cannot afford to get injections anymore, after the health center where she lives stopped giving free injections, in accordance with Mayor Atienza's EO.

The contraception ban has increased the risk of sexual violence against these women. Another woman, also with eight children, tells of how her refusal to have sex with her husband has resulted in altercations and even in abusive, violent behavior of her husband towards her. She was accused of having extra marital affairs because she refused to have unprotected sex with her husband.

A doctor at the government-owned Fabella Hospital cited an increase in post-abortion cases that the hospital treated after the ban was imposed. Induced abortions that run greater risk of getting infections have been observed.

According to Atty. Padilla, additional focused group discussions were held after the inquiry was filed. In these discussions more women shared how they were affected by the contraception ban. Their stories will comprise a supplemental document to the inquiry, which will also be submitted to the CEDAW Committee.

These women who opened their stories of misery and fear now pin their hopes on the request for inquiry.

Based on the women's accounts and Task Force CEDAW's further investigation into the issue, the main recommendation is for Executive Order No. 003 to be revoked and in its place a family planning programme and services in accordance with the Philippine Constitution and international laws should be implemented. It is also recommended that non-government organizations and private agencies be allowed to give a full range of reproductive health information and services to residents of Manila, especially to the poorest areas, and if Manila's primary health centers fail to meet their clients' needs for basic family planning methods, DOH hospitals within Manila should be able to fill those needs.

Concerning Congress, the recommendation is for the amendment of the Local Government Code or its Implementing Rules and Regulations "to avoid ambiguities pertaining to the scope of autonomy of local government units (LGUs) and to enforce the national government's primary obligation to respect, protect and fulfill human rights."

While the Task Force and the parties in the inquiry await the decision of the Committee whether to consider the request or not, they are also not letting up

on the advocacy for the passage of the reproductive health bill currently being deliberated in Congress.

Whichever comes first, the response to the request for inquiry or the passage of the bill into law should be considered “a success story” says Padilla.

Education and advocacy

The filing of the Vertido Communication is already a big step towards making the general public aware of the CEDAW and its Optional Protocol, but other efforts in education and advocacy are also ensuring that this awareness is sustained and growing. The Women’s Legal Bureau is one of the organizations leading these efforts to educate Filipino women and Philippine society in general on CEDAW and OP-CEDAW. It has already conducted international, national and local trainings from 2005 to 2007.

Mae Buenaventura, Executive Director of the WLB, notes that the Karen Vertido Communication not only contributes to public awareness of the CEDAW and the OP, but also to the development of Philippine jurisprudence. There have only been few cases filed with the CEDAW Committee and the Philippine case will serve to enrich and further develop CEDAW’s current body of case law.

“We need to do a lot more work in getting people to know there is such an instrument,” says Buenaventura about the OP-CEDAW, which became the focus of WLB training for some 50 women’s institutions and organizations in Luzon, Visayas and Mindanao in 2007 and 2008. UNIFEM CEDAW SEAP also actively supported these activities, building on previous funding support for trainings on the CEDAW and on Shadow Reporting.

While the WLB advocates promoting the popular use of CEDAW and its Optional Protocol, it also understands that there are also rules of procedure to be followed, for which reason capacity building is needed. Thus the focus of the trainings has been on how advocacy and women’s groups can optimally use the mechanisms provided for in the Protocol, specifically “getting to know the technical requirements and the research you need to do” to draw the response being aimed for, Buenaventura explains.

An important part of the exercise in the WLB trainings was to help participants look into actual cases they have encountered and see if these can be filed with the CEDAW Committee, and which Optional Protocol procedure, the communication or the inquiry, would be more appropriate. Participants have also started to consider filing cases on issues urgent to them but have not been given attention and resolution by government.

In its 2005-2006 Terminal Report to UNIFEM CEDAW SEAP, WLB cited the need for “a test case that will utilize the OP-CEDAW and prove it valuable to women’s

advocates not only in the Philippines but in other countries as well” as an important feedback that emerged from discussions during the various trainings.

In the succeeding engagements with CEDAW SEAP on its third year, WLB especially focused on deepening the advocates’ understanding of the Optional Protocol and honing their skills in preparing an inquiry or communication procedure. It was during this phase of the engagement that the OP-CEDAW training for Luzon-based women’s groups was conducted by WLB in October 2007.

The participants expressed their appreciation for the lessons learned in that training in their evaluation of the activity. WLB, for its part, cited the enhanced ability of the participants to identify possible cases that can be filed under OP-CEDAW as the highlight of this training.

Buenaventura believes that the challenge now lies in sustaining the efforts began in the trainings and to reach more communities to ensure grassroots appreciation of CEDAW and its Protocol.

Ursua shares the same view as she raised the question of “how to link the UN” and its mechanisms to the people. “People get to know of a particular remedy if it has a concrete effect on them. When the people for instance saw the effect of the writ of amparo, they began using it to help free their relatives. Media had a lot to do in popularizing these cases.”

The impact on Asia and women’s human rights

WLB’s training program was also extended to Asian participants when it held a regional training in CEDAW and OP-CEDAW in Bangkok, Thailand in 2007. Participants came from Thailand, East Timor and from the Philippines, all States Parties to the CEDAW and OP-CEDAW.

According to Buenaventura, one of the highlights of the event was an activity that enabled the participants to review, discuss and evaluate actual cases in the participants’ countries. The exercise also helped them determine which case could be brought before the CEDAW Committee, and whether as an inquiry or communication.

“The lessons from the training are already being sustained. The feedback we got from the participants when they got back to their countries was that many of them are poised to develop the potential cases we have identified during the training. An NGO in Bangkok is considering filing a rape case before the CEDAW Committee” recalls Buenaventura.

Buenaventura also attended the fourth consultation on the OP-CEDAW in December 2007. A regional NGO, IWRAW-AP is behind these meetings that aim to help develop capacities of women and human rights advocates so that they can ensure that international human rights standards are implemented in their

own societies and communities. One of the sessions during the consultation was devoted to the Karen Vertido Communication; Buenaventura presented important details of the Vertido case and the communication.

In her article at the Feminist International Radio Endeavor or FIRE website in January 2008, Alda Facio, a member of the Advisory Group to the IWRAP-AP campaign and who was in the consultation, underscored the importance of the Karen Vertido Communication to Asian countries. She wrote: “this case is also important because Karen Vertido is the first woman from Asia...to submit a complaint under the communications procedure of the Optional Protocol.”

She further stressed that “this case will have a double-sided impact because it will promote not only the personal equality of the individual woman who files the complaint or communication, but also a more political impact in advancing overall women’s equality. In other words, in contributing to the overall jurisprudence of the CEDAW Committee, each remedy suggested in this type of case will inevitably have an impact not only on the individual to whom it is addressed (personal), but will further contribute to larger change for women as a group (political)” and that “if favorably resolved, not only will Karen be able to find some kind of restitution of her dignity, but women all over the world will be able to use a favorable decision to improve access to justice for women victims of rape and other sexual crimes in their own homes.” ♦



Chapter 3

Are Muslim Moro women going CEDAW?

Omnia mutantur nos et mutamur in illis (All things are changing and we are changing with them).

The world is basking in the glory of enlightened concepts and practices on gender roles: women as political leaders, women exercising professions and not confined to the role of keeping the house, women having a say on the number of children they want and on their reproductive health, etc. Unfortunately for many Muslim Moro women, they have yet to see the light of day in a discrimination-free society where gender equality reigns. They ironically live in an era of modern concepts on gender roles but are still fettered by traditional beliefs and practices pertaining to their roles.

Muslim Moro women, according to Yasmin Busran-Lao, Executive Director of the Al-Mujadilah Development Foundation (AMDF), face multi-layered sources of discrimination including but not limited to their gender, ethnicity and religion.

Muslim Moro Women carry the honor of their family, their ethnicity and their religion. And their male relatives are willing to commit felony to protect the honor of these women. As a consequence, Muslim Moro women are generally well protected from physical violence or sexual harassment.

This protective cloak may seem enviable to women from societies where women do not enjoy the same shield. However under this deceptive cloak are hidden chains of ancient beliefs and practices, and wrong interpretations of their religion that have kept the Moro woman shackled to medieval concepts about their gender roles — roles which are defined by their society.

Moro women were proud to say that they are protected from sexual harassment but lament that they are not allowed to occupy political or leadership positions. Many are discouraged from earning degrees or pursuing a profession since their roles are confined to keeping house, taking care of the children and other limited gender roles assigned by their culture and narrow interpretations of their religion.

These situations indicate that while the rest of the world is making leaps in evolving gender roles, the time is standing still for Muslim women. Indeed, while all things are changing around them, Muslim Moro women are not changing with the times.

Introducing CEDAW to Muslim Moro women

Though the treaty was adopted by the United Nations General Assembly in 1979 and ratified by the Philippines in 1981, CEDAW has yet to impact on the lives of Muslim Moro women. They are just beginning to look into how CEDAW can be applied in their lives more than two decades later.

AMDF and *Nisa Ul-Haqq fi Bangsamoro*, which in Arabic means Women for Justice in the Bangsamoro, or Nisa led the advocacy for the implementation of CEDAW among Muslim Moro women. In 2007, the two groups introduced CEDAW to the Muslim Moro women in Cotabato and Marawi City through the orientation-workshops entitled “Orientation to CEDAW: Local Consultation Among Moro Women”.

The participants in the two orientation-workshops expressed surprise to have known about the treaty this late when the Philippines was a party to the Convention from the beginning. They were unanimous in saying that the one-day orientation on CEDAW was not enough for them to understand the points and issues posed by the treaty. Nevertheless, they were eager to learn. It is also interesting to note that their knowledge of the existence of the treaty would come from the initiative of civil society organizations (CSOs).

Lao, who is based in Marawi City, participated in the National Consultations conducted by the Women’s Legal Bureau, (WLB) when the Philippines was about to submit its Combined Fifth and Sixth Periodic Report to the CEDAW Committee in New York. During the Mindanao Consultation, the NCRFW wisely thought of holding a separate consultation among the Muslim Moro women so that they themselves could discuss their issues especially those peculiar to their group.

Still in relation to this task, Lao was invited to participate in a training on how to present the report in the United Nations headquarters in New York. Subsequently, she was asked to draft the oral report. The report was a two-minute account of the status of the Moro women. “That is the reason why,” says Lao, “the plight of the Muslim Moro women was first mentioned in the Concluding Comments of the Committee to the Report presented by the Philippine Government.” (Although Lao was not able to actually present in New York, the oral and written reports of WLB and EnGendeRights included the situation of Moro women.)

Aside from Lao, another Muslim Moro activist, Atty. Raissa Jajurie, helped in popularizing CEDAW among her fellow Muslim Moro women. Jajurie is a Tausug

who hails from Jolo, Sulu but is now based in Davao City. She is the Coordinator of the SALIGAN-Mindanaw and Vice Chair of Nisa.

Jajurie was invited to be a participant to the CEDAW training conducted by the WLB because of her work with Muslim women. Her group Nisa also played a part in the preparation of the presentation of the Philippine Report in New York.



Yasmin Busran-Lao, Executive Director of the Al-Mujadilah Development Foundation, Inc., during the Consultation on CEDAW held in Marawi City on October 2007



Atty. Raissa H. Jajurie, Vice Chair of Nisa Ul-Haqq Fi Bangsamoro and Coordinator of Sentro ng Alternatibong Lingap Panligal (SALIGAN)-Mindanaw

After the presentation of the shadow reports to the Committee in New York, the women behind AMDF and Nisa, with invaluable help from the Bangsamoro Women Solidarity Forum (BWSF), lost no time in bringing CEDAW closer to the Muslim Moro women in Mindanao.

The participants to the two consultations were an assembly of Muslim Moro women from diverse educational and professional backgrounds, which include NGO workers, academicians, government employees, etc. Fifty women were gathered for each consultation and oriented on the CEDAW and its Optional Protocol. Also shared in the orientation was the Concluding Comments of the CEDAW Committee to the Philippine Report in August 2006.

First, Jajurie presented an overview of the CEDAW and its Optional Protocol then the Concluding Comments were presented by Lao. This was followed by an open forum where the participants asked very interesting questions about the treaty. The afternoon of the consultation was spent for the workshop where the participants were first grouped into government comprising of women from various agencies and institutions and the CSOs composed of women from different private organizations. They were then asked to state their comments on CEDAW, answer whether the treaty is applicable to Moro women and explain their answer before they finally gave their recommendations. The participants yielded very interesting comments and answers.

The CEDAW and the Code of Muslim Personal Laws

CEDAW creates many implications for Muslim Moro women, but the most significant is that many of the provisions of the treaty which mandates States Parties to undertake, steps that will free women from discrimination and help them achieve equal status with men are the exact opposite of the realities lived by Muslim Moro women. The Code of Muslim Personal Laws (CMPL) governs their personal and family relations. “Certain questions regarding women’s rights were raised in relation to some provisions of the CMPL.” (See *Annex 1: Comparing the Provisions of the Code of Muslim Personal Laws and CEDAW*)

One example is Article 16 of the CMPL which allows betrothal. On the other hand, paragraph 2 of Article 16 of the CEDAW categorically states: “betrothal and the marriage of a child shall have no legal effect”. This is just one of the several provisions in the two instruments that clash. Early marriage is but one of the many concerns raised by the CEDAW Committee in its Concluding Comments.

Item No. 30 of the Concluding Comments under the Principal Areas of Concern and Recommendations by the Committee, specifically mentioned, among others, that Muslim women living in the Autonomous Region of Muslim Mindanao (ARMM) need access to basic provisions and entitlements such as health care, social security, education, clean water and sanitation services, fertile land and income-generating opportunities. The same item also mentioned the Muslim women’s political, legal and educational rights, that is, their participation in decision-making processes and access to legal aid to prosecute perpetrators of violence against them. It also noted that Muslim girls should be provided with increased educational opportunities to discourage early marriage.

The last sentence of item No. 30 stated its request for the Philippine government “to include in its next report sex-disaggregated data and information on the *de facto* position of rural, indigenous and Muslim women, and the impact of measures taken and results achieved with policies and programmes implemented to these groups of women.”



Muslim woman by the Golden Mosque
(Photo by Kara Santos)



Muslim Moro girls wearing *kombong* or head cover
(Photo by Kara Santos)

According to Lao, there are presently no government data on efforts aimed at improving the status of Muslim women or eliminating discrimination against them in pursuance of the Philippine obligation under CEDAW. “There is also physical violence committed against Muslim Moro women but because of lack of data due to the culture of silence, shame, avoidance of *rido* (clan war similar to vendetta), etc., and because of the weak implementation of the Anti-VAWC (Violence Against Women and their Children) Law, including the complaint mechanism, it is difficult to establish incidences of physical violence.”

This is one of the reasons why AMDF and Nisa, as the primary organizations ensuring the implementation of CEDAW among Muslim women, came up with the proposal to conduct research on early marriage among Muslim girls. The proposal has been approved and the two organizations, with help from local partners, are well into the project entitled “CEDAW-based Action Research and Advocacy on Early Marriage among Moro Women in the Autonomous Region in Muslim Mindanao (ARMM).” Other areas of concern are not yet covered, according to Lao, because of lack of funds.

The participants in the two consultations conducted with Muslim Moro women in Cotabato and Marawi City were naturally wary and cautious about the effect of CEDAW on their long held beliefs and practices which “outsiders” or non-Muslims perceive as discriminating against Muslim women. But for Muslims, including the women themselves, these are not discriminatory.

The contentious issues discussed by the women during the workshop were: early marriage, polygamy, right to divorce and legal succession, because these are the areas where the CMPL run counter with the provisions in CEDAW. These provisions of the CMPL include Articles 16 on Capacity to Contract Marriage, Article 23 on Subsequent Marriage by a Husband (Polygamy), Articles 46-49 on Divorce, Article 57 on Period of Waiting and Title III on Legal Succession.

Early Marriage

On the issue of early marriage, a participant from Marawi City said, “It [the CEDAW provision] is not applicable among Muslims because the practice [of betrothal and early marriage] cannot be taken away [from the Muslims].”

The CEDAW provision violates cultural sensitivity, reiterated another participant.

The capacity to enter a marriage contract under Article 16 of the CMPL is 15 years for a Muslim male. For a Muslim female, puberty, the period when the organs of sexual reproduction mature, determines her capacity to be married. Under the same article, the female is presumed to have attained the age of puberty upon reaching the age of 15.

Paragraph 2 of the same article provides further that the Shari’a District Court may allow the marriage of a Muslim female below 15 who has attained the age

of puberty, upon petition of her *wali* or guardian. This means that a Muslim male younger than 15 years cannot marry, but a female younger than 15, but not younger than 12, can be married. This provision allows a younger age for Muslim girls to marry. Finally, the article also declares that marriage below the prescribed ages shall be regarded as betrothal.

However, says Jajurie, the same paragraph states that such marriage may be annulled by either party upon reaching the age of puberty. The fact that the CMPL declares the union to be annulable means that the betrothal of children below 12 years old is actually considered valid, or, at the very least, voidable. “You cannot annul a marriage that is void and inexistent,” she points out.

Polygamy

The women participants also admitted their difficulties with polygamy. “It hurts us whether we are the first, the second, the third or the fourth wife,” said a participant in Cotabato City.

While the CMPL allows polygamy with certain conditions, that is, to “deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases,” the conditions are often disregarded than observed by men contracting subsequent marriages.

The procedure for a husband desiring to enter into a subsequent marriage laid down by Article 162 of the CMPL also suggests that the husband may not be married without the knowledge of his wife or wives. In addition, the wife may also raise an objection to the marriage of her husband. However, this proviso is also flagrantly disregarded by husbands entering subsequent marriages. More often than not and in consonance with the saying, “The wife is always the last to know,” the wife gets to know about the subsequent marriage of her husband after the marriage has been solemnized. And there is no consequence provided under the CMPL in case the article is violated. This practice is a cause of constant distress for Muslim women.

Divorce

The participants were also unanimous in stating that the CEDAW provision allowing women to have equal rights with men in the dissolution of marriage is contradictory to Islamic practice. Muslim women are actually allowed to initiate divorce proceedings against their husbands through divorce by *khul* (release), *tafwid* (delegated repudiation) and *faskh* (judicial decree). But while women are allowed to exercise the right to divorce in Islam, there are conditions that must be met. The rights of a Muslim Moro woman to divorce her husband are laid down in Articles 50-52 of the CMPL.

On a closer look, there is actually no contradiction between the CEDAW provision on the equal rights of husband and wife in dissolving marriage. As can be seen in Articles 50 to 52 of the CMPL, Muslim women may also divorce their husband. However, there lies a thin thread of discrimination brought about by the fact that the husband may divorce the wife without any reason at all while the wife has to satisfy the conditions laid down in Articles 50 to 52 of the CMPL in order for her to divorce the husband.

According to the *Ulama* or Muslim religious scholars, the rationale behind this rule is the tendency of women to be fickle-minded. A simple misunderstanding may provoke the wife to declare divorce from her husband. Such act of repudiation (*talaq*) is not valid under Shari'a Law. However, a husband may not say the same thing, even in anger, because such act of repudiation is already considered valid. This rule is based on the Islamic principle that marriage is not to be trifled with.

The burden therefore lies with the husband not to make marriage a child's play of divorce and reconciliation. In fact, should the husband and wife divorce three times, they would be prohibited from reconciliation unless both of them are married off to another partner. The presumption is that compatibility between couple is impossible for having reached such number of marital dissolution. The prohibition against reconciliation after three valid divorces gives the couple an opportunity to try a different partner with whom they may find the mutual love and respect enjoined by Islam to reign in marital relationships. The Qur'an states that the goal of marriage is "to lead life that is full of love and peace (Surah Al-Rum; 30:2 Q)."

Inheritance or legal succession

While there seems to be patent discrimination in the CMPL provision on the share of women against men in legal succession, the women were reluctant in advocating a change in this provision because it is based on a Qur'anic verse. However, the rationale behind this unequal treatment of the sexes was discussed by the participants. The context in which the verse was revealed was the time when the burden of supporting the family fell solely on men. This role, in addition to the fact that men had to support their female relatives under their care and the fact that they have to give dower and the women receive dower, was the rationale why men were given twice the share of women in Islamic legal succession.

However, the context has changed in these modern times, said the participants. Some Muslims now observe succession practices which modified the provision on the share between brothers and sisters. The participants related for example that sisters may earn more than their brothers. Sometimes, the elder sisters may even provide for the education and the dower of their younger brothers. In this instance, the division of the property of their parents may be modified in consideration of this change in the context of financial responsibilities.

But despite the change, the CMPL does not have a provision reflecting the changes in the financial contexts of men and women. Should a brother, for instance, insist on taking his share based on this skewed scheme despite changes in financial contexts among the male and female members of the family, he has legal grounds for his claim but the female siblings do not have legal basis for their equitable claim.

The participants also discussed **reproductive health**. Sex education, according to the participants, is not acceptable in Islam. Artificial birth control is also not acceptable among the *Ulama*. Dr. Pesigue Tomawis related the incident about a gathering on population control where the *Ulama* walked out because the *fatwa* (opinion) is that artificial method can never be allowed in Islam. Still, the women declared, if the couple will agree to the use of artificial methods of birth control, they do not see anything wrong with it.

Though the issue of **political rights of women** is not explicitly addressed in the CMPL, Article 7 of the CEDAW, said a participant, is contradictory to the Qur'an. The belief among traditional Muslims is that women may not hold leadership positions. There are various accounts as to the origin of this notion, and various interpretations on the Hadith that is used to justify this rule against making women lead; but the source of these is definitely not the Qur'an.

The Concluding Comments of the Committee generated a fair share of comments from the participants. Reacting to Item No. 11, participants in the consultation in Cotabato City defended the CMPL and said it was not enacted to discriminate women. A Maranao participant, Dr. Dalomabi Bula, who is a professor of the English Department of Mindanao State University in Marawi City, explained the differences in views, "In Islam, there is also equality. However, Islam and the West have different concepts of equality." Thus, in reaction to the Items Nos. 11 and 12 of the Concluding Comments, the women declared, "Gender equity should also be recognized, not only gender equality."

While knowledge of CEDAW among Muslim Moro women is still limited and recent, its advocates are still happy to know that there is an instrument they can use to demand from policy makers the enactment of laws that can improve the lives of Muslim women.

Questions raised and recommendations

Evidently some concepts introduced by CEDAW are not yet readily acceptable to Muslim Moro women. During the two consultations conducted with the Muslim Moro women, many issues were raised by the women themselves. One of their comments on CEDAW was that it did not consider the cultural norms and religious beliefs of women from all over the world, that it is "not contextualized". Thus, they were unanimous in saying that the UN should have consulted other cultures before coming up with the instrument.

Dr. Armia Ebrahim, a participant in the consultation in Cotabato City raised questions about the composition of the CEDAW Committee, the number of countries represented in the Committee, and whether a Muslim is a Member of the Committee who can discuss about the issues on Islam and speak on behalf of Muslims. She also asked whether Muslims were represented in the discussions on the Convention. Lao confirmed that there were Muslims in the CEDAW Committee. “The Algerian member of the Committee is a Muslim. There was also sharing and input from the delegate from Malaysia. She was not a Muslim but she has appreciation of Muslim practices so with some of the members of the Committee.”

Aside from these, explained Lao, the members of the Committee were the people endorsed by their State which shows that these are people who are respected in their fields.

In the same manner, the women were quick to defend the CMPL on the issue of whether the provisions are discriminatory against women, because the basis of these provisions is the Qur’an. Some of the contradictory provisions of the CMPL vis-a-vis CEDAW will never be allowed by Muslims, men or women, according to Atty. Norma Maruhom, precisely because the basis of these provisions are Qur’anic verses. The provisions include the one on polygamy, divorce and legal succession.

It was also the lament of the women participants that some of the items in the Concluding Comments negate Islamic laws and concepts. While they welcome CEDAW as an instrument that will elevate their status, they are particularly uncomfortable with provisions which are directly contradictory to the words of the Qur’an.

The participants want to exercise caution and be sensitive to religious beliefs. Many Muslim Moros including women themselves are loathe to accept change aimed at freeing them from the bondage of ancient assignment of gender roles should the introduction of this change contradict their long-held religious beliefs and practices. But according to Maruhom, these women will be interested if they are told about their rights as mandated by their religion. “They are more interested to know their rights as women in Islam.”



Participants at the AMDF & Nisa Orientation on CEDAW in Marawi City, October 2007



At the AMDF, Mindanao Working Group & Nisa Training Course on Islam and Gender, Davao City, December 2007

But while the women have difficulty reconciling the provisions of CEDAW with their cultural practices and religious beliefs, which are deemed discriminatory against women, the benefits of the treaty are not entirely lost on them. They want to avail of the provisions of the treaty which are not contradictory to their religion.

They also support Item No. 30 of the Concluding Comments, which was about the creation of Legal Assistance Program for women victims of violence and the establishment of crisis centers for women victims of violence or harassment. They suggested the creation of a body that will be tasked to analyze, review and monitor the implementation of CEDAW in the Philippines. They were unanimous in saying that more advocacy for and popularization efforts about the treaty need to be undertaken.



Muslim Moro women studying the P.D. 1083 (Code of Muslim Personal Laws) during the Women Study Session on the CMPL conducted by Nisa in Zamboanga City on April 2008



Nina Nurmila, Ph.D. (left), the Indonesian Lecturer, and participants took a break from the Training Course on Islam and Gender to perform the Eid'l Adha prayers on December 2007 at the Almendras Masjid in Davao City

The participants also agreed that forced marriage is un-Islamic because the consent of the parties to contract marriage is an essential requisite. However, customary practice, not necessarily Islamic, violates this rule of consent. Age of marriage may be modified since there is no specific verse in the Qur'an stating the exact age of marriage for Muslims. In addition, different *madhab* (Islamic schools of thought) have set varying ages for Muslims to enter into a contract of marriage. Some Muslim countries set the age at 18.

While they were not inclined to condemn cultural practices and religious belief that are contradictory to CEDAW and thus seemed to perpetrate discrimination against Muslim Moro women, they suggested ways in which their culture may be enlightened. The participants strongly recommended the popularization of CEDAW and to undertake more advocacy initiatives to ensure its implementation. This should spread CEDAW to more Moro women, especially parents with traditional concepts of early and forced marriage so that these parents may be guided. The women also agreed that the campaign for women empowerment

should be continued so that they can be vigilant with their rights and prevent the violation of these rights, especially those acts or practices that discriminate against women. They also recommended a review of the articles so that Islamic values can be integrated, not knowing that when the UN General Assembly adopted the Treaty in 1979, extensive deliberations had been done among all member countries.

It can be said that efforts to free Muslim Moro women from outdated beliefs and practices is a Herculean task. Advocates are not only dealing with men resistant to change but also with the Muslim Moro women themselves who are protective of their local traditions that are mixed with their religious beliefs. This is not because the women are comfortable with the set-up but because they are loathe to introduce change which may stir up religious controversies.

Contributions of Muslim Moro women's groups

Muslim Moro women are just beginning to understand CEDAW and its application and practice in their lives may take a long while, considering the cultural challenges that have to be addressed. But the orientation activity surely created a stir among the Muslim Moro women. Having barely introduced CEDAW to Muslim women groups in Mindanao, there is no stopping the women behind the campaign.

For one, they have put on the map the issues affecting Muslim Moro women. One significant contribution of AMDF and Nisa to the efforts to eliminate discriminatory practices against Moro women is highlighting their issues in the Concluding Comments. Before, the issues of the Muslim Moro women were lumped with the issues of the rest of the women in this country. But as stressed by Lao, the sources of discrimination against Muslim women in the Philippines do not come only from their gender but also from their culture and religion. They have issues which may be peculiar to their group precisely because of their religion and culture.

For example, early and forced marriage is rampant among Muslim communities but these may be a rare case among women in non-Muslim communities. Biased interpretations of their religion have also conditioned the minds of the Muslim Moro women that accepting discriminatory practices is in consonance with their religion and that they would even be rewarded by God for adhering to these practices.

Second, the CEDAW campaign has given Muslim Moro women voice so that their plight may be known. In addition to the opportunity to acknowledge the plight of Muslim Moro women in the Concluding Comments, Jajurie also sits in the CEDAW SEAP Country Consultative Committee for the Philippines, the committee tasked to provide advice to the CEDAW SEAP implementation. She is also a member of CEDAW Watch, and as such, is active in the dissemination campaign on CEDAW in Mindanao. This somehow ensures that the voice of the Muslim Moro women will be heard in the group tasked for the implementation of projects under the South East Asian Programme of CEDAW.

Jajurie also sits in the Study and Action Core Group pushing for the Magna Carta of Women, the bill that should become the gender equality law. The bill is being pushed in Congress and it should serve, says Jajurie, as the “enabling” law for CEDAW in the Philippines.

In Mindanao specifically, Jajurie works with Nisa, a partner of AMDF in the local consultations on CEDAW conducted with Muslim women. She said they are now looking at specific women’s issues in Mindanao, such as the issue of early marriages in Muslim communities. They are also studying the Optional Protocol of CEDAW especially on how the instrument can be possibly used in their advocacy for Muslim women’s rights. Jajurie says that CEDAW should be seen as a tool to correct a skewed system of society where half the world’s population is not accorded justice and equality — values that Islam has assured all human beings of. Islam, in recognizing and promoting women’s rights has predated CEDAW, but “it does not hurt to use all available and useful tools to strengthen the advocacy for women’s empowerment,” she says. So, “we Muslims should not shy away from CEDAW,” she says, “as it also speaks to us as women. We, as Muslims, should bring in our perspectives to the discourse of women’s rights and not just leave it to Western, middle class or first-world women.”

In addition to the two orientations on CEDAW, AMDF and Nisa also developed the Mapping-Out of Women’s Initiatives in the ARMM and the CEDAW Sectoral Framework. Out of these activities, the two organizations came out with a project proposal on early and forced marriage among Muslim Moro women since it was found out that there was no available data on this prevalent practice in Muslim communities.

Right now they are deep into the research it is conducting on early and forced marriages among Muslim Moro girls. They have already conducted the orientation for this research on July 25-26, 2008 in Cotabato City.

Will Muslim Moro women now go CEDAW?

When a participant in the orientation held in Marawi was asked about her views on early, forced or arranged marriages, this is what she had to say:

“I come from the generation who were taught that you would be rewarded if you follow your parents’ wishes. I can also say that they were right because my marriage, although arranged, is also successful. However, with the present generation and the influence of media, no parent can force his daughters in arranged or early marriages. And we can see also that they will have better quality of life if they finish their education.”

This comment captures the effect of media and information on the supposedly outdated concepts of Muslims on marriage: information and media exposure have the power to liberate women from the bondage of discriminatory roles and practices. The participants were right in their recommendation to have more advocacy and IEC materials on CEDAW.

Perhaps an enhanced information campaign on CEDAW may result in amending present legislations, further empowering women and freeing them from discriminatory beliefs and practices. These effects may be replicated and spread to the rest of the Muslim Moro women who are shackled by ancient beliefs and practices perpetrating discrimination against them. It is not only the Muslim men who need to be educated about the benefits of changing age-old discriminatory practices against their women. Above all, it is the Muslim women themselves who need to be freed from these practices.

The seeds for eliminating discrimination against women have been planted. The winds of change that will blow away ancient assignment of gender roles is being felt all over the globe. Surely, with stepped-up advocacy work and information drive on the treaty, there will be no stopping the Muslim Moro women from going CEDAW. ♦

Annex 1: Comparing the Provisions of the Code of Muslim Personal Laws and CEDAW

CMPL PROVISIONS	CEDAW PROVISIONS
<p>On Marriage:</p> <p>Under Article 16 of P.D. 1083 or the Code of Muslim Personal Laws (CMPL), the minimum age for a Muslim male is 15 while the minimum age for a Muslim female is the age of puberty (the period when the organs for sexual reproduction mature) which is presumed at age 15. However, the Shari'a District Court may, after the petition of the proper <i>wali</i>, order the solemnization of a female who is less than fifteen but not below twelve years of age and if she has attained the age of puberty. The same article also provides that marriage below the prescribed ages is regarded as betrothal and may be annulled upon the petition of either party within four years after attaining the age of puberty. Two conditions must be met in order for the parties to avail of this proviso: first, no voluntary cohabitation has taken place and second, the <i>wali</i> who contracted the marriage was other than the father or paternal grandfather.</p> <p>The conditions laid down by Article 27 of the CMPL are: 1. he can have more than one wife but not more than four at a time, 2. He cannot have more than one wife unless he can deal with them with (a) equal companionship and (b) just treatment as enjoined by Islamic law and, 3. only in exceptional cases.</p> <p>Article 162 of the CMPL provides that a Muslim husband desiring to contract a subsequent marriage shall file a written notice thereof with the Clerk of Court of the <i>Shari'a</i> Circuit Court of the place where his family resides before contracting the subsequent marriage. Upon receipt of the notice, the Clerk is to serve a copy of the notice to the wife or wives. If the wife or any of the wives objects, as the case may be, the <i>Agama</i> Arbitration Council shall be constituted. If the <i>Agama</i> Arbitration Council fails to obtain the wife's consent to the proposed marriage, the Court shall decide, considering the conditions laid down by Article 27, whether or not to sustain her objection.</p>	<p>Article 16</p> <ol style="list-style-type: none"> 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: <ol style="list-style-type: none"> a. The same right to enter into marriage; b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent; c. The same rights and responsibilities during marriage and its dissolution; d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in all national legislation; in all cases the interests of the children shall be paramount; g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration. 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

CMPL PROVISIONS	CEDAW PROVISIONS
<p>On Divorce:</p> <p>Article 50 allows the wife to petition the court for divorce, after she has offered to return or renounce her dower or to pay any other lawful consideration for her release (<i>khul'</i>) from the marriage bond.</p> <p>Article 51 is the provision on divorce by <i>tafwid</i> which happens when the husband has delegated (<i>tafwid</i>) to the wife to effect a <i>talaq</i> (repudiation) at the time of the celebration of the marriage or thereafter.</p> <p>Article 52 allows the wife to petition the court to issue a decree of divorce by <i>faskh</i> on any of the following grounds:</p> <ol style="list-style-type: none"> a. Neglect or failure of the husband to provide support for the family for at least six consecutive months; b. Conviction of the husband by final judgment sentencing him to imprisonment for at least one year; c. Failure of the husband to perform for six months without reasonable cause his marital obligation in accordance with the CMPL; d. Impotency of the husband; e. Insanity or affliction of the husband with an incurable disease which would make the continuance of the marriage relationship injurious to the family; f. Unusual cruelty of the husband as defined under Article 53 of the CMPL; or g. Any other cause recognized under Muslim law for the dissolution of marriage by <i>faskh</i> either at the instance of the wife or the proper <i>wali</i>. 	<p>See Article 16 text</p>

CMPL PROVISIONS	CEDAW PROVISIONS
<p>Article 53 laid down <i>faskh</i> on the ground of unusual cruelty:</p> <ol style="list-style-type: none"> a. Husband habitually assaults his wife or makes her life miserable by cruel conduct even if this conduct does not result in physical injury; b. Husband associates with persons of ill-repute or leads an infamous life or attempts to force the wife to live an immoral life; c. Husband compels his wife to dispose of her exclusive property or prevents her from exercising her legal rights over it; d. Husband obstructs his wife in the observance of her religious practices; or e. Husband does not treat his wife justly and equitably as enjoined by Islamic law (P.D. 1083, The Code of Muslim Personal Laws) 	<p>See Article 16 text</p>
<p>On Legal Succession:</p> <p>Male's share is usually double that of a female (Title III, Legal Succession of the CMPL)</p>	<p>See Article 16 text</p>
<p>On Political Participation:</p> <p>A participant commented that there is no specific provision in the CMPL on women's political participation, but there is no Qur'anic verse stating the popular belief that women are not allowed to occupy leadership positions.</p>	<p>Article 7 States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <ol style="list-style-type: none"> a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; c. To participate in non-governmental organizations and associations concerned with the public and political life of the country (CEDAW).



Chapter 4

NGOs monitoring state obligations through CEDAW

During the Congressional Elections in 2004, members of a women's Party List group were allegedly threatened with detention and physical harm by members of the military to dissuade them from voting for their Party.

Indigenous women displaced by mining firms found themselves doubly oppressed when they were forced to do unpaid farm work and domestic chores.

Women and children from an impoverished *sitio* (a village sub-district) thirsts for potable water that used to be accessible to them from a free-flowing spring while their well-to-do neighbors enjoy paid-for potable water service.

A woman, married at age 15 and with six children by age 26, is abandoned by her second husband who would not even put a roof over their heads.

Who are looking after their welfare and rights? There are several agencies and branches of government bound by law to protect, promote, and ensure the implementation of women's human rights. But are these Philippine agencies fulfilling their obligations to national laws and international treaties such as the CEDAW? Civil society, or the non-state actors, gets the role of monitor to ensure that women's human rights and their welfare are protected and upheld at all times.

Most people would think that the democratic political environment in the Philippines would naturally breed media practitioners who would "correctly" report on violations of women's human rights and civil society members who would be vigilant in the protection of these rights. But this is not always the case. Even women's NGOs agree that the awareness level regarding CEDAW for instance is still very low, even among women themselves.

"There is a lot of documentation about crime...which catches the attention of the public. But because the reporting is not evidence-based, most of these cases do not hold up in court. As a result, everyone ogles...but we are not able to help the victim," observes Dr. Carolyn I. Sobritchea, professor at the University of the Philippines Asian Center and former Executive Director of the University of the

Philippines Center for Women's Studies (UPCWS) which implemented a UNIFEM CEDAW SEAP training on monitoring with support from CIDA. "There is a need to tool or retool civil society so that they can effectively do their part in promoting and protecting human rights," she said.

Even with a comprehensive treaty such as CEDAW which obligates States Parties, non-government and people's organizations, academe, media and other civil society sectors play crucial roles in monitoring—and reporting—CEDAW compliance and ensuring the successful implementation of CEDAW in the country.

How should CEDAW be implemented?

As articulated in the Core Training Module on CEDAW prepared by the Miriam College Women and Gender Institute (WAGI), one of the key implementing partners of the CEDAW Philippine Programme, there are two ways of looking at CEDAW. First, the treaty should be looked at and implemented in a substantive way, meaning the content of each of the treaty's provisions and their legal implications for women should be studied and understood. This also means studying the General Recommendations (GRs), Concluding Comments, Optional Protocol (OP) and jurisprudence arising from legal cases that utilized CEDAW as a legal reference point.

General Recommendations are interpretative elaborations of the provisions of CEDAW in light of new developments. For example, at the time CEDAW was crafted in the late sixties, there was no such thing as violence against women (VAW). It was a private matter within the confines of the home. GR 12 and 19 had to be added as VAW became a public crime.

Concluding Comments are post-report comments and recommendations by the CEDAW Committee. These should then be implemented and reported after four years. The Philippines will next report in 2010 and the Concluding Comments to its Fifth and Sixth Report in 2006 is the subject of monitoring. **See the 2006 CEDAW Concluding Comments at http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Philippines_25augrev.pdf**

The other means of understanding and implementing CEDAW is in a procedural manner, which involves the implementation of its processes and mechanisms that concretize its contents. This includes an appreciation of the reporting process (initial and periodic), as well as the individual communication and inquiry procedures under the Optional Protocol. Governments prepare initial (a year after ratification) or periodic reports (every four years after initial report) on the progress of its implementation of CEDAW to the CEDAW Committee in cooperation with civil society sectors. (De Dios and Reyes, 2007)

The role of non-state actors

Civil society sectors, considered as the non-state actors, play a major part in seeing to it that the procedural aspect of CEDAW as described above is realized. WAGI recognizes and affirms this role. In its paper, “From *De Jure* to *De Facto* Rights for Women: Towards a Framework for Strengthening Implementation of the CEDAW in the Philippines”, WAGI said that “NGOs and POs with their various programmes for women in the economic, social, political and other spheres, on their own or in critical collaboration with government, can integrate and promote the standards of the CEDAW. The academe given its crucial part in the education especially of the youth can greatly contribute in changing cultural and traditional values and instilling ones consistent with human rights standards, while the media given its vast reach can help raise awareness on human rights and equality that the CEDAW promotes.” (Conda, Francisco and Reyes, 2005)

According to Sobritchea, non-state actors play a role in the preparation of the Country Report, the self-monitoring by the government, and the preparation of the Shadow Report, the documentation of complaints, and the advocacy work to ensure that the State fully complies with its obligations.

Sharing above stated views, WAGI, UPCWS, South East Asian Women’s Watch (SEAWatch) and CEDAW Watch have undertaken initiatives that would give civil society the tools to track CEDAW compliance by the government, or in UN parlance “monitor state obligations through CEDAW.”

Toward this end, the UPCWS and the UPCWS Foundation, Inc. (UPCWSFI) were contracted by the UN Joint Programme to carry out the project “Enhancing the Capacities of Women NGOs and Networks to Monitor the Implementation of CEDAW through National, Regional, and Local Policies and Programs.” Central to the project is the “Seminar-Workshop on Monitoring State Obligations through CEDAW.” This project was partially funded by the UNIFEM CEDAW SEAP contribution to the UN Joint Programme.

UPCWS: Seminar-Workshop on Monitoring State Obligations through CEDAW

The seminar and training workshop conducted by the UP Center for Women’s Studies is considered trailblazing and unique because of the monitoring tools that it developed. Philippine NGOs, new to its role under the CEDAW, could receive a lot of help and guidance from the inputs in the training, particularly from these monitoring tools.

According to UPCWS, the seminar workshop, designed to be a “Training in Monitoring and Case Study Writing” aimed to examine and apply the CEDAW principles and processes in monitoring state obligations, develop tools for monitoring compliance by local government and other government agencies to the CEDAW, and clarify the participants’ roles and prepare a plan of action for monitoring state obligations through CEDAW. (UPCWS 2008)

The three-day training was conducted in three batches between 2007 and 2008: November 7-9 in Cebu City (Visayas, central Philippines); December 10-12 in Davao City (Mindanao, southern Philippines); and January 29-31 in Quezon City (Luzon, northern Philippines), practically covering all the main geographical regions of the country.



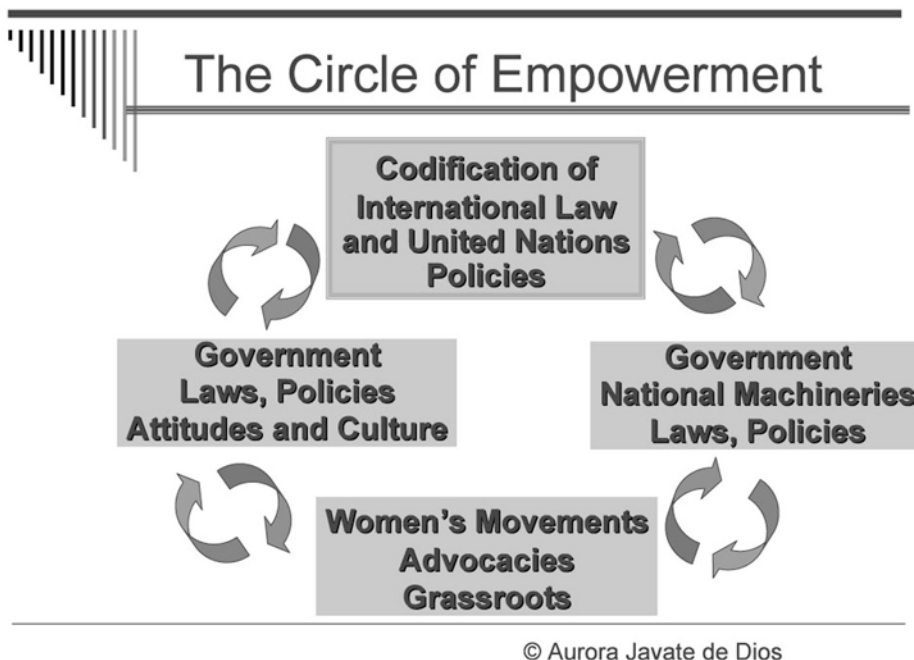
[CEDAW SEAP National Coordinator Luz Lopez Rodriguez and participants at a CEDAW monitoring training](#)

A total of 74 participants from NGOs and the academe were able to complete the three-day training. The participants were nominated by the UPCWSFI team, external experts and the local UNIFEM office in cooperation with the regional Gender Resource Centers (GRCs), and thus had prior knowledge about gender and development. In fact, GRC members had been heavily trained in Gender and Development tradition for over seven years, according to Sobritchea, who had been instrumental in organizing these centers. Their selection from an existing regional network also ensured that they would be able to immediately apply in their field work what they learned in the training.

The resource persons were four reputable gender and human rights experts. Atty. Leo D. Battad is the Deputy General Counsel of the University of the Philippines Office of Legal Services. Prof. Aurora Javate-de Dios was Chairperson of the National Commission on the Role of Filipino Women for many years and served as Expert in the UN CEDAW Committee. Atty. Glenda T. Litong is the Chairperson of the Economic and Socio-cultural Rights-Asia and a Law Reform Specialist at the UP Institute of Human Rights (IHR). Dr. Carolyn I. Sobritchea is a Professor at the UP Asian Center and was the former Executive Director of the UPCWS.

De Dios talked about “Understanding the CEDAW: Its Principles, Objectives and Processes.” She explained the dynamic relationship between standard-setting

importance of human rights treaties and the active claiming of rights by citizens. The circle of empowerment model which she developed gives a dynamic view of human rights. It ensures the shift from invisibility to rights, resources, and voices, so that women's human rights are known, actively claimed, and exercised, and that these rights are translated from local to global and back.



Her other inputs were on the three principles of CEDAW: substantive equality, non-discrimination and state obligation.

The substantive equality principle of CEDAW ensures substantive or real equality for women in all spheres on a basis of equality with men, in treatment, access, and opportunity, as well as in results. Temporary special measures, commonly known as affirmative action, can be taken to speed up the achievement of substantive equality or level the playing field for women.

The principle of state obligation holds that the state is duty bound to comply, fulfill, and implement the provisions of CEDAW with due diligence. The state is accountable for any breaches or violations of CEDAW either through commission or omission. It is also the duty of the state to report directly to the CEDAW Committee and to implement its recommendations.

De Dios emphasized that CEDAW must be seen as being part of the human rights system. It is indivisible, interdependent, and integral with other human rights conventions and treaties.

Battad put forth the idea of the three levels of state obligation: respect, protect, and fulfill women's rights.

Respect or the primary level requires the State and its agents to abstain from doing anything that violates the individual's integrity or infringes on her/his freedom to take the necessary actions and use the necessary resources, alone or in association with others.

Protect or the secondary level, on the other hand, requires from the State and its agents the measures necessary to prevent the more assertive or aggressive individuals or groups from violating the integrity, freedom of action or other rights of the individual.

Fulfill or the tertiary level requires the State to take the measures necessary to ensure for each person within its jurisdiction opportunities to obtain satisfaction of those needs, recognized in the human rights instruments, which cannot be secured by personal efforts. Thus, the state is a provider.

Battad's ideas were an invaluable contribution to the design of the monitoring tools developed for the training program and the monitoring effort itself.

Sobritchea tackled "Monitoring and Evaluating Policies, Plans, Reports, and Programs through CEDAW." She presented four sets of indicators for monitoring CEDAW implementation, namely, input indicators, process indicators, output indicators and impact indicators. The first three sets must be based on the normative contents of the women's human rights guaranteed by CEDAW. Impact indicators, on the other hand, must measure progress towards the promotion of gender equality through the elimination of all forms of gender-based discrimination.

To ensure the implementation of CEDAW in state obligations, monitoring of laws and policies and their implementation should be done. Monitoring is accomplished through research, fact-finding missions, case documentation of human rights violations, and participatory and multi-stakeholder assessment processes.

Litong, meanwhile, lectured on "Documenting Violations of Women's Human Rights in the Context of CEDAW." Documentation is the process of research into specific abuses of women's rights, which includes the process of analyzing, synthesizing, and presenting the information, usually in the form of a report.

To document cases, one has to answer the following questions: (1) What is the purpose of the documentation? (2) Who is the intended audience? (3) What will the work involve and are the necessary resources available? (4) What are the expected outcomes? (5) What, if any, are the risks? Litong also discussed the preparation, procedures, ethical and professional standards and resource requirements related to documentation.



Training on monitoring with participants from the Visayas region, in Cebu, November 7-9, 2007

Monitoring Tools

Finally, the monitoring tools developed by UPCWS are excellent templates for NGOs, including the media, to use in identifying, analyzing, researching and reporting human rights abuses committed against women. The primary tool is the “Monitoring Tool for Documenting Women’s Rights Violations.” (*See Annex 1: Draft Monitoring Tools - Excerpts from the Monitoring CEDAW Project of UPCWSFI*)

In the pipeline are three other analytical guides being developed by UPCWS, for laws and policies and for programs and services. All of these tools are informed by the paradigm shift in the UN itself from a “needs-based approach” to an “international human rights-based approach” to development, according to Sobritchea.

Assessing the monitoring tool presented and discussed in the training, Sobritchea said that some participants found the tool “difficult to use” because it was detailed and required knowledge of the law, unlike the needs-based monitoring tools that primarily considered the articulated needs of the women. Aside from this, when using the needs-based tools, articulated needs are often prone to influence by the government agencies or politicians who define them, the professor explained. Other participants, however, found it easy to use because the indicators to be monitored are clearly defined.

Although the CEDAW-specific monitoring indicators were adapted from Gender and Development (GAD) mainstreaming tools, “UPCWS raised the standard of monitoring beyond checking,” Sobritchea said.

For example, the tool included the “detailed circumstances relating to human rights” such as adequacy, sustainability, availability, physical accessibility and economic accessibility. It also included “the detailed circumstances relative to the normative content of the human right.” Finally, a checklist of evidence needed is included, making it a powerful “forensic interviewing” tool.

Thus, on top of the 14 CEDAW provisions which were translated into interview questions, the normative standards were applied during the seminar-training to make sure that the quality of programmes and services is also looked into. For example, if a shelter for women is built in compliance with the GAD Code, the monitoring tool must be able to measure compliance in terms of the normative standards (of adequacy, availability, etc.) to ensure that it is able to not only “respect” but “fulfill” the rights of women.

UPCWS defines the normative content of a right as “the specific standards protected by such right. It refers to what the right actually means. It includes the guidance for the immediate and progressive realization of the right and may be found at the national level and through the international level.”

Thus, normative standards are a way to ascertain if the three levels of state obligation, namely respect, protect, and fulfill human rights are being met. UPCWS has applied these same standards in another project to analyze the Philippine Labor Code.

Lessons and future directions

Before the start of the training, the participants were asked to identify cases of human rights violations in their respective communities, which they already had some knowledge about. Such cases were intended to be worked on after the training as a sort of “homework” in order for the participants to come up with the intended final output of the programme, which is to be a collection of case studies on women’s human rights violations. All the participants were able to identify possible cases where CEDAW was violated. After the training, however, only seven out of the 74 were able to submit case studies to UPCWS.

The “UPCWS: Seminar-Workshop on Monitoring State Obligations through CEDAW” was found to be generally successful as “a starting point for NGOs to study the law more so they can internalize, analyze and eventually cite it,” says Sobritchea.

Based on the seven case studies submitted (9.4 percent of the participants), it can be said that there has been a level of understanding or learning from the workshop. However, it was generally observed that even these outputs do not as yet adequately reflect the use of CEDAW principles as an analytical tool. (Rojas, 2008)

One setback identified was that it was a very short workshop so that after the training, there was very little time and resource left to follow up on the skills learned.

Thus a longer term capacity-building workshop is needed, where follow through, exchange of feedback and production of expected outputs can be adequately accomplished.

It was also perceived that incentives might be needed in order to encourage the training participants to write case studies. One idea is to present to participants the possibility that their submissions will be published in a collection of case studies to be produced by UPCWS.

Already, there is a proposal for a second phase of the workshop to be conducted in partnership with the Department of Education. The objective is to deepen skills and document cases in support of policy intervention by the Department.

In spite of the limitations cited, it was also noted that the workshop has been adopted and replicated in four other regions—Regions III, VII, VIII and XI—with assistance from the GRCs and UPCWS resource persons. ♦

Remarks from the participants of the Seminar–workshop on Monitoring State Obligations Through CEDAW in Cebu:

As a result of this workshop, I commit to do the following...

- *Pursue with the planned research or monitoring activity*
- *Always be an advocate against violations of women's rights*
- *Do service to agencies who need orientation and mentoring on GAD content or advocacies, especially ways to decrease sex trafficking*
- *Offer/propose courses integrating CEDAW in the curriculum*
- *Documentation/research on monitoring state obligations, particularly rights of women workers*
- *Review our own policies in our organization if we comply with CEDAW and integrate human rights principles*
- *Implement the CEDAW framework in our institution*
- *To introduce amendments to some policies which violate some of the rights of students like not allowing pregnant students to graduate*
- *Document and discover HR violations in our own city, barangay, region*
- *Integrate CEDAW in courses that I teach that are relevant*
- *Echo what I have learned to my classes and NGO*
- *Include in the curriculum of children to start them to learn rights of women CEDAW context*
- *Re-assess approach of handling cases involving girl-child – Whether CEDAW compliant*

Annex 1: Monitoring Tools - Excerpts from the Monitoring CEDAW Project of UPCWSFI

Tool #1: Documenting Women's Rights Violations

CLIENT			
DATA			
Date		File No.	
Victim's Personal Background			
Name		Male <input type="checkbox"/>	Female <input type="checkbox"/>
		Other <input type="checkbox"/>	
Maiden Name		Age	
Aliases		Civil Status	
Address		Height	
Occupation		Weight	
Distinguishing Mark		Photograph	
Nationality	Ethnicity		
Number of Members of Family and Ages			
Livelihood			
Description of any disabilities			
Pending Criminal, Civil or Administrative Case (if any)			
Affiliation			
Other Personal Background Information			
Closest Relative(s) and Relationship to Victim			
Name of victim's personal dentist or physician			
Source(s) of Information:			

Nature and Circumstances of Violation	
Human Right(s) Involved:	State Obligation(s) Involved:
Historical Accounts	
Detailed circumstances relevant to the normative content of the human right, inc. date and place of incidents, events prior, during and after the happening of the violation: (e.g. Right to Food)	
<input type="checkbox"/> Adequacy <input type="checkbox"/> Sustainability <input type="checkbox"/> Availability <input type="checkbox"/> Physical accessibility <input type="checkbox"/> Economic accessibility	
Detailed circumstances relating to the principles of human rights inc. date and place of incidents, events prior, during and after the happening of the violation: e.g. Right to Food)	
<input type="checkbox"/> Indivisibility, interdependence, interrelatedness and universality of human rights <input type="checkbox"/> Attention to Vulnerable Groups <input type="checkbox"/> Non-discrimination/Equality <input type="checkbox"/> Equity issues <input type="checkbox"/> Empowerment <input type="checkbox"/> Participation <input type="checkbox"/> Governance	
Is violence against women involved in this case? Please provide detailed information on the circumstances surrounding this matter.	
Is there a law defining the human rights involved, whether directly or indirectly? Is there a law that defines the violation of the right, whether directly or indirectly?	
What are the international commitments of the State in relation to the violations identified?	
Are there external factors that contribute to the violation of women's rights, particularly those relating to violence against women? (e.g. power structures, cultural factors) Please detail this matter.	
Source(s) of Information:	

[Tool #2: Analytical Guide 1 \(For laws, policies\)](#)

CEDAW-LIZING LAWS: Application

Right to Education

R.A _____

Provisions in Compliance with,

Not Fully Complied, Or in Violation Of CEDAW

Responsibility \ Core Content	Respect	Protect	Fulfill
Availability			
Availability			
Equal & Non-disc			
Physical Access			
Economic Access			
Acceptability			
Adaptability			

[Tool #3: Analytical Guide 2 \(For laws, policies\)](#)

IDEALIZING CEDAW : The Philippines

State of Philippine Compliance with CEDAW

CEDAW PROVISION (Right and Core Contents)	Provisions of Laws			Compliance (C), Not Full Compliance or Violation (V)	Gender Gaps (If no provision or Not Fully Complied)	Prospect Action (e.g Legislation)
	Respect	Protect	Fulfill			
Article 11 (Work)						
Security of tenure	RA___ Section___	RA___ Section___		Compliance	No Provision for contractual workers	Bill to respect security of tenure of contractual workers

[Tool #4: Analytical Guide 3 \(For programs and services\)](#)

Developing CEDAW-informed Monitoring Indicators
ASSESSMENT OF A FACILITY FOR ABUSED WOMEN

Relevant CEDAW Provision	Policies & Services	Questions Regarding Responsibilities		
		Respect	Protect	Fulfill

GOINGCEDAW



Educating and Partnering for CEDAW

Influencing cultural norms and practices
& mobilizing partnerships

Section 3

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Section 3

Introduction

Partnership is the basis for building awareness of an “old” and unknown treaty. Getting to know CEDAW was a concerted effort on the part of all the partners – in trainings, forums, media briefings and other forms of public education such as rock concerts, mall exhibits, ‘zines and other materials. This section deals with initial efforts in influencing cultural norms and practices and mobilizing partnerships.

Culture, although changeable, is hard to fight, since social norms and tradition lag behind human rights recognized in conventions or treaties like CEDAW. One way to influence culture is through formal education. The UPCWS has successfully integrated CEDAW in the curriculum in general subjects in the college level.

Changing attitudes and roles of men and women as defined by society is slow in coming. But we are working at it – through multi-stakeholders consultations by WAGI and popular media like CFA’s Film Festival, CEDAW Watch’s Eve-olution Concert and WFS’ traveling mall exhibits in partnership with CEDAW Watch and others. Many spin-offs have resulted from the members of CEDAW Watch.

As we have seen in the first two sections, once CEDAW is understood, it is very easy, almost automatic even, for people to join in its advocacy for women’s rights.

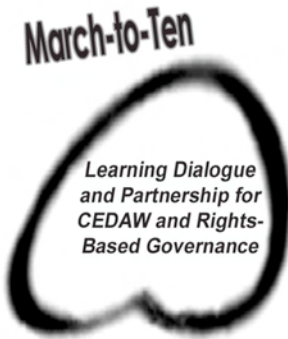
The UN Joint Programme is unique in that it’s the first pooled fund resource towards the implementation of a treaty in the country. And CEDAW is the unifying factor.



Chapter 1

Discovering CEDAW

Among the first CEDAW awareness-raising campaigns of CEDAW SEAP in 2005 is a “Learning Dialogue and Partnership for CEDAW and Rights-Based Governance” dubbed as “March-to-Ten.” The concept is explained in its brochure:

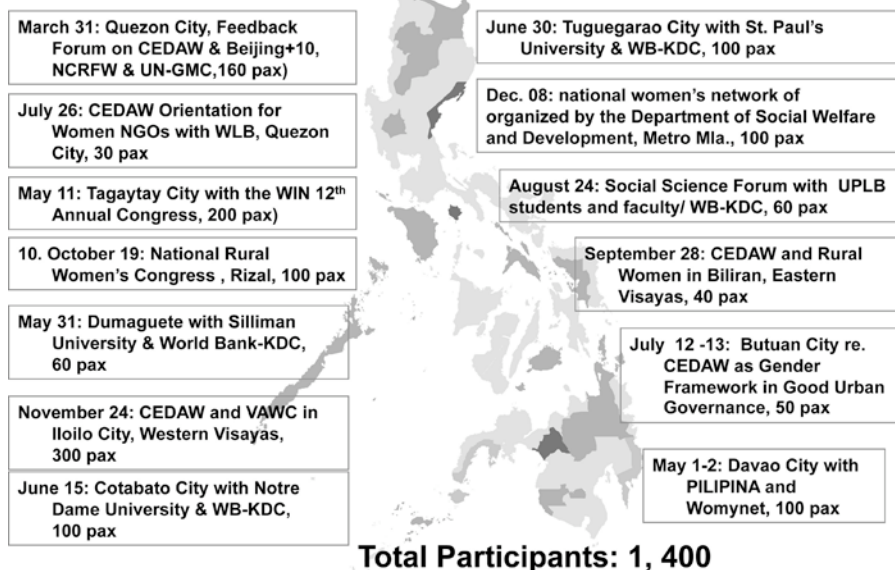


‘March-to-Ten’ means ‘to march’ or to advance women’s human rights starting in the women’s month of March and to engage the ‘rights-based approach’ to governance, an agenda highlighted on International Human Rights Day, December 10. It builds on the UNDP ‘Ten-to-Ten’ Campaign for transparency and accountability in governance. ‘Ten’ connotes excellence and fullness that can only be achieved by weaving in women’s human rights and women’s participation. The inverted heart is a feminine symbol ‘ba’ from ancient Philippine writing that denotes ‘bayan’ (country), bahay (home), baranggay (village), balangay (boat), baybay (sea). It is root word for ‘babaylan’, a priestess-healer-leader.

A swing through eight cities in the Philippines was co-hosted by local governments, schools, non-government organizations and was co-sponsored with other UN agencies, CIDA, the World Bank Knowledge Development Centers (WB-KDC) and their partner universities.

For many who attended these workshops, it was their first time to hear about CEDAW. For the few who have heard of the Millennium Development Goals (MDGs) and Gender and Development (GAD), they just realized the connection between these two policies, and how these are further linked to their local government policies and programs on violence against women. After the forum, many felt enlightened on their human rights and recommended that more information on CEDAW and support services be brought down to every household in the villages. Many realized they needed skills training on organizing women and enhancing the delivery of gender-responsive services.

March-to-Ten Regional Workshops on CEDAW, Beijing+10 and MDGs



The UN Gender Mainstreaming Committee (UN-GMC) members all pitched in to help CEDAW SEAP in its first salvo to make CEDAW known in the Philippines. It was the beginning of the partnership with UN agencies that will be known as the UN Joint Programme on CEDAW which will be discussed in the last chapter.

Multi-stakeholders consultations

To stimulate awareness and exchange of ideas on how to make CEDAW work in the country, the Women and Gender Institute (WAGI) of Miriam College was among the first implementing partners commissioned by CEDAW SEAP to conduct consultations with national government, local governments, women NGOs, and schools in Luzon, Visayas and Mindanao on CEDAW implementation in the Philippines. This led to the development of an overview-framework paper aimed at strengthening CEDAW implementation for achieving Filipino women's human rights.

Josefa "Gigi" Francisco coordinated the project and invited Atty. Eleanor Conda to lead in the preparation of the Framework Paper. Jeanne Frances Illo, Atty. Carol Ruiz Austria and Annie Serrano, who were among the key resource persons during the workshops, also provided inputs to the paper. The team conducted a series of brainstorming meetings for both the development of the framework paper and the design of the multi-stakeholders' consultation workshops. The design of the workshop evolved into the following:

Programme for Multi-stakeholder Consultations

Day 1

- Introduction to CEDAW
- Facilitated Discussion on Social, Cultural & Religious Discrimination Against Women in Philippine Society
- CEDAW & Filipino Women's Personal & Social Rights

Day 2

- Facilitated Discussion on Women's Poverty and Economic Marginalization in Philippine Society
- CEDAW & Filipino Women's Economic Rights
- Sharing of Framework Paper and Identifying Ways Forward to De Facto CEDAW Implementation

Source: "From *De Jure* to *De Facto* Rights: CEDAW in Practice"

Two sub-national consultations were conducted, one for Luzon and Metro Manila and another for Visayas and Mindanao. There were a total of 68 participants. Of these, 61 were women and seven were men; 45 participants came from Luzon and 23 from the Visayas and Mindanao. A total of 40 came from both national and local government offices (executive, legislative, judiciary); 25 from NGOs and academe; and three from donor agencies.

The consultations were well attended and had a good spread of representatives from government agencies both at the national and local levels, non-government organizations specifically those directly working on women's concerns, academic institutions that have strong gender resource centers and women journalists/media writers.



March-to-Ten resource speaker Amb. Rosario Manalo in the Davao leg



Atty. Eleanor Conda at the multi-stakeholders consultation in Cebu

The consultation workshops gave duty bearers and rights holders an integrated view of how CEDAW is implemented for addressing discrimination against Filipino women in the (1) economic realm; (2) social & personal realms; and (3) the political realm.

Based on the participants' evaluation, the consultation workshops have been useful for gaining more clarity on key CEDAW principles such as substantive equality, non-discrimination, and state obligations. The participants admitted that they only had a vague understanding of women's rights as articulated in the CEDAW, prior to their attending the workshop. They also appreciated the linkages among CEDAW, Beijing Platform for Action (BPFA) and the MDGs that were presented at the consultation workshops. What remained unclear, however, was how to articulate or implement CEDAW on the ground. An example is relating CEDAW to anti-poverty gender and development programmes especially since the current government had placed the fight against poverty as its priority. Linking CEDAW to such issues as militarization, massive unemployment, and adverse impact of trade liberalization on poor women was an overarching concern.



Participants in one of the provincial consultations on CEDAW

Some of the barriers to CEDAW implementation were identified such as poor coordination among the three branches of government, between the national agencies and local government units, and between outgoing and incoming government officials. Moreover, there were areas identified where existing laws are not “in sync” with certain provisions of CEDAW or where court decisions could be questioned from an informed reading of CEDAW. This confusing state of affairs was eventually traced to the lack of a national legislation on CEDAW that should address issues of gender discrimination and gender equality in the country.

The proposed strategies and interventions were as follows: (1) setting of a common ground in terms of the national agenda, vision, rules and guidelines for implementation of CEDAW and related laws, policies, programmes on women; (2) conduct of a regular briefing or orientation among newly appointed and elected officials on CEDAW and related laws; (3) creating conditions conducive to transformative politics, human rights and gender-sensitive legal structures; (4) strengthening capacity of national and local governments for effective implementation, monitoring and evaluation; (5) harmonizing government organization (GO) plans as well as its linkages with NGO and private agencies/ strengthening GO-NGO collaboration; (6) strengthening the role of NCRFW; (7) popularizing CEDAW and related laws including the development of modules and integration in academic curriculum; (8) integrating CEDAW in the programmes of government, non-government and academic institutions; and (9) involving men as allies.

In terms of sustainability, participants are expected to echo their learning to their respective organization and start working to integrate CEDAW in their programmes.

A Framework Paper

The multi-stakeholders' workshops were designed and documented towards producing a framework paper called "From *De Jure* to *De Facto* Rights for Women: Towards a Framework for Strengthening Implementation of the CEDAW in the Philippines". It was completed in November 2005 after going through a number of revisions enriched by comments and additional inputs from members of the project team and from the consultation workshops.

The CEDAW Framework is needed for assessing national policies related to women's human rights and instituting a multi-sectoral integrated mechanism for CEDAW standards in Philippine laws, policies, and programmes. The framework paper provides an overview of Philippine compliance to CEDAW, including the gaps and challenges in its implementation, and its linkage with other international instruments such as the BPFA and MDGs.

The overview-framework paper serves as a useful tool for various stakeholders that (1) provides a comprehensive view of how CEDAW is pursued in the Philippines; (2) identifies gaps in policy implementation; (3) proposes recommendations to address gaps; and (4) outlines directions for action and planning that may be taken in programmes, projects and activities.

The framework and the training modules were shared in a regional workshop co-hosted by WAGI and the CEDAW SEAP Philippines in November 30 to December 2, 2006. There were 33 gender trainers from seven southeast Asian countries: Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Timor Leste, and Vietnam who gave very positive feedback that the framework and the training modules were a good model and could be adapted to their respective countries.

CEDAW Watch

CEDAW Watch started in 2005 as a loose forum of Filipino CEDAW experts, advocates, and resource persons, majority of whom are working with implementing agencies on UNIFEM and UN-assisted projects in the country. Its members came from a variety of fields and sectors such as law, journalism, labor organizing, educational management, foreign service and political work – had been meeting to formally organize and launch the network.

CEDAW Watch has evolved into a multi-sectoral advocacy network of individuals and organizations that are committed to promote women’s human rights through the Women’s Convention. It is careful not to duplicate the work already being done by women’s NGOs and academic affiliates. It would rather support and build on their efforts for more effective advocacy for CEDAW implementation.

The network serves two important functions: (1) as a monitoring mechanism by ensuring that the government will not get away with its commitment to protect women’s human rights; and (2) as a resource center leading the popularization of CEDAW. This treaty is not widely known to the public or even to the government officials/employees even if it has been in existence for more than twenty-five years. The network will be able to bring concrete programs to enrich and inform women.

CEDAW Watch is a network of women individuals and groups involved in women’s human rights advocacy at the national and international levels. The network promotes awareness of CEDAW in government, civil society organizations and the public in general through educational campaigns. Educating the public about the importance and critical role of human rights treaty bodies for the defense of women’s human rights, the network will develop pro-active citizens who can effectively monitor government’s compliance with CEDAW.



At a CEDAW Watch planning session. From left: Luz Lopez-Rodriguez and Dina Baltazar of CEDAW SEAP; Atty. Eleanor Conda, a human rights consultant; WFS Executive Director Olive Tripon; Amb. Rosario Manalo; Prof. Aurora de Dios of WAGI; Atty. Milabel Amar; Gender specialist Annie Serrano; Dr. Carol Sobritchea of UPCWS; Beth Yang of PILIPINA; and Mel Reyes of WAGI.

While using CEDAW as a major instrument towards the formation of and realization of the goal of women's human rights, the network maintains that women's human rights are much broader than just the CEDAW treaty itself. The network advocates for laws to be aligned with international obligations/treaties such as CEDAW. In working on CEDAW, the network deals with two faces and dynamism: (a) international level and (b) national or local level. It believes that advocacy must be strengthened at the local level.

Through these twin approaches – lobbying for state compliance and sustained public information campaign involving all sectors of civil society as well as communities and sectors, CEDAW Watch expanded from a core group of 20 to a national network of 117 members as of its June 2007 national assembly.

In 2006, to drumbeat for the 25th year anniversary of CEDAW in the Philippines, CEDAW Watch Network launched partnership activities such as the “Knowledge Fair CEDAW@25: Claiming Women's Rights”, an exhibit of resources on CEDAW and women's human rights; and “Eve-olution Concert: Celebrating Women”, a benefit concert for survivors of violence and women living with HIV/AIDS. The Knowledge Fair exhibits were held in shopping malls in key major cities (Manila, Cebu, and Davao) where a series of poster displays highlighted CEDAW history, key provisions and recommendations for the Philippines.

CEDAW Watch also went into a regional organizing foray in 2006 doing a series of one-day forums in Butuan City in November 22, in Bacolod in November 27, in Iloilo on December 8, and in Koronadal, Cotabato in December 12.

The first General Assembly of CEDAW Watch Philippines was held on June 27, 2007. It was attended by more than 100 individuals from government, academe, NGOs and individuals from all over the country. The General Assembly was held at the end of the National Conference on the Magna Carta of Women, organized by PILIPINA which is a member of CEDAW Watch. Majority of the participants joined the network and committed to do their personal/organizational contribution such as sharing the information on CEDAW and inviting more members from their respective localities or areas; sponsoring an event such as venue for the meeting/forum; and helping in the campaign for the Magna Carta of Women.

A significant output of this assembly was the identification of priority areas and activities that the network can focus on for the next three years. Among the recommendations of the women at the General Assembly were:

1. Strengthening of the network (in terms of membership, organizational and programme development and impact to society)
2. Sustaining or institutionalizing information campaign on women's human rights and gender sensitivity programmes in schools, national and local government, companies, and media.
3. Training of Trainers for CEDAW Advocacy
4. Development of training modules or manuals
5. Popularization of medium used and approaches to training and information materials.

6. Strengthening advocacy and monitoring at the local government unit level, including advocacy for the use of gender-based indicators in local development planning processes.

In 2007, the key priority was the membership building and organizational development as well as programme development and resource mobilization. The network has six working committees – (1) lobbying for equality law; (2) education and public advocacy on CEDAW and women’s human rights; (3) promotion of women’s right to information and freedom of choice; (4) enhancing monitoring mechanisms; (5) network expansion; and (6) formation of CEDAW Youth Committee.

CEDAW Watch core group supported PILIPINA and the Study and Action Consultative Group on the campaign for the Magna Carta of Women, including serving as resource persons in legislative hearings in Congress and with local governments. It also developed campaign materials such as the brochure, membership form, and pins and put up its website (www.cedaw-watch.org).

In terms of resource mobilization and advocacy with donors, it contributed to the programme formulation of the UN Joint Programme on Facilitating the Implementation of the CEDAW Concluding Comments. It is considered the NGO implementing partner of the UN Joint Programme, particularly for coaching and mentoring the UN programme staff on gender-responsive and rights-based approach in development programming.

Considering that the CEDAW Watch secretariat is with WAGI - Miriam College, it naturally led to the formation of CEDAW Youth Committee consisting of students and young women, initially with Miriam College students but reaching out to more schools. Building the next generation of feminist activists and CEDAW Watch advocates is a formidable challenge that starts now. A youth workshop on Integrating CEDAW in Writing was held on December 12-13. They are producing a CEDAW Youth Literacy Packet that will be disseminated to campuses around the country. This literacy packet links CEDAW to young women’s issues using youth-friendly language.

Another strategy is to go media-savvy. CEDAW Watch partnered with the most-read daily broadsheet newspaper, the Philippine Daily Inquirer (PDI), in a Read Along Program on Domestic Violence for community children. This was published in PDI last December 6, 2008, entitled “Beauty Hits the Books” because it tapped a Miriam College alumna, former Ms. Universe and development advocate Margarita Moran to read development stories to children.

CEDAW Watch also advocates to improve the gender analysis in the Philippine report to the MDGs. Hence it has drafted a policy brief for government planners and donors on integrating CEDAW in Philippine MDG reporting. It presents a supplemental MDG report from a gender perspective using data and gender-sensitive indicators that were not present in the 2007 Philippine MDGs Mid-term Report. The draft report on Engendering the MDGs was presented to partners in November 26, 2007 on time for the March 2008 women’s month celebration.

NCRFW, for its part, had brought CEDAW in the annual International Women's Day (IWD) national celebration. In the Philippines, the whole month of March is women's month. Beginning in 2006, NCRFW used as slogan "CEDAW ng bayan" a play on words. The Filipino word *sigaw*, which means to shout, closely resembles the sound of CEDAW (Filipinos pronounce it as it is spelled). It loosely translates into "the whole country shouts for..." Add the theme or the government program for women for the year and it sounds like a demand for women's rights.

The CEDAW themes of the last three years were:

2006: CEDAW ng bayan: Karapatan ng kababaihan

Women's rights in general – The celebration aimed to raise public awareness on the provisions of the Women's Convention.

2007: CEDAW ng bayan: Kabuhayan sa kababaihan

Women's livelihood and economic rights – The year's celebration underscored the need for women to have equal access to economic opportunities and to address all forms of discrimination that limit their economic and political rights.

2008: CEDAW ng bayan: Yaman ng kababaihan

Women's funds – to promote the use of GAD budget to finance gender equality and women's empowerment programmes at the national and local levels, specifically in addressing the CEDAW Committee's Concluding Comments.

For the CEDAW SEAP partners and implementers in the Philippines, discovering CEDAW and bringing its message to other women had been a challenging but fulfilling endeavor. First encounters with CEDAW often elicited surprise – "Why didn't I hear about it before?"; frustration – "We could have used this to fight for our rights 25 years ago!"; and finally relief to learn that there is such a treaty to protect them from discrimination. And on a higher level, organized women had taken on CEDAW as part of their advocacy for human rights.

Through its many forays into various sectors – government, business, media, academe, youth and men – it is the journey with other women that made this campaign a matter of the heart. ♦



Chapter 2

Teaching CEDAW

It's been said that the more things change, the more they stay the same. In this fast-paced, globalizing world of rapid change and development, inequity and discrimination persist, embedded in everyday life as well as in institutions. As such, there is growing recognition that challenging deeply-entrenched constructs and practices, which underpin gender-based discrimination, requires sustained action in various fronts.

For the University of the Philippines Center for Women's Studies (UPCWS), the educational system is one crucial arena in the struggle for gender equality. According to Odine De Guzman, a UP faculty and Deputy Director of the UPCWS, "Education is an important means of improving lives – economically, politically, socially and culturally – in the final analysis, it should be a means of promoting social justice.

"We believe it is important to integrate gender-fair principles and issues of sexual/gender discrimination, human rights and women's human rights issues in our teaching because education is knowledge production. It is necessary for us to ensure that the knowledge we pass on to students is extensive, critical and relevant," she points out. "Evidently our understanding of who and what we are, is based on our wellspring of knowledge and on our socialization; next to family and religion, education is a highly influential socialization process."

The UPCWS leads efforts to anchor education and curriculum reform on CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women. For over a decade now, UPCWS has been in the forefront of gender mainstreaming, particularly engendering the academic curricula. Their project to "integrate CEDAW" is part of the UNIFEM CEDAW South East Asia Programme with support from the Canadian International Development Agency (CIDA), builds on previous work they've done on gender mainstreaming, Gender and Development (GAD) and Gender Resource Centers (GRCs). GRCs are sub-national networks composed of 70% academe and the rest government agencies and non-government organizations established to provide local governments with a variety of services (GAD training, consultancy and technical assistance) in at least nine regions. Taken together, these efforts seek to develop and institutionalize what they call "gender-fair education."

Gender-fair education

“Gender-fair education,” says De Guzman, “is an approach that means tailoring teaching to challenge inequities and discrimination on the basis of sex.”

Equality is a key principle of gender-fair education. For one, it underscores that women and men are born equal and so should have equal opportunities in life. It also weaves together issues of social class, ethnicity, age and of sexual orientation as it seeks to address historical marginalization of people. These principles also emphasize that all students should have access to gender-fair education with programmes and policies designed based on interests and abilities rather than gender.

The principles of gender-fair education

- Women and men are born equal and so should have equal opportunities in life.
- All students should have access to a gender-fair education with programmes and policies designed based on students’ interests and abilities, regardless of gender.
- A gender-fair education programme should be able to address the historical marginalization of people based on gender and sexual orientation, e.g. the marginalization of heterosexual women, lesbians and gays.
- A gender-fair education incorporates issues of sexual orientation, social class, ethnicity and age.
- A gender-fair education is built on a foundation of collaboration and cooperation among students, educational organizations and other relevant institutions.
- Gender-fair education requires sensitivity, determination, commitment and vigilance.

Source: Reyes, Zenaida Q. 2003, “An Agenda for Gender-Fair Education”. Paper delivered at a Conference on Human Rights Education in Asian Schools, Osaka, Japan.
<http://www.hurights.org.jp/hreas/3/11reyes.htm>

This reform trajectory toward gender-fair education compels advocates to review and revise various aspects of the educational system. UPCWS identifies at least four areas that need to be looked at: (1) academic programmes, (2) teaching strategies and daily practices in the classroom, (3) syllabi and curricular programmes, and (4) school policies.

Why review and revise? In each of these areas, one could find ideas, beliefs, practices, behavior, and so forth that convey, reinforce, perpetuate and/or aggravate gender-based discrimination and marginalization. Course titles, objectives, content, as well as reading materials and class activities may reflect “taken-for-granted” gender biases. One example cited as sexist course title is “History of Mankind.” As a part of their initiative, UPCWS developed a “Checklist of Guide Questions,” which suggests steps in addressing discrimination in the educational system. (*See Annex 1: Addressing sexism and discrimination in the educational system - Checklist of Guide Questions*)

The 2Rs of gender-fair education: REVIEW and REVISE

- Academic programmes and practices, including teaching materials (e.g. history textbooks that are organized around men’s experience only)
- Teaching strategies and daily practices in the classroom (e.g. those that marginalize women)
- Syllabi and curricular programmes – to reflect the issues and experiences of the wider society, including those who have been silenced and marginalized
- School policies and programmes that are discriminatory

Why CEDAW in the curriculum?

With the help of UNIFEM and CIDA, UPCWS pushed forward with its processes and advocacy for gender-fair education. CEDAW served as the primary framework for review and revision as well as re-strategizing and re-tooling.

According to UPCWS, the emphasis on CEDAW signifies a shift from a needs-based approach to a rights-based approach. For De Guzman, the shift to a rights-based approach enhances the principles of gender and development (GAD). She agrees with CEDAW Experts that this is best done “by precisely anchoring women’s right to equality and to better life chances in an internationally, legally-binding covenant that recognizes women’s *de facto* equality in rights in all spheres.” (Dairiam, Shanthi. 2005, “The Relevance of the Links between Human Rights, BPFA and MDG.” UN CEDAW Expert Group Meeting, Azerbaijan.)

Explaining the link between CEDAW’s rights-based framework and curriculum reform, De Guzman says, “integrating women’s concerns and issues of sexism, discrimination and concepts of rights – human rights and women’s rights – in the academic curriculum is unavoidably part of curriculum reform. More than just updating the academic curriculum, curriculum reform aims to address historical marginalization and exclusions advanced, whether intentionally or not, by and through the educational system.”

In order to secure “a more equal and more just world”, CEDAW needs to be explored and incorporated into academic programmes, De Guzman adds. The framework provides the lenses that highlight various forms of discrimination which persist in, and may be perpetuated through, the educational system. These beliefs, attitudes, knowledge and practices may then be held in check and revised. By integrating CEDAW in the curriculum, UPCWS hopes to address precisely these aspects of the educational system that reinforce discrimination and ultimately, reclaim education as a medium for change.

The project

With this project, UPCWS sought to develop a pool of CEDAW advocates and trainers in the academic community. “Our strategies and approaches to advocating for and defending women’s equality and rights in society also need to be enhanced,” says De Guzman, who stressed the importance of “re-tooling and re-strategizing” in advancing gender-fair education and a gender-equal society.

This endeavor began in the summer of 2006, with a national seminar-workshop on integrating CEDAW in the curriculum. The idea was to bring together and train professors and practitioners from Gender Resource Centers across the archipelago, for them to be able to develop courses that incorporate gender-fair thrusts and integrate CEDAW, intended for ‘pilot-testing’ for the first semester of school year 2006-2007. Echo and validation activities, as well as pre- and post-test evaluation of pilot classes, complemented this main component.

In May 2006, UPCWS organized a national seminar-workshop on integrating CEDAW in the curriculum. A total of 29 participants from the regional GRCs as well as representatives from the National Capital Region (NCR) took part.

Human rights, legal and academic experts, including lawyers Myrna Feliciano, Carolina Ruiz-Austria, Leo Battad, anthropologist Michael Tan, and educator Zenaída Reyes, gave inputs on the different aspects of the CEDAW framework and curriculum development, spurring discussion around CEDAW in relation to women’s human rights, civil and political rights, economic rights, culture and education.

The discussion on CEDAW served as the platform for workshops on curriculum reform and integration, as participants set out to “review and revise” their course outlines and syllabi. The comprehensive CEDAW sessions paved the way for ‘re-tooling and re-strategizing’, which was then pushed a step further with inputs regarding teaching methods, approaches and tools for beefing up courses, classes and curricula.

Reyes, former head of the Center for Peace and Human Rights Education at the Philippine Normal University (PNU), discussed the theme “CEDAW and Education” and shared teaching methods as well as curriculum integration strategies which can be used to infuse CEDAW into different courses.

“Curriculum integration,” says Reyes, “aims to unite forms of knowledge and the respective disciplines. It relates and connects knowledge meaningfully to make learning relevant to other areas of learning as well as real life.”

As such, curriculum integration weaves together different subjects and courses, with a particular theme, in this case CEDAW, being echoed and reinforced in different classes. At the same time, particular lessons are enhanced, with CEDAW tying up the discussion both regarding the course matter and gender-equality to bring critical points home.

Reyes suggested the following steps for using themes (particularly, CEDAW) as the basis for integration, which participants utilized during the workshops.

1. Decide on a theme that will allow all subject members (e.g. Social Sciences, Languages, Humanities, Sciences) to enter the integration process.
2. Identify a major concept to serve as a suitable ‘integrating lens’ for the study.
3. Web the topics for study, by subject or by learning area, around the concept and theme.
4. Brainstorm some of the essential understandings (generalizations) and questions that students are expected to derive from the lesson.
5. List processes (complex performance) and key skills to be emphasized in instruction and activities.
6. For each discipline in the unit, write instructional activities to engage learners with essential questions and processes.
7. Write the culminating performance to show the depth of learning.
8. Design the scoring guide (criteria and standard) to assess the performance task.



Participants at a module workshop in integrating CEDAW in the Filipino course



Ma. Theresa D. Ujano-Batangan, co-project leader of the UPCWS team to integrate CEDAW in the curriculum

CEDAW in the curriculum

For this seminar-workshop, UPCWS set a target of developing at least eight model syllabi on different subject courses. In the course of the workshops, participants revised their syllabi, lesson plan and work plans to integrate CEDAW principles. Different subjects, such as Social Science I, Social Science 5, Sociology 102, *Kasaysayan* (History) I and II, Political Science 101, Philosophy I and P.I. 100 (Rizal: Life, Works and Writings), were reviewed. Participants tried to explore relevant theories and learning materials that can be used for their classes. They also identified parts of the course or lesson that could serve as “take-off points” for CEDAW discussions.

For instance, analysis of philosophical issues can be a possible point for integrating discussions on determinism, essentialism, compulsion and freedom along with feminist theory. Similarly, the Political Science subject “Politics and Governance with Philippine Constitution” can provide integrated discussion on the Constitution, Bill of Rights, Women’s Human Rights and CEDAW, as well as women’s participation in governance. For Philippine Institutions or P.I. 100, three Rizal essays have been identified – “A letter to the Young Women of Malolos,” “The Indolence of the Filipinos” and “The Philippines: A Century Hence.”

At the end of the seminar, CEDAW was integrated into eight subjects, with the revised “model syllabi” ready for “critique and validation” and use, in time for the first semester of 2006-2007. These include political science, sociology, philosophy, history, english literature and composition, natural sciences, food chemistry and P.I. 100, which are now being applied in different state colleges and universities. *(See Annex 2: Sample course syllabus - Humanities)*

Evaluation: Pre- and post-tests

As these “pilot” cases were carried out, UPCWS also designed pre- and post-tests to gauge the effectivity of the CEDAW-integrated classes by looking at changes in beliefs, perceptions, knowledge, behaviors and attitudes of students. The evaluation covered four courses, with History I, History II, Rizal (P.I. 100) and Natural Science classes subjected to pre- and post-tests. The pre-tests involved 166 students from different classes and universities, while the post-test enlisted 165 participants.

Results of the evaluation showed that students recognized the role of government in promoting human rights, women’s rights and CEDAW. Students from the different classes agreed that “the state has the obligation to protect women’s rights,” and demonstrated improved knowledge on CEDAW.

Also, some change in attitudes and beliefs was observed. For instance, comparing results of the pre- and post-tests, there was a decrease in the number

of respondents who agreed that “Rape should have remained a crime against chastity.”

More importantly, students’ appreciation of CEDAW integration also improved. After the revised courses were tried out, more students accepted the inclusion of women’s rights in undergraduate courses. In the Rizal P.I. 100 course, 84 percent of the students agreed that women’s rights be included and discussed in class, a significant increase from the 9 percent recorded in the pre-test at the beginning of the semester.

Pay it forward: Feedback and validation activities

Professors, who carried out these classes in their respective universities, later shared their experiences in feedback activities organized by UPCWS. In October 2006, a feedback forum was held at the University of the Philippines Mindanao.

Prof. Anne Shangrila Fuentes of UP Mindanao, one of the professors who tried to integrate CEDAW, shared her experience teaching her “revised” course on Rizal’s life, work and writings.

As she discussed Rizal’s novels in class, Fuentes was able to facilitate discussion around pertinent articles and principles of CEDAW. Rizal’s novels served as a backdrop to engage students regarding discrimination of women in political and public life (Articles 7-9), discrimination in employment (Article 11), health care, including reproductive health (Article 12); discrimination of women in rural areas (Article 14), marriage and family (Article 16) and violence against women (RA 9262).

Also, Fuentes used Rizal’s “A Letter to the Young Women of Malolos” as a pivot for discussing discrimination in education (Article 10) as well as different strands of feminism.



At the Davao Forum. From left: Dr. Carol Sobritchea, then UPCWS Executive Director; a representative from Pangasinan State University; and Dr. Fe Andico, Director of PSU Gender Studies.



Prof. Anne Shangrila Fuentes, Coordinator of the UP Mindanao University Gender Committee.

With these sharing activities, UPCWS wanted to encourage other teachers, spread the framework, tools and strategies as well as improve integration work done by soliciting feedback from others. Participants in the feedback sessions expressed a need and demand for seminars and follow-up training on gender mainstreaming in academic programs and CEDAW.

A poster exhibit as well as a publication, “Teaching CEDAW: Integrating a Human Rights Framework and the Principles of CEDAW in the College Curriculum” were also put together. For the entire semester, posters and materials, which provided an overview of the CEDAW agreement, its significance for education as well as the ABC’s of integrating CEDAW, were displayed and handed out. These outputs further promoted gender-fair education and CEDAW.

Challenges, lessons and insights

This initiative generated a wealth of insight and reflections for advancing gender-fair education in the country. UPCWS acknowledges that “there are still challenges that need to be addressed to ensure full appreciation and understanding of the basic principles of CEDAW.

While there was consensus on the significance of a gender-fair education, those who participated in the project pointed out some difficulties in applying approaches and strategies they’ve learned. For one, these required more time and effort on the part of teachers. There are also some subjects that are considered “gender-neutral” such as math and science, and appear to be more difficult to integrate. However, it’s been said that even in these so-called neutral subjects, there are many that can and ought to be reviewed and revised.

At the same time, there’s still that challenge of deconstructing gender stereotypes. It was observed that while many saw the value of non-discrimination and substantive equality, most students continue to hold on to their views regarding women’s roles. In the pre- and post-tests, students who attended integrated classes did not exhibit significant changes in attitude and behavior. Statements such as “Women should be cherished and safeguarded by men,” and “Many women have quality of purity that few men possess” are still upheld by students. UPCWS also observed that students are also unable to nuance when it comes to affirmative action. This highlights the need to deepen and sharpen learning encounters regarding women’s human rights and gender-fair principles.

There are also several institutional hurdles confronting practitioners. State universities and colleges, with the exception of UP for instance, do not have a free hand in revising their syllabi. The Commission on Higher Education (CHED) has specific policies on curriculum and curricular changes. At the same time, school administrators are also not as informed and this may pose some problems for teachers who take the initiative to revise their lesson plans and improve their course curricula.

In this respect, there is a recommendation that all teachers, as well as school administrators, should be given training on CEDAW and gender-fair education.

At this point, there's still a need to advocate why it is important to integrate gender issues in the academic curricula, and to promote transformative gender-fair education. Many key actors continue to gloss over sexism and discrimination in the educational system, and this continues to be a main obstacle in addressing these issues and advancing gender-fair education.

Also, a lack of support mechanisms has been noted, in particular mechanisms for addressing incidents of discrimination and abuse in the school context. Apart from additional inputs on the occurrence of discrimination and abuse, students should also be provided with services for them to process and address what they have gone through.

On a positive note, De Guzman shares, "So far, a number of school systems, including several units in the University of the Philippines, have adapted these measures through the rubric of gender mainstreaming within the GAD framework.

"As these measures are beneficial for women's empowerment and for the elimination of sexual and gender discrimination, we also know that curriculum transformation is a continuing process and as such, calls for a review even of the very tools we use to achieve goals of equity and non-discrimination," she adds.

Indeed, it takes time and sustained resolve for this continuing process to take root. Right now, UPCWS and gender advocates are taking it one class, one teacher at a time. There is recognition that the whole process will take a while and calls for more champions to breathe life to CEDAW not just in the education system, but in society at large. Rather than dampen their spirits, this only strengthens their resolve. De Guzman calls their work a "political commitment." As she and the rest of UPCWS stalwarts stress, "Women's issues and life situations are real, concrete and need an avowedly political commitment from all of us." ♦

Annex 1: Addressing sexism and discrimination in the educational system - Checklist of Guide Questions

Steps	Guide Questions
Review of the formulation of the course title for possible gender bias	Is the course title stated in a gender fair manner? An example of a sexist course title is “History of Mankind.”
Review of the course objectives and description	<ul style="list-style-type: none"> • Can the course objectives, as originally formulated, promote the students’ learning and appreciation of the human rights and gender equality dimensions of the subject matter? • Are sexist words or statements in the formulation of the objectives and description? • Can the course description, as originally formulated, reflect the integration into the course contents of human rights and gender equality topics?
Analysis of gender biases in the theories and perspectives discussed in the course content	<ul style="list-style-type: none"> • Do the theories and perspectives included in the original course syllabus explicitly or implicitly legitimize gender role stereotyping, gender inequality as well as phallogocentric and misogynist ideas? • Are there available feminist commentaries that challenge the sexist elements of these theories that can be included in the course syllabus? • Are there other theories and perspectives that can replace those used in the course to better highlight the principles of human rights and gender equality? For example, there are many theories of cultural evolution in anthropology (e.g. the “man the hunter theory” and the theory that modern societies came about through survival of the strongest and most aggressive groups. These theories can be replaced by those that privilege group cooperation and exchange as well as peace building efforts.)

Steps	Guide Questions
Integration of topics in the course syllabus that can highlight human rights and gender equality principles	<ul style="list-style-type: none"> • In what sections of the syllabus can CEDAW or CEDAW-related topics be included? • Are there sexist words and statements in the formulation of the course outline? • Are there topics that have to be removed because of their outright sexist, phallogentric and misogynist contents and analyses? • What other topics can be included in the course outline to highlight the principles of human rights and gender equality?
Review of activities for possible gender biases	<ul style="list-style-type: none"> • Do class activities reproduce gender role stereotyping and explicitly or implicitly promote gender inequality? • Do the activities tend to discriminate against female students? • Do they discriminate against female students because of their marital status, sexual orientation, class status, ethnic or racial background and age? • Do the class activities expose female students to physical and sexual risks?
Review of reading materials	<ul style="list-style-type: none"> • Are there reading materials in the original syllabus that explicitly or implicitly carry sexist and discriminatory ideas? • What additional reading materials can be included to ensure that the students learn and appreciate the human rights and gender equality dimensions of the course?
Review of class policies for possible gender biases	<ul style="list-style-type: none"> • Are the class policies applied fairly and justly to female and male students? • Are there gender biases or discriminatory aspects of the class policies related to attendance, grading and submission of class requirements, participation in class activities, etc.?

Source: Carolyn Sobritchea, "Integrating CEDAW in the Teaching, Research and Extension Programs of the Regional Gender Resource Centers," UPCWS, University of the Philippines, Quezon City, 2006.

Annex 2: Sample course syllabus - Humanities

WORLD LITERATURE

Odine de Guzman

Associate Professor of English and Comparative Literature

University of the Philippines, Diliman

Course Description: A study of representative/landmark texts from the literatures of the world

Course Objectives:

- To read and study a number of the world's most influential literary texts
- To develop critical reading and writing skills with analysis or interpretation of significant texts, which lead to better integration of knowledge and skills
- To broaden the intellectual and cultural horizons of students through an awareness, understanding and critical appreciation of the cultures in the representative texts
- To enhance understanding of the various cultures in the representative texts side by side with Philippine culture and realities

Reading Schedule:

Week	Main Text	Major Themes/Issues	Activity Notes
1	Introduction: "What is Literature?" Terry Eagleton	*What is literature? *Who defines literature?	Small group and class discussion
2-3	<i>The Iliad</i> , Homer Supplementary movies: Troy and Helen of Troy	*The Greek Way *Epic poetry	Group presentations; class discussion; film viewing
4-5	<i>The Tempest</i> , William Shakespeare	*Elizabethan England *Elizabethan theater *Reason and justice *The colonizing impulse	Lecture discussion; supplementary class activity: watch a theater production on campus
5			First exam: July 21

Week	Main Text	Major Themes/Issues	Activity Notes
6-7	<i>Jane Eyre</i> , Charlotte Bronte	<ul style="list-style-type: none"> *The novel as social commentary *Social expectations and roles of women in Victorian England *The context and the influences of the publication “Vindication of the Rights of Woman” and the first wave of feminism *Interventions and challenges posed by women against such expectations; political and social interventions to social discrimination *The mid-Victorian Era; social change; evangelical revival and legal changes in women’s rights *Discrimination in education (CEDAW art. 10) *Equality before the law (CEDAW art.15) *The autonomous European (English) woman and the imagination of her Other 	<p>Independent library work</p> <p>Group reporters as lead discussants, to be followed by class discussion</p>
7-8	<i>Wide Sargasso Sea</i> , Jean Rhys	<ul style="list-style-type: none"> *Europe and its Other *Colonialism in the Caribbean: relations and exploits *Discriminatory laws and practices on marriage and family life (CEDAW art.16) *Laws and practices regarding economic and social benefits (CEDAW art.13) *Critique of western feminism *Reclaiming silenced and marginalized voices and realities *Alternative narrative voice(s) *Intertextuality Rewriting the master narrative of western discourse 	
9			Second exam: August 8

Week	Main Text	Major Themes/Issues	Activity Notes
10	<i>Things Fall Apart</i> , Chinua Achebe	*Writing "Africa" in English *Igbo customs and mores *The colonial encounter in Nigeria *Cultural differences and universal human rights *VAW and CEDAW esp. articles 6, 13, 14; G.R. 12 and 19	
11-12	<i>Beloved</i> , Toni Morrison	*Writing the supernatural *African-American community *Racism *Slavery period in the US freedom from enslavement and CEDAW art. 6 *Laws and practices regarding economic and social benefits (CEDAW art,13)	Supplementary: movie, <i>Beloved</i> , on your own
13-14	<i>One Hundred Years of Solitude</i> , Gabriel Garcia Marquez	*Magical Realism *Latin America: marvelous reality *The Banana Republics and the consequences of colonialism and neo-colonialism *Sexism and machismo (CEDAW art.6)	Supplementary: film viewing: documentary on Garcia Marquez and magical realism at Arcellana Reading Room
15-16	<i>Twice Blessed</i> , Ninotchka Rosca	*The novel as political commentary/expose *The Martial Law Period *Politics, personal ambition and greed *Politics and governance, including CEDAW art.7	
17	Presentation of personal reading list		Final exam: Finals week

Source: Odine de Guzman, ed. "Teaching CEDAW, a Compendium of Teachers' Guidelines on Integrating a Human Rights Framework in the College Curriculum and Sample Course Syllabi with CEDAW Application," UPCWS, University of the Philippines, Quezon City, 2008, pp. 124-127.



Chapter 3

Putting the “pop” in CEDAW

If the U.S. has the “F” word as hot topic, we have the “C” word as something that is currently gathering steam. To kick up our media mileage to the momentum of vibrant feminist culture and discussion they have over there, may seem tangentially implausible – it’s as if to say that we still have a long way to go. But all things considered, we have one thing that this bustling First World power doesn’t have – and that’s CEDAW itself. Can you believe the U.S. has not yet ratified the Women’s Convention?

It’s a challenge to make CEDAW interesting, truth be told. We’ve had it for over 25 years, and not everyone – mind you, that includes even the most educated women – are aware that it even exists. The best way to describe CEDAW to them is this: an international bill of rights for women. But once you get to the part where you break down the acronym, it becomes the stuff of jargon – clunky, wordy or, worse yet, alienating – even to the ones who stand to benefit from knowing: the youth.

Sure, awareness campaigns brought to you by the letters WFS (a.k.a. the Women’s Feature Service) have actively been making the rounds. WFS is part of an international news agency initiated by UNESCO and the UN Population Fund in 1978 to put women’s perspective in mainstream media. In fact, WFS Philippines has been at it all this time with their own share of proto-CEDAW work, namely Body & Soul and MediaLinks.

The Body & Soul project encouraged public debates on women, religion and reproductive health (RH) to show how all those aspects were somehow intertwined and therefore crucial to the improvement of women’s health. These multimedia discussions in 2000-2002 came in a series of forums both virtual and real and discussions continued on air – radio and TV. It was a ground-breaking initiative that brought taboo topics of lesbianism, condoms, abortion etc. out in open discussion. The RH debate still rages today.

Project MediaLinks, 2002-2005 on the other hand, took its cue from Body & Soul by expanding tri-media discussions from RH to other concerns involving women’s rights. Only this time around, the NGOs were very much involved. That’s because WFS made the effort to bridge the gap between NGOs and media in the provinces, since media coverage on women’s concerns alone were few and far between. Such a partnership encouraged NGOs to continually develop their

skills to work with local and national media. The book, “Voices and Choices”, was the brainchild of this project, and it contributed to the increased understanding of women’s rights as human rights. This book is now being used as textbook for journalism students in a women’s college in a pioneering women and media programme.

Enter UNIFEM CEDAW SEAP with funding support from CIDA. WFS was contracted to popularize CEDAW but there was already some noise about CEDAW, initial activities that paved the way for the media campaign.

“CEDAW? Ano daw?”

(Translates to “CEDAW? What’s that?”)

It was the catch phrase of 2005. CEDAW became somewhat of a buzzword as awareness started trickling onto the mainstream. But for the women involved to get organized, the action started the year before.

March-to-Ten

March-to-Ten was a public advocacy campaign led by UNIFEM CEDAW SEAP in the Philippines in cooperation with other UN agencies, to promote CEDAW alongside the Beijing Platform for Action (BPFA) and Millennium Development Goals (MDGs) which organized women were familiar with. It involved a series of regional workshops all over the country, partnering with schools, LGUs and NGOs in several provinces from March, Women’s Month, to December 10, Human Rights Day.

The “F” Festival: CEDAW on film

2005 had been proclaimed as the Centennial Year of the Feminist Movement in the Philippines by presidential decree. That’s 100 years of feminism in our country when the suffragists agitated for their right to vote. To kick off the Centennial, The “F” Festival (a.k.a. The Feminist Centennial Film Festival) was organized by Communication Foundation for Asia in partnership with the National Commission on the Role of Filipino Women in November. This month is a noteworthy one in the feminist world, for it marks the start of the “16-day campaign to highlight the global issue of violence against women.”

The festival showcased films and documentaries directed, produced or written by women, about women – whether local or Asia Pacific. The selection included films with strong female protagonists as well as themes highlighting gender issues and feminist perspectives. These films exemplified the Filipino Feminist Centennial theme “Celebrating the Past, Inspiring the Future.”

The first leg of the “F” Festival ran from November 23-29, 2005 at the Shangri-la Plaza Mall in Manila and in December in major cities in the country.

Other than the reel feminist experience, there were a series of symposia on women in cinema and gender themes in relation to the participating films. At the UP Mass Communications Hall (November 25, 2005), the theme was on Women's Reproductive Health and HIV/AIDS. With the theme on Violence Against Women, the documentary on Filipino mail order brides in Canada, entitled "Say I Do" (produced and directed by Arlene Ami) was shown at De La Salle University (November 25, 2005).

The provincial tour's Symposia Series were held in schools:

- UP Baguio: Overview of History of Feminist movement in the Philippines
- West Visayas State University, Iloilo City: HIV, Women's Rights in Governance, VAW in the workplace
- St. Theresa's College, Cebu City: Women's Reproductive Health, and Women in Media
- Mindanao State University, Marawi City: Women's Rights in Governance

And to mark the occasion of 100 years of Philippine feminism, there was a photo exhibit that honored this particular herstory and its impact on Philippine cinema and society. This two-part exhibit – the "History of Feminism in the Philippines" and "Women in Cinema" – was displayed throughout the week of the film fest (a portable version was produced for the provincial tour). The photo exhibit would make an appearance in the WFS Manila exhibit "CEDAW@25: Claiming Women's Rights Traveling and Knowledge Fair" the following year.

EVE-olution!



It's a play on the words Eve, evolution and revolution. And it aimed to "project the image of the woman as continually evolving, and simultaneously, of the woman being at the forefront of the gender 'revolution'."

EVE-olution was a rock concert organized by the UP Center for Women's Studies (UPCWS) and CEDAW Watch. Tied in with CEDAW's 25th anniversary, the event was staged on September 12, 2006 at the UP Theater. It was a fundraising effort, the beneficiaries being women living with HIV/AIDS and survivors of violence against women (particularly NGOs such as ACHIEVE which work with migrant workers and Women's Crisis Center with focus on VAW). Holding a concert of this magnitude provided a creative venue for projecting women's issues and concerns. The intended vibe was a celebratory one, in order to highlight the gains that women achieved to date as well as the challenges that women continued to face.

Most of the people who let their consciousness be rocked that night were students and those affiliated with NGOs. A post-concert CD was released by UPCWS and circulated among women's groups.

WFS goes CEDAW

For WFS to get on board with CEDAW, they formed a group, which led up to consultation and planning sessions for "The Four-Year Communications Plan" with the regions. Dubbed the WFS CEDAW Team, they attended a two-day Orientation and Planning meeting in Manila around October 2005. Speakers were then Executive Directors Gigi Francisco of Women and Gender Institute (WAGI) and Zeny Borlongan of the Women's Legal Bureau (WLB). They introduced CEDAW to an audience of WFS writers based in Bicol, the Visayas and Mindanao. This session produced action plans with specific dates and budgets for the regional consultation and media forum in four regions and initial core messages.

Regional consultations and media forums took place in Davao, Cebu and Naga City in December 2005. The programme was designed to make the participants aware of women's rights issues or discrimination prevalent in their region as a gateway to CEDAW. WFS also took the opportunity to consult local participants from media, local government and civil society on the CEDAW national core message. This was followed by a training for local media on "How to tell a CEDAW story", with story planning workshops for both print and broadcast.

The Four-Year Communications Plan

2005 marked the first year of preparation and planning for "The Four-Year Communications Plan." Along with media training and NGO orientation, this rekindled the MediaLinks bonds in an effort to build the CEDAW network. Regional slogans from Manila, Baguio, Bicol, Cebu and Mindanao were also imperative in placing CEDAW in proper context.

By the second year (2006), the multimedia component was implemented. Information was spread through print features and discussions on radio and tv as a way of making the public aware of the rights of women, and that CEDAW is out there to protect these rights.

Year three of the Plan called for contests for slogans and poster-making for CEDAW to penetrate high schools and colleges, in both public and private schools to target the youth. WFS in Naga, however, got ahead of the plan by holding a radio plug contest among media students in a university in 2006, and the winning entries were used for radio exposures (see Radio days).

Year four was supposed to launch the CEDAW report card, a monitoring scheme for students to "grade" their local government on CEDAW implementation. This,

however, was not supported by the CEDAW Philippine Programme, deeming monitoring better handled by NCRFW and NGOs.

Instead, WFS was commissioned to produce IEC materials for NCRFW, namely the “2007 CEDAW Planner” and the book “Shaping the Global Women’s Agenda”, which featured Filipino women in the UN and the history of CEDAW.

The WFS was commissioned by UNIFEM to undertake a synthesis documentation and publication of the four-year experience of the CEDAW South East Asia Programme in the Philippines. WFS organized its team of documentors who closely collaborated with CEDAW SEAP partners, with invaluable inputs from the National Coordinator, in coming up with real nuts and bolts of the various projects.

Multimedia campaign

Radio days

From 2005-2006, CEDAW hit the airwaves nationwide. The generous number of emails, text messages and phone-ins that radio stations received were proof that Filipinos were psyched to know that it’s out there. Even via shortwave frequencies 12.015, 15.270, and 15.120 MHZ, pre-taped interviews with Janet Bayan in “Ang Inyong Lingkod” were aired in countries like the US, South America, Europe, Africa and the Middle East, the target audience being OFWs. And the audience responded through email.

Manila

Women’s Month 2006: for two weeks, Anchor Georgia Cotaoco of WAVE 89.1 dished out fast facts about CEDAW and women’s rights in her programme. She held a contest, giving away WFS “Body and Soul” books as prizes.

A few other radio shows organized by Sylvia Hubilla of WFS also tackled CEDAW in relation to the protection of Filipina migrant workers and women’s health. In “Una sa Lahat Pinoy!”, Ambassador Rosario Manalo, then head of the UN CEDAW Committee, explained via phone patch how the Philippines rated as far as compliance with CEDAW is concerned and where we stood compared to other States Parties in the region.

Naga

Josefina B. Capiral of the WFS team and head of the Naga City Council for Women made the rounds in Naga’s radio programmes, in efforts to popularize CEDAW. She rifled through the following topics: localizing CEDAW through various strategies, and how CEDAW can be a concrete handle in resolving discriminatory experiences through the city’s women’s council initiatives. Capiral also managed to get student leaders to help WFS popularize CEDAW. She spearheaded a CEDAW radio tag contest among media students of Ateneo de Naga. The winning radio plugs were used in different radio guestings.

Cebu

In 2005, anchorwomen Marivir R. Montebon and Stella P. Monteno gave CEDAW the (air)time of day in their radio programme, “Panahon sa Kababayen-an” in DYLA-Cebu. Their 11 radio broadcasts touched on the following topics: economic and political women’s issues, health, women’s rights and CEDAW, and culture and education.

Davao

In “Ang Babaye Karon”, CEDAW reveled in a month’s worth of airtime arranged by Amy Cabusao, from August to September 2006, with three separate radio shows dedicated to CEDAW itself. One addressed the need for media support for the treaty, plus the city’s Women’s Development Code, which has substantial inputs from CEDAW. Another addressed CEDAW’s lack of popularity and how women’s issues should be taken more seriously. The last posed the question: how far have we gone with CEDAW?

CEDAW on TV

WFS did its share of TV guestings from 2004-2006 in order to promote CEDAW, arranging interviews with other key proponents of CEDAW.

Baguio

Cordillera Skyline is a weekly show run by the Cordillera News Agency. Marilou Guieb, WFS Northern Luzon Bureau Chief, co-hosted the show once a month in 2004 and part of 2005. The show also reached some areas in Benguet.

Cebu

CCTV-Babaye is a show hosted by Montebon and Monteno, both with WFS Visayas. Other than Cebu, it has an extensive reach: Bohol, Negros Oriental, Leyte, Samar, and Siquijor (In Mindanao, it reached Cagayan de Oro, Ozamis, Butuan, Iligan). Most of the show’s topics dealt specifically with the economic rights of women in relation to CEDAW: sustainability issues on economics and the environment; rights of women; economics and emotional well-being of wives whose husbands are working abroad; and microfinance as a tool for empowerment. Other CEDAW-related topics tackled on the show were on the legal rights of women as well as prostituted children and women in relation to the anti-trafficking law.

CEDAW stories in print

WFS remained persistent when it came to “marketing” CEDAW stories. With every story, editors were informed about the treaty and the particular women’s right featured. “This is a CEDAW story” introduced every feature. Apparently an editor of a glossy women’s magazine was hooked when she placed a blurb on the cover “A CEDAW story” about economic violence.

Each CEDAW story has a paragraph about the treaty, citing relevant articles and General Recommendations. Media briefings were also helpful in nudging journalists to write about CEDAW and women’s rights.

Generated Media

One event was responsible for generating a lot of media mileage – The CEDAW Forum for Media, Advertising and Business (March 2006) – which WFS organized in partnership with NCRFW with support from the UNRC.



NCRFW Executive Director Emmeline Verzosa being interviewed by GMA7 at the Davao exhibit

Television

On March 24, 2006, both IBC 13 and GMA7 had covered the CEDAW Forum held at the Dusit Hotel Nikko in Makati City. Their reports were broadcasted later in the day.

A few days later, QTV’s “Women’s Desk” aired a CEDAW segment featuring actual application of some of the rights of women in the area of Reproductive Health. Ambassador Rosario Manalo was given ample screen time to talk about these rights. Actual couples and families also discussed these rights and how it applied to them, amidst purposeful inter-cutting of dramatizations. This segment was crafted in such a way that it made this otherwise heavy and emotional topic very accessible and informative to watch.

RJTV’s “Sweet Talks” host, Sweetie Gardiner, and her programme director visited the “CEDAW@25: Traveling Exhibit and Knowledge Fair” at Robinsons Place Manila. They were so impressed with the exhibit that they extended an invitation to WFS to guest on their show. They even wanted to put the CEDAW panels as background. On October 25, 2006 WFS arranged to have NCRFW Commissioner Amaryllis Torres and lawyer Claire Luczon of WomenLead as guests. They talked about CEDAW, the Concluding Comments and laws protecting women’s rights.

Print

The Media briefing on the Magna Carta and CEDAW, in partnership with PILIPINA under the CEDAW SEAP in August 2006, resulted in two significant stories in Mod Magazine, a glossy whose main readers are young women. They devoted two separate issues – the first showed the “CEDAW Brief” cover with an explanation of CEDAW. The other issue featured “Women’s Rights Champions” Clara Rita Padilla, Emmeline Verzosa and Olivia H. Tripon – all CEDAW SEAP Partners.

The Ladies' Choice supplement featuring "CEDAW 101" in Philippine Star in March 2006 and the full page ad on CEDAW by Modess in the Bulletin in March 2007 were results of WFS partnership with advertising agencies, the latter in cooperation with CEDAW Watch.

From March to November 2006, WFS media events were covered by columnists and reporters from Philippine Daily Inquirer, Business World, Philippine Star, Sorsogon Guardian, The Bicol Regional Weekly Digest, Mindanao Times and MOD Magazine. This generated 15 stories from all over the country. CEDAW reports garnered front page status in Mindanao Times (on the CEDAW Knowledge Fair and Exhibit) and Baguio community papers.

CEDAW in the Internet

In the months of July and August 2006, WFS decided to take CEDAW to the message boards, introducing topics like "Gender Equality and Discrimination" and "Multiple Perspectives on Sex Education". The more popular boards, like PinoyExchange, GIRLTalk, Tsinoy.com, Teentalk (via Candymag.com) and Men's Health were scoped as ideal sites for conducting forums.

Message boards are like high-traffic portals to youth-oriented communities keen on discussing either a specific or varied range of topics. There's something there for everyone, and the mix of responses garnered from the aforementioned WFS forums have been pretty disparate, but in a good way.

People who frequent message boards aren't just students. They represent a part of a workforce eager to discuss issues of interest to them. Some are Filipinos based abroad who make it a point to know what's going on in the motherland and at the same time, have the desire to engage in the discussion.

Forum #1: Gender equality and discrimination

Given the success of women in various fields, does this mean that women have finally achieved a certain degree of equality with men? To what extent are women reaping the benefits? Also, how would you define discrimination based on gender? Where in current Filipino society do you think discrimination exists?

Forum took place in July 2006 in the following message boards:

1. FemaleNetwork.com: GirlTalk:: The Political Arena – 0 responses
2. Candymag.com: TeenTalk:: What's Happening – 2 responses
3. Tsinoy.com: Revolution Café – 1 response
4. PinoyExchange.com: Local & Foreign Issues – 15 responses

Forum #2: Multiple perspectives on sex education

Noting the recent sex education controversy involving the Catholic Church's insistence on discontinuing the implementation of Department of Education's Lesson Guides on Adolescent Reproductive Health in the High School Curriculum:

To have or not to have sex education has a bearing on our population. Both our economic development and reproductive health as a nation hang in the balance on what the youth know or do not know about sex and their bodies.

To the youth:

1. Do you need sex education? If so, what would you want to know/learn about?
2. Would you want your parents to talk to you about sex, or would you prefer to learn about it in school? Why so?
3. Do you think sex is dirty? Do you consider certain parts of the body dirty?

To parents:

1. Do you think you can educate your child/children about sex? If so, how would you go about it?
2. Do you need to train yourself to talk to your kid/s about sex? How so?
3. Do you think sex is dirty? Do you consider certain parts of the body dirty?

To representatives of the Church:

1. Do you think sex is dirty? Do you consider certain parts of the body dirty?
2. Why deprive one's right to sex education at the cost of your fear of the nation's youth having pre-marital sex? Is harsh consequence necessarily greater than knowledge?

Forum took place August to October 11, 2006 in the following message boards:

Youth forum:

1. FemaleNetwork.com: GirlTalk:: The Political Arena – forum removed by GirlTalk moderator due to low post count
2. Candymag.com: TeenTalk:: What's happening – 17 responses
3. Men's Health Forum: The Men's Health Man: Sex and Relationships – 4 responses
4. PinoyExchange.com: Local and Foreign Issues – forum consolidated by PEx moderator into a similar topic that had been started by another message board regular; no new responses generated

Forum addressed to parents:

1. FemaleNetwork.com: GirlTalk: Smart Parenting and Home Life - forum removed by GirlTalk moderator due to low post count
2. PinoyExchange.com: Parenting 101 - forum consolidated by PEx moderator into a similar topic that had been started by another message board regular; no new responses generated

Forum addressed to representatives of the church:

1. FemaleNetwork.com: GirlTalk: Body and Spirit: Faith and Aspirations – 5 responses
2. PinoyExchange: Realm of Thought – 13 responses

The forum questions were CEDAW-themed, though they were structured in a way that didn't explicitly mention the treaty by its name. Instead, they were placed in the proper context and given a CEDAW spin. The substantive quality of the questions posted in the message boards may have been overwhelming to casual message board goers who are used to straight-up Q&A formats, but it certainly attracted those who were ever so inclined to discuss the issues at hand.

OWN! Blog

“OWN!” is an intergenerational blog hosted on the WFS website. It's a space where women of all ages and backgrounds can jump into the current discussion on everything that has to do with women's rights.

The word OWN! is not an acronym; rather, it's a punctuated three letter word that encourages people to own up to their ideas and opinions on the issues addressed on the blog.

Blog entries on CEDAW were being posted mid-2006, with CEDAW 101. Other CEDAW topics that were given a youthful spin included representations of the Maria Clara image, the appropriation of the “sex scandal” video aesthetics in glossy magazines, and bullying, among others.

By 2007, OWN! introduced guest bloggers – friends of OWN! armed with insights on CEDAW-related topics like motherhood and rights of workers abroad.

Campaign Materials

WFS produced the following Information Education and Communication materials:

CEDAW 2006 planner

This simple yet stylishly designed planner, decked in attractive hues of purple, was packed with background info on CEDAW SEAP, a CEDAW brief (which was eventually lifted word-for-word and printed separately as a primer), a directory of local partners and women's hotlines, plus ample space for “action notes”. CEDAW SEAP sprung for a print-run of 1,500 copies, which were highly in demand. Interestingly, the Executive Director of Anvil Publishing wanted to reprint it for the purpose of having it sold in National Bookstore. The following year, the 2007 planner, published by NCRFW, came in green with updated women's rights situationer and the CEDAW Committee's Concluding Comments on the Fifth and Sixth Philippine Report of 2006.

CEDAW primers

The primer was taken from the 2006 planner. This was translated into seven dialects and given away at CEDAW forums and exhibits, making CEDAW more accessible even to non-English readers.

OWN! zine (Dumpling Press)



Claire Villacorta and Paolo Cruz of Dumpling Press pose by sample pages from the OWN! zine

Dubbed as the CEDAW zine, OWN! took its name from the intergenerational blog hosted by WFS. It was a voluntary effort on the part of indie publishers Claire Villacorta and Paolo Cruz. The co-authored pieces touched on CEDAW in the era of “girl power”, and Philippine feminism. There was also a section dedicated to female illustrators and graphic artists with their interpretations of CEDAW articles like VAW, Labor and Employment, Women in Politics and Government, and Education. With Cruz’s active participation in this do-it-

yourself printed matter, it’s proof that guys, too, can get into CEDAW. 400 copies found their way in schools around the country, namely UP Baguio, University of San Carlos (Cebu), UP Iloilo, Ateneo de Naga, Bicol University, Mindanao State University, and UPV - Tacloban. Some copies were also made available through CEDAW channels as well as a defunct bookstore in Quezon City.

CEDAW button: “Make Women’s Rights Real”

It may come off as flowery, but this 3-inch button is anything but dainty. To approximate a gathering of women is a clever lesson in creative design, by way of a paper doll-like assemblage of women forming shapes of flowers. The production cost for the buttons was solicited from Management Association of the Philippines (MAP). Their chairperson at the time, Evelyn Singson, was MAP’s first woman Chair. She was also a guest speaker at the CEDAW forum.



Other WFS public advocacies

CEDAW on display



Exhibit panels on the history of CEDAW

Tasked by the UNJP under CEDAW Watch, WFS staged the “CEDAW@25: Traveling Exhibit and Knowledge Fair” in the entire month of September 2006 for three consecutive weekends in three different cities—Manila, Cebu and Davao. The visuals created for this particular exhibition were eye-catching displays of the CEDAW articles, peppered with cute-sified vector images of different kinds of women. Whatever background, ethnicity or profession they may represent, the treaty is the one thing

that brings them together. Alongside, the “History of Feminism in the Philippines” photo exhibit (c/o the Communication Foundation for Asia) shared space with CEDAW, giving women’s struggle for their rights the proper context.

Bringing the exhibit to the malls was a surefire way to get the word out on CEDAW, and commemorating its 25th anniversary definitely helped it go off with a bang. The kind of walk-ins it drew were a colorful bunch who would either be taken by the visual and textual impact of the exhibit, or the personal encounters they shared with the folks who “womened” the space and brought on this passion, or both. They were from all walks of life – professionals, students and teachers, housewives, civil society and government workers.

There was a different flavor to every exhibition that took place, and as each weekend drew to a close, WFS definitely had ‘something to write home about’.

The CEDAW exhibit diaries

Robinson’s Place Ermita, Manila

September 15-17, 2006

Event Coordinator: Sylvia Hubilla

“Knowing your rights doesn’t cost a thing. Please come in. It’s free.”

Signs bearing these words were strategically displayed as a way of keeping those curious about the national debut of CEDAW@25: Traveling Exhibit and Knowledge Fair, well, curiouser. Especially for those who thought this particular affair was a pay-to-view one. These “signposts” were a way of encouraging the Friday mall-goers, who were already drawn to the eye-catching peripheries of the exhibit,

to come right in and partake in the knowledge – made readily available in the form of free literature on CEDAW. Anyone could even pick a CEDAW primer in their translation of choice (see IEC Materials). There were even requests for a Maguindanao translation. Of course, WFS had their own share of bodies of work for give-aways – namely the Body and Soul publications.

Much to the astonishment of WFS, the first people to view the exhibit were actually men – a seaman who wanted his wife to make decisions and not wait for him; an ex-priest and a foreigner who said that more women should see the exhibit; a father who insisted that wives can never be equal because “a good wife must be submissive” according to the bible.

And there were women who wanted their daughters to be informed; teachers who asked that the exhibit be set up in their school.

The History of Feminism in the Philippines photo exhibit was actually the crowd-drawer, given the charm of the vintage photos and the function of convenient positioning, since it was the first thing people would see en route to the CEDAW panels.

WFS had prepared a loungey seating area, thanks to Blims Furniture, making it as cozy as possible for walk-ins. The comforts of the sofa was a way of encouraging people to stay on as they perused through the available reading materials and discussed the many things that came to mind upon viewing the exhibit.

There was also an interactive element to the exhibit. Students and other visitors took the CEDAW Quiz. Those who aced the quiz went home with a CEDAW button. Visitors were also encouraged to answer the questions: “Have you ever experienced discrimination?” and “What can you do about it?” Some wrote in metacards while others typed them directly on the laptop provided for browsing information about WFS’ intergenerational blog, OWN!



Exhibit-goers reading publications on women's rights

As it turned out, many were unaware about CEDAW prior to this exhibition. “*Meron pala nito? At 25 years na? Bakit ngayon lang naming nalaman ito?*” (“So it’s been there for 25 years? How come we learned about it only now?”) was a common reaction. Still, it was an auspicious turnout – people left the exhibit site informed about the existence of CEDAW, more so about our laws protecting women and their rights.



A woman shares her experience of discrimination in the interactive exhibit

Ayala Center, Cebu City
September 29 – October 1, 2006
Event Coordinator: Arianne Faith Perez

Basically this was a clone of the Manila exhibit. In place of the History of Feminism in the Philippines photo exhibit which was too heavy to ship, was the curtain of postcards of the “Cebuana Trailblazers”, local heroines and champions of the right to vote. This enticed the passers-by to look at home grown heroes and gave a local flavor to the exhibit.

The exhibit's set-up also allowed a screening area for women's documentaries. Women's organizations, took advantage of the occasion for networking and resource-sharing. (Later in the exhibit, a linkage would form between two women from Homes of Hope and *Kahupayan*)

Surprisingly (or not), the men offered interesting and thought-provoking insights throughout the weekend. A man proudly claimed that his mother was one of the Cebuana trailblazers. Then there was the 83-year-old retired military man who was awed by the grand herstorcity of the Feminist Movement, presentation-wise; he observed that the ‘young ones’ could start tracing the roots of feminism this way.

“Too bad it’s the last day of the exhibit”, the former military man mused, since he had only checked out the swing of things on Day 3. Apparently, he wasn’t alone. Many people felt the same way when they stumbled upon the exhibit for the first time, wishing there was a way to convey to their friends about this empowering thing called CEDAW.

The main difference between the Manila and Cebu exhibits was in Cebu, WFS partnered with the Department of Social Welfare and Development (DSWD), who gave free counselling and women’s NGOs who of course displayed their wares in the *tiangge*, a market of sorts of their livelihood projects.

NCCC Mall, Matina, Davao City
September 22-23, 2006
Event Coordinator: June Sanchez

For the Davao exhibit, WFS partnered with the Mayor’s Gender and Development Office and a media group that gave the exhibit front page coverage and regular publication of CEDAW stories at the Mindanao Times and radio discussions. WFS, along with representatives of all CEDAW partners, kicked off the exhibit’s

pre-opening with a motorcade. 15 vehicles were decked with streamers, balloons and logos.

That very afternoon, they had a forum sponsored by MR. GAD or Men Responsible for Gender and Development, a male organization against VAW. Atty. Rea Chiongson and Ms. Lyda Canson spoke on the topic of “Men Eliminating Discrimination against Women”, and those who attended were mainly Barangay officials of District 1, Davao City (i.e. Barangay Captains, Barangay Kagawad/ Councilors, Barangay Health Workers).

A panel discussion took place the following day. Dubbed the “UN CEDAW Committee Challenge to the Philippine Government”, this public forum tackled CEDAW shadow reporting and strategies on localizing CEDAW. Maureen Pagaduan of the Women’s Legal Bureau and Mary Lou Alcid of *Kanlungan* zeroed in on how the Shadow Report was made and those involved. Both women let everyone in on the experience of reporting to the CEDAW Committee in New York. Feedback on the Concluding Comments from the UN CEDAW Committee was given by Emmeline L. Verzosa, NCRFW Executive Director.

The strategies on localizing CEDAW was introduced by Director Rodolfo Z. Razul of the Department of Interior and Local Government XI. To his surprise, the forum was represented by a few from the government agencies. He actually stressed that they should be the leading implementers of CEDAW.

Media representatives like ABS-CBN were able to interview the speakers. Free legal service was also offered – eight cases were handled.



GAD Fathers Davao Inc., one of the partners of WFS at the Davao exhibit.

The fair’s estimated turnout was 570 guests & visitors. Given the bigger picture, however, the exhibit was deemed successful, giving CEDAW its much-needed relevance in Davao City. As a result, the school circuit eagerly jumped on the CEDAW bandwagon, craving discussion, particularly Holy Cross of Davao and UP. Government agencies also started integrating CEDAW in their Gender and Development programmes.

CEDAW Kapihan sa Baguio September 13, 2006

Originally, the plan was to hold the exhibit, but the mall in question was too open a venue and not exactly conducive for viewing due to wind and rain according to Guieb of WFS. Since the Safari Hotel could only accommodate a forum, the *kapihan* was all about discussion on things CEDAW.

Bits of the *kapihan* (discussion over coffee) as well as interviews with guest speakers Atty. Lulu Reyes and Atty. Mia Cawed (of LАWNET) were aired later that day on ABS-CBN's TV Patrol, with daily replays because it was considered a topic of interest (Kapihans usually get repeated airplay 2-3 times a week). Reports about the kapihan, plus noteworthy CEDAW facts and stats hit the airwaves in Bombo Radyo, Big FM, DZWT among others. It also graced the pages of print media like Sunstar, NORDIS, Midland Courier (all front pages) and the Philippine Daily Inquirer (The Nation page).

This particular forum did give media practitioners a better understanding of the provisions of CEDAW and its implications on indigenous women's rights in Northern Luzon.

Finding voices for women: A WriteShop on CEDAW UP Tacloban College, August 25-27, 2006

WFS partnered with the UP-Visayas Programme in Creative Writing for a writeshop on CEDAW. In tackling CEDAW, however creative nonfiction as the fitting medium due to its "multiple functionality and broad-ranging interests," as Merlie M. Alunan, award-winning poet and Coordinator of the UPVTC Programme in Creative Writing, put it. The draw was to get women who were potentially interested in learning about CEDAW and writing from that perspective. This writeshop on CEDAW was the first of its kind in the university.

She managed to round up 13 participants from Tacloban City's major schools as well as government and non-government agencies. Some were teachers, students and media practitioners. And some were young men as well. All of them had varied levels of writing talent.

The writeshop itself was conducted in two parts. The first included lectures on gender sensitivity training and using CEDAW as a perspective for writing. The second was the writeshop itself. Special attention was to be given to form, revision and whether they managed to thematically integrate CEDAW in the pieces they penned. Recently published work by WFS writers, were assessed by the participants.

The participants were awakened to gender themes and the importance of integrating them into better-written articles. The writeshop also improved their knowledge on gender and development and women's rights.

Violence against women and CEDAW: WFS 2008 media campaign

In 2007, UNIFEM started the "Say NO to violence against women" signature campaign with Nicole Kidman as Goodwill Ambassador. During the 16-day campaign to end violence against women November 25-December 10 in 2008, they would announce the number of signatures. In this light, UNIFEM contracted



“Say NO to violence against women” billboard at the LRT EDSA station

WFS to highlight the campaign through strategic use of the media in the Philippines.

The core message of the whole campaign was: “Violence against women is a human rights violation,” linking it to CEDAW, the UN treaty for women’s human rights. This came out in two national broadsheets, two women’s magazines and four tabloids catering to the working class. Giant billboards were strategically placed in six stations with large numbers of commuters of the metroraillines using

the Nicole Kidman Say NO campaign. Buttons, postcards with VAW hotlines and stickers were distributed during the 18-day activities (The Philippines extended the 16 days).

With so little time, WFS revised existing radio plugs produced by ISIS for NCRFW with funding support from UNFPA. Four versions of radio ads focusing on domestic violence, sexual harassment, rape and trafficking with its corresponding laws and CEDAW were heard over three popular stations during the 18-day campaign. The CEDAW jingle, “Pantay-pantay CEDAW ang gabay” (equality with CEDAW) which ended each 30-second plug gives CEDAW good recall.

To extend the campaign even after Dec. 12, WFS put together a community forum kit on VAW: Audio CDs with the CEDAW songs and radio plugs from NCRFW; a DVD with NCRFW AVP on VAW, TV ads made by Campaign Brew for NCRFW with funding support from UNFPA, and an engaging CEDAW cartoon produced by WFS. An accompanying discussion guide and brochures on relevant laws are provided for distribution to communities with high VAW cases through NGOs and government agencies.

Lessons and good practices

The strategy to introduce CEDAW to the public on its 25th anniversary worked out for the best as Filipinos, by nature, love anniversaries and fiestas. Also CEDAW at 25 was unknown, knowing its very existence as a universal treaty protecting women’s rights was reason enough to celebrate.

The efforts to localize the exhibits by region made CEDAW more relevant to the people who encountered them at the malls. Of course, holding the exhibit at the malls generated a desired crowd response, especially towards the interactive components like the CEDAW Quiz, and being able to share their two cents on what could be done about this thing called discrimination.

Partnering with the LGUs gave an opportunity for LGUs and NGOs to work towards the implementation of CEDAW in their respective areas.

Results and spin-offs

The ad agency with whom WFS worked with for the anti-VAW campaign volunteered to do more visual campaigns.

The CEDAW exhibit was replicated by DSWD Region VII in other malls in Tagbilaran in Bohol and in Legaspi City by Elaine Salazar of WFS and Bicol University in the Bicol region. It also made the rounds of schools, government offices and other public places such as office building lobbies. It was on display at the Philippine Press Institute's annual press forum and at the regional migration conference and in many women's activities.

The CEDAW buttons were reproduced by UNIFEM Philippines for distribution nationwide. The button design was used in tarps as well as for NCRFW's Powerpoint presentations and other give-aways such as tshirts and shawls by PILIPINA.

The exhibit panel designs were made into a colorful brochure. This brochure was further reprinted by NCRFW (with support from VIBAL Foundation) and distributed in all government agencies, meetings and NGOs.

Both the exhibit panels and brochures which include the Concluding Comments not only contribute to the awareness of CEDAW but these are tools that can be used for monitoring its implementation.

Hopefully the activities of WFS will help achieve stronger political will and commitment to CEDAW implementation. The exhibit had been shown in the Senate and Lower House.

Whether the women's knowledge and capacity to claim their equal rights has been developed on account of the aforementioned activities still remains to be seen.

There are also more challenges to be faced. As in the case of rural and indigenous women, who remain in ignorance, not knowing their rights due to lack of access to information. However in some cases, knowing their rights does not automatically translate to becoming empowered to claim those rights. They still have to contend with a society that tends to discriminate against women.

Putting the "pop" in CEDAW is an awareness building campaign that helped place CEDAW in the vision of policy makers and individual women and men in government and civil society. It may not be enough. Advocacy work such as CEDAW SEAP needs to be sustained if women's rights are to be respected, protected and fulfilled. Ultimately, it is each individual's concern to wage a campaign for women's rights in the hearts and minds of Filipinos. ♦



Chapter 4

Doing CEDAW with the UN Gender Mainstreaming Committee

By Luz Lopez-Rodriguez

“I can not imagine a UN staff who is not gender-sensitive!” remarked then UNICEF Country Representative now Programme Director Nicholas Alipui in 2006 to emphasize the ethics for UN personnel during the annual planning workshop of the Gender Mainstreaming Committee (GMC). Dr. Alipui was the Chairperson of the UN-GMC from 2004-2007, one of the working groups for the UN Development Assistance Framework (UNDAF) to ensure that gender responsive, rights-based and participatory approaches are utilized and institutionalized in individual UN agency’s mechanisms, structures and processes.

The task of the UN-GMC is traced to the UN Economic and Social Council’s (ECOSOC) call for gender mainstreaming which was defined as “a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic, societal spheres so that men and women benefit equally and inequality is not perpetuated” (ECOSOC, 1997). This is not exactly new but is a refresher of the key principles of the UN Charter of 1945 and the Universal Declaration of Human Rights of 1948. These direct all UN agencies and programmes to promote the equality of rights of men and women.

Gender mainstreaming, a decade later, raises more questions than results. One thing is certain – achieving gender equality is easier said than done, even within the UN.

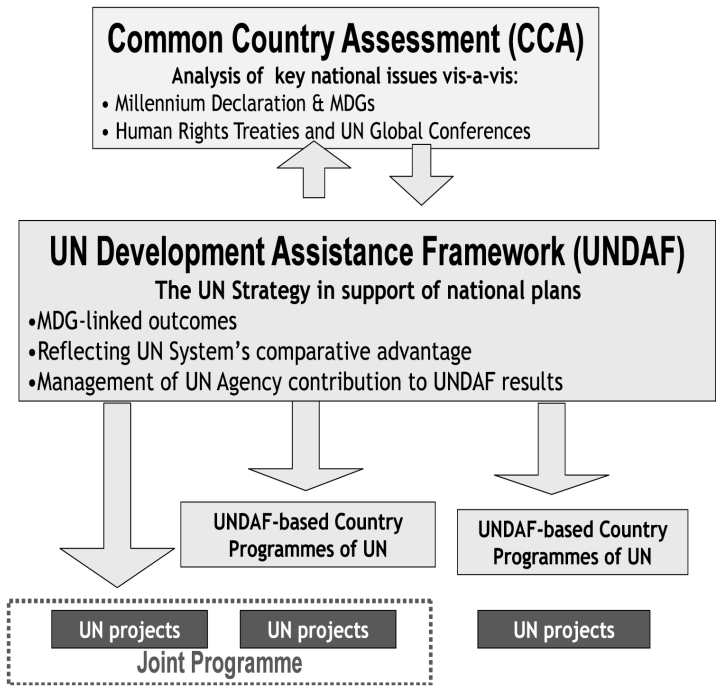
Who watches “gender” in the UN at the country level?

When the UN Secretary-General launched the UN reform agenda in 1997, it strengthened the Resident Coordinator System (RCS) and the UN Country Teams (UNCTs). The UN Development Group (UNDG) was the unit established to support and strengthen the RCS and UNCT capacity. The importance of coordination at country level has been reinforced by the introduction of the Common Country

Assessment (CCA), the UNDAF and the Millennium Development Goal Reports (MDGRs). (Resource Guide for Gender Theme Groups, UNIFEM, UNDP, UNFPA, UNICEF, 2005)

The CCA is an overall review and analysis of the current situation of a country. It is a common instrument of the UN system to identify key development issues with a focus on the Millennium Development Goals (MDGs), the UN world conferences (including Beijing) and human rights treaties (including CEDAW). It draws on national monitoring and analytical processes, as well as assessments of other organizations (e.g the national human development reports and other high quality analyses) and reports in compliance with human rights treaty obligations (Common Country Assessment, UN Country Team, Philippines, 2004). In the Philippines, the last CCA was published in 2004 and a new one is in progress that is targeted to come out in 2009.

The UNDAF is a common strategic framework for the operational activities of the UN system at the country level. It represents the agreement of the government and the UN system to collectively work toward a select set of results in three to five areas that respond to findings in the CCA and are aligned with national priorities. All joint and individual programmes of UN organizations are to respond to the results identified in the UNDAF results matrix. To implement the UNDAF, working groups have been organized for strategic areas of collaboration on the following areas: Governance, Environment Sustainability, Basic Social services, Macro-Economic Stability, Conflict Prevention and Peace Building and Gender theme group.



These mechanisms have created strategic opportunities and challenges for gender equality advocates. In 2002, seven years after the UN reform began, UN Development Fund for Women (UNIFEM) and UN Development Programme (UNDP) undertook a global scan of gender expertise in the UN system. UNIFEM commissioned a review of gender theme groups.

From 2002 to 2004, the UNIFEM East and South East Regional Office supported the “Assessment, Strategy Setting and Monitoring and Evaluation of the Gender Dimensions of UNDP and UN Country Team Programming in the Philippines, 2002-2004.” A gender consultant, Ermelita Valdeavilla, who just finished her stint as Executive Director of the National Commission on the Role of Filipino Women (NCRFW) was contracted to undertake capacity assessment on gender among the UNDP programme staff and counterparts.

A Gender and Development (GAD) Training Needs Assessment was conducted to assess the gender dimensions of UNCT development programming in the Philippines. With a total of 27 out of the expected 60 individual respondents from six UN agencies – International Labor Organization (ILO), Joint UN Programme on HIV/AIDS (UNAIDS), UN Information Center (UNIC), UN Children’s Fund (UNICEF), UNDP, UN Population Fund (UNFPA), it was found out that only half were able to link gender issues with their respective programs and projects.

Prior to 2004, there was a smaller UNDAF Gender Working Group (GWG). It commissioned the Women and Gender Institute (WAGI) of Miriam College to research and publish the first country gender assessment report, “To Produce and to Care: How do Women and Men Fare in Securing Well Being and Human Freedoms” in 2002. The findings of the report were carried over to the 2004 Common Country Gender Assessment. It flagged gender inequities to be among the key development challenges in the various areas of development cooperation.

In response to these gender issues, a Philippine Gender Strategy Framework was developed by the GWG and was approved by the UNCT in May 2004. Among the recommendations implemented was expanding and consolidating the GWG into the UN-Gender Mainstreaming Committee. Thereafter, the UN-GMC was composed of gender focal points from the following UN agencies and programmes: ILO, UNAIDS, UNICEF, UNDP, UNIFEM CEDAW South East Asia Program (SEAP) in the Philippines, UNFPA, UN Resident Coordinator Office (UNRC), World Bank (WB), and the World Health Organization (WHO). UNICEF was named lead convener. When the UNICEF Country Representative ended his tour of duty in 2007, a rotation of the convener post was agreed upon. The UNRC designated the ILO Sub-Regional Director, Linda Wirth, as Chairperson of the UN-GMC.

Each UN agency designates a permanent representative and alternate to the GMC. The Resident Coordinator’s Office (RCO) provided active coordination. The UN-GMC has been the most active among the UNDAF theme groups, meeting every six weeks to provide update and progress of individual and joint gender initiatives,

recommend plans, policies and actions to the UNCT and UNDAF working groups on gender-related issues and efforts, and support and coordinate gender-related initiatives, as indicated in the UN-GMC Annual Work Plan. It also held annual retreats for review of activities and updating of work plans.

In its strategic planning exercise in 2004, the UN-GMC listed its functions and responsibilities as follows:

1. **Gender-responsive Programming.** To identify gender priorities and ensure integration of gender issues in UN programming activities such as the CCA, UNDAF; and other UNCT joint initiatives such as the MDGs;
2. **Partnerships and Networking.** To strengthen inter-agency collaboration and cooperation among government, civil society, academe, private sector, donor community and locally-based women groups;
3. **Communications and Advocacy.** To develop and implement gender-responsive, rights-based communication plan/strategy, coordinate with the RCO, Communication Units and UNIC, to come up with a one UN message or position on gender issues and concerns; to support global and national events and advocacy campaigns on gender and other gender-related issues, MDGs, CEDAW, implementation of Beijing Declaration and Platform for Action (BPFA) and other international commitments on gender;
4. **Knowledge Management.** To consolidate and organize gender-related products, proposals, documents and publications for dissemination and sharing with partners and other stakeholders;
5. **Institutional/Capacity Development.** To provide assistance to HR units, Learning Committees and Staff Associations of the UN agencies and awareness building on gender issues, thus ensuring the following:
 - Gender responsiveness in human resources policies and priorities in recruitment, promotion and career development, and zero tolerance for gender discrimination and sexual harassment in the workplace.
 - Harmonization of productive and reproductive responsibilities through gender and family mainstreaming policies in the workplace such as flexi time, paternity/maternity leave, staff travel, etc.; as well as provision of facilities, such as lactating/breastfeeding room, implementing those policies.
 - GAD capacity development activities such as sessions on gender fair and child-friendly rearing of children on UN staff members, elimination of sexual harassment, etc.

- Coordination with concerned units/groups (Human Resource, Learning Committees and Staff Associations) within the UN system on possible learning activities and training packages for capacitating GMC/gender focal points and the UN staff towards effective gender mainstreaming in policies, projects and processes and their staff/personal development.

Following these goals and functions, the UN-GMC proceeded to implement activities and develop project proposals that eventually shaped the elements of the UN Joint Programme (UNJP) on CEDAW. (Terms of Reference, UN Gender Mainstreaming Committee [internal documents])

“Sisterhood” in the UN-GMC

Being a GAD focal person in the UN system is an add-on function to programme officers who also have workloads up to the brim. There is no standard logic on how one becomes appointed GAD focal person – perhaps a combination of gender expertise, professional interest and commitment to the issues, or sheer luck that no one else was available and willing. All UN agencies were called to have a gender focal person but only some came forward with someone, but not always.

Not all UN GAD focal points are gender experts but you become one in the process of the UN-GMC work. Those who get designated have different disciplinary background and experiences. Somehow they seem to have a bit more gender exposure than the others in their respective units and are open to learn, to share and to do more than what is required. It also helped a lot if their supervisors and agency heads are most supportive to recognize their UN-GMC activities as part of their workload, to support their going to meetings and workshops, and to contribute funds and counterpart activities for joint activities when required.

It worked out like a process of self-selection that a core group of UN-GMC members emerged from among those who persisted but still keeping the doors open to welcome those joining in. We stuck it out together because we have invested much in putting our ideals to work and gained more in expertise, skills and friends in the process. Even on shoe-string resources, we pulled through simple but productive activities for both in-house and external partners.

In May 2006, we gathered nearly 60 UN programme operations and administrative staff for a three-day gender sensitivity workshop in a conference center in Antipolo. It was a most appreciated break for office secretaries, clerks, finance and drivers to be oriented on what the UN policies and programs are on gender, and how these are reflected in office work load, staff relations and personal and family relations. UN-GMC members volunteered to take turns as facilitators, resource persons and documentors. For example, UNIFEM took up the technical inputs on gender, UNAIDS on HIV/AIDS, ILO on life-work balance; UNICEF on gender-sensitive child rearing and VAWC law with Atty. Katrina Legarda. UNICEF pooled funds for meals and venue while the rest of the agencies took care of the transport and daily allowance of the staff.

This was followed up by occasional “brown bag” lunch sessions on a staggered schedule throughout the year. The sessions were one to two hour informal discussion on gender-related topics such as violence against women, reproductive health, child labor etc. UN agencies took turns in volunteering topics, resource persons and hosting the venue. Sometimes, these took on the format of a mini film festival screening gender-relevant films followed by film analysis. These were patronized well especially when popcorn and snacks were thrown in.

Other activities were big-ticket affairs such as joining NCRFW to fill up a stadium for the International Women’s Day celebration, or co-sponsoring a rock concert to celebrate the CEDAW’s 25th anniversary, or a multi-venue Feminist Film Festival for the centennial of the feminist movement in the country.

In between these activities, UN-GMC members, mostly women, took time to review and plan their next steps in some corner of coffee and pastry bars in the UN complex, including strategies on how to involve more men.

Linking CEDAW, HRBA and MDG

Upon assuming the post of National Coordinator of the CEDAW SEAP in June 2004, I was immediately invited to join the UN-GMC and to help in refining the UN Gender Strategy Framework in the Philippines (2005-2009). From thereon, the succeeding plans and activities of the UN-GMC explicitly had CEDAW in its agenda both in its advocacy work within and outside the UN.

I have been keenly aware of UNIFEM’s limited project presence in the country compared to others which are considered resident agencies, i.e. with full authority to operate a comprehensive range of programs in the country, with more programme staff complement, more budget and other resources, and led by a country representative. I had to keep in mind UNIFEM’s niche in terms of how Lucy Lazo, the UNIFEM Regional Programme Director in 2004, described it: “UNIFEM is an innovative laboratory for gender-responsive methodologies. Once gender framework, tools and processes such as CEDAW’s are proven to work, other UN partners have to scale it up across its various programmes.”

I also realized that CEDAW SEAP has very limited resources compared to the urgent need of covering as many areas of women’s human rights as possible. The Philippine budget for CEDAW SEAP is only a trickle compared to the bulk of resources the other UN agencies held. Hence, it was a conscious strategy to link up with other partners since the first year when a CEDAW programme awareness campaign was launched in various fora around the country.

The UNDP was then wrapping up its successful “Ten-to-Ten Campaign” for transparency and accountability in governance at the close of 2004. So I designed a sequel dubbed as “March-to-Ten: A Learning Dialogue and Partnership for

Gender and Human Rights-Based Governance” in 2005. “March-to-Ten” means “to march” or to advance women’s human rights starting in the women’s month of March and to engage the human rights-based approach (HRBA) to governance, an agenda highlighted on International Human Rights Day, December 10. “Ten” connotes excellence and fullness that can only be achieved by weaving in women’s human rights as a framework and women’s participation in the process.

“Does not human rights-based approach already include being gender responsive?” I recall an email from a UNIFEM supervisor who asked me to clarify why the caption for the project included the phrase “gender-responsive and rights-based.”

I wrote back explaining that while theoretically and policy-wise, gender should indeed be part of HRBA, the practice of disseminating HRBA does not adequately explain the gender framework and dimensions of human rights issues. Hence, we need to catch-up the accent on the “gender-responsive” and to expound on the substantive equality approach that is unique to CEDAW and which is not quite clear in the usual HRBA.

The “usual” HRBA as tackled in most workshops was to outline the seven major human rights treaties, including CEDAW, then describe the generic principles of universality, inalienability, indivisibility and interdependence as well as the core state obligations of respect, protect and fulfill. It also emphasized the shift from needs-based to human rights-based approach hence the roles of duty-bearers among state organs and officials and of claim-holders among the citizens. While it points to affirmative action for vulnerable groups, it does not analyze how gender issues came to be such that women end up among the vulnerable groups. It did not dwell on how to address gender issues and on how to achieve gender equality and partnership.

Inevitably, CEDAW SEAP had to take on HRBA by linking CEDAW, the BPFA and the MDGs. A series of 13 forums were conducted from March to December 2005 mostly in key cities around the country with a total of 1,400 participants comprising of local government officials and staff, region-based national government agencies, women’s NGOs, teachers and students. For majority of them, it was the first time they heard of CEDAW. Only less than half of them had orientation on gender and development and on BPFA and MDGs however, they did not understand the connection of these policies. The discussions enhanced their awareness on the links of CEDAW as a basis for Beijing and MDGs.

Someone compared the MDG goals to a rainbow with eight bright colors. It cannot be a real rainbow if any one of the hues will be missing. In a similar way, poverty reduction might be the overarching goal, but poverty will not be eradicated if any of the other goals will not be achieved. Poverty often has a woman’s face hence it is a gender issue. Gender equality and women’s empowerment is not only limited in MDG 3 but should be in all of the eight MDG goals.

Pooling resources for the UN Joint Programme on CEDAW

The experience of working together among UN-GMC members from 2004 to 2006 paved the way for a higher level of collaboration on collectively defined goals and strategies through pooled funding under a joint programme arrangement. This is significant because this is the first time that UN agencies in the Philippines will undertake comprehensive and collective efforts to address the recommendations of a human rights treaty monitoring body, particularly on the CEDAW.

Three important initiatives paved the way for the Joint Programme:

1. The UNDP Governance portfolio project on “Coaching and Mentoring on Gender and Human Rights Mainstreaming across UNDP Practice Areas and UN Agencies in the Philippines” in early 2006, got a grant of US\$ 50,000 to coach and mentor UNDP project partners and stakeholders on how to mainstream gender and human rights in their projects and programming. However implementation was delayed. UNDP eventually decided that the project is best implemented through UN Joint Programme on CEDAW (UNJP-CEDAW) hence the fund became part of the pooled budget for the first year of the UNJP.
2. The UNDP project development initiative on “Gender in Governance (GIG)” for a five-year (2005-2009) gender and human rights programme did not push through because funds were not enough for the scope it proposed. It was told to scale down and focus on the priorities in the CEDAW Concluding Comments which was just issued then, hence the idea of the UN Joint Programme to Facilitate the Implementation of the CEDAW Concluding Comments came about.
3. The UN-GMC collaboration was asked to prepare a UNCT confidential report to CEDAW in July 2006. With two weeks notice before deadline, the UN-GMC members worked together in drafting a comprehensive report comparing and analyzing data from both the state and NGO reports and from their respective agencies’ sectoral concerns of women.

As CEDAW SEAP National Coordinator, I was tasked to consolidate all data from concerned UN agency GAD focal points and to draft key chapters of the report. The report provided data and analysis on 16 areas of concern, progress made since the last Concluding Comments, and programmes undertaken to advance gender equality by individual agencies and through joint programming, and within the framework of the CCA/UNDAF.

The challenge in the UNCT reporting was to sift through the data and reports with a CEDAW lens and engage most members of the UN team in this analysis. Despite the constraints and limitations, the UNCT report was highly commended by experts and will be showcased as a good practice model.



From left: Linda Wirth of ILO, Malou Quintos of UNAIDS, Jaime Antonio of UN-Habitat, Suneeta Mukherjee of UNFPA, Emmeline Verzosa of NCRFW (partly hidden) and Jean D'Cunha of UNIFEM

The UN-GMC members facilitated their agency's fund support for the travel of some members of the Philippine government and NGO delegation to the 36th Session of CEDAW in August 2006. UN agencies also co-sponsored several feedback fora on the CEDAW Concluding Comments.

To cap these initiatives, we had dynamic CEDAW champions in the UNCT – Dr. Nicholas Alipui of UNICEF and Dr. Linda Wirth of ILO, who both attended most CEDAW fora before and after the reporting process. They facilitated the approval of the UNJP in the UNCT meetings. Together with the UN Resident Coordinator Nileema Noble, they all “midwived” the birthing of the UN Joint Programme on CEDAW.

Finally on February 23, 2007, UNICEF, UNDP, UNFPA, UN Habitat and UNIFEM signed a Memorandum of Understanding on the following:

This is a UN Joint Programme to facilitate the implementation of the 2006 Concluding Comments of CEDAW for the Philippines from 2007 to 2009. The components of the programme are the harmonization of the national legal system with CEDAW, capacity building among national government agencies and civil society partners to address priority areas of women's human rights, and demonstrating application of CEDAW on the rights of indigenous women in selected local communities, and capacity building for UN programme staff to mainstream gender and human rights in their UN agencies and programmes.

It will support policy advocacy for legislations on women's human rights, monitoring and evaluation of policy and programme implementation on women's rights by state organs and civil society partners at national and local levels, curriculum review to mainstream gender and human rights in law and public administration, gender and human rights audit of UN programmes and organizations, and documentation, recognition and dissemination of gender-equitable practices among partners.

The UN participating organizations designated UNIFEM to serve as the managing agent or the administrative interface with the national partners, and be responsible for supporting the national partners in the management of the Joint Programme and the Participating UN Organizations. The MOU identified NCRFW and CEDAW Watch as the national implementing partners. The other NGOs and academic partners who will be contracted to implement specific components are called “responsible parties”.

On May 28, 2007, the UN Joint Programme was launched. On behalf of the UN Country Team, the UN Resident Coordinator, represented by the UNFPA Country Representative Suneeta Mukherjee, remarked on the significance of the launch during the International Day of Action for Women’s Health, “Hence it is fitting that we gather the UN family and our partners to renew our commitment and collective action towards women’s health in its broad sense. Addressing women’s health means addressing its roots which are: lack of recognition of women’s rights, including her right to her body...”

Responding for UNIFEM as Managing Agent, Jean D’Cunha clearly outlined how the collective response to women’s rights should use the CEDAW framework and tools to ensure state accountability and fast-track results. She emphasized that the challenge for the Joint Programme is to demonstrate how to achieve gender equality, not just be in terms of opportunities and access, but also in results and benefits.

Responding to the challenges of the Joint Programme, NCRFW Chairperson Myrna Yao reiterated government’s commitment to enhance implementation of the Concluding Comments.



Rural and indigenous women join UN and government officials at the UNJP launch, May 28, 2007

The representatives of indigenous, rural and Muslim women welcomed the UN Joint Programme as a long-overdue affirmative action for their sector, especially those women in remote communities who still live in poverty, lack gainful employment, lack access to basic services, and suffer poor health and nutrition despite decades of CEDAW. They recognize their task of spreading and deepening awareness among their ranks, organizing more women and local communities to claim their rights, and working in partnership with allies outside their sectors for stronger advocacy.

Peer learning on applying CEDAW

The inclusion of the UNDP initiated project on “Coaching and Mentoring on Gender and Human Rights Mainstreaming across UNDP Practice Areas and UN Agencies in the Philippines” as a component of the UNJP proved to be a blessing. This turned out to be the organizational development component of the UNJP that catalyzed peer learning among the UN programme staff. This component was directly implemented by UNIFEM, with WAGI as the resource institution chosen for its seven-year experience in international training on women’s human rights. WAGI has a pool of gender and human rights experts conversant with CEDAW and with the UN system. It also serves as the secretariat of CEDAW Watch, a multi-sectoral network of CEDAW advocates.

UNIFEM and WAGI sent out training needs analysis questionnaire, the results of which served as basis for designing a training series of three modules to be followed by mentoring sessions during application and gender audit. A total of 52 participants participated in at least one of the three training and mentoring workshops – 42 were UN programme staff and 10 were from partner agencies in government and civil society.

The first training module on “Mainstreaming Gender and Human Rights in the UNDAF and Country Programme Action Plans (CPAP)” was held on June 20-22, 2007 with 19 participants. It provided a review of gender concepts and issues, critiqued the gender mainstreaming strategy and shifted to a human rights-based approach to gender mainstreaming. It provided exercises that refined some CPAPS of selected agencies to become more clear and explicit of its gender-responsive provisions.

The second training module focused on “Participatory Gender Audit (PGA),” a social or quality audit tool developed and promoted by the ILO which sent its top PGA trainer and Senior Specialist on Gender Issues, Jyoti Tuladhar, who, in collaboration with Wirth conducted the training on August 7-10, 2007. PGA promotes organizational learning at the individual, work unit and organizational levels on how to effectively mainstream gender equality; assesses internal practices and support systems for gender mainstreaming within an organization; establishes a baseline, identify critical gaps, and recommend ways to improve them; document good practices, build organizational ownership; and may also be used as a monitoring tool. There were a total of 30 participants to the training – eight participants of who were UN-GMC members while the 22 others were from government (including five from NCRFW), academic and NGO partners.

The third training module focused on skills building on the use of the “Harmonized Gender and Development Guidelines on Project Design, Implementation, Monitoring and Evaluation”, a project development checklist of gender indicators for each phase of the project cycle. It was developed by the ODA-GAD Network in

collaboration with the National Economic Development Authority (NEDA) and the NCRFW, two government agencies tasked to monitor GAD budget allocation of ODA-assisted projects. It was held on September 12-14, 2007 with 24 participants. The guidelines were evolved starting with core indicators for generic application then eventually were customized to sector-specific uses such as on infrastructure, health projects, agriculture etc.

Anticipating that after three modules of gender workshops, application may not be that easy, the UNIFEM Coordinator and WAGI resource persons made themselves available for coaching sessions with specific agencies. Separate follow-up coaching sessions (four to six hours each) were held from August to September with UNFPA, UNICEF and UNDP to address their specific concerns. These agency-focused sessions took up follow-up discussions of the CPAP and enhancing these with gender analysis of sectoral issues and recommending gender indicators.

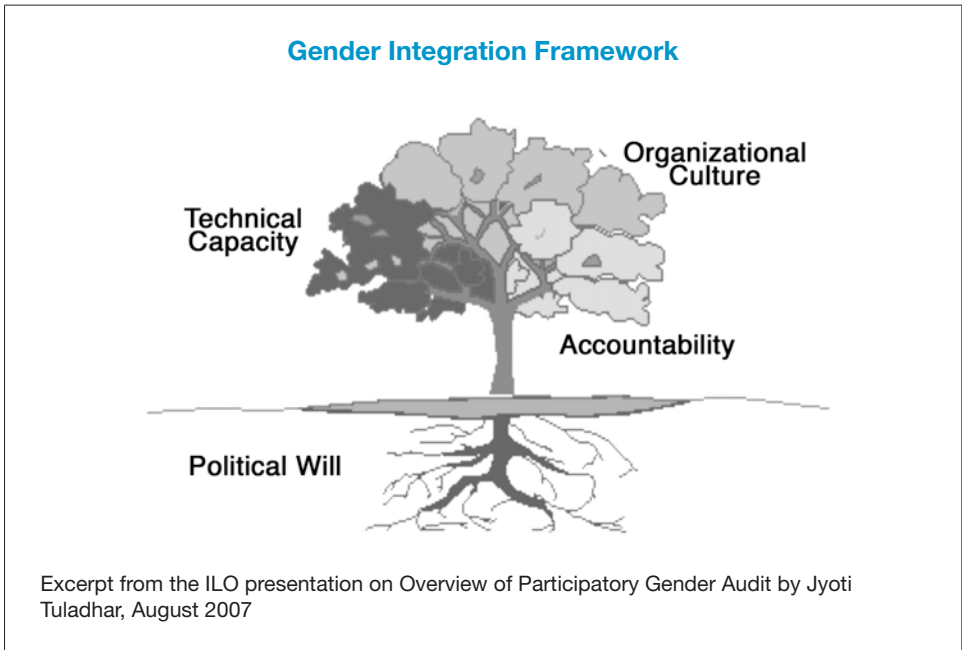
Not all of these sessions were well-attended. Within each UN agency, not all programme officers can find enough time, focus and passion to attend GAD sessions and conduct gender review their plans amidst multiple priorities. For those who attended, there is no doubt about their commitment to advocate gender within their organizations but the big question is, “Can they by themselves transform their organizations?”

Raising the bar of GAD compliance through gender audit

Wirth, a gender expert at ILO who at one time led its Bureau of Equality, opined that for GAD integration to take root, it requires more than technical capacity. It needs the transformation of the organizational culture so that political will and accountability can be more visibly documented and felt by women.

She introduced the ILO Participatory Gender Audit to the UN-GMC and its partners as a parallel activity contribution to the UNJP-CEDAW through a training held in August 2007. Eight UN-GMC members completed the training, one each from UNAIDS, UNICEF, UNDP, UNIFEM, UNFPA, UN-HABITAT, UNRC and another ILO staff. All agreed to serve as members of the PGA resource pool who, with official support from their heads of agencies and supervisors, will render volunteer services when they are called upon to conduct gender audit.

At the end of the workshop, the UN-GMC highly recommended that Participatory Gender Audit be conducted of key UN agencies in the country as a follow through assessment on the systematic application of gender and human rights in development programming. The UN-GMC extended the invitation to all UNCT agencies to undergo gender audit in late 2007. Two agencies volunteered to undergo gender audit – UNAIDS and UN Habitat.



UNAIDS gender audit

The Participatory Gender Audit of the UNAIDS Country Office (UCO) was conducted from June 10-30, 2008 with the following objectives: (1) to assess the extent of UNAIDS' gender mainstreaming work; (2) to contribute to an ongoing process of benchmarking to measure progress in promoting gender equality; and (3) to come up with recommendations for more effective gender mainstreaming by UCO. The audit team undertook a desk review of organizational and project documents, interviewed key respondents, and held focus group discussions with key partner agencies within the UN, with government partners, with training resource providers and the positive plus community.

The UCO staff and their partners found the PGA most helpful. At first, there was a slight sense of wariness at being invited to a "gender audit" but this was dispelled when the methodology and core exercises were explained. During the PGA, they reflected also on their own level of gender awareness and mainstreaming capabilities and identified capacity building as a much-needed task.

The UNAIDS partners felt empowered from reviewing all the work done in recent years in the course of the focus-group discussions. This was particularly felt among members of the positive community. They also noted that the need for greater gender awareness is quite widespread; even those whose primary mandate is gender mainstreaming seem to know little about it and what they are supposed to implement.

There is a strong and clear gender and rights-based mandate, as well as a gender tool kit from the UNAIDS headquarters that just needs unpacking and

programmatic implementation. There is also a very positive attitude to learn and improve among the UCO leadership and team members, a strong camaraderie and dedication to their work, and openness to partnership.

Five months after the gender audit was completed, the UNAIDS requested for a gender mentoring session for its staff retreat for two and a half days in November 2008. I was requested to be a resource person. The sessions aimed to revisit and sharpen gender perspectives in analyzing HIV/AIDS as a gender and human rights issue; and to clarify gender-responsive strategies and tools in development programming and monitoring results. Using games and case studies, the sessions clarified how HIV/AIDS can be analyzed as a gender and human rights issue. We also walked through the gender audit tools available on-line and in print in their library and with UN agency partners and found out that many are indeed useful and immediately relevant. We also sampled one project monitoring and evaluation report, identified gender gaps and suggested refinements.

At the end of the experience, Malou Quintos, the UNAIDS gender focal point, shared how happy and relieved she felt that her teammates realized that gender and development is not her task alone but of the whole team. Other programme officers realized how they should also systematically apply gender and human rights to become more effective in their HIV/AIDS response. Bai Bagasao, the new UNAIDS Country Coordinator, most appreciated the findings of the external audit team. It provided a gender baseline on her country team and the recommendations can be used as basis for re-tooling themselves on the CEDAW way to gender-responsive planning.

It was also a major learning point for me as a resource person. While I might know the core gender and CEDAW framework and tools, I did not know how it would exactly fit the practical concerns of the HIV/AIDS programming. Immersing myself quickly into the UNAIDS audit through a desk review of references and reports, and from the dialogues with the audit team and the staff of the audited unit, forced me to focus and facilitate a participatory definition of practical steps. Too often, the policies and tools are up there, already defined at HQ and posted in the web, but they need someone to walk them through the maze of materials and sift those most appropriate to local needs.

With a positive experience of participatory gender audit with UNAIDS, the next audit with UN-Habitat is ongoing from January to February 2009. The UNIFEM National Coordinator and the UP Center for Women's Studies lead the gender audit team and expect to be reinforced by NCRFW, ILO and UNDP. Other UN agencies expressed interest that they would be next but the precise scheduling and cost sharing have yet to be negotiated. ILO has committed to support another PGA training for another batch of UN and government partners; and to also conduct advanced training for those who were trained in the first batch.

CEDAW going local with indigenous, Muslim and rural women

The UNJP wants to support CEDAW implementation not just at the level of national policy and structures but to model community-based strategies of using CEDAW in respecting, protecting, promoting and realizing the rights of the most disadvantaged groups of women.

The UNJP includes among its strategies capacity building among national government agencies and civil society partners to address priority areas of women's human rights, and demonstrating application of CEDAW on the rights of rural, indigenous and Muslim women in selected local communities.

The UNJP supports two major NGO groups – one on rural women, and another on Muslim women.

The *Pambansang Koalisyon ng Kababaihan sa Kanayunan* (PKKK) or the National Coalition of Rural Women is a coalition of organizations and federations of associations of women peasant, fishers, farm workers, and indigenous peoples. It was organized in 2003 and has members in 50 provinces. PKKK developed a Project Implementation Framework for the sectoral application of CEDAW in the context of women in fishing, farming and indigenous communities. PKKK undertook participatory research consultations in three rural communities to simulate and understand the processes of implementing CEDAW in the sectors of farmers, fishers and indigenous peoples.

The three local community sites, one representing a sector: North Upi in Sharif Kabunsuan in Cotabato for the indigenous women, Quezon province for women farmers and Northern Samar for women fishers. Overall, the project involved 74 rural women who underwent an orientation on CEDAW, and a total of 30 rural women who were involved in the data gathering in a series of local research and focused group discussions that culminated in a national validation workshop where the data from these communities were presented before the multi-sectoral membership of the coalition for comments.

The major product of the project is a “Proposed Framework for CEDAW Implementation for Women in Farming, Fishing Indigenous Communities”. Each sector has six identified indicators as a priority concern. For the indigenous women these are on education, health, environment, peace, governance and water. For women farmers, these are on livelihood, security, water, violence against women and children, personal development, environment and governance. For women fishers, these are on water and sanitation, livelihood, health, violence against women and trafficking, governance, and how society perceives women.

The framework is anchored on the general CEDAW provisions with focus on Article 14, and also invokes selected General Recommendations as well as sections in the recent Concluding Comments that are appropriate to their sectors.

Among their reflections and lessons are:

- Addressing both the gender and class issues of rural women require understanding of their similar and differential context. Baseline data, i.e. sex-disaggregated, is necessary to make rural women more visible and counted.
- In times of food crisis, such as now, a temporary special measure can be adopted for the women food producers in the rural areas.

The second group is Al-Mujadilah Development Foundation, Inc. (AMDFI), a Marawi-based NGO of Muslim women with a good track record of advocacy for women's rights, peace-building and good governance. AMDFI expanded the project implementation team to include two Muslim women NGOs – the *Bangsamoro Women Solidarity Forum (BWSF)* and *Nisa-Ul Haqq Fi Bangsamoro (Nisa)*.

From July, 2007 to June 30, 2008, AMDFI in collaboration with the BWSF and Nisa implemented a project entitled “Consultation among Muslim Women in the Provinces of Maguindanao and Lanao del Sur, and Autonomous Region of Muslim Mindanao (ARMM) on the Sectoral and Local Application of CEDAW”.

Two separate consultation-workshops were conducted – one for Maguindanao Province, and another for the Lanao del Sur. The total number of participants in both workshops was 105. There were government agency representatives, and the bulk came from the NGOs, academe, grassroots people's organizations, and media.

The workshops showed:

- The Muslim women of Maguindanao and Lanao Del Sur are concerned about their personal as well as collective insecurity as a result of discrimination, extreme poverty, bad governance and protracted armed conflicts. Initiatives to address these concerns are most often hampered by the lack of accurate data both from government and non-government agencies.
- There are concerns raised by the participants, saying that CEDAW is inconsistent with Islam and therefore, should not be made applicable to Muslim women. Countering this argument would entail different strategies. Let it be said at this point that this is the most challenging aspect of the advocacy, which shall be addressed below in the strategies.
- There is very little data available about the situation of women in the ARMM. This is a prevalent problem, as many members of the community do not find it relevant to register their births, deaths, marriages, and such other acts that actually have legal effects. At the same time, the LGUs are not very conscientious in recording data. Many of the participants in the workshops expressed the view that more research should be done on matters that had been brought up during the discussion of CEDAW issues, e.g. early marriage.

- A matrix mapping Muslim women initiatives and rights in the provinces of Maguindanao and Lanao del Sur was done.
- A sectoral implementation framework for CEDAW for the provinces of Maguindanao and Lanao del Sur was outlined.

The Muslim women partners recommend that actions be undertaken on the following:

- Research on the cultural practice on early, arranged and forced marriage and its discriminatory effects on women
- Possible use of OP-CEDAW mechanisms for violations of Muslim women's rights
- Constituency-building among Muslim women and their communities through the conduct of IEC activities and module-making
- Mainstreaming CEDAW in local government units and the ARMM regional government system
- Study, formulation and draft recommendations for Temporary Special Measures based on Article 4 and General Recommendations No. 25 of CEDAW

The conduct of preliminary consultations with rural and Muslim women gave a more updated picture of community-based realities, especially on the cultural attitudes and relative openness as starting point for organizing on women's rights issues. From this list of recommendations, the project on "Promoting Gender-Responsive Governance for Rural, Indigenous and Muslim women in the Philippines" was submitted to the UN Democracy Fund (UNDEF) Round II and granted U\$ 300,000. It will cover two years from October 2008 to September 2010. The PKKK will handle the rural women component; Nisa will lead the Muslim women component, in collaboration with AMDFI and other women's groups.

The project will address issues of marginalization, gender discrimination and violation of human rights among rural, indigenous and Muslim women in the Philippines. It has two distinct components: one on rural and indigenous women, and another on Muslim women. Both components will run on parallel tracks with similar strategies in the areas of (1) baseline research and benchmarking of CEDAW implementation; (2) advocacy for adoption of gender-responsive policies, programs, structures and other measures for rural, indigenous and Muslim women; and (3) capacity-building of women's groups.

Both will engage local governance processes with participatory planning as an entry point. In this way, it is expected that women's economic, political and social rights will be integrated into new policies, programmes, structures and measures that will be adopted, with particular emphasis on women's property rights to land, natural and coastal resources and ancestral domain claims.

The PKKK track of implementation will cover six provinces, with two sites each for fishing, farming and indigenous women sectors. The Nisa track will cover five provinces in ARMM.

The project will bring together key actors of the two components at the start, mid term and at the end of the project so that common advocacy, lessons learned and forward looking strategies will be shared and developed. In both components, women and gender advocates at the provincial level will be consolidated as CEDAW Watch advocates and linked to a national CEDAW Watch network which engages national governance mechanisms. This exchange will sharpen strategies on how proposals for developing temporary special measures for women's political participation, access to services and other critical areas of women's rights may be negotiated at local, sub-national and national levels.

To date, the UNDEF project has just completed a national inception workshop where project teams from both the rural and Muslim women were consulted with national government counterparts. They arrived at a shared analysis of women's rights issues among rural and Muslim, scanned policy and programme initiatives at national and field levels, and defined ways to fast-track response to gender equality gaps, human rights violations and monitor CEDAW implementation. On this basis, the project teams refined their detailed work plans for field implementation.

For rural and Muslim women, it will still be a lot of work and a long way ahead, but the process of getting there feels lighter and better illuminated with more allies along the way.

Sharing the vision, sharing the load

We might feel moments of inspiration from positive responses of women in communities but we still wonder when more women and their families will get out of poverty, violence and helplessness. The burden is not ours alone; we have to get back to the mainstream where big decisions are made, where resources are allocated and persuade them again, with all the data, the tools, and the women power behind us. The UN-GMC has to make women's issues visible in the Common Country Assessment. We have to influence the UNDAF priorities to include policies, budgets, programmes that will invest in making governments and private sectors accountable to women.

We hope to make another programming cycle right and deliver results that will cascade resources and services to the poorest and most discriminated women. We cannot retreat. ♦



Endnotes

Reflections on CEDAW SEAP: Finally... CEDAW makes an impact

“CEDAW, *Ano Daw?*” (“What’s that?” in Filipino) This was the tagline of an awareness-raising campaign back in 2005 to reintroduce the Convention on the Elimination of All Forms of Discrimination against Women, the international bill of rights for women that has been enforced in the country since 1981.

The question clearly implied how low CEDAW was in the radar of public consciousness.

The awareness-raising campaign was one of the activities spearheaded by the CEDAW South East Asia Programme to facilitate its implementation in the seven Southeast Asian countries of Cambodia, Indonesia, Laos, Thailand, Vietnam, Timor-Leste, and the Philippines.

Four years later, CEDAW SEAP in the Philippines is “happy” to report that awareness of the Women’s Convention has not just increased but there are concrete applications on how to implement it.

“CEDAW SEAP not only enhanced awareness, it also sharpened the focus of application of CEDAW in the country,” says Luz Lopez-Rodriguez, the programme’s National Coordinator.

Country reporting to the CEDAW Committee

One of the gains achieved by the programme, according to Rodriguez, is the “well-commended” country reporting made by the Philippines to the United Nations CEDAW Committee on how the Women’s Convention is being carried out in the country.

“It was even considered a good model on how to do country reporting to the UN,” she adds.

The CEDAW SEAP helped the Philippine delegation prepare for the country report, from the consultations and dialogues to get data and inputs, to the writing of the report, and the holding of a mock session to better prepare the delegation for its presentation to the CEDAW Committee. It worked with the National Commission on the Role of Filipino Women, the lead agency for CEDAW reporting, and its partner agencies on how to measure and evaluate the impact of CEDAW and identify gaps in its implementation.

Rodriguez observed that there was extensive participation of key government officials in the preparation for the CEDAW reporting. This might explain why there are government officials who stood their ground as “duty holders” in supporting the reproductive health bill in Congress despite strong pressures to go otherwise. An example is Secretary Esperanza Cabral of the Department of Social Welfare and Development who also happened to head the Philippine delegation that reported to the CEDAW Committee.

“Secretary Cabral stuck her neck out in publicly declaring her support for the bill. I think her participation in putting together the CEDAW country report made her acutely aware of her role as a duty bearer who has the obligation to see to it that the rights of women are respected, protected and fulfilled,” she says.

Aside from government, non-government organizations also got assistance from the CEDAW SEAP in preparing the shadow report they presented to the CEDAW Committee. It highlighted issues they felt government was remiss in addressing, especially migration, reproductive rights, rural women, and extra-judicial killings. By presenting both official state report and NGO shadow report, the CEDAW Committee was able to get a more balanced picture of the real state of CEDAW implementation in the country.

Legislating CEDAW

Legislation is still another area where the CEDAW SEAP was able to help women advocates, this time in their campaign to have the bill on the Magna Carta of Women passed. To date, the bill has been approved on by the Bicameral Conference Committee.

“Clearly the Magna Carta is an anti-discrimination and gender equality legislation. It is significant because it translates the CEDAW into a national law. With the law in place, government can no longer ignore violations that discriminate against women and women can take government to task about this,” Rodriguez explains.

Rodriguez is amazed at the quickened pace that the Magna Carta bill is going through in the legislative mill since the 14th Congress convened.

“Based on our experience, pro-women legislation takes time to be approved. The anti-rape law took about 10 years, the anti-trafficking and the anti-violence

against women laws also took more than five years to be approved. The CEDAW-based Magna Carta bill is now into its third year in Congress and chances are good that it will be finally enacted into law this year," she says.

The briefings and forums on the CEDAW given by NCRFW and NGO advocates to key legislators and their staff, Rodriguez adds, had much to do in getting their support for the bill and the commitment to have it passed. "You feel gratified when, during legislative hearings for the Magna Carta of Women, you hear the chorus of support from both the panel of government representatives and a wide spectrum of women's NGOs endorsing the bill."

It was not just government officials, legislators and NGOs that the CEDAW SEAP was able to involve in its projects. Among the activities it supported were training the judiciary on CEDAW so they can apply it in deciding cases, helping the academe develop tools to monitor CEDAW implementation, and making rural, indigenous, and Moro women become aware of their rights under the CEDAW and working out initial steps on how to claim them.

Specific initiatives

The seven southeast Asian countries under CEDAW SEAP have to selectively focus on the issues of women's participation in politics and governance, and domestic violence in their projects. But because of different social, economic, political and historical contexts in terms of CEDAW implementation, countries differ in their approaches.

Its four-year duration, as cited by the CEDAW SEAP evaluation report, was "divided into several stages with a clear and realistic focus."

For the first year, in 2005, efforts focused on raising awareness on CEDAW among policymakers, legislators, the judiciary, the academe, media, women in the grassroots, and the general public. In 2006, the focus was building the capability of both government agencies and NGOs in preparing the country report and the shadow report, respectively, to the CEDAW Committee. In 2007, the focus was on applying CEDAW and monitoring compliance to it.

Another initiative was the holding of a partners' forum involving all those participating in the programme. "I believe that whenever you are managing a big project such as the CEDAW SEAP, it is important that you consult with your partners at least once a year and report to each other the progress of your respective project components," Rodriguez says.

A UN Joint Programme was also established initially involving five UN agencies that pooled their funds to facilitate CEDAW implementation. More agencies are

joining in with parallel projects. It was meant to support government in fulfilling its obligation to CEDAW, the civil society groups in monitoring government action, and disadvantaged women claim their rights.

“One of the best parts of doing this job is steering resources to advance women’s rights. Approximately eighty per cent of CEDAW SEAP’s funds went to women’s NGOs and supported projects that targeted poor and marginalized women,” Rodriguez says.

CEDAW SEAP is ending by March 2009 but there are plans to have a phase two of the programme.

“Unlike the other countries, we did not really start from zero in our CEDAW implementation. We also have a sophisticated women’s movement that has been advocating for it for quite a while. But our advocacy has still not reached the level of local governments – the towns and villages – where ordinary women are. Patriarchal values are still very much a part of the thinking and attitude of many of us, a number of women included. Obligations to advance women’s rights are not yet prioritized. For these reasons, a phase two of CEDAW SEAP is very much welcome,” Rodriguez explains. ♦



CEDAW SEAP Implementing Partners, 2005-2009

[Al-Mujadilah Development Foundation \(AMDF\)](#) is named after “Al-Mujadilah,” a *Surah* (Chapter) in the Holy Qur’an (Surah 58) which is translated as “The Woman who Seeketh (Justice)”. It is a non-government organization of Muslim women which tackles the sensitive issues of gender and women’s rights within the context of Islam. AMDF is a Lanao-based women’s organization that works in the five provinces of the Autonomous Region of Muslim Mindanao. It also actively participates in various forums at different levels—provincial, in the whole of ARMM and national—on participatory governance, women’s rights, reproductive health and peace processes.

[Ateneo Human Rights Center \(AHRC\)](#) is focused “on the continuing formation of human rights lawyers and advocates, the monitoring of the human rights situation in the Philippines and abroad, research, education, publications, and legal assistance to victims of human rights abuses.” It conducts training and seminars for government and non-government organizations and grassroots communities, publishes human rights legal treatise, and renders legal assistance to indigent clients and grassroots communities. Its beneficiaries include urban poor communities, women, children, laborers, migrant workers, indigenous peoples, asylum seekers, students, NGOs, and the general public. Based at the Law School of the Ateneo de Manila University, the AHRC was established in 1986.

[CEDAW Watch Philippines](#) was established in 2006 as a multi-sectoral advocacy network of individuals and organizations that are committed to promote women’s human rights through the CEDAW Convention and its General Recommendations. The network advocates for the full integration of CEDAW Convention in the Philippine constitution, legislation and the judiciary. It works on the twin approaches of lobbying for state compliance and sustained public information campaign involving all sectors of civil society as well as communities and sectors. It supports other sectoral and sub-national women’s NGOs in their advocacy and monitoring work on CEDAW compliance by enhancing monitoring tools and systematizing resource-sharing among the CEDAW SEAP partners; strengthens networking and linkages between and among CEDAW Watch network and other institutions (regional, national, and local), and develops policy briefs for government planners and donors on integrating CEDAW in Philippine MDG reporting. It also supports and strengthens the capability programme of CEDAW Youth to enhance their advocacy campaign on CEDAW.

The Communication Foundation for Asia (CFA) is a pioneer in development communication. It was established in 1973 as a non-stock, non-profit organization, but its origins go way back to 1960, when the Social Communications Center was founded by the Dutch missionary, Fr. Cornelio Lagerwey, MSC. CFA has evolved into a multi-media center with almost 100 staff working on video documentaries and TV programmes, producing regular educational and religious publications for distribution to around 300,000 student subscribers nationwide; conducting training workshops on communication skills and media education, and organizing media events such as film festivals, peace communication camps, environmental forums and traveling photo exhibits. It was tapped to coordinate the Feminist Film Festival for the Centennial of the women's movement in the Philippines.

EnGendeRights was founded in December 2003 as an advocate for sexual and reproductive health and rights. It has engaged in training and advocacy for women's rights through domestic and international legal and policy advocacy, research, publication, training. It submitted shadow reports to and participated in the 36th session of CEDAW and in the 2008 Universal Periodic Review to the UN-Human Rights Council. EnGendeRights is a lead organization of "Task Force Inquiry Procedure on sexual and reproductive health and rights (SRHR) violations in the Philippines (Task Force Inquiry)". EnGendeRights is part of the Reproductive Health Advocacy Network (RHAN) – a network of 36 NGOs working for sexual and reproductive rights; and the Alternative Law Groups (ALG), a nation-wide coalition of nineteen (19) NGOs involved in developmental lawyering.

Miriam College Women and Gender Institute (WAGI) advocates for and provides gender-fair education by integrating issues of women's rights, gender equality & equity into academic and non-academic programmes, development programmes for faculty, students and staff and, school administration system. It also undertakes consultancy work, research and trainings on women's human rights and empowerment, and conducts activities on gender-fair education including professional and short courses that promote values and critical perspectives on good governance, democracy, and gender justice. It has a resource center that produces and collects women's studies feminist resources available for researchers, academe, and students.

National Commission on the Role of Filipino Women (NCRFW) is the Philippine machinery for the advancement of women. It reviews, evaluates and recommends measures, including priorities to ensure the full integration of women for economic, social and cultural development at the national, regional and international levels, and to ensure the equality between women and men. It serves as an advisory body to the President on issues and concerns of women and is the lead advocate for women's empowerment and gender equality and a catalyst for gender mainstreaming. It was established in January 1975.

Nisa Ul-Haqq fi Bangsamoro or Nisa (Women for Truth in Bangsamoro) is a small group of Muslim women who are active in advocating for the rights of Muslim women, using Islam and gender as framework. Its members have established their track record as women leaders of their own non-government organizations and have recently formalized their working relationship with each other by the formation of Nisa. It conducts gender workshops with Muslim religious leaders and does research, with a current project focusing on early marriages among Muslim girls in the ARMM. It participated in the shadow reporting for the CEDAW Committee in 2006.

Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK) or the National Coalition of Rural Women is a coalition of organizations and federations of associations of women peasant, fisherfolk, farm workers, and indigenous peoples; including rural women in the sectors of informal labor, elderly, youth, and persons with disabilities; and NGOs and individuals who work for the interest of the above sectors. It has been organizing a national rural women's congress since 2003 when it was founded until it grew to 50 provincial chapters around the Philippines. Its organizing and advocacy work is framed by Article 14 on Rural Women of the CEDAW as they push for the fulfillment of rural women's property rights and representation in agrarian reform, ancestral domains, coastal resources, access to safe and adequate food, potable water, and basic services, including reproductive health.

PILIPINA is a mass-based feminist organization which affirms the vision of a transformed society in which both women and men possess dignity, autonomy, and equality. It is working for women's full participation in public governance, with stress on public office and movements for social change. Founded in 1981, PILIPINA has become a national organization with ten provincial chapters. It has sought to raise the issues of gender in many ways such as through legislative and policy advocacy, coalition building, pioneering grassroots programmes and other projects that enable women to take hold of themselves and their lives.

University of the Philippines Center for Women's Studies (UPCWS) is a system-wide unit under the Office of the Vice President for Academic Affairs of the University of the Philippines that encourages and strengthens teaching, research, extension work and advocacy on and for women in the university. It coordinates the women and gender studies programmes and some service facilities of the nine campuses in Manila, Diliman, Baguio, Los Baños, the Visayas, Mindanao and the Open University.

The Center's five major programmes are research, publication, curriculum development, training and outreach and services that include crisis counseling and day care facility. Among its tasks as a system unit is the coordination of the collection of data from the campuses that are related to the implementation of the Anti-Sexual Harassment policy of the University, the efforts in engendering the curricula, and research on women and gender issues.

Women's Feature Service (WFS) began in 1978 as a UNESCO-UNFPA initiative for the UN Decade for Women to put women's perspective in mainstream media. Until 1991, it was a project of Inter Press Service (IPS) Third World News Agency. WFS became an independent news agency with headquarters in New Delhi, India, where news and features are edited for international release.

WFS Philippines started in 1987 as a Philippine Bureau and was registered as a non-stock non-profit corporation in 1992. It has a pool of writers nationwide. WFS covers development issues from the women's perspective and human rights framework. It is into multimedia advocacy campaigns, media events, publications, and media training with focus on women's rights.

Women's Legal Bureau (WLB) pioneered in feminist lawyering in the country when it was founded in 1990. It is a non-government organization composed mainly of women lawyers and para-legal staff. Its activities and projects include direct legal service to victim-survivors of gender-based discrimination and violence, policy advocacy and reform, and feminist legal research. WLB led the first Philippine shadow report to CEDAW undertaken with the SIBOL Network (a national coalition of 9 women's groups and organizations) in 1997 and in the comprehensive shadow report submitted in 2006 involving 95 women's NGOs all over the Philippines.

Country Consultative Committee CEDAW SEAP - Philippines



The Country Consultative Committee is an advisory body composed of representatives of key programme stakeholders in the country. It guides the Programme Manager, the National Coordinator and implementing agencies on programme framework, strategies and implementation at the country level. It provides comments on the annual country plans and results and assists in scanning the external environment, including major stakeholders, for emerging issues and trends that need to be considered by the programme. It advises on alternative responses and suggests on strengthening linkages among country programme components being implemented by diverse partners. It assists in drawing out the lessons learned, and identify priority areas for future programming related to CEDAW and women's human rights. The members are:

1. **Rosario G. Manalo**
Immediate Past Chair of UN CEDAW
Chairperson, CCC for CEDAW SEAP
2. **Mary Grace C. Agcaoili**
Local Policy and Institution Development Specialist, UNICEF
Member, UN Gender Mainstreaming Committee
3. **Erlinda (Lyn) Capones**
Director, Social Development Staff-National Economic Development Authority
4. **Rina Jimenez-David**
Columnist, Philippine Daily Inquirer
President, Abanse! Pinay & PILIPINA
5. **Aurora Javate de Dios**
Executive Director, Women and Gender Institute (WAGI) Miriam College
6. **Raissa H. Jajurie**
Mindanao Branch Coordinator, Alternative Law Groups Network
7. **Myrna Jarillas**
Senior Program Officer, Canadian International Development Agency (CIDA)
8. **Emmeline Verzosa**
Executive Director, National Commission on the Role of Filipino Women

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Prof. Sedfrey Candelaria, Ateneo Law School and Head of Research, Publications, and Linkages Office PhilJA: September 1, 2008.

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The Convention on the Elimination of All Forms of Discrimination Against Women. CEDAW. Talk about putting life to a treaty on women's human rights that was obscured for more than two decades, and just now catching up with the Beijing Platform for Action and the Millennium Development Goals. And this is what this book "Going CEDAW in the Philippines" is about.

With support from the Canadian International Development Agency (CIDA), it documents the UNIFEM CEDAW South East Asia Programme in the Philippines, involving partners in government, academe and women's NGOs. Spanning pioneering work from 2005-2008, this book is divided into three sections:

- 1. Going CEDAW in government:** how the executive, legislative and the judiciary and their NGO counterparts built government capacity to fulfill its obligations under CEDAW.
- 2. Organized women go CEDAW:** how women's NGOs played their roles in monitoring, shadow reporting, making an unprecedented claim for justice under the Optional Protocol to CEDAW, and exploring CEDAW application to Filipino Muslim women.
- 3. Educating and Partnering for CEDAW:** tracing the beginnings of awareness-building and a tenacious campaign to influence culture through various methods involving partners from all sectors including the UN agencies in the Philippines.

