

Make Women Matter!

Women's Priority Legislative Agenda

14th Congress



**National Commission
on the Role of Filipino
Women (NCRFW)**

Make Women Matter!

Women's Priority Legislative Agenda (WPLA)

A signatory to the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* including its *Optional Protocol*, the Philippines is duty-bound to systematically and continuously implement all the provisions of the Treaty. The United Nations (UN) CEDAW Committee, in its *Concluding Comments to the Combined 5th and 6th Philippine Progress Report on the Implementation of the CEDAW*, urged the Philippine Government to, among others:

- ❖ Enact a comprehensive legal framework for the promotion of gender equality and women's empowerment, specifically to ensure the Convention's applicability and/or translation into the national legal system, and review and revise discriminatory provisions in existing national legislation;
- ❖ Strengthen the national machinery for the advancement of women and provide it with the authority, decision-making power and human and financial resources necessary to work effectively to promote gender equality;
- ❖ Take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution;
- ❖ Accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population;
- ❖ Enhance women's access to health care, including reproductive health services, to address high maternal mortality rates, high fertility rates, and inadequate family planning services; and
- ❖ Adopt effective measures in the formal labor market to eliminate occupational segregation, narrow and close the wage gap between women and men, and enhance the situation of women in the informal economy.

The National Commission on the Role of Filipino Women (NCRFW), established through Presidential Decree 633 to be the Philippine machinery for the advancement of women, is the advisory body to the President on women and gender concerns. As the lead agency that monitors the implementation of CEDAW in the country, the NCRFW has laid down its Women's Priority Legislative Agenda (WPLA) for the 14th Congress. The WPLA is primarily anchored on the Philippine Plan for Gender-Responsive Development (PPGD), Framework Plan for Women (FPW), and the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly its Concluding Comments.

The WPLA specifically seeks to repeal the discriminatory provisions of existing laws as well as formulate and adopt new legislations that promote women's empowerment and gender equality. It likewise applies the norms and standards set out by CEDAW through sustained advocacy for the passage of the following proposed legislations:

- ❖ Magna Carta of Women
- ❖ Anti-Prostitution
- ❖ Marital Infidelity
- ❖ Reproductive Health, Responsible Parenthood, and Population Management
- ❖ *Kasambahay* (Household Workers)
- ❖ Local Sectoral Representation

This sustained legislative advocacy seeks to: (a) increase public awareness and understanding of the issues of women that need legislative intervention/action; (b) gain the support of legislators and stakeholders for the passage of the WPLA; (c) produce more champions for the WPLA in both the House of Representatives and the Senate; and (d) extend the network of WPLA advocates to include other stakeholders.

MARITAL INFIDELITY



National Situation

Marital infidelity is a major marital or family stressor among Filipino married couples. Various studies show that married men engage in extra marital sex more than married women. The proportion of married men engaging in extra marital sex was found to be 36%

compared to 2% of married women. Marital infidelity in the Philippines is thus, a male phenomenon. (Gonzales 2003)

While more men admit to having engaged in extramarital relations, 85% of them said that their marriage was not in any danger of breaking up. A study of the

cases petitioning for nullity of marriage by Dayan and Samonte (1998, cited in Gonzales 2003) shows that adultery for males seemed more blatant, almost natural, where males courted and sought out their female partners. Female petitioners, however, tended to feel more guilty, keeping their affairs a secret.

- Majority of Filipinos disapprove of extramarital relations. Guerrero (1995, cited in Gonzales 2003) noted that a large majority of the Filipinos (88% of the 1,200 respondents nationwide) disapprove of extramarital relations. Another survey showed that 96% of 1,200 respondents nationwide disapprove of extramarital relations (Daylo-Laylo and Montelibano 2000; de Vera 1976 cited in Gonzales 2003). Six out of ten youths (N:900 nationwide) also disapprove of marital infidelity (McCann 2000, cited in Gonzales 2003).

- 92% percent of 1,200 women respondents nationwide consider maintaining a mistress, being a mistress, being a prostitute or using a prostitute, or cheating on a spouse, as wrong (McCann 1996, cited in Gonzales 2003).

Legislative Herstory

- Existing law, specifically Article 333 of the Revised Penal Code penalizes a married woman who had sexual intercourse with a man not her husband, for the crime of **adultery**. This carries the penalty of imprisonment for two to six years.
- Article 334 of the Revised Penal Code penalizes a married man who keeps a mistress or has had sexual intercourse with her or any woman not his wife, under scandalous circumstances, for the crime of **concubinage**. This carries the penalty of imprisonment for six months to four years.

- 📄 In the 13th Congress, four bills revising Articles 333 and 334 of the Revised Penal Code were filed in the House of Representatives. A Technical Working Group was formed to consolidate the four bills. A substitute bill was approved near the close of the 13th Congress.
- 📄 In the Senate, two bills addressing marital infidelity were filed for the 13th Congress.
- 📄 For the 14th Congress, Rep. Emmanuel Joel Vilanueva filed HB 999 while Reps. Liza Largoza-Maza and Luzviminda C. Ilagan filed HB 1820, both amending Articles 333 and 334 of the Revised Penal Code.
- 📄 In the Senate, Sen. Edgardo Angara filed SB 897 for the 14th Congress, amending Articles 333 and 334 of the Revised Penal Code.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to review existing policies with the aim of removing discriminatory provisions in national legislation. The NCRFW advocates for the revision of Articles 333 and 334 of the Revised Penal Code. The revised legislation shall:

- 📄 Define those guilty of *marital infidelity* as any married person who shall have carnal knowledge of a person not his or her spouse. It is also committed by the person with whom the guilty spouse has had carnal knowledge, provided that this person knew of the married status of the guilty spouse even if their marriage be subsequently declared void;

- ☐ Impose the same penalties for offending parties for the same gravity of offense;
- ☐ Apply to Muslims and members of indigenous communities whose cultures allow for multiple spouses, and who shall engage in sexual intercourse with any person other than their official spouses recognized by their respective faiths and traditions; and
- ☐ Impose higher penalties for public officers and employees, including but not limited to military personnel, government-owned and -controlled corporations, those

nominated by the government as members of the Board of Directors of GOCCs, and Philippine representatives to international organizations.

Written by: Evelyn Gorospe

Reference:

Gonzales, Ted, S.J. “The Filipino Context of Infidelity and Resilience,” 2003.
<http://eapi.admu.edu.ph/eapr003/gonzales.htm>

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
 Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
 E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



LOCAL SECTORAL REPRESENTATION

National Situation

- In the election of 2007, women won only 53 out of 236 seats (or 22%) in the Lower House, and only 4 out of 24 seats (16.7%) in the Upper House. (International IDEA and Stockholm University, 2007)
- During the 1998 and 2001 national and local elections, women comprised a meager 20% of the total number of candidates although the proportion of women who won the elections was also around 20%. (COMELEC, 1995-2004)
- Women's performance in elections was as dismal in 2004 when the average proportion of women in key elected posts was no more than 17%. (COMELEC, 1995-2004)
- Also in 2004, a total of 16 party-lists were given seats in the House of Representatives, one of which is focused on women's concerns -- GABRIELA. Of the total 24 elected party-list representatives from the 16 parties, four were women. (COMELEC, 1995-2004)



- There is still a need to broaden the base of women's participation in local governance and political decision-making. Specifically at the *sanggunians*, women comprise only 15% of councilors compared to men who comprised 85% (COMELEC, 1992-2001).
- In her study of women's participation in elections, UP Professor Prosperina Tapales (2005) found that from 1992 to 2001, there was an increase in the proportion of women elected as local chief executives—mayors, governors, and barangay captains. For governors, the percentage of women elected steadily increased from 6.6% in 1992 to 19% in 2001. Municipal mayors saw a similar increase, with women's share increasing dramatically from 2.9% in 1992 to 13.5% in 2001.
- The increase in women's participation can be attributed to “kinship politics” where many of the women local chief executives (LCEs) who were elected in 1998 and 2001 acted as “breakers” or wives (and children) of politicians who have reached their term limits and were keeping the seats until such time when their husbands, fathers, or uncles could run again. (Tapales, 2005)
- Women LCEs generally perform well in office; many of them receive awards for their province or region on projects like Clean and Green, nutrition, and child-friendly facilities. Some LCEs receive national recognition from award-giving bodies. They should be given more opportunities to run for office, not just as “breakers” to keep the family dynasty in power, but to run for office for themselves, or for the larger community. (Tapales, 2005)
- Despite the increasing trend, women's share of seats in Philippine electoral politics, remains short of the global target of 30% (even 50% as per UNCSW), which in some countries have been achieved by affirmative action, usually expressed through quotas.

Legislative Herstory

- Article 10, Section 9 of the 1987 Philippine Constitution provides that “*Legislative bodies of local governments shall have sectoral representation as may be prescribed by law.*” The 1991 Local Government Code (LGC) provides the form of local sectoral representation (LSR) by allotting one seat for women, one

for workers, and the last seat to be contested by all other sectors or be determined by the *sanggunian*.

- The COMELEC opines that under RA 7887 (Amending the Synchronized Elections Law of 1991) the election of local sectoral representatives can only be conducted in accordance with an enabling law, which is yet to be enacted by Congress.
- The LSR advocacy has begun as early as the 10th Congress (1995-1998). The farthest point that the LSR has gone through the legislative mill is when the House of Representatives passed on third and final reading HB 5781 in the 12th Congress (June 2003).
- In the 13th Congress, several bills were again filed in the House of Representatives - three bills provided for the manner and date of elections and another three bills provided for the representation of specific sectors. At the Senate, three bills on LSR were introduced.
- As of this writing, two bills on Local Sectoral Representation have been filed in the Lower House for the 14th Congress, namely HB 787 authored by Rep. Arthur Defensor and HB 969 authored by Rep. Ana Theresia Hontiveros-Baraquel. In the

Senate, Sen. Francis Pangilinan authored SB 1250 providing for the date and manner of electing the sectoral representatives.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population.

The NCRFW advocates for an enabling law to significantly increase women's participation



in political and public life. Specifically, the NCRFW supports a legislation that, among others:

- Upholds the LGC provision allocating three sectoral representatives each in the municipal councils (*sanggunian bayan*), city councils (*sanggunian panlungsod*) and provincial councils (*sanggunian panlalawigan*) distributed as follows: one for women, one for labor (*agriculture or industrial*) and another one from any sector as may be decided by the council concerned;
- Emphasizes that sectoral representatives should come from sectoral organizations or coalitions belonging to the marginalized groups, that are duly registered;
- Provides for the manner and formal requirements of registration of sectoral organizations or coalitions;

- Accords sectoral representatives the same salaries, emoluments, rights, privileges and benefits as the other members of the council; and
- Stipulates that a voter could vote for each of the three sectors to be represented in the Council.

Reference Cited:

Proserpina D. Tapales Ph.D., "Women in Contemporary Philippine Local Politics" (October 5, 2005). *UCLA Center for Southeast Asian Studies. CSEAS Colloquium Series: Paper* Tapales. <http://repositories.cdlib.org/international/ucla/cseas/colloquium/Tapales>

Written by: Honey Castro

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



KASAMBAHAY (Household Worker)

National Situation

- The estimated number of household (or domestic) workers in the Philippines ranges from 600,000 to 2.5 million. (ILO 2004) Of the estimated 2.5 million household workers, Visayan Forum, an NGO concerned with the plight of household workers, estimates that 1 million are children.
- The Labor Force Survey suggests that there are about 1.5 million household helpers working in private households in the country, contributing 13.73 % of total wage employment in the private sector.
- Majority of household workers are female, with figures ranging from a high of 92 % from the 2002 NSO Labor Force Survey to a low of 86 % from the 1995 survey.
- Household workers tend to be very young, usually aged 15-17 years old. Child household workers are perhaps the second largest group of working children, next to agriculture workers, with estimates ranging from 230,000 to 631,000 to 1 million.
- The abuses of household workers remain rampant and hidden today despite strong public outcry. These abuses happen because household work is a lowly regarded work. Despite their vital contribution to the economy and society, household workers are considered to be



one of the most vulnerable sectors in society.

- The most common types of abuses against household workers include:
 - Exposure to physical, psychological and sexual abuse
 - Exposure to harmful and hazardous working conditions
 - Low, unpaid or delayed wages
 - Vulnerability to trafficking and debt bondage
 - Long working hours with no days off
 - Performing multiple and all-around work
 - Working in isolation and without support networks
 - Lack of social security or health benefits
 - Lack of opportunities for education and self-improvement



Legislative Herstory

- In 1996, Senator Francisco Tatad filed a Senate Bill for household helpers during the 10th Congress, as a response to the recommendations of the 1st National Consultation on Child Domestic Workers in the Philippines.
- In 1998, the global community noticed the plight of child household workers as the Philippines launched the Global March Against Child Labor, a worldwide movement instrumental in the approval of ILO Convention 182 on the Worst Forms of Child Labor.
- In 1999, Rep. Juan “Jack” Enrile filed during the 11th Congress the most comprehensive version of the law, naming it “*Batas Kasambahay*.” In support of this move, the Visayan Forum (VF) immediately launched comprehensive multi-sectoral consultations in Batangas, Davao, Bacolod, and Manila leading to a strong consensus on the need for a Magna Carta for Household Workers.
- By year 2000, the 11th Congress unanimously approved HB 5804 known as the “Magna Carta for Domestic Workers or *Batas Kasambahay*,” however, the Senate counterpart version reached only the 1st reading.
- Again in 2001, during the 12th Congress another *Batas Kasambahay* bill was filed and unanimously approved, but the presidential impeachment proceedings cut short lobbying at the Senate.
- In 2004, during the 13th Congress, Rep. Enrile again introduced *Batas*

Kasambahay as House Bill 1606; Rep. Carmen L. Cari also filed House Bills 3118 and 3119, to increase minimum wage and set mandatory PhilHealth coverage for all househelpers, respectively. At about the same time, the Senate Committee on Labor and Employment started hearings for SB 1772 filed by Sen. Jinggoy Estrada; SB Nos 202, 860, 1678 and 1692 were also filed by Senators Pimentel, L. Estrada, Santiago, Villar and Lapid.

- Since 2005, local government units started passing local ordinances to register and provide programs for household workers. These included Quezon City, Bacolod, and Makati. New drafts for approval have been prepared in the cities of Baguio, Batangas, Davao, Bulacan, Daet and lately Mandaluyong, Marikina and Taguig.
- Local and overseas household workers jointly called for the swift passage of *Batas Kasambahay* as the first priority Ten-Point Agenda during the first National Domestic Workers Summit held in 2005.
- Over one million signatures in favor of the swift passage of the *Batas Kasambahay* bill were gathered and presented to the Senate in 2005.
- According to a 2005 survey conducted by the Social Weather Stations, 87% of Filipinos strongly agree that there should be a law addressing the domestic work sector.
- The Philippines ratified ILO Convention 29 on Forced Labor Convention.
- On April 24, 2006, President Arroyo issued Presidential Proclamation 1051, which

declared April 30th of every year as “a special day to honor and give recognition to the hidden, yet massive army of everyday workers, to generate greater awareness of the importance and contribution of domestic workers.” A few days later on April 30, 2006, the nation celebrated its first official National Domestic Workers' Day or *Pambansang Araw ng Kasambahay*.

- On November 14, 2006, Senator Jinggoy Estrada delivered a privilege speech in support of the bill. The bill was approved by the Senate before the close of the 13th Congress.
- As of this writing, three *Kasambahay* bills have been filed in the Senate for the 14th Congress, namely SB 201 authored by Sen. Lito Lapid, SB 157 authored by Sen. Jinggoy Estrada, and SB 77 authored by Sen. Loren Legarda.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to “adopt effective measures in the formal labor market to eliminate occupational segregation, narrow and close the wage gap between women and men, and enhance the situation of women in the informal economy.”

Household work is a gendered occupation, such that a great majority of household workers are women and girls. The NCRFW advocates for a

legislation that not only protects household workers as workers, but also as women (and girls), with the following essential features:

- Upholds the rights and dignity of household workers;
- Recognizes the special vulnerability of household workers to various kinds of abuse, as their workplaces are the private homes of their employers, and their work are hidden from public view, thus the need for special protection beyond those accorded to workers in other sectors;
- Revises the Labor Code's definition of household service from "services in the employer's home which are ... desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer's household..." to "tasks ascribed as normal household chores within a specific household...";
- Provides for the use of a formal contract to govern employer-employee relationship that clearly identifies the scope of work to be rendered;
- Provides for a realistic minimum wage that is regularly adjusted in accordance with rising cost of living;
- Provides for other benefits such as SSS, Philhealth;
- Prevents bonded labor;
- Prevents physical, sexual, mental, and economic abuse of workers,
- Mandates registration of household workers; and
- Mandates the roles of government agencies in providing gender-responsive and/or child-friendly services to the Household workers, settling disputes, and scheduling of penalties against violators.

Written by: Marilen Soliman

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



REPRODUCTIVE HEALTH, RESPONSIBLE PARENTHOOD AND POPULATION DEVELOPMENT

National Situation

A quick glance at the national health situation of Filipino women reveals the following information:

- Philippine maternal mortality rate (MMR) remains high at 162 deaths for every 100,000 live births. The National Statistics Office fears that the slow decline in MMR may cause the Philippines to miss its MDG target of bringing down the MMR to 53 by the year 2015. (*Family Planning Survey 2006*)
- Maternal deaths account for 14% of deaths among women. According to the Commission on Population, ten (10) women die every 24 hours from pregnancy- or childbirth-related complications. (*Popcom 2000*)
- 29 infants of every 1,000 live births die before reaching one year of age; 40 young children die before reaching five years of age. (*NSO, NDHS 2003*)
- Close birth spacing and high-risk pregnancies have been shown to be closely

related to childhood mortality. (*NSO, NDHS 2003*)

- The Filipino woman's desired number of children is 2.5. However, the actual fertility rate is 3.5 children or a difference of one child. This difference is due mainly to the lack of information on and access to family planning services. (*NSO, NDHS 2003*)
- Only 49.3% of women use any method of contraception, with the use of the pill as the leading contraceptive method, followed by female sterilization, and the



calendar rhythm. Condoms, even though widely distributed, accounted for only 1.9% of the total usage. (NSO-FPS 2005)

- The unmet need for family planning averages 17.3%. Those belonging to the poorest class have the highest unmet need for family planning at 26.7%, consisting of those who want to space their pregnancies (10.9%), and those who want to limit the number of their children (15.8%). The current unmet need for contraceptives is 23.15% for poor women and 13.6% for women who are not poor. (NSO, NDHS 2003)
- The use of modern family planning methods increases with the increase in the level of education of women. (NSO, 2003 NDHS)
- 97% of all Filipinos believe it is important to have the ability to control one's fertility or to plan one's family. It is significant to note that 87% of the total respondents are Roman Catholics. (Pulse Asia Survey, Feb 2004)

Legislative Herstory

- Past government administrations have attempted to address these population and reproductive health concerns. However, their approaches differed and

changed, depending on the views of whoever holds the leadership.

- From the 9th to the 11th Congress, Population Development bills have been filed, focusing mainly on controlling population growth. It was only in the 12th Congress that the reproductive health of women figured into the discussions on population development, so that population-related bills filed in the 12th and 13th Congress already considered reproductive health issues.
- At the close of the 13th Congress, the substitute bill HB 3773 or the “Responsible Parenthood and Population Management” bill reached the 2nd Reading.
- As of this writing, four bills pertaining to reproductive health and/or population management have been filed for the 14th Congress in both houses: HB No. 17 authored by Rep. Edcel Lagman, HB No. 812 authored by Rep. Janette Garin, SB No. 40 authored by Sen. Rodolfo Biazon and SB No. 43 authored by Sen. Panfilo Lacson.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination*

of All Forms of Discrimination Against Women (CEDAW), specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to enhance women's access to health care, including reproductive health services, to address high maternal mortality rates, high fertility rates, and inadequate family planning services.

The NCRFW is advocating for a national legislation that addresses the reproductive health needs of women and other population development issues which, among others,

- Upholds and promotes the four pillars of the present government's population policy as enunciated in President Arroyo's statement of support to the International

Conference on Population and Development in January 2005, namely (1) responsible parenthood, (2) informed choice, (3) birth spacing, and (4) respect for life;

- Recognizes that human resource is a principal asset, hence the need for effective reproductive health care services to be given primacy and ensure the birth of healthy children and promote responsible parenting;
- Promotes gender equality and women's rights as essential to the fulfillment of reproductive health rights;
- Defines reproductive health as the state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes;
- Provides the framework for implementing the ten elements of a comprehensive reproductive health program as follows: (1) maternal, infant and child health and nutrition, including the promotion of breastfeeding; (2) family planning and information services; (3) adolescent and youth health; (4) prevention of abortion



and management of post-abortion complications; (5) prevention and management of reproductive tract infections, HIV/AIDS and other sexually transmittable infections; (6) elimination of violence against women; (7) education and counseling on sexuality and sexual health; (8) treatment of breast and reproductive tract cancers and other gynecological conditions; (9) male involvement and participation in reproductive health; and (10) prevention and treatment of infertility and sexual dysfunction;

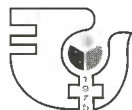
- States that abortion is not a family planning method and remains a crime punishable under the Revised Penal Code and relevant jurisprudence;
- Leaves the number and spacing of children to the sound and informed judgment of couples based on their

personal conviction and religious beliefs, while assuring that they are afforded free and full access to relevant, adequate and enlightening information on reproductive health;

- Provides for a mandatory reproductive health and sexuality education, that is medically correct and developmentally appropriate, to be taught by adequately trained teachers;
- Sets penalties for violation of the provisions of the proposed law; and
- Appropriates funds for the initial implementation of the proposed law and mandates Congress to include subsequent appropriations in the General Appropriations Act.

Written by: Honey Castro

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



ANTI-PROSTITUTION

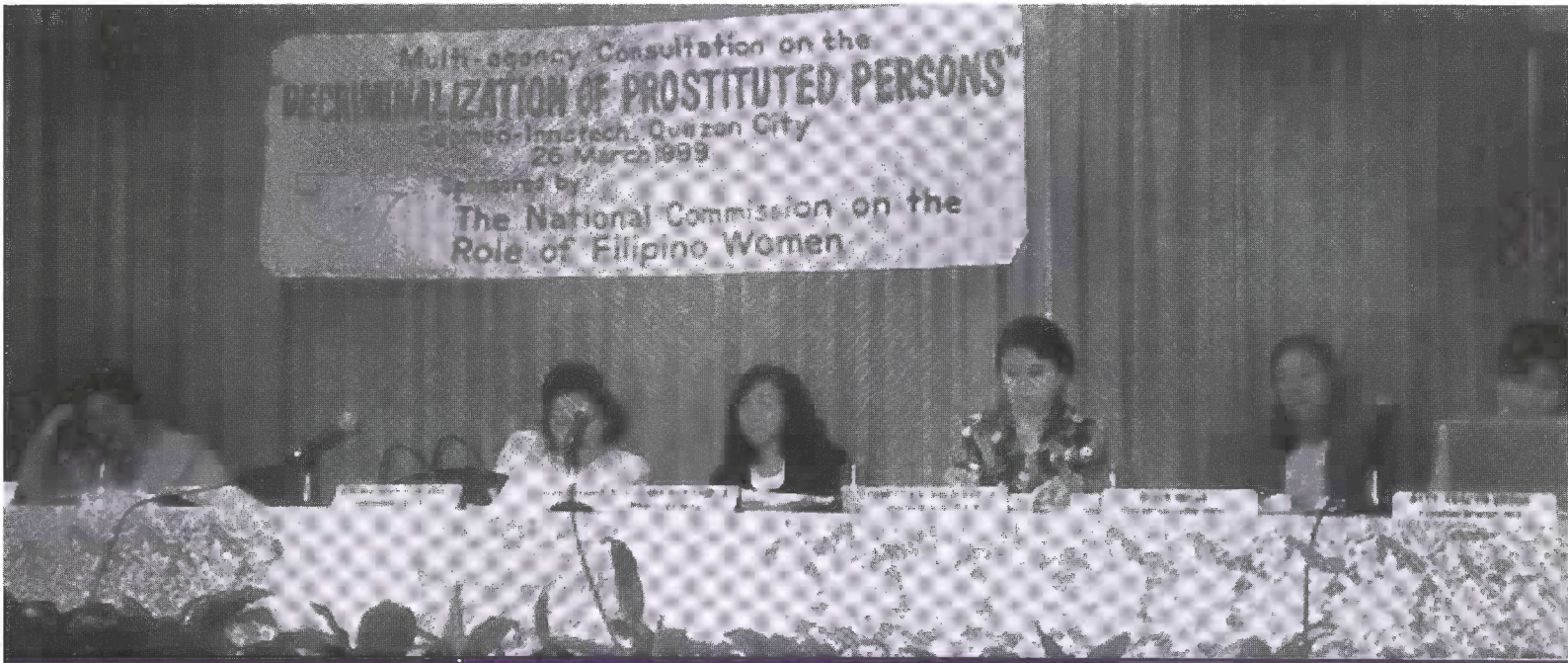
National Situation

- Estimates on the number of prostituted persons in the Philippines range from 300,000 to 500,000. This is approximately the size of our manufacturing workforce. (Coalition Against Trafficking in Women, 1999)
- Around one-fourth of the estimated number of prostituted persons are children, with estimates ranging from 75,000 to 100,000. The Philippines is the fourth among nine countries in the world with the most number of prostituted children. (Coalition Against Trafficking in Women, 1999)
- Poverty is the oft-cited factor that led to the burgeoning number of prostituted

persons. More often than not, women and children trapped into prostitution are poor, uneducated, and sometimes sexually abused. They have been trafficked -- recruited, usually through deception, force or intimidation, and forced and kept into prostitution through threats or actual acts of violence, until such time when the victims start believing that there is no other life for them outside of prostitution.

- A more recent approach to prostitution is to shift the focus from the prostituted persons to those causing their prostitution - recruiters, pimps, bar owners, and customers. Studies show that where and when there is a high demand for the sexual services of prostituted persons --

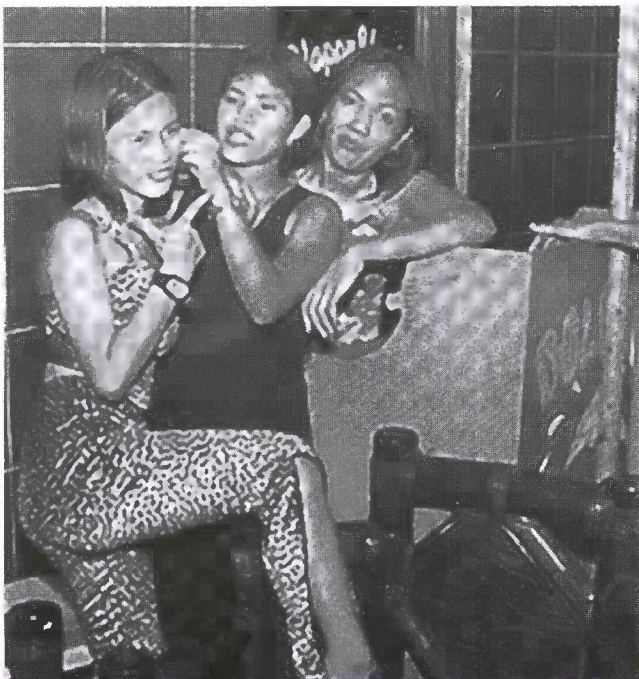
Multi-agency Consultation on the
DECLINING OF PROSTITUTED PERSONS
Sponsored by:
The National Commission on the
Role of Filipino Women



e.g., presence of visiting military forces or a boom in sex tourism -- there is an increased number of prostituted women and children to serve the demand.

Legislative Herstory

- Existing law, specifically Article 202 of the Revised Penal Code penalizes prostituted women and girls. The Law defines prostitutes as “women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct....”
- The existing law defines prostitution as a crime committed by prostituted women and girls, and does not penalize those who run prostitution houses and guard or manage the prostituted women, or customers, or even the pimps unless the



latter are always seen in the company of prostituted women.

- The first legislative bill addressing the issue of prostitution was filed in July 1998 during the 11th Congress by Rep. Ronaldo Briones. Since then, other bills followed but failed to pass.
- It was during the 12th Congress where a number of bills addressing prostitution shifted from a definition of prostitution as a crime committed by prostitutes to a crime committed by recruiters, pimps, bar owners and customers.
- During the 13th Congress, nine bills providing for the revision of Article 202 of the Revised Penal Code, have been filed in the Lower House and referred to the Committee on Revision of Laws. These nine bills were consolidated by a Technical Working Group that came out with a substitute bill at the close of the 13th Congress.
- In the Senate, four bills were filed during the 13th Congress, amending Article 202 of the Revised Penal Code and one bill filed amending Article 341 of the Revised Penal Code, on White Slave Trade.
- As of this writing, four bills were filed in the Lower House for the 14th Congress,

namely HB 275 authored by Rep. Darlene Antonino-Custodio, HB 575 authored by Rep. Nanette Castelo Daza, HB 705 authored by Rep. Bienvenido Abante, Jr., and HB 970 authored by Rep. Ana Theresia Hontiveros-Baraquel.

- In the Senate, four bills addressing prostitution were filed at the start of the 14th Congress. Sen. Jinggoy Ejercito Estrada authored three of them, namely SB 305, SB 694, and SB 497. Sen. Loren Legarda authored SB 937 amending Article 341 of the Revised Penal Code, focusing on White Slave Trade.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to “take appropriate measures to suppress the exploitation of the prostitution of women, including through the discouragement of the demand for prostitution.” The NCRFW advocates for a legislation that addresses the system of prostitution through a gender lens. Specifically, the NCRFW supports an anti-prostitution legislation that:



- Redefines prostitution as “any act, transaction, scheme or design involving the use or exploitation of another person, whether woman, man or child for the sexual gratification or pleasure of another in exchange for cash profit or other consideration;”
- Defines a person exploited in prostitution to refer to “a woman, man or child used, employed, or exploited for another person's sexual gratification or pleasure, and for the monetary gain or profit of others;”
- Shifts criminal liability from the prostituted person to the person who induces, persuades, entices, compels, kidnaps, recruits, transports, organizes travel tours, uses information technology, advertises, for the purpose of exploiting a person / persons for prostitution, or

derives profit or advantage from procuring, transporting, harboring and prostituting any person;

- Penalizes those who use prostituted persons for their personal sexual gratification or pleasure;
- Accords higher penalties to those who attempt to or actually commit child prostitution;
- Upholds the human rights of prostituted persons;
- Regards prostituted persons as victims and who shall not incur any criminal liability for prostitution;
- Entitles prostituted persons to government services accorded to victims of violence against women, such as medical services, counseling, shelter,

protection, legal services, livelihood training, among others;

- Prohibits the use of a prostituted person for entrapment when the method will involve her/his sexual exploitation;
- Defines the responsibilities of government agencies in anti-prostitution efforts;
- Accords higher penalties for those in positions of authority in government who commit any act of prostitution, as defined; and
- Identifies mechanisms and strategies to ensure effective implementation and monitoring of the proposed law.

Written by Mary Alice Rosero

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



National Situation

The Magna Carta of Women aims to respond to the situation and needs of half of the Philippine population. A quick glance at the situation of Filipino women reveals the following information:

- **Population Size.** There were 76.5 million Filipinos in May 2000, and estimated to reach 88 million in 2007. 37.9 million or 49.6% of the 2000 total population are females, with 21.6 million women (57% of total females) in their productive and child-bearing age. (NSO 2007)
- **Health and Nutrition.** The 2003 NDHS revealed that there has only been a 2% increase in the number of women who sought prenatal care from doctors/nurses/midwives, from 85.7% in 1998 to 87.6% in 2003, resulting in high number of at-risk pregnancies and births. Thus, maternal mortality rate remains high at 162 maternal deaths for every 100,000 live births. (DOH 2005) The National Statistics Office revealed in March 2007 that unless health program implementers redouble their efforts, the MDG target of reducing maternal rate to only 53 deaths per 100,000 live births (or a 75% decrease) by 2015 cannot be achieved.
- Infant mortality or the number of infants who die before reaching the age of one registered at 24 per 1,000 live births in 2006, while the number of young children who die before reaching the age of 5 registered at 32 per 1,000 live births, still at a considerable distance from the Millenium Development Goal of 21 deaths per 1,000 live births. (NSO 2006)
- The Filipino woman's desired number of children is 2.5. However, the actual fertility rate is 3.5 children or a difference of one child. This difference is due mainly to the lack of information on and access to family planning services. (NSO, NDHS 2003)
- Only 49.3% of women use any method of contraception, with the use of the pill as



- the leading contraceptive method, followed by female sterilization, and the calendar rhythm. Condoms, even though widely distributed, accounted for only 1.9% of the total usage. (NSO-FPS 2005)
- The current unmet need for contraceptives is 23.15% for poor women and 13.6% for women who are not poor. The use of modern family planning methods increases with the increase in the level of education of women. (NDHS 2003)
 - **Education and Training.** 55% of the total enrollees 2003-2004 were females. (DepEd, 2004)
 - The literacy rate of females 10 years old and older is 86.3% compared to 81.9% for males in the same age. (Functional Literacy, Education and Mass Media Survey, 2003)
 - More women have been able to finish elementary and secondary schooling in accordance with the required number of years for each level. The elementary completion rate of females was 66.9% while the comparative figure for males was only 57.8%. The secondary education completion rate of females was 63.7% compared to 48.8% for males. (FLEMMS 2003)
 - There are considerably more women licensed professionals. From 2000-2003, women accounted for 65% of the total passers in professional board examinations.
 - **Labor and Employment.** Despite women's higher educational attainment, their labor force participation rate is low at 48.8% compared to 79.1% of males. (NSO 2007)
 - Gender tracking in employment continues; women still dominate occupation groups that may be considered as extension of their reproductive roles in the home such as home management and professional services, while men are still largely located in mechanized and heavy industries.
 - In October 2004, men account for 60.9% of the officials in government, corporate executives, managers, and managing proprietors and supervisors, compared to 39.1% for females in the same occupation group. Meanwhile, females dominate the clerks occupation group with 63.1% compared to 36.9% for males. (NSO 2006)
 - 56% unpaid family worker are women, while 64% of wage and salary workers and 67% of own account workers are men.
 - **Overseas Employment.** The number of overseas Filipino workers is generally increasing for both sexes.
 - There is almost an equal level of participation between women and men. But the context of their participation is very much different. In 2004, women accounted for 51% of the total number of Overseas Filipino Workers (OFW) yet their average monthly cash remittance represents only 57% of the Php 74,267 million average cash remittance of Filipino men. This is because Filipino women are likely to end up in jobs that are low-paying and often unprotected.
 - **Politics and Governance.** Women make up the majority of the government bureaucracy, accounting for 57.6%, but they are mostly in the technical or second level positions and seem unable to break through the glass ceiling. Meanwhile, men are likely to be clerks or managers/executives. Only about 30% of those in third level positions are women. (CSC 2004)
 - In 2004, the average proportion of women in key elected posts was no more than 17%.
 - There is still a need to broaden the base of women's participation in local governance and political decision-making. Specifically at the *sanggunians*, women comprise only 15% of councilors compared to men who comprise 85%. (COMELEC: 1992-2001)

- **Violence Against Women (VAW).** Reported cases to the police increased six-fold, 1,100 in 1996 to 6,505 in 2005. The highest recorded number of cases peaked in 2001 at 10,345. A total of 5,758 VAW cases have been reported to the police in 2006. (PNP 2006)
- The police report shows that physical injury is the most common type of reported VAW case, accounting for 38.86% of the cases, while cases of violence against women in domestic and intimate relationships rank second, accounting for 26.07% of VAW cases. Rape accounts for 16.65% of VAW cases.

Legislative Herstory

- The first version of the Magna Carta of Women was filed during the 13th Congress, principally by Rep. Josefina Joson and initially titled 'Magna Carta for Women'. A TWG composed of a number of government agencies and NGOs was formed to enhance the bill.
- In a bid to make the Magna Carta of Women a priority bill of the administration, the NCRFW consulted with Fr. Romeo Intengan regarding the acceptability of the provisions relating to women's health. Revisions were made according to the suggestions of Fr. Intengan which were incorporated in the revisions introduced by the House Committee on Women.
- The substitute bill, HB 5285 reached 2nd Reading in the House of Representatives, pending debate or interpellation.
- The Study and Action Core Group (SACG) composed of PILIPINA as convenor and other women's NGOs and POs, NCRFW and a number of government representatives from the NCRFW, the Supreme Court, and staffs of legislators, was established initially to study how the CEDAW can be translated into a national legislation. It was on the first meeting of the SACG that

the decision to incorporate in the Magna Carta of Women the essential provisions of CEDAW that eliminate discrimination against women and promote women's rights.

- Senator Jamby Madrigal, chair of the Committee on Women called a TWG meeting in the last months of the 13th Congress to discuss the Magna Carta.
- Senator Sergio Osmeña filed the Magna Carta for Women Bill near the close of the 13th Congress.
- As of this writing, two Magna Carta of Women bills have been filed in the House of Representatives for the 14th Congress, namely HB 164 authored by Reps. Juan Edgardo Angara and Mary Ann Susano, and HB 797 authored by Rep. Ma. Isabelle Climaco.

Salient Features

The Philippines is duty-bound to implement the provisions of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, specifically the UN CEDAW Committee's *Concluding Comments*, which among others, urges the government to (1) enact a comprehensive legal framework for the promotion of gender equality and women's empowerment, specifically to ensure the Convention's applicability and/or translation into the national legal system, and (2) strengthen the national machinery for the advancement of women and provide it with the authority, decision-making power and human and financial resources necessary to work effectively to promote gender equality.

To holistically and effectively address the concerns of women, the NCRFW advocates for a Magna Carta of Women that has the following essential features:

- It recognizes the role of women in nation building and ensures the substantive equality of women and men. It condemns

discrimination against women in all its forms and pursues all appropriate means to eliminate discrimination against women, in accordance with the provisions of CEDAW.

- It ensures the fulfillment of the human rights of women provided for in other international treaties and national laws such as (a) protection from violence, (b) participation and representation in all spheres of society, especially policy- and decision-making in private and government entities, (c) equal treatment before the law, (d) **equal access to and elimination of discrimination in education, scholarships and training**, (e) access to information and services related to women's health, and (f) **equal rights in all matters relating to marriage and family relations**.
- It recognizes that women from the following groups are marginalized and therefore entitled to special measures to guarantee their social and cultural well-being and accelerate the efforts to attain gender equality: (a) small farmers and rural workers; (b) fishers; (c) urban poor; (d) workers in the formal economy; (e) workers in the informal economy; (f) migrant workers; (g) indigenous peoples; (h) Moro; (i) girl-children; (j) senior citizens; (k) persons with disabilities; (l) lesbians, bisexuals and transgenders; and (m) solo parents.
- It recognizes women's, especially marginalized women's rights to (a) food

and resources to food production, (b) housing, (c) livelihood, credit, capital and technology, (d) education and training, (e) participation and representation, (f) information, (g) social protection, (h) recognition and preservation of cultural identity/integrity, (i) peace and development, (j) protection of girl-children, and (k) protection of senior citizens.

- It mandates agencies and other relevant institutions and organizations to adopt gender and development mainstreaming as a strategy to eliminate discrimination in their structures, systems, policies, programs, processes and procedures and to ensure the effective implementation of this Act.
- It mandates the NCRFW to lead in the overall implementation and monitoring of this Act. It likewise provides for the strengthening of NCRFW as the national machinery for the advancement of women, as recommended by the CEDAW Committee.
- It provides for the creation of a gender and development ombud, which shall among others, investigate or hear administrative complaints involving the possible violations of this proposed Act.
- It provides incentives and awards to deserving entities which exemplify outstanding performance in promoting, fulfilling and upholding the rights of women.

Written by: Grace Bernabe

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



discrimination against women in all its forms and pursues all appropriate means to eliminate discrimination against women, in accordance with the provisions of CEDAW.

- It ensures the fulfillment of the human rights of women provided for in other international treaties and national laws such as (a) protection from violence, (b) participation and representation in all spheres of society, especially policy- and decision-making in private and government entities, (c) equal treatment before the law, (d) **equal access to and elimination of discrimination in education, scholarships and training**, (e) access to information and services related to women's health, and (f) **equal rights in all matters relating to marriage and family relations**.
- It recognizes that women from the following groups are marginalized and therefore entitled to special measures to guarantee their social and cultural well-being and accelerate the efforts to attain gender equality: (a) small farmers and rural workers; (b) fishers; (c) urban poor; (d) workers in the formal economy; (e) workers in the informal economy; (f) migrant workers; (g) indigenous peoples; (h) Moro; (i) girl-children; (j) senior citizens; (k) persons with disabilities; (l) lesbians, bisexuals and transgenders; and (m) solo parents.
- It recognizes women's, especially marginalized women's rights to (a) food

and resources to food production, (b) housing, (c) livelihood, credit, capital and technology, (d) education and training, (e) participation and representation, (f) information, (g) social protection, (h) recognition and preservation of cultural identity/integrity, (i) peace and development, (j) protection of girl-children, and (k) protection of senior citizens.

- It mandates agencies and other relevant institutions and organizations to adopt gender and development mainstreaming as a strategy to eliminate discrimination in their structures, systems, policies, programs, processes and procedures and to ensure the effective implementation of this Act.
- It mandates the NCRFW to lead in the overall implementation and monitoring of this Act. It likewise provides for the strengthening of NCRFW as the national machinery for the advancement of women, as recommended by the CEDAW Committee.
- It provides for the creation of a gender and development ombud, which shall among others, investigate or hear administrative complaints involving the possible violations of this proposed Act.
- It provides incentives and awards to deserving entities which exemplify outstanding performance in promoting, fulfilling and upholding the rights of women.

Written by: Grace Bernabe

Policy Development and Advocacy Division



**National Commission
on the Role of Filipino
Women (NCRFW)**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines
Tel. No. (632) 735-4955; 735-1646; 735-4767 • Fax : (632) 736-4449
E-mail: edo@ncrfw.gov.ph • pad@ncrfw.gov.ph • pad.ncrfw@gmail.com • pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate the Implementation of the CEDAW Concluding Comments



Photos by: Jimmy Domingo
Designed by: Marvin Torres
Printed by: FCA Printhouse





**Policy Development and Advocacy Division
National Commission on the Role of Filipino Women**

1145 J. P. Laurel Street, San Miguel, Manila, Philippines

Tel. No. (632) 735-4955; 735-1646; 735-4767

Fax : (632) 736-4449

E-mail: edo@ncrfw.gov.ph

pad@ncrfw.gov.ph

pad.ncrfw@gmail.com

pad_vaw@yahoo.com

With support from the UN JOINT Programme to Facilitate
the Implementation of the CEDAW Concluding Comments

