
Committee on the Elimination of
Discrimination against Women
Third session

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Concluding comments of the Committee on the Elimination of
Discrimination against Women: Philippines

Initial report

69. The Committee considered the initial report of the Philippines (CEDAW/C/5/Add.6) at its 32nd, 33rd, 36th and 37th meetings, held on 29 March and 2 April 1984.

70. The report was introduced by the representative of the State party who said that it covered the period between 3 September 1981 and 31 August 1982 and had been prepared by the National Commission on the Role of Filipino Women, in co-operation with various governmental and non-governmental agencies. Created in 1975, the National Commission had been entrusted with the task of accelerating the integration of women in the economic, social, political and cultural development of the country. All the measures mentioned were the continuation of efforts taken in the Philippines by both the public as well as the private sector to achieve equal treatment for women and to eliminate discrimination against them, even before the Philippines became a party to the Convention on the Elimination of All Forms of Discrimination against Women.

71. The representative of the State party gave a brief background on his country and its people and on the status and role of women, who comprised 49.8 per cent of the population and had always been in the mainstream of Philippine history. Women in his country had always managed to penetrate what used to be the "men's exclusive world", although the level of their representation in some areas was still very low.

72. He then supplied statistical data and quoted articles of the Constitution and other laws which embodied equal treatment and protection of women. But he also said that improvement in several areas was still needed and much remained to be done. In an effort to reach and include rural women and the urban poor in the national effort of integration for development, the National Commission had

launched a programme with the main objective of fully integrating women, men and youth for economic, social and cultural development through co-ordination of government and organized private efforts to maximize benefits for the people.

73. Regrets were expressed by the Committee that the useful and substantial information contained in the introduction to the report had not been supplied earlier and submitted as an addendum to the initial report, especially since the report was found to be difficult to study because of its format and structure. However, the Committee was impressed by the number of activities undertaken and measures implemented in such a short timespan, although many of them were still at the project stage. The opinion was also voiced that the initial report did not correspond to the information required by article 18 of the Convention because it did not contain the necessary information on the legal situation, or on other measures adopted to give effect to the provisions of the Convention, and it did not contain the legislative texts asked for by the Secretariat. As the report constituted mainly a programme of action, it was difficult for the Committee to evaluate the status of the application of the Convention in that country. Several experts wanted to have a copy of the introductory remarks made by the representative of the State party.

74. Concern was expressed that only one third of the relevant institutions had answered the questionnaire. Concern was also expressed by some experts at the severity of the penalties foreseen for certain crimes and, in particular, for the crime of rape. They wondered about a model or prototype which led the legislator to enact such penalties.

75. More information was sought on the nature and functions of the National Commission and the kind of obstacles that hampered its work. In case the Commission had no authority to take action to promote the equality of women, the Committee wanted to know whether other organs had such authority and whether the Commission would take into account the views of other women's associations.

76. Many experts asked for more concrete explanations concerning the statement made in the report that the national five-year development plan for 1983-1987 may provide an unfortunate set-back to women's rights to equal treatment, and wanted to know what measures were being taken to prevent more discriminatory acts against women. Serious concern was expressed at the method of classifying women as among special types of workers, together with the disabled and minors, in clear contradiction of the Convention. One expert asked what was the impact of the adoption of the Convention on national law. If the Convention became part of the legal system of the country, discriminatory laws should no longer exist. She also asked whether in cases of contradiction the later law derogated the earlier one, and wanted to know what had prevented the Government from amending the laws. Since the discriminatory laws existed in that country, she requested some explanation as to the meaning of the sentence contained in the report that "there was a continuing need to identify gaps between de jure and de facto discrimination against women", and she wanted to know whether there existed minorities in the country and, if so, whether women belonging to such minorities enjoyed the same rights as women in general in the Philippines. It was asked whether any legislative measures had been undertaken to implement articles 2, 3 and 4 of the Convention, and the impression prevailed among the experts that no measures existed to guarantee the equality of both sexes before the law. Some experts wanted to know whether any progress had been made in reviewing the Civil Code with a view to eliminating discrimination against women and what were the contents of the laws that were to be amended.

77. It was felt that the percentage of women in high managerial positions was low, and some experts wanted to know what was being done to encourage women to assume higher positions. Some experts asked whether women were discriminated against in professional life and if they had a right of recourse in cases of professional discrimination. It was also asked whether there was equal pay for equal work. Furthermore, one expert wished to know whether cases of discrimination could be brought before a court and whether sanctions were foreseen.

78. As regards measures taken in "private sectors", one expert required clarification as to which private sectors were endeavouring to eliminate discrimination against women. More information was also sought on the discriminatory practices referred to in the report.

79. Some experts asked what the position of women was in political life, whether women had the same voting and other political rights as men and what the voting age was. It was asked who could make nominations for electoral lists and how many women were put on such lists. Furthermore, the Committee wanted to know whether the Philippines had adopted or ratified the Convention on the Political Rights of Women. Clarification was also sought on the meaning of a statement made on page 31 of the report that all promotions took effect as per prescription made by the Civil Service Commission. One expert wanted to know whether the appointment and election of women to high governmental positions was done by quota.

80. Positive comments were given with regard to the efforts made to eliminate sex-based prejudices and to make husbands more aware of the shared responsibilities in maternity and child-rearing. One expert wished to know whether a family court existed, whether provision was made for joint custody of the children and maintenance of the wife after dissolution of the marriage, what sort of matrimonial system existed, and what was the situation of children born out of wedlock.

81. As women had the right to maintain their maiden name after marriage, information was sought about the name of the children. It was asked whether a single woman could adopt a child. As a marriage licence was not issued to a widow before 300 days following her husband's death, it was asked whether the same constraint applied to a widower, a divorced woman and a divorced man.

82. Questions were asked as to whether measures had been taken by the Government to facilitate the life of a woman who was confronted with the double burden of household duties and professional tasks and whether the age of retirement was different for women and men. One expert inquired about the existence of a special programme for women who worked in agriculture and about the percentage of women who could not find paid work.

83. Several experts wanted to know whether boys and girls had similar educational opportunities, how many fellowships had been granted to girls and what was the percentage of women students in courses where traditionally males predominated. It was also asked whether and in what way girls were encouraged to study beyond primary level and what measures had been taken in general to raise the educational level of women. One expert wanted to know what percentages of girls attended and finished school.

84. Questions were raised as to whether abortion was allowed and under what circumstances it could be obtained as well as what was being done to eradicate prostitution.

85. The Committee asked for clarification as to whether women could obtain a bank loan and conclude contracts without the consent or permission of their husbands.

86. As the country consisted of many islands, it was asked whether remote islands had the necessary infrastructure to enable the population to enjoy social well-being and social welfare.

87. One expert voiced the idea that over-protective legislation might easily lead to negative results. He mentioned the project for menstruation leave and prohibition of night work for women, both of which may be counter-productive in terms of equality. He asked about specific measures to promote and facilitate the participation of women on the labour market in traditionally male-dominated areas, and inquired whether the counselling programme on how best to combine work and home duties concerned men as well as women. He did not consider the practice of making the woman the keeper of the purse a step towards equality and stated that the sharing of responsibilities was preferable.

88. More information was sought on the role played by women in peace-related activities.

89. Several experts remarked on the severity of the law regarding rape of girls under 12 years of age and inquired about the background to that law as well as its present application regarding the rape of adolescent and adult women.

90. With regard to the labour law, clarification was requested regarding provisions made for Filipino women working in Hong Kong and it was pointed out that those provisions should be made to apply also to Filipino women working in other countries.

91. In general it was stated that the report lacked information such as empirical data on employment patterns, education and literacy, and it was difficult to make any judgement on that basis; it was requested that such data should be provided in the next report in order for the Committee to arrive at certain conclusions.

92. There was also a lack of information pertaining to the overall legal framework relating to the conditions and status of women in the country. It would be desirable, it was said, that that aspect of the report be strengthened in the future. An example was cited in which, though the constitution seemed to provide for the equality of men and women, the provision was too general.

93. The report did contain a matrix of activities as well as annexes which gave a breakdown of departments and institutions in charge of implementing several articles of the convention. However, no reference was made to articles 9 and 15 of the Convention, which were very important. It was of course noted that the Government of the Philippines had submitted its report prior to the adoption of the Committee's guidelines on the subject.

94. The question of citizenship and nationality was also referred to and several experts asked about the relevant guarantees and provisions.

95. With regard to laws prohibiting the practice of prostitution, it was asked whether those laws also penalized the client since those who benefited from the trade in white slavery walked away with impunity while the real victims were severely penalized. Inquiries were also made regarding the rehabilitation and

education of prostitutes, their integration into society and the protection of their rights. More specifically, the role of the organization which monitored hospitality girls was questioned as to whether it was a trade union or a re-education type of organization.

96. The creation of the National Commission was noted and more information was requested on its activities and aims.

97. More details were requested on programmes and activities related to rural women, which comprised 49 per cent of the population, as well as statistics relating to unskilled labour and the percentage of women involved in it.

98. Although the principle of equal pay for work of equal value seemed to be accepted, it was asked whether in reality it was practised. There also seemed to be certain discrimination regarding labour since women were not allowed to work at night.

99. Finally, it was noted that the Government seemed to be making efforts to implement the Convention but that there were areas which still remained to be answered and addressed. One such area where more explanation was needed was how the law addressed single women as compared to married women. In addition, concrete examples were needed on the actual results of studies that had been completed by the Government and how it intended to act on them.

100. In replying to some of the questions raised, the Permanent Representative of the Philippines to the United Nations, in his capacity as representative of the State party explained that in his perception, there were cultural and traditional aspects in every country which could not be legislated. His culture regarded both sexes not as equal but as complementary to each other.

101. He took note of the reservations made in the presentation of his country's report and noted that it covered only the period from 3 September 1981 to December 1982, and that it outlined measures concerning the Convention undertaken by the Government during that period.

102. Answering the question related to widows, he explained that the law had in the past been designed to protect the inheritance of a child born of a deceased father. The change from 300 days to 30 days was because, scientifically, pregnancy could now be determined at an early stage.

103. Referring to the law on rape, he stated that honour and family were the highest concepts of life in his culture and the honour of a husband, father or brother was affected if such a thing happened to a woman in the family. The crime, thus, was considered abominable and therefore required due punishment.

104. As to the extension of maternity leave to fathers, such a law was being studied although in the private sector it was already being practised by some companies.

105. In responding to questions raised by the experts, the representative of the State party expressed some personal views and perceptions on the role of women in the Philippines. He said that it was preferred that its women retain their femininity and gentleness because, in such a way, they had obtained many advantages and progress. It was for that reason that no women's liberation movement had

existed in the Philippines. He said that other questions would be answered during the session by a designated member of his Government.

106. At the 36th and 37th meetings of the Committee, held on 2 April 1984 the Third Secretary of the Permanent Mission of the Philippines to the United Nations, as representative of the State party, provided answers to questions raised by the Committee.

107. She stated that the National Commission had been established as a national mechanism to review, evaluate and recommend measures including priorities, to promote the full integration of Filipino women in the social, economic and cultural development of the country at the national, regional and international levels. One of its functions was to advise the President in formulating policies and implementing programmes to increase the contribution of women to the national development of the country. The Commission had been assigned the task of monitoring the implementation of the letter of instruction issued by the Government regarding the integration of women in national development. This directive applied to those in public as well as private employment and was one of the measures taken by the Government to increase the number of women in policy-making and decision-making positions. Furthermore, the President of the Civil Assembly of Women, the umbrella organization under which 75 women's associations operated, was one of the members of the Commission.

108. The Philippines was a party to several conventions of the United Nations which formed part of national law, as stated in section 3, article II, of the Philippine Constitution.

109. Laws regarding the family had been introduced to protect women within the family. However, there were some which were still discriminatory to women. Examples of such laws were: a daughter above 21 but below 23 was not allowed to leave home without parental consent except to become a wife, or when she exercised a profession or calling or when the father or the mother had contracted a subsequent marriage. Sons of the same age did not face any such restriction. Another law was that which forbade a wife without the consent of the husband to receive any gift by gratuitous title, except from ascendants or collateral relatives. A husband might object to his wife's exercise of a profession or occupation, while a woman could not object to her husband's exercise of a profession. In addition, the wife's mobility was subordinate to her husband's choice of residence and the husband was considered the administrator of conjugal property. Although the above provisions existed, they were generally not practised and at the present time a review of those laws was being carried out in order to change them.

110. Divorce, she said, was not recognized under Philippine law except for the Muslim population. Nevertheless, legal separation was allowed. In that case, the court determined the custody of children. Children below five years of age stayed with the mother.

111. All family planning methods were allowed, except abortion, which was permitted on therapeutical grounds only.

112. As a result of a reorganization of the judiciary, the family courts had been abolished and their functions were assigned to specially designated branches of the regional trial courts.

113. Prostitution was a crime and it was punishable by law. Those engaged in it and the procurers were all subject to prosecution. It was recognized in her country that the main cause for the problem was economic, and the Government, women's organizations and trade unions were working together to train and provide employment for the affected women. It should be noted as well that sex tourism as depicted by the media was being organized by travel agencies based in foreign countries. In reaction, the Government had made representations to foreign Governments in order to stop the promotion of sex tours. The Ministry of Tourism had issued an order to travel agencies to discontinue those tours under penalty of cancellation of their permits.

114. Women in the Philippines had made great progress in the political life of the country. They had won the right to vote as early as 1937 and had been members of the National Assembly, governors, and mayors. In the 1978 National Assembly election, 49.96 per cent of voters were women. There were no laws or practices that prohibited any women from seeking election to public office. During the 1981 Presidential election, one of the candidates was a woman.

115. Regarding education, as stated earlier, women enjoyed equal opportunities with men. There were more women enrolled in the tertiary level than men, thus preparing them for professional, technical and vocational employment. Some statistics were as follows: college education, 54.23 per cent; graduate education, 63.99 per cent; post-graduate education, 64.69 per cent; and technical/vocational, 50.53 per cent.

116. Finally, any complaint regarding employment, including the issue of equal pay for equal work, was brought to the attention of the Ministry of Labour and Employment where it was handled by the National Labour Relations Commission and such cases had been successfully solved.

117. The Committee took note of the replies and several experts' wishes to record their objections and reservations at the statement made by the Permanent Representative of the Philippines to the United Nations at the 33rd meeting of the Committee. It was considered an insult to the Convention and the Committee as well as to all experts present. It was further asked whether the views of the Permanent Representative were a reflection of official policy. The concept of harmony or complementarity of the sexes as stated by him served only to perpetuate the traditional roles of, and views held by men about, women.

118. Many other experts joined in the opinions already expressed by fellow speakers that the statement made by the Permanent Representative constituted disrespect for the Committee and for its members. Some of them noted the fact that he had made his remarks in his personal capacity, but others emphasized that representatives of State parties normally reflected the opinion of their Governments and did not express their personal views. They were grateful to the representative of the State party for the answers she had given to some of the questions, even if the replies were not exhaustive. They showed that the Philippines was very active in matters of social development, although the de facto situation revealed that the Convention had not yet been fully implemented in that country.

119. In reply to a question as to whether a contradiction existed between some laws in that country which were discriminatory against women but which did not seem to be implemented in practice and the fact that where no such laws existed women were protected by custom, the representative of the State party said that in her country not everything was protected only by law, and there was no conflict between law and

practice. While some laws provided for a number of restrictions, they were rarely invoked, and women enjoyed more freedoms and rights. Besides that, the Government was in the process of reviewing those laws.

120. Other questions asked referred to the provision that widows could not marry until 30 days after the death of their husband, which was found by a few experts to be discriminatory. Experts inquired about the impact that the Convention had had on the national law apart from being just incorporated as provisions of international law, about the role of women in the preparation of new legislation concerning the family and whether women in the Philippines were satisfied with playing a part or influencing events through their husbands. One expert also asked whether it was true that there was no women's liberation movement in the Philippines.

121. The representative of the State party further said that her country had become a State party to a number of international conventions. She also stated that the Committee which was now drafting revisions of the Civil Code was headed by a woman and the membership was composed of both men and women.

122. The representative of the State party also replied to the questions concerning implementation of article 9 on the nationality of married women and their children, the full rights enjoyed by unmarried women and the right of married women to administer and control their paraphernal property, as well as the labour union proposed for women working in restaurants and amusement places as hospitality girls, and she explained why research on Filipino women employed in Hongkong was being made, namely, that there was a big number of them doing domestic work there.

123. She explained that the Permanent Representative of her country had introduced the report in his capacity as representative of his country; some of his replies reflected, however, his personal opinion. She expressed regret that the views put forward by the Permanent Representative had offended the feelings of the experts and said that all comments made would be referred to him for his information.

124. Subsequently, the Ambassador of the Permanent Mission of the Philippines to the United Nations sent a written apology for the remarks made in his replies to the question of the experts, explaining that no insult was intended.