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## **Filipino Women's Human Rights in an Environment Hostile to the Realization of the Women's Convention**

When the Philippine government ratified the CEDAW in 1981, it submitted itself to legally-binding commitments to promote women's human rights and take national action to ensure that they access and enjoy these rights. Tragically, after more than two decades, little progress has been made, and the Convention continues to be flagrantly breached.

### ***Women's Economic Disempowerment***

Women's economic empowerment is one of the areas of concern the Philippine government promised to as part of efforts to facilitate the implementation of the CEDAW. However, the difference between policy and practice has yawned wider over the years, spelling more disempowering than empowering conditions for millions of Filipino women in the country and abroad.

The Philippines currently has an employment crisis, as manifested by unemployment and underemployment figures which if taken together would comprise more than 30 percent of the labor force. These figures have not really improved since 2000.<sup>i</sup> This employment crisis can be traced to a weak agro-industrial base further eroded by liberalization policies, which allowed a deluge of cheap imports resulting in the ruin of local producers and the displacement of huge numbers of workers.<sup>ii</sup> There is considerable evidence to show that women suffer more under these circumstances<sup>iii</sup> despite their seeming advantage in the arena of education where they perform better than men in simple literacy, enrollment and completion at elementary, secondary and tertiary levels.

Statistical evidence shows that education does not translate into better levels of labor force participation for women, which has been going down since 2002 and now stands at 49.8 percent for women vs. 79.8 percent for men.<sup>iv</sup> This means that women's economic activity as traditionally defined is limited by factors other than education. The fact that almost half of women are classified as housewives who do not "work" is one huge limitation. The demands of child care and housework during the childbearing years comprise one major reason for women not to participate in the labor force. Thus, in terms of overall employment, only 46.1 percent of women had jobs compared to 74 percent of men in 2005.<sup>v</sup>

Conditions are most dismal for rural women, whose work in both production and social reproduction is largely unpaid to begin with. Many of them have no access to land and other production resources, much less to social protection. Rural poverty incidence has hardly budged. Provinces in the island of Mindanao, where the largest concentration of ethnic minorities and indigenous peoples can also be found, consistently post the lowest human development outcomes relative to other regions.

Formal employment opportunities for Filipino women have increased but mainly in export-oriented industries concentrated in economic zones where cheaper and compliant labor is desired. Women

comprise 80 percent of the 545,000 workers employed in these zones, and are mainly to be found in the electronics industry responsible for as much two-thirds to three-fourths of total exports in the last decade. The numbers of women are also rising in the call centers that are sprouting all over the country. Employment in this sector has registered phenomenal growth in recent years, and the latest estimate in 2005 is 162,250 jobs. Most of the centers are big foreign players drawn by the huge wage differential -- a Philippine customer service representative for example earns \$1,689 while someone based in the US will get \$25,000.<sup>vi</sup> Attrition rates in call centers can be as high as 50 percent because workers, largely female, experience a lot of deskilling and stress.

The millions of workers driven out of formal employment as local industries decline partly make up the unregulated, unprotected informal economy. Based on the latest National Labor Force Survey, informal sector workers now comprise 76 percent of total employed. A process of de-unionization is attendant to the ballooning of this sector. A mere 10 percent of the employed is currently covered by unions, and only one-third of union members and one-fourth of union leaders are women.

The large numbers of women in the informal economy is not coincidental, as they are the first to lose their jobs when the economy contracts. They have to contend with marginal occupations, many of which are extensions of their reproductive work (childcare, domestic chores), to ensure family survival. Deemed as “secondary, supplemental, and ‘overage’” earners, they are also edged out of new job opportunities in the formal sector. Majority of employed women (6.2 million or 53 percent in 2002) belonged to the informal economy<sup>vii</sup> where they suffer from below minimum wages, the lack of job security and social protection, unsafe working conditions, and poor access to credit, markets, technology and other support services.

The rise of labor migration (as high as 3,000 a day) can be traced to the very paucity of decent economic opportunities at home. A majority of the over one million Filipinos who left for employment abroad are women. ‘Brain drain’ and deskilling of Filipino workers” are attendant to this trend. Still, with all the problems encountered by those working abroad, the state encourages such migration. Truly, trade in people seems to be the most lucrative for the country, and human beings now comprise the leading Philippine export.

### ***Women and the Environment***

The despoliation of the Philippine environment as a result of profit-driven development has been an alarming trend for decades. Among the disturbing phenomena are extensive deforestation, destructive fishing, air and water pollution, clogging of waterways by solid waste, and the floods and landslides attendant to these. “These affect women’s livelihood, food security and overall health and well-being, thus limiting their participation and empowerment.”<sup>viii</sup> With environmental degradation has come climate change, the consequences of which are most felt by a country that is already in one of the most disaster-prone regions of the world. Those with the greatest vulnerabilities to disasters are the economically disadvantaged who neither have the facilities to protect them from natural hazards nor the resources to weather and survive the aftermath. Women and children further suffer from the lack of government investments into community development and disaster-preparedness programs.

Women’s knowledge of biodiversity has been used as a source of water, food, medicines and livelihoods. But with the drive to further open up the country’s resources to foreign investments and capital with government’s liberalization of the mining industry, more ancestral domains are being targeted for exploration by foreign firms. It is estimated that 49 percent of the indigenous peoples is comprised of women.

For indigenous women and Muslim women, the environment is linked not only to their economic sustenance; it is also entwined with their cultural, social and spiritual life as a people. This reality, however, is unrecognized by a government insensitive to these women's cultural rights.

The clearest assaults of corporate globalization on the country's resources and people can be seen in the phenomenon of development aggression. Government, transnationals and international financial institutions euphemistically term as "development" the clearing of land and forests for dams, plantations and large scale open-pit mining, among others, with little thought for the sustainability of such activities and the destruction wreaked upon local populations, particularly the indigenous peoples.

### ***Violence Against Women (VAW)***

Despite women-friendly, gender-responsive laws, the persistence of patriarchal values and norms of machismo, and the culture of corruption and impunity constrain effective implementation. The number of VAW cases reported to the police increased six-fold, from 1,100 in 1996 to 6,505 in 2005. The highest recorded number of VAW cases in the police department peaked in 2001 at 10,345. In 2005 police and social welfare records identify physical injuries/battering as the most common types of reported VAW cases, followed by rape. Recently reported government figures on the Philippines' commitments to the Millennium Development Goals estimates 2.2 million Filipino women or nine percent of all women ages 18 years and above experienced violence inflicted by their partners. Also, it reports that in the past two years, around 70 percent of child abuse victims were girls and about 40 percent of cases were sexual abuse and exploitation.

The Philippines continues to be seen as a source, transit and destination country for cross-border trafficking of women and children for sexual exploitation and forced labor. It is estimated that 60,000 to 100,000 children and over 100,000 women are trafficked internally and externally annually. ILO for its part estimates 500,000 women in prostitution. Other sources report that there are at least 100,000 children who are in circumstances of sexual exploitation including prostitution, pornography, and as victims of pedophilia. Push and pull factors persist, widening the net for women and girls' recruitment into the industry, both in the Philippines and abroad. With the unregulated accessibility of information communication technology, and the increased emphasis on strengthening dollar-earning industries, sex tourism and trafficking in women and mostly girl children are growing at alarming rates despite the passage of the landmark Anti-Trafficking in Persons Act of 2003. The country continues to be a source, transshipment point and destination for trafficked and smuggled persons, mostly women and children....(Philippine Center on Transnational Crime) NCRFW estimates a total of 25,000 to 35,000 Filipino women who are victims of trafficking every year. This figure is equivalent to 50% of all women victims of trafficking in Southeast Asia.<sup>ix</sup>

### ***Sexual and Reproductive Health Rights***

The clout of the powerful Catholic Church is unavoidably sought by members of local clans who seek public office or politicians who want to keep their hold on power. The Church, in turn, plays politics with those who support its conservative agenda. Thus, even with the categorical separation of the Church and State in the Constitution, the divisions are in reality blurred and highly malleable. Filipino women's well-being are inevitably sacrificed in this *quid pro quo* arrangement that swings votes for one, and preserves the gender-insensitive doctrines of the Catholic Church for the other. Currying favor from the Catholic Church, for instance, has meant laggardly action by Congress on a proposed Sexual and Reproductive Health Rights bill and a consistent refusal to endorse the use of artificial contraceptives.

Filipino women are still without any national legislation on their reproductive rights. It is obviously *realpolitik* that defines government's actual operating framework on sexual and reproductive issues, which is to compromise, and even surrender women's enjoyment of their rights in order to accommodate the church and other conservative allies. Government's own figures paint an appalling picture of the reproductive health conditions of Filipino women today, with high unmet needs for contraception. Estimates place of nearly half a million women having induced abortions yearly, with thousands dying from complications. Still, government continues to over privilege natural family planning (NFP), strengthening religious prejudices against those who opt to choose artificial contraceptive methods.

The heterosexist bias manifested in the invisibility of lesbian rights and health in government programs predictably trickles down the public health bureaucracy. There is still no anti-discriminatory legislation protecting lesbians. Monitoring and assessing lesbian health conditions and needs remains difficult because of low levels of awareness and the proliferation of misconceptions attached to lesbian identities. In turn, this impairs access to and availability of appropriate health care services.

The neglect, even determined suppression of women's sexual and reproductive health rights becomes even more deplorable when seen alongside other health issues that women have to endure. Basic health services do not enjoy the top-priority status that government awards to debt payments, and have suffered the biggest cuts in the national budget. Many rural health centers have closed down or are barely operational and qualified health professionals are joining the migrant labor force in ever-increasing numbers.

### ***Women's Participation in Public Life***

The ever-increasing imbalances in entitlements and access to resources provide fertile ground for corruption in Philippine politics to flourish, which in turn, compound the difficulties that are stacked against women's participation in public life. Recent surveys report that seven out of ten Filipinos see government corruption as growing worse in the last three years, and further worsening in the future.

The constriction of democratic spaces becomes even more apparent in Philippine elections. Issues of vote-rigging in the last 2004 elections remain unresolved to this day and continue to fuel popular protest. Local elite dominate elections in the country routinely capitalizing on the economic vulnerabilities of the poor to ensure election outcomes. Predictably, the legislature that these electoral exercises have produced continues to provide an arena for horse trading, church and big business interests included, with little space for the voices of the basic sectors to be heard. Despite an increase in the number of women legislators, the Philippine Congress remains elite<sup>x</sup> and male-dominated. Many of the women who have succeeded in winning congressional seats are themselves members of elite clans maintaining their hold on legislative power.

While the Constitution provides that "Legislative bodies shall have sectoral representation as may be prescribed by law", no facilitating mechanism has been created. The same is true in relation to realizing the Local Government Code, which mandates local sectoral representatives from social sectors, among them, women, workers, urban poor, indigenous cultural communities, etc., to be elected as members of municipal, city, and provincial councils nationwide. Thus, women and other disadvantaged groups are again deprived of opportunities to increase their voices in decision-making processes.

Women's groups together with civil society organizations have been involved in various demonstrations against electoral fraud, impoverishment, and other oppressive realities. However, government's response has many times been vicious and punitive. Women activists and leaders have been among those beaten, harassed, arbitrarily arrested and detained by the police. The frequency of

killings and arrests are growing to such a degree that some political analysts fear a return to martial law, or a form of constitutional authoritarianism.

These developments spell the continued narrowing of already limited spaces for women's participation, especially the most marginalized and excluded sections. These also dampen initiatives of women's organizations that would have more actively engaged in public life under more democratic circumstances.

### ***Beyond noting gaps in state compliance***

The gravity of deep and historical inequities that impede rather than advance women's human rights highlights the fact that the Philippine government has not substantially addressed them. As problems persist and pervade, and exact an increasingly heavier toll on women, the need for addressing structural causes becomes doubly urgent.

It is important to stress that the women's movement in the Philippines has, through years of struggle deepened its repertoire of strategies for the realization of women's rights, maximizing alliances with gender advocates in government, in academe, and in civil society formations. These include the women-friendly laws passed because of our sustained campaigning. Notably, the Anti-Violence against Women and Children Act, the Anti-Rape Law, the Anti-Sexual Harassment Law are the concrete indicators of our victories in legislative advocacy.

While we continue pushing for the full implementation of these laws, we have also expanded our strategies to maximize other arenas, other instruments to institute stronger protective measures against VAW and to fight discrimination against women in all its forms. Just last year, close to a hundred women's organizations and institutions gathered their energies to participate in the shadow reporting mechanism for the CEDAW. We have also tapped into the mechanisms of the Special Rapporteurs on Indigenous Peoples and Human Rights to bring national and international attention on the gross lack of compliance by a States Party to its obligations. We are now engaging the Special Rapporteur on Violence Against Women to highlight the systemic political and economic roots of the violence that continues to be committed against Filipino women, whether in their homes or the larger society.

We tap into various mechanisms such as this Universal Periodic Review, the CEDAW Shadow Reporting and other mechanisms of the United Nations, with the recognition that their effectiveness is linked to the pursuit of ongoing women's immediate and strategic advocacies directions of changing the very systems that maintain the same and promote violations of women's human rights. The power imbalances in the country today, which cause and deepen inequities in access to and control over resources, must continue to be interrogated. By keeping these in mind, we can find a relevant place for the use of laws, covenants and other instruments in the transformative and emancipatory project that is the women's movement. As we do so, we also dynamically inform UN instruments, that their application may in time, move beyond noting gaps in the compliance of duty-bearers, and towards developing and instituting mechanisms and processes that are more strongly enabling of claim-holders' aspirations for genuine social change.

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<sup>i</sup> In 2000, unemployment was placed at 10.14 percent of the labor force, and underemployment at 19.9 percent. NSCB. 2005 Statistical Yearbook. Beginning 2005, unemployment figures became lower because of new criteria for defining the unemployed. Thus in April 2006, unemployment was placed at 8.2 percent, but underemployment was at a very high 25.4 percent.

<sup>ii</sup> The industrial sector – particularly manufacturing which is supposed to produce the most number of jobs as the country progresses – has been stagnant at 14-17 percent since the 1960s; in 2003, this was at 15.7 percent (NCRFW 2004, State of the Filipino Women Report. Chapter 2, p. 6). Agriculture showed a declining trend in employment from 1.7 percent in 1980 to 37 percent in 2003 (Ofreneo, Rene E. From core to periphery: Why has the Philippines failed to industrialize. In *A Nation in Crisis : Agenda for Survival* published by the Fair Trade Alliance.

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<sup>iii</sup> See for example the sections on Women and Poverty and Women and the Economy in *Beijing + 10 Celebrating Gains, Facing New Challenges – A Report of Philippine NGOs* published with the support of UNFPA, 2005.

<sup>iv</sup> Table 6. Employment Indicators: Women and Men Aged 15-Years and Over, 2002-2005. October 2002-2005 Integrated Survey of Households Bulletin NSO, National Statistical Coordination Board. Women and Men in the Philippines 2006 Statistical Handbook, p. 32. Table 2.4. Labor Force and Labor Force Participation Rate by Highest Grade Completed and Sex, Philippines: 2002-2004. However, women who finished college had more participation in the labor force than other women with lower levels of education.

<sup>v</sup> Table 6, *ibid*, p. 32. The employment-population ratio has not improved since 2002, when only 46 percent of women were employed compared to 73 percent of men.

<sup>vi</sup> Jorge V. Sibal, “Strengthening Offshoring in the Philippines: Issues and Concerns.” University of the Philippine Forum. July-August 2006.

<sup>vii</sup> NCRFW, 2004: Chapter 2, 18

<sup>viii</sup> Arma Bertuso, “Women and the Environment,” in the Beijing plus 10 NGO Report.

<sup>ix</sup> State violence in the Philippines: An alternative report to the United Nations Human Rights Committee, 2003

<sup>x</sup> A recent analysis of those recently elected to Congress showed that 76 percent of representatives are part of political clans with at least one member duly elected, or appointed in the post and/or currently holding office. “Clans rule: 76 percent of district reps in 14<sup>th</sup> Congress from dynasties,” GMA News Research, [http://www.gmanews.tv/story48797Clans-rule-76-percent-of-district-rep-in-14<sup>th</sup> –Congress-from-dynasties](http://www.gmanews.tv/story48797Clans-rule-76-percent-of-district-rep-in-14th-Congress-from-dynasties).