

# Philippines

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# Can Reforms Withstand Guns-and-Gold Politics?

A Report on the Philippines by Marlea P. Muñoz

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## INTRODUCTION

“Women in Power and Decision-Making,” or simply, women in politics, is not a widely held concern in the Philippines. A good number of non-governmental organizations (NGOs), for all their advocacies, do not include politics in their work. They may rub elbows with politicians, and from time to time coordinate with political leaders, but do not necessarily work with them on a sustained basis. In the popular mind, politics is for men and often, particularly come election time, is synonymous with guns, goons and gold.

“Politics” is a household term but to put women in power and decision-making is a different matter. Politics is seen as male-dominated, and despite some successful women in politics, the prevailing gendered roles of women prohibit them from immersing in politics. Many like to engage in politics but are either indifferent or outright resistant. They fear that changing the present power relations might jeopardize male authority and create instability.

Politics is also seen as a field for the privileged. One needs a great deal of money for electoral campaigns, even at the village level, which is at the bottom of the government hierarchy. Most people in politics come from the elite. Thus, even if dealing with politicians may benefit developmental work; NGOs see this as diverting women from addressing their core struggles. NGOs prioritize concerns that benefit underprivileged women and leave in depth involvement with politicians to others.

## LIMITATION OF THE REPORT

This report covers the period 1995 - 2003 with a few 2004 updates. The data are sourced from government agencies, NGO interviews and narrative documents. It is unfortunate that government data are fragmented and sometimes inconsistent.

## BACKGROUND

The electoral system mandated by the 1987 Constitution is as follows:

- The President and Vice President are elected nationally for a six-year term with no reelection allowed.<sup>1</sup>
- The Philippine Congress is bicameral, with a lower house of at least 200 representatives elected in single-member district constituencies for three years, plus “Party List” representatives that address “sectoral” or specific concerns. Representatives are limited to three terms. The Senate has 24 members elected for a six-year term nationally, with half of the members elected every three years. Senators are limited to two terms.
- Local government officials (governors, provincial councils, municipal and city mayors, municipal and city councils) are elected for a three-year term, with a three-term limit or a maximum of nine years service.
- Senators, representatives and local government officials are elected in midterm elections. During presidential election years, they may also be elected.
- Those with the most number of votes are declared winners.
- The Commission on Elections (COMELEC), a constitutionally mandated, independent body, supervises elections. A Political Party that would join the electoral process is required to register with the COMELEC with a verified petition that presents the party’s organization through its constitution, by laws, platform, and other information. Each party is required to have chapters in the majority of regions and provinces, down to towns and barangays.

Republic Act 7941 of 1995 provides for the party list system to give voice to significant minorities who would otherwise not be represented. Each voter may vote for a single party list organization. Organizations that garner at least 2% of the total number of nationwide votes are awarded one seat in Congress for every 2% up to a maximum of three. There can be at most, 50 party list representatives in Congress.

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<sup>1</sup>President Gloria Macapagal-Arroyo was allowed to run for another term because she was originally elected as a Vice President, succeeding President Joseph Ejercito Estrada when the latter was removed from Office.

ELECTIONS

Executive Branch: National

Within the period under review, two national elections are covered. The first, in 1998, saw Mr. Joseph Ejercito Estrada winning the presidency and Ms. Gloria Macapagal-Arroyo the Vice Presidency. Two years into his term however, Mr. Estrada faced impeachment and was subsequently removed from office through a people's unarmed uprising. Vice President Gloria Macapagal-Arroyo assumed the presidency and later appointed Senator Teofisto Guingona as her Vice President.

Table 1: Men and Women President and Vice President

Position Sex	1998		2004	
	Women	Men	Women	Men
President	0	1	1	0
Vice President	1	0	0	1

Sources: <http://www.nscb.gov.ph/stats/wmfact.asp>, [http://www.cld.org/elected\\_women\\_officials.htm](http://www.cld.org/elected_women_officials.htm)  
1998, 2004 COMELEC

Mr. Estrada's predecessor, President Mr. Fidel V. Ramos, came from the ranks of the military and civil military assignments and was one of the personalities involved in the 1986 EDSA uprising. President Ramos was perceived to have put government in order and given it direction. With regard to women's concerns, Mr. Ramos promulgated two Executive Orders: Executive Order 268 which amended his previous Order on the composition, powers, and functions of the National Commission on the Role of Filipino Women (NCRFW);<sup>2</sup> and Republic Act 7192 or the Women in Development and Nation Building Act of 1992.

Mr. Ramos' amendments specified that the government's department Secretaries or Undersecretaries should hold seats in the Commission. They also increased the number of NGO and private organizations representation from ten to twelve, adding Culture and general NGO representation. E.O. 268 also authorized the Commission to review its staffing pattern to better carry out its functions.

<sup>2</sup>The government departments named as part of the Commission: Labor and Employment; National Economic and Development Authority; Social Welfare and Development; Agriculture; Education, Culture and Sports; Health; Foreign Affairs; Interior and Local Government; Trade and Industry; and Budget and Management. Non-Government Organizations represent the following: Labor; Business and Industry; Science and Health; Education or Academe; Urban Poor; Indigenous Peoples; Peasants and Fisherfolks; Elderly and Disabled; Media and Arts; Youth; National Council of Women in the Philippines.

Another Ramos Executive Order is the adoption of the Philippine Plan for Gender Responsive Development (PPGD) from 1995 - 2025 otherwise known as E.O. 273. This is the successor of the Philippine Development Plan for Women (PDPW) with some instructional content. Aside from implementing the PPGD, the government was tasked to institutionalize Gender And Development (GAD) programs. Authority, such as the creation of interagency committees, issuance of order, circulars, or guidelines was vested in the National Commission on the Role of Filipino Women (NCRFW).

A deficiency in Mr. Ramos' tenure lay in the evaluation of the PPGD implementation. It did not allow for sufficient monitoring. Nevertheless, his presidency was marked by the passage of the following important laws:

1. R.A. 7941 (1995), the Party List System Act of 1995
2. R.A. 7877 (1995), Anti-Sexual Harassment Act
3. R.A. 8353 (1997), Anti-Rape Law

Mr. Ramos likewise went into peace negotiations with armed opposition groups, a step admittedly beneficial to women. Having been President Corazon Aquino's defense secretary and head of the police during the Marcos regime, Mr. Ramos was in a unique position to sign a peace agreement with the Moro National Liberation Front (MNLF)<sup>3</sup> in 1996, raising hopes for lasting peace in Mindanao in Southern Philippines. However, in the Ramos administration's drive to "pole vault" the Philippines into the league of newly industrialized countries, it also carved a trail of human rights abuses cloaked in the language of "development". From 1992 - 1997,<sup>4</sup> 153 cases of summary executions or "salvaging" of alleged criminals have been documented.

During Mr. Estrada's term, Republic Act 8505 or the Rape Victim Assistance and Protection Act was enacted. No other major developments on women's concerns were reported. Mr. Estrada also entered into peace negotiations with armed opposition groups but later declared all out war on them, particularly, the Moro Islamic Liberation Front (MILF).<sup>5</sup> The war resulted in massive displacement of Muslims in Mindanao, and women in armed conflict were further pushed to the margins. The Task Force Detainees of the Philippines (TFDP) documented 28 cases of extrajudicial executions under the Estrada government.

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<sup>3</sup>The MNLF, led by former university professor Nur Misuari, inked a peace agreement with Ramos in 1996. In 1998, Misuari became the governor of the Autonomous Region in Muslim Mindanao (ARMM), but his administration failed to deliver the necessary changes in the region, one of the country's poorest.

<sup>4</sup>Task Force Detainees of the Philippines, Philippines 2000: A Myth Shattered, Report on the Human Rights Situation (1996 - 1997), page 44.

<sup>5</sup>A splinter group of the MNLF, the MILF incurred heavy losses following the all out war campaign by the Estrada and Macapagal-Arroyo administrations. Still, the MILF maintains a strong presence in Mindanao despite the recent death of its chairperson, Islamic scholar Sheikh Hashim Salamat.

Mr. Estrada's inaction on women's issues, however, allowed the NCRFW to continue its groundwork of drafting policies and other similar actions. Women's organizations and other interest groups continued their research and advocacies for reforms.

Mr. Ramos and Mr. Estrada allowed more room for NCRFW to perform its functions. Mr. Ramos approved recommendations from the NCRFW, and Mr. Estrada did not block its moves. However, both were involved in the armed approach against the insurgents that adversely affected women in conflict areas.

When Ms. Gloria Macapagal-Arroyo became President, a number of women-related bills were enacted into law, not because she pushed for their passage, but because of the efforts of advocates from government and the NGOs. These laws are:

1. R.A. 8972 (2000), Solo Parents Welfare Act of 2000
2. R.A. 9201 (2003), Declaring December 4 to 10 as National Human Rights Consciousness Week in the country
3. R.A. 9189 (2003), Absentee Voting Law
4. R.A. 9208 (2003), Anti-Trafficking in Persons Act
5. R.A. 9262 (2004) Anti-Violence Against Women and Their Children Act

Ms. Macapagal-Arroyo did not officially approve the Framework Plan for Women (FPW), being unhappy with the use of the term "reproductive health" in the document. The FPW has three components: Women's Rights, Women's Economic Rights and Gender Responsive/Good Governance. The paper put reproductive health rights of women as part of Women's Rights. Ms. Macapagal-Arroyo reacted negatively to this in her State of the Nation Address of July 2003. Openly, she promotes limited sexual and reproductive health rights despite the Constitutional mandates for an integrated and comprehensive approach.

Like her predecessors, Ms. Macapagal-Arroyo has become party to perpetuating violence against women through her expressed support of militarism which culminated in her joining the "Coalition of the Willing" led by the United States as it invaded Iraq. Ms. Macapagal-Arroyo intensified ties with the United States through the Military Logistical Support Agreement and Campaign against Terrorism. The US Military is back on Philippine soil, years after the Senate voted the US bases out in 1992. Adding to this vexed situation, Ms. Macapagal-Arroyo is faced with cases of torture involving military and other armed elements of the government.

Table 2: Cases of Torture Under the Arroyo Government  
January 2001 - June 2003

AREA	NUMBER OF CASES
Luzon	9
Visayas	14
Mindanao	18
TOTAL NUMBER OF CASES	31
TOTAL NUMBER OF VICTIMS	88

VULNERABLE SECTORS (VICTIMS)	
Elderly	1
Women	7
Children	3

PERPETRATORS	NUMBER OF CASES
Philippine Army (PA)	20
Philippine National Police (PNP)	6
PA/PNP	1
Intelligence	1
Marines	1
NBI	2

*Documented by Task Force Detainees of the Philippines*

## Legislative Branch: National

The number of women in the legislature has not increased substantially. From 1995 to 2001, women senators remained a minority, occupying at most four of the 24 seats.<sup>6</sup> There was only one-woman senator for every five to six male senators.

In the current 13th Congress, three women join the remaining lone woman senator, bringing to four the number of women senators. This low number however does not mean that the Senate does not address women's concerns. Women related bills had been passed, even if there were only few women senators. This however, is more associated with party affiliation of senators sponsoring women related bills than support to women's rights.

<sup>6</sup>The number of seats decreases when Senators are appointed to portfolio positions or in cases of vacancy due to death, incapacity or impeachment.



Table 3: Women Senators and Representatives

Position \ Sex	1995 - 1998 (10 <sup>th</sup> Congress)		1998 - 2001 (11 <sup>th</sup> Congress)		2001 - 2004 (12 <sup>th</sup> Congress)		2004 - Present (13 <sup>th</sup> Congress)	
	Female	Male	Female	Male	Female	Male	Female	Male
Senators	4 16.6%	20	4 16.6%	20	3 15.8%	19	4 21.1%	19
Representatives	23 10.6%	192	27 12.3%	193	36 17%	174	36 18%	200

Sources: <http://www.senate.gov.ph/senators/lists.htm>  
<http://www.congress.gov.ph/members/index.php>  
[http://www.cld.org/elected\\_women\\_officials.htm](http://www.cld.org/elected_women_officials.htm)  
<http://www.ncrfw.gov.ph/insidepages/inforesource/inforesource.htm>

Sensitivity to women’s issues is not as crucial as party affiliation in evaluating a candidate for Senator or in her performance as an elected official in terms of support to women’s rights. Based on the experience of network organizations such as Sama-samang Inisyatiba ng Kababaihan Para sa Pagbabago ng Batas at Lipunan (Collective Initiative of Women for Transformation of Laws and Society) and AMEND (Alliance of Migrant Workers and Advocates to amend R.A. 8042), senators are inclined to take their parties’ stance on issues which are usually discussed in caucuses outside the formal senate sessions.

A case in point is the process by which the Senate approved the Anti-Violence Against Women and Their Children Act. The head of the committee is a woman senator who may have limited mastery of the Senate Bill and was not able to fully expand on the bill but the senators from her party favorably deliberated it. When the minority and the majority agreed to list their preferred bills, the caucus of the minority agreed that they would ask the majority to pass this particular law, it being sponsored by a party member. In short, the sex of the head of the Committee on Women did not matter at all.

This kind of move was applied on the proposed bill to amend the Migrant Workers’ Act. When the minority party listed down their priority bills, the migrants’ bill was not included. Though the proponent was a male senator, and has a good number in the minority and the majority, he was not successful in bringing in male votes to pass the bill; instead, the party decision ruled.

In terms of leadership in Congress, since the two chambers’ inception to the present, not a single woman has become Senate President or Speaker of the House. At the Committee levels, the chairpersons come from the Majority Party or Administration Party. There are fewer chances for women in the Majority Party to become committee heads and even less if women senators are in the minority or the Opposition Party.

The committee consistently assigned to women senators is the Committee on Youth, Women and Family Relations. During the 10th Congress, out of 4 women senators, only two headed permanent committees. This number rose in the 11th Congress due to the presence of a woman lawyer senator and another with experience in government bureaucracy. In the 12th Congress, women senators were assigned to traditional areas where women were expected to be involved. In all the Congresses, aside from women losing chances because of their number and Party affiliation, women are deterred by the fact that they are asked for credentials in handling Committees while their male counterparts are not.

Of the 213 bills enacted into law from the 10th to the 12th Congress, only nine may be considered related to women, echoing concerns articulated in the Beijing Platform for Action (BPFA) and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). The women related laws constitute barely 5% of the total number of enacted laws. The laws are:

1. R.A. 7941 (1995), the Party List System Act of 1995
2. R.A. 7877 (1995), Anti-Sexual Harassment Act, which declares sexual harassment unlawful in the employment, education, or training environment
3. R.A. 8353 (1997), Anti-Rape Law
4. R.A. 8505 (1998), Rape Victim Assistance and Protection Act
5. R.A. 8972 (2000), Solo Parents Welfare Act of 2000
6. R.A. 9201 (2003), Declaring December 4 to 10 as National Human Rights Consciousness Week in the country
7. R.A. 9189 (2003), Absentee Voting Law
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### Local Government Units

Male-domination on the national level executive and legislative positions is also reflected on the local level. From the 1998 to 2001 elections, the ratio of women to men in the legislative bodies remained at 1:5, a figure similar to that of the Senators and Representatives. At the executive level, there was a decrease, from 1:6 to 1:5.

Data culled from the Department of Interior and Local Government (DILG), as of December 2003, show a total of 5,350 women and 36,567 men serving as barangay captains. This is a ratio of 1:7, which is close to the ratio of the other higher officials at the local government level.

For the lower positions such as barangay secretary and barangay treasurer, the ratio of women to men is 2:1. These positions however are not elected

but appointed by the barangay captains. Furthermore, said positions' tasks are extensions of the stereotype roles of women such as keeping records and funds. These tasks are the assumed women's roles in families and even in schools. The challenge at the local level is how women can become leaders able to handle difficulties in governance. Based on the profiles of those elected, most of the women were wives, sisters, or close relatives of former officials who could no longer legally run for office but liked to maintain power. Although some women independently enter politics, when they get elected, they are usually pressured for favors to former officials and their allies with private interests.

Most of the favors asked are employment and infrastructure project contracts. The pressure is distinct at the local level and affects not only women but also the men leaders. Those pressured have little means to deal with influential people. Their jurisdiction is geographically small and their resources are basically under higher official control.

Table 4: Permanent Committees at the Senate Headed by Women

<b>1995 - 1998 (10<sup>th</sup> Congress)</b>	<b>1998 - 2001 (11<sup>th</sup> Congress)</b>	<b>2001 - 2004 (12<sup>th</sup> Congress)</b>
<ol style="list-style-type: none"> <li>1. Constitutional Amendments, Revision of Codes and Laws</li> <li>2. Youth, Women and Family Relations</li> <li>3. Science and Technology</li> <li>4. Illegal Drugs</li> <li>5. Urban Planning, Housing and Resettlement</li> </ol>	<ol style="list-style-type: none"> <li>1. Constitutional Amendments, Revision of Codes and Laws</li> <li>2. Youth, Women and Family Relations</li> <li>3. Government Corporations and Public Enterprises</li> <li>4. Civil Service and Government Organization</li> <li>5. Education, Arts and Culture</li> <li>6. Social Justice, Welfare and Rural Development</li> <li>7. Tourism</li> <li>8. Economic Affairs</li> </ol>	<ol style="list-style-type: none"> <li>1. Health and Demography</li> <li>2. Youth, Women And Family Relations</li> <li>3. Public Information And Mass Media</li> </ol>

Sources: <http://www.senate.gov.ph/senators/lists.htm>  
[http://www.guide2womenleaders.com/philippines\\_parties.htm](http://www.guide2womenleaders.com/philippines_parties.htm)  
<http://www.guide2womenleaders.com/Philippines.htm>  
[http://www.guide2womenleaders.com/philippines\\_local.htm](http://www.guide2womenleaders.com/philippines_local.htm)

To protect themselves from unscrupulous influential people, officials at the lower level have to manage their resources well and reinforce this with the support of their constituents. These are not easy tasks for women who may not have the proper training and preparation for public office. This kind of pressure may be more difficult to resist in the local than those in national positions. At the national level, political leaders can always refer to other controlling mechanisms of government such as accounting, auditing rules and viability criteria. Hence, they can divert the pressure to other government agencies responsible for overseeing their actions. If a woman is not prepared to resist this kind of politics, she will end up being part of a system that does not address public concerns, particularly women's. If women fail as leaders, a male biased society can easily attribute their downfall to their sex. When men fail, society usually refers to other reasons such as lack of political support, lack of budget, lack of personnel, etc. These ascriptions still prevail in Philippine society.

In some areas however, many women's organizations have been addressing the issue of women political leadership by providing transformative leadership training. Other women political leaders have also affiliated with women Party List organizations to enhance their leadership role and at the same time enlarge their mass base. These efforts need further support from other civil society organizations as well as government.

All in all, women in the Philippines have barely gained ground, as there are five men for every woman that gets elected. This ratio has been sustained for the elections of 1995, 1998, 2001, and 2004.

Table 5: Men and Women in Local Government Units

Position	Women	Men	Main Source
Governors	15	62	2001/COMELEC
	13	65	1998/COMELEC
Vice Governors	10	67	2001/COMELEC
	9	69	1998/COMELEC
Board Members	120	607	2001/COMELEC
	102	617	1998/COMELEC
Mayors	241	1,301	2001/COMELEC
	239	1,358	1998/COMELEC
Vice Mayors	192	1,356	2001/COMELEC
	179	1,418	1998/COMELEC
Councilors	2,198	10,467	2001/COMELEC
	2,181	10,876	1998/COMELEC
TOTAL	2,776	13,860	2001
	2,723	14,403	1998

Sources: <http://www.nscb.gov.ph/stats/wmfact.asp>  
<http://www.dilg.gov.ph/index.cfm?FuseAction=lgu.mayors>  
[http://www.cities-localgovernments.org/iula/upload/docs/stateofwomeninurbanlocalgovernment\(philippines\).pdf](http://www.cities-localgovernments.org/iula/upload/docs/stateofwomeninurbanlocalgovernment(philippines).pdf)  
<http://www.ncrfw.gov.ph/insidepages/inforesource/inforesource.htm>

## Judiciary

Members of the Supreme Court are Presidential appointees. The Judicial Bar Council (JBC) nominates potential Supreme Court judges to the President. “The Judicial Bar Council is a constitutionally created body that ensures that the President’s choice of appointees to the Supreme Court is limited to persons of proven integrity and to avoid political patronage in the appointments. The Constitution states that the President shall issue the appointments in the lower courts, within ninety days from the submission of the list by the JBC.”<sup>7</sup> This type of appointment differs from the other Presidential appointments in not needing confirmation from the Commission on Appointments.

In the higher courts, the ratio of women to men judges has remained at 1:4 from year 2000 to the present. It is important to note that though there has been an increase in the number of seats in the Court of Appeals by seven from year 2000 to 2004, men got six and only one seat was allocated to a woman. The increase in the number of women judges at the Supreme Court is a minimal 2.

<b>Position  Sex</b>	<b>Year</b>			
	<b>2000</b>		<b>2004</b>	
	<b>Women</b>	<b>Men</b>	<b>Women</b>	<b>Men</b>
Supreme Court	2	13	4	11
Court of Appeals	9	35	10	41
Sandiganbayan	3	12	3	12
TOTAL	14	60	17	64

Sources: NSCB Fact Sheet. March 31, 2004 (2004-03-R12-01)  
NSCB Fact Sheet. March 22, 2004 (FS-200403-SS-01)  
<http://www.supremecourt.gov/ph/>  
[http://www.gov.ph/cat\\_justice/former.asp](http://www.gov.ph/cat_justice/former.asp)  
<http://www.ncrfw.gov.ph/insideways/inforesource/inforesource.htm>  
[http://www.cld.org/elected\\_women\\_officials.htm](http://www.cld.org/elected_women_officials.htm)

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The distribution of women judges in the lower courts stands out particularly in the Court of Tax Appeals and in the Shariah Courts and Shariah Circuit Courts, where not a single woman sits as judge. These Courts cover the significant Muslim population of the Philippines.

At the regional judicial level, there is a 1:5 ratio of women to men, while at the municipal level the ratio is 1:3. Women decision-makers at the judiciary level are still very much in the minority.

Table 7: Other levels of the Judiciary

<b>Office</b>  <b>Sex</b>	<b>2002</b>		<b>2004</b>	
	<b>Women</b>	<b>Men</b>	<b>Women</b>	<b>Men</b>
Court of Tax Appeals	0	3	0	3
Regional Trial Court	165	613	103	728
Metropolitan Trial Court	29	35	30	37
Municipal Trial Court in the Cities	31	101	21	69
Municipal Trial Court	56	164	59	222
Municipal Circuit Trial Court	41	160	42	202
Shariah Courts	0	2	0	2
Shariah Circuit Courts	0	19	0	19

Sources: <http://www.supremecourt.gov.ph/>  
[http://www.gov.ph/cat\\_justice/former.asp](http://www.gov.ph/cat_justice/former.asp)  
 NSCB Fact Sheet. March 31, 2004 (2004-03-R12-01)  
 NSCB Fact Sheet. March 22, 2004 (FS-200403-SS-01)  
[http://www.cities-localgovernments.org/ula/upload/docs/stateofwomeninurbanlocalgovernment\(philippines\).pdf](http://www.cities-localgovernments.org/ula/upload/docs/stateofwomeninurbanlocalgovernment(philippines).pdf)  
[http://www.gov.ph/cat\\_justice/former.asp](http://www.gov.ph/cat_justice/former.asp)  
<http://www.ncrfw.gov.ph/insidepages/inforesource/inforesource.htm>

## Cabinet Level Offices

Public servants in the government bureaucracy are appointed according to three levels. The first level refers to clerical, trades, crafts, and custodial service positions that involve non-professional or sub-professional work in a non-supervisory capacity requiring less than four years of college studies.

The second level up to division chief includes professional, technical and scientific positions involving professional, technical or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college. The third level consists of Career Executive Service (Undersecretaries, Assistant

Secretaries, Bureau Directors, Assistant Bureau Directors, Regional Directors, Assistant Regional Directors, and Chiefs of Department Services) and other officers of equivalent rank.

Table 8: Proportion of Women and Men National Government Personnel by Level of Position (%)

Levels	Women	Men	Source
First Level	35	65	1999/CSC
	27	73	1997/CSC
Second Level	72	28	1999/CSC
	76	24	1997/CSC
Third Level	35	65	1999/CSC
	28	72	1997/CSC

Sources: <http://www.nscb.gov.ph/stats/wmfact.asp>  
 Civil Service Commission  
[http://www.cities-localgovernments.org/iula/upload/docs/stateofwomeninurbanlocalgovernment\(philippines\).pdf](http://www.cities-localgovernments.org/iula/upload/docs/stateofwomeninurbanlocalgovernment(philippines).pdf)  
<http://www.ncrfw.gov.ph/insidepages/inforesource/inforesource.htm>  
[http://www.acdi-cida.gc.ca/cida\\_ind.nsf/0/4ee4abb73b491f1985256b420059efa8?OpenDocument#3.3](http://www.acdi-cida.gc.ca/cida_ind.nsf/0/4ee4abb73b491f1985256b420059efa8?OpenDocument#3.3)

As in men-dominated elected executive positions, men also dominate in the third level appointed positions. There was a decrease from a ratio of 1:3 in 1997 to 1:2 in 1999 of women to men but new Cabinet level appointments from 2000 up to the present did not change the 1999 ratio. This ratio seems better than that in the elected positions. But looking at the assignments of women in top positions, one sees their gendered nature. Women are entrusted with the care, human security, and supply sectors. These areas are social welfare and development, budget and management, labor and employment, and environment and natural resources. Men on the other hand, are given the extractive, earning and regulatory sectors.

The second level position, known as the middle management in the bureaucracy, is where women have retained a ratio of 1:3 while there is a corresponding ratio of 1:2 in the first level, the latter sharing a decreased ratio from 1997 to 1999. This may mean an increase in the number of women assigned at the strategic level of the bureaucracy, and a decrease in the production level. Despite this, women are not appointed to top positions in the third level at a rate equal to men. A balance is still wanting in the distribution of women and men in the bureaucracy, in particular, at the third level decision-making.

## DIFFICULTIES EXPERIENCED BY WOMEN IN PUBLIC SERVICE

Women in government service generally experience similar difficulties, except those in third level positions. Third level officials have the power to negotiate and receive fringe benefits. Except in extreme cases of reassignments, third level officials have more stable tenures. These may be the reasons why top-level officials do not realize the need for changes in government that will facilitate improvements for the rest within the structure.

Elected women enjoy the same benefits as third level officials. Apart from this, they enjoy the advantages of their constituents' political support.

### Basic and Just Remuneration

The Salary Standardization Law should have addressed the issue of public servants' compensation. But with economic recession, public servants at the first and second levels have had difficulties in making both ends meet, and most first level employees are struggling just to survive.

It is understandable that those in third level positions have a higher basic salary, but the civil service commission may have worsened the imbalance in other benefits. Those with higher compensation usually have other fringe benefits like transportation allowance even though they already have service vehicles. There are cases where a second level official receives a lower honorarium than a third level official even though the former delivers the services while the latter is not directly involved. This imbalance widens the gap between levels of positions in government, and women are directly affected because they usually occupy lower level positions. Having more women in the third level positions is not the solution. Instead, government should work for an equitable balance in wages and benefits for all levels and an increase in the number of women appointees.

### Work and Other Practical Needs

Because women and men differ biologically, they have different practical needs.

For mothers with children, the bureaucracy has established day care centers and breastfeeding facilities, as mandated by Executive Order No. 340 and Republic Act No. 7600. But these facilities are always under threat of extinction since



agencies have not allocated funds under regular operations to sustain them, despite E.O. 340 and R.A. 7600 providing the legal basis for their existence.

Hence, when mothers have no one with whom to entrust their children, they take paid leave within the accumulated leave credits provided by the Labor Code. When such leave credits are exhausted, mothers absent themselves from work and though they may not lose their jobs, they certainly lose their salaries.

Unlike employees in private companies and unlike third level officials, government employees at the first and second levels are not provided with lounges or function rooms that could be used for personal development and community building. Without such facilities, women are confined to their work areas and to the company of immediate officemates, instead of being encouraged to develop relations with other women in the bureaucracy. For instance, all women employees in an agency could hold a discussion on women's rights if such facilities were provided.

In terms of general and reproductive health, not all agencies have well-supported clinics as encouraged by the Administrative Code of the Philippines. Annual physical examinations are conducted in some agencies, coordinated by second level officials in collaboration with private medical companies. However, the services are limited to those allowed or preferred by the political leadership. For instance, when President Macapagal-Arroyo openly expressed her preference for the natural family planning method, government agencies, through third level officials, ceased actively promoting modern family planning methods although the Philippine Constitution's mandate to government is to provide an integrated and comprehensive approach to reproductive health.

The government should provide services that address not only general health but also reproductive health concerns of women and men, women particularly. Government should allocate resources so that employees would not be limited to products of companies that sponsor health examinations. Such limitations on medical options may have adverse impact on women's health. For instance, if a mother wants contraception, the government should be able to provide knowledge and medical services that address her need. Political leadership should not penalize women by limiting them to only one or two options.

Republic Act 8187 mandated paternity leave in recognition of the need for male participation in the reproductive cycle. But government employees did not rejoice wholeheartedly as men are allowed only a few days to assist their nursing partners. If a couple cannot afford childcare, both might be unable to go back to work, and if they exceed their leave credits, they may end up being unpaid. By decreasing the length of paternity leave, the government reinforces the idea that men need not be with their nursing partners but should merely work and bring home the bacon. This pushes women further to shoulder child rearing, with little or no involvement of their partners.

## Career Advancement

The merit system in government highly values enhanced capacity and capability of employees by virtue of the Civil Service Commission's Memorandum Circular No. 03, Series of 2001 dated January 26, 2001 on Revised Policies on Merit Promotion Plan.

In general, the guidelines should include women and men, but due to traditional attitudes, women are automatically excluded from further advancement in the bureaucracy. For instance, women are given work assignments related to finance, personnel, evaluation and secretarial functions, which are monotonous and have less exposure to field activities. Men are given technical, engineering and field related functions. This information is not new but has not been addressed proactively by the government, whose usual safety valve to discontent is to provide scholarships, supposedly to offer opportunities for women. But this is not complemented with efforts to deal with family problems that prevent women from leaving home for advanced studies.

The government does not help families, couples or individuals prepare for the future, decide when to have children, when to invest, and when to get involved in other activities. Career advancement is based on "chance" instead of being planned, at the least by government offices in charge of Personnel and Human Resources Development or Management.

## Security of Tenure

In government, security of tenure is limited to the period of service. Issues associated here are assignments and kinds of appointments.

Basic rules in government allow transfer of assignments of officials or employees through the so-called "Special Orders" mandated by the Administrative Code of the Philippines. Employees in second level positions are affected by these Orders by virtue of their work description. Women are directly affected as they occupy most of the second level positions. By Civil Service Commission rules, these Special Orders are supposed to be limited to a specific period of time (say six months) since these assignments are temporary. However, most of the time, this is not observed and a person may remain there for years. Upon her return, she may lose opportunities in her original post such as promotion and scholarships for having been out of her principal unit. The Civil Service rule on promotion prioritizes personnel who are in their original assignments and limits a woman's chances of being promoted. Does this happen to men? Yes, but seldom. Men occupy mostly third level positions that are more stable. They also men have more to gain from reassignments.

A good comparison is the reassignment of a woman from a second level position and that of a man from a third level position. A woman finance officer from the central office is detailed to a regional office. Finance work does not differ wherever one is assigned since the government's internal control system and mechanisms are standardized. There is not much value, therefore, in getting such assignments. She cannot use the assignment to enhance her credentials as finance officer and merit a promotion. Compare this with a male Director of Special Projects at the central office reassigned as Regional Executive Director. His exposure will greatly enhance his capacity and skills since there are major differences in central and regional operations in terms of management. Though he was out of his original assignment, his exposure could be used to obtain a promotion later on.

Particularly in the first level, women are at a disadvantage when appointments are contractual. The government tends to use this arrangement to save funds by not having to pay compensation such as merit increases, cost of living allowances, honoraria and commutable allowance.

The tenure of contractual arrangements depends on the availability of funds and duration of projects and is usually renewable each year. When contracts are not renewed, women are at a greater disadvantage than men. The latter are more willing than women to perform duties that are outside the terms of their contract. These duties include driving for the supervisor, doing his/her personal errands, waiting for him/her although s/he is not on official business, and the like. Since the employment is contractual, it is not absolutely covered by civil service rules, and affected employees do not have the same rights and benefits as regular government employees. This practice is common and known but unfortunately, not officially raised and recorded.

Another job security issue in the bureaucracy is violence against women, usually in the form of sexual harassment and rape. Before the passage of the Anti-Sexual Harassment Law of 1995, advances on women were "accepted" in bureaucracy's culture as part of being "in." If a woman resists, she is marked as very sensitive or malicious. When the Law was finally promulgated, male leaders in the bureaucracy reacted and claimed that they too have been victims of sexual harassment. Male officials have tried to downplay the issue, and moves to create bodies such as Committees on Decorum have been very slow, as indicated in the survey conducted by NCRFW in 1998. Only 35 out of 71 government agencies and institutions have complied with the law's requirements. Aside from this, only 13 agencies have clear rules and regulations on sexual harassment.

An interview with women officials revealed that some of them shared the same ideas as male officials: that sexual harassment is not an issue in the workplace but a personal one involving men and women, and that government should

not be held responsible in such cases. These reactions did not surprise GAD advocates in government, for these officials were insensitive and belong to a class of people who occupy high level positions and believe they are invulnerable to situations such as sexual harassment. The same interview revealed that a woman official was harassed sexually but chose not to come out because she might be considered weak despite her position. Some people say being in high-level positions can be disempowering, especially in cases of violence against women (VAW). At stake in reporting a VAW case is one's tenure in the service. This is so especially when the accused is another high official within the structure. In cases where the offender has a lower position than the abused, the common worry is the way other people in the office will treat women since confidentiality is not always observed in the process of investigation. Women would rather not report if there were no assurance of confidentiality.

Little attention is given to the issue of government officials' and employees' retirement. Very few agencies prepare people for retirement. Sometimes, instead of helping, agencies pass the burden of paperwork to retiring employees. How does the retirement process affect women? Women are often assigned to routine work. They are supposed to continue signing or evaluating papers, often without a clear-cut off time. Hence, women have a difficult time clearing their names of accountabilities and getting their retirement compensation. At the earliest, women receive their compensation three months after their last day and at the latest, two years after their last day of duty. Men, on the other hand, are mostly in second or third level positions at their retirement age. They can ask others to sign for them. They can limit their commitments and buy time, reporting to the office for the sake of attendance without actually performing major tasks. They can easily get their clearance from work and eventually have their retirement papers ready in a much shorter time.

### Personal Improvement as Women Exercising Their Rights

The common form of organizing employees in government is through unionism and for years, this has been the major option for women. But many women find that unions are not prime movers of women's rights. Most unions are "macho" and there have been cases of violence against women in unions. When GAD finally found its way into government, women had already started organizing themselves into a movement. Most of them began with practical gains such as organizing groups for dance aerobics, sports and other recreational activities. Women believed these were as important as strategic activities such as gender sensitivity training and planning. However, the GAD mainstreaming oversight agencies like NCRFW, NEDA and DBM were quick to judge such activities as non-GAD related. There was no clear set of guidelines for government to follow but checklist upon checklist came on what were GAD related and what

were not. That GAD mainstreaming was a process was lost on these agencies. For instance, when agencies shifted to batches of gender sensitivity training, oversight agencies questioned GAD mainstreaming movers in government agencies, stating that once the foundation stage is completed, such training should no longer be major in the succeeding phases. This idea was raised by NCRFW in a GAD Focal Point Assembly in 1998.

The purely linear assessment of these oversight agencies confused women advocates who were mainstreaming GAD. Women in the bureaucracy, acting within GAD Focal Points, felt alienated from GAD mainstreaming when their batches in Gender Sensitivity Training (GST) were questioned. They thought that the level of exposure and learning from GST would make a difference in their personal development but they did not. When men began to claim space in GAD, by inappropriately using GAD to cover both men and women but losing the element of gender and power relations, women started to have reservations. To these women, their basic right to be genuinely part of gender and development through personal development had been ignored.

WOMEN’S LEADERSHIP OF ORGANIZATIONS

The Philippine population is almost half women and more than half men. In mathematical terms, the ratio is almost 1:1 with men’s figures inclined to be higher. This ratio however is not translated in various organizations where women are members and take leadership position.

Table 9: Women Leaders in Organizations: Decision-Making Positions

Area	Average Percentage since 1995
NON-GOVERNMENTAL ORGANIZATIONS (advocacy and service delivery)	
AGRICULTURE	38
ENVIRONMENT	38
HUMAN RIGHTS	40
PEACE	40
EDUCATIONAL INSTITUTIONS (colleges and universities with centers in Metro Manila)	45
COOPERATIVES (NATCCO members)	30
TRADE UNIONS (labor unions)	26
BUSINESS FIRMS (food, marine, construction materials, construction industry, trade associations)	20

Source: NATCCO, 1998 records  
<http://www.esscspark.org/>  
 WEDPRO compilation, 2004  
<http://www.dti.gov.ph>

The above data show that women in cooperatives, trade union, and business organizations have not assumed leadership positions despite consistent membership within these organizations. Women leaders are more welcomed in NGOs that are engaged in advocacy, service delivery areas, and educational institutions. In organizations where resources abound or have the possibility of being allocated to membership such as cooperatives, unions, and business, one finds fewer women leaders. This raises concerns on resource rights, access and control. In terms of cooperatives for example, NATCCO documented in 1998 that women comprise 60% of membership but only occupy 30% of leadership positions. The prevailing stereotyped thinking that only men are fit to be leaders is one reason why there are few women leaders in cooperatives. To correct this, NATCCO and other network cooperative formations have initiated orientation and training seminars for its members. The lack of women leaders within organizations is not only a matter of balancing women and men's roles, nor of tapping women's strengths and potentials, but also about optimizing women's participation in the development of these organizations.

#### DIFFICULTIES EXPERIENCED BY WOMEN IN LEADERSHIP OF DIFFERENT ORGANIZATIONS

It is common knowledge that women do actual planning and implementation. They are still into details while men are at the deciding end. For instance, in October 2002, NCRFW cited that there were more women professionals (68%) and clerks (67%), more women in education (75%) and wholesale and retail trade (63%) but they remain on an unequal footing with men in terms of leading their organizations.

#### WOMEN'S PARTICIPATION IN ELECTORAL POLITICS

##### Women's Legal Right to Vote

The right of women to vote was won through the struggles of Filipino women in the 1900s as shown below. Filipino women value this right and show this through their participation in electoral exercises. However, there is ongoing debate on whether there exists a women's vote in the Philippines based on the level of voters' turnout and the profile of elected officials.

Table 10: Filipino Women's Right to Vote: A Brief Herstory

<b>1907</b>	<p>First Philippine Election Law (Act 1582) enacted by the Philippine Commission, on January 7. However, Philippine election laws go back more than 5 years earlier with the enactment of Act 502 by the Philippine Commission, by authority of the United States.</p> <ul style="list-style-type: none"> <li>• Filipino Women's Movement starts struggle for the Right to Vote</li> <li>• First Philippine election case decided by the Supreme Court (on August 9) entitled <i>Aguirre vs. Provincial Board of Canvassers of Negros Occidental</i>, 3507 Philippine Reports</li> <li>• NACIONALISTA PARTY formed</li> </ul>
<b>1916</b>	Jones Law promised Philippine independence, elected Senate replaced appointed Commission
<b>1933</b>	Filipino women get same political rights as men
<b>1934</b>	Election to the Constitutional Convention held
<b>1935</b>	<p>May 14. Plebiscite held. Philippine Constitution ratified</p> <ul style="list-style-type: none"> <li>• Election of the officers of the Commonwealth of the Philippine Islands, Manuel L. Quezon, President; Sergio Osmeña, Vice President</li> <li>• Filipino women attain right to vote (<u>The First Women in Asia to Attain the Right to Suffrage</u>)</li> </ul>
<b>1936</b>	Bill prescribing simpler and convenient method of registering women voters signed
<b>1937</b>	Filipino women vote for the first time
<b>1939</b>	League of Women Voters organized

Sources: <http://onlinewomeninpolitics.org>  
<http://www.asiaweek.com/asiaweek/950609/nations3.html>  
[http://www.ipd.ph/elections/resources/roco\\_campaign.htm](http://www.ipd.ph/elections/resources/roco_campaign.htm)

## Proportion of Women Voters to Male Voters

Generally, there is a high turnout of voters in the Philippines, particularly during Presidential elections. Women voters' turnout has been slightly higher than men since 1995. In 1995, women had a turnout rate of 71.0% while men had a rate of 70.3%. During the 1998 presidential elections, this figure increased, with women's turnout rate at 87.0% and men at 85.7%. The senatorial elections in 2001 recorded a smaller voters' turnout but women's rate remained higher than men. In the election results below, there is an almost 1:1 ratio of women to men voters.

In 2004, the number of women running for senator increased from 6 to 13, but there was a corresponding increase in the number of male candidates. In fact, the ratio of women to men decreased from 1:5 to 1:3. The results

Table 11: Voter Turnout by Sex

Election Year  Sex	Voter Turnout by Sex				
	Registered Voters			Voters Turnout	
	Women	Men	Total	Women	Men
1995	18,122,994	18,292,150	36,415,144	71.0	70.3
1998	17,227,292	16,889,764	34,117,056	87.0	85.7
2001	18,267,679	17,880,623	36,148,302	76.7	75.9

Sources: [http://www.nscb.gov.ph/secstat/d\\_elections.asp](http://www.nscb.gov.ph/secstat/d_elections.asp)  
<http://www.election2004.ph/main/candidates.php>  
<http://www.kababaihan.org/wewatch98/candidates/president-fnl.htm>

showed that for every woman senator, there are at least 5 male senators. There was a similar trend in the number of women candidates for the House of Representatives.

### Proportion of Female to Male Leadership in Political Parties

In the 12 mainstream political parties, there are from 82 to 155 leadership positions<sup>8</sup> but only 9 women are in decision-making positions. As a consequence, women are less likely to become Party candidates. Very few party list groups have included women in their leadership although, in a forum conducted by AMEND before the 2004 elections, these groups expressed their intention to put women in at least 30% of their leadership positions.

### OBSTACLES TO WOMEN'S PARTICIPATION IN ELECTORAL POLITICS

#### Coming Out to Vote

Women have been exercising their right to vote but a prior question is whether all women qualified to vote are able to register. Women in urban poor communities were asked to present identification cards in order to be registered as voters and since most do not have ID cards, in some cases they failed to do so. In other cases, urban poor women failed to vote because they had to give way to male family members who are perceived to be more "into" politics than women. The latter are usually left at home to take care of children.

<sup>8</sup><http://www.comelec.gov.ph/stats/parties.html> and actual counting of WEDPRO



Among women migrant workers and Filipinos overseas, the main hindrance to voting was the government condition that voters make an affidavit declaring their intention to resume permanent residence in the Philippines not later than three years after registration approval. The Center for Migrant Advocacy Philippines argues that this is insensitive to the economic needs of migrant voters. They may not be economically ready to return to the Philippines at the given period of time and confused about the relationship between their voting and dual citizenship rights. This is exacerbated by the fact that some Filipinos overseas lived far from registration centers, and were not able to register and vote.

These problems were not given due attention by government, and actually reinforced the idea that women voters are less important, despite the fact that 70% of overseas Filipinos and migrant workers are women.

### Becoming Candidates

Party leadership largely determines the selection of party candidates. Women's participation in their respective parties has been limited to administration, routine finance work and corporate housekeeping.<sup>9</sup> Some of these women have never been nominated as party candidates.

### AFFIRMATIVE ACTION

Actions intended to work positively for women have taken policies or laws as entry points. In government this is the most acceptable process since changes have to have a legal basis. Laws enacted during the period under review that have impacted on women in politics are as follows:

1. R.A. 7941 (1995), the Party List System Act of 1995
2. R.A. 7877 (1995), Anti-Sexual Harassment Act, which declares sexual harassment unlawful in the employment, education, or training environment
3. R.A. 8353 (1997), Anti-Rape Law
4. R.A. 8505 (1998), Rape Victim Assistance and Protection Act
5. R.A. 8972 (2000), Solo Parents Welfare Act of 2000
6. R.A. 9201 (2003), Declaring December 4 to 10 as National Human Rights Consciousness Week in the country
7. R.A. 9189 (2003), Absentee Voting Law
8. R.A. 9208 (2003), Anti-Trafficking in Persons Act
9. R.A. 9262 (2004) Anti-Violence Against Women and Their Children Act

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<sup>9</sup><http://www.comelec.gov.ph/stats/parties.html> and actual counting of WEDPRO

In addition women's organizations have campaigned for full and equal participation of women in politics. Women leaders from ten Asia Pacific countries, for example, issued a call for equal representation in government at a conference organized by the Center for Legislative Development, Center for Asia Pacific Women in Politics, UNIFEM, ESCAP, and UNDP Asia Pacific Gender Equality Network held March 21 - 22, 2001 at the AIM Conference Center in Makati.

The Civil Service Commission has also initiated a program on women in government service called Career Advancement Program for Women in Government Service (CAPWINGS).

## AFFIRMATIVE ACTION FOR WOMEN IN POLITICS

### The Party List System Act of 1995, R.A. 7941 (1995)

The passage of the Party List System in the Philippines paved the way for women to be represented in the House of Representatives without being part of a mainstream political party. This Act allocates 50 seats or 20 percent of 250 seats in the House of Representatives for party list representatives from marginalized sectors such as peasant communities, urban poor, farmers, fishers and women. Every 2% of total party list votes entitle a party to a seat in the House, with each party allowed a maximum of three seats. Aside from women Party List groups that fielded women representatives, other women representatives may come from other Party List groups with both women and men representatives.

In the 1998 elections, Abanse! Pinay as a women's party made it to the House of Representatives, and this year's election has brought in another women's party, Gabriela.

The Party List System may have opened the doors for women, but women will have to create and improve their capacity to sustain their involvement in electoral politics. Bringing women to the halls of legislature also requires education of the electorate, which means a budget that should be able to cover campaigns across the country.

Women constituents should likewise demand from women officials their share in enhancing women's situation, not only because they themselves are women, but also because they had presented an action agenda on women's concerns.

#### Absentee Voting Law, R.A. 9189 (2003)

Women have comprised more than 50% of annual new hires among overseas Filipino workers since 1995. The highest registered percentage of women new hires against the total figure of 1.2 million overseas workers was 73% in 2002. Women migrant workers have not been able to vote since they left the country until the law on Absentee Voting was passed in 2003. With this law, women migrant workers were enabled to vote in the 2004 elections. But, as discussed earlier, for various reasons, registration turnout rate was low.

#### AFFIRMATIVE ACTION FOR WOMEN IN GOVERNMENT

#### Anti-Sexual Harassment Act, R.A. 7877 (1995)

The law directly addresses an important security issue and declares sexual harassment unlawful in the employment, education, or training environment. R.A. 7877 recognizes that sexual harassment discriminates against women, deprives them of opportunities, impairs their rights and privileges under existing labor laws, and creates an environment hostile and offensive to women. In education or training, the law identified the following as forms of sexual harassment: (1) Against one who is under the care, custody or supervision of the offender; (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender; (3) When sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Under the law, the employer or the government is obliged to attend to sexual harassment cases and should create Committees and other mechanisms of justice. A Liability Clause is also provided to ensure that employers comply with their obligations.

Although agencies have promulgated their respective implementing rules and regulations on sexual harassment, mechanisms have been difficult to establish and sustain. Confidentiality has always been a problem, and the credibility of people assigned to handle cases has also been questioned. Some decisions have not been popular and women victims have been put to shame.

From 1994 to 2000, the Civil Service Commission resolved 45 of 62 sexual harassment cases. Fourteen came up for investigation and three were pending.

Very little difference exists between the number of resolved cases where the decision favored the complainant and that which favored the accused.

Anti-Rape Law, R.A. 8353 (1997) and Rape Victim Assistance and Protection Act R.A. 8505 (1998)

The Act makes the crime of rape a crime against persons. It states that rape is committed by sexual assault of "having carnal knowledge of a woman". The law also includes marital rape as a crime but stipulates that the offender may be released from penalties when the victim agrees to forgive the offender.

A support mechanism, R.A. 8505 is aimed at: (a) providing rape victims with psychological counseling, medical and health services; (b) Securing free legal assistance or service for victims; (c) Assisting victims in the investigation to hasten the arrest of offenders and the filing of court cases; (d) Ensuring the privacy and safety of victims; (e) Providing psychological counseling and medical services whenever necessary for the victim's family; (f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights, gender sensitivity and legal management of rape cases; and (g) Adopting and implementing programs for the recovery of victims.

The downside of this law is the death penalty imposed on the offender. This has made cases of rape, especially incestuous rape, difficult to file and prosecute. Service providers discovered that rape victims did not want to take actions that would result in the death of their rapists. This factor has strengthened women's organizations' stand in opposing death penalty.

#### Solo Parents Welfare Act of 2000, R.A. 8972

This is a comprehensive law that penalizes discrimination against solo parents and provides benefits and opportunities to:

1. A woman who gives birth as a result of rape and other crimes against chastity, even without a final conviction of the offender: Provided, that the mother keeps and raises the child;
2. Parent left solo or alone with the responsibility of parenthood due to death of spouse;
3. Parent left solo or alone with the responsibility of parenthood while the spouse is detained or serving sentence for a criminal conviction for at least one year;
4. Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner;

5. Parent left solo or alone with the responsibility of parenthood due to legal separation or de facto separation from spouse for at least one year, as long as he/she is entrusted with the custody of the children;
6. Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the children;
7. Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one year;
8. Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution;
9. Any other person who solely provides parental care and support to a child or children;
10. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

Under this act, parents can avail of parental leave, flexible work schedule, livelihood development services, counseling services, critical incidence stress debriefing, special projects for individuals in need of protection. The latter includes temporary shelter, counseling, legal and spiritual assistance, medical care, self-concept or ego building, and crisis management.

However, the agencies concerned are not yet fully prepared to implement this law. According to the Civil Service Commission, amendments to maternity leave rules came out only in 2002 and heads of agencies are still applying the old rules.

Declaration of December 4 to 10 as National Human Rights Consciousness Week, R.A. 9201 (2003)

This law mandates government agencies to celebrate human rights week through appropriate ceremonies to make the people aware of their rights in relation to the services offered by government. According to the Commission on Human Rights, efforts that address women in government need to be more strategic and substantive as the Philippine bureaucracy has not yet fully mainstreamed the rights based approach.

Amendment of the National Health Insurance Program  
and Philippine Health Insurance Corporation, R.A.  
9241 (2004)

This law transferred health insurance management to a corporation that will handle in patient medical services of employees and their dependents. Those considered dependents are: (1) the legitimate spouse who is not a member; (2) the unmarried and unemployed legitimate, legitimated, illegitimate, acknowledged children as appearing in the birth certificate; legally adopted or stepchildren below 21 years of age; (3) children who are 21 years old and above but suffering from congenital disability, either physical or mental, or any disability acquired that renders them totally dependent on the member for support; (4) the parents who are 60 years old or above whose monthly income is below an amount to be determined by the Corporation in accordance with the guiding principles set forth in the Act. However, other medical needs of women outpatients may not be covered.

Anti-Violence Against Women and Their Children  
Act R.A. 9262 (2004)

This law addresses the issue of abuse of women in intimate relationships, an area that has been ignored in the past, and considers acts committed by any person that will result or likely to result in harm or economic abuse.

Specified in the law are: (1) physical violence that includes bodily or physical harm such as the pointing of a gun; (2) sexual violence that refers to rape, forcing the victim to watch obscene publications and indecent shows, prostituting the woman or her child/children; (3) psychological acts in the form of intimidation, harassment, stalking, public ridicule or humiliation, emotional blackmail; and (4) economic violence that comprises withdrawal of financial support, preventing the victim from engaging in legitimate occupation or business, and control of the victim's own money or properties.

A more detailed discussion of the law can be found in another section in this paper. It is important to note that even though specific acts are identified, the law also takes into account the multiplicity and variety of the acts by including the phrase "but not limited to."

Career Advancement Program for Women in  
Government Service (CAPWINGS)

This is a Civil Service Commission program that seeks to: (1) provide equal opportunities, time and support for women's career development; (2) create a

gender friendly culture and environment in government; and (3) ensure equal representation of women and men in decision-making.

Various activities have been conducted under this program including (1) review and revision of gender discriminatory policies and practices (2) leadership training, negotiations, mentoring and others; (3) establishment of flexible working arrangements, day care centers, and part-time employment.

## DISCRIMINATED GROUPS OF WOMEN

### Indigenous Women

Approximately 150 cultural communities live in the Philippines and can be broadly divided into mainstream, sea based, or upland cultures.

Women in indigenous cultures are treated differently but generally have no participation in decision-making. They are basically producers of water, fuel, and plant based food, tasks, which are considered easy and seldom recognized. What is considered important in these cultures is a good hunt, the feeding of livestock in upland pastures, and the planting of crops.

Together with upland migrants, indigenous peoples comprise 7 million settlers living inside state forestlands. This population is directly affected by activities related to forestry, mining, land occupation, and military operations.

Indigenous peoples treat natural resources differently from upland migrants and lowlanders. They believe that their gods provided them with these resources and consequently, they have to respect and use them judiciously. However, resources within their domains have been so degraded that recovery will not be easy and will take a long time.

Continued indiscriminate deforestation has displaced indigenous peoples from their homes and their support systems. Illegal logging by unscrupulous individuals and corporations with licenses from government contribute to this displacement. Cultural erosion has also corrupted some people, such that they extract resources with abandon. Indigenous women are directly affected by this haphazard resource extraction, for they are usually tasked to get water, gather fuel, and collect plant based food for their families. Some men are also affected, given that they too have started to perform these tasks.

When Republic Act 7942, Mining Act of 1995 was passed, indigenous women were put at greater risk. This is because this law opens ancestral domains to mining ventures through Financial and Technical Assistance Agreements (FTAA)

that can be 100% foreign owned. Indigenous peoples and rights advocates immediately challenged the law until the Supreme Court declared the provision on FTAA unconstitutional. But the executive branch, instead of taking the cue from the Supreme Court, issued Executive Order 270 promoting mining and recently promulgated its accompanying implementing rules. In a government maneuver to co-opt civil society, the executive branch has organized various discussions and fora where individuals and groups influential in anti-mining advocacy were invited to participate.

The Indigenous Peoples Rights Act of 1997 (IPRA) is an unprecedented law that challenges mainstream society to recognize indigenous peoples' prior rights. The law has led to the creation of the National Council for Indigenous Peoples (NCIP) that will oversee efforts for indigenous peoples. These concerns used to be in the hands of the Department of Environment and Natural Resources (DENR). It was the DENR that initiated the recognition of IP rights in 1993 through administrative remedies while the bill was pending in Congress. Unfortunately, the transition from DENR to NCIP was a subject of political bickering among government officials. As a result, IPs continue to suffer from lack of governance, with many confused as to which government institution to approach for assistance.

The Baguio Declaration of Indigenous Women (See Annex 2) expressed the challenges faced by indigenous women as follows:

1. Globalization and the exploitation and theft of Indigenous Peoples lands, waters, forests and resources which impact on their capacity as a people
2. Militarization and violence, which threatens their security
3. Political misrepresentation, which demeans and divides their cultures
4. Lack of access to basic social services
5. Physical and sexual violence against women
6. Weakening of women's role, which further marginalizes women

### Women in Armed Conflict

The Philippine state is very much involved in armed conflict, a situation that stems from political and ideological reasons, socio cultural struggles, and economic interests. In conflict-ridden areas, the civilian population suffers immensely. Households are displaced; women, children and the elderly suffer most as they go through cross fires and battlefields. Sick children die from lack of medical attention; pregnant women experience spontaneous abortion; adult and young women are sexually exploited. Militarism and violence are not confined to upland areas but extend to other isolated communities, at times to urban centers.



In 2001, over 400,000 civilians in Mindanao were displaced due to indiscriminate bombings and human rights violations by the Armed Forces of the Philippines (AFP). The conflicting forces reportedly inflicted torture on prisoners and suspected state enemies.<sup>10</sup>

With the Military Logistical Support Agreement and Campaign against Terrorism of the Bush and Arroyo Governments, US military personnel are back on Philippine soil. In a recent visit to the Philippines, Bush affirmed a longer US - Philippine military engagement. How does this alliance impact on women?

Militarism contributes to the perpetuation of prostitution. Military personnel are deployed in areas they used to occupy when the US maintained military bases in the Philippines. Their presence creates a demand for women in prostitution. Prostitution establishments in cities such as Angeles and Olongapo have in fact increased their illegal recruitment, recently estimated to be around 2,000 women, and intensify whenever there are military exercises in the Philippines.

Women in Mindanao are also trafficked for prostitution for military personnel. At least 50 women and children were recently reported victimized in Maguindanao Province and at least 35 in Western Mindanao.

Facing an unresolved domestic armed conflict, the Arroyo government nevertheless joined the "Coalition of the Willing" to support the US invasion of Iraq. Anti-Terrorism Bills were filed in the House of Representatives and the Senate, with both versions creating an environment of martial rule in the Philippines. These bills were not passed due to stiff resistance from civil society but the government was able to skirt this. The Executive Department used the Visiting Forces Agreement and the Military Logistical Support Agreement to justify military operations in the guise of military exercises. Local poverty stricken communities continue to be co-opted by government through economic activities that support the US and Philippine forces.

In terms of peace efforts, the affected population particularly women, have not been part of peacekeeping, peace building and post conflict activities. Many women call for a redefinition of the concept of security, as show by the statement in Annex 3, a statement made by the East Asia - US Women's Network against Militarism at a conference held in Okinawa, Japan.

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<sup>10</sup><http://web.amnesty.org/web/ar2001.nsf/webasacountries/Philippines?OpenDocument>

## Trafficked and Prostituted Women

A lack of awareness that trafficking is a human rights violation results in only a few cases being reported. On the side of government, a lack of awareness also leads to a scarcity of measures to address the problem. This unfortunate situation is compounded by the fact that few NGOs have taken trafficking as part of their advocacy.

Documentation by some women's organizations<sup>11</sup> shows that women trafficked for prostitution came from provinces<sup>12</sup> and the outskirts of Metro Manila. Most of them were housemaids, factory workers, sales representatives, sales clerks, waitresses have entered prostitution for various reasons and under various circumstances.

Some of these women had been employed, but received low wages or did not get compensation-based benefits. They had invariably suffered physical, psychological/emotional and sexual abuse at the hands of their employers but instead of reporting these to government authorities, many had preferred to leave without expecting redress.

Also documented are cases of women who eventually found themselves in prostitution. Some originally came from home situations where, as children, they suffered sexual abuse and physical and psychosocial violence. For various documented reasons, women leave their homes. Many women, including girls, had felt the need to escape their spouses, particularly in cases of forced marriages, and usually after abuse and rape by their husbands or other male relatives. The discrimination and stigma brought about by unwanted or early pregnancies also pushed these women and children into leaving.

A strongly patriarchal culture and discriminatory mindset restrict women's freedoms and opportunities. Education becomes low in priority for females who are to become mere housekeepers. Since women are not considered for work in farms, construction projects and other "male-dominated" occupations, they are instead shifted to areas that are practically extensions of household work; they are often recruited as housemaids, factory workers, sales representatives, clerks and waitresses, and in cities they generally gladly accept such jobs.

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<sup>11</sup>Data from BUKAL, BUKLOD, WEDPRO, and Talikala. Documentation done in partnership CATW-AP covering the cities of Angeles, Olongapo, Quezon/Metro Manila and Davao.

<sup>12</sup>Southern Luzon and Visayas (Leyte, Cebu, Masbate, Samar), Central Luzon (Olongapo, Pampanga), Mindanao (Cagayan de Oro, Surigao)

Women are trafficked to work in bars, videoke<sup>13</sup> and other establishments catering to “male entertainment”. At first they are asked to serve as waitresses, receptionists and cashiers, then they are exposed to prostitution. In time, lacking better options, they become prostituted women. Most of the women say they intend to save money for their family and for a better life but the system makes it difficult for them to do so.

The Arroyo government enacted the Anti-Trafficking in Persons Act on May 26, 2003 but by itself, this Act cannot eliminate prostitution.<sup>14</sup> By not certifying the Anti-Prostitution Bill as equally important, Ms. Macapagal-Arroyo allows sexual prostitution the way she allows military prostitution, and devalues Filipino women’s human rights by allowing (a) the perpetuation of women’s inferior position in society; (b) the abuse and oppression of women; (c) the treatment of women as commodities. The Arroyo Government treats prostituted women inhumanely in “cleanup” drives but do not arrest and punish the men who use them nor the owners of prostitution establishments who make money from women’s bodies.<sup>15</sup>

In areas where prostitution has become integral to tourism, local governments tolerate establishments engaged in prostitution. They are legally recognized as bars and restaurants and made to pay taxes and fees for various permits. Unless these establishments are closely monitored, they will continue to recruit and employ women in prostitution.

Certain local governments are quick to extend services to owners of prostitution establishments, institutionalizing social hygiene clinics and hygiene cards for women in prostitution. These hygiene clinics are found in Quezon City, Manila, Angeles, Olongapo and in most cities in the country. There, women working in bars and restaurants are required to undergo regular check ups, especially for sexually transmitted diseases. Particularly in Angeles and Olongapo, the names

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<sup>13</sup> An extremely popular form of establishment among Filipinos where clients can sing to their hearts’ content. A focal feature is the coin-operated machine that plays a videos complete with lyrics. Many videos feature women clad in bikinis and in provocative poses. The more upscale forms have regular hosts.

<sup>14</sup> Prostitution is illegal under the law by virtue of Article 202 item 5 of the Revised Penal Code. In this provision, the defined offender is the woman. However, since these are difficult to establish, police authorities invoke other provisions of article 202 such as loitering on the basis of soliciting prostitution. The following acts constitute prostitution:

- Sexual intercourse or more lascivious conduct such as allowing her private parts to be touched.
- The said sexual intercourse or lascivious conduct must be habitual
- The said sexual intercourse or lascivious conduct is done for money or profit, with profit to include gifts apart from money.

<sup>15</sup> The acts of establishments supposed to constitute crimes under the law are:

- Engaging in the business of prostitution
- Profiting by prostitution
- Enlisting the services of women for the purpose of prostitution

of bars and restaurants are posted on the clinic boards, and women working in these establishments are supposed to follow a check up schedule just so they can keep their jobs as waitresses, cashiers, cleaning ladies, messengers and other work nomenclature not related at all to having sexual activities.

The Philippine government should take adequate measures to suppress prostitution and trafficking in women and children.<sup>16</sup> It should amend the present law to exclude women in prostitution from criminal liability. Instead they should be protected from violence at the hands of pimps, club owners and even the police. Traffickers who exploit women and law enforcement officials who protect their activities should be prosecuted. Comprehensive programs of assistance for women who are in prostitution will help them heal their wounds and eventually rebuild their lives.

## CONCLUSION

“Women in Power and Decision-Making,” or simply, women in politics is not as yet a widely-held concern in the Philippines. The lack of active role of women’s organizations in this field of engagement may not move the progressive participation of women in politics or government-related work. Efforts of women’s organizations provides space for women’s rights even when the government regime does not promote women’s rights and/or blocks for fulfillment of those rights, hence a necessary element in pursuing women’s genuine participation in decision-making at the level of politics or government-related work.

At present, decision-making at the legislative branch of government is partisan, the Party stance rules. In terms of tasks, women senators were assigned to traditional areas where women were expected to be involved such as Health And Demography, Youth, Women And Family Relations, and Public Information And Mass Media. Aside from this, women senators are subjected to stiff requirements while male senators could rely on the votes that installed them. Assessment of performance is biased against women, as their sex is the usual attribution for failures. Men escaped this bias by citing other reasons such as lack of political support, lack of budget, lack of personnel, etc.

All in all, women in the Philippines have barely gained ground, as there are 5 men for every woman that gets elected. This ratio has been sustained for the elections of 1995, 1998, 2001, and 2004.

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<sup>16</sup>A bill is now pending in the 13th Congress.

The Judicial branch of government likewise lack women judges and does not even have women judges at the Court of Appeals and Shariah Circuit Courts. While at the Executive branch, there is a good number of appointed women but the assignments of women in top positions are gendered nature. Women are entrusted with the care, human security, and supply sectors. These areas are social welfare and development, budget and management, labor and employment, and environment and natural resources. Men on the other hand, are given the extractive, earning and regulatory sectors.

The difficulties of women in government are barely addressed at a program level. There are efforts to respond to such problems but mostly limited and unsustainable.

As regards women's political participation through voting, they are considered active voters. However, there is lack of systems and mechanisms that enable them to fully exercise this right. Procedures lack the sensitivity to women's situations in relation to how they could register and vote. In addition, voting requires education of the electorate which have not been proactively conducted by government, in particular empowering women to demand from officials their share in enhancing women's situation.

In the margins, the discriminated groups of women like the indigenous women, women in armed conflict, and the trafficked and prostituted women have clearly defined their needs to the government. Yet, the government, has not been delivering their due obligations to these women. In fact, the government is one of the perpetrators of violence against women.

## CASE STUDY 1

### MAINSTREAMING IN A GOVERNMENT AGENCY

#### The Advocacy for Gender Mainstreaming in the Department of Environment and Natural Resources (DENR) by the National Commission on the Role of Filipino Women (NCRFW)

DENR is commonly referred to as a rural development agency. It is mandated to govern the country's environment and natural resources, and the communities that are affected by these resources, as well as other license holders that have been granted privilege to manage and benefit from public lands.

In 1998, the centennial year of the Philippines, DENR published the book, "Ang Bagong Bayanihan: Gender and Development in Environmental Governance". It presents the struggles of DENR with itself and its clientele to adopt the values promoted by Gender and Development (GAD). There is no exact translation of "bayanihan" in the English language, but it can be described as the traditional concept of community working together towards a defined goal. The picture that shows men carrying a "nipa" hut on their shoulders to transfer it to another location has been in the minds of the Filipino people as the most common example of "bayanihan". The "bagong bayanihan" signifies "new" perspective, wherein the Philippine society has started to recognize the equal partnership of women and men in building the nation. Women can also carry the "nipa" hut alongside with men to a new location. Being a "bayani" or hero or heroine brings in the story of the Filipino people towards the new millennium that desires sustainable development.

Before NCRFW came up with its framework on GAD mainstreaming, DENR went ahead with what its GAD advocates thought was appropriate. With programs that are employing people-based approaches in community development work, DENR recognized that a country's resources could be well managed if its benefits would address human welfare. The Department was contented with the participation of both women and men in their projects without looking at the processes that led to this kind of participation. It continued to be both a regulatory and a development agency through highly decentralized structure and management authorities.

Until the promulgation of the Philippine Plan for Gender Responsive Development (PPGD) and the Beijing Platform for Action (BPFA), the Philippine Development Plan for Women (PDPW) and the Women in Nation Building Act guided DENR in its approaches to address women's issues. Most of the actions of DENR were focused on the establishment of women friendly recruitment and promotion system, and continuing education for women. However, the socialization process that shaped women as wives, mothers, daughters, and workers hindered the further strategic growth of women in DENR.

After the Beijing conference in 1995, DENR started to find handles for both strategic and practical approaches to address women's issues in relation to men, as gender relations has become more defined in the activities of the Department. It admitted that in general, it has been "gender blind", as gender has not been considered in its planning and programming, and in its project implementation.

With hunger for more guideposts as motivation, DENR participated in the Focal Points Assemblies/Agency level meetings spearheaded by the NCRFW. Through these sessions, DENR advocates noted mechanisms that they saw fit to DENR, and customized these to address its mandate and character.

DENR reinforced the creation of a high level committee that would steer GAD in the Department. The committee set out objectives that address concerns on participation of women and men in the development process including policy formulation, setting up of sex-disaggregated database, budget allocation for GAD policies, and programs and projects.

In 1996, DENR adopted a two-pronged strategy: functional and structural. Functional meant that the GAD Focal Point, the action officer on GAD in an office under DENR, would use all the necessary tools to implement GAD in the levels of policy, programs and projects. Structural referred to the transformation of GAD Focal Point mechanism into a System, wherein focal points from the central and field offices would form a network to complement and support its members in implementing GAD. Through this, initiatives were encouraged and dependence to the central office was scaled down. Also in this year, the first DENR GAD Congress was to craft its vision and corresponding roadmap. NCRFW was invited to participate in the activity but it was not able to complete the process.

Still not satisfied by with its performance on GAD and wanting meaning in its approaches, DENR had to search further for framework. With its vision and roadmap, it launched its logo that signifies what DENR desires for its agency in terms of GAD- "Partnership of Empowered Women and Men for Sustainable Development". This logo and vision have been adopted in various DENR documents.

In 1997, DENR participated in a "self-assessment" exercise facilitated by NCRFW. DENR realized that indeed it had initiated mainstreaming of GAD, only that it did not have any guidance from the NCRFW to engage the Department in a dialogue that could have facilitated GAD mainstreaming. When NCRFW introduced the four major entry points for GAD mainstreaming which are People, Policy, Enabling Mechanisms, and Programs and Projects, and asked DENR to assess its GAD mainstreaming, it turned out that DENR accomplished a big leap from where it was in 1989. Immediately, without further assistance

from NCRFW, DENR customized the guidelines on GAD mainstreaming for the benefit of its offices.

There were mixed signals coming from the NCRFW at that time when DENR was crafting tools to improve its capability for GAD mainstreaming. Instead of receiving more technical assistance, DENR was “abandoned” by NCRFW. The latter did not proactively provided assistance to DENR and DENR was too occupied with its mandate that it continued with its own pace, without directly asking NCRFW for assistance but consistently inviting the Commission in its major undertakings.

Tapping assistance from foreign-assisted special projects of DENR, the Department formulated a module on gender sensitivity training that was eventually included in a training course of candidates for managerial positions in DENR. This module was the last material that merited NCRFW’s substantial attention.

On its persistence to make concrete actions that would provide DENR with specific guidelines, DENR chose its Community-Based Forest Management (CBFM) Program to correspond to the Programs/ Projects entry point of the GAD mainstreaming framework it customized for DENR from the broad discussions with NCRFW consultants in 1997. To enjoin the involvement of its offices, DENR crafted the GAD Service Awards that promoted gender sensitivity and responsiveness through the set of criteria of the Awards. In addition, DENR commissioned a nationwide gender sensitivity training for its employees, as well as introduction of computer technology as a tool for communication to facilitate GAD mainstreaming.

Not too long after CBFM Program was chosen by DENR as an entry point for GAD mainstreaming, NCRFW offered financial assistance from CIDA. Through its committees that are mainstreamed in the functions of Department, DENR prepared its proposals through its Foreign Assisted Special Projects Office and the Program Office of CBFM Program. As a result, DENR was able to come up with a Handbook on “Gender Responsive Participatory Tools for the CBFM Program Facilitators”. After this, DENR developed a twining Handbook for the “Assessment of Peoples’ Organizations and for Self-Reflection by Site Coordinators In the Community-Based Forest Management Program.” As regards to NCRFW’s assistance in these two Handbooks, it designated action officers who participated in some field level activities aside from project management meetings that they were invited to participate in.

In 1998, DENR has started to draft details on how it understood the GAD budget and have been engaging NCRFW in discussion that GAD budget should look at strategic gains and not merely accounting of fund allocation. Without substantial comments from the NCRFW, DENR distributed to its offices, guidelines on GAD budgeting. DENR took the silence of NCRFW as “concurrence”.



By late 1998, there was a sudden slow down in the GAD mainstreaming in DENR. Secretary Antonio Cerilles, an appointee of former President Joseph Estrada, did not recognize the importance of GAD mainstreaming. He claimed to have appointed women in high positions, but this was done not to address gender relations but more of political maneuvering. The rest of the components of GAD were “paralyzed”. When this situation was happening in DENR, NCRFW was also having its own struggle with the President. Hence, there were no major developments during this period between NCRFW and DENR cooperation.

After the regime of Cerilles and Estrada, the Gloria Macapagal-Arroyo presidency did not make a difference in DENR GAD mainstreaming. Secretary Heherson Alvarez was engaged in remedies addressing the past administrations’ decisions, as well as creating his own set of problems. This condition of leadership and management in DENR inspired a regulatory kind of activities in GAD.

In 2001, GAD advocates in DENR convinced the management to conduct Gender Audit. Within the framework of GAD budgeting guidelines, DENR was able to assess how its offices and officials utilized GAD funds. In the light of this, GAD mainstreaming was beginning to gain another level of energy in DENR. However, Mr. Alvarez was not able to complete his term, as Secretary Elisea Gozun replaced him in December 2002.

Ms. Gozun is the first woman Secretary of the DENR. Her term is a transition phase from one of “disorder” to “order”, and her reaction is to maintain “status quo” of what has been ongoing on GAD mainstreaming, which is a slow pace. Her own expression of being supportive to women’s concerns is the appointment of women in high-level positions and records would show that her term registered the highest number of women officials. This action however, may not automatically mean a GAD mainstreaming effort since it is not well placed in the GAD mainstreaming framework of DENR, its intentions being limited only to the Secretary.

When the changes in command were happening, NCRFW was concentrating on policy advocacy. It was deeply involved in the campaign for the approval of the Anti-Trafficking in Persons Act, and DENR was not a priority agency because it was perceived to be in a better situation than other agencies. This stage of DENR’s GAD mainstreaming however, is not enough for NCRFW to limit its involvement with DENR to an almost “absence” status.

Promising /challenging experiences of NCRFW with DENR in gender mainstreaming

With the conviction of DENR GAD advocates to put forward GAD mainstreaming, GAD activities may have been hindered but definitely did not stop. The lack

of dialogue with NCRFW and the confidence level of both to each other had impacted negatively and positively on DENR.

On the downside, DENR had limited opportunities for learning since it had to deal with each own people. It tried to reach out to other agencies as inspired by the focal point assemblies conducted by NCRFW. But, horizontal dynamics among agencies need a high level pressure. NCRFW could have assisted here, but there was no opportunity as their priorities were focused on other matters.

Looking at the encouraging results of the said relationship of NCRFW with DENR, the circumstances caused DENR to freely initiate and craft “new” things for GAD mainstreaming. It has become a trailblazer among the line agencies. However, on the personal level, GAD advocates in DENR feel that they need to enhance more their capacity beyond the walls of DENR.

#### Processes and tactics of NCRFW

With DENR, the most laudable process led by NCRFW that informed DENR of various developments in GAD mainstreaming are the focal points assemblies. This was customized by DENR in its structure by conducting periodic Congresses of its GAD Focal Point System.

Other venues created by NCRFW to mainstream GAD are conduct of workshops, provision of on-call technical assistance, and issuance of guidelines and directives, and manuals.

#### Lessons learned in GAD mainstreaming

- Although NCRFW is almost always present in DENR activities where they are invited, there is a need for a mutual active communication exchange in terms of knowing the status of each organization in mainstreaming GAD, and in assisting agencies.
- There are structural support mechanisms that could sustain GAD mainstreaming. At the minimum, an agency should have a GAD Focal Point System; a vision and identity that lead towards gender responsiveness; and set of incentives for GAD responsiveness.
- Tools will definitely facilitate mainstreaming GAD. Guidelines for the following has been proven to be essential: planning (areas of concern, gender-related issues, objectives, activities, targets, budget; and budgeting (operational, special and mainstreamed).
- Regular Self-check mechanisms will assist in directing activities along the roadmap of GAD mainstreaming. Activities such as Congresses, national

meetings, mini-workshops would be good venues for this. Reports submission on performance (with reference to GAD mainstreaming framework) and Sending of feedback will aid in the improvement of approaches.

- Assistance in brokering and ground working for other forms of assistance will open more opportunities for effecting change through GAD mainstreaming. NCRFW may be able to provide this assistance to line agencies of government.
- Top management support and cooperation of network within and outside of the GAD Focal Point System will sustain GAD mainstreaming. These two levels of action points if become supportive, will move GAD mainstreaming in a more active manner. But let not alone leadership in an agency break the ties of GAD mainstreaming for as quoted from the GAD Advocates in DENR, "There is no turning back, we cannot afford to, we do not want to. Though leadership changes, funds become scarce, we will continue as resource persons, coordinators, negotiators, brokers, facilitators and advocates".

#### Looking Forward

The time was not due yet for the following to be accomplished in the last 10 years. But for future planning for GAD mainstreaming, NCRFW and DENR should cause the following:

- Impact evaluation of formulated policies, and implemented programs and projects. As such, an evaluation system should be mutually agreed upon by both parties in order to share a common language.
- Assessment of the use of tools developed for gender mainstreaming.
- Expansion of GAD mainstreaming to other sectors of DENR such as but not limited to Protected Areas and Wildlife and Environmental Management.
- Assessment of database whether this has supported policy making or program/project development.
- Impact evaluation at the personal level growth of the members of the GAD Focal Point System.

## CASE STUDY 2

### A SIGNIFICANT POLICY BREAKTHROUGH The Law Against Abuse of Women in Intimate Relationships: Anti-VAWC Act of 2004

#### Salient Features of the Law

##### The Focus

The law recognizes the distinct nature of abuse against women in intimate relationships, such as in marriage, cohabitation, sexual or dating relationships. This is why the law penalizes the acts of abuse committed against wives, former wives, female live-in-partners, female former live-in-partners, women with whom the abusers have or had a sexual or dating relationship, and women with whom the abusers have common child/children. Under this law, offenders may be either male or female.

This law also protects the child/children of the abused woman in response to the prevailing situation wherein perpetrators also cause harm to the child/children of women they abuse.

##### The Locus

As designed, the law considers the character of the abuse, and not the locus or the place of the abuse. The nature of the relationships between the abused and the abuser defines this character of the abuse, which is intimate. Thus, the abuse can actually happen regardless of locus or the place of the abuse, since a woman can be violated of her rights and deprived of her capacities wherever she is. Therefore, acts of abuse committed outside the domicile of the woman are considered crimes under this law.

##### Acts of Abuse or Offenses

The law considers acts or series of acts committed by any person that will result in or likely to result to physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

Some of the acts specified in the law are: (1) physical violence that includes bodily or physical harm such as pointing of a gun; (2) sexual violence that refers to rape, forcing the victim to watch obscene publications and indecent shows, prostituting the woman or her child/children; (3) psychological acts in the form of intimidation, harassment, stalking, public ridicule or humiliation, emotional blackmail; and (4) economic violence that comprises withdrawal of

financial support, preventing the victim from engaging in legitimate occupation or business, and control of the victim's own money or properties.

It is important to note that even though the specific acts are identified in the law, there is an indication that the law takes into account the multiplicity of the acts by having the phrase "but not limited to".

#### The Reliefs Provided In the Law

Under the law, protection orders are issued to prevent further acts of violence against a woman or her child/children. These orders ensure that the victim is protected from further harm, and that she continues with her daily life towards gaining back control of her life.

Some of the reliefs to be provided by protection orders are: (1) prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts as stated in the law; (2) prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly; (3) removal or exclusion of the respondent from the residence of the victim; (4) directing the respondent to stay away from the victims; (5) confiscation of gun or any deadly weapon of the respondent; (6) directing the respondent to pay for damages; and (7) directing the respondent to provide financial support to the victims.

There are three kinds of protection orders that may be issued under the law: (1) Barangay Protection Orders (BPO) issued by the barangay captain (or a barangay councilor in case of unavailability of the barangay captain) without an adversarial hearing which is effective for 15 days; (2) Temporary Protection Orders (TPO) issued by the courts without an adversarial hearing which is effective for 30; (3) Permanent Protection Orders (PPO) issued by the courts after notice and hearing.

#### Government Responsibility: Through Inter-Agency Council on VAWC

A council composed of government line agencies and independent Commissions shall be responsible for formulation of programs and projects to eliminate VAW based on their mandates, and monitoring of initiatives regarding VAW. Included in their task is ensuring that their employees are provided with capability building programs to become sensitive to the needs of their clients.

The organizations involved in the Council are: Department of Social Welfare and Development (DSWD), National Commission on the Role of Filipino Women (NCRFW), Civil Service Commission (CSC), Commission on Human Rights (CHR), Council for the Welfare of Children (CWC), Department of Justice (DOJ), Department of Interior and Local Government (DILG), Philippine

National Police (PNP), Department of Health (DOH), Department of Education (DEPED), Department of Labor and Employment (DOLE), and National Bureau of Investigation (NBI).

As regards drafting of the implementing rules and regulations, another body is created composed of the DOJ, the NCRFW, the DSWD, the DILG, the DOH, and the PNP, and three representatives from the NGOs to be identified by NCRFW.

### Appropriations

Funds to support the implementation of the law shall be drawn from the General Appropriations Act (GAA). For services in favor of victims, the Gender and Development (GAD) budget of the mandated agencies and Local Government Units (LGUs) shall be utilized.

### The Significance of the Anti-VAWC Act

Abuse of women has been a problem in the Philippines. According to the Social Weather Station Survey, the level of women victims of abuse has reached a total of 2.16 million in 2003. The surveys of the Philippine National Police (PNP) and Department of Social Welfare and Development (DSWD) have been registering this situation of women for years, more particularly after 1995 wherein the Philippine government has initiated sex-disaggregated data gathering in its agencies.

Addressing the issue by legislations may be a desperate move, but existing mechanisms do not provide protection for abused women in intimate relationships.

The law is a milestone in the Philippine legislative process. It is of value to many, particularly to women, but this report will focus to a few elements. First, women's organizations through SIBOL (Sama-samang Inisyatiba ng Kababaihan Para sa Pagbabago ng Batas at Lipunan or Collective Initiative of Women for Transformation of Laws and Society) drafted the bill on which the law was based; second, it made abuse of women in intimate relationships a public crime; third, it provided reliefs through protection orders that prevent further harm to victims; fourth, it recognizes the "battered woman syndrome" as a defense and does not allow under the influence of liquor or drugs as a defense for having caused crimes under the law.

### An initiative from women's organizations: SIBOL network

SIBOL was founded in 1992, six years after the ouster of the Marcos regime. Feminists-activists who formed SIBOL recognized the new environment for activism that gave them space to be heard and listened to. A core group

composed of seasoned activists and human rights advocates like Aida F. Santos, Cecilia Hofmann, Eleanor Conda, Ana Maria “Princess” Nemenzo, Soc Reyes, and Raquel Tiglao initiated the network. They were friends and shared common feminist principles. Apart from their individual experiences, they also brought in the lessons from the Legislative Advocates for Women (LAW), which was organized in 1987, and were active until 1989.

SIBOL is the first very broad alliance of 13 women’s groups, women’s NGOs, human rights lawyers, feminists and professional groups that focused on the issues of legislative advocacy and policy change on women’s concerns, including what the society considered as “private” matters, a concrete example of which, is Violence Against Women or VAW.

The value that the law was drawn from the draft of SIBOL was the fact that SIBOL crafted the Bill through consultative processes wherein the very voices of women were put into writing and came out as draft Bill known as Anti-Abuse of Women in Intimate Relationships (Anti-AWIR) Bill. The process of drafting and passage of the Anti-VAWC Act of 2004 allowed women to articulate their needs, an element of human rights perspective that has been lacking in the Philippine legislative process. Thus, women give this worth to this legislative victory.

From the start of the campaign for the Anti-AWIR Bill until it was finally enacted the law, SIBOL membership was reduced to nine due to various difficulties such as resource base and shifts in involvements. These organizations are: Center for Legislative Development (CLD); Democratic Socialist Women in the Philippines (DSWP); Institute for Social Studies and Action (ISSA); Manggagawang Kababaihang Mithi ay Paglaya (MAKALAYA); Kasarian Kalayaan (SARILAYA); WomanHealth Philippines (WomanHealth); Women’s Crisis Center (WCC); Women’s Education, Development and Productivity, Research and Advocacy Organization (WEDPRO); and Women’s Legal Bureau (WLB).

With the remaining strength of SIBOL, it is important to note that the coverage of concern of these organizations still comprehensively address the issue on Violence Against Women in intimate relationships.

**Violence Against Women: a public crime**

With the Anti-VAWC Act, abuse of women in intimate relationships has become a public crime. This means that the filing of charges against the abusers is not limited to the victims. Any citizen who has personal knowledge of the circumstances around the crime such as but not limited to, a member of the family, barangay officials, or social workers, may file cases against the abusers. This nature of the crime directs authorities not to resolve cases by amicable settlements for the law considers the usual scenario that some abused women withdrew their complaints or pardon their abusive husbands or partners due to lack of capacity to proceed with the legal remedies.

Another aspect of addressing VAW as a public crime is the recognition of the role of women in the Philippine society. Abuse on women affects their physical, mental, psychological and reproductive health, which in turn affects their social life and capacity for participation. When half of its population is injured physically, mentally and emotionally, and thus unable to participate productively in society and state affairs, the whole country suffers significantly. This shows that abuse against women is not merely a domestic internal affair and as such VAW is a public concern.

#### Reliefs through protection orders

The Protection Orders under the law does not alienate the woman-victim from resources and family support. Before the law, the usual action of authorities was to dissociate the woman from her home and put her in a shelter for services that are basically determined by government. With the law, a woman victim has the option to stay or not to stay in her home. Apart from this, her needs are addressed for her to ably decide on her own and insulated from influence of withdrawing charges against the abuser due to lack of capacity to live on her own.

#### On Defense

Abuse impacts on a woman differently and a woman who has been abused for a time may kill her partner believing that it is the only way out of an abusive person whom she has an intimate relationship. In this case, a woman may use the “battered woman syndrome” as a defense. However, such syndrome should be proven in court to have been experienced by a woman through an evaluation by a psychologist or psychiatrist. This process has taken into consideration the various cases that have been filed against women who eventually turned out to be “murderers” in the justice system, when in fact, their actions were caused by the violence that they experienced from their partners.

As regards the abusers, the law does not allow their claim to have been under the influence of liquor or drugs as a defense for having caused crimes under the law. In the “cycle of violence” being experienced by abused women, the most common alibi of the abusers after committing violence, is having no control of their senses due to alcohol or drugs. At the barangay level, this alibi has been accepted to effect amicable settlements among the abusers and the victims. As a consequence, women abused in intimate relationships have begun to “accept” the situation and make ways to avoid their partners under influence of alcohol or drugs since after a while, their partners would be sober and be “kind” to them. Most women however, could not escape the hands of the perpetrators. With the law, women will have more handles to prevent further violence in their lives.



## Participation in the Passage of the Anti-VAWC Act

### Women's movements

Since 1992, SIBOL has been in the forefront of legislative advocacy. From 1992-1995, SIBOL concentrated on internal and organizational concerns, such as formation, organizing, education, networking, and resource generation. However, the need to participate in the drafting and lobbying for women's agenda in particular, a new Anti-Rape Bill drew its attention. Thus, members of SIBOL initiated series of forum and consultative sessions, which were eventually held in 1996. These led to the passage of the Anti-Rape in 1997.

Network level activities were sustained by SIBOL in the following year (1997). This time, it was enjoined by the Senate to discuss the Domestic Violence Bills and express its position on the Anti-Trafficking Bills, and other women-related bills pending in both houses of Congress. With due diligence, SIBOL released statements and positions on abortion, divorce, trafficking and prostitution. However, in terms of domestic violence, SIBOL had a framework that goes beyond situations in the home. The articulation on "abuse of women in intimate relationships" was instead forwarded by SIBOL as a concern in relation to violence against women.

After the elections in 1998 that included the all women's party, Abanse Pinay, members of SIBOL, namely CLD, DSWP, WLB, ISSA, together with Women and Media, spearheaded a consultative session with pro-women legislators. SIBOL approached Abanse Pinay's Pat Sarenas of the House Representatives, the party being a women's party and that its supporter, PILIPINA was a SIBOL co-founder. After the session, Sarenas agreed to support women's groups in filing pro-women bills.

In 1998, the "anti-abuse of women in intimate relationships" was not yet widely used and that the proposed bill of SIBOL was still on the language of domestic violence. A concrete commitment given by Representative Sarenas was an initiation of consultation sessions with SIBOL. Unfortunately, this did not happen.

SIBOL exerted effort to work through the said women's party, but cooperation from Abanse Pinay did not succeed and before the end of 1998, Representative Sarenas had filed her own bill, known as the Anti-Domestic Violence (Anti-DV) Bill.

In an assessment made in April 1999, given the other proposed bill in the House of Representatives and considering that there are already allied forces that took the lead in sexual and reproductive health rights, prostitution, and trafficking, SIBOL decided to take on "abuse of women in intimate relationships"

as a priority issue for legislative advocacy, without withdrawing its support for the passage of gender responsive bills.

In 1999, SIBOL had to look for another sponsor. The proactive legislator was Representative Bellaflor Angara-Castillo who is a member of a mainstream political party. There were discussions regarding the differences in stance among the supporters of the Anti-DV and Anti-AWIR Bills. Some legislators, including Representative Angara-Castillo raised the lack of unity among women. This issue was handled by SIBOL by simply saying that the women's movement is not a homogenous group. SIBOL stated in various forums that women's movements grow because they respect diversity of opinions. Nevertheless, the objective was to pass a law that would address the issue on VAW, thus, matters that would not contribute to this were not given due attention by SIBOL.

The Anti-AWIR Bill was passed by the House of Representatives through the sponsorship of Representative Angara-Castillo and technical back up by the the House Committee on Women and SIBOL. Not so long after that, the Anti DV advocates came up with a consolidated Bill based on the Anti-AWIR Bill, but the framework includes men in the household as victims of abuse. Looking at consistency with international protocols and commitments, as well as existing data on VAW, SIBOL together with Representative Angara-Castillo, has continued the discourse on Anti-AWIR with that identifies men as the main perpetrators of domestic violence and women are mostly abused, without discounting the fact that women may cause violence against women. Aside from this, SIBOL maintained the position that it does not intend to antagonize men but argued that existing Philippine laws have provided protection to men. Therefore, there is no need to legislate a new law for men.

The downside of the disagreement was the difference in the treatment of the Bills at the House of Representatives. While the Anti-AWIR House Bill was being reviewed at the Committee level in the Senate, the Anti-DV bill was referred to the House Committee on Population and Family Relations and was eventually passed by the House of Representatives.

There were small group meetings among women formations. Another group, Task Force Maria, which is composed of some SIBOL members and others who have no formal legislative network, discussed the so-called Unity Bill. With its own channel of communication to the Legislators, this group submitted a position paper that in fact supported the Anti-AWIR framework but did not use the term Anti-AWIR.

The NCRFW was not clear in its position during the deliberations at the House of Representatives. In fact, its leaders were perceived to have given support to the Anti-DV Bill.

At the Senate, the Chiefs of Staff of the Senators who composed the Committee on Women headed by Senator Loi Ejercito, agreed to proceed with the Anti-AWIR Bill. But, when the House of Representatives passed the Anti-DV Bill, the Committee entertained to include provisions from the Anti-DV Bill, which are not consistent with the Anti-AWIR framework. This situation caused intense lobbying on the part of SIBOL.

A month before the interpellation of the Anti-AWIR and Anti-DV at the Senate, the NCRFW leadership initiated small group discussions with some leaders in the women's movements. They were looking for bases of unities. In those meetings, SIBOL was consistent in its stance. It would continue to support a bill that protects women and consistent with international protocols and commitments, the Philippine government is a party to, apart from addressing the aggravating increase of VAW cases.

With all the hearings, and official and unofficial caucuses, the Senate came up with a Bill entitled "Anti-Violence Against Women and Family Members". SIBOL members responded immediately by sending comments to the Committee members. During Senate sessions, SIBOL would send delegation of women to ensure that Senators would adhere to the principles that SIBOL was forwarding through the Anti-AWIR Bill. Hence, in one of the critical sessions, Senator Loren Legarda proposed to drop the "Family Members" from the title that consequently revised the content of the Senate Bill. It was approved by the Senate and immediately after the second reading of the Bill the majority floor leader caused its approval for bicameral meeting. In the bicameral session, the concern for children of abused women were raised, which in fact was part of the Anti-AWIR Bill, hence, renaming the law into "Anti-Violence Against Women and Their Children Act".

When the law was signed on March 8, 2004, SIBOL realized that its path was on the right track all the while amidst tensions during the campaign. Now, everybody claims to have taken part in the campaign for its passage. Reclaiming legislative victory is still a gray area in the women's movements, but the unity could be manifested by the conduct of series of forum on the law by other women's organizations that were on the Anti-DV side during the campaign.

## APPENDIX 1

### A CALL TO ACTION\* FOR FULL AND EQUAL PARTICIPATION AND REPRESENTATION OF WOMEN IN POLITICS TO:

#### A. GOVERNMENTS

1. To actively promote the realization of women's political rights on equal terms with men and to ensure that the relevant legal framework, both the State Constitution and national laws, comply with the principles of the Convention on the Elimination of all forms of Discrimination Against Women (The Women Convention) in particular Article 7 on women in political life and Article 8 on women's participation and representation in the international arena and organizations.
2. To take all possible measures, in particular affirmative action or temporary special measures including:
  - Quota system to speed up the attainment of de facto gender equality and justice, in line with Article 4.1 of the Women Convention as well as General Recommendations No. 5 on Temporary Special Measures and No. 8 on implementation of Article 8 of the Women Convention by CEDAW (Committee on The Elimination of Discrimination against Women).
  - Specific policies and strategies to oblige Political Parties to actively and consistently promote and support full and equal participation and representation of women in political and public life.
  - Mainstreaming gender in national development planning programming and budgeting in all sectors and at all levels from grassroots to global, and build national capacity, expertise and skills, for its implementation.
  - Promote and support the compilation, publication and dissemination of sex-disaggregated statistics in all fields, to serve as a basis for policy and program formulation.
  - Promote and support studies on the differential impact of public policies on women and men and on the extent to which women participate in the formulations of such policies.
  - Continuous monitoring and periodic evaluation of progress achieved and obstacles encountered, so as to take action to overcome them.

#### B. LEGISLATIVE BODIES

1. To ensure that all laws particularly political laws guarantee equality between women and men in political and public life through:
  - Review of existing laws to identify discriminatory elements for immediate revision or repeal as required.

- The use of gender perspective in the formulation of new laws, particularly those related to electoral system, campaign finance, political parties and labor unions as well as the status and role of political bodies at all levels, from national down to village level.
2. To conduct consistent monitoring and evaluation of progress achieved and obstacles encountered at all levels in the implementation of gender equality and justice in political and public life through their periodic dialogues or working sessions with the executive bodies and public hearing with all stakeholders concerned: political parties, labor unions, NGO, etc.
  3. To facilitate and support a more active and substantive participation of women parliamentarians, including participation in InterParliamentary Union (IPU), ASEAN Inter-Parliamentary Organization (AIPO), and Asian Pacific Parliamentarians Union (APPU).

#### C. POLITICAL PARTIES

1. To adopt gender equality policies and consistently implement them as a manifestation of their commitment to:
  - Promote and protect the political rights of women on an equal basis with men.
  - Build participatory democracy.
  - Properly address all their constituents' women and men, needs for human security.
2. To adopt and implement temporary special measures including quota system to speed up the attainment of de facto equality in political and public life, especially in the exercise of women's rights to be elected through party nominations.

#### D. LABOR UNIONS

1. To adopt gender equality policies and consistently implement them as a manifestation of their commitment to:
  - Promote and protect the labor rights of women.
  - Build participatory democracy in the tripartite fora
  - Promptly and properly address gender discrimination in the world of work
2. To adopt and implement temporary special measures including quota system to speed up the attainment of gender equality and justice in the decision-making processes and structures of labor unions.

## E. MEDIA

While fully respecting the principle of freedom of expression and freedom of the press, we call upon the media as a strategic pillar for the building of Human Rights, Democracy and Human Security, to fully support the realization of gender equality and justice in political and public life, through "50 - 50 by 2005: Get the Balance Right" campaign.

## F. DONOR AGENCIES

1. To support strategies and capacity building activities of all concerned stakeholders, such as:
  - Preparation, publication and dissemination of sex disaggregated statistics.
  - Studies on the differential impacts of public policies on women and men.
  - Gender expertise building through education and training of women for political participation, representation and leadership.
2. To recognize and respect NGO's independence, but support their activities, in particular their efforts to consolidate their programs for the empowerment of women in political and public life at all levels, from grassroots to global level.

## G. UNITED NATIONS

1. To support the adoption of temporary special measures like quotas in UN supervised elections in transitional democracies congruent with international agreements forged in UN convened meetings and conferences.
2. To promote 50 - 50 within the United Nations particularly in decision-making positions, UN missions, humanitarian assistance and peacekeeping.

## H. NON-GOVERNMENTAL AND CIVIL SOCIETY ORGANIZATIONS

To form 50 - 50 caucuses at the local, national and regional levels for an integrated, holistic, strategic approach to gender balance in national and local governments.

*\*From the conference organized by the Center for Legislative Development (CLD), Center for Asia Pacific Women in Politics (CAPWIP), UNIFEM, ESCAP, and UNDP Asia Pacific Gender Equality Network held on March 21-22, 2001 at the AIM Conference Center in Makati City, Philippines.*

## APPENDIX 2

### BAGUIO DECLARATION OF THE 2ND ASIAN INDIGENOUS WOMEN'S CONFERENCE March 8, 2004, Baguio City, Philippines

We, the participants of the 2nd Asian Indigenous Women's Conference, affirm our vital role in advancing the struggles of indigenous and tribal peoples of Asia for social and ecological justice, self-determination and peace. We celebrate our diversity and our solidarity as vibrant movements working to renew our historic identities at this critical time.

At the turn of the 21st century, the unfettered forces of neo liberal globalization, statist militarism and development aggression are violating our inherent rights and fundamental freedoms and threatening our very survival as distinct peoples. As indigenous peoples and as women, we suffer multiple burdens, underpinned by racial, cultural, religious and gender discrimination.

Today, as we celebrate International Women's Day, on the closing year of the UN Decade for Indigenous Peoples, we take stock of our situation as women, and as indigenous peoples, and commit ourselves to the fullest exercise of our rights towards self-determination, non-discrimination and equality for all peoples of the world.

At this conference, we bear testimony to the following problems and issues:

#### Globalization and the Exploitation and Theft of Indigenous Peoples' Lands, Waters, Forests and Resources

- Globalization is accelerating the alienation, privatization, commercialization and theft of community forests, lands, waters and traditional medicinal plants causing impoverishment and generating ill health for our peoples.
- The violation of indigenous peoples' prior rights to ancestral territories, lands, waters and resources, including the requirement to obtain our free, prior and informed consent to all programmes and projects affecting our lives and welfare is causing community strife and conflicts. Free and prior informed consent should include the full and effective participation of indigenous women in the decision-making process. Violations of customary use rights, particularly women's access to and control over natural resources, have been especially undermined.
- Indigenous peoples are gradually being estranged from our lands, mountains, waters and forests, which are sources of wisdom and means

of survival. Our knowledge of biodiversity and natural resource management is systematically exploited, appropriated or eroded. Piracy of indigenous arts, crafts and medicines is rampant and is facilitated by patents and other western intellectual property rights.

- The cash economy has eroded indigenous women's independence as self-reliant food producers, healers, artisans and spiritualists, transforming us into vulnerable lowly paid workers, urban poor and tourist attractions in the market economy.
- Indigenous peoples, particularly women, are not given our just share of the benefits arising from the sustainable use of surface and sub-surface resources, including waters and forests on indigenous territories.
- Corporate mining has resulted in the displacement of indigenous communities as well as in soil erosion and contamination, water and air pollution, serious health problems, impoverishment and social conflict.
- Illegal logging, private concessions, monoculture plantations and agribusiness ventures are depriving indigenous peoples of lands and livelihoods and seriously eroding our rights.
- National Parks and Protected Areas have displaced indigenous communities, expropriating our lands and denying access to the natural resources critical for our livelihoods and survival. Indigenous women have been disproportionately affected.
- Current forms of tourism make indigenous peoples and women objects of curiosity, display and commercialization. Prostitution has increased, alongside the inducement to commercialize indigenous cultural heritages. Tourism is breeding cash dependence, especially on children.
- Large dams have serious impacts on the lives, livelihoods, cultures and spiritual existence of indigenous and tribal peoples, who have suffered disproportionately from their negative impacts, while often being excluded from sharing in any benefits. In the Philippines, almost all the larger dams built or proposed are on the lands of indigenous peoples. In India, 40 - 50% of those displaced by development projects were tribal peoples, who account for just 8% of the nation's 1 billion people.
- Forced displacement of indigenous peoples from our ancestral lands is a major cause of impoverishment and threatens our very survival as indigenous peoples. Indigenous women and children are the most seriously harmed.

#### Militarization and Violence

- Indigenous women and children in Asia likewise suffer the brunt of militarization perpetrated by state forces, including vigilante groups and private armies of companies. Indigenous communities targeted for development aggression are also targets of militarization.
- Rape continues to be used as a weapon of war by the military to humiliate and attack indigenous communities. Girls and even older women and children are not spared. Courtship and marriage with indigenous women is



used to gain acceptance in indigenous communities; however soldiers often abandon local women and children upon transfer to other destinations.

- Military rule and the establishment of military detachments in our communities have curtailed our movement and economic activities, the entry of food supplies and basic social services and even disrupted the education of our children.
- The military has facilitated the occupation of indigenous territories by non-indigenous settlers, a form of assimilation, which breeds conflicts between indigenous and non-indigenous communities.
- Compounding militarization is the war on terror and the passage of national policies or laws restricting the exercise of democratic rights and freedoms of the indigenous women and communities. Our organizations are regarded by the state to be engaged in terrorist activities. Women leaders suffer persecution and our elders are criminalized for asserting customary practices in defense of our land and resources.
- The Burmese military regime has perpetrated extreme violence against ethnic communities including forced labor, forced relocations, torture and murder. Indigenous women suffer from rapes and sexual violence, including the trafficking of women and forced prostitution.
- The report on the Philippines by Prof. Rodolfo Stavenhagen, the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples, underlines the continuing militarization of indigenous territories in furtherance of development aggression, particularly the extractive industries. Intensified militarization has resulted in family and community disintegration, human rights violations and hardship.

#### Violation of the Right to Citizenship of the Tribal Peoples of Thailand

- The right to citizenship of the tribal peoples of Thailand has not been guaranteed by the government; with applicants facing long delays in the processing of documents. Without citizenship, indigenous and tribal peoples are denied their most fundamental rights and entitlements, including access to education and other public services, land and property rights, and social mobility. Under these conditions, indigenous women are rendered extremely vulnerable and marginalized. Urgent government action is needed to redress this situation.

#### Political Misrepresentation

- Governments have engaged in political misrepresentation of indigenous peoples through the creation of government-controlled structures, the promotion of false and beholden indigenous leaders and deceitful manipulation. Indigenous Peoples' right to free, prior and informed consent has likewise been manipulated and abused.

### Lack of Access to Basic Social Services

- Indigenous women in many countries face many barriers to the access of education, healthcare and sanitation, and other basic services and are excluded from decision-making on programs to meet these needs and entitlements.
- Women are marginalized by cultures of patriarchy and violence, which confine women to the domestic sphere.

### Migration and Loss of Traditional Livelihoods

- Recent extreme climate events and changes in Mongolia have devastated nomadic livestock herding, thus deepening rural poverty and lack of access to basic social services, and accelerating migration to urban centers. The continued survival of traditional livelihoods and cultures is under threat with the rapid transition to market and urban lifestyles.

### Physical and Sexual Violence Against Women

- Poverty, which has been exacerbated by globalization policies, is increasing the vulnerability of indigenous women to violence, both sexual and physical. In search of jobs, many indigenous women are trafficked to other parts of the country, or even across borders and are eventually pushed to prostitution.
- At the same time, indigenous women living in urban centers become victims of wife battering by their husbands, who finding themselves jobless are unable to support their families, become irritable or addicted to drugs and alcohol. Uprooted from the communities, indigenous women who migrate lose the protection afforded by customary laws.

### Weakening of Women's Role

- The loss of lands, waters and forests is deepening the poverty of indigenous women while increasing their domestic loads and subsistence responsibilities. We now have to work harder and longer to feed and nurture our families. Many women have become increasingly dependent on their husbands as the primary wage earners, who have more employment opportunities and higher salaries in the market system. Thus indigenous women's status and power decline, weakening their influence and participation in decision-making.
- The incorporation of indigenous peoples in the cash economy has eroded self-reliant subsistence activities and women's role in production, economy and community life.
- Changes in the traditional social, cultural and political institutions and practices have led to a loss of practices, rules and codes of behavior which have long been instruments in ensuring gender sensitive structures. The introduction

of western education and religion, and the imposition of alien leadership structures have undermined the role of our indigenous women spiritual leaders and healers, who have provided moral and spiritual guidance through generations, and who were often part of decision-making structures in our communities.

- The declaration of Nepal as a Hindu State has meant the promulgation of laws, rules and regulations (including the Constitution) based on Hindu values including cultural norms, which consider women as inferior and impure. The government policy of Hinduization undermines the egalitarianism of traditional indigenous societies of Nepal and downgrades the status of indigenous women.

We also agree on the following actions and commitments:

#### Recognition of Indigenous Peoples Rights to Self-Determination

- To work in unity with indigenous women and peoples in Asia and the world for the recognition of our rights to self-determination.

#### Policy and Administrative Reform

- We will actively engage in policy advocacy and reform in all political arenas, and at all levels, to gain full respect and recognition of the rights of indigenous peoples, including indigenous women to self-determination and for social and ecological justice and peace.
- We will work for an end to racial, cultural, and religious and gender discrimination, and all its manifestations in public policy and practices.
- We will work for the amendment of constitutional provisions and conflicting laws to make these consistent with the internationally recognized rights of indigenous peoples. Customary laws should likewise be recognized in national and international legislation.

#### Citizenship Rights

- We uphold that all indigenous women and men are entitled to be free and equal to all others in terms of dignity and rights. Every indigenous person has the right to belong to a nationality, and to enjoy legal status and to be granted citizenship of the country where they live, if they so wish.

#### Renewal and Revitalization of Traditional Cultures, Customary Laws, Social Values and Practices

- We accept the challenge and responsibility to address cultural renewal and revitalization to promote gender sensitive values and structures within our communities. We note with concern that some modern changes in our traditional social, cultural and political institutions and practices have led to a loss of values and codes of behavior which uphold gender sensitive

structures and roles, while accepting our responsibility to change other customary laws and practices which oppress indigenous women. We will speak up against abusive treatment of indigenous women in the name of custom and tradition.

- We will work to unify and educate women, children and youth in our communities about our cultures and identity as the basis of our struggles and rights to land, territory and resources.
- We will work with our traditional institutions to raise the respect, recognition and status of indigenous women who are knowledgeable about traditional resource management, biodiversity conservation, food security and the health system.
- We will strive towards working with our traditional leaders and institutions to ensure that women are not disinherited from family properties nor used to propagate social status through “bride price” or dowry.
- We will revitalize traditional support systems against domestic violence and work towards removing prejudice and negative perceptions of indigenous peoples and women, which undermine our pride and self-confidence.

#### Campaigns Against Development Aggression and Militarization

- We will conduct campaigns against development aggression and militarization and for the defense of our lands, resources and cultures from destruction and assimilation.
- We demand proper rehabilitation and compensation for lands and waters spoiled by destructive development projects.
- We demand the pullout of military troops, checkpoints and detachments in our territories.
- We demand justice and accountability for criminal offenses perpetrated by the Armed Forces and paramilitary groups and to indemnify victims of political repressions and sexual violence.
- We will expose and oppose repressive and undemocratic anti-terrorism bills.
- We demand protection from transmigration and resettlement of outside settlers on indigenous peoples’ territories.
- We demand a share of all benefits taken from our lands, waters and territories.

#### Peace Building and Conflict Resolution

- We do not see ourselves as simply victims; we are survivors of our struggles against militarization and for peace building. We participate in peacemaking efforts in support of our peoples.
- We recognize and respect indigenous women’s contributions to peace building and conflict resolution. We will engender indigenous conflict resolution and peace building processes and ensure the full and effective participation

of indigenous women in peace processes and accords entered into by our people and communities.

- We call for increased international pressure on the Burmese military regime to stop its military offensives in territories of indigenous peoples and violent crimes against indigenous women.

#### Appropriate Social Services

- We will promote education in indigenous mother tongue languages and the transmission of indigenous cultures.
- We call upon governments to implement their international commitments on education, with due regard for the special needs for education of indigenous children.
- We will promote and develop indigenous healing practices, such as the use of herbal medicines, and work for the effective protection of indigenous knowledge from piracy and patenting.
- Awareness programs must be carried out to change the mindset of communities and the government to address the special needs of indigenous peoples.

#### Recommendations to the Indigenous Peoples' Movement and Organizations

We will continue to strengthen our organizations' solidarity linkages, build our awareness and sustain our campaigns against development aggression, militarization and ethnocide at national, regional and international levels.

#### Research and Documentation

- Conduct specific studies on the impact of conflicts on women and children, and the role of indigenous women in conflict resolution, peace building and sustainable development.
- Intensify research activities by indigenous peoples on our priority issues and concerns.

#### Empowerment of Indigenous Women for Leadership

- Empower indigenous women to exercise our life skills in health, education and decision-making and to play our important roles in our families, communities and the indigenous peoples' movement.
- Carry out gender sensitivity programs within indigenous organizations and communities.
- Strengthen indigenous women's participation in all aspects of leadership and governance. Special meetings, leadership training as well as other training courses and exposure programs should be organized.

- In terms of participation, a quota for women should be allocated, and when projects or meetings are going on, nursery facilities should be provided.
- Women will be encouraged to take up decision-making positions, after gaining the necessary confidence.
- The role and perception of women should not follow stereotypes and women who are qualified and experienced should be selected as leaders.

08 March 2004

Baguio City, Philippines

Signed by 100 indigenous women participants from the following 12 Asian countries: Malaysia, Mongolia, Indonesia, Bangladesh, India, China, Taiwan, Philippines, Thailand, Nepal, Burma, Kyrgyzstan

## APPENDIX 3

### International Women's Summit to Redefine Security Naha, Okinawa, Japan 22 - 25 June 2000

On the eve of the annual meeting of the G-8 leaders, to be held in Okinawa, July 21 - 23, 2000, ninety-one members of East Asia - US Women's Network Against Militarism, coming from the Philippines, Puerto Rico, South Korea, Japan, U.S., mainland Japan, and Okinawa, convened the International Women's Summit to Redefine Security. We are activists, teachers, students, researchers, elected officials, survivors of physical, sexual, and emotional violence; we are daughters, mothers, and wives. The purpose of this meeting was to challenge the principle of "national security" on which the economic policies of the G-8 are based. These economic policies can never achieve genuine security. Rather, they generate gross insecurity for most peoples of the world and devastate the natural environment. Those economic policies are profits for multinational corporations and stockholders through the development, production, and sale of weapons of destruction. Moreover, militaries maintain control of local populations and repress those who oppose fundamental principles on which the world economic system is based. The current economic system depends on the deep-seated attitudes and relationships characterized by greed, fear, domination, and the objectification of "others" expressed through racism, sexism, imperialism, and the desire to control the physical environment. Vested interests, routine ways of thinking, prejudice, ignorance, and inertia also play their part in maintaining entrenched systems of economic, social, and political inequality.

This Women's Summit builds on the earlier meetings of the East Asia - US Women's Network in Naha, Okinawa (1997) and Washington, DC (1998), which sought to build a strong international network of women who oppose militarism and are working to define an agenda for true global security and peace. Throughout the four-day gathering, we affirmed that genuine security is based on the following four key tenets:

- The environment in which we live must be able to sustain human and natural life;
- People's basic survival needs for food, clothing, shelter, health care, and education must be met;
- People's fundamental human dignity and respect for cultural identities must be honored; and
- People and the natural environment must be protected from avoidable harm.

By these standards, there are no truly secure societies in the world and none that are fully committed to achieving genuine security. Yet many detailed alternative proposals to creating and maintaining true security have been developed by

international peace and human rights organizations. These include specific proposals for nonviolent conflict resolution, early warning procedures, mediation services, and the restoration and rebuilding of devastated lands and communities. Development for genuine security must be economically and environmentally sustainable. Participants in the International Women's Summit shared our experiences of the impact of this militarized economy in our lives. We see demilitarization as a process of incremental steps by which governments must reduce military operations, expenditures, and cultures while simultaneously expanding non-military alternatives. Toward our goal of achieving true security, we issue the following demands to the leaders of G-8 nations and to the leaders of nations that we represent:

- Stop the bombing on Vieques, Puerto Rico; cease the war in Mindanao, Philippines; end the Korean War and support efforts to reunify Korea; stop plans for new or replacement bases in Okinawa, e.g. the proposed heliport at Henoko. These immediate steps would be the basis for ultimate removal of military presence from these communities and return the land to local control.
- Revise the unequal Status of Forces Agreements (SOFA) and Visiting Forces Agreement (VFA), a first step toward removal of US bases from Okinawa, mainland Japan, Korea and the Philippines.
- Oppose the new US - Japan Defense Guidelines that require Japan to provide facilities and personnel to support US military activities in the region. The Guidelines constitute a violation of Article 9 of the Japanese Constitution.
- Ratify the International Criminal Court, which will provide a mechanism for ordinary people to take action against military crimes.
- Compensate host countries and individual victims and survivors of military toxic waste and of violent acts against women and children that are results of the US military presence.

Specifically:

1. Adopt the Host Country Bill of Rights as ratified in the International Grass-roots Summit for Military Toxics (October 1999, Washington, DC);
2. Commit to ongoing cumulative reduction of military spending, for example, 5% per year and reallocate these resources toward compensation and redress of victims and survivors of military operations;
3. Develop alternatives to military conflict resolution;
4. Provide housing, food, shelter, health care, and education, which are basic survival needs.
5. Stop new weapons design development, and testing; end sales of weapons.
6. The perspectives, leadership and issues of women to be central to all matters of peace and security, including planning and decision-making of base closures and conversion.



7. Women's organizations must be included at all levels of peace negotiations and national reconstruction. A pressing case is the dialogues beginning between North and South Korea.
8. Conversion of military systems and military land must promote and reflect programs and projects that meet local community needs and are culturally relevant.

We conclude that military security is a contradiction in terms. The present militarized international security system is maintained at the expense of the natural environment, the economic and social needs of many people, and fundamental human rights. This is price we refuse to pay.

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## List of Persons Interviewed

1. Juliet Texan, Division Chief, Project Development and Evaluation Division, Planning Service, DENR
2. Llarina Mojica, Project Development Officer III, Project Development and Evaluation Division, Planning Service, DENR
3. Remedies Blaquera, Division Chief, Administrative Division, Forest Management Bureau
4. Roy Tolentino, Project Development Officer, Project Development and Evaluation Division, Planning Service, DENR
5. Yolanda Gomez, Planning Officer IV, Planning and Programming Division, Planning Service, DENR

\*\*\*\*Other persons interviewed preferred to remain anonymous.