



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the ninth periodic report of the Philippines\*

1. The Committee considered the ninth periodic report of the Philippines (CEDAW/C/PHL/9) at its 2003rd and 2004th meetings (see CEDAW/C/SR.2003 and CEDAW/C/SR.2004), held on 11 October 2023. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/PHL/Q/9, and the responses of the Philippines are contained in CEDAW/C/PHL/RQ/9.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its ninth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/PHL/CO/7-8/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Executive Director of the Philippine Commission on Women, Kristine Rosary Yuzon-Chaves, and included representatives of the Department of Justice, the Department of Social Welfare and Development, the Department of Trade and Industry, the Sandiganbayan, the Office of the Court Administrator, the Department of Agriculture, the Department of Health, the Presidential Human Rights Committee Secretariat, the Bangsamoro Women Commission, the Philippine Statistics Authority, the Philippine National Police and the Permanent Mission of the Philippines to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2016 of the State party's previous reports (CEDAW/C/PHL/7-8) in undertaking legislative reforms, in particular the adoption of the following:

(a) Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act (Republic Act No. 11930), in 2023;

\* Adopted by the Committee at its eighty-sixth session (9–27 October 2023).



- (b) Act Providing for Stronger Protection against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape (Republic Act No. 11648), in 2022;
- (c) Expanded Anti-Trafficking in Persons Act (Republic Act No. 11862), in 2022;
- (d) Expanded Solo Parents Welfare Act (Republic Act No. 11861), in 2022;
- (e) Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof (Republic Act No. 11596), in 2021;
- (f) Expanded Maternity Leave Law (Republic Act No. 11210), in 2019;
- (g) Universal Health Care Act (Republic Act No. 11223), in 2019;
- (h) Magna Carta of the Poor (Republic Act No. 11291), in 2019;
- (i) Safe Spaces Act (Republic Act No. 11313), in 2019;
- (j) Philippine HIV and AIDS Policy Act (Republic Act No. 11166), in 2018.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality through, for example, the adoption of the following:

- (a) National Action Plan on Gender-Responsive Return and Reintegration of Overseas Filipino Workers, in 2021;
- (b) National Disaster Risk Reduction and Management Plan for 2020–2030, in 2020;
- (c) Gender Equality and Women's Empowerment Plan for 2019–2025, in 2019;
- (d) National Action Plan on Women, Peace and Security for 2017–2022, in 2017;
- (e) Philippines AmBisyon Natin 2040 (Vision 2040), in 2016.

6. The Committee welcomes the fact that, in the period since the consideration of the previous reports, the State party has ratified the following international instruments:

- (a) Labour Relations (Public Service) Convention, 1978 (No. 151) of the International Labour Organization (ILO), in 2017;
- (b) Convention on Occupational Safety and Health, 1981 (No. 155) of ILO in 2019.

### **C. Sustainable Development Goals**

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

## D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

## E. Principal areas of concern and recommendations

### General context

9. The Committee notes with appreciation the State party's commitment to mainstreaming gender equality and women's rights in its legislative, regulatory and policy frameworks and the Women's Priority Legislative Agenda for the nineteenth Congress. It is concerned, however, about the high levels of violence and insecurity aggravated by natural disasters and the coronavirus disease (COVID-19) pandemic, which have had a negative impact on women's human rights and the rule of law in the State party. The Committee notes with concern the inadequate progress made in addressing the situation of disadvantaged and marginalized groups of women and girls in all areas of their lives. Those women and girls – in particular Indigenous and Bangsamoro women; women with disabilities; lesbian, bisexual, transgender and intersex women; rural women; internally displaced women; refugee and migrant women; and women in detention, women domestic workers and women human rights defenders and journalists – are facing historical and intersecting forms of discrimination.

10. The Committee urges the State party to uphold its commitment to human rights, the consolidation of the rule of law, access to justice and respect for freedom of expression. It calls upon the State party to strengthen the Convention's legal weight and application across the country for the benefit of all women, particularly Indigenous and Bangsamoro women; women with disabilities; lesbian, bisexual, transgender and intersex women; rural women; internally displaced women; refugee and migrant women; and women and girls in detention, women domestic workers, women human rights defenders and journalists.

### Direct applicability of the Convention

11. The Committee notes with appreciation that the Convention has been directly invoked in courts. It notes, however, the information provided by the State party indicating that according to the doctrine of the State party, the generally accepted principles of international law form part of the national legislation and that in case of irreconcilable conflict between international law and domestic law, the principle of *lex posterior derogat priori* takes effect. The Committee reminds the State party that, in accordance with article 27 of the Vienna Convention on the Law of Treaties (1969), “(a) party may not invoke the provisions of its internal law as justification for its failure to perform a treaty” and notes with concern the lack of clarity with regard to the applicability of the Convention, which may undermine the principle of legal certainty and adversely affect the enjoyment by women of their rights.

12. **The Committee reiterates its previous recommendation ([CEDAW/C/PHL/CO/7-8](#), para. 11) and recommends that the State party harmonize its legislation on the applicability of international treaties and ensure the precedence of provisions of the Convention over national laws in case of conflict.**

### **Legislative framework**

13. The Committee is concerned at the absence of comprehensive anti-discrimination legislation to protect disadvantaged and marginalized groups of women facing intersecting forms of discrimination in the State party, in particular Indigenous and Bangsamoro women; women with disabilities; lesbian, bisexual, transgender and intersex women; rural women; internally displaced women; refugee and migrant women; and women in detention, women domestic workers and women human rights defenders and journalists. The Committee is also concerned that several anti-discrimination laws, in particular the Comprehensive Non-Discrimination Bill and the Sexual Orientation and Gender Identity Expression Equality Bill, have been pending for a long time.

14. **The Committee recommends that the State party:**

(a) **Accelerate the adoption of the Comprehensive Non-Discrimination Bill and ensure that it covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, which is to end all forms of discrimination against all women and girls everywhere;**

(b) **Accelerate the adoption of the Sexual Orientation and Gender Identity Expression Equality Bill;**

(c) **Establish a comprehensive system for collecting data on discrimination, disaggregated by sex, age, nationality, ethnicity, disability and socioeconomic status;**

(d) **Strengthen cooperation with United Nations entities in the implementation of the Convention.**

### **Access to justice**

15. The Committee notes the State party's efforts to harmonize customary and indigenous judicial systems with the provisions of the Convention. It also notes the issuance by the Supreme Court of the Organic Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette. It is concerned, however, by persisting barriers to women's access to justice, including threats to the independence of the judiciary, legal illiteracy among many women and girls, financial constraints, lack of legal representation and the risk of their being subjected to sexual violence, especially in rural and remote areas and for women and girls belonging to disadvantaged and marginalized groups.

16. **Recalling its general recommendation No. 33 (2015) on women's access to justice and the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems, the Committee recommends that the State party:**

(a) **Strengthen the reform of the justice system, ensuring a greater recognition of the status of victims and the introduction of a principle of accountability;**

(b) **Ensure that women have access to affordable or, if necessary, free legal aid services, particularly women in rural and remote areas and those belonging to disadvantaged and marginalized groups, and disseminate information on the**

mechanisms and procedures for seeking remedies for violations of the rights of women and girls;

(c) Enhance awareness among women and girls, in particular rural women and women and girls with disabilities, of their rights under the Convention and the remedies available to them for claiming those rights, in cooperation with civil society organizations;

(d) Provide training for the judiciary and law enforcement officials on women's human rights and gender sensitive interrogation and investigation methods and address judicial gender bias.

#### **Women, peace and security**

17. The Committee notes with appreciation the adoption of the national action plan for the implementation of Security Council resolution 1325 (2000) for the period 2017–2022, as well as the adoption of the Regional Action Plan on Women, Peace and Security for the Bangsamoro Autonomous Region in Muslim Mindanao for the period of 2020–2022. It is concerned, however, at the lack of information on the assessment of the national and regional action plan, and the lack of information on the impact of those plans on the lives of women, particularly those living in conflict-affected areas and internally displaced women, and the lack of effective representation of women in processes related to the agenda on women, peace and security.

18. The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and recommends that the State party:

(a) Accelerate the adoption of the fourth-generation national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security in collaboration with representatives of women's civil society organizations and ensure that it takes into consideration the full spectrum of the Council agenda on women, peace and security, as reflected in Council resolution 1325 (2000) and subsequent Council resolutions, and incorporates a model of substantive equality which addresses gender-based violence against women and discrimination against women in all spheres of women's lives, including intersecting forms of discrimination against women;

(b) Ensure the meaningful and inclusive participation of women in all processes related to women, peace and security, in particular with regard to the adoption, implementation and assessment of the national and regional action plans;

(c) Integrate a gender-responsive budget, set out indicators for the regular monitoring of implementation of the national and regional action plans and establish accountability mechanisms.

#### **National machinery for the advancement of women**

19. The Committee notes the State party's efforts to strengthen the mandate of the Philippine Commission on Women and the establishment of the Commission's North Mindanao Field Office. It notes with concern, however, that the position of the Chair of the Philippine Commission on Women has been vacant for a long period of time. It is concerned at the lack of information on the impact of the 5 per cent budgetary allocation to government ministries on effective implementation of gender policies and gender mainstreaming across all government departments.

20. **The Committee recommends that the State party:**

- (a) **Appoint a Chair of the Philippine Commission on Women;**
- (b) **Further strengthen the mandate of the Philippine Commission on Women, provide it with adequate human, technical and financial resources to coordinate all public policies and strategies for the advancement of women and gender equality, including through gender-responsive budgeting and ensure that the gender working groups in relevant ministries are fully operational at the national and local levels;**
- (c) **Conduct systematic training on women's human rights and gender equality for civil servants on initial appointment and at regular refresher courses and monitor gender mainstreaming across all sectors;**
- (d) **Strengthen the framework for gender equality through increased cooperation between the Philippine Commission on Women and local authorities, as well as with civil society, in particular women's rights organizations.**

**National human rights institution**

21. The Committee notes with appreciation that the Commission on Human Rights has been reviewed and accredited with A status in 2017 by the Global Alliance of National Human Rights Institutions, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, the Committee is concerned about the low level of implementation of the Commission's recommendations by the State party.

22. **The Committee recommends that the State party implement the recommendations of the Global Alliance of National Human Rights Institutions to provide the Commission on Human Rights with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the Paris Principles. It also recommends that the State party take necessary measures to consider the recommendations of the Commission on Human Rights and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in that regard.**

**Temporary special measures**

23. The Committee is concerned at the limited use of temporary special measures in other areas where women, including rural women and women with disabilities, Bangsamoro women and Indigenous women, are underrepresented and disadvantaged, such as decision-making systems at all levels, education and employment.

24. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

- (a) **Adopt temporary special measures and establish time-bound targets to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women, including rural women, Indigenous and Bangsamoro women, lesbian, bisexual, transgender and intersex women and women with disabilities, are underrepresented or disadvantaged, such as in decision-making systems at all levels, education and employment;**
- (b) **Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.**

**Discriminatory stereotypes**

25. The Committee is concerned at:

- (a) The persistence of patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, which, by portraying women as primarily mothers and caregivers, impede progress in advancing gender equality;
- (b) The absence of a comprehensive strategy to address discriminatory gender stereotypes and of capacity-building for media professionals and public officials on the use of gender sensitive language;
- (c) The persistence of discriminatory gender stereotypes and stereotypic portrayals of women in educational materials and the media.

26. **The Committee recommends that the State party:**

- (a) **Develop and implement a comprehensive strategy, including for the online domain, targeting community and religious leaders, teachers, girls and boys, and women and men to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society and develop and introduce a set of targets and indicators to systematically measure the impact of the strategic interventions undertaken;**
- (b) **Provide relevant public officials and the media, as well as private sector representatives, with capacity-building to enable them to address discriminatory gender stereotypes, including through gender-responsive language, and promote positive portrayals of women as active drivers of development in the media;**
- (c) **Take targeted measures, including awareness-raising and shared parental leave, to promote equal sharing of domestic and childcare responsibilities, as well as responsible fatherhood.**

**Gender-based violence against women**

27. The Committee notes with concern the high incidence of domestic violence in the State party, owing to discriminatory social norms legitimizing such violence, as well as underreporting and low prosecution and conviction rates, due to women's fear of stigmatization, and the lenient sentences on perpetrators. It is concerned:

- (a) At the lack of measures taken, including allocation of resources through the *barangay*, to implement the Anti-Violence Against Women and their Children Act (Republic Act No. 9262);
- (b) At the State party's reluctance to adopt comprehensive legislation specifically criminalizing all forms of gender-based violence, in particular psychological violence, and inadequate protection from gender-based violence of women and girls facing intersecting forms of discrimination, including women and girls belonging to religious and ethnic minorities, lesbian, bisexual, transgender and intersex women, women and girls with disabilities, and internally displaced women;
- (c) At the lack of shelters and victim support services, including psychosocial counselling and rehabilitation services.

28. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

- (a) **Take necessary measures, including the allocation of financial resources through the *barangay*, to ensure the full implementation of the Anti-Violence Against Women and their Children Act;**

(b) **Adopt comprehensive legislation to ensure that all forms of gender-based violence against women are specifically criminalized and take into account the special protection needs of disadvantaged and marginalized groups of women, including rural women, women with disabilities, migrant women, older women and lesbian, bisexual, transgender and intersex women;**

(c) **Intensify awareness-raising for the general public on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, and on the need to enable women to report such cases without fear of reprisals, stigmatization or revictimization;**

(d) **Ensure that women and girls who are survivors of gender-based violence have access to affordable and, if necessary, free legal aid; relax the burden of proof on complainants; ensure affordable access to forensic evidence; and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers regarding gender sensitive investigation and interrogation methods in cases of gender-based violence;**

(e) **Strengthen victim support services and protection, including a 24/7 hotline, adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the State party.**

#### **Trafficking in women**

29. The Committee commends the State party on its efforts to strengthen its legal and policy framework to combat trafficking in women and girls, including the adoption of the Fourth National Strategic Action Plan to Combat Trafficking for 2023–2027. The Committee remains concerned, however, that the State party remains a source, destination and transit country for trafficking in persons, in particular women and girls, for purposes of sexual exploitation and labour exploitation. The Committee is particularly concerned about:

(a) Limited progress in addressing the root causes of trafficking within the State party, including poverty and lack of economic opportunities, in particular in rural and remote areas;

(b) Persistence of online sexual exploitation of children, aggravated by the economic impact of the COVID-19 pandemic, resulting in increases in recruitment for sexual exploitation online, demand for child sexual abuse material and technology-facilitated child sex trafficking, in some cases perpetrated by parents or close relatives;

(c) Lack of public awareness of crimes of sexual exploitation of children, including among parents and children themselves, and that social and cultural tolerance of sexual exploitation of children in communities is preventing the reporting and prosecution of such crimes.

30. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Take concrete and specific measures to address the root causes of trafficking in women and girls by improving the economic situation of women;**

(b) **Conduct policing and investigation to detect sexual exploitation online, cooperate with technology companies in creating automated tools for detecting online recruitment and identifying traffickers and strengthen partnerships between the public and private sectors to address pandemic-related increases in the incidence of the crime and identify and prosecute perpetrators;**



(c) **Conduct awareness-raising campaigns on the risks of trafficking and online sexual exploitation, and provide income generating opportunities, financial support, legal assistance and hotlines for women and children;**

(d) **Ensure that all cases of trafficking in women and girls are investigated and prosecuted and that perpetrators are adequately punished;**

(e) **Provide capacity-building for the judiciary, law enforcement officials, immigration officers, border guards and social workers on the application of the national legal and policy framework to combat trafficking in women and girls and gender sensitive procedures for the early identification and referral of victims to appropriate services;**

(f) **Ensure the systematic collection and analysis of data on trafficking, disaggregated by age, sex, nationality of victims and forms of trafficking.**

#### **Women overseas Filipino workers**

31. The Committee notes that a significant proportion of the State party's population works abroad and that in 2022, 57.8 per cent of the State party's population working abroad, or 1.13 million persons, were women. The Committee appreciates the establishment of the Department of Migrant Workers in 2021 and the adoption of the National Action Plan on Gender-Responsive Return and Reintegration of Overseas Filipino Workers. It is concerned, however, that a significant number of women overseas Filipino workers are exploited in domestic work and prostitution, which constitutes trafficking in human beings, and that women overseas Filipino workers are primarily engaged in unskilled and low paid jobs, without social protection, and are separated from their families and their children for long periods of time. The Committee is particularly concerned about:

(a) Numerous cases of discrimination against women overseas Filipino workers, in particular women domestic migrant workers, with regard to working conditions, allegations of physical, psychological and verbal abuse, including sexual abuse, and the impunity of perpetrators;

(b) Illegal recruiters who play an important role in facilitating the exploitation and trafficking of women overseas Filipino workers;

(c) The age restrictions imposed on women with regard to access to employment abroad under, the Expanded Anti-Trafficking in Persons Act of 2022 (Republic Act No. 11862).

32. **The Committee, recalling Sustainable Development Goals target 8.8, which is to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment, recommends that the State party:**

(a) **Ensure that all bilateral agreements concluded with destination countries engaging women overseas Filipino workers, including women domestic workers, contain protocols for investigating and prosecuting all violations of the Convention and provide redress to victims and secure their right to frequent and substantial home-visits;**

(b) **Strengthen the legal protection of women overseas Filipino workers, prosecute and sentence the offenders in such crimes, including the recruiters, and raise awareness of overseas women workers regarding their rights;**

(c) **Amend section 4 (m) of the Expanded Anti-Trafficking in Persons Act of 2022 (Republic Act No. 11862), to remove the age restriction on women seeking**

domestic work abroad, and set the minimum age for workers at 18 years in line with international standards;

(d) Strengthen the implementation of the National Action Plan on Gender-Responsive Return and Reintegration of Overseas Filipino Workers, paying particular attention to the economic, social and emotional situation of returned women overseas Filipino workers.

#### **Participation in political and public life**

33. The Committee is concerned at:

(a) Absence of statutory quotas for the representation of women in national and local parliaments and political parties, and women's unequal representation in the lower house (27.3 per cent) and in the upper chamber (29.2 per cent);

(b) Underrepresentation of women in decision-making positions, including senior positions in the government, the judiciary, the public service, the foreign service, academia and international organizations;

(c) Lack of measures to protect women politicians and candidates against sexism, fake news and gendered hate speech, particularly during elections, which hampers the participation of women in political and public life.

34. Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:

(a) Introduce targeted measures, including temporary special measures, in line with article 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) on temporary special measures, such as increased quotas and targeted campaign financing, to increase the representation of women at all levels of government, as well as in the judiciary, the public service, the foreign service, academia and international organizations, in particular at decision-making levels;

(b) Provide campaign financing and capacity-building to women politicians and candidates on political campaigning, leadership and negotiation skills and raise awareness, in collaboration with the media, among politicians, religious and community leaders and the general public on the importance of the full, independent and democratic participation of women on an equal basis with men in political and public life as a requirement for achieving political stability and sustainable development in the State party;

(c) Strengthen mechanisms to prevent hate speech against women politicians and women candidates in political and public discourse, including online, and prevent harassment and threats against them, including by strengthening reporting and monitoring mechanisms, requiring all political parties to adopt codes of conduct to promote gender equality and combat harassment against women candidates and activists and holding social media companies accountable for discriminatory user-generated content;

(d) Provide capacity-building and training to women managers in the private sector, sensitize private sector entities on the importance of women's equal participation in leadership positions and incentivize public and private listed companies to increase the number of women in positions of decision-making;

(e) Introduce preferential recruitment of women to the judiciary, the public service and the foreign service, including in diplomatic missions, and support the women candidates applying to international organizations.

### **Women human rights defenders, land and environmental defenders and journalists**

35. The Committee is concerned at the State party's denial of the use of the Anti-Terror Act (2020) to legitimize the targeting of government critics, environmental defenders, human rights defenders and journalists, including through "red-tagging", as exemplified by the case of Nobel Prize laureate Maria Ressa, leading to intimidation, hate speech, threats, physical assault, harassment, arrest and detention of women human rights defenders, women journalists and activists, in particular those advocating for land rights, protection of the environment and the rights of Indigenous and Bangsamoro women, rural women and lesbian, bisexual, transgender and intersex women.

36. **The Committee recommends that the State party:**

(a) **Ensure that women human rights defenders, women journalists and activists, including Maria Ressa and in particular those advocating for land rights, protection of the environment and the rights of Indigenous women, rural women, lesbian, bisexual, transgender and intersex women and Muslim women, can freely carry out their advocacy for women's human rights and exercise their rights to freedom of expression, peaceful assembly and association free from harassment, surveillance or undue restrictions, including arbitrary arrest and arbitrary prosecution, and when they engage or seek to engage with the Committee;**

(b) **Investigate and prosecute all acts of harassment, gender-based violence and discrimination, and intimidation and reprisals against women human rights defenders, including online, and ensure their constitutional right (under article 3.1 of the Constitution) to due process of law and the equal protection of the laws; provide remedies and reparations to victims; and establish a specific registry of such incidents, with disaggregated data and publicly available statistics;**

(c) **Raise awareness of the contribution of women human rights defenders, activists and journalists to the realization of women's rights.**

### **Nationality**

37. The Committee is concerned that section 15 of Commonwealth Act No. 473 (Revised Naturalization Law) stipulates the automatic conferment of derivative citizenship from husband to wife, which deprives women of their choice of nationality. It is also concerned that section 12 of Republic Act No. 9139 provides that married women applicants for naturalization are unable to confer their citizenship to their husband.

38. **With reference to its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party accelerate the adoption of House Bill No. 7527 (Gender Equality in Naturalization Laws) to ensure that women have equal rights with men to pass on nationality to their spouses and end the automatic conferment of nationality from husband to wife.**

### **Education**

39. The Committee notes with concern:

(a) Cases of dropout among girls in secondary education, attributable to early pregnancies, child marriage and child labour, in particular in rural areas, and aggravated by the negative impact of the COVID-19 pandemic, as well as the lack of

information on the impact of the Alternative Learning System Act (2020) on the access of women and girls to education, in particular in Indigenous communities and in the outer islands;

(b) Persistent discriminatory gender stereotypes in the education system, including an emphasis in school textbooks on traditional roles of women;

(c) Low enrolment rate of women in higher education, as well as their concentration in fields of study that are traditionally dominated by women;

(d) That, despite the existing Policy Guidelines on the Implementation of Comprehensive Sexuality Education, there is a lack of knowledge among adolescent learners relating to family planning, responsible sexual behaviour and prevention of sexually transmitted diseases;

(e) Gender-based violence against women and girls, harassment and abuse of women and girls in school environments and limited information on the number of complaints and investigations in such cases and on the penalties imposed.

**40. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party raise awareness of the importance of the education of girls as a basis for their empowerment and also recommends that the State party:**

(a) **Address the causes of school dropout among girls, including child and forced marriages and early pregnancies, as well as discrimination on the basis of gender and/or disability; ensure that young mothers can return to school following childbirth and after the COVID-19 pandemic, with a view to completing their education, obtaining diplomas and gaining access to higher education or employment; and provide information in its next periodic report on the impact of the alternative delivery modes and the alternative learning system;**

(b) **Eliminate discriminatory stereotypes of the roles of women and girls in society and raise awareness among parents, teachers, traditional and religious leaders, women, men, girls and boys of the importance of the education of girls and women for their economic empowerment, personal development and autonomy;**

(c) **Promote and encourage girls and women to enrol in non-traditional fields of study, such as science, technology, engineering and mathematics, including through orientation programmes and career counselling in secondary and higher education;**

(d) **Strengthen the effective implementation of comprehensive sexuality education at all levels of education. while ensuring that it contains: (i) inclusive and accessible content on gender equality, including on women's rights and the harmful effects of gender-based violence against women and girls; (ii) age-appropriate sexuality education, paying particular attention to responsible sexual behaviour and the prevention of early pregnancies and sexually transmitted diseases; and (iii) education on human rights and peace;**

(e) **Ensure safe educational environments which are free from gender-based violence against women and girls, including safe transportation to and from schools; and investigate, prosecute and impose adequate punishment, including corporal punishment, for all cases of harassment and gender-based violence perpetrated against girls and women in educational institutions and provide victims with immediate protection.**

## Employment

41. The Committee notes with concern:

- (a) Women's concentration in lower-paid jobs in the informal economy, where they are exposed to exploitation and occupational health and safety hazards and excluded from social security coverage, and the lack of progress made towards the adoption of the Magna Carta of Workers in the Informal Economy;
- (b) The large number of women engaged in unpaid care work;
- (c) The limited enforcement of the principle of equal pay for work of equal value and the significant gender pay gap in the State party, ranging from 4 to 44 per cent across occupations, despite the ratification of the Equal Remuneration Convention, 1951 (No. 100) of ILO;
- (d) That, despite the provisions of the Magna Carta for upholding union membership regardless of employment status or workplace, women's participation in trade unions is declining, owing to discrimination and harassment of union members;
- (e) The absence of independent confidential complaint mechanisms for women who are victims of sexual harassment and underreporting by women of sexual harassment and the lack of effective labour inspections;
- (f) The lack of progress with regard to the adoption of the menstruation leave act.

42. **The Committee recommends that the State party:**

- (a) Adopt the Magna Carta of Workers in the Informal Economy to facilitate women's access to formal employment and social security coverage;**
- (b) Recognize, reduce and redistribute the burden of unpaid care work placed on women by providing affordable childcare facilities and care services for older persons, and ensure that women employed in family businesses are adequately remunerated and have access to social protection schemes;**
- (c) Enforce the principle of equal pay for work of equal value and regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;**
- (d) Encourage women to actively participate in trade unions and provide enabling and safe environments free from discrimination and intimidation and use temporary special measures to ensure women's participation in the leadership of trade unions;**
- (e) Ensure the effective implementation of the Safe Spaces Act (2019) and that women victims of sexual harassment have access to effective remedies, in particular in rural and remote areas; that their complaints are effectively investigated, perpetrators prosecuted and adequately punished and victims protected from retaliation; conduct regular labour inspections; and ratify the ILO Violence and Harassment Convention, 2019 (No. 190);**
- (f) Accelerate the adoption of the menstruation leave act.**

## Health

43. The Committee notes the progress made by the State party in improving women's health and well-being and access to health insurance and health-care services. However, the Committee notes with concern:

(a) The persistently high rates of maternal mortality (78 deaths per 100,000 live births in 2020), women's limited access to antenatal and postnatal health-care services, particularly in rural areas;

(b) The lack of age-appropriate education on sexual and reproductive health and rights, family planning and postpartum care;

(c) The lack of progress on decriminalizing abortion and the high number of unsafe abortions;

(d) The high rates of breast cancer mortality due to lack of awareness, lack of resources and lack of access to mammograms and other life-saving treatments;

(e) That despite the recent increase of the duration of maternity leave to 105 days, only 7 days of leave are allocated to fathers or alternative caregivers.

**44. Recalling its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Improve women's access to antenatal, perinatal and postnatal health services to reduce the high rates of maternal mortality, including by training midwives and other relevant health professionals, especially in rural areas;**

(b) **Ensure that women and girls, including rural women and girls, unmarried women and women and girls with disabilities, have adequate access to sexual and reproductive health services and information, including family planning, modern forms of contraception and safe abortion and post-abortion services;**

(c) **Amend articles 256–259 of the Revised Penal Code to legalize abortion in cases of risk to the life or health of the pregnant woman, rape, incest or severe fetal impairment and decriminalize it in all other cases;**

(d) **Collect data, disaggregated by age and region, on unsafe abortion and its impact on women's health, including maternal mortality;**

(e) **Strengthen the efforts to address the high rates of breast cancer by, inter alia, improving prevention, early detection, treatment and psychological support for women and girls with cancer and allocating adequate human and financial resources for that purpose.**

#### **Economic and social benefits**

45. The Committee notes with appreciation the adoption of the Gender Equality and Women's Empowerment Plan for 2019–2025. The Committee is concerned, however:

(a) That the COVID-19 pandemic and natural disasters in 2022 (tropical storm Megi) and 2021 (typhoon Rai) have accelerated the feminization of poverty and the marginalization of disadvantaged groups of women, in particular women heads of households in rural areas, women and girls with disabilities, Indigenous and Bangsamoro women, pregnant women, women survivors of gender-based violence, women living in poverty and women in unpaid work, who often face challenges in accessing economic and social benefits;

(b) At women's limited access to landownership, loans and other forms of financial credit, bank accounts and financial services in the State party;

(c) The lack of clarity on gender-responsive components contained in the Financial Institutions Strategic Transfer Act of 2021 (Republic Act No. 11523) and the Corporate Recovery and Tax Incentives for Enterprises Act of 2021 (Republic Act

No. 11534), as well as the absence of a gender impact analysis of the Comprehensive Tax Reform Programme;

(d) The lack of progress with regard to the revision of the State party's legislation on day-care centres, as well as the lack of measures to subsidize day-care centres through investments and private sector involvement.

**46. The Committee recommends that the State party:**

(a) **Address the feminization of poverty by mainstreaming gender into the national strategy for social protection and ensure that women, especially those belonging to disadvantaged groups, participate meaningfully in the implementation, monitoring, evaluation and renewal of the Gender Equality and Women's Empowerment Plan and have access to adequate social and economic benefits and social protection schemes;**

(b) **Ensure that women have access equal to that of men to landownership, low-interest loans, entrepreneurship opportunities and information and communications technology so that they may engage in e-commerce and cross-border trade with regard to their goods and products;**

(c) **Carry out a gender impact analysis of the tax reforms and the relevant national legislation and develop and implement policies and programmes based on the findings of the study that promote and safeguard the human rights of women and take into account the impact of those tax reforms on women, especially on households headed by single women and women living in poverty;**

(d) **Accelerate the review of the legislation on day-care centres, ensuring allocation of sufficient financial resources, including through private sector investments.**

**Rural, Indigenous women and disadvantaged women**

47. The Committee notes with concern that according to the Household Survey (2022), only 6 per cent of rural women own land alone or jointly. The Committee is particularly concerned at:

(a) The limited access of rural and Indigenous women to education, employment and health care, financial credit and modern farming technologies and their underrepresentation in decision-making and leadership positions;

(b) The lack of consultations with rural and Indigenous women on large-scale projects, such as tourism and agro-industrial and construction projects undertaken by foreign investors and private enterprises on Indigenous lands and using their natural resources, as well as the adverse impact of climate change, including natural disasters, loss of crops and food and water insecurity, on rural and Indigenous women;

(c) The forced eviction and displacement of Indigenous women and girls, labour exploitation with serious health consequences, and sexual violence and trafficking related to business and development projects on Indigenous lands;

(d) The intimidation, harassment and threats against rural and Indigenous women environmental activists.

**48. Recalling its general recommendations No. 34 (2016) on the rights of rural women, No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:**

(a) **Intensify efforts to ensure service delivery in rural areas to promote access of rural and Indigenous women to health care, including sexual and**

reproductive health services; decision-making; leadership positions; education; formal employment; social protection; housing and adequate water and sanitation; and modern farming technologies, including knowledge on food harvesting techniques, preservation, storage, processing, packaging, marketing and entrepreneurship;

(b) Ensure that economic activities, including logging, development, investment, tourism, extractive mining and climate mitigation and adaptation programmes, and conservation projects, are implemented in Indigenous territories and protected areas with the effective participation of Indigenous women, including full respect for their right to free, prior and informed consent and the undertaking of adequate consultation processes;

(c) Prevent, address, sanction and eradicate all forms of gender-based violence against rural and Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence, that are attributable to extractive industries and ensure that Indigenous women and girls have timely and effective access to both non-Indigenous and Indigenous justice systems, including protection orders and prevention mechanisms when needed;

(d) Ensure the right to a fair trial; prevent, investigate and punish all forms of political violence against rural and Indigenous women politicians, candidates, human rights defenders and activists at the national, local and community levels; and recognize and respect ancestral forms of organization and the election of representatives;

(e) Ensure that rural women are able to participate effectively in planning and decision-making related to rural infrastructure and services, as well as in the planning, adoption, budgeting, implementation, monitoring and evaluation of agricultural and rural development policies.

#### **Older women**

49. The Committee notes the information provided by the delegation of the State party regarding the centrality of the family as a basic social institution under State policy and the importance of older women in the society and culture of the Philippines. The Committee is concerned, however, about the problem of the feminization of old age, given that women live nine years longer than men, and the lack of sufficient elder care centres to meet the needs of older women, especially single older women and those without family support.

50. In line with its general recommendation No. 27 (2010) on older women and protection of their human rights, the Committee recommends that the State party pay special attention to the precarious situation of older women, develop measures that adequately address their health, economic and emotional situation in order to prevent poverty and isolation and ensure the availability of elder care centres to meet the needs of older women, especially single older women and those without family support.

#### **Climate change and disaster risk reduction**

51. The Committee notes that the State party ranked first in the World Risk Index in 2022. It also notes the efforts undertaken by the Climate Change Commission under the National Strategic Framework and Programme on Climate Change. However, it is concerned that women, in particular rural women, Indigenous women, Bangsamoro women, migrant women, women with disabilities and women living in poverty, are disproportionately affected by climate change, cyclones and loss of biodiversity, as



they often live in exposed areas and lack the coping mechanisms necessary to increase their climate change resilience.

**52. The Committee recommends that, in line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially rural women, and ensure that women are meaningfully involved in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction by, in particular:**

**(a) Collecting disaggregated data on the impact of climate change and natural disasters on women and girls;**

**(b) Ensuring the incorporation of gender sensitivity in climate change and disaster risk reduction legislation, policies, financing and programmes to address the specific and unique needs of women and girls and build their resilience and effective adaptation to climate change;**

**(c) Increasing climate change and disaster risk management literacy and awareness among communities, women and girls, including rural women and women with disabilities, to empower them with the knowledge needed to demand their rights and effectively participate in climate change-related decision-making and the development of adaptation and loss and damage strategies and actions which build the resilience of women and girls with respect to the impacts of climate change;**

**(d) Supporting women to ensure their active participation in the creation and operation of new funding arrangements for responding to loss and damage, as decided during the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in 2022.**

### **Marriage and family relations**

**53. The Committee welcomes the adoption of the Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof (Republic Act No. 11596) in 2021. However, it notes with concern:**

**(a) The lack of implementation of the Repealing Clause of Republic Act No. 11596 at the subnational/regional level, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao, where the practice of child marriage is recognized in Indigenous systems and sharia law;**

**(b) The persistence of discriminatory legal provisions against women in the area of marriage and the family, including articles 333 and 334 of the Revised Penal Code (Republic Act No. 3815, 1930) related to adultery and concubinage, the Code of Muslim Personal Laws (Presidential Decree No. 1083), the “forgiveness clause” of the Anti-Rape Law (Republic Act No. 8353) and articles 96 and 124 of the Family Code (Executive Order No. 209);**

**(c) That, despite the fact that Muslim women can legally obtain a divorce, they often face barriers, including waiting periods;**

**(d) That polygamy is legal under article 27 of the Code of Muslim Personal Laws and remains prevalent in Muslim communities in the State party, particularly in rural areas, which results in unequal rights and power relations in marriage and family relations.**

54. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) Reinforce the implementation and applicability of the Repealing Clause of Republic Act No. 11596 at the subnational/regional level and ensure synergies during and after the transitory period of the National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples and other agencies, including the Department of Social Welfare, to ensure the full compliance with the Act;

(b) Amend the discriminatory legal provisions to ensure women's equal rights in marriage and family relations;

(c) Remove barriers faced by Muslim women in obtaining a divorce, including lengthy procedures and waiting periods;

(d) Amend the Code of Muslim Personal Laws to explicitly prohibit polygamy and ensure the protection of the economic rights of women in existing polygamous unions;

(e) Provide systematic capacity-building on women's equal rights in marriage and family relations and upon their dissolution, as well as on women's equal inheritance rights, for the judiciary, including traditional justice actors, custodians of customary law and women and girls, especially in rural areas.

#### **Beijing Declaration and Platform for Action**

55. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

#### **Dissemination**

56. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Parliament and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

57. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Follow-up to the concluding observations**

58. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a) and (b) on the legislative framework, 36 (a) and (b) on women human rights defenders, land and environmental defenders and journalists and 44 (c) on health above.

**Preparation of the next report**

59. The Committee will establish and communicate the due date of the tenth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

60. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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