

# VOICES

WOMEN'S HUMAN RIGHTS  
IN THE PHILIPPINES:  
ISSUES AND ACTION



Canada

UN WOMEN  
United Nations Entity for Gender Equality  
and the Empowerment of Women



UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. UN Women supports Member States in setting global standards for achieving gender equality, and works with governments and civil society to design the laws, policies, programmes and services required to implement these standards. UN Women stands behind women's equal participation in all aspects of life, focusing on the following five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system's work in advancing gender equality.

#### VOICES

##### Women's Human Rights in the Philippines: Issues and Actions

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# VOICES

## WOMEN'S HUMAN RIGHTS IN THE PHILIPPINES: ISSUES AND ACTION







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## FOREWORD

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In her opening remarks at the 2016 UN Women Executive Board First Regular Session, Executive Director Phumzile Mlambo-Ngcuka affirmed that, “We keep listening to women’s voices, and making sure that their words are amplified for others to hear and to heed.” The statement underscores one of the objectives of UN Women: to facilitate and support the formulation of policies, global standards and norms on gender equality, and to ensure and monitor their implementation. This is only possible if women and their voices are heard, their concerns included in the national, regional and global agenda, and their capacities for organizing and creating their own platforms continually increased. Strengthening women’s voice and leadership is a key step to ending discrimination against women and girls and achieving gender equality.

Through the support of the Canadian Government’s Global Affairs Canada (GAC), UN Women implemented the Regional Programme on “Improving Women’s Human Rights (WHR) in South-East Asia” (CEDAW SEAP Phase II) over the period of 2011-2016. The programme aimed to reduce discrimination against women in Southeast Asia through building partnerships, promoting a deeper understanding of CEDAW and women’s human rights, supporting capacity development of key actors in government and civil society, building, promoting access to justice for women, advocating for legal and judicial reforms, and generating knowledge for the advancement of women’s human rights.

The regional programme implemented activities in eight (8) countries in the region – Cambodia, Indonesia, Laos, Myanmar, Philippines, Thailand, Timor Leste, and Vietnam. CEDAW SEAP Phase II builds on the results of CEDAW SEAP Phase I, which included an increased awareness about CEDAW among key actors in government and civil society. When CEDAW SEAP II began implementation in the Philippines, the Magna Carta of Women, often referred to as the national translation of CEDAW, had just been adopted as law. As the programme supported efforts to strengthen legal frameworks on women’s human rights, it also adopted a strong focus on enhancing capacities of marginalized and excluded groups of women to articulate and advocate for their rights and to monitor the implementation of CEDAW and other WHR and gender equality commitments.

This publication attempts to communicate the key results of some of the projects and activities supported by UN Women as part of the regional programme “Improving Women’s Human Rights in Asia.” In particular, it



highlights the voices of marginalized and excluded women and some of their stories, as they grappled with their issues, strove to understand and apply CEDAW in advocating for their rights, and sought to bring about change in the policy environment, in their communities, and in their own lives.

In part one, we follow the rural women in the country, who constitute the majority of women in the Philippines, but who found it increasingly difficult to be recognized as a special sector with circumstances, needs and roles that are distinct and equally important. The chapter tackles rural women's special problems, how they strengthened their voices by engaging in local, national and global policy arenas, advocating for their women's human rights agenda and monitoring State's compliance with the obligation to protect, respect and fulfill the rights of rural women.

Peace is a national concern, and women have an equal stake in the peaceful resolution of armed conflicts. Peace processes, however, should not just aim to end armed conflict for the purpose of returning to status quo ante, but to address its root causes, heal and build better communities. For this to work, women also need to be at the forefront in ensuring that women's human rights are well-integrated in the peace agenda and processes, and in the drafting of laws and treaties. In the Philippines, a comprehensive agreement on the Bangsamoro was signed in 2014 by the Government of the Philippines and the Moro Islamic Liberation front (MILF). In earlier steps, both parties had convened a Bangsamoro Transition Commission (BTC) tasked with drafting the Bangsamoro Basic Law (BBL), which was to govern the creation of Bangsamoro as a new political entity. In the second chapter of this publication, we look at women's human rights advocacy toward a gender-responsive Bangsamoro Basic Law (BBL) through their lobbying efforts at the legislative level. We witness how women took the initiative to study the draft law and voice out their concerns and proposals, and how they advocated for the inclusion of provisions on women's human rights in the draft law. While the BBL was not passed into law by the Philippine Congress during its last session, women's voices were heard at various stages of the law-making process. This resulted in the formulation of concrete proposals for inclusion in the BBL and a coherent advocacy agenda for sustaining advocacy around women's human rights in the **Bangsamoro beyond the BBL**.

In the third chapter, we look at the women of Manila, who were denied information about, and access to, reproductive services from the local government. It details how women's organizations sought for redress for this human rights violation through the conduct of an on-site inquiry procedure under the Optional Protocol of CEDAW, and how this led to their increased



capacity to recognize rights violations and demand for a clear program of action from the government to provide access to reproductive health information and services.

There is now increased awareness of the need to address in a targeted manner the multiple and intersecting forms of discrimination that many women face. While intersectionality runs like a motif throughout this publication, the final chapter shows some of the ways by which different groups of women explore and analyze intersectionality, how it manifests in everyday lives or finds expression in collective advocacies. Three (3) national agencies, the Philippine Commission on Women (PCW), the National Commission on Indigenous Peoples (NCIP) and the Commission on Human Rights (CHR) worked together to convene a dialogue-forum with indigenous women from different parts of the country. A National Consultation on strengthening the role of NGOs in monitoring CEDAW implementation brought together participants from a wide diversity of marginalized and excluded groups of women. It provided a platform for exchanging stories and good practices around CEDAW monitoring and for crafting strategies for collective advocacies. The experiences of women living in communities affected by mining and climate change, and the ways by which they analyze, using the lens of CEDAW, their specific situations, is given voice through a national forum and workshop.

This publication highlights some of the practices, learnings and reflections garnered in the course of implementing this project, and especially through the voices of the women leaders and project partners who are the key actors in these initiatives. We hope that these, along with the strategies and recommendations that have come out of various meetings and activities, can inform, inspire and guide future action.

Roberta Clarke  
Regional Director and Representative in Thailand  
UN Women Regional Office for Asia and the Pacific

Bangkok, Thailand

## CEDAW: A Brief Look

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The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women and identifies culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

The Philippines signed the CEDAW on July 15, 1980, ratified it on August 5, 1981, and it thus came into effect on September 3, 1981. The Philippines is the first ASEAN country to do so.

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*The Philippines' Leticia Ramos-Shahani, in co-sponsorship with Russian delegate Tatiana Nikolaeva, prepared the first draft of CEDAW adopted by the United Nations as a basic working paper.*

*(From the Philippines Commission on Women, <http://pcw.gov.ph/international-commitments/cedaw/philippine-participation>)*

## UN WOMEN AND CEDAW SEAP II

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The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) is the United Nations agency dedicated to advancing gender equality and women's empowerment.

In Southeast Asia, UN Women is implementing the Regional Programme on Improving Women's Human Rights in Southeast Asia (CEDAW SEAP with the support of the Foreign Affairs, Trade and Development Canada or DFATD). The programme covers eight countries: Cambodia, Indonesia, the Lao People's Democratic Republic (Lao PDR), Myanmar, the Philippines, Thailand, Timor-Leste and Vietnam.

The key focus of the first phase of this programme was to raise awareness of the CEDAW Convention among stakeholders, catalyze actions for legislative change, and develop capacity among duty bearers and claim holders for more effective implementation and monitoring of CEDAW commitments.

The second phase further builds on the results of the first phase, and focuses on knowledge generation and exchange, stock taking and priority setting for advancing the implementation of CEDAW in the region. This includes strengthening the capacity and voice of marginalized and excluded women's groups in governance, and other processes aimed at strengthening the normative frameworks and accountability mechanisms for the implementation of women's human rights and other gender equality commitments.

*"Women have different needs, situations and contexts."*

Deepa Bharathi, Regional Programme Manager, CEDAW Southeast Asia Programme

"There can be no human rights without women's human rights," asserted Ms Bharathi, during the national consultation on 'CEDAW@35: Milestones Reached, and More to Come' in March 2016. "This makes CEDAW an important backbone to the continuing struggle to protect the rights of women."

However, Ms Bharathi observed that, despite wide ratification, CEDAW is not yet fully understood. "CEDAW remains alien to many people who need to monitor implementation." Thus, implementation and adoption is a challenge, and should continually be monitored.



Ms Bharathi, who oversees and manages the Regional Programme “Improving Women’s Human Rights in Southeast Asia” (CEDAW SEAP), noted that there have been major constraints in the implementation of CEDAW. One of these, she mentioned, is that “Cultural norms and practices are based on the idea of the inferiority or superiority of either of the sexes.” She also stated that expertise is not sufficient, so the capacities to use the available human rights standards and methodologies to analyze and address societal problems are not being maximized.

She also observed that there is a false understanding and notion of ‘Asian values,’ which dominate the discourse on women’s autonomy over their bodies. “Women are not aware of their human rights, the means to claim their rights, and how to access remedies,” she stated.

Thus, said Ms Bharathi, the CEDAW SEAP strategy is built on three legs: modify existing laws and policies that discriminate against women; build the capacities and strengthen the institutions that implement CEDAW especially justice institutions; and strengthen the mechanisms for monitoring and accountability.

“Women are not a homogenous group,” she concludes, emphasizing that while women share many similarities, they also have different needs, situations and contexts, and these differences should be highlighted as well as celebrated.





# VOICES OF RURAL WOMEN:

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Building Capacities  
For Organizing,  
Human Rights Advocacy,  
And CEDAW Monitoring



## BACKGROUND

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Rural women are key contributors to global, national, and local economies. They play a critical role in agricultural and rural development, food security and poverty reduction in local communities. They enhance agricultural and rural development, improve food security and can help reduce poverty levels in their communities. In some parts of the world, women represent 70 per cent of the agricultural workforce, comprising 43 percent of agricultural workers worldwide.

In the Philippines, rural women represent approximately 43 percent of the country's agricultural labor force. (Shahani, 2015). For the the Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)—or National Coalition of Rural Women—rural women vary from one another according to how they subsist, where they are, what relationships they are in, what opportunities they have access to, and what decisions they are able to make. “A woman fisher copes differently from a woman farmer; a woman upland farmer copes differently from one in the lowlands; and indigenous women vary in beliefs and actions according to their community's cultural, economic and political systems.” (PKKK, u.d.)

And yet, it is a sad truth that urban women generally have more voice in policies and laws, as well as in political, social and economic activities, compared to their counterparts in the rural areas. Article 14 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recognizes the important role of rural women in society, acknowledges their particular needs and concerns, and enumerates their specific rights.

This chapter focuses on initiatives and activities supported or conducted by UN Women and its partners to empower and capacitate rural women, to better articulate their specific contexts, and advocate for and claim their rights. These have resulted in rural women's increased voice and leadership capacities. Rural women's groups were supported to strengthen their voice in engaging CEDAW processes, firstly by gathering, documenting and submitting inputs for the drafting of a CEDAW General Recommendation on Article 14.

Secondly, to address the specific needs of rural and indigenous women in Mindanao and strengthen their capacities for advocating their human rights and monitoring CEDAW implementation, UN Women partnered with the Pambansang Koalisyon ng Kababaihan sa Kanayunan or PKKK (National Rural Women's Coalition) to implement capacity development activities in Mindanao. Featured in this chapter are some of the highlights and outcomes of these initiatives. The chapter also includes an interview with the Secretary General of the PKKK who narrates her experiences with grassroots rural women, and the coalition's fruitful collaboration with UN Women.

## Article 14 on Rural Women

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Article 14 provides protections for rural women and their particular problems, ensuring the right of women to participate in development programs, “to have access to adequate health care facilities,” “to participate in all community activities,” “to have access to agricultural credit” and “to enjoy adequate living conditions.”

Article 14 states that:

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

### *The General Discussions on Rural Women*

As part of its 56<sup>th</sup> session in Geneva, Switzerland on 30 September to 18 October 2013, the Committee on the Elimination of Discrimination of Discrimination Against Women held a half-day general discussion on rural women and CEDAW Article 14. Thus commenced the Committee's process of deliberating on and formulating a "General Recommendation (GR) on Rural Women." A GR on Rural Women is envisaged to provide appropriate and authoritative guidance to State Parties on the measures to be adopted to ensure full compliance with their obligations to protect, respect and fulfill the rights of rural women. The Committee invited State Parties to CEDAW, UN specialized agencies and entities, UN human rights mechanisms, non-government organizations (NGOs) and other interested organizations and individuals to participate in the general discussion, and to provide written submissions.

As part of implementing the Programme on "Improving Women's Human Rights" in the Philippines, UN Women sought to strengthen the voice of rural women in the General Discussions by supporting a process and mechanism for rural women to formulate their inputs and submissions the General Discussions. This contributes to the strengthening of accountability mechanisms for implementing and monitoring CEDAW commitments (Outcome 3 of CEDAW SEAP Phase Two).



## Supporting Rural Women's Voice in the CEDAW Committee's General Discussion on Rural Women

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*In preparation for the General Discussions, UN Women- Philippines, in collaboration with the Pambansang Kalipunan ng mga Manggagawang Impormal sa Pilipinas (PATAMABA), conducted activities to support rural women's voices in the CEDAW Committee's General Discussion on Rural Women. These aimed to include and strengthen rural women's voice in the process, and specifically support the drafting and formulation of rural women's submission to the General Discussion. Rural women leaders from different parts of the country were convened in a workshop that also served as a write-shop, where their initial inputs for submission to the General Discussion were consolidated and formulated in time for the Committee's deadline for submissions on September 14, 2013. Written outputs were utilized as rural women's submissions to the General Discussion and/or as reference materials to inform State Parties' and other stakeholders' submissions to the General Discussion.*

### The Writeshop on the General Recommendations on Rural Women

Women have important views, perspectives, and solutions, especially about the issues that confront them. However, platforms for expressing women's voice and perspectives are often limited, or alternately, these opinions are dismissed or ignored by some policymakers and development planners.

A writeshop provides an important space where women can freely express their viewpoints, and have these views respected and discussed without prejudice. It also serves as a mechanism for mobilizing women's voice. It is an empowering activity for women, and often results in many fruitful results, as well as surfacing hitherto unheard positions and solutions.

UN Women, with its partners Pambansang Kalipunan ng mga Manggagawang Impormal sa Pilipinas (PATAMABA) and the Pambansang Koalisyon (Kongreso) ng Kababaihan sa Kanayunan (PKKK) conducted a writeshop on the General Recommendation on Rural Women on September 13-14, 2013. It was intended to elicit the voices of rural women in the Philippines, and encourage them to elaborate on their issues and concerns.



The written outputs from the write-shop form the core of proposed recommendations that will be submitted to the Committee for consideration in the General Discussions.

The writeshop yielded important insights and perspectives that were submitted as rural women's inputs to the CEDAW Committee's General Discussion. More than 50 women from the PKKK member organizations in Luzon, Visayas and Mindanao attended and represented their organizations.

### *Objectives of the Writeshop*

The two-day writeshop aimed for the participants to achieve a common understanding and appreciation of the CEDAW process, and to reach a consensus on the proposed content of the elaboration of a general recommendation on rural women.

The structured writeshop started with an explanation of CEDAW and the process of the General Discussions; a discussion of the current issues and concerns of rural women (sectors and subsectors, localities) to understand the situation of claim holders; a discussion of the analysis of the policy environment, in order to understand the situation of duty bearers; and an analysis and synthesis of the results of the writeshop.

### *Rural Women Share their Experiences*

The writeshop not only provided the rural women with the framework to analyze their particular conditions in the context of women's human rights. It also gave them a forum to express their sentiments regarding the government, their roles in society, and the questions that they encountered.

In the forum, the women leaders clarified State accountability on rural women's human rights, especially regarding the implementation of the provisions of the Magna Carta of Women. They gave examples based on their experiences in dealing with local government officials.

The women also lauded the continuing efforts to meet and consult with women regarding their concerns, and highlighted the importance of celebrating the International Women's Day to unite women across the world.

Some women also shared their local efforts at organizing themselves, such as the case of community leader Josefa and her community's mangrove rehabilitation in their area.

## Discussions on the Rural Women's Agenda

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The writeshop yielded a comprehensive analysis of their situation and proposed solutions to their problems.

### *I. On Agrarian Reform*

Women's access to, and control over, land resources is the way of empowering rural women, who play major roles in securing food. But the fact remains that only around 25% are women agrarian reform beneficiaries. Government's slow implementation of the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) impedes the realization of distributing land to the landless tillers, and this includes women.

### *II. On Indigenous Women*

Government should protect the rights of indigenous peoples (IP) over their ancestral domain claims. Development aggressions in the ancestral domain, such as mining and logging, have destroyed not only the environment but the ways of life of the indigenous peoples. The case of an 11-year old daughter of an IP given as a "gift" to miners, girls who were mining company scholars but who were sexually abused and became pregnant – these are a few of the stories in indigenous communities where there are mining activities. There is a need to conduct studies on how mining has affected indigenous communities and its effects on women.

### *III. On Fisheries and Coastal Resources*

Government should address the issue of fisherfolk settlement areas.

### *IV. On Basic Services*

There should be a set of standards on basic services, such as education, health and sanitation, water, etc. The level of income of the municipality should not be the basis for the quality of these services. Corruption is also an issue that should be addressed in the delivery of basic services.

### *V. On Gender and Development (GAD) and Governance*

Experiences of difficulties in the accreditation of organizations are common to all women's groups. Aside from the stringent accreditation requirements, such as audited financial reports, politicking is also a practice. There is also corruption in terms of government projects. Women are also not active participants in the Bids and Awards Committees in the local government units.

## **VI. On Violence Against Women (VAW) and Health**

The situation of rural women's access to services and information about Violence against Women (VAW) is different in the urban and rural areas. Geographical location, and inaccessibility due to lack of infrastructure like transportation, are just some of the barriers that rural women encounter in terms of access to information and services. Therefore, rural women's access to and delivery of VAW and health-related services should be tailored according to their needs and locations. There should be accessible, appropriate and affordable health services in the rural areas. Teenage pregnancy is prevalent in rural areas, and this affects the future of young women. They stop going to school, and have issues regarding their health and their children's health. Access to reproductive health education and information is very important in the rural areas.

## **VII. On the Environment**

The effects of climate change among rural women is an urgent issue. There is a lack of gender perspective among local implementing agencies to recognize the gender differential needs of among rural women and men. Rural women should participate in the processes of decision-making to address disaster risk reduction and management.

## **VIII. On Sustainable Agriculture**

Government should promote and support community seed banking, especially with traditional seeds. The control of seeds by multinational corporations has further burdened rural women, because the seeds being promoted by government are hybrid seeds which are expensive and cannot be used for the next planting. Women usually are the ones who keep the seeds for the next planting. Multinational corporations have supported lobby efforts to promote hybrid seeds and plantations. Sustainable agriculture should be promoted because this is an environment- and women-friendly technology. There are farming technologies being practiced by indigenous peoples in the upland areas, with their source of water from the rain or are rain-fed technologies which should also be supported.

## **IX. On Social Protection**

Issues on decent work and rural employment and rural development, lack of postharvest facilities and support for resource-based enterprises should be addressed. The wage gap between men and women, a difference of around P19.00 (around US\$ 0.42) in sugar plantations, coconut and even rice farming, should be reduced and equalized.



## Results of the Writeshop:

### Recommendations proposed for consideration in the General Discussions on Rural Women

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- 1) Government should seriously gather sex-disaggregated urban-rural data. Government should have gender sensitive instruments in gathering data, since these are also the bases for programs for poor people. There is a need to strengthen the database mechanism, especially in rural communities.
- 2) To show that rural women are not a homogenous group and that the different sectors include not only women farmers, but also women fishers, indigenous women, agriculture workers and women in the informal economy.
- 3) Government should include the temporary special measures identified by the PKKK in their General Recommendations on Rural Women.
- 4) Government should ensure the delivery of basic services such as education and health to indigenous communities and remote communities. These services should have a set of standards and would not depend on the income level of the municipality.
- 5) Free and prior informed consent (FPIC) should be the guiding principle before any intervention is done in the rural communities, especially in indigenous peoples communities. Participatory and transparent discussions and negotiations in the communities should occur.
- 6) The rights of women fishers should be guaranteed, as well as entitlements such as equal rights to utilize, manage, develop and benefit from fisheries and aquatic resources, equal opportunities for empowerment and participation in resource management, governance and other relevant economic activities.
- 7) The Freedom of Information (FOI) law should be passed to minimize corruption, especially in the rural communities where transparencies regarding government projects are nonexistent. People remain in the dark and government projects are top-down, with little consultation from the people.

8) Access to justice by rural women to address issues on violence against women (VAW) and other gender-related issues should be ensured by the Government. Existing indigenous communities' justice systems should be studied and supported to address issues of justice and the delivery of basic services.

9) Government should ensure support of sustainable agriculture to mean diversified, organic and integrated farming and fishing.

10) The changing climate has brought about fiercer, more frequent disasters, and women, children, and the elderly are the most vulnerable. Government should ensure that they participate and benefit in all the processes of decision-making in disaster risk reduction management mechanisms.

11) To include in the recommendation the celebration of Rural Women's Day, to highlight the contribution and roles of rural women in food security and the well-being of their households, communities and country.

The write-shop and consultation with the women rural resulted in the following Oral Statement by PKKK delivered in October, 2013, to the CEDAW Committee at the General Discussion on General Recommendations on Rural Women

## Oral Statement Delivered to the CEDAW Committee at the General Discussion on General Recommendations on Rural Women October, 2013

On March 7, 2016, the CEDAW Committee released General Recommendation No. 36 (2016) on the rights of rural women.

*(From the UN High Commissioner on Human Rights, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>, and <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/061/90/PDF/N1606190.pdf?OpenElement>)*

The Pambansang Koalisyon ng Kababaihan sa Kanayunan (National Rural Women Congress) would like to thank you for the opportunity to appear before you.

The situation of rural women up till now deserves the attention of State parties, especially so when development in the rural areas is neglected and revolves around a deregulated social economy, which only heightens social and governance issues. This means that marginalized groups have lesser control over land, water, and other productive resources and the elimination of subsidies and support services to small producers, instead of benefits to rural women. In the case of indigenous women, the liberalized policy environment has allowed the entry of corporations in many ancestral lands, thereby condoning mining and logging activities that pose direct threats to their culture and livelihoods.

Food, health and land rights are core issues of women in the rural areas. In the Philippines, around 60% of the poor household's income goes to food, effectively reducing the budget for other needs like children's education. The capacity to afford food among rural women is dismal. Agricultural wage rates for women were declining by 0.31 percent, while wage rates for men were going up by 0.24 percent (BAS 2012). This implies that even if wage gaps between men and women rural workers may be positively decreasing (from P20 to P8 daily average in the past three years), this could well be insignificant in real terms.

Protection from violence is not to be left out. With the increasing incidence of violence against women (VAW), even within the confines of their homes, it is equally important to assert the rights of women to protection and justice systems; and, more fundamentally, to increase awareness of families and communities on how patriarchy perpetuates this culture of violence and counters any development gains.



We would like to recommend that the general recommendation on rural women contain provisions that highlight State parties' responsibilities in recognizing and acknowledging the valuable contributions of rural women to the economy. Measures should be taken so that rural women should have full access and control over land and other capital resources, including issuance of legal titles. Rural women should also be registered as farmers and fishers, thus ensuring their formal inclusion in traditionally male-dominated occupations. Also necessary is that the collection of sex disaggregated data be seriously undertaken so governments can develop more appropriate programs and services for rural women based on their specific contexts and needs.

We recommend that State parties address the negative and different impacts of gender-blind neoliberal economic policies on the lives of the different sectors of rural women. This has resulted in reduced government spending on agricultural and fisheries support and the delivery of basic services, which has further marginalized rural and poor women. On top of these is for State parties to ensure the protection and security of rural women in times of disasters and other crisis situations in all phases of relief, recovery, rehabilitation and reconstruction efforts. The differential impacts of disasters on the different sectors of rural women must be considered in the planning and implementation of climate adaptation measures and disaster management.

## Capacitating Rural and Indigenous Women in Mindanao: A Common Vision, Collective Action

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Mindanao is the second largest island in the Philippines, with a population of 21.5 million people covering an area of 37,657 square miles. Although Christians are an overwhelming majority in the Philippines, Mindanao has for centuries been home to both indigenous peoples and Muslims called Moro (from the Spanish word “Moor”) or Bangsamoro (the “Moro Nation”). While the Moro generally share a common religious identity as Muslims, they are also quite diverse with 13 different ethnic groups (Dwyer and Cagoco-Guam, u.d.), each speaking their own languages. Indigenous peoples in Mindanao are also characterized by diverse cultural and religious identities, with each tribe or community having its distinct culture and language; however they generally share a collective identity as the “Lumads” of Mindanao. The majority of the Lumads women are also based in the rural areas.

Rural women in Mindanao face issues of marginalization, gender discrimination and violation of human rights. Thus, their rights should be continuously advanced and protected in compliance with the principles of CEDAW, particularly their property rights to land, natural and coastal resources; protection against violence against women and girls; right to reproductive health; and right to political participation, particularly in local governance.

### Capacity Development of Rural and Indigenous Women to Advocate for their Women's Human Rights and Monitor CEDAW implementation in Mindanao October 2013 – 2015

UN Women and the Pambansang Koalisyon ng Kababaihan Sa Kanayunan (PKKK) or National Rural Women's Congress forged a two-year partnership which aimed to increase the knowledge and skills of rural women and indigenous women on Women Human Rights-based and evidence-based advocacy. It also sought to enhance the capacity of rural and indigenous women in Mindanao especially in conflict-affected areas, to advocate for and claim their rights and to monitor the implementation of CEDAW and Magna Carta of Women (MCW). It focused on:

- The crafting of a sub-national indigenous women agenda on the local and sectoral application of WHR international instruments through consultations with at least 100 indigenous women from four regional groupings in Mindanao (CARAGA, Northern Mindanao, Western Mindanao and Central Mindanao/ ARMM).

- Policy dialogues at the community level through an activity dubbed as “One-Week, One-Voice.”
- The conduct of paralegal trainings for indigenous women leaders to enable them to apply their knowledge of CEDAW and other women’s human rights instruments relevant to traditional dispute resolution and formal justice system.
- The baselining or profiling of indigenous women’s situation through participatory action research by indigenous women leaders as part of the WHR and multi-treaty monitoring.
- Collating and experience-sharing on the model Alternative Reports on Rural Women and Indigenous Women’s Rights in Mindanao, to include case studies on the experiences of the indigenous women.

## “ONE WEEK, ONE VOICE”

### Women-Led Regional Consultations and Policy Dialogues “A Common Vision, Collective Action”

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When women come together, bringing with them their insights and experience, change is bound to happen. The UN Women and PKKK partnership recognized that women are capable of finding leadership spaces to voice out their concerns, and policy dialogues are the platforms for this to happen.

One of the project components is the conduct of women-led consultations and policy dialogues at the sub-national level. This also enhances rural and indigenous women’s capacities to participate in public life and decision-making on issues that directly affect their lives, a right guaranteed under CEDAW. In November 2013, 29 women leaders from the Subanen and Higaonon communities of Regions 9 and 10 came together for a Regional Indigenous Women Gathering themed “A Common Vision, Collective Action.”

The two-day gathering started with discussions on the important issues of the day: the economic situation of their communities, the state of the environment, and the disasters affecting their local communities. According to the participants, these discussions gave them information and insights which would otherwise not be known to them. The women also talked about national issues that affected them, such as corruption and the Priority Development Assistance Fund (PDAF), and the structures of the national budget. Some women noted that these discussions contributed to their understanding of what they read in the headlines, while some admitted that it was their first time to hear about these national issues. A video and subsequent discussion on the impacts of typhoon Haiyan (local name: Yolanda) gave way to a very emotional session for the women, given their experience of the destructive typhoons Sendong and Pablo the previous year.

The women then grouped off in different workshop sessions, which provided space for them to discuss among themselves their common issues, deepening the understanding of their context, and then later, plan on collective actions.



The issues they shared as most important centered on the following:

- Ancestral domain claims;
- Rampant mining and logging activities which have destroyed their lands, their sources of water, food, and their livelihoods. The women related that there are now conflicts among the IPs in the areas where there are mining operations;
- Lack of basic services such as education and health. Education for IPs are often not culture sensitive. The women also reported the presence of a military camp inside one of the school grounds. They also noted that indigenous health practices are not recognized and supported, which make it difficult for pregnant women who cannot get birthing services from *'hilots,'* while expecting mothers are not provided with birthing facilities in IP communities; and
- For the indigenous women gathered there, the *Pantawid Pamilyang Pilipino Program* or 4Ps, the national welfare program, is a politicized and problematic program. They stated that in order to get their allowances, they needed long travels and costly transportation expenses.

As a result of the gathering, the women developed a common public statement, articulating their issues, and their demands from the government, as well as the agreement to organize and hold dialogues with the different government agencies to put forward their calls and demands.

To this end, a core group was formed, composed of women from different communities. This core group was the gathering's representative to the one week of advocacy. The women also committed to sharing the results of the gathering to their local groups and communities, and pursue relevant actions.

The gathering not only resulted in concrete articulations and demands, but more importantly, provided a qualitative change for the women participants. Speaking about Marichu, one of the Higaonon women leaders in the gathering, a PKKK member related,

"She has changed drastically. When we conducted an assessment and reflection of the One Week, One Voice activity, she shared that she saw herself as a housewife for the rest of her life. But look at all that she has done for the community. When before, she would stay home all day to clean and care



for livestock, now she attends meetings and trainings almost every day. She never says no to capacity-building activities, which is why she was unanimously chosen to be president of the women's group. She has renewed confidence in herself and has earned the trust of her community as well.<sup>17</sup>

This women's gathering formed the model for subsequent organizing initiatives by the National Rural Women's Congress (PKKK) through this project. Between April and June 2014, two regional consultations in the Caraga Administrative Region (CARAGA) and the Autonomous Region of Muslim Mindanao (ARMM) were conducted.

The CARAGA indigenous women's gathering enabled 26 indigenous women to be trained and oriented on CEDAW and the Magna Carta of Women (MCW), the UNDRIP, the Indigenous People's Law, and update them on the national political and economic situation, especially on Philippine health and the 4Ps program.

The ARMM Indigenous Women gathering were participated in by 26 indigenous women coming from South Upi (10), North Upi (2), Wao, Lanao del Sur (2), Ampatuan (5), DOS (5) and Rempes (2). They belong to the Teduray, Lambangian, Dulangan Manobo tribes. They were oriented on WHR, CEDAW and MCW, UNDRIP, IPRA, FPIC and IPMR. They were also given local situationers, through the conduct of workshops. The women also discussed the national political and economic situation, focusing specifically on issues of health, climate change and conflict and peace concerns. They also sat down together and created plans of action.

The CARAGA and ARMM indigenous women's gathering surfaced the issues and concerns experienced by indigenous women. Although they come from different tribes, the participants were able to unite around a common analysis of their situation and calls to action, including the following:

- Access to basic services like health and education that are sensitive to their culture;
- Better implementation of the 4Ps; and
- Mandatory representation of Indigenous People in local governance, and access to CADT.

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<sup>17</sup> Official documentation, "One Week, One Voice"

In June, 2014, another gathering of indigenous women was conducted in Maguindanao. It brought together 26 women from six areas and five organizations. They belonged to indigenous groups such as the Teduray, Lambangian, Dulangan Manobo and tribes of Wao. They discussed common issues and concerns, and mapped out advocacy plans. A coordinating group composed of representatives from six communities was formed to lead future actions.

These gatherings provided venues for the indigenous women to better understand their human rights and how to claim these rights. But meeting, discussing and planning alone are not sufficient for women's voices to be heard. Their issues and demands also have to reach the duty bearers whose prime responsibility is to provide them with the means to secure their women's human rights.

In April 2014 in Cagayan de Oro City, indigenous women organized a dialogue with the Region 10 offices and representatives of the National Commission on Indigenous Peoples (NCIP), the Commission on Human Rights (CHR), the Department of Environment and Natural Resources (DENR), the Department of Education (DepEd), the Department of Health (DOH) and the Department of Social Welfare and Development (DSWD). The women presented their issues and demands, and sought to receive commitments and responses from these agencies. The government officials presented at the dialogue made the following commitments:

- The National Commission on Indigenous Peoples (NCIP) committed to conduct a revalidation of the roster of signatories of the Council of Leaders;
- The Commission on Human Rights (CHR) committed to look into the IP human rights violations;
- The Department of Environment and Natural Resources (DENR) committed to support the communities' manifesto to ban mining in Bukidnon, and gathering data to support it;
- The Department of Health (DOH) committed to establish culturally sensitive birthing places;
- The Department of Education (DepEd) will continue to coordinate with the IP core group regarding a more thematic approach to IP education;
- The grievances regarding the 4Ps will be speedily facilitated by the

Department of Social Welfare and Development (DSWD);

- Actions will be done to implement IP Mandatory Representation; and
- The agencies will facilitate an IP summit.

The women also vowed to remain vigilant, and conduct follow up activities to ensure that the government agencies' commitments are realized.

The indigenous women organized another round of policy dialogues in June, 2014 for Region 9 in Zamboanga del Sur and Pagadian City. State regional agencies such as the DSWD, the Department of Interior and Local Government (DILG), the NCIP and the DOH sat down with the women, who presented their claims. The following commitments were made:

- The Department of Interior and Local Government (DILG) committed to send letters to LGUs to comply regarding the Indigenous Peoples Mandatory Representation (IPMR);
- The DSWD will speed up the process of finalizing the list of IP 4Ps beneficiaries; and
- The NCIP will spearhead a campaign on IPMR, and coordinate with the regional DepEd regarding the issues on IP education.

Also in June, this time in Butuan City, the CARAGA core group organized and conducted a two-day dialogue with the regional offices of the Department of Agriculture, the DSWD, the NCIP and the DENR. The first day was devoted to a discussion on issues raised by the women, such as illegal logging, access to programs and services, allocating the Gender and Development (GAD) budget for indigenous peoples, access to education for indigenous peoples, the Certificate of Ancestral Domain Title (CADT), the Free and Prior Informed Consent (FPIC) and IP mandatory representation. Except for the NCIP, the CARAGA core group was able to have dialogues with the regional directors or chief/head of units and commitments to some issues and concerns were reached.

From this dialogue arose several commitments were made by representatives of the government agencies, such as:

- Access to programs for IP (NGP);
- IP-centered programs and services from the Department of Agriculture;
- More open communications between the DENR and the IP in CARAGA;
- The facilitation and resolution of issues regarding the 4Ps.

The regional indigenous women gatherings have surfaced the conditions of the indigenous women in the different indigenous communities in the regions of CARAGA and ARMM. And the policy dialogues they organized soon after with the concerned government agencies enabled them to present their claims and demand for appropriate responses.

As one of the dialogue participants shared, “We are slowly being recognized and accepted by government. And that is what I do now, looking at the problems, issues and concerns of indigenous women and women farmers in the rural areas. Through our work, the government now acknowledges that we have rights as indigenous women and as women farmers.”

On their part, the women also pledged to continue organizing and disseminating information and the gains from CEDAW, while remaining vigilant and determined to monitor and advocate their issues so that the commitments made to them are met.

As one woman leader expressed, “One of the biggest impacts of the project on indigenous women in the CARAGA Region 13, is the change it created especially in our perceptions of our role in our community and tribe. In the past, the women were only home-based. Now, we are aware that we are part of our culture, and that we can participate in the decisions that affect our tribe.”<sup>2</sup>

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<sup>2</sup> Official documentation, “One Week, One Voice.”



## Manifesto

We the Indigenous Peoples Women organization from Region 9 and 10, have been directly affected by the effects of mining and the entry of big corporations in our ancestral domains. We are deeply concerned with the peace and order situation in our areas. We have no access to health services especially when we give birth. We live in remote areas seldom reached by the basic health services and we rely only to our "hilot" which is not recognized by the government. We take care of our sons and daughters and are directly involved in the education and in passing our ways and traditions to younger generations.

With our current plight, we assert our right to education and ask for support in our efforts in educating and transferring our traditional ways and culture to our children, specifically, the strengthening of our indigenous knowledge and practices, access to scholarships and the establishment of the school of living tradition.

We asked the government specifically the Department of Health for us to have access to health services and our "hilot"<sup>3</sup> be trained and recognized and realize our right to health.

Our culture and way of life has always been one with our land and because of that we assert our right to land. Our ancestral domain should be protected from the threats of mining and other big investors. The National Commission of Indigenous Peoples should process our CADT faster so that we can reclaim our lands. The Free Prior and Informed Consent should be strictly followed for our protection. We ask the Government to help us uphold our Human Rights.

We, the IP women of Region 9 and 10, know that we play a vital role in society and call on the government and other agencies to heed our call.

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<sup>3</sup> Traditional healer



## ADVOCATING FOR WOMEN'S HUMAN RIGHTS THROUGH PARALEGAL TRAININGS

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For many women, access to justice remains a distant reality; more so for rural and indigenous women who live in remote and often impoverished areas. One of the factors is a shortage of lawyers who have the training, skills and dedication to focus on if not specialize in protecting women's human rights. Unable to afford lawyers' fees and frequently ignored or sometimes neglected by people in authority, rural and indigenous women are rendered vulnerable to human rights abuse. They often have to struggle to find means of recourse or redress for the injustices they experience. Hence, it is important to train paralegals who can play a vital role in protecting their rights and facilitating solutions to some of the everyday justice issues or disputes community members may face. The presence of paralegals in communities also helps in making communities more aware about human rights standards and thus also helps strengthen communities.

Indigenous women paralegals are grassroots advocates who tap into their knowledge of the law to seek concrete solutions to instances of injustice. Because they themselves live and work in the communities that they serve, these women can balance their knowledge of the law with their familiarity with local traditions to navigate between "formal" and "customary" legal systems. They can use their knowledge of the formal justice system, together with alternative means of resolution, where it is allowed by law, to help the poor and marginalized to resolve their justice problems. For cases of violations of human rights, and especially in local contexts where the culture of silence around violence against women (VAW) prevails, women paralegals can play a key role in building confidence among women-complainants. It is therefore important to build a core of rural and indigenous women paralegals and other grassroots advocates who have a good understanding of national laws on women's human rights, CEDAW and other international human rights instruments and who have acquired basic paralegal skills.

## The Paralegal Training and Documentation Workshop (PLTD) for Indigenous Women

The paralegal training for indigenous women leaders aimed to enable them to apply their knowledge of CEDAW and other women's human rights instruments relevant to traditional dispute resolution and the formal justice system. These women have a deep knowledge of the people they serve and can provide solutions not just to individual problems, but to whole groups. They are also accessible to the members of their community, and can employ an array of tools and strategies to resolve problems. Perhaps most important, community-based paralegals are able to empower other women, helping them to become aware of their rights and act to advance their interests.

The paralegal trainings were also envisioned to help women from rural and indigenous communities in monitoring government initiatives at transitional justice in their communities, especially in keeping with the principles of CEDAW and the Magna Carta of Women. Their monitoring at the community level would provide a better picture of how women's human rights are being protected on the ground and how CEDAW is being implemented to improve the conditions and status of indigenous women.

In March 2015, UN Women and the PKKK organized a Paralegal Training and Documentation (PLTD) workshop for 23 Subanen, Higaunon, Manobo, Teduray and Lambangian women in Cagayan de Oro City. The workshop aimed to:

- Upgrade the indigenous women's level of awareness and provide an orientation on CEDAW, the MCW, the IPRA and other legal instruments, in relation to dispute resolution of violations in WHR and related issues;
- Train the IW in the documentation of cases of violations in WHR; and
- Map out action plans for the next 3-6 months.

The three-day paralegal training covered discussions on CEDAW, the Magna Carta of Women (MCW), and laws on anti-violence against women and their children, rape, and trafficking of persons. The women also received training on the paralegal documentation of cases of violations of women's human rights and dispute resolution processes. From this training, the women drafted a 6-month plan of action.

The 23 participants in the training came from the following tribes:

- 7 Subanens from Region 9;
- 6 Higaunons from Region 10;
- 4 Manobos from CARAGA;
- 4 Tedurays and Lambangians and
- 2 Higaunons (Wao, LS)

From the assessment of the women participants, the PLDW was a success. They appreciated the use of Cebuano and Tagalog languages as the medium of instruction, as well as the sharing of experiences, the well-prepared training materials and good-natured trainers.

One participant said, “In our community, many women are already content with their lot, they no longer have dreams. I hope that I can help some of these women realize that they can still have dreams.”

More importantly, the PLDW has armed the indigenous women with adequate knowledge on the important women’s human rights laws and instruments, and the documentation skills necessary for the monitoring of cases of violation of WHR in the area.

If there was a single complaint about the PLDWP, it was that the women wanted more trainings, and wanted more of their community members to get the chance to participate.

## RESEARCH AS EMPOWERMENT

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One of the core strategies for the project on capacitating rural women in Mindanao is the baselining or profiling of indigenous women's situation through participatory action research by indigenous women leaders as part of the WHR and multi-treaty monitoring.

### Indigenous Community Researches Profiling the Higaonon and Dulangan-Manobo Women

This research project is based on two premises: that indigenous people hold the knowledge and expertise of their circumstances, both past and present; and that indigenous people, especially women, often had little or no representation or rights with respect to the research process, or to the interpretation and use of the resulting data. The methodology of the IP profiling project is participatory action research, where indigenous women themselves are the researchers.

The empowerment of indigenous women in conducting the research of their communities themselves, starts with enabling them to organize, design, and then carry out the research process in a manner that takes account of cultural diversity and mutual respect. Although supported by UN Women and the PKKK, the central players in the research are the indigenous women themselves, and the relationship is one of collaboration.

The research process was deservedly long and protracted, needing the consent of both subject communities, and the training of the researchers. The process, however, provided depth and breadth to the final findings, which the community members themselves validated.

The process started in November 2013, with a consultation with the Datus (tribe leaders) and women leaders of the target Higaonon communities for the Higaonon Women Profiling. Some 12 Datus and women leaders attended the consultation, where the concept of the women profiling was shared, resulting in a candid discussion between the organizers and the community leaders on the objectives, methodology, and where the research will be used, both by the organizers and the communities. This was the initial step towards the process of soliciting free, prior informed consent (FPIC) from the leaders. This consultation enabled the researchers to get the FPIC from the target 5 communities.



On January 2014, 19 Higaonon women attended a Cultural Sensitivity and Researchers' Training Workshop in Cagayan de Oro City. The objective of the workshop was to capacitate the Higaonon women to fully participate in the research process; and to facilitate participatory activities and discussions where the women could develop a basic understanding of research concepts and methodologies, so that they could participate meaningfully in the different phases of the research process (planning, data collection, data analysis, dissemination of findings, and action) in their community.

The two main topics covered during the workshop were cultural awareness and sensitivity, and the research process. The cultural awareness and sensitivity part delved on culture, diversity and development. During this session, the Higaonon women discussed terms such as culture, race and ethnicity; defined themselves using cultural descriptors; and identified cultural influences.

One participant shared, "The training we received gave us new forms of knowledge to protect our indigenous resources, and to maintain our culture and belief systems. These cultures must not disappear, because they were given to us by God, and we need to treasure and preserve them."

The research training workshop introduced the participants to the concept of research, ethics, participation and action research. These modules attempted to demystify theoretical concepts by relating them to the Higaonon women's own lived experiences. The participants then demonstrated, practiced, and evaluated different research methodologies – both traditional research methodologies and participatory reflection and action (PRA) methodologies.

The women discussed and explored research methodologies such as surveys, interviews, focus group discussions, community timelines, and community mapping. The modules allowed the women to grasp the theoretical aspects of research, an opportunity to directly or indirectly experience the methodology; discussion the advantages, disadvantages, and appropriateness of using the methods within the community; and review the ethical guidelines in light of each method.

Part of the training workshop was crafting an action plan on how the participatory research will be conducted in their respective communities. The participants also came up with a timeline and budget plan.



Based on the women's input, the previously unstudied areas to be explored for the baseline profile covered the following:

- Basic data of respondents, and the roles of women in decision making;
- Women's knowledge of Higaunon culture;
- Their perception on resources and resource management in the ancestral domain level;
- Their roles in the community; and
- Their perceptions of their personal life.

The women also agreed that any data they generated important bases for advocacy initiatives, organizing work and rights claims from concerned government agencies.

The period of April to June 2014 was spent in soliciting free, prior and informed consent (FPIC) through more community meetings with leaders, the conduct of initial surveys by eight Higaonon women, focus group discussions and validation sessions. Some 28 women and 21 men attended the FPIC meetings, while 79 women and 10 men attended the validation sessions.

By late June 2014, profiles of Higaonon women in five ancestral domains had already been conducted. By September, the field research in four of the five ancestral domains were conducted, and an initial consolidated report of the findings was written.

The salient findings of the initial report on Higaonon women are:

- The Higaonon community is largely an agriculture economy with 52% engaged in farming;
- Only 40% are members of the Pantawid Pamilya Program, (4Ps) the government's welfare program;
- Some 63% experienced early marriage (marriage at age 15-21 years old);
- Some 50% of those who got married experienced early or teenage pregnancy during their first pregnancy;
- Child mortality was at 23%, with the affected mothers experiencing one to as many as seven infant deaths;
- Some 73% know just enough of their culture;
- Majority said there must be changes in the customary practice of arranged marriage (*buya*) and *pagduwaya* (more than one wife).

Another research on the Dulangan-Manobo women was also conducted. This research project presented its own particular challenges as well as promising results.

The Dulangan Manobo research was implemented in Barangay San Jose, South Upi, Maguindanao, the target area. The area was chosen on the following premises:

- Its geographic location – Barangay San Jose is a geographically isolated and difficult to access area (GIDA);
- The weather – it is subject to frequent and changing weather conditions; and
- Security concerns – it is the pathway or exit route of retreating Moro Islamic Liberation Front (MILF) and Bangsamoro Islamic Freedom Fighters (BIFF) forces being pursued by government forces.

Because of these context challenges, the desired number of respondents for the focus group discussions (FGDs) was not attained. However, the fact that this research mainstreamed the Dulangan Manobos from Barangay San Jose in South Upi, Maguindanao which is a GIDA and conflict-challenged area is already considered by indigenous women as a historic development.

The research process started with a coordination between PKKK, and their Teduray and Lembangan women's partners (TLWO) in March, 2015. The objectives of this meeting were:

- To train the indigenous women on interviewing and facilitating focus group discussions (FGDs);
- To monitor the situation of indigenous women, in the context of CEDAW; and
- To equip the women, especially the members of the TLWO, with information on their situation and thus, strengthen their efforts at capacity building and advocacy work.

In the meeting, the women outlined their desired focal points for the research, which centered on the following issues and concerns:

- Indigenous women's knowledge of CEDAW vis-à-vis traditional views on women's rights;
- Customs and traditions in regard to maternal and child health;
- Marriage;
- The impact of conflict in women's life;
- Women's role/s in decision-making, resource management, and family life;
- Women's participation in the community;
- Reproductive health; and
- Other issues affecting IW in the area

The coordination meeting with the women leaders also threshed out details on the how the research will be conducted, specifically:

- Method of data gathering - all the respondents will be gathered in an assembly-type gathering);
- The composition of the research team - an over-all supervisor and five all-IW teams with 1 facilitator and 1 documenter);
- Identified some 35 respondents, or 5 respondents from each of the following groups:
  - ♦ For the FGDs, female adolescents / teenagers; Adolescents / Teenaged mothers; Married women of child-bearing age (20-49) with at least one child; Unmarried women of child-bearing age (20-49); Grandmother of any age with at least one grandchild and must not be in the same household as the other respondents.
  - ♦ For the key informant interviews (KIIs), community leaders (tribal leaders, barangay captain, barangay councilor, barangay women representative, GAD focal person, women and children's Desk Head; *Hilot* or traditional birth attendant or traditional healers.

In addition, the women identified this research as a groundbreaking effort to gather and consolidate baseline information on the Dulangan Manobo women in the area, and can be the bases for policy recommendations and other ways forward in regard to the indigenous women's rights.

An interviewers training for eight indigenous women and two indigenous men interviewers was thereafter conducted in June, 2015. That same month, nine women and 13 men respondents for the Dulangan Manobo research gathered at the Parish Church in Barangay Romangaob, South Upi, Maguindanao, to participate in the action research.



The salient findings of the initial report on Dulangan Manobo women are:

- Only 69 % rate of school-aged children being sent to school;
- San Jose has one Barangay Health Center (BHC), a three-room health facility was constructed through funds from the International Organization for Migration (IOM), and a midwife from the South Upi Municipal Health Office conducts monthly visit for three days;
- Dulangan Manobos strongly believe in herbal and alternative medicine, because they are a people who have deep connections with nature;
- There are three water impounding facilities sourced from a protected spring which are available only in the *poblacion*, while, the other six *puroks* are dependent on shallow dug well, unprotected spring or river for their need of potable water<sup>4</sup>;
- Some 90% of the respondents have a house made of wood with cogon grass roofing, and bamboo walling and flooring;
- Barangay San Jose is totally dependent on agriculture, with 500 hectares of land planted to corn, the barangay's principal crop;
- The daily wage is at either PhP 80.00 plus two free meals, or PhP 100.00 with no free meals;
- Many believe that 12 years old is the right age to get married;
- The practice of giving dowry is generally accepted in the Dulangan Manobo society. They define it as the obligatory act of giving material gifts in the form of carabao, horse, cow, farm implements, etc. to the family of the bride by the groom.
- *Duwaya* (having multiple wives) is believed to be a manifestation of the boredom of the husband with his present wife, but the women feel it is unfair.

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<sup>4</sup> According to WATERAID (2008), the traditional and still most common method of obtaining groundwater in rural areas of the developing world is by means of hand-dug wells and extracted with the help of pumps or buckets.

Both of the researches on the Higaonon and Dulangan Manobo women shed light on hitherto unrevealed aspects of their culture, current situation, and the roles that women play in their households and communities. These researches are extremely valuable tools in the monitoring of CEDAW and the MCW, since they offer glimpses into the de facto position of indigenous women in Mindanao, and therefore can provide inputs for lobby and advocacy work.

“This is what we wanted to look at – are these laws being implemented? And we will find the answer by looking at the situation of the indigenous women themselves,” said Amparo Miciano of the PKKK.

The research process also empowered indigenous women to discover their strengths as researchers and leaders. “I developed my confidence to mingle with other people,” said one training participant. “My mind was opened that I am not only meant to take care of my children and my home, but I am also part of a bigger community and I have a voice in how we live in our tribe.”

Another shared her invaluable experiences of being part of the research team. “When became part of the research training, I was able to go to places I had never been before, I was able to trade stories with women from other tribes. I saw other cultures, other communities.”

Overall, both researches reveal common threads of experience of women from the two communities:

- Indigenous women have very limited access, if at all, to basic government programs and services;
- Teenage pregnancy and the taking of more than one wife (*duwaya*) still remain in indigenous communities;
- Indigenous communities remain to be geographically isolated and difficult to access (GIDA);
- There are no birthing facilities in GIDA areas. Barangay health facilities often have no medicines, medical equipment and supplies and health professionals;
- There are no complete elementary and secondary schools in the IP communities.
- There is a lack of infrastructure in these areas.

The conduct of these researches, though, yielded many lessons learned for the project proponents, the organizational partners and the women themselves. First, it highlighted the importance of continuous capacity building and organizing among indigenous women and men, both young and adults. Second, researches such as these make valuable tools for engagements with local government units and government agencies to demand for women’s rights.

*"Our numbers continue to increase."*

Amparo Miciano, Secretary General, Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK) or the National Rural Women's Congress (NRWC)

We see a lot of women who never spoke out before, but who are very outspoken now, especially those who have been organized, who have attended capacity-building activities. These activities really help, and they enjoy it a lot. The first time they attend, the effect is not immediately felt. But when you always invite women, when you expose them to these activities, then they will be able to act, even without you. Women want more of these activities, they are hungry for it. And yet so few women get to attend capacity-building sessions. We still need more. The women especially found UN Women's leadership development for rural indigenous women to be very useful, as well as the paralegal trainings. We have been doing this for more than 10 years, and the women who were with us since the beginning are still here. And the numbers continue to increase. That's because they see that there is development for them. The mere fact that they learn, they discover that they have rights, that's a very big deal. One of our old-time members, Nanay Conching, is still with us. She always says, because of the PKKK's trainings, "Look at me, I can speak before others, I enjoy organizing other women." We need more women like that.

I believe that for rural women, the struggle is not just over land, or coastal resources, or access to basic social services. The bigger struggle is over culture, belief systems, perception - that women and men are equals, that they should be partners, especially in the home. Isn't this better for everyone? Yet, these are the hardest to change. But you fight against years of conditioning, where the man is told that he should always be in control of the home, of the woman.

So the woman carries the world on her shoulders. She has multiple burdens, is stereotyped, marginalized, and experiences violence.

The next steps for PKKK? There is a long road ahead for us. But there are also many gains. We still need to continuously organize and build women's capacities. We need to organize and strengthen our ranks.

You also need to include the community in consciousness-raising because if the community is not included, nothing will change. So even the household has to be influenced, and we start with the households of our own women leaders. Just because a woman is a leader, it does not mean she is automatically empowered at home. It's a process for her too.

This is where we look forward to working with UN Women Philippines, in continuing to capacitate rural women and building on the gains of our partnership for the past several years. The road ahead is still long, but together, the journey becomes much more fruitful.



# VOICES OF WOMEN IN MUSLIM MINDANAO AND THE BANGSAMORO BASIC LAW:

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Building Capacities in  
Legislative Advocacy





## BACKGROUND

Mindanao is divided into six administrative regions, including the Muslim-majority Autonomous Region in Muslim Mindanao (ARMM), which includes the provinces of Maguindanao and Lao del Sur in the mainland, and island provinces like Basilan, Sulu, and Tawi-Tawi. ARMM's population is approximately 4.1 million people, largely dominated by Muslims from the Maranaw, Tausug, and Maguindanaon ethnic groups. Following plebiscites in which these majority-Muslim provinces voted for inclusion, the ARMM obtained special autonomous status in 1990, with the right to elect its own officials, levy taxes, and set education and development policy. (Dwyer and Cagoco-Guiam, u.d.)

According to the National Statistical Coordination Board (NSCB), five of the ten poorest provinces in 2012 are from Mindanao. The ten poorest are:

1. Lanao del Sur (68.9 % poverty incidence)
2. Apayao (59.8%)
3. Eastern Samar (59.4%)
4. Maguindanao (57.8%)
5. Zamboanga del Norte (50.3%)
6. Davao Oriental (48%)
7. Ifugao (47.5%)
8. Sarangani (46.5%)
9. Negros Oriental (45.3%) and
10. Masbate (44.2%).

By region, the ten poorest in the Philippines in 2012 are:

1. ARMM (46.9% poverty incidence)
2. Region 12/Southwestern Mindanao, also known as Soccsksargen (37.5%)
3. Region 8/Eastern Visayas (37.2%)
4. Region 9/Western Mindanao/Zamboanga Region (36.9%)
5. Region 10/Northern Mindanao (35.6%)
6. Caraga and Region 5/Bicol (34.1%)
7. Region 7/Central Visayas (28.8%)
8. Region 11/Southeastern Mindanao/Davao Region (28.6%)
9. Region 4-B/Mimaropa (28.4%)
10. Region/Western Visayas (24.7%)

*(From the National Statistical Coordination Board website,  
[http://www.nscb.gov.ph/ru10/fact\\_sheet/fs\\_01\\_2Q2013.html](http://www.nscb.gov.ph/ru10/fact_sheet/fs_01_2Q2013.html))*

## *A Brief History of the Conflict in Mindanao*

The conflicts in Mindanao count among the world's longest running, rooted in the clash of interests over land and natural resources, and especially around the struggles of Moro Muslims (a minority in the largely Catholic Philippines) for self-determination and redress of historical injustices. The Moros' struggle for self-determination can be traced back to the colonial era and the dynamics of exploitation and resistance that marked that period. From the 16th century until 1898, Moro sultanates fought against the Spanish colonial regime that dominated the northern Philippines. This allowed the Moro to maintain much of their cultural and political distinctiveness, but it also set the stage for deep-seated mutual mistrust. (Dwyer and Cagoco-Guiam, u.d.) It was only with the U.S. acquisition of the Philippines from Spain at the turn of the 20th century that Mindanao became incorporated into national structures, and its lands claimed for settlement. Between 1903 and 1970, Mindanao underwent a drastic demographic transition, with the percentage of non-Moro and non-indigenous settlers rising from 37% of the island's inhabitants to 76%. (Russel, et al, 2007) While Moro Muslims remained dominant in their traditional heartlands of the Sulu archipelago, Maguindanao, and Lanao, their political influence in the rest of the island became attenuated, and by the late 1960s, communal strife had intensified. Meanwhile, along with demographic change came social and economic change which left many Muslim communities among the most impoverished and disenfranchised.

Today, there are multiple armed combatant groups operating in Mindanao, including the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF), the communist New People's Army (NPA) and the *Rebolusyonaryong Partido ng Manggagawa sa Mindanao* (Revolutionary Party of Workers in Mindanao or the RPMM). The Abu Sayyaf terrorist organization also poses a threat to local residents. In 1996, after prolonged negotiations and 26 years of war that cost some 120,000 lives, the government of the Philippines signed a Final Peace Agreement with the MNLF, the cornerstone of which was the reinvigoration of ARMM as a semi-autonomous territory within the framework of national sovereignty. (Russel, et al, 2007) However, a number of splinter factions within the organization resisted the call to disarm. The MILF, which split from the MNLF in 1981, rejected the 1996 agreement in favor of a push for full Bangsamoro independence, and has been engaged in separate negotiations with the government since 1997.

While clashes between armed opposition groups and the government dominate headlines, for many people in Mindanao, the persistent threat of localized conflicts also impact their daily lives. In a 2002 Asia Foundation study, 43% of respondents in Mindanao cited experiences in their communities with rido conflict, the periodic outbursts of retaliatory violence between families and clans. Only 38% cited experience with violent conflict between Muslims and Christians or the Philippines military and armed opposition groups. (Dwyer and Cagoco-Guiam, u.d.)

The conflicts in Mindanao also need to be placed within their broader social and economic contexts. In Mindanao, poverty and a lack of social opportunity are both drivers and outcomes of conflict. Although the region is agriculturally fertile and resource rich, decades of conflict have left the area among the most impoverished in the Philippines. ARMM fares especially poorly on national economic indicators, with a 2006 official poverty rate of 55.3% and some 58.9% of ARMM women living in poverty. Both those indicators have worsened in recent years. Life expectancy in ARMM provinces has often been at least a decade lower than in urban Manila. (Russel, et al, 2007)

### *Women in Mindanao*

While the conflicts in Mindanao generate a vast amount of news reportage and analysis, women's experiences and voices were often neglected when exploring potential solutions.

Mindanao's women do not see themselves as passive observers to the conflict, however, as the island's vibrant civil society sector makes clear. Yet women face numerous challenges in organizing effectively. They become widows and survivors in the middle of conflict, and victims of gender-based violence in a region largely mired in poverty. Social norms that prescribe domestic roles for Muslim women also constrain their opportunities to be full participants in the debates about Mindanao's issues and its future.



## THE PROPOSED BANGSAMORO BASIC LAW (BBL)

The draft Bangsamoro Basic Law (BBL), a certified urgent bill submitted to Congress in September 2014 was envisaged to be the enabling law for the creation of a new Bangsamoro political entity in Mindanao. The proposed BBL, deliberated on by the 16th Congress of the Philippines, sought to implement the Framework Agreement on the Bangsamoro (FAB) and its Annexes entered into between the Government of the Philippines (GPH) and the Moro Islamic Liberation Front (MILF). The purpose of the draft Basic Law is “to establish the new Bangsamoro political entity and provide for its basic structure of government, in recognition of the aspirations of the Bangsamoro people.” (Article I, Section 3) The BBL would have created the Bangsamoro region, replacing the Autonomous Region in Muslim Mindanao (ARMM), had it been passed and ratified.<sup>5</sup>

The GPH and the MILF signed the Comprehensive Agreement on Bangsamoro (CAB) on March 27, 2014, a final peace agreement that fleshed out the terms of the framework agreement and annexes. It was a result of a preliminary peace agreement on October 15, 2012, between the MILF and the government, called the Framework Agreement on the Bangsamoro (FAB), which called for the creation of an autonomous political entity named Bangsamoro, replacing the ARMM. The FAB signing came after peace talks in Kuala Lumpur, Malaysia from October 2-6, 2012. These talks were the last of 32 peace talks between the two parties, spanning a period of nine years.<sup>6</sup>

In order to try to establish inclusivity, transparency and accountability in the substance, process and implementation of the FAB, the agreement provided for transitional mechanisms such as the Bangsamoro Transition Commission (BTC), which was tasked with drafting the Basic Law for the Bangsamoro, and for the creation of a Bangsamoro Transition Authority (BTA), which would serve as the interim government in the Bangsamoro until the national elections in 2016.<sup>7</sup>

<sup>5</sup> *Frequently Asked Questions on the Draft Basic Law*. House of Representatives. 2015.

<sup>6</sup> *Bangsamoro Basic Law to rectify historical injustices*, October 29, 2014. Office of the Presidential Adviser on the Peace Process. *Official Gazette*. <http://www.gov.ph/2014/10/29/bangsamoro-basic-law-to-rectify-historical-injustices/>.

<sup>7</sup> Busran-Lao, Yasmin. “Philippines: women and inclusivity in the Mindanao peace process.” *Legitimacy and peace processes: from coercion to consent*. P. 28-29. 2014.



For women in Mindanao, these milestones in the peace process with the MILF and the drafting of the BBL opened up opportunities to advocate for increased women's participation in peace and governance processes and stronger protection of women's human rights in laws and policies. Engaging in policy dialogues with key actors, such as the Bangsamoro Transition Commission (BTC) and the legislative advocacy around the BBL was seen as an important strategy for ensuring that women's voices are heard in the formulation and deliberation of new laws.

BTC was composed of representatives of various Bangsamoro groups, with seven (7) nominated by the GPH, and eight (8) members nominated by the MILF. Of the fifteen members, four are women, including the representative of the indigenous people.<sup>8</sup>

### *Reviewing the BBL through a CEDAW lens*

The immense importance of the BBL upholding women's human rights, in Mindanao, gave the impetus for UN Women and its partners in the Philippines to examine the provisions of the proposed law. To this end, several activities on strengthening legal frameworks on women's human rights were undertaken to ensure that women's voices, especially women from Mindanao, were heard and that gender-responsive provisions are integrated into the draft law.

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<sup>8</sup> Busran-Lao, Yasmin. "Philippines: women and inclusivity in the Mindanao peace process: Legitimacy and peace processes: from coercion to consent." P 28-29. 2015.

## WOMEN WORKING TOGETHER

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### *Convening an Experts Group Meeting (EGM)*

On February 24-25, 2014, UN Women, in collaboration with the Mindanao Commission on Women (MCW) and the Women's Peace Tables (WPT), convened an Experts' Group Meeting (EGM) to discuss strategic entry points for women's human rights advocacy toward a gender-responsive Bangsamoro Basic Law (BBL). The meeting was attended by gender experts, peace advocates and specialists from civil society and academe. They were:

- Ms. Irene Sanatiago, Mindanao Commission on Women (MCW) and Women's Peace Table
- Ms. Amina Rasul, Philippine Council for Islam and Democracy (PCID)
- Prof. Aurora De Dios, Women and Gender Institute, WAGI
- Prof. Josefa "Gigi" Francisco, International Studies Department, Miriam College
- Sr. Mary John Mananzan, St. Scholastica's College
- Atty. Alpha Pontanal, Nisa Ul haqq Fi, Inc.
- Atty. Charina Sanz, MCW
- Dr. Socorro Reyes, Center for Legislative Development-International (CLDI)
- Prof. Marina Durano, UP School of Economics
- Atty. Salma Pir Rasul, PCID
- Ms. Tatine Faylona, Independent Consultant on Gender and Development

Mr. Ramanathan Balakrishnan, Deputy Regional Director (DRD), UN Women Regional Office for Asia and the Pacific and Ms. Irene Santiago, welcomed the participants on the first day of the EGM. The women then devoted the rest of the first day to substantive discussions on the background and context of the Framework Agreement on Bangsamoro (FAB), the creation of the Transition Commission (BTC) tasked to formulate the Bangsamoro Basic law, and emerging initiatives and issues of concern from women's groups.

Inputs which helped establish the framework for the meeting came from Atty. Charina Sanz, who gave a brief presentation on the presence of, as well as critical gaps in, the gender-responsive provisions of past peace agreements. Dr. Socorro Reyes provided a presentation on political representation of women, and emphasized the importance of ensuring guarantees for women's political participation in the BBL. Prof. Aurora De Dios led a discussion on the importance of referring to international norms and standards on women's human rights in legislative advocacy for the BBL, as well as the challenge to 'translate' such norms and make them more responsive to local contexts. Atty. Alpha Pontanal spoke about the results and findings of focus group discussions and informal surveys they conducted among women in Bangsamoro to generate inputs for the BBL advocacy.

An important part of the Experts Group Meeting was the presentation and briefing given by Commissioner Johaira Wahab of the Bangsamoro Transition Commission (BTC). She presented an overview of the BTC structure and the different mechanisms for formulating the BBL. She stressed the importance of engaging the different members of the BTC directly and submitting concrete proposals as soon as possible because the BTC was working on a very tight deadline.

The group reached a consensus on several points:

- a) That it is important for women's groups to scale up initiatives to 'lobby' for a gender-responsive BBL, reaching out to officers and members of the BTC as well as to members of the Philippine Congress, who will be the recipients of the BBL draft after the BTC completes it;
- b) That women's groups should be more 'strategic' by zeroing in on most critical issues that will position women and guarantees on women's human rights in a more strategic way in the BBL, rather than coming up with many proposals; and
- c) That the EGM should generate actual proposals, as well as brainstorm on strategies for continuing advocacy.

On February 25, a smaller group worked on the proposals and prepared a draft paper to be presented to officers and members of the BTC.

## Proposals for Gender Provisions in the Draft Bangsamoro Basic Law Submitted by the Women's Peace Table with the support of UN Women 25 February 2014

### *Preamble*

- The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. (Art. II, Sec. 14 of the Philippine Constitution.)
- Pursuant to the rights of women to meaningful political participation, women shall be represented in all decision-making bodies of the Bangsamoro.
- Indigenous women must continue to enjoy rights enshrined in the UN Declaration on the Rights of Indigenous Peoples and the Indigenous Peoples Rights Act (IPRA).
- Economic development must promote growth and full employment, human development, and address historical injustice, poverty, and inequality.

### *Basic Rights, Culture, Social Justice and IP Concerns*

- The Bangsamoro shall promote, protect and fulfill the basic human rights of all peoples as provided for by national and international laws, covenants, and treaties to which the Philippines is a signatory.
- All laws and policies, including customary laws, shall conform to international human rights and humanitarian standards. Prior and vested rights already guaranteed under the Philippine Constitution and existing national laws shall be enforced.

### *Political Autonomy*

- The Bangsamoro Basic Law shall ensure representation of women, IPs and other marginalized groups in political parties and political structures that shall be created.
- Proportional representation, closed party-list system, and multi-member district shall be adopted in selection of the Bangsamoro parliament.



### *Fiscal Autonomy*

- Pursuant to the Magna Carta of Women, there shall be automatic appropriation for Gender and Development of at least 5 percent of the annual budget of agencies and LGUs.
- Women and IPs shall have sectoral representation in the inter-governmental fiscal policy board.
- Pursuant to Article XII, Sec.7 of the Philippine Constitution, the Bangsamoro shall promote distributive justice and ensure that the use of economic resources bears a social function. While individuals and private groups, including corporations, shall have the right to own, establish, and operate economic enterprises, the Bangsamoro shall intervene when the common good so demands.

### *Justice and Security*

- The Bangsamoro shall administer justice for all regardless of class, creed, disability, gender and ethnicity.
- The Bangsamoro shall promote and ensure a gender-responsive approach in all aspects of security and peacebuilding, including the meaningful participation of women in decision-making.

### *Transitory Provisions, Amendments and Revisions*

- The Regional Commission on Bangsamoro Women shall be a full-fledged ministry with the mandate to mainstream gender in policies, regulations, and programs and monitor the implementation of all laws relating to women.
- There shall be established a Women's Peace Fund, primarily managed by women, as a window to the Trust Fund (FAB Sec. VIII, 11). This shall be in support of gender as a cross-cutting concern in the Bangsamoro Development Plan and as an approach to avoiding a relapse into violence and building a strong foundation for peace.

### *Meetings with the Bangsamoro Transition Commission (BTC)*

An essential component of legislative advocacy is close coordination with gender advocates in government and non-government entities. UN Women ensured that there was an open dialogue and communication among the officers and members of the Bangsamoro Transition Commission (BTC) and women's representatives. UN Women initiated two of these meetings.

1) Meeting with Atty. Raissa Jajurie, gender advocate and Head of the BTC Fiscal Committee. Atty. Jajurie briefed UNW on the progress of the work in the BBL and challenges faced by women members in the BTC, stressing that there are only four women out of the 15 members. She also encouraged UN Women to support legislative advocacy for BBL, engaging the BTC members as well as members of the Congress.

2) Dialogue with the BTC, hosted by UN Women. The dialogue served as a platform for women's human rights advocates to present their proposals on the BBL. It also served as an opportunity to introduce UN Women to members of the BTC and key actors in the MILF peace panel. On behalf of the BTC members present at the dialogue, BTC Chair from the MILF side, Mohammad Iqbal, received with thanks the proposals of women's groups and assured them that he will share these proposals at the 'table.' Chair Iqbal also thanked UN Women for its hospitality in hosting the dialogue.

*Dr. Socorro Reyes, Regional Governance Adviser,  
Center for Legislative Development*

There were many valuable lessons learned in the process of legislative advocacy for a CEDAW-compliant draft Bangsamoro Basic Law. Dr. Reyes lauded the fact that gender-sensitive women were leading the Peace Panel as a “strong positive,” but emphasized that they needed strong support against the “machos” in the halls of the Senate and the House of Representatives, which are still male-dominated.

She also noted that gender often “takes a back seat to so-called ‘hard issues’ during the negotiations,” underscoring the fact that gender issues are treated as separate from, instead of integrated into, issues of development and peace.

“We also need to advocate among advocates,” she stressed, noting that there was strong opposition to any mention of international conventions on women, such as CEDAW, and national laws like the Magna Carta in the BBL, and that not all civil society groups are supporting gender equality provisions in BBL.

“This is why we need to diversify our networking and advocacy efforts,” Dr Reyes underlined. “We need to build more bases of support from indigenous peoples, human rights groups, and community women.” This includes constituency-building initiatives aimed at getting votes beyond Mindanao legislators. “They all have to see it as a national concern, not just of the region,” she said.

## LEGISLATIVE ADVOCACY FOR WOMEN

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The law is a powerful resource for women. It can provide immediate relief from injustice, as well as long-term transformation. Thus, civil society engagement with lawmakers makes for a fruitful partnership, and becomes a means of ensuring that women's analyses of, and proposed solutions to, the problems and issues confronting them becomes part of the legislative process.

In the Philippines, laws emanate from the two chambers of Congress – the 24-member Senate, and the House of Representatives, composed of more than 200 district and sectoral representatives. Ensuring that the legislative arena becomes a forum for the discussion of women's concerns, and mainstreaming gender equality in the laws of the land, acknowledges the key role of legislation in promoting women's human rights.

This key role is most apparent in the proposed Bangsamoro Basic Law which, should it become a law, will become the framework for governance in Mindanao. On the other hand, the women were also looking at the possible scenario that the BBL would not be passed (which was what actually happened). Thus, they were also driven by the idea of sustaining the advocacy beyond the Congressional deliberations of the BBL, and the need to have a core group of women who will sustain the legislative advocacy beyond the current version of the BBL.

Thus, it is important that the capacities of women and women's groups, especially Muslim women, in legislative advocacy and lobbying, be increased and their voices heightened in the shaping of the country's laws.

### Consultation on Legislative Advocacy for Women's Human Rights, CEDAW and the BBL

On December 7, 2015, UN Women and the Women and Gender Institute (WAGI) of Miriam College spearheaded a one-day Consultation on Legislative Advocacy for Women's Human Rights, CEDAW and the Bangsamoro Basic Law (BBL).

More than 30 women participated, representing leaders from government nongovernment organizations in Mindanao.<sup>9</sup>

The consultation aimed to:

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<sup>9</sup> Official documentation, *Consultation on Legislative Advocacy for Women's Human Rights, CEDAW and BBL*, December 7, 2015.



1. Increase the awareness of the public on CEDAW and WHR and its relation to the BBL;
2. Push for the inclusion of gender responsive provisions not only in the BBL but in all legislations and policies; and
3. Unify and assert the voices and perspectives of women for a legislative agenda towards gender responsive legislations.

In welcoming the participants to the consultation, UN Women Philippines Coordinator Aida Jean Manipon highlighted the need for the participation of Filipino women in the international sphere, because movement needs more voices for the propagation of the Women's Agenda. "We need to identify the gaps in advocating laws catering to women," she said, adding that in order to ensure continuity, there should be strong champions for the women's agenda.

The consultation started with a brief background on the situation of women in Mindanao by Sittie Jehanne Mutin, Chair of the Regional Commission on Bangsamoro Women. She provided statistics on population, poverty incidence, employment status, education, and peace and order situation of the Autonomous Region for Muslim Mindanao (ARMM). In profiling the gender situation in the region, Ms Mutin noted that women of reproductive age were most affected by the armed conflict in Maguindanao, and that Rido, the generational fight of clans, puts women at high risk since they are likely become the victims of kidnapping or revenge as a way to dishonor the family. She highlighted that the BBL has implications on all women, not just the Moro women, and that the role of women in the implementation of the BBL depends on the participants, and that they need their voices to be recognized.

Prof. Miriam Coronel-Ferrer, Chair of the Peace Panel, then provided legislative updates on the BBL. The version drafted by the House of Representatives contained many additions in favor of women, which Prof. Ferrer mentioned should be credited to the women in Congress, including the Muslim Women Legislators who advocated these inclusions. These included provisions on women's representation in all decision-making bodies, and the establishment of a Women's Peace Fund, among others. She urged advocates to intensify their campaign to pressure the legislators to attend the sessions on the BBL.

Aurora Javate - De Dios, Executive Director of the Women and Gender Institute, discussed the links between CEDAW and women's human rights to the BBL and pointed out the key achievements in Women, Peace and Security. She cited that one of the key achievements is the establishment of the Women's Peace Table which includes Catholic and Muslim women. She also urged for the continuous lobby for a strong and gender inclusive BBL in Congress and

consultations with Moro, Christian and indigenous women towards a gender responsive BBL. Prof. De Dios ended the consultation by imparting the lessons learned in the struggle for peace:

- Close coordination with other peace advocates and peace networks;
- Lobby for a strong and gender inclusive BBL in congress;
- Consultations with Moro, Christian and indigenous women towards a gender responsive BBL;
- The roll-out and localization of the Philippine action plan for Women Peace and Security.

At all points in the consultation, women were at the center of the discourses. They stood up and asked questions or shared their experiences, especially during the open forum. They were especially interested in clarifying the finer points of the draft law. The consultation led to realizations on the part of the women on how the BBL can be a major instrument in the realization of their women's human rights. The women also engaged in scenario-building, in the event that Congress not pass the bill.

"In my mind, we Moros should unite," stressed Anisah, member of a Mindanao-based non-government organization, during the open forum. "Before we can convince others of the importance of the BBL, we should all agree first."

"Patience is a virtue," said Prof. De Dios said by way of concluding. "Change is not going to come easy but we must always be forward looking."<sup>109</sup>

### **Training Women on CEDAW, Women's Human Rights and the Bangsamoro Basic Law (BBL)**

In 2014, UN Women and the Women and Gender Institute (WAGI) formed a group of women leaders who were trained in the process of Philippine legislation, exposed to Congressional meetings on the BBL, and provided with the tools to provide input in strategic stages of the lawmaking process.

The objectives of the training were:

- To increase awareness and understanding of CEDAW, women's human rights and the BBL, as well as the gains and challenges in legislative advocacy for women's human rights in the Bangsamoro; and

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<sup>109</sup> Official documentation, Consultation on Legislative Advocacy for Women's Human Rights: CEDAW and BBL. December 7, 2015.

- To develop a pool of women leaders, gender equality champions, and women's human rights advocates who will sustain legislative advocacy for women's human rights in the Bangsamoro and strengthen women's participation in lawmaking and policymaking processes at the sub-national legislative assembly in the Bangsamoro.

The training on legislative advocacy for Bangsamoro women's human rights advocates contributed to sustained advocacy of BBL and of gender-responsive provisions in the BBL; and beyond the BBL, for an advocacy agenda, as well as strengthened networks of women's groups with advocacy for women's human rights in the Bangsamoro.

The capacity building activity centered around a one-day consultation, and a two-day training session. The women participants were enabled to craft their own legislative agenda, and learned how to lobby at the House of Representatives, where they attended the plenary sessions in which the BBL was tackled.

The women leaders were trained in the various aspects of legislative work: drafting bills and resolutions; examining these bills for committee consideration; analyzing current laws for possible amendments. This will enable them to increase their participation in crafting gender-responsive provisions, not just in the BBL, but in other national or local laws.

The efforts in mainstreaming women's human rights in the draft Bangsamoro Basic Law resulted in opening up opportunities for women to ensure that their perspectives were integrated into the law.

The gains, as well as the challenges, for advocacy in the BBL were spelled out in the forward-looking policy brief prepared by Dr. Socorro Reyes, Regional Governance Adviser of the Center for Legislative Development for UN Women and Miriam College – WAGI CEDAW Project. The brief also enumerates the recommendations of women's groups to strengthen its gender provisions.



## **A Policy Brief on CEDAW, Women's Rights and the Bangsamoro Basic Law: The BBL: A Journey of 17 Years**

By Dr. Socorro Reyes, Regional Governance Adviser of the Center for Legislative Development for UN Women and Miriam College-Women and Gender Institute (WAGI) CEDAW Project.

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The proposed Bangsamoro Basic Law (BBL) was not able to navigate the legislative arena of the 16th Congress successfully. Many issues and questions were raised about the constitutionality of the bill but the game changer was the Mamasapano tragedy. It resurrected fears, suspicion and distrust for the Muslims. The substitute versions formulated by the House of Representatives and the Senate after Mamasapano departed radically from the original draft, House Bill 4994 which was based on the Comprehensive Agreement on the Bangsamoro (CAB). Both houses lacked the political will to pass the measure as evidenced by the lack of quorum, prolonged interpellation and countless amendments. Not a few blamed the weak leadership of the House Speaker, the Senate President and the Chief Executive in pushing for the passage of what could be the culmination of a long process of negotiation between the government and the MILF panels.

While the Bangsamoro Basic Law (BBL) failed to pass the 16th Congress, the issues raised in ensuring a fair, just and gender-responsive legislation remain relevant. Using a rights perspective, this Policy Brief will review the recommendations made by women's groups to strengthen the gender provisions of the BBL. They will be categorized into:

- 1) Political participation;
- 2) Representation in decision-making bodies;
- 3) Legal rights and the justice system;
- 4) Sexual and gender-based violence;
- 5) Rehabilitation, reconstruction and development;
- 6) Allocation of budgetary resources; and
- 7) Transitional justice.



The justification used by women's groups for strengthening the gender provisions in the Bangsamoro Basic Law is based not only on national legislation i.e., the comprehensive Magna Carta of Women passed on August 14, 2009 but on international Women's Rights Conventions, Agreements and UN Resolutions that the Philippines signed. Among these are the:

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted on Dec. 18, 1979 and entered into force on Sept. 3, 1981
- Beijing Declaration and Platform for Action, September 15, 1995
- Security Council Resolution 1325, October 31, 2000
- Security Council Resolution 1820, June 19, 2008
- Guidance Note of the Secretary General: UN Approach to Transitional Justice, March, 2010
- Resolution on Women and Political Participation (Resolution 66/130) Adopted by the UN General Assembly on December 19, 2011

### Right to Women's Political Participation

The draft Bangsamoro Basic Law provided an excellent opportunity for women to advocate for the reform of the electoral system and propose one that will increase their chances of winning elections. Under the present single ballot plurality system, the candidate who gets the most number of votes wins even with a very small margin over his/her closest rival. Studies show that this system of "winner take all" limits the chances of women candidates.

The draft BBL provided for a mixed electoral system where forty percent (40%) of the Members of Parliament shall be elected from single-member parliamentary districts apportioned for the area; fifty per cent (50%) of the Members of Parliament shall be representatives of political parties who win seats through a system of proportional representation based on the whole Bangsamoro territory; and 10% reserved seats including two (2) reserved seats each for non-Muslim indigenous communities and settler communities.

While women's groups welcomed the adoption of proportional representation where the number of seats won by political parties is based on the percentage of votes they receive, **they advocated for a closed party list where the sequencing of candidates cannot be altered.** The preferred system is the zebra or zipper system where women and men alternate in the list and have equal chances of winning. In the open list, the party leadership can move women candidates down to the bottom of the list in case the party wins only a small percentage of votes to give way to the male candidates.

They also pushed for two other changes in the electoral system: **1) multi-member districts, and 2) a legal threshold for political parties to qualify for seats.** Studies show that the larger the district, the more women can get elected. It also gives political parties the opportunity to have gender balance in their party ticket. A legal threshold on the other hand or the minimum percentage of votes that a party should receive to get seats in Parliament will prevent the proliferation of small, nuisance parties. The higher the legal threshold, the better for women.

*General Assembly Resolution on Women and Political Participation (66/130)*

6 (a) Urges all states to ...review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate.

*Closed Party List, Zebra system* where women and men alternate in a party list that is fixed i.e., the order in which the candidates appear in the list cannot be changed, gives women more chances of winning in a proportional representation system. This is shown in the experience of Nordic countries like Sweden and Norway which have consistently been in the top five countries with the highest representation of women in Parliament.

A broader view of the electoral system encompasses not only the means used to translate votes into seats but the entire electoral process including provisions concerning political parties, electoral rights and the election administration. The BBL encourages the establishment of free and open regional party system based on the free choice of the people. Women's groups advocated for these **parties to be gender-responsive and ensure women's representation and participation in their leadership structures and decision-making processes** particularly in choosing who to include in their list of candidates. **Women should also be represented in the Bangsamoro Electoral Office** which supervises the conduct of elections to ensure women's full and equal participation in elections and plebiscites.

To summarize, the women advocated for:

- Closed party list, proportional representation system
- Multi-member electoral districts
- Legal Threshold for Political Parties to Win Seats in the PR System
- Gender-Responsive Political Parties
- Women's Representation in the Bangsamoro Electoral Office

#### **UN General Assembly (GA) on Women and Political Participation (66/130)**

6 ( c ) To strongly encourage political parties to remove all barriers that directly or indirectly discriminate against the participation of women, to develop their capacity to analyze issues from a gender perspective, and to adopt policies, as appropriate, to promote the ability of women to participate fully at all levels of decision-making within those political parties.

#### **Beijing Platform for Action, Strategic Objective G.1.**

"Governments agree to protect and promote the equal rights of women to engage in political parties and to freely associate."

#### **CEDAW, Article 7**

"States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies."

#### **UN GA Resolution on Women's Political Participation, Section 8**

"Also encourages states to appoint women to posts within all levels of their Governments, including those where applicable, bodies responsible for designing constitutional, electoral, political or institutional reforms."



## Right to Representation in Decision-Making Bodies

Aside from increasing the number of women elected to the Bangsamoro Parliament, women's groups also advocated that more women get appointed to decision-making positions in compliance with the Magna Carta of Women signed in 2009 as well as honor the government's commitment in the Beijing Platform for Action of 1995. Among these are the:

- Bangsamoro Cabinet
- Civil Service
- Development Planning Bodies
- Council of Leaders
- Sharia Courts
- Intergovernmental bodies such as the Inter Governmental Fiscal Policy Board, ✓ Peace Panels, and the
- Police Force

### Beijing Platform for Action

#### Strategic Objective G1

Governments agree to “establish **gender balance** in governmental bodies and committees, the judiciary, and all governmental and public administration positions.”

#### Strategic Objective E1

Increase the participation of women in conflict resolution at decision-making levels and protect women in situations of armed conflict or under foreign occupation. Governments... should strengthen the role of women and ensure equal representation of women at all decision-making levels in national and international institutions.



## Magna Carta of Women of 2009

### Section 11 (a)

"Within the **next five years**, the number of women in third level positions in government shall be incrementally increased to achieve a **50-50 gender balance**."

### Section 11 (b)

The government shall ensure the participation of women in all levels of development planning and program implementation with **at least 40% membership** in all development councils from the regional, provincial, city, municipal and barangay levels.

## Legal Rights and the Justice System

The draft Bangsamoro Basic Law was curt and direct regarding the promotion of rights; "The Bangsamoro shall adhere to the principle of enjoining what is right and forbidding what is wrong." It however stressed that **"for Muslims, the justice system in the Bangsamoro shall give primary consideration to Shar'iah and customary rights and traditions of the indigenous peoples in the Bangsamoro."**<sup>11</sup>

Shari'ah laws enacted by Parliament shall cover **"persons and family relations, and other civil matters, commercial law, criminal law, including the definition of crimes and prescription of penalties."**<sup>12</sup> Shari'ah courts shall have jurisdiction over Shar'ah laws. On the other hand, **traditional justice systems** shall **"determine, settle and decide controversies and enforce decisions involving disputes between members of the indigenous peoples concerned in accordance with the customary laws, institutional structures, juridical systems, traditions and practices of the different non-Moro indigenous peoples."**<sup>13</sup>

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<sup>11</sup> Article 9, Sec. 1 of HB 5811.

<sup>12</sup> Article 9, Sec. 3 of HB 5811

<sup>13</sup> Article 9, Sec. 23 of HB 5811

To ensure that the BBL promotes and protects women's rights in the Shari'ah and traditional legal and justice system as well as in alternative dispute resolution, women's groups advocated for the inclusion of the following provisions:

**"All its laws and policies, including customary laws shall conform with international human rights and humanitarian standards including gender equality. The Bangsamoro government shall promote, protect and fulfill the basic human rights of all people as provided by national law and all international laws, covenants and treaties to which the Philippines is a signatory."**

While acknowledging the primacy of Shariah for the Muslims and respecting the customary rights and traditions of the indigenous people, the women emphasized that these shall be in:

**"accordance with international standards of human rights including gender equality as provided for by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)."**

#### **CEDAW, Article 2 (a)**

**"States parties ...undertake ( c ): To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination."**

### **Sexual and Gender-Based Violence**

The original provision in the draft BBL on sexual and gender-based violence was that "women and children shall be protected from exploitation." Women's groups vigorously advocated for a stronger and more encompassing provision which was eventually adopted in the substitute bill (HB 5811) as follows:

**"The Bangsamoro Government shall uphold and protect the fundamental rights of women and children including the right of women to engage in lawful employment. Women and children especially orphans of tender age, shall be protected from exploitation, abuse or discrimination, sexual and gender-based violence and other forms of violence including and especially in time**

of disasters, calamities and other crisis situations. The Bangsamoro Government shall ensure observance of human rights particularly women's economic, social and cultural rights including the right to health and education. The Bangsamoro Parliament shall enact the necessary laws for the implementation of this Section.<sup>14</sup>

Underlying these provisions are Security Council Resolutions 1325 and 1820.

#### Security Council Resolution 1325, par. 10

"Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict."

#### Security Council Resolution 1820, par. 3

"Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence and evacuation of women and children under imminent threat of sexual violence to safety."

## Rehabilitation and Development

After years of armed conflict, the people in the provinces of Bangsamoro (Maguindanao, Lanao del Sur, Sulu, Basilan and Tawi-Tawi) suffer from severe economic and social displacement which have resulted in long-term poverty and deprivation of adequate social services. **They are among the poorest in the country with poverty incidence ranging from 29.8% to 53.7% in 2009,**

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<sup>14</sup> Article 5, Section 10.



compared to a 26.5% poverty incidence for the entire country for the same period.<sup>15</sup>

The rehabilitation, reconstruction and development of Bangsamoro is part of the normalization process under the Framework Agreement on the Bangsamoro (FAB). This is a crucial phase where women's issues and concerns need to be concretely and specifically addressed in a gender-responsive and holistic development strategy.

Women's groups strongly advocated for **the participation of women in decision-making and for the promotion of a gender-responsive approach in all aspects of rebuilding, reconstruction and rehabilitation of conflict-affected areas.**

#### **Security Council Resolution 1325, par. 8**

"Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, integration and post-conflict reconstruction;

(b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;

(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary."

#### **Magna Carta of Women, Sec. 29. Peace and Development**

"The peace process shall be pursued with the following considerations:

(b) Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the over-all peace strategy and women's participation in the planning, implementation, monitoring, and evaluation of rehabilitation and rebuilding of conflict-affected areas."

<sup>15</sup> "Philippines: Autonomous Region in Muslim Mindanao (ARMM) Social Fund Project," in <http://www.worldbank.org/en/results/2013/04/10>



## Allocation of Budgetary Resources

It is not enough for rehabilitation and development programs to declare adherence to gender equality and women's rights. Budgetary resources have to be allocated to turn words into action and implement gender equality programs. The revised draft BBL went further than the usual 5% appropriation of the total budget of each Ministry, Office and constituent local government unit of the Bangsamoro for Gender and Development. **It heeded the advocacy of women for the establishment of a Women's Peace Fund as a window to the Special Development Fund to be provided by the national government for the rehabilitation and development of the Bangsamoro. The Women's Peace Fund shall be primarily managed by women in support of gender as a cross-cutting concern.**

Complementing the advocacy for a Women's Peace Fund was **the establishment of Regional Commission on Women in the Bangsamoro as a full-fledged Ministry** with the mandate to mainstream gender in policies, regulations and programs and monitor the implementation of all laws relating to women.

A Regional Commission on Bangsamoro Women already exists in the Autonomous Region of Muslim Mindanao (ARMM). However, it was under the control and supervision of the Regional Governor. To enhance its effectiveness as a regional machinery for women, it is proposed that the Commission be a full-fledged Ministry. This will provide the Commission not only with a clear mandate but also sufficient budgetary resources, adequate staff, training and research funds.

## Transitional Justice

As part of the Framework Agreement on the Bangsamoro (FAB) and the Annex on Normalization, a **Transitional Justice and Reconciliation Commission (TJRC)** was created as part of the normalization process. It was mandated to undertake a study and make recommendations on how to address "the legitimate

grievances of the Bangsamoro people, correct historical injustices, address human rights violations and marginalization through land dispossession.<sup>16</sup> It was also asked to identify immediate interventions for “reconciliation, conflict prevention and the promotion of healing of the physical, mental and spiritual wounds.”<sup>17</sup> On December 9, 2015, the TJRC officially handed over its Report to both Peace Panels which in turn will decide when to make the findings public.

Women’s groups have firmly advocated from the start that **transitional justice mechanisms shall ensure that abuses committed against women by parties engaged in armed conflict shall be addressed and they shall administer equitable, inclusive and distributive justice.** This is in line with the UN Secretary General’s Guidance Note to all member-states dealing with post-conflict situations to ensure the protection and promotion of women’s rights through transitional justice processes and mechanisms.

**Guidance Note of the Secretary-General,  
United Nations Approach to Justice, March 2010**

“Transitional justice should pay special attention to abuses committed against groups mostly affected by conflict, particularly women. Gender inequality is one of the most pervasive forms of societal inequality and is often exacerbated by conflict and situations of gross human rights violations. ....Transitional justice mechanisms must thus provide for special measures to ensure that women receive adequate redress for conflict-related violations, that women can fully participate in these processes and that their rights and perspectives are adequately addressed.”

<sup>16</sup> FAB VIII 12 and Annex on Normalization (H.1,2,3)

<sup>17</sup> <http://tjrc.ph/>

## Conclusions

Women made several gains in the draft Bangsamoro Basic Law specifically the revised version in the House of Representatives or HB 5811. Though it was not passed in the 16th Congress, women should continue to uphold these when the bill is re-filed and taken up in the 17th Congress. Among these are the:

- Protection of women and children from exploitation, abuse or discrimination, sexual and gender-based violence and other forms of violence including in times of disasters, calamities and other crisis situations.
- Participation of women in governance and in the development process and ensure that they have equal access to land ownership and benefit equally in the implementation of development programs and projects.
- Allocation of 5% of the total budget of each Ministry, office and constituent local government units for gender-responsive programs in accordance with a gender and development plan.
- Allocation of at least 5% up to 30% of the official development funds to complement the GAD budget allocation.
- Establishment of a Women's Peace Fund primarily managed by women as a window to the Special Development Fund in support of gender as a cross-cutting concern.
- Reservation of at least one seat for women in Parliament and in the Cabinet.
- Enactment of a law recognizing the important role of women in nation-building and regional development and ensuring representation of women in other decision-making bodies of the Bangsamoro government.

However, women should continue advocating for and pushing that the BBL explicitly state that:

- Shar'ia and customary laws shall not only conform with international standards of human rights but should include gender equality as provided for in CEDAW. This is a serious legal gap in HB 5811 that should be unequivocally stressed in any future BBL version.
- Proportional representation should be based on a closed party list system, multi- member district and with a legal threshold for political parties to qualify for seats.
- Political parties should be gender-responsive and put women in leadership and decision-making positions.
- Abuses against women by both parties in the armed conflict should be addressed by transitional justice mechanisms and impunity should never be tolerated.
- Women's participation in all levels of development planning and program implementation with at least 40% membership in all development councils as provided for by the Magna Carta of Women.
- Women's representation in decision-making positions in government should be incrementally increased in the next five years from the adoption of the BBL until a 50-50 balance is reached as provided for by the Magna Carta of Women.



### *References for the Policy Brief*

Beijing Declaration and Platform for Action, September 15, 1995.

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Framework Agreement on the Bangsamoro (FAB).

Guidance Note of the Secretary General: UN Approach to Transitional Justice, March, 2010.

House Bills 4994 and 5811.

Resolution on Women and Political Participation (Resolution 66/130) Adopted by the UN General Assembly on December 19, 2011.

Security Council Resolution 1325, October 31, 2000 Security Council Resolution 1820, June 19, 2008.

# VOICES OF URBAN POOR WOMEN

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Seeking Redress  
through the CEDAW  
Optional Protocol



## BACKGROUND

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Reproductive rights constitute one of the most basic human rights, and form one of the backbone provisions of the CEDAW. And yet, many efforts to curtail these rights still occur, despite the valiant militancy of women and women's groups.

Women have the basic right to access comprehensive health services, including family planning services and information. The Philippines' Reproductive Health law was not passed until 2012, but the 2009 Magna Carta of Women (MCW) already had a provision on women's reproductive health.

### *The Magna Carta of Women and the Right to Health*

Sec. 17. Women's Right to Health. – (a) Comprehensive Health Services. – The State shall, at all times, provide for a comprehensive, culture- sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which addresses the major causes of women's mortality and morbidity: Provided, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the spouses to found a family in accordance with their religious convictions, and the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances.

Access to the following services shall be ensured:

- (1) Maternal care to include pre-and post-natal services to address pregnancy and infant health and nutrition;
- (2) Promotion of breastfeeding;
- (3) Responsible, ethical, legal, safe, and effective methods of family planning;
- (4) Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
- (5) Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- (6) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- (7) Prevention of abortion and management of pregnancy-related complications;

- (8) In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment;
- (9) Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;
- (10) Care of the elderly women beyond their child-bearing years; and
- (11) Management, treatment, and intervention of mental health problems of women and girls.

In addition, healthy lifestyle activities are encouraged and promoted through programs and projects as strategies in the prevention of diseases.

(b) Comprehensive Health Information and Education. – The State shall provide women in all sectors with appropriate, timely, complete, and accurate information and education of all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

- (1) The natural and primary right and duty of parents in the rearing of the youth and the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;
- (2) The formation of a person's sexuality that affirms human dignity; and
- (3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

(From Republic Act 9710, An Act Providing for the Magna Carta of Women, 2009)

However, the Manila government's issuance of Executive Orders 003 and 030, preventing women from availing of free reproductive services from public hospitals and health centers, constituted a blatant violation of this right. The resulting formal complaint, investigation and inquiry also provide a good example of how women can fight back against these violations.

In its findings, published in 2015, the CEDAW Committee took the view that "the implementation of both orders negatively affected economically disadvantaged women in particular and drove them further into poverty, by denying them the opportunity to control the number and spacing of children."



The process by which these urban poor women and women's organizations decried this restriction of their reproductive rights needs to be properly documented and disseminated, so that others will be empowered to avail of their rights to redress.

### *The denial of health services and information to women in Manila*

The issue started from two Executive Orders (EO) emanating from the Office of the Mayor of Manila. EO No. 003, issued on February 29, 2000 by then-Mayor Jose L. Atienza. This EO continued to be implemented during the tenure of Mayor Alfredo Lim, elected in 2007, who further issued a new Executive Order, EO 030 on October 21, 2011, entitled "Further Strengthening Family Health Services," which stated, in part, that "The City shall not disburse and appropriate funds or finance any program or purchase materials, medicines for artificial birth control." (Section 2, EO No 30, Series of 2011)

The implications of these edicts did not escape the notice of women's groups, who immediately convened to make plans specifically to overturn the law, and generally to take the opportunity to educate women and men on reproductive rights as a basic human right.

### *The CEDAW Optional Protocol*

While CEDAW enshrines the basic rights of women worldwide, it also recognizes that not all States fully comply with its provisions. It also acknowledges that women at the grassroots are often the victims of human rights violations which go unnoticed even by watchful governments. Therefore, an instrument is needed for women's voices to be made manifest, their rights claims heard, and violations duly investigated.

The Optional Protocol to the CEDAW was adopted by the General Assembly on October 6, 1991. The 21-article Optional Protocol called on all States to recognize the competence of the Committee on the Elimination of Discrimination against Women -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction.

The Protocol contains two procedures:

(1) A communications procedure allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee.

(2) The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights.

The Optional Protocol entered into force on December 22, 2000, following the ratification of the tenth State party to the Convention.

## THE PETITION FOR A CEDAW INQUIRY AND GATHERING EVIDENCE OF RIGHTS VIOLATIONS

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The CEDAW Optional Protocol (OP) provided the perfect mechanism to report the blatant reproductive rights violation, committed no less by the local government of a major urban city in the Philippines. Women's groups immediately seized on the OP as an instrument for redress. The women's reproductive rights organization EnGendeRights took the lead in filing the petition, together with members of the Task Force CEDAW Inquiry, the Center for Reproductive Rights and IWRAW-AP.

The implementation of these activities was instrumental to the successful conduct of the on-site inquiry held on November 19-23, and in popularizing the inquiry procedure under the OP CEDAW as a viable means of seeking redress and preventive and investigatory action.

### *The inquiry team and the evidence-gathering process*

On June 2, 2008, three non-governmental organizations (NGOs) submitted a request to the CEDAW Committee, to conduct an inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, into alleged systematic and grave violations of rights guaranteed under the Convention resulting from the implementation of Executive Order No. 003. The NGOs reported that, "while the executive order did not expressly prohibit the use of modern contraceptives, its continued implementation in practice severely limited women's access to sexual and reproductive health services and effectively resulted in a ban on modern contraceptives in Manila." (Committee on the Elimination of Discrimination against Women, 2015)

As contained in the CEDAW Inquiry Report, "the executive order continued to be implemented under the subsequent mayor, Alfredo Lim, elected in 2007, who had issued a new executive order (No. 030), which allegedly had imposed a funding ban on modern contraception."

The Committee examined the information submitted by the NGOs, and judged it to be considered it to be reliable and indicative of grave or systematic violations. Then, the Committee sent a *note verbale* on December 10, 2008, transmitting the information received to the State party, invited it to cooperate in the examination of that information and, to that end, to submit

its observations by March 15, 2009, in accordance with article 8 (1) of the Optional Protocol and rule 83 of its rules of procedure.

On November 5, 2009, the Philippine government submitted its observations, based on brief responses of the Manila City Health Office refuting the allegations. The Committee, on the basis of the available information, including relevant treaties bodies and special procedures, decided to conduct a confidential inquiry concerning the accessibility of contraceptives in Manila. Thus, in July 2010, the Committee designated two members, Pramila Patten and Violeta Neubauer, to conduct a confidential inquiry into the alleged violations. On August 2, the Philippine government gave its consent to the conduct of the inquiry; thereafter the designated members visited Manila from November 19-23, 2012.

Around 60 poor community women from Manila City, 30 private individuals representing non-government organizations (NGOs), people's organizations (POs), medical professionals and lawyers, and two public medical professionals participated in the data-gathering activities of the EnGendeRights, the Center for Reproductive Rights and IWRAW-AP, the petitioning/drafting NGOs. Their narratives were made available to the CEDAW inquiry team.

According to the Project Narrative Report of EnGendeRights, the designated members conducted extensive interviews and meetings with a wide range of actors in government and civil society, including the following authorities:

- 1) Presidential Human Rights Committee;
- 2) The Chair and the Director of the Philippine Commission on Women;
- 3) The Department of Health (representatives of the National Center for Disease Prevention and Control, including the Director of the Family Health Office and representatives of the Family Health Cluster within the Center for Health Development for the National Capital Region);
- 4) The Department of Foreign Affairs;
- 5) The Department of Justice;
- 6) The Department of the Interior and Local Government;
- 7) The Department of Social Welfare and Development;
- 8) The Philippine Health Insurance Corporation;
- 9) The Office of the Court Administrator;
- 10) The former Secretary of Health and of Social Welfare and Development;
- 11) The Commission on Human Rights of the Philippines, including its Chair; and
- 12) Representatives of the Philippines Legislators' Committee on Population and Development.



At the level of the local government of Manila, the designated members conducted interviews with:

- 13) The Mayor, Alfredo Lim;
- 14) The City Legal Officer;
- 15) Representatives of the City Health Office (including the Acting City Health Officer and the Chief of Family Planning); and
- 16) Officials of the City Department of Social Welfare.

The designated members also visited three health centers and Abad Santos Hospital, a City-run hospital, and interviewed health personnel at various levels, including at the management level. They interviewed representatives of local, national and international civil society organizations, lawyers, health policy experts and private health-care providers, in addition to 60 women between 19 and 49 years of age, mainly from poor urban areas. They also met representatives of United Nations bodies.

The impact of EO 30 was felt by the urban poor women of Manila. Thus, it was necessary to look, not just into how their reproductive rights were violated by the law, but also the contexts by which this violation resonated in their everyday lives. Thus, the NGOs also facilitated field visits by the CEDAW Committee inquiry team to the following areas in the city of Manila:

- (1) The Vitas condemned tenement housing in Tondo and the community living under the bridge of R10 in Tondo. The experts personally saw many young, pregnant women and witnessed the dire living conditions of these women and their families;
- (2) The Tondo Foreshore Health Center, where they were able to interview the doctor and nurse; and
- (3) The vendors of herbs/cytotec at Quiapo Church, where they also saw the warning signs penalizing vendors of prohibited abortifacient drugs.

The petitioning NGOs drafted a field researchers questionnaire that was utilized by the teams in their interviews and focus groups discussions with women.

The evidence gathering also included personal interviews and phone interviews of health personnel of the Manila City-run hospitals and health centers regarding their provision of information, supplies and services on reproductive health.

## *Women's accounts of reproductive rights violations*

The inquiry team encountered many stories from women in the course of their visit and investigation. These narratives formed a rich testament to how essential reproductive rights information and services can be, and how curtailing access to them can have lasting effects on poor women and their families <sup>18</sup>.

### **Y, 36 years old, Manila resident**

I already have eight children and I did not want to have any more, because my husband did not have a job and we could no longer support all their needs. I did not use any family planning method before. But when I wanted to, everything was banned, which made it very difficult for us. If family planning was available at that time, I would not have been forced to have an abortion.”

More than 60 brave women divulged their stories and related the following reproductive rights violations:

(1) Many related being denied access to information, supplies and services on modern contraceptives during the term of Mayors Atienza and Lim when they went to the Manila City public hospitals and health centers. This included being told that “modern contraceptives and ligation are prohibited in Manila” and that Manila City is “pro-life.”

D, a 33-year old mother of five, asked for a ligation after the birth of her third child. The doctor refused her, saying that the Mayor will become angry if ligations are conducted in their hospital, because under a current order the hospital is “pro-life.”

RB, 24 years old, went to a health center to ask about contraceptive pills. The health clinic doctor told her that the clinic does not distribute contraceptive supplies as it was prohibited by the city government because the mayor is prolife. The health clinic doctor only advised her on natural family planning and

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<sup>18</sup> The narratives in this section are sourced from the *Project Narrative Report of EngenderRights, 2013*.

did not give her any additional information or referral. She then approached a private clinic, where she paid PhP 350 per dose (approximately \$8.50) of an injectable contraceptive. She soon had to stop using it, because it was too expensive.

M, 40 years old, requested for an IUD when she gave birth to the fifth of her six children. The Center staff told her that IUDs were not available and that they were instead promoting natural family planning methods. Two years later, M gave birth to her sixth child at a Department of Health hospital which is not governed by Manila City executive orders. She was able to get a ligation there for PhP 500 (approximately \$12).

(2) Many related that they were unaware of contraceptive methods and their right to limit and space their children. Many also related various misconceptions about the side effects and contraindications of modern contraceptives supplies and procedures.

EJ, mother to eight children, recalled hearing that ligation caused sex addiction. Despite this, she still sought for ligation services at a government hospital, but was turned away because she did not give birth there.

(3) These violations resulted in the following:

- Many women had as many as nine to eleven children who are in dire economic, health and living conditions.

LG, a 43-year old mother of five, related how she lost two of her children immediately after birth. She said she was reluctant to visit the city hospitals because of their ill-treatment of patients who are economically disadvantaged. In 2002, when she suffered a miscarriage, a public hospital refused to admit her, so she had to go to a private hospital.

- Almost all of the women and their children stopped schooling, some finished first year high school or elementary as their highest level of educational attainment;

- Many of the families end up eating only one meal a day and merely drank hot water in the evening to ease their hunger;



- Many women divulged risking their lives and health by self-inducing abortion using catheters or dispensing drugs without proper dosage and supervision, to the shock of the people's organization (PO) leaders who were unaware of these unsafe abortion procedures being committed by the women.

VM, a 48-year old mother of seven, narrated that she only wanted three children. She repeatedly sought ligation prior to 2000, but was not provided with the service. After her third pregnancy, she attempted to terminate each of her successive pregnancies with Cytotec, a drug available on the black market in the Philippines which contains misoprostol, a medicine that is banned and can induce abortion if properly taken. However, her attempts were unsuccessful. When she had her fourth child, she again sought for ligation, but could not afford the service from a private hospital.

P was already taking care of her two young children when she became pregnant again. Since her husband had an unstable job, she decided to terminate her third pregnancy. She used a combination of unsafe methods, including self-medicating with Cytotec, undergoing uterine manipulation by a hilot (a traditional birth attendant), and inserting a catheter.

- Some women recounted the beatings they suffered from their husbands/partners when they refused to engage in sex because of their fear of getting pregnant and not having means to buy their own contraceptives.

This included V, whose husband beat her when she refused to have sex with him for fear of getting pregnant. V already has eight children and her request for ligation was denied by a health clinic because there was no qualified staff who could perform the procedure.

- Many adolescent girls ended up having early sex and early pregnancies and childbirth due to lack of sexuality education.

E, a 36-year old mother of eight children, had her first child at the age of 14. She said that all of her pregnancies are unplanned. After the birth of her seventh child, E visited a health center and asked for contraceptive pills. However, she was denied because the clinic was "pro-life."



- The prolonged lack of access to reproductive health information, supplies, and services in Manila ended up with the cycle of early pregnancies and childbirth, multiple pregnancies, low level of education, poverty and dire economic, health, and living conditions.

### *Investigation of hospitals and health centers*

Reproductive health services in Manila are centered in the hospitals and clinics. These institutions, many of them State- and City-run, are obliged to provide services and information to women and men seeking who seek for it. Further, reproductive health services should be given for free in government-run hospitals and health centers.

However, the findings of the inquiry team yielded disturbing results when they visited these institutions. The Manila City-run hospitals and health centers were complicit in the reproductive rights violations, in the guise of being “pro-life.” They also told women that they do not provide modern contraceptives, while some health centers kept the women waiting in vain for modern contraceptive supplies that they promised were “coming” but never did. One health center said its staff are not trained to perform intradermal injections or injectables.

## EMPOWERING OUTCOMES FOR THE URBAN POOR WOMEN OF MANILA

The final report of the CEDAW inquiry team validated the efforts of the petitioning organizations, and gave an official voice to the urban poor women of Manila whose rights to reproductive health services and information were violated. The CEDAW inquiry report stated that,

"[W]hile the lack of access to contraception is generally problematic throughout the State party, the situation in the City of Manila is particularly egregious as a result of an official and deliberate policy which places a certain ideology above the well-being of women and was designed and implemented by the Manila local government to deny access to the full range of modern contraceptive methods, information and services." (Par. 48)

The Committee found that the Philippines' violations of women's rights protected under CEDAW were grave and systematic. The Committee highlighted the gravity of the violations by pointing out that the inadequate access to modern methods of contraception, as a result of EOs 003 and 030, was experienced by thousands of women of childbearing age and contributed to higher rates of unwanted pregnancies and unsafe abortions, increased maternal mortality and morbidity, and greater exposure to HIV and other sexually transmitted infections. The Committee also found that the severe consequences of the EOs not only affected women's health and lives but also hampered their personal development and economic security, contributed to female poverty, and affected the exercise of other rights set forth under CEDAW, such as those related to education and employment. In finding that the violations were systematic, the Committee observed the "presence of a significant and persistent pattern of acts which do not result from a random occurrence." The Committee found that the state party condoned, for more than 12 years, the discriminatory policies in Manila under two different mayors. The Committee stated that EO 003 deliberately seeks to deprioritize women's well-being and that its continued implementation has "resulted in the health system's incapacity to deliver sexual and reproductive health services other than 'natural family planning' and caused women to continuously face significant barriers to accessing affordable sexual and reproductive health services, commodities and information."

From "Summary of the inquiry concerning the Philippines under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women," the Committee on the Elimination of Discrimination against Women, 2014

The team held the State accountable for the violations of CEDAW, and, among other recommendations, the team noted that the State should: “Ensure that Executive Orders 003 and 030 are officially revoked, as a matter of urgency, and that health care providers, as well as the general public, in particular women, are timely and duly informed of such revocation.”

The conduct of the project activities has contributed immensely to the success of the on-site inquiry/investigation of the CEDAW Committee experts. Through the field research, meetings, mock session and travel support that led to the actual interviews of the CEDAW Committee experts, the women, led by the petitioning organizations, were able to:

(1) Capacitate women, NGOs, POs, health professionals, lawyers and national and local government officials on increasing their awareness on reproductive rights, Philippine obligations under international law especially CEDAW, the inquiry procedure under the OP CEDAW, the previous inquiry conducted in Mexico under the OP CEDAW and the other inquiries conducted under the Committee Against Torture, the global significance and impact of the on-site inquiry in the Philippines, among others;

(2) Provide the community women and the community organizers with the capacity to recognize violations of their reproductive rights and empower them to expressly demand access to information and services on contraceptive methods and to demand a clear program of action from the government to provide access to reproductive health information and services;

As a testament to the effectiveness of the field research, meetings and mock session is the active participation of around 60 community women and community organizers and around 30 individuals representing NGOs/POs/health professionals/lawyers in the recent on-site inquiry. Realizing the importance of the inquiry and trusting the POs, NGOs and the CEDAW Committee experts, the community women and private health professionals divulged their personal experiences during the interviews.

The evidence gathered and the success of the recently concluded on-site inquiry strengthened the entire inquiry on reproductive rights violations in the Philippines. Furthermore, the activities conducted under the project support the advocacy in the communities and the legislative and executive branches of government in the passage of the reproductive health care bill into law in this Congress and contributed greatly towards the efforts in pressuring the national and local government to overturn the EO. While the CEDAW SEAP II project

mainly supported the evidence-gathering process, the inquiry itself included dialogues with government institutions and the Commission on Human Rights (CHR), emphasizing the multi-sectoral cooperation that made the initiative a success.

Reproductive rights advocates lauded the women's use of the Optional Process in this instance. The whole process of the evidence gathering of women's reproductive rights violations, the women testifying before the CEDAW Committee experts, and the investigation conducted by the CEDAW experts with the national and local government officials was crucial in demanding accountability from the government. It also proved that the CEDAW Inquiry is a viable means of redress and preventive and investigatory action on violations of rights protected by the CEDAW and other conventions.

The continued efforts in raising awareness of other stakeholders on the OP CEDAW will hopefully encourage more advocates to use these mechanisms.





# A MULTIPLICITY OF VOICES

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"Addressing the Intersecting Issues  
of Marginalized and Excluded Women"



## BACKGROUND

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The diversity of women's backgrounds, needs and ambitions is a source of great strength. This richness in culture and experience finds voice and expression in myriad ways. With diversity of contexts, locations and positions comes an intersectionality of issues, of overlapping layers, often multiple, of discrimination. An indigenous woman, for example, may experience marginalization twice or thrice over -- because she is a woman, because she is a member of a minority community, and because she lives in geographically remote areas.

In her opening statement during the 59th session of the Commission on the Status of Women (CSW) in March 2015, UN Under-Secretary General and Executive Director of UN Women, Dr. Phumzile Mlambo-Ngcuka, emphasized the need to address intersectionality in what is now emerging as a "highly complex" situation of gender inequality. She pointed out that the UN Secretary-General, Ban Ki-Moon has also called attention to the urgency of this issue in his report on the 20 years' implementation of the Beijing Platform for Action:

"The Secretary-General's report shows that intersectionality has a significant impact on the way that women are able to benefit from the changes that governments and society bring. This is something we have to address in a targeted manner. The report shows that we must better address women affected by the intersection of aspects such as poverty, wars, financial and environmental crises. Also, we must better serve indigenous peoples, disabled women and those marginalized because of their sexual orientation."

(From the UN Women website <http://www.unwomen.org/en/news/stories/2015/3/ed-opening-statement-csw#sthash.9Rs5UmUr.dpuf>)

There is need to address specific issues and needs of different groups of women and the multiple and intersecting discrimination they may face while affirming the universality, indivisibility and inalienability of women's human rights as recognized under the CEDAW and other international human rights treaties.

This final chapter looks at a national two-day dialogue-forum with indigenous women convened by three national agencies - the Philippine Commission on Women (PCW), the National Commission on Indigenous Peoples (NCIP), and the Commission on Human Rights (CHR) and which brought together ninety-

nine (99) 'IP women' (women from indigenous communities) from all over the country. It facilitated an exchange of experiences among indigenous women and promoted an understanding of their specific contexts, histories, and diverse cultural backgrounds. This activity, a breakthrough of sorts, was jointly supported by three (3) UN agencies, namely UN Women, UNFPA, and UNDP. It encouraged indigenous women to surface the issues they faced on an everyday basis, while using their rich cultural history and heritage as a backdrop to analyzing their particular needs and situations.

Women with disabilities, women in conflict situations, migrant women workers, women and girls in trafficking and prostitution, rural women, women living with HIV/AIDS, young women, lesbian, bisexual and transsexual (LBT) women and women working in the informal economy and many more – were given a platform to articulate their stories and experiences in women's human rights advocacy during the National Consultation with NGOs on Women's Human Rights and CEDAW in January 2013. The discussions among women led to a better analysis of the multiple and intersecting issues facing women, and highlighted the need for inclusivity and stronger constituency building with the rest of the women's movement.

The final section serves as a comprehensive report on experiences of Filipino women living in communities affected by mining and climate change, and the ways by which they analyze, understand and articulate, using the lens of CEDAW, their own situation and that of their communities.



## INDIGENOUS WOMEN AND CEDAW

Women in indigenous communities represent some of the most marginalized women in the Philippines. Their oftentimes remote locations, lack of access to education, health services, livelihood and social protection make them vulnerable to poverty.

The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly on 13 September 2007. Article 22.2 of the Declaration asserts, “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

From the United Nations website,  
[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

It is estimated that there are more than 370 million indigenous people across 70 countries worldwide. An estimated 70 per cent of the world’s indigenous peoples live in Asia and the Pacific, and UN Women programmes and funds have been making a change in indigenous women’s lives through strengthening advocacy and information delivery about women’s rights.

From the UN Women website,  
<http://www.unwomen.org/en/news/stories/2015/8/indigenous-people#sthash.tfkR7Hf4.dpuf>

In the Philippines, the indigenous peoples are officially recognized by the Philippine Constitution. It is estimated that there are at least 12-15 million indigenous peoples in the country, or at least 10-15 percent of the total population present in 65 out of the country’s 78 provinces<sup>19</sup>. There are at least 58 groupings of indigenous peoples<sup>20</sup>, each with their own language, history, culture and customary practices.

<sup>19</sup> Jacqueline K. Carino, “Country Technical Note on Indigenous Peoples’ Issues, Republic of the Philippines.” IFAD and AIPP, November 2012. Pp. 8-9. <https://www.ifad.org/documents/10180/0c348367-f9e9-42ec-89e9-3ddbea5a14ac>

<sup>20</sup> <http://kotutubo.lorenlegarda.com.ph/ip-groups/>

States are mandated to protect the rights of indigenous peoples (IP) to their ancestral domains. However, indigenous communities often have to contend with the social and environmental costs of extractive industries and mega-development projects, militarization, armed conflict and natural disasters, often disproportionately affecting women. The loss of ancestral lands due to mining, logging, and building of dams, has been cited as a major factor causing food insecurity.<sup>21</sup> 'Development aggression' has also had negative if not destructive effects on the environment and ways of life of the indigenous peoples. Such is the context in which indigenous women advocate for and claim their human rights.

The Indigenous People's Rights Act of 1997 (IPRA) provides for the policy framework on how government relates with and responds to the situation of indigenous communities, most especially in helping tribes to re-claim their ancestral lands. IPRA also recognizes women's equality with men.

From the Philippine National Commission on Indigenous People's website, <http://ncipro67.com.ph>

### *Indigenous Women's Consultative Dialogue<sup>22</sup>*

Indigenous peoples in the Philippines are characterized by rich and varied cultures. Indigenous culture also reflects and manifests the history, concerns and issues of the tribes. To promote the local and sectoral application of CEDAW, it is important to understand the cultural and historical contexts that shape the lives of indigenous women and the ways by which they articulate and advocate for their rights, and to identify the multiple and intersecting issues of discrimination they may face.

As part of the celebration of indigenous peoples' month in October 2011, three national agencies-- the Philippine Commission on Women (PCW), the National Commission on Indigenous Peoples (NCIP), the Commission on Human Rights (CHR) – jointly convened, for the first time, a two-day indigenous women's consultative dialogue. The activity was supported by Un Women, the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA).

<sup>21</sup> Carina, pp. 8-9. <https://www.ifad.org/documents/10180/0c348367-f9e9-42ec-89e9-3ddbea5a14ac>

<sup>22</sup> Based on the documentation notes, *IP Women's Consultative Dialogue*, Oct. 27-28, 2011.

The dialogue gathered ninety nine (99) indigenous women belonging to various tribes from all over the Philippines. Most had functions in their communities/tribes as daughters of Chiefs or *Datus*<sup>23</sup>, as women leaders, as *barangay*<sup>24</sup> and local government officials and members of organizations working on indigenous women's issues. Many participants acknowledged that it was their first time to attend such an activity. For some participants, it was a "first" of many kinds – the first time to ride an airplane and bus, the first time to stay in a hotel, the first time to see a swimming pool.<sup>25</sup>

According to Emmeline Verzosa, Executive Director of the PCW, the dialogue is an opportunity for the indigenous women to:

- 1) Share their views as women,
- 2) Express their dreams for themselves, their homes and their communities and
- 3) A chance to interact with each other, with government agencies and with other groups that needed bridging.

These objectives were processed in four major workshops that looked into the following:

- 1) Creation stories of the tribes;
- 2) Life cycle of a typical woman among her tribe;
- 3) The aspirations of the participants for the people around them, their communities and for themselves and;
- 4) Partners who could help them achieve their dreams.

### *Sharing of Creation Stories*

In the first workshop, the indigenous women recalled the creation stories of their tribes. The stories ranged from women coming from the ribs of Adam, from the soil, or from water. Men, on the other hand, were made from soil. Some creation stories told of men being created ahead of women, while some say both were created at the same time. Below are some of their creation stories.

*The Ifugao.* The Ifugaos are among the ethnic groups living in northern Luzon, particularly in the Cordillera region.<sup>26</sup>

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<sup>23</sup> Chieftain

<sup>24</sup> Village

<sup>25</sup> Documentation, "IP Women's Consultative Dialogue," PCW, 2012, p. 5.

<sup>26</sup> L. Enkiwe-Abayao, *Ifugao Knowledge and Formal Education: Systems of Learning in the Philippines*. *Cultural Survival Quarterly* Winter 2003.



“Our point of view and the story of the way we were created reflect at present what we are and how we react. For us in the Ifugao, both man and woman are equal. We have a law that says it is forbidden for a man to hurt a woman and do something to her against her will. It has a big influence on how we respond to things and how we act.”

*The Higaonon.* The Higaonon inhabit the northern and central regions of Mindanao, particularly in the provinces of Misamis Oriental, Bukidnon, Agusan del Sur, Agusan del Norte, and Lanao del Norte. Their name is derived from higa (to live or reside), goan (mountain), and onon (people).<sup>27</sup>

“We have what we call, “*Kahilawan*” or “*mahilaw*”, what we are now from Magbabaya. In our political structure, man and woman are on equal footing because man and woman were created at the same time.”

*The Subanen.* The Subanen were the original people of Zamboanga. They were of Indonesian origin, arriving in Mindanao about 2,000 to 6,000 years ago. The Subanen are coastal people, thus their name: *suba*, or people of the river. The Subanens communicate through their Subano language.<sup>28</sup>

“It is clear to me that the creation of people in the history of Subanen was that man and woman were both created at the same time and with their own territories. We as women raise our children, so we are decision-makers in the household also.”

*The Aeta Mag-antsi.* Zambales, Tarlac, and Pampanga are home to the Aeta Mag-antsi, or Mag-Anchi Aytas, although many of them also reside in Capas and Bamban, Tarlac; San Marcelino and Castillejos, Zambales; and Mabalacat, Sapang Bato, and Angeles City, Pampanga.<sup>29</sup>

“In our story, man was created first, that is why a woman had no right to do the work of man. We realized early on that the Creator also made a woman just as strong to do what a man can do but we were reprimanded whenever we do a man’s work because to them, man is stronger and more intelligent. In the 1980s when life started

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<sup>27</sup> *Ethnic Groups of the Philippines*. Downloaded from <http://www.ethnicgroupsphilippines.com/people/ethnic-groups-in-the-philippines/higaonon/> August 2016.

<sup>28</sup> *Subanen Tribe, Our Pride*. From <http://www.subanen.org/historyheritage.htm>

<sup>29</sup> *Ethnic Groups of the Philippines*. Ibid.



to get difficult, the tribe realized that a woman has the right to help the man. Nowadays, the woman is the one who decides for the family while the man only does the work. A woman has the bigger responsibility even when she only stays in the home.”

*The Bukidnons.* The Bukidnons are an ethnic tribe in Northcentral Mindanao whose ancestors were the aborigines of the coastal places of what is now the province of Misamis Oriental. The Bukidnons speak the Binukid dialect. The indigenous people who simply identify themselves as Bukidnon are mostly found in the northern part of the province. They specifically inhabited the lower slopes of the mountains of Sumilao, around Malaybalay and those lowland areas of Central Bukidnon.<sup>30</sup>

“Being a woman is a calling. According to my great grandmother, there will be no people without a woman because men cannot give birth. We are the source of life. Everybody lives and dies but in the tribe, if it’s the woman who gets killed, then the one who killed her will not reach up to the 7th generation and will not reach the age of 50. That is because women are the source of life and we deserve to be respected. In the tribe, it is but normal for a man to become a leader but when the woman comes out and assumes the role of a leader, it could only mean that the problem is already extra-ordinary and that the man can no longer handle it. Women are extra-ordinary because even if they are the leaders, they still think of what the family will eat for the next meal and what the children will wear, unlike men who are only focused on what they do. When we, as leaders go out of our communities for reasons just like this activity, we still think of our families that we left behind. It is so difficult to be women leaders that’s why in our place, they have great respect for us.”

The women also discussed the influences of the Creation stories, and the insights from recollecting them. They expressed that there is a need to teach the children about these creation stories so they won’t be forgotten. They also agreed that indigenous peoples’ (IP) knowledge should be adopted into the Department of Education’s Curriculum.

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<sup>30</sup> From <http://www.bukidnon.gov.ph/>.

The women also noted that the indigenous creation stories were influenced by the entry of foreigners and the conflicts they brought, such as the violations of ancestral domains, mining and land grabbing.

### *Remembering our journeys*

In contrast to the first workshop, the second focused only on the female as a member of her tribe. The participants were instructed to do a biographical sketch from birth to death on the life of a typical female in their tribe not necessarily their own.

To the participants, a woman's responsibilities and problems centered on her reproductive and caregiving role (to give birth, care for her children, husband and parents, and household). Some also named her economic role in the family (to work, augment the family income). A few named her role in the community (keep the peace in the community, educate the members of tribe, pass on indigenous culture, teach the children good manners, protect the community property during conflicts).

The workshop showed that the typical life of a woman in her tribe illustrated how at a young age, a girl is expected to inherit the burden of tending to the household, foregoing education and helping augment the family income by assisting her parents at work. At a young age, she enters family life and is expected to perform her reproductive role. Her productive role will be driven by the economic constraints of a growing family while her social role would be her desire to participate in her community. All these functions she maintains as she grows older though taking on progressively heavier responsibilities. Her responsibilities would now include grandchildren, continuing work and exercising leadership in the community until the time her body fails her.

From the workshop discussions emerged a sketch of the typical life cycle of the woman community leader:

- **Ages 0-5 years old:** Majority of the women were born at home and were cared for by their mothers, who also worked at home or in the field. Even at this early age, a girl child's rights can already be violated. An Aeta woman shared how, instead of being sent to school, she would be brought along by her mother to the market to vend and augment the family income. She also stays at home to do the house chores, take care of younger siblings, wash clothes, cook and help her parents in the fields or at work.
- **Ages 14-18 years old:** At this age range, a woman may already be betrothed, or be paired with a future husband. Some may already be married by this time, and may already have two to three children.
- **Ages 18-30 years old:** The woman is already overburdened with so many responsibilities: working, taking care of her children, taking care of her husband and helping in community work. She performs her reproductive role by nurturing her children, productive role by working while earning and her social role in the community through active participation.
- **Ages 30-50 years old:** An indigenous woman has more to take care of, including her grandchildren, because her children would already be married by this time. She may also already be a leader in the community over and above her responsibilities at home; this is the time when she can already wield influence in her community.
- **Ages 50-60 years old:** She is a leader in the community. However, she still takes care of her grandchildren, and helps her children and their families in whatever way especially if they are jobless.
- **Ages 60 and above:** Even if the woman still wants to weave or work in the fields, she is constrained physically with the sicknesses of her age. This is compounded by the fact that she usually does not have access to health care.



The indigenous women urged their government and non-government partners to organize other conferences to deal with issues of “*duway*” (polygamy), “*buya*” (early marriages), and divorce. There is also a need to train the men so they will know about indigenous peoples’ rights, especially those of women.

Issues of gender violence and violence against women came to light. This was surprising to many, since VAW is rarely mentioned by indigenous women and the subject is considered taboo in many tribes.

Other issues raised were:

- Women being bound by cultural practices that discriminate against them.
- For the Bisaya indigenous women, the tribe has their own divorce law, but this is not legally enforceable.
- There should be a directory of indigenous women and their organizations for exchanges of knowledge.
- The Philippine Commission on Women (PCW) or other government agencies should not lump indigenous women with women in general. There should be a different program specifically for indigenous women.

### *Weaving Dreams*

The participants were then asked to talk about their dreams for their families, their clan, the women in their tribe, their community, the nation and most of all, for themselves.

For themselves, the indigenous women generally dreamed of a better life (financially and health-wise), and to become national leaders. From their husbands and partners, they wished for honesty, faithfulness, and sense of responsibility. They wished for their children to finish a good education.

The discussions highlighted their desire for a good family, to become good leaders, to acquire livelihood and be economically stable, and to be involved in politics. Their dreams are tied with being a member of the tribe and defending their ancestral domains. This is the intersectionality of dreams which is not limited to her but interlinked with dreams for her community.



## *Building Bridges*

The last workshop dealt with identifying the partners and organizations that could help indigenous women achieve their dreams, and those of their organizations' and communities. The women identified institutions they had access to, such as local government units (LGUs), NGOs, faith-based organizations, government agencies such as the PCW, NCIP and CHR, and international agencies such as the UN Women, Caritas, and the UNFPA.

CEDAW mentions the intersectionality of issues involving women. In this context, the issues of women in a tribe or cultural community are linked tightly with, and cannot be separated from, social issues such as poverty and discrimination. This intersectionality was demonstrated and articulated by the women themselves. The partnerships that the indigenous women formed to further their dreams thus also were part of this intersectionality.

## *Synthesis and Next Steps*

The results of the two-day session were processed, utilized and developed into programs for IP Women.

The challenge for government policymakers is to synthesize and sharpen their analysis of indigenous women's situation and needs, and recognize there should be different approaches in responding to their issues. One example is the proposal for the curriculum in the elementary and high school to be indigenized so it would fit the culture just like plans for gender programs. Approaches to women from other sectors should not be generically applied to indigenous women. Gender concepts and programs should be culturally sensitive and appropriate to the cultural evolution of the different tribes wherever they are in the context of modernization and in the context of their dreams and future dreams. Programs should be customized to fit the different tribes, because there is a big difference in, for example, the T'boli and Higaonon, so the same modules and training programs should not be used for all.

In closing, the PCW's Emmeline Verzosa commended the IP women participants, on their knowledge of the issues in their tribes and communities and their willingness to share. She urged the women "to prioritize themselves and give importance to their knowledge, ability, and personality so they would always be ready to stand before people in authority" on issues such as ancestral domain, mining, education and health but also their concerns as women manifested by issues raised on polygamy, early marriage, and numerous children. She also reiterated that "the consultative dialogue was just a beginning" of more dialogues and consultations that would give voice to indigenous women.

Zenaida Brigida Pawid, Chair of the National Commission on Indigenous Peoples (NCIP), described the Consultative Dialogue as "the first Gender and Development activity of the NCIP." She also shared her delight at "the way the women's dreams were articulated, identifying them first with her community, her tribe, her family, and last, herself, because her identity is rooted in her tribe." Chair Pawid noted that some programs of the NCIP can facilitate the concerns raised by the women, such as the Reconciliation and Integration of all IP laws, a revamp of the procedures and guidelines on ancestral domain claims, and an educational program, among others.

Rachel Quisumbing, Commissioner of the Commission on Human Rights (CHR) lauded the significance of the consultation, saying that she "hoped that the dialogue will be a seed that would grow roots and bear fruit." She recognized the interwoven concerns and dreams of women all over the world that bind them together. "No one stands alone as human beings," she stated. "Something is lost in the modern world, with people only thinking of how to get rich or how to become the boss. But something that is not lost to indigenous women is their concern for their community." Ms Quisumbing also urged the women who encounter violence or police and military brutality to seek help from the CHR, or to advocate for the passage of laws. "We may be lacking in resources but not in commitment," she said.

Aida Jean Manipon of UN Women focused also on the intersectionality of women's experiences, saying that "a lot of the issues of the indigenous women are the same as those of non-indigenous women, such as child-rearing, challenges in taking care of the family, food, and education of children. But an additional burden for the indigenous women includes taking care of the ancestral domain, of the culture and the tribe and facing discrimination not only as women but as indigenous people, which still persists in the country." In terms of CEDAW implementation, indigenous women were also encouraged to monitor their communities if their rights are being attained. The UN Women

stands for gender equality and women empowerment, and this consultative dialogue was only one of the ways that women could be empowered to continue fighting for their human rights.<sup>31</sup>

The consultative dialogue ended with a special cultural presentation from the T'boli women.

### **"We are now fighters and promoters of CEDAW."**

Ma. Teresita Dela Cruz of Aytas Abellen, Zambales

Discrimination is directly felt by indigenous women especially because of the way we look. We can't access government services, especially when we go to health centers. Health workers do not attend to us because we are Aetas. We become traumatized. At the local government unit (LGU), when we do not agree with (them), we can't get any service. The mother could not register their children and get immunization for their children. When it comes to education, they think we are ignorant and have no right to avail of scholarship.

In 2014, research was done on violence against indigenous women. Before the research, we were blind on our rights. It was hard for us to convince indigenous women to speak. We need to open their minds about their rights and how to use CEDAW. We were able to convince women to speak up against violence done by their husbands.

It was very hard to convince the women to talk because they are afraid of threats of more violence and separation. We did secret interviews because even us who were conducting the interview and teaching women about their rights were reprimanded by the husbands. I myself experienced harsh words and harassment from the husbands for teaching their wives to fight.

The amount of violence in indigenous women's rights were decreased significantly in their lives. They are now fighters and promoters of CEDAW so that future generations will not suffer the way they did. Together with men advocates in the community, women leaders are working to increase awareness on women's rights especially among the local government units who should be the leading women empowerment.<sup>32</sup>

<sup>31</sup> Summarized from the official documentation of "IP Women's Consultative Dialogue." PCW, 2012

<sup>32</sup> From the official documentation of "CEDAW @35: Advancing Women's Human Rights. Milestones Reached and More to Come" National Consultation. UN Women, 2016



## STRENGTHENING THE ROLE OF NGOS

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All women have stories to tell -- of marginalization, discrimination, stereotyping, lack of representation, violence, and of different ways to overcome these barriers to the enjoyment of their rights. And yet, different groups and sectors of women struggle with their own particular needs and problems, which need different approaches and interventions.

Women with disabilities, women in conflict situations, migrant women workers, women and girls in trafficking and prostitution, rural women, women living with HIV/AIDS, young women, lesbian, bisexual and transsexual (LBT) women and women working in the informal economy and many more – all have different stories to tell. They are living and breathing examples of the abundance of voices that need to be heard and given platforms for action.

Recognizing the important role of NGOs in advocating for women's human rights, monitoring CEDAW implementation, and giving voice to marginalized and excluded groups of women, a national consultation with NGOs was convened by UN Women In January 2013. The consultation was organized in collaboration with the PKKK-National Rural Women's Congress, (also known as the Pambansang Koalisyon ng mga Kababaihan sa Kanayunan) the Women's Legal and Human Rights Bureau (WLB), and the Mindanao-based Nissa Ul Haqq Fi. More than fifty (50) leaders and representatives of various women's groups, NGOs and other civil society organizations, gathered to exchange information, good practices and lessons learned from their experiences in women's rights advocacy and CEDAW implementation.

### *National Consultation with NGOs on Women's Human Rights and CEDAW January 28-31, 2013*

With the theme, "Strengthening NGOs' Role in women's human rights advocacy and monitoring of the CEDAW implementation," the consultation enabled women's representatives to analyze key issues and draw up action plans to advance WHR advocacy and monitor CEDAW Implementation in the Philippines, especially in regard to the rights of marginalized and excluded groups of women. The consultation also served as a venue for women's groups to exchange good practices in advocacy and organizing, and express their creativity by showcasing art, research and culture through the moving gallery and exhibit.



### *Showcasing women's stories*

Women's stories were the focus of the event, with the loudest voices having the strongest impact in strengthening the advocacy on CEDAW and women's human rights. Hate crimes against LBT women, ridicule and prohibition from employment among women with HIV and prostituted women, sexual abuse and rape among women with disabilities, were just few of the many stories that illustrated brutal forms of gender-based discrimination that are confronted by women in their daily lives.

"What makes all these worse is the fact that we are denied of the opportunity to seek justice," said Liza Martinez of the Philippine Deaf Resource Center. The number of rape cases filed in court among deaf women has been alarmingly high over the past years, but none of which proceeded into trial because of the lack of sign language interpreters available in Philippine trial courts. Victims remained victims and perpetrators have the freedom to remain perpetrators.

The Philippines ratified the Convention on the Rights of Persons with Disabilities on 15 April 2008.

According to the Philippine Deaf Resource Center, there is a dire lack of documentation for even the most fundamental information about Filipinos with disabilities. According to the 2000 census, there are 942,098 Filipinos with disabilities who make up 1.23% of the population. Half of the sector are female, and children and youth comprise significant proportions and the majority of persons with disabilities are in the rural area. Through the past three decades however, the incidence of disability has been reported variably by different entities leading to serious doubts on overall accuracy. The 1.23% figure of persons with disabilities differs greatly from the latest figures published by the World Bank and WHO in the 2011 World Report on Disability, which sets the latest figures on persons with disabilities at 15%.

The findings in the research of the Center indicate that women with disabilities are more likely than men with disabilities and women without disabilities to be victims of all forms of violence. Available documents and reports of several non-government organizations indicate that violence against women with disabilities is more severe and is committed over an extended period due to impunity and difficulties in accessing justice.

From the Philippine Deaf Resource Center, [http://www.phildeafres.org/files/DPO\\_Philippines\\_HRC106.pdf](http://www.phildeafres.org/files/DPO_Philippines_HRC106.pdf)

Some existing laws have also reinforced the discrimination imposed on women. “The Anti-Trafficking in Persons Act of the Revised Penal Code penalizes prostituted women, when in fact they have always been victims of the crime,” Jean Enriquez of the Coalition Against Trafficking in Women Asia Pacific (CATW-AP) confirmed.

### *Drafting strategies for CEDAW Implementation*

Realizing the multiple layers of discrimination these groups of women experience, the participants reaffirmed the utilization of the principles of CEDAW and drew up strategies and proposed key results towards a stronger and more effective women’s human rights advocacy.

Workshops and discussions were conducted during the event, the results of which are aimed at inclusivity and stronger constituency building with the rest of the women’s movement. The diversity and exposure to intersecting and cross cutting issues faced by women from various sectors was envisioned by the NGO participants as the greatest resource they could utilize to collectively advance women’s human rights and critically monitor the application of the CEDAW principles in the Philippines.

### *Building partnerships with government*

Key government agencies were also present to give updates on the latest development and initiatives done related to women’s human rights and CEDAW implementation. Emmeline Versoza of the Philippine Commission on Women (PCW), Atty. Liezl Parajas of the Commission on Human Rights (CHR) and Grace Bernabe of the Office of the Presidential Adviser on the Peace Process (OPAPP) shared the major achievements done by the government thus far, as well as the challenges that they continually strive to address.

### *Next steps*

The participants in turn shared the major milestones they have achieved and issues they had to overcome in the course of their advocacy work, in the Gender Timeline Workshop.

Other avenues for WHR advocacy in the nexus of politics, economics, culture and religion were also featured in the consultation. Irene Santiago of the Mindanao Commission on Women, Atty. Johaira Wahab of the Philippine Negotiating Panel for peace negotiations with the Moro Islamic Liberation Front, Liza Maza

of the WeGovern Institute and Dr. Sylvia Estrada Claudio of the UP Center for Women's Studies evoked the countless barriers women's movement still have to hurdle in claiming women's rights. The need to recalibrate the current initiatives of social movements to mainstream women's agenda emerged as a striking point in the discussion.

Following the consultation and as a direct outcome of the national consultation, nine women's groups including PKKK and WLB, decided to follow through the recommendations of the consultation in increasing the voice of CSOs in the CSW processes. In February 2013 they wrote the Chair of the PCW, Hon. Remedios Rikken, and requested for a dialogue with government to discuss how to strengthen civil society's participation and representation in the Philippine delegation to CSW. Since then, dialogues with civil society have been conducted on a regular basis as part of Philippines' preparations for CSW, and civil society's representation has been increased.



## WOMEN, CLIMATE CHANGE, AND MINING-AFFECTED COMMUNITIES

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The Global Climate Index for 2013 listed the Philippines as the country most affected by climate change. (Kreft, et al, 2014) The threat and the consequences of climate change have been felt very severely by the country in recent years through the devastating storms that caused major damage and casualties.

While both men and women are affected by climate change, UN Women recognizes that “existing inequalities, limited access to resources, restricted rights, and the lack of women’s voices in decision-making increases women’s vulnerability to effects of climate change. Poor women in particular, who are dependent on natural resources for their livelihoods will struggle with the impacts of climate change.”<sup>33</sup> The Philippine Commission on Women (PCW) also points out that climate change is not a gender-neutral phenomenon, because “it has a direct impact on women’s lives due to their domestic work and makes their everyday sustenance even more difficult.”<sup>34</sup>

In many communities in the Philippines, the context of advocating for women’s human rights is increasingly being affected by the expansion of resource extraction activities like mining or shaped by increased vulnerabilities to the effects of climate change. Taking account of these and in light of the new Sustainable Development Goals, UN Women, women’s groups and community leaders felt that it was time to take a closer look at how women’s human rights were being protected on the ground. Using the lens of CEDAW and other human rights policy frameworks, a situation analysis of women’s experiences in mining and climate change-affected areas can be articulated and used as valuable reference for human rights monitoring and reporting. Cases of human rights abuses and available remedies also needed to be identified; strategies to address these issues, especially to strengthen access to justice, needed to be drawn up.

As State party to CEDAW, the Philippines has an obligation to protect, respect and fulfill human rights of all women as recognized under CEDAW, in all areas under its jurisdiction and territory, including in areas where businesses, such as mining companies, operate. As mining operations dramatically expanded in the last several years, human rights groups have called attention to issues

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<sup>33</sup> <http://pcw.gov.ph/focus-areas/environment/climate-change>

<sup>34</sup> *Ibid*



experienced by communities, especially rural and indigenous women: the loss of self-sufficient livelihood and access to food and water, encroachment into ancestral domain, environmental degradation, decreased mobility especially of women, and increased exposure to political harassment and sexual violence.

Using CEDAW as lens to analyze women's situation and as starting point, a picture of women's situation on the ground could be drawn to see how duty bearers were complying with obligations and commitments to protect against abuses of women's human rights.

*Advancing Women's Human Rights in Mining and Climate  
Change-Affected Communities  
Forum and National Workshop  
March 3-6, 2016*

UN Women supported a four-day workshop in March 2016, bringing together women and women leaders of organizations from communities across the country to discuss the impacts and implications of mining and climate change on women, as well as the need for continuing advocacy and community organizing.

The gathering of women leaders and community members from mining and climate change-affected communities yielded a comprehensive situation analysis of what is occurring in the rural areas of the country, hidden from public scrutiny. The women shared their experiences and struggles with mining operations and the impacts on their daily lives, and their own understanding of what constitutes women's human rights advocacy in their own local contexts.

During the four days, women leaders and experts shared their experiences and expanded their knowledge bases using local and national situationers, open fora, groupwork, workshop sessions, panel and group discussions.

A discussion on the Sustainable Development Goals (SDGs) set the tone of the national workshop, with an emphasis on how the SDGs pave the way for ending extreme poverty, fighting against inequality and injustice, and taking action against climate change. UN Women's Aida Jean Manipon noted how the SDGs are also essential tools for especially for rural women, inasmuch as they tackle access of and control over resources.

Lidy Nacpil of the Jubilee South Asia Pacific Movement on Debt and Development (JSAPMDD) then provided an update on climate change and intergovernmental negotiations, emphasizing the need to intensify the campaigns at the local, national and global levels, and having a strong women's voice in climate issues. Claire Miranda, also of JSAPMDD, noted the irony that women produce less greenhouse gases than men, but are not included or consulted in policy design, planning, and development of climate change programs.

Rose Trajano of the Philippine Alliance of Human Rights Advocates (PAHRA) presented the local and global protection mechanisms in relation to mining and climate change. Ms. Trajano discussed the laws, treaties and declarations that can be used as protections and remedies by climate change-affected communities. She also highlighted the need to form strong ranks of human rights defenders, monitor laws and the judiciary system, and document, report, and file cases against human rights violations on the local, national, and international levels.

Sammy Gamboa of the Freedom from Debt Coalition lauded how mining communities are at the front line of mining resistance. She also emphasized the need to push for a new mining law that focuses on rational management of Philippine mineral resources; complies with sustainable development; is rights-based, needs-based, and towards full human potential; is consistent with other existing national laws and international commitments; and ensures that the benefits to communities outweigh the costs.

Mae Buenaventure of the JSAPMDD reviewed CEDAW's provisions in the context of women in climate threatened mining communities. She noted how the principles of substantive equality and non-discrimination allow for equality of opportunity in terms of women's entitlements on equal terms with men to the resources of a country. She also discussed the principle State obligation, where the State party is duty-bound to ensure the realization of these rights.

The panel discussions that followed these inputs allowed the women to share their experiences with mining and climate change in their communities and surface their concerns. Some shared the benefits that the communities derived from mining operations, and many narrated their experiences of going into debt, the hazardous nature of the work, and even human rights violations from some mining companies. Climate change stories centered on the lack of protection for women and their communities during the most recent typhoons. Their stories were then shared before the plenary, where other women asked questions and gave feedback.

The final day led to the mapping of CEDAW-based, concrete action plans. The women agreed that the following areas should be strengthened in order to ensure the protection of their human rights, and that of their communities:

1. Capacity-building
  - a. Mapping of areas with mining and climate change
  - b. Human rights trainings on:
    - i. CEDAW and other human rights instruments
    - ii. Paralegal training
    - iii. Leadership training
    - iv. Gender sensitivity training/orientation
  - c. Skills training
    - i. Paralegal: Data-gathering, documentation, media relations, lobbying
2. Alliance-building and networking with other groups/communities
  - a. At the local level: Environment, faith-based, youth, Indigenous Peoples groups, tribal leaders
  - b. Organize community sharing and stakeholders forums
3. Mobilizations and campaign
  - a. Ensure efficient information dissemination
  - b. Include climate change, mining and women's human rights in the electoral agenda for the 2016 national elections
4. Fund sourcing
  - a. Further partnerships with UN Women and other UN agencies
  - b. Tap the Gender and Development (GAD) budgets of the local government units and the Department of Social Welfare and Development (DSWD)
- c. Explore other possibilities and networks

With CEDAW as the lens to analyze their human rights situation, the women leaders shared their encounters and struggles with climate change and mining in their communities. In the process of sharing and analyzing their situation together, they were able to identify possible remedies under CEDAW and other human rights instruments, and formulate strategies for future action.

With CEDAW as a framework for analysis, climate change and mining in communities are surfaced as women's human rights issues, such as the protection of indigenous women from violence; women's access to livelihood in the context of development projects; the right to health; and the right to



participation in the decision-making process, especially in those which directly affect them, their families and communities.

Below are some of the stories that the women shared and processed with each other. *(Note: The testimonials that follow have been condensed from the official documentation of the forum and workshop. The names of the women leaders and the mining companies involved have been omitted from this publication for privacy reasons.)*

- In Lobo, Batangas

The women's organization Masigasig resisted the entry of a mining company during a public hearing in 2015. One mining company had already ended their 10-year operation in the area in 2013. Masigasig requested a fact sheet from the mining corporation, which discussed with them the possible effects of operating in Lobo, and the perks the community would receive. According to the women, the company also donated a large sum of money to influential members of the community, making it difficult to push for withdrawal of the application. However, Masigasig continues to use silent protests and pays courtesy calls to the barangay captains to gain their support against the mining company.

Masigasig also organized a Self-Help Group, which spreads awareness to women about the issue of mining. As of March 2016, 14 out of 26 barangays have women's organizations. The women also organized a general assembly in front of the municipal mayor, barangays, governor, and others with a 10-point agenda. The general assembly helped the women to identify which officials were pro- or anti-mining.

There is currently a moratorium on mining operations, but not a full suspension. Thus, Masigasig commits to continuing their organizing and campaigning. The mining company has subsequently withdrawn their mining proposal.

- In Agusan del Sur

A mining company applied for a small-scale mining license in the area, but their proposed mining operations covered more than 300 hectares of land.

An indigenous peoples organization, based in two municipalities, resisted the company's application. The company had already conducted 10 years of



“exploration” in the community, but in that time has not paid any local taxes, nor the requisite 1% to the indigenous people’s community which had been pressured into signing the certificate of compliance.

The women reported that the miners employed by the company were exploited and not paid properly. They had to work for 2013 straight days, leading to hunger, psychological stress and the use of the drug *shabu* (often supplied by supervisors). This in turn intensified their indebtedness.

The women said that they did not report their husbands’ addictions, and that the money to pay for the *shabu* often came out of the household budget. And because they could not rely on any regular income from their husbands’ work as miners, they were forced to augment their incomes by selling vegetables at the mining site. Some women allegedly even turned to prostitution. There are reports that some women have acquired HIV.

The women related that the environmental impacts of the mining exploration included the death of the local fish population. Researchers from the Ateneo de Davao had already informed the community that the fish is no longer safe to eat. They also reported on the siltation in the waterways and agricultural lands (where most women work) due to flooding, and the drowning of crops.

- In Manicani, Eastern Samar

The women reported that their community had been struggling since 1989 against a mining company, setting up barricades to protest against mining and defend their rights and livelihood.

According to the women, this mining company did not consult with the local community and did not fulfill their obligations for rehabilitation of the area. Apart from this, the scope of operations claimed by the company is larger than the island itself.

The impact of mining in Manicani was cruelly felt, especially by the women. They stated that it destroyed traditional livelihoods and environment, led to **siltation, and tore families apart because of disagreements regarding money.**

After typhoon Yolanda (international name: Haiyan) tore through the province in 2013, the mining company set up housing for the victims in Manicani. However, these acts were perceived to be pretentious, since women also accused the mining company of harassing their community leaders, increased violence against women, the elderly, children, and all without action or retribution from the local government.

**J, community leader from Guiuan, Eastern Samar**  
"Anti-mining activists are being harassed."

Our organization, SUMAMO, organized a fluvial barricade to stop a barge with three drilling machines for *Mining Company X*. We were holding Resolution No. 45 by our Sangguniang Barangay (Local Legislative Council) saying that they cannot unload their machines because their operations had been suspended.

I was in one of the pumpboats, together with S, our organization president who was driving, when the barge intentionally rammed into us. The force of the impact knocked me off the boat, but thankfully S got me out, and we went to Guiuan to file a statement to the police and to seek medical help.

We filed a blotter report of the incident to the police, but the police chief was not there that day to sign our official statement, so they asked us to come back the next day. But when we went back the next day, our statement had been changed to reflect that the 10 pump boats we used for the barricade were owned by *Mining Company X*, even though we were the ones who commissioned them. We had to go back to the police station many times to make sure the statement was entered properly.

We also had problems getting medical assistance for the injured. I needed first aid. The public hospital doctors were apparently not available. Two private hospitals told us that they did not want to be mixed up in our issue. We had to tend to our own wounds.

Women whose communities were affected by climate change also stood up and let their voices be heard.

- In Guiuan, Eastern Samar

The community of Guiuan has hard-hit by typhoon Yolanda (international name: Haiyan) in 2013, but the first to come to their aid were non-government organizations such as the Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK, or the National Rural Women Congress). When the local government did arrive with food and aid, the women reported that they prioritized their political allies in the distribution. Even in the construction of relocation shelters, the houses were set up in unsafe areas, and were allocated first to the allies of the local government, and the leftovers went to anti-mining advocates.

The women asserted that they found great difficulty in rebuilding their homes and livelihoods. Their primary source of livelihood in Guiuan was fishing and coconut farming; the coconut trees were totally decimated by the typhoon, and the fishing was affected by the spillover from Manicani Island. Until now, many women are struggling to recover from the 2013 calamity.

- In Eastern Visayas

Eastern Visayas is another province severely damaged by typhoon Yolanda.

Prior to the destructive typhoon, the primary source of livelihood in Eastern Visayas was fishing. In Tacloban and other urban centers, the women sold vegetables, fish, and other items in the marketplace. In the aftermath of Yolanda, most of the women lost their livelihoods, and two years after the event are still struggling day to day.

The typhoon's survivors were given bunkhouses made of light materials. The bunkhouses were initially intended as temporary shelters for only six months, but the women and their families are still living there for lack of any other options. These bunkhouses are very small, are squeezed together, and provide no privacy for the women and their children.

Those who refused to leave their homes were not given relocation sites. The power company demanded that families pay for their arrears pre-typhoon before electricity is installed in their homes again.



In the government-assigned relocation sites, the women reported that there is no access to livelihood, water, or electricity, and transportation is far away and expensive. Fishermen were given boats, but these are flimsy and made of fiberglass. The women, to augment their husbands' income, look for seashells to eat or sell.

However, although there are no jobs available, women are still at the forefront of community movements, such as the Save Manicani Movement.

- In Davao

The women recalled a time when very few typhoons ever devastated Davao and other areas in Mindanao, but now, the weather is extremely difficult to predict, and strong typhoons regularly pass through Mindanao, such as Typhoon Pablo. Without any previous experience of these typhoons, residents are generally unprepared for the wrath of these storms.

Climate change has also severely affected the sources of livelihood of residents in Davao. Fishing has become increasingly difficult. The women related that their previous fishing yield averaged 10 kilos, but now they only average three kilos. Many indigenous peoples and other populations now lose their harvests to storms and flooding, so they are enticed to migrate to Manila or to other countries, and many of them encounter human trafficking and employer abuse.

- In Zamboanga del Sur

The El Nino phenomenon has emerged as the biggest problem of the province, according to the women. The droughts have made access to potable water impossible, and women have to travel to the next barangay to get water for their needs. Half of Zamboanga del Sur declared a state of calamity due to El Niño. The organic farms in Davao del Sur and Surigao del Sur, which supported the day to day needs of the residents, were affected by climate change, and there is insufficient action from the local government. Microfinance and microcredit companies have thrived in the province, but they have only put women into debt.

Food supply has become scarce. Women, who used to actively participate in the political and social affairs of the community, now had no time because they are constantly looking for ways to feed their families. Some women have turned to prostitution, or become migrant workers, and househelpers. According to the women, the rate of teenage pregnancy and drug use has also increased in recent years.



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Daryl Leyesa, UN Women writer and consultant on the climate change and mining project, lauded the immediate impact of the workshop on the women. "The immediate change is the improved leadership of women. You can feel that those who attended the consultations gained the confidence to raise their issues as women, to raise their voices in their communities," she said. "They came back in their communities on what to do with issues on health, food security. They also plan to do some political and public forums that will help define the political agenda in the coming elections. This contributed to the women's political voice adding substance to what they want for government to do."

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The four-day workshop and forum was an eye-opener for the women participants, as well as the organizers. Luisita, from Lobo, Batangas, revealed that because of the forum, "We understood the issues, gaps, and challenges in our communities' situations, and what rights of women were violated." This realization was echoed by Mariabel from Masbate, who said, "Yesterday I learned that while we continued to present per area, we surfaced emerging and main issues and linked them to human rights violations."

Narcy, from Cebu, shared: "This is my first time to attend a seminar this big, and our town is in an island off mainland Cebu. But I really wanted to speak and be a bridge to my fellow women in our community. Most of us do not know our rights as women, including under CEDAW, so I am really grateful to be here."

The empowering nature of the workshop and forum was articulated by Desiree from Zambales, who related, "We identified cases of human rights violations in mining- and climate-affected communities. As a member of the Sangguniang Baranggay (Local Legislative Council), and as one of the youngest *kagawads* (legislators), I will share what I learned from here. I will share that so many communities have yet to fully recover from calamities and mining disasters. We need to unite in the struggle to resist mining, especially when it comes to women," she added.

"This has been such a meaningful experience in the struggle to fight discrimination against women, particularly in my town in Aroroy, Masbate," said Tintin. "Meaningful not just because of EDAW but the sharing of experiences, and even gaining of new friends – not just for Facebook but for inspiring each other in our common struggle. It is also meaningful because of the challenge that lies before us. I believe that even though the wall is too high, the impossible becomes possible because we are united."

In closing, Aida Jean Manipon, National Coordinator, UN Women, reiterated that the workshop and forum was part of the Southeast Asian campaign to promote CEDAW and women's rights in the region. "We really wanted to analyze the cases of selected women in specific communities, and have existing plans to advance human rights campaigns," she said.

"We also wanted to come out with a report based on your situation analysis. It will be our reference in reviewing the Philippine CEDAW report, which has been under review by the CEDAW Committee since it was submitted last year," Ms Manipon added. "The third objective is to look at whether NGOs will also be able to use this report part of your shadow reporting to the CEDAW Committee."

What follows is the research and report "Advancing Women's Human Rights in Mining and Climate Change-Affected Communities" by Daryl Leyesa, which surfaces the everyday issues and concerns that beset women's everyday lives, and their responses to these challenges.

## Advancing Women's Human Rights in Mining and Climate Change-Affected Communities

Daryl Leyesa, Pambansang Koalisyon ng Kababaihan sa Kanayunan (National Rural Women Congress)

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### I. Introduction

Rights-based assessments of several mining operations in the country have found systematic violation of human rights of affected communities. The submission of the Philippines Indigenous Peoples CERD Shadow Report in 2009, showed the systematic violation of the right to land, self-determination and free informed prior consent, civil and political rights, access to justice, livelihoods, and protection of indigenous beliefs and sacred sites<sup>35</sup>. Another example is the Human Rights Impact Assessments (HRIAs) of the mining operations of Toronto Ventures, Inc. (TVI) in Siocon, Zamboanga del Norte that was found to have brought harm to the community, violating namely the people's right to information and participation, livelihoods, health, education, culture, security, and outright disregard of the basic right of indigenous communities to self-determination<sup>36</sup>. These human rights assessments illustrate that when systematic human rights violations are caused by or are the consequence of extractive industries like mining or other development projects, they are by themselves a form of development aggression.

Meantime, reports on the impacts of climate change have also showed how related disasters like typhoons and droughts increasingly threaten the people's survival. In 2013, the super typhoon Haiyan killed more than 6,300 people, displaced 4.1 million and damaged 1.4 million houses<sup>37</sup>. The affected communities are still recovering from this sad fate. Question is – is it really their fate?

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<sup>35</sup> Alternative Law Group, et al. (14 organizations) *Submission to the Committee on the Elimination of all forms of Racial Discrimination, Philippines Indigenous People IECRD Shadow Report, CERD 73rd session, 2009 August 28*.

<sup>36</sup> Hamon Brigitte, Schax, Anne, & Scheper, Christian. "Human Rights Assessment of the Tampakon Copper-Gold Project," Institute for Development and Peace (INEP). Commissioned by the MISEREOR and Fastenopfer, in collaboration with Bread for All, July 2013.

<sup>37</sup> National Disaster Risk Reduction and Management Council, "Final Report re Effects of Typhoon Yolanda (Haiyan)" Retrieved from [http://www.ndrrmc.gov.ph/attachments/article/1329/FINAL\\_REPORT\\_re\\_Effects\\_of\\_Typhoon\\_YOLANDA\\_%28HAIYAN%29\\_06-09NOV2013.pdf](http://www.ndrrmc.gov.ph/attachments/article/1329/FINAL_REPORT_re_Effects_of_Typhoon_YOLANDA_%28HAIYAN%29_06-09NOV2013.pdf)



Rights are “fated” to be abused if systemic discrimination happens, as argued in the current assessments of impact of mining and climate change. In the experience of women living in affected communities, mining and climate change have threatened their survival and violated their rights especially when viewed through the lens of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This Report underscores that women’s survival, especially the marginalized rural and indigenous women, are vulnerable to climate change and negative impact of development activities such as mining. Women’s vulnerability is reinforced by experiences of gender-based discrimination and violence observed in the same contexts. Clearly, one form of discrimination compounds another.

To understand the women’s situation on the ground better through the lens of CEDAW, UN Women convened a National Forum and Workshop that focused on Advancing Women’s Human Rights in Mining and Climate Change-affected Communities last March 3-6, 2016 at the Hive Hotel, Quezon City. The activity was organized in collaboration with civil society organizations who are in close touch with mining and climate change-affected communities such as the Freedom from Debt Coalition (FDC), the PKKK-National Rural Women’s Congress, the Philippine Movement for Climate Justice (PMCJ) and Jubilee South Asia Pacific Movement on Debt and Development (JS-APMDD). The forum and workshop provided space for the women to share stories on how discrimination can be both direct and indirect, resulting from state violations or state’s neglect of their obligations, and lack of due diligence among private and corporate sectors. The forms of violence ranged from sexual exploitations to extrajudicial killings, from harassments to displacements. Around sixty (60) women from Luzon, Visayas, Mindanao shared their stories of loss – loss of women’s lives and their family members, loss of sources of livelihoods and means for subsistence, and loss of freedom and rights over their own lands. These stories contextualized women’s experiences of chronic poverty and hunger, perhaps even foretelling those of future generations unless root causes are addressed.

The basic questions that the consultation aimed to address are: (a) **What is the situation of women’s human rights in mining and climate change-affected communities?**; (b) **How is government’s compliance to CEDAW and other international human rights treaties monitored in these areas?**; (c) **What spaces are created for women’s voices to be heard, and how can the protection of women’s human rights be further advanced?**; (d) **What human rights mechanisms and remedies are available for women victims of human rights abuses?**; and (e) **What strategies for action, capacity building and human rights monitoring need to be adopted and/or advocated?**



Not all of the questions were fully answered during the workshop. Nevertheless, the corresponding challenges and issues were discussed and these can help provide handles for the human rights movements to plan, advocate and claim women's rights in the contexts of mining and climate change.

## II. Philippine Context: Mining, Climate Change, Gender

### *Mining*

The Philippine Mining Act of 1995, also known as RA 9742 was enacted despite strong opposition from civil society groups. From the human rights perspective, mining is equated to 'development aggression', i.e. development activities that bring more harm than benefits. From the environmental rights perspective, mining contradicts sustainable development and effectively robs future generations of their chance to benefit from the mountains and rivers that are being exploited.

More than a decade after the law was passed, the views of the civil society organizations did not budge. The revitalization of the mining sector was pushed further when one of the authors of the Mining Act, Gloria Macapagal Arroyo, became President of the country. Yet, contrary to what was promised, the mining sector failed to bring about economic development. In 2009, according to Alyansa Tigil Mina (ATM), everything seemed to be behind target: mining investments figured only 35% of the target of P100.8 million, taxes collected were merely 8% (P26 B) of the target, and jobs created were merely 5.36% (13,462) of target employment<sup>38</sup>. In 2007 and 2009, two NGO Shadow Reports to the Committee on Elimination of Racial Discrimination (CERD) called attention to the human rights violations of mining corporations especially the case of the Subanon tribe in Mt. Canatuan in Siocon, Zamboanga del Norte. While private companies are not parties to the Convention, they have a responsibility to respect human rights. The Philippine government, as State party to human rights treaties including CERD and CEDAW, have the duty to protect the people against human rights violations even by private or non-State actors and find remedies. This is in accordance with the Guiding Principles on Business and Human Rights endorsed by the Human Rights Council, which elaborates on the roles and responsibilities of different actors in ensuring that human rights are upheld<sup>39</sup>.

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<sup>38</sup> Alyansa Tigil Mina. *CSO Assessment of Mining in MTPDP*. Accessed from <http://CSO Assessment of Mining in MTPDP - Philippine Indigenous Peoples Links.htm>. 13 August 2010.

<sup>39</sup> *Guiding Principles in Business and Human Rights, Implementing the United Nations "Protect Respect and Remedy" Framework*. United Nations New York and Geneva. 2011.

In 2010, when the Aquino administration took over, President Benigno S. Aquino III issued an Executive Order (EO) 79. The EO 79 sought to institutionalize and implement reforms to ensure environmental protection and responsible mining in the utilization of mineral resources. While the policy provided additional restrictions on mining operations, it clearly did not apply to existing mining operations despite being proven destructive. The rural women coalition and groups, PKKK<sup>40</sup> and LILAK<sup>41</sup>, criticized the policy as focused more on improving revenues from mining rather than truly addressing the complaints against mining. The policy provisions included the creation of one-stop-shop for mining applications, which might just “fast-track” not only the applications but also the violations of the indigenous peoples rights of free, prior and informed consent (FPIC)<sup>42</sup>.

As of March 2016 there were about 314 existing Mineral Production Sharing Agreements (MPSAs) covering 565,529.3817 hectares. There were 6 Financial Technical Assistance Agreements (FTAAs) covering 108,872.45 hectares; 32 Exploration Permits (EPs) covering 114,193.1788 hectares. There were about 144 industrial sand and gravel permits (IP) and about 47 Mineral Processing Permits<sup>43</sup>. In short, the industry remains on the ground, pun intended.

Alyansa Tigil Mina (ATM) cited that mining has encroached on about 2/3 of the claimed and titled ancestral domains of indigenous peoples and more than 50 percent of protected areas (PAs) and key biodiversity areas (KBAs). The effect on food insecurity in these areas is linked to the large extractive and development projects that secure water rights at the expense of irrigation for agriculture. The mining operations likewise contaminate sources of drinking water. One example was the Tampakan Copper-Gold project in South Cotabato that will directly impact 32 percent of agricultural lands and 75 percent of the forest. The project was said to potentially deprive 20,000 farming households and 40,000 hectares of farmlands that are dependent on the watersheds<sup>44</sup>.

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<sup>40</sup> *Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)*

<sup>41</sup> *Purple Action for Indigenous Women's Rights (LILAK)*

<sup>42</sup> “EO79 at ang posisyon ng Kababaihang Lumad,” based on consultation on National IP Women Gathering facilitated by LILAK, Alyansa Tigil Mina, Pambansang Koalisyon ng Kababaihan sa Kanayunan, 14-15 July 2012, Ulos, Davao City

<sup>43</sup> Mining Tenements Management Division, Mines and Geosciences Bureau, Department of Environment and Natural Resources, March 2016.

<sup>44</sup> Garganera, Jaybee, “Food Security versus Mining: Impacts of Mining on Food and Waters in the Philippines.” Presentation of Alyansa Tigil Mina to the UN Special Rapporteur on the Right to Food, Feb 2015

“Climate hotspot” – this is how Philippines is described by environment activists, considering the degree of vulnerability of the country to the worst manifestations of climate change. The archipelagic nature of the country makes most regions, with the exception of one region (Cordillera), vulnerable to sea level rise. The risk to flash floods and landslides caused by typhoons and heavy precipitation compounds vulnerabilities to the impacts of natural disasters which only aggravate the socio-economic burdens of the Filipino people and worsened hunger and water scarcity in many affected areas<sup>45</sup>.

Climate change is a direct threat to national food security. This can be measured in terms of the billions of loss in agriculture and fisheries sector, as our experience showed in the serious of typhoons like Pepeng (2009), Sendong (2011), Pablo (2012), Habagat (2012, 2013), Yolanda (2013), and Glenda (2015). After typhoon Yolanda (Haiyan, as it is known in the international community), there was a self-rated food poverty rate of 58 percent in the Visayas region. The UN World Food Programme noted in February 2014 that food insecurity is at 27 percent in the Yolanda-affected areas<sup>46</sup>. More than hunger, the super typhoon showed what exactly are at risk if global warming remains unabated: 6,300 people died, 1,062 went missing, and 28,688 were injured. The super typhoon affected 3,424,593 families<sup>47</sup>.

Severe drought, not only typhoons, posed threats to the country's food security. On the first quarter of 2016, around 5,000 to 6,000 farmers from South Cotabato staged a 4-day rally in front of the National Food Authority (NFA) to demand rice and financial subsidy due to the severe El Nino. On April 1, 2016, after failed negotiations, the protesters were violently dispersed, which ended with five deaths on the side of the protesters and two deaths on the side of the police force<sup>48</sup>.

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<sup>45</sup> Jabines, Abigail and Inventor, Jasper, “The Philippines: A Climate Hotspot. Climate Change Impacts and the Philippines.” Greenpeace Southeast Asia Climate and Energy Campaign, April 2007.

<sup>46</sup> Focus on the Global South, “The Right to Food: Proceedings of the Meeting between UN Special Rapporteur on the Right to Food Hilal Elver and Philippine Civil Society Organizations: February 2015” Edited by Manahan, Mary Ann & Militante, Clarissa. 2015.

<sup>47</sup> National Disaster Risk Reduction and Management Council, “Final Report re Effects of Typhoon Yolanda (Haiyan)” Retrieved from [http://www.ndrmmc.gov.ph/attachments/article/1329/FINAL\\_REPORT\\_re\\_Effects\\_of\\_Typhoon\\_YOLANDA\\_%28HAIYAN%29\\_06-09NOV2013.pdf](http://www.ndrmmc.gov.ph/attachments/article/1329/FINAL_REPORT_re_Effects_of_Typhoon_YOLANDA_%28HAIYAN%29_06-09NOV2013.pdf)

<sup>48</sup> National Food Coalition. “Statement on Violence against Protesters in Kidapawan.” 4 April 2016.



The country's marine ecosystem is also affected by the climate crisis. As cited by the Philippine Movement for Climate Justice (PMCJ), warming temperature adds to the acidification of the ocean which adversely impacts marine life and marine resources. Acidification is expected to be at 150 percent by 2100. As it slowly happens, the small fishing communities are unable to cope, especially when they can hardly survive in the face of competition and outright harassment from large-scale foreign fishing vessels. All these further push the small fishers to resort to dangerous and destructive fishing practices out of poverty and desperation<sup>49</sup>.

Efforts to mitigate climate change also pose threats to indigenous peoples' territories and resources. For instance, carbon sequestration projects have violated the rights to the lands, territories and resources, sometimes even criminalizing the practice of traditional livelihoods and contributing to food insecurity<sup>50</sup>.

### *Gender, Mining and Climate Change*

Philippines is reputed to fare high in global indicators of gender, i.e. 7th out of 145 countries in the 2015 Global Gender Gap Index (GGI) and 10th out of 37 countries classified as Group 1 or those with high gender equality in the Human Development Index (HDI). The GDI looks into the increase in the number of females in politics, professional and technical work, and ministerial positions. Other GGI indicators are literacy, enrolment across all levels, and healthy life expectancy. Meanwhile, the HDI compares the achievements of females and males primarily in terms of long and healthy life, knowledge, and decent standard of living.

However, evidence would show that despite such good ranking, women's human rights and access to justice remain urgent issues, especially for the marginalized women. It is recognized that the country has achieved milestones in terms of legal reforms, i.e. Philippine Constitution provisions on fundamental equality, the CEDAW-based national law Magna Carta of Women, Philippine

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<sup>49</sup> *Vibal, Vul. "Right to Food before Want of Profit: The Climate Crisis and Food Security." Statement of the Philippine Movement for Climate Justice. Proceedings of the Meeting between UN Special Rapporteur on the Right to Food Hilal Elver and Philippine CSOs, February 2015.*

<sup>50</sup> *Tebtebba. "Climate Change Mitigation measures: Impacts on Indigenous Peoples" Guide on Climate Change and Indigenous People, 2nd Edition. Baguio City, Philippines 2009. p. 28. Women's Legal and Human Rights Bureau, Inc. "Human Rights of Women," Philippine NGO Beijing*



Framework Plan on Women's Empowerment and Gender Equality, and the laws on Anti-Rape, Anti-VAWC, Anti-Trafficking, and Reproductive Health, among others. The challenge lies in existing structural inequalities that unless addressed may render these laws as mere de jure compliance to human rights. Data shows that Filipino women are still more economically, politically, and socially disadvantaged compared to men. In terms of labor force participation rate, the women only constitute 49.7% while the men at 78.3%. According to the Philippine Statistical Authority's (PSA) Fact Sheet, March 2016, on agricultural land ownership, 71% is owned by men and 29% by women. This pertains to agricultural lands with Emancipation Patents and Certificates of Land Ownership Award (CLOA) titles only. As pointed out by the Women's Legal and Human Rights Bureau (WLB), systemic discrimination is perpetuated by gender-based stereotypes embedded and entrenched in Philippine laws. Hence, there's a need to look beyond women's human rights laws if we were to account for *"structural inequalities between men and women, systemic and historic disadvantaged position of women, the culture of impunity in cases of violence against women, and the prevailing gender bias and system of patriarchy that continue to persist in society."*<sup>51</sup>

Mining and climate change count among the challenges that perpetuate or compound structural inequalities and exacerbate vulnerabilities and poverty. Again, poverty and vulnerabilities mean differently for men and women largely because of the gender-based disparities between their roles, needs, choices and relations. Women in society are structured in the political economy according to their relations to men and by their position in the society's economic organization on the other<sup>52</sup>. All this was developed over a long history of patriarchy and oppression.

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<sup>51</sup> Women's Legal and Human Rights Bureau, Inc. "Human Rights of Women," Philippine NGO Beijing + 20 Report. UP Center for Women's Studies 2015. *Review of Women's Studies*, Vol.25, Nos. 182, pp. 149-171

<sup>52</sup> Uy Eviola, Elizabeth. *The Political Economy of Gender: Women and the Sexual Division of Labour in the Philippines*. London: Zed Books Ltd, 1992. Philippine Reprint by the Institute of Women's Studies, St. Scholastica's College, 1993, p. 9.

According to feminist economist Thalia Kidder, in further understanding poverty, one needs to go beyond the lack of income or material assets. In general, poverty and its reduction have to do with issues of physical weakness, isolation, vulnerability, lack of capabilities and empowerment. On the other hand, *“women’s poverty is connected with repressions and violence, lack of information and networks, or of participation in the decisions that affect their lives.”*<sup>53</sup> Considering all these, many women are poor, ranking fifth behind fisherfolk, farmers, children, self-employed and unpaid family workers in terms of the 2014 poverty incidence data<sup>54</sup>.

In the contexts of mining and climate change, women’s poverty is very much illustrated in terms of repression, violence, lack of information and participation. The outcome is placing at risk the roles that women do for their families’ survival, namely securing food, water and ensuring health. These roles are first to be affected by drought, typhoons, threatened biodiversity, decreasing forest cover, declining coastal, fishing and water resources. Further evidence would show that based on global statistics more women die in disasters compared to men. The International Union for the Conservation of Nature reported that women and children are 14 times more likely to die than men during a disaster<sup>55</sup>.

Displacement is one of the outcomes of mining and climate change. Loss of land and the need to resettle is very much pressing in situations where landslides covered farmlands and storm surges left coastal areas as “no-build zones.” Likewise, it’s a matter of survival for those being driven away from their lands, often in a militarized way, because of government sanctioned development projects such as mining. In these cases of displacement, indigenous women, *“lose their self-reliance in food production, knowledge in natural resource management, biodiversity, and medicinal plants. In effect, the indigenous women are deprived of their medicinal resources and cannot perform their healing duties and rituals.”*<sup>56</sup>

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<sup>53</sup> Kidder, Thalia. “Gender Concepts and Tools in Economic Inquiry,” *Gender Equity and Economic Reforms: Engendering Policy Critique and Advocacy of Philippine NGOs*. OXFAM Philippines 1999, p. 158.

<sup>54</sup> Philippine Statistics Authority, “Fishermen, Farmers and Children remain the poorest sectors,” 04 July 2014, <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>

<sup>55</sup> Jiménez, Myrna (Sarilaya) “Women and the Environment,” *Philippine NGO Beijing + 20 Report*. UP Center for Women’s Studies 2015, *Review of Women’s Studies*, Vol. 25, Nos. 1 & 2, pp. 186-203.

<sup>56</sup> Tebtebba Foundation. “The Situation of Indigenous Women in Asia,” *Realizing Indigenous Women’s Rights: A Handbook on the CEDAW*, 2013.

Definitely it is not just about physical dislocation but also the economic, social and cultural dislocation that only make women poorer and more vulnerable. The question is: *are women's issues considered equally significant to the "larger" development concerns?*

### III. Analysis: Mining and climate change are women's human rights issues

Are women's issues considered equally significant to the "larger" development concerns? The answer is "Yes." In practical terms, development is not possible if half of the population is left out. Dismissing women's issues is tantamount to dismissing half of the population. In human rights terms, development is a right. Women's rights are human rights; development cannot be without women's human rights.

States are the primary duty bearers who have the responsibility to protect, respect and fulfill women's human rights. The Philippines is signatory to the United Nations Convention on the Elimination of all forms of Discrimination against Women (UN CEDAW). Signed in 1979 and ratified in 1981, CEDAW was only fully translated into a domestic law in 2009 or roughly 30 years after. This was through the enactment of the Magna Carta of Women (MCW) also known as RA 9710. The MCW was a product of around eight years of lobbying, which started with the rural women groups' advocacy for their own Magna Carta that is based on CEDAW's Article 14. The rural women's groups, which later formalized into the National Rural Women's Congress (PKKK), articulated their position from the context of marginalization as exacerbated by neo-liberal policies and development aggression. In the end, with participation and input from other interest groups, the result was a more comprehensive enabling law that is based on CEDAW. No less than the Philippine Country Report (7th and 8th combined periodic reports) recognized the MCW as a *"result of the vigorous and collaborative effort of the government, civil society groups, academe and other stakeholders."*

#### A. *What is the situation of women's human rights in mining and climate change-affected communities?*

To begin with, the basic situation of the majority of women in mining and climate change-affected communities are similar to that of many rural and indigenous women in the country who experience multiple and intersecting forms of discrimination on a daily basis. In the face of poverty they are burdened with multiple roles, expected to help ensure the economic survival



of their families while performing their reproductive roles as mothers, household managers, care givers to children, and culture-bearers. The performance of such roles is not confined within the family but extends to the community as well. Often, however, performing such vital roles and service to the community is so paramount that the women's own needs and desires as women and as individuals take a back seat and those of their families and communities are placed at the center. Despite the fact that they play important roles in the survival of their families and communities, women are often marginalized from decision-making especially about public policy and development projects. This sets the stage for increased gender-based vulnerabilities when 'development aggression' steps in or climate-induced natural disasters or when other crises break out. Often, in situations of crises, women's multiple burdens increase and intensify, even as women step up to participate, and sometimes lead, in finding solutions to the crises.

The systemic discrimination experienced by mining and climate change affected communities manifest in their experiences of having to live in (a) fear because of threats to security and persistence of violence including sexual violence, (b) extreme poverty because of economic displacement, (c) high risk environment and exposure to hazards, (d) neglect of basic services and lack of protection, and (e) isolation and non-inclusion from development planning. During the workshop, the participants collectively reviewed and read the CEDAW Articles and related these to their situations in mining and climate change-affected communities. The following stories came out:

**Prevalence of gender and cultural stereotypes and discriminatory practices that confine women to traditional roles and prevent their full and meaningful participation in decision-making that affects their lives (CEDAW Articles 1, 3 and 5)**

The exclusion of women or lack of involvement of women in public consultations as extension of leadership stereotypes is very much observed in mining and climate change affected communities, but more so among the indigenous communities. In particular, IP (indigenous) participants from Zambales and Agusan confirmed that there are IP communities that do not have women representatives for the process of securing Free Prior Informed Consent (FPIC). Women were not part of the consultations, oftentimes only the Datus were being consulted. This violates the need for equal participation in policy and law-making. Further, because they are left out of the FPIC process, they consequently have little information on what could be the likely benefit, eg. profit sharing in mining or share from the mining companies' payments/



fees. Moreso, they have little information with which they can analyse for themselves the risks of allowing mining in their ancestral lands.

In a set-up where leadership is stereotypical male, household work is stereotypical female. This situation is reinforced by policies like the Pantawid Pampamilya Program popularly known as ‘4Ps’ where mostly women are being reached out to because they’re the ones expected to take care of the children’s health and education. The sole responsibility over reproductive role increasingly becomes a burden for women especially in situations when the community begins to feel the immediate effects of mining, eg. lack of water supply, water contamination, health related effects. In Aroroy, Masbate, mothers confront the increasing incidence of tuberculosis and skin diseases, especially among children. In 2015, there were 271 cases of TB in just one village. The villages in Aroroy host both small scale and large-scale gold mining operations. The women suspect that blasting from the mining corporation emit dust and cause these illnesses; however, one can observe from the area that backyard gold processing activities also expose children to mercury.

In the case of PHILSAGA mining in Agusan Sur, the 10 years of “exploration” effectively free itself from paying dues to the Local Government Unit (LGU) and royalty fee to the IP (indigenous) community. Locals have resisted PHILSAGA since its 300 hectares “small-scale mining” application affected other small scale miners and definitely impact on the fish population and agricultural lands. Academe-based researchers were said to have found the fish no longer safe to eat. The siltation in the waterways and agricultural lands have drowned crops and exposed workers, mostly women, to chemical (mercury) contamination. Employees reported that they were not paid properly by the mining company, which left them constantly in debt. Worse, some miners are said to have been pushed to use of illegal drugs such as shabu to overcome psychological stress and even hunger from mining. This intensified their indebtedness and put pressures on the household budget. Many women had to sell vegetables at the mining site, with others turning to prostitution. A few women are said to be already HIV positive. Similar stories abound in other mining sites, as mining communities are not spared from the infiltration of illegal drugs, wreaking havoc on their lives and threatening their security.

Article 3 of CEDAW states that “State Parties shall take in all fields in particular in the political, social, economic and cultural fields all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality of men.”

Given the preexisting gender inequalities in local communities, women disproportionately bear the brunt of the social and environmental costs of mining activities which also expose them to other gender-based discrimination, exploitation and violence. The increased threats to women's security undermines their ability to enjoy and exercise their human rights and set back efforts to ensure women's full development and advancement.

Evidence of longstanding gender inequalities in the communities are also indicative of slow progress in eliminating gender stereotypes and prejudices, which is part of State obligation under CEDAW. There is still a lack of recognition of common responsibility of men and women in the upbringing and development of children.

### *Gender-based vulnerabilities to natural disasters, weak human rights monitoring and access to justice*

Ironically in many areas where extractive industries operate, natural resources may abound and bring profit to private companies but these do not necessarily benefit everyone. Where poverty and income levels are low, vulnerabilities to natural disasters also run high.

In the case of Manicani island in Eastern Samar, the super typhoon Yolanda in 2013 only exacerbated the negative impact of mining and economic displacement. Sadly, as some women note, the "humanitarian response" has inadvertently caused further division among community members. The local community has struggled against mining since 1989, setting up a barricade ever since. Women have always been at the forefront of the protesters, mainly through the Save the Manicani Movement. The scope of operations claimed by the mining company is said to be larger than the island itself. Various human rights violations were documented to have been committed by the company, including harassment of community members opposed to mining, e.g. deliberately running over the community leader and a documenter. Some actions by the mining company led to the death of a child, the arrest of two other community leaders, increased violence against women, the elderly, and children. No remedy or action was undertaken by the local government. There was no rehabilitation of the affected area. After the super typhoon struck, the mining company gave housing assistance to the islanders, but only to a selected sector, prioritizing the 'pro-mining' members of the community. This further divided the community along 'pro' and 'anti-mining' lines.

There is over-all weak human rights monitoring on the part of the government in the mining and climate change-affected areas. There are inadequate policies and actions to prevent, investigate and remedy human rights violations including discrimination against women in these areas. Women count among the advocates of policy demands such as the Repeal of the Mining Act of 1995 (RA9742) and the implementation of programs that will protect women during disasters. Already filed since 2009 was the so-called Alternative Minerals Management Bill (AMMB), which qualified alternative minerals management as beyond mineral extraction. It is clearly about an alternative policy and not about alternative mining. The important provisions of the AMMB were conservation of our mineral resources, ensuring benefit of the Filipino people, minerals utilization framework, multi-sectoral minerals management councils, ownership of indigenous peoples, no go zones, mineral agreements, maximizing gains and preventing or mitigating adverse effects, and equitable sharing. The AMMB also addresses the challenges on food security and climate change by prohibiting any mining operations in climate-disaster prone areas, geo-hazard areas, small island ecosystems, watersheds, and food production/agricultural areas<sup>12</sup>. However, the so-called policy revision did not prosper in Congress. Advocacies for legal reforms or alternative bills are enhanced further with stronger women's inputs to craft and integrate gender-responsive provisions. Article 14 of CEDAW, which elaborates on the particular problems faced by rural women are a good reference point for monitoring the situation of women in mining and climate change-affected areas and crafting gender-responsive policy proposals.

### Trafficking, economic and sexual exploitation of women

Under Article 6 of CEDAW States have an obligation to suppress all forms of traffic in women and exploitation of women. It has been observed that in communities where there are mining operations, almost certainly there are night clubs or videoke bars that at first were introduced to serve the purpose of relaxation/entertainment of workers but eventually transformed into prostitution dens. Most of the women were observed to have come from other provinces and could well be victims of trafficking too.

In a 2006 study conducted by Coalition Against Trafficking in Women- Asia Pacific (CATW-AP) in Canatuan, Siocon, Zamboanga del Norte, the workers of TVI mining company learned to go to the videoke bars, along with drinking and gambling. They are Subanon men who used to work in the farms and were quite content with being able to eat three times a day and drink coconut

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<sup>12</sup> SOS-Yamang Bayan Network, "Primer on Alternative Minerals Management Bill," 2012.



wine every now and then. After abandoning their farms, they worked in the mines for a daily salary of P230. When they go to videoke bars, they spend about P200 each and an additional P200 for the motorcycle fare. The men shared that they cannot afford to take women out of the bars unlike the TVI managers. They supposed that these women work in the bars because they're victims of unemployment and they deserved help from government. CATW-AP investigated that some of these women were young women students recruited during school vacations to work as waitresses in Malaysia. They are brought instead to Siocon, Zamboanga del Sur or Cebu to work in prostitution.

### Discrimination in the political and public life, and attempts to silence voices

Article 7 elaborates on State's' duty to undertake measures to eliminate discrimination against women in the political and public life of country, including ensuring that women have a right, on equal terms with men, to vote in all elections, stand to be elected, to participate in the formulation of government policy, and to participate in non-governmental organizations concerned with the political and public life of the country.

In mining and climate-change affected areas many women have exercised their right to participate in public discussions and activities of NGO that raise awareness among the communities about the issues; some women are even leaders of such NGOs. However, women continue to encounter some constraints in exercising such rights.

Indigenous communities have the right to give free, prior and informed consent (FPIC) before any project is introduced and operated in their territory or ancestral domains. This is guaranteed by the Indigenous Peoples Rights Act (IPRA). It has been observed that there are two ways that the indigenous women are being discriminated in exercising FPIC. There is tendency to dismiss women's participation in the process of issuing the FPIC, owing to male-privileged leadership practices (involving only the Datus). Another way is by over-riding altogether the legitimate processes in securing FPIC. In the case of the large-scale gold mining in Mt. Canatuan, Siocon, Zamboanga del Norte, no less than the National Commission on Indigenous Peoples (NCIP) facilitated the creation of a body that will represent the Subanon tribe who are the ancestral land holders of the targeted mining area. This body was not recognized at all by the legitimate Subanon leadership<sup>58</sup>.

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<sup>58</sup> *Apu Manglang Glupa' Pusaka (AMGP), et al. "Discrimination against Subanon of Mt. Canatuan, Siocon, Zamboanga del Norte, Philippines in the context of large scale gold mining on their ancestral domain," Submission to the Committee on the Elimination of all forms of Racial Discrimination (CERD), 71st session, 30th July – 18th August 2007.*



Apart from being excluded from public consultations and hearings, some women who oppose mining have encountered legal actions that qualified as SLAPP or Strategic Lawsuit Against Public Participation. These legal actions aim to prevent the voices of those who oppose mining, including women's voice, from being heard. According to the accounts of the women from Cantilan, Surigao del Sur, they feel they are empowered enough to oppose mining. Since the miners cannot stop them, SLAPP was filed instead in court. *"We say that they just want to shut us up, so the court dismissed the case. But we won't take anything for granted because they might file other SLAPPs against us. We need paralegal training, we need to know our rights so that we won't be easily intimidated."*

The technical definition of SLAPP is a case filed to harass, vex, exert undue pressure or stifle any legal recourse that a person, institution of the government has taken or may take in the enforcement of environmental law, protection of the environment, or assertion on environmental rights. It can be used as a defense by those accused of civil or criminal cases, provided that the defendants give the court substantial evidence that their actions are legitimate for the protection, preservation and rehabilitation of the environment<sup>59</sup>.

Legal proceedings are quite costly; however, the mining companies are quite capable to "pay" their way both inside and outside the legal courts. According to Imelda Luza, a paralegal worker from Tandag, Surigao del Sur, *"I know that many people who need help are poor. They are afraid to press their case out of fear, which is why jurisprudence is difficult, including for mining cases. The mining companies will pay for communities to withhold their testimony."*

There are other threats or harassments that anti-mining groups also experience. In Imelda's case, she herself has received threats via text messages, visits and interrogation from members of the Intelligence Service of the Armed Forces of the Philippines (ISAFP)<sup>60</sup>. Participants at the UN Women workshop claimed that militarization further exposes women, especially the widows, to insecurity and "psychological torture."

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<sup>59</sup> Alternative Law Groups, Inc. "Primer: Rules of Procedures for Environmental Cases (A.M. No. 09-6-8-SC) Effective 29 April 2010." Published by LRC-Ksk/FoE Philippines.

<sup>60</sup> Balasa, Zenia T. "Imelda Luza" Stories from the Mines...of struggle, sisterhood, & solidarity. Published by Aliyansa Tigil Mina, 2012.

In the case of Kasibu, Nueva Vizcaya province, the protesters against Oceania Gold, an Australian mining company, were met by policemen armed with pistols and tear gas. It was recounted that the Ifugao women fought back by throwing water in plastic bags to the armed men; the water had chillies in them. One Mangyan woman leader joined a hunger strike in 2009 against the Norwegian Intex Mining corporation in Mindoro. The woman leader, Conchita Bigong, went on a 10-day strike along with few others until the DENR agreed to dialogue with them<sup>61</sup>.

### Opportunities and risks in the world of work: From a rosy picture to shadows of doubt

Despite the claim that mining will provide employment, it has contributed to less than 1% of national employment (0.6% in 2010)<sup>62</sup>. In terms of pay, basic pay for workers in the mines is comparably higher, P319/ day, compared to those working in agriculture, P184/day (2014 data). This provides a rosy picture of being employed in mining, thus some farmers even abandoned their farms to work for mines. On the other hand, what's not often told are the issues of employees getting killed and hurt due to the risks in mining areas. In the case of Semirara Mining Company, about five (5) were reportedly killed in 2013 and nine (9) in 2015<sup>63</sup>.

Article 11 of CEDAW is about eliminating discrimination against women in the field of employment, asking States to ensure women's rights, on a basis of equality of men and women, to work as an inalienable right of all human beings; to the same employment opportunities, equal remuneration including benefits and equal treatment, social security, and protection of health and safety in working conditions. CEDAW also specifies the need to safeguard the function of reproduction and provide maternity benefits and other reproductive health support systems; CEDAW prohibits discrimination in work on grounds of pregnancy, maternity leave and/or marital status. There is a need for in-depth studies on the implications of mining and climate change for women's employment. Voices from the ground, so far, do not paint a rosy picture.

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<sup>61</sup> Pasimio, Judy. A. "Indigenous Women as resisters." *Mining and Violence against Rural and Indigenous Women in the Philippines*. ULAK (Purple Action for Indigenous Women's Rights, Quezon City 2013, p.11

<sup>62</sup> Department of Labor and Employment (DOLE). "The Philippine Labor and Employment Plan (PLEP) 2011-2016". April 2011.

<sup>63</sup> IBON databank. Monitored occupational incidents, 2011-2015.

- In the case of the small scale mining in Masbate, many women were said to work in the mountains and gather heavy rocks just to have income. Some do this even late at night. The risks are high and definitely dignity of work is compromised.
- In some cases, the mining companies used “employment opportunities” as a strategy to gain the favour of the community members. However, more often than not, there are still more employees being hired outside the mining community mainly because of stringent qualifications. In Aroroy, Masbate, women shared that even laundry persons to be hired by the mining company need to be college graduates or at least proficient in English. Further, some local employees did not even seem to be doing real jobs. In the case of those employed in Manicani, Samar they are supposed to do some tree planting work, but more often than not they’re seen by other community members not doing anything at all. This made community members wonder about the employment agenda of the mining company.

Over-all, the realities on the ground, especially stories about the occupational and geophysical hazards in mining, invite queries if not doubts on whether mining really offers sustainable employment alternatives, or green jobs and decent work for women.

### Health risks and inadequate health services: Why women bear the heavier costs

Article 12 of CEDAW asks States parties to eliminate discrimination against women in the field of health care and access to health services and to ensure, on a basis of equality between women and men, access to health care and services, including those related to family planning. In communities struck by climate-induced natural disasters or extractive industries, access to health care and services is compromised even further. The over-all state of health of the community inevitably affects women’s health; the state of women’s health is also an indicator of the over-all health of the community. Often, due to the specific roles they play in biological and social reproduction, women bear the heavier cost of threats to health and the lack of access to health services.

In general, accounts and evidence of increased risk to health in mining-affected areas were reported during the workshop, such as increased cases of tuberculosis, skin diseases, chemical poisoning, and even rise of mental health problems. According to the workshop participants, mental health risk is linked to the rise in drug addiction as observed among miners who would need to



take “shabu” for them to carry on with the perilous tasks and longer periods. In addition, there were also stories of brain infections that could be due to other forms of poisoning from contaminated waters.

Health hazards from the mines affect the women directly and indirectly; as victims and as care givers. Whether working in the mines or not, women in the communities are directly exposed to health hazards which are even more perilous for pregnant women and lactating mothers. Studies and testimonies also show that women are usually the ones who take care of the sick members in the family. When a worker meets an accident in the mines, it is most likely that the wife, mother, daughter would take care of the worker, and would have to carry on the task of looking for supplementary income to meet the family’s basic needs in addition to taking care of the household. This is unpaid care work provided by women who also often do not have access to social protection.

- Health risks are most poignantly illustrated in the case of those living in Calancan Bay, Marinduque, where the Marcopper Mining Corporation dumped mine tailings from the Tapan Pit from 1975 to 1991. Based on 1988 studies by the Calancan Bay Rehabilitation Program (CBRP), there were ‘appreciable’ levels of heavy metals in the Bay’s sediments, to include cadmium, copper, zinc, lead, and/or mercury. The CBRP report was further evaluated and assessed by a team led by Dr. Francisco Felizar, resulting to the conclusion that the program failed to mitigate the health-related negative impacts to the communities exposed to such risks on a daily basis. Food source was already compromised, thus slowly poisoning the people and hitting the children really hard. A joint DOH and UP study tested 59 children who showed “unacceptably high levels of heavy metals in their blood.” There were actual deaths among three young people (aged 8, 14, and 19), who received treatment too late. One was diagnosed with severe mental retardation caused by lead and arsenic poisoning. Fisherfolk also suffered from skin infections; a father and son who ate fish everyday developed tumors in leg and feet respectively.

One medical health professional from Santa Cruz, Marinduque observed that the health problems like lead poisoning and skin rashes seemed to be unique to residents of Calancan Bay. However, when the Boac disaster happened in 1996<sup>64</sup>, residents in the area developed skin rashes too. Mine tailings (an

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<sup>64</sup> The 27-kilometer Boac river was the main source of livelihood for those who did not work for Marcopper mining company. After the Marcopper Mining Disaster in 1996, resulting from massive spill of mine tailings, the river was declared unusable by government officials. The 1996 disaster is considered one of the worst in Philippine history. See [www.greedypeg.org/marinduque/Boac-River.html](http://www.greedypeg.org/marinduque/Boac-River.html) and [www.AboutPhilippines.ph/doc-pdf-ppt.etc/Marinduque-Mining-disaster.pdf](http://www.AboutPhilippines.ph/doc-pdf-ppt.etc/Marinduque-Mining-disaster.pdf)



estimated two to three million cubic meters of toxic tailings) contaminated the Boac river. The women used to wash clothes in the river; one woman who was washing clothes when the dam caved in got burned by the milky and arsenic-contaminated water. This same river still posed health hazards to children who had no choice but to cross the river when they go to school<sup>65</sup>.

Health services is one of the social development programs that mining corporations offer to the affected communities. However, from a human rights perspective, ensuring access to health services and ensuring that they are available and gender-responsive is a matter of State obligation to fulfill commitments under human rights treaties such as CEDAW. Moreover, to ensure the sustainability of provision of health care and services, funding and allocation of other resources should be the government's responsibility. While the private sector's role in providing health services to the community may be considered welcome as part of corporate social responsibility, what may be needed is to eliminate or halt practices that undermine or threaten the health of the communities. Otherwise, as in the case of mining activities, the environmental and health risks caused by extractive industries may just neutralize whatever positive benefits their companies' health services may bring to the community, or worse, end up doing more harm than good. According to the human rights impact assessment of the SMI in Tampakan, *"private provision of basic health services is not rights-based and might also be unsustainable as it is dependent on the future of the mine and SMI's corporate strategies. Furthermore, the provision of health services through SMI could undermine scope for a free consent in the context of the upcoming FPIC process."*<sup>66</sup>

In cases of natural or other disasters when communities have to evacuate, experiences show that the lack of access to health services is very much pronounced in evacuation centers. This includes the lack of psychosocial support after disasters.

In general, indigenous communities living in remote and disaster-vulnerable areas have hardly any access to basic health care services. Many women-friendly indigenous practices like giving birth the traditional way and being assisted by traditional birth attendants, remain unrecognized and unsupported.

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<sup>65</sup> Oxford Australia, "Mining Ombudsman Case Report: Marinduque Island" 2005

<sup>66</sup> Hamm, Brigitte, Shax, Anne, Scheper, Christian, "Human Rights Impact Assessment of the Tampakan Copper-Gold Project", INEF commissioned by Misereor, July 2013 p.18

## Rural Women: Struggling for Rights and Survival

CEDAW Article 13 addresses discrimination against women in other areas of economic and social life; Article 14 recognizes the special role that rural women play in the economic survival of their families and communities. It elaborates on the duties of the States parties to protect rural women's rights. For many rural women in mining and climate change-affected communities, however, reality means an everyday struggle for rights and survival.

Women's employment in agriculture has been on the decline, i.e. 2.8 % decline per year in the past five years. In the past five years too, climate change has disrupted agricultural performance, threatening not only its contribution to the GDP but food security in general. During the workshop, participants gave accounts of human rights violations during climate-related and human-induced disasters and how the impacts of climate change eroded their ability to enjoy their human rights and especially their rights under CEDAW Article 14. They cited the following issues; loss of livelihood, indebtedness, landlessness, homelessness, contamination of water sources, exclusion from public hearings.

- Loss of livelihoods and homelessness result from the inability of women to enjoy their right to natural resources and their means of subsistence. In the experience of those affected by Haiyan, it was total loss of crops and homes. Some are even prevented to re-build their houses in the same area since these have been classified as "no-build" zones. Yet, they too cannot simply relocate because of other hindrances for them to enjoy such benefits. The National Rural Women's Congress -Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK), reported: *"For women who have experienced post-disaster assistance, female-headed households in post-disaster areas receive assistance but not equal to male-headed households, eg. cash-for-work opportunities, livelihood, shelter assistance directly discriminate female-headed households."*<sup>67</sup>
- The direct impact of the disaster and the lack of assistance thereafter have social implications on the recovery of the family. PKKK research showed that in the Haiyan-affected province of Biliran, particularly in Barangay San Roque, fish catch has gone down which resulted to low incomes averaging P100-P120 daily among fishing households. In contrast, daily household expenses amounted to P180. Family members no longer eat three times a day and some children even stopped schooling. Many parents have to look for work outside the community.

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<sup>67</sup> PKKK Submission of Shadow Report on Philippines 7th and 8th period report on CEDAW, 10 June 2016.

Noticeably, mothers and even 14-18 year old girls chose to work as domestic helpers somewhere else<sup>68</sup>. This also led to situations in which children were exposed to gender-based violence in the homes.

- Access to water is key to ensuring the survival of the rural households. This is threatened by various factors and impact on women severely. In the case of those who have experienced severe El Nino or severe drought, *“the added household costs for water was left for the women to manage. In one Mindanao community, the increase of almost 5900% in water expense and its implication to the household food budget is simply unimaginable to bear<sup>69</sup>. The integration of gender into disaster management is still a work in progress. Based on the consultation done by PKKK with the Department of Agriculture on June 3, 2016, the DRRM plan of the agency is basically gender neutral.<sup>70</sup>”*

- Water is also very much affected by mining activities, especially considering that water footprint is high. Some estimates showed that a mere ounce of gold needs thousands of liters of water that could have been enough to supply a person’s water requirements for a year.

- Implications for women’s health of mine-contaminated water are grave. The Asia Pacific Forum on Women, Law and Development (APWLD) pointed out: *“Water pollution disproportionately affects women’s health. As small-scale mine workers, division of labour assigns women to panning using water, exposing them to the polluted water and difficult working conditions as they may have to stand bending down in the streams for long hours. Women working on farms or engaged in fishery are exposed to contaminated air and water with toxic substances from the mining operations for long hours every day.<sup>71</sup>”*

- PKKK posits that *“Gender-blind policies on adaptation, mitigation and capacity building tied with rehabilitation and reconstruction programs, result*

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<sup>68</sup> Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK). *Case Study on Barangay San Roque, Biliran*, as documented by Chara Cabardo, 2015.

<sup>69</sup> The cost for water maintenance was estimated at P15/month but during the drought, they had to source water from other springs which cost them a total of P30/day at P15/tricycle ride, and a grant total of P900/month.

<sup>70</sup> Ibid.

<sup>71</sup> Asia Pacific Forum on Women, Law and Development (APWLD). *Mining and Women in Asia: Experiences of women protecting their communities and human rights against corporate mining*. Chiang Mai, Thailand, 2009.



*in lesser social protection and furthers the cycle of poverty and marginalization for rural women.*<sup>72</sup> This became evident in the series of disasters the country has witnessed; women-friendly spaces established as part of disaster response are also very limited. For example, there were only five (5) barangays which had women friendly spaces in Salcedo municipality, one of the Haiyan-affected areas. This could only indicate that integration of gender into disaster management is still a work in progress. It has been observed that DRR preparedness plans and processes have not been truly consultative or participatory; likewise not necessarily functional despite the presence of DRR management structures at the barangay and municipal levels. During a consultation conducted by PKKK with the Department of Agriculture (DAR) on June 3, 2016, it was observed that gender mainstreaming continues to be a gap in the agency's DRRM plan.

- Lack of access to information prevents the women from fully participating in and benefitting from the development processes. Many indigenous women are not aware of their entitlements if FPIC is granted to mining corporations/ activities. Some are misinformed as a result of the manipulations of mining companies sometimes with the connivance of representatives of government agencies. In Agusan del Norte, MRL (Mindanao Resource Ltd) has been financed on the condition that they won't violate human rights laws in the ancestral domain of the Mamanwa tribe. The international financial institution withdrew 90% of its funding after Alyansa Tigil Mina (ATM)<sup>73</sup> brought the case at the international level, so MRL backed out for 2 years, but returned under a different name.
- When women do raise their concerns to the agencies, often they feel they are treated dismissively and decisions seem one-sided. Ester Villarin from the Alliance of Urban and Rural Women in Bukidnon (AURWIB) recounts that, *"Ancestral lands in Maluko, Manolo Fortich, Bukidnon have been encroached upon by small miners of phyllite schist, specifically affecting the 200 hectares Mt. Palaopao within the 1,500 hectares of ancestral domain, and the almost 100 hectares Sitio Impakibel. There were around one hundred affected families*

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<sup>72</sup> *Pambansang Kaalisyang ng Kababaihan sa Kanayunan (PKKK), "Proposals to the General Recommendation on Rural Women and the Protection of their Rights," Submitted to the UN Committee on Elimination of Discrimination against Women (CEDAW), September 2013.*

<sup>73</sup> *The Alyansa Tigil Mina (ATM) is a coalition of organizations and groups who have decided to collectively challenge the aggressive promotion of large-scale mining in the Philippines. Composed of Non-Government Organizations, People's Organizations, Church groups and academic institutions, the ATM is both an advocacy group and a people's movement, working in solidarity to protect Filipino communities and natural resources that are threatened by large-scale mining operations. (source: <http://alyansatigilmina.net/about/>)*

who took part in the community actions, namely submission of resolutions and request for assistance and protection from the various agencies (NCIP, PLGU, PENRO/MENRO, PNP). Some of the issues raised by the communities were the landslides, contamination of potable water, damaged sacred places, poor health, and harassment, among others. The harassments included the filing of cases to tribal leaders without due process; likewise the treatment of IPs as squatters in their own lands. The community was also able to dialogue with the to the provincial government's funding commitment to survey the ancestral domain. On the other hand, PNP denied request for protection and the DENR/MGB gave no response to the request for assistance and clarifications. The provincial environment and natural resources office (PENRO) merely asserted the mining operator validation.<sup>74</sup>

- After these dialogues, the access to entitlements, mobility and social life of the rural women in Maluko, Manolo Fortich also got affected. One woman local IP woman leader, Marichu Binayao, who is openly against mining was deprived of her honorarium as "purok" leader. According to Ka Ester: "This can be attributed to the fact that the village captain is pro-mining. Marichu's group members also experienced being disregarded by the barangay LGU; likewise had been maligned by the village captain during a public assembly."<sup>75</sup>

### The Practice of Early and Arranged Marriages: Traditions and Contemporary Drivers

CEDAW Article 16 asks States parties to eliminate all forms of discrimination against women in all matters related to marriage and family relations and ensure, on the basis of equality of women and men, that women have the same right to enter into marriage and to do so free and full consent, to freely choose a spouse and partner, to participate in decision-making in the family especially on the number and spacing of children and access to reproductive health services, and so on. The practice of early marriage exposes women to reproductive health risks and often places women at a disadvantaged position, negatively affecting her ability to enjoy her rights. Similarly, in situations of arranged marriages, the bride's voice, if at all heard, is often considered the least important.

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<sup>74</sup> PKKK Rural Women Shadow Report, June 2016.

<sup>75</sup> PKKK Rural Women Shadow Report, June 2016.

During the workshop, some participants cited incidents of early marriage in both the mining and climate-change affected areas. Such practice could be linked to poverty and the lack of options for young people, like in the case of upland communities in Marabut, Samar where after the super typhoon struck, young girls were marrying at the age of 13 and 14. Further investigations may be needed, however, to determine if this might be the likely practice even before the disaster hit, considering the remoteness of the community from schools.

In the case of indigenous communities, early and arranged marriages are still being practiced by some tribes. Some women's organizations like the Teduray Lambangian Women Organization in Maguindanao, ARMM have organized action research and advocacy strategies to eliminate this practice, which sometimes affect girls of 9-12 years of age. However, TLWO attested that their traditional practices on marriage, eg. dowry as a marriage contract, have also become vulnerable to economic pressures and extreme poverty.

## ***B. Claiming rights, remedies and spaces***

### ***How is government's compliance to CEDAW and other international human rights treaties monitored in these areas?***

In the Philippines' combined 7th and 8th progress report to the CEDAW Committee, there is little mention of how CEDAW was monitored in the mining and climate change-affected areas. In the NGO Shadow Report corresponding to the Philippines' combined 5th and 6th report to CEDAW (1995-2005), the issue of mining was already raised already in relation to economic liberalization policies of government. The country's achievements in development, unfortunately, is often measured in purely economic terms, neglecting to take account of the cases of discrimination and human rights violations that may effectively cancel out whatever economic gains there may be from the pursuit of certain "development" policies, programs or projects.

The Magna Carta of Women provides an important legal framework and entry point for undertaking actions that would guarantee special protection of women in times of disaster and impact of climate change. In particular, its **Implementing Rules and Regulation (IRR), SECTION 13. Women Affected by Disasters, Calamities, and Other Crisis Situations** specifically states that:



Women have the right to protection and security in times of disasters, calamities and other crisis situations especially in all phases of relief, recovery, rehabilitation, and reconstruction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlements, if necessary. It shall also address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support, livelihood support, education, and comprehensive health services, including protection during pregnancy.

Based on realities on the ground, there is still a long way to go before the MCW provisions are translated into concrete and institutionalized programs that would impact on women's right to food, social protection, health and prevention of violence. Also, the integration of gender into disaster management is still a work in progress. Based on the consultation done by PKKK with the Department of Agriculture on June 3, 2016, the DRRM plan of the agency is basically gender neutral<sup>76</sup>.

*What spaces are created for women's voices to be heard, and how can the protection of women's human rights be further advanced?*

Amid the challenges posed by mining and climate change, a positive and encouraging sign is that women are at the forefront of struggles and campaigns for human rights and policy reform. This is an important expression of their rights-claiming, their voice and leadership. But it does not come without costs.

The compilation of the stories of women published by Alyansa Tigil Mina in 2012 – “Stories from the Mines...of struggle, sisterhood, and solidarity” – told about the inspirations and gains of women leaders who dared to confront mining. On the other hand, the stories also told about the hardships and abuses that these women met along the way. Such was the story of Delia Malungon and Robina Poblador, B'laan women Sarangani, who voiced out their opposition against the Sagittarius Mines, Inc. (SMI) but got harassed by the local barangay officials for doing so. Such was the story of Emma Hotchkiss of Cantilan, Surigao del Sur who led legal battles against the Marc Ventures company but at the

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<sup>76</sup> PKKK Rural Women Shadow Report, June 2016

cost of going against her own kin. Such was the story of Imelda Luza whose work as a woman organizer and anti-mining advocate in Tandag, Surigao del Sur led to her receiving text threats and visitors from intelligence units. Such was the story of Rosario and Nida Abueme of the Homonhon Environment and Resources Organization (HERO) who found their voice in protesting against the Mt. Sinai Mining Exploration, but were falsely accused by the company of robbery and arson. Such was the story of the teachers in Sibuyan, Romblon; 17 teachers and principal of the Espana Elementary School (EES) who joined anti-mining protests, then later received subpoenas for grave misconduct as filed by the mining company. Such was the story of Rodilisa Marin, another teacher from Sibuyan, Romblon, who lost her husband Armin in the struggle, silenced by a gunshot. There are many other stories in the compilation that show how women create their own spaces in order to be heard and recognized, despite the risks.

Other stories followed. In 2012, B'laan woman leader Juvy Capión and her sons were killed by members of the 27th Infantry Battalion of the Philippine Army. Juvy's family is known to be strongly against SMI-Xstrata mining operations. Young women in Manicani are strongly and bravely holding their place in the picket lines against the nickel mining company. They have "inherited" the more than 20 years of struggle from their parents. Now, they express the need to reach out to the mainstream and social media so that their voices can be better heard, and hope that in doing so, their issues will be recognized and they will get the protection they deserve.

These stories reiterate the need to fully protect women human rights defenders (HRD). It is imperative that human rights advocates also look at the gender dimensions and needs of HRDs.

In the sphere of responding to environmental disasters and climate change, women's groups have been convening venues to articulate the women's agenda on food security, social protection, disaster response, and climate change adaptation. For one, SARILAYA's Meth Jimenez reiterated in her article *Women and Environment*, the NGO initiatives on women-led and gender-based adaptation strategies. These organizations included: SARILAYA, DAMPA, Miriam College Environmental Studies Institute, Partido Kalikasan/ Women Kabalangay, AMIHAN, Women in Maritime Philippines Association (WIMAPHIL), Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK), BAI

(national network of indigenous women's organizations). Their contributions were noted in the Philippine NGO Beijing +20 Report<sup>77</sup>.

Another women-led initiative after the super typhoon Haiyan was the consortium of women's groups (Womanhealth, EngenderRights, PKKK, SARILAYA, WCC, D2KA-Pinasama, CATW-AP) that aimed to respond to the rising VAWC incidents in the disaster affected municipalities. They took charge in setting up Gender-Based Violence watch group in three provinces. The GBV watch groups worked in cooperation with the local police and local social welfare department and monitored barangays that have VAWC cases<sup>78</sup>.

### *What human rights mechanisms and remedies are available for women victims of human rights abuses?*

The Philippines has a relatively strong legal framework on women's human rights, having ratified eight major international human rights treaties, including CEDAW<sup>79</sup>. However, the Philippines has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (CED). Philippines has an obligation to fulfill its commitments under these human rights treaties, including the adoption of national laws and policies consistent with these treaties, the implementation of programs and provision of services, monitoring and reporting on how human rights are upheld.

However, there continue to be policy gaps, inconsistencies and incompatibilities. Policy conflicts can be observed such as between the mining law and laws on indigenous peoples' rights, between macro-economic policies that favor the neo-liberal economic agenda and those that call for a sustainable natural resource management agenda. Moreover, there is also a culture of impunity enjoyed by privileged groups and the private sector, especially mining companies. Culture of impunity combines with a militarized culture in which private citizens and corporations, including some mining companies employ their own paramilitary groups or seem to benefit from the protection of

<sup>77</sup> *Review of Women's Studies, Volume 25, Nos. 1-2. Published by the UP Center for Women's Studies, 2015.*

<sup>78</sup> Tulipat, Prescilla "Violence Against Women" Philippine NGO Beijing + 20 Report: UP Center for Women's Studies 2015, *Review of Women's Studies, Vol.25, Nos.1&2*, p78.

<sup>79</sup> Other than CEDAW, the Philippines has ratified the Convention Against Torture (CAT); International Covenant on Civil and Political Rights (CCPR); International Covenant on Economic, Social, and Cultural Rights (IESCR); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD).



armed elements. All these make for a challenging situation such that despite strong national laws on human rights, many human rights violations remain unchecked or unaddressed.

What remedies are available for addressing violations of women's human rights in mining-affected communities and where the private sector may be involved? The Ruggie Framework, cited in the Guiding Principles in Business and Human Rights has been cited as a possible tool and reference for making public and private institutions accountable for human rights violations and demanding their responsibility to provide remedies. Professor Nymia Simbulan of PhilRights explained that in an effort to address the abuse of people by Transnational Corporations (TNCs), the UN through its Intergovernmental Working Group on a Code of Conduct formulated in 1970 a set of proposed international rules to govern the conduct of TNCs. The draft UN Code of conduct on TNCs was an initiative of developing countries, supported by the Soviet bloc but opposed by most industrialized countries, particularly the US and UK. Understandably, the UN Code was never officially adopted and its legal nature never established. It can be said though that it paved the way for drafting the Norms on the Responsibilities of TNCs and Other Businesses Enterprises with Regard to Human Rights and, since the Norms were not adopted, eventually the establishment of the post, UN Special Representative. Harvard Professor John Ruggie was appointed to the post.

So far, the mandates of the post have been evolving over the years, i.e. from clarifying standards on corporate responsibility and accountability in 2005 to providing concrete and practical recommendations to protect human rights abuses by TNCs among others in 2008. In the end, the Ruggie conceptual and policy framework on HR and business raised three (3) core principles/pillars, namely protect, respect and remedy. Protect refers to the state duty to protect against HR abuses by third parties including businesses. Respect refers to the corporate responsibility to respect human rights, to act with due diligence to avoid infringing on the rights of others and address adverse impacts with which they are involved. Remedy refers to the greater access by victims to effective remedy, both judicial and non-judicial<sup>80</sup>.

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<sup>80</sup> UN Women. *National Forum and Workshop Proceedings (unpublished)* "Advancing Women's Human Rights in Mining and Climate Change-Affected Communities Forum and National Workshop," 3-6 March 2016, Hive Hotel and Convention Place, Quezon City, Philippines.

In particular to access to legal remedies, it must be noted that the Mining Act itself provides a dispute resolution mechanism (eg. Panel of Arbitrators (Chapter XIII, Section 77), in which affected peoples or communities can be party to the resolution process. However, affected communities often have no awareness or knowledge about such mechanisms.

On the other hand, there are other legal instruments now that aim to safeguard the right to environment: Rules of Procedure for Environment Cases; Temporary Environmental protection Order (TEPO), Writ of Kalikasan, Writ of Continuing Mandamus, Application of Precautionary Principle<sup>81</sup>.

As regards climate change policies, the National Climate Change Adaptation Plan (NCCAP) recognizes gender mainstreaming as a cross cutting concern. It particularly highlights gender in the following areas: Research and Development, Planning and Policy Making, Knowledge and Capacity Development, and Enhancing Women's Participation in Climate Change Adaptation. Some of the important recommendations are:

- Conduct Gender impact analyses to identify gender-specific needs and protection measures related to floods, droughts and other climate change-related disasters particularly enhance food security along the framework of sustainable agriculture and organic farming ;
- Conduct of gender vulnerability and adaptation assessments, which require that the assessments integrate gender analyses to identify specific vulnerability of men and women ;
- Gender mainstreaming at all levels of planning and programming for climate change adaptation and mitigation as well as disaster risk reduction management, and financial instruments and mechanisms;
- Enhance the roles and status of women as participants and agents of change, build on their strengths and experiences, knowledge and coping capacity, and ensure women's access to information;
- Strengthen women's participation, ensure poor women's access to livelihood opportunities, and ensure women's access to assets<sup>82</sup>.

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<sup>81</sup> Alternative Law Groups, Inc. "Primer: Rules of Procedures for Environmental Cases (A.M. No. 09-6-S-SC) Effective 29 April 2010." Published by URC-EaK/EnE-Philippines

<sup>82</sup> Climate Change Commission, Chapter 8: Cross Cutting Actions, National Climate Change Action Plan

The CEDAW Optional Protocol (OP) mechanism, which Philippines has ratified, could also be explored. The protocol provides for communication and inquiry procedures. Through communication: an individual or a group of individuals from within the jurisdiction of a CEDAW party, after exhausting domestic remedies, can bring an alleged violation of an act or omission according to the Convention. Through inquiry: the CEDAW Committee could conduct a confidential inquiry where it has received reports of grave or systematic violations of rights established in CEDAW by a State Party<sup>83</sup>.

#### IV. Recommendations

In summary, the narratives of women affected by mining and climate change covered the following effects: loss of livelihoods, displacement from their means of subsistence, absence of dignity of work, long term health hazards, contamination of sources of food and water, prostitution, militarization and threats to the lives of women human rights defenders, violation of the indigenous peoples' right to self-determination, violation of FPIC (free, prior and informed consent), violation of women's economic, social, cultural and political rights.

In the context of deeply-rooted structural and systemic gender inequalities, these issues are inextricably linked to and produce different forms of discrimination against women as defined in CEDAW. This underscores the urgency of implementing CEDAW and integrating it as an analytical lens and practical tool in advancing environment and climate change as well as other human rights advocacies. Keeping this mind, **What strategies for action, capacity building and human rights monitoring need to be adopted and/or advocated?**

The UN Committee on the Elimination of Discrimination against Women issued on March 4, 2016 the General Recommendation No. 34 on the rights of rural women. GR 34 specifically listed down the state's obligations to address the impact of extractive industries and climate change on rural women. In relation to understanding discrimination, GR 34 related rural women's issues to macroeconomic policies that lie at the roots of inequality, and which include multilateral and bilateral agreements on trade, tax and other economic and fiscal policies that significantly and negatively impact on the lives of rural women. Further, stating that: *"Environmental issues, including climate change and natural disasters, often provoked by unsustainable use of natural resources,*

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<sup>83</sup> See [www.un.org/womenwatch/daw/cedaw/protocol/text.htm](http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm)



*as well as poor waste management practices, also have detrimental impacts on the wellbeing of rural women. Gender-neutral policies, reforms and laws may uphold and strengthen existing inequalities related to all the above.<sup>84</sup>*

Some of the important provisions that can serve as basis for policy recommendations are the following paragraphs (underscored by the author):

Paragraph 12. States parties should **address specific threats posed to rural women by climate change, natural disasters, land and soil degradation, water pollution, droughts, floods, desertification, pesticides and agro-chemicals, extractive industries, monocultures, bio-piracy, and loss of biodiversity, particularly agro-biodiversity.** They should alleviate and mitigate these threats and ensure that rural women enjoy a safe, clean and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, disaster risk reduction, preparedness and management, and should ensure full participation of rural women in designing, planning and implementing such policies. States parties should also ensure the **protection and security of rural women and girls in all phases of** disasters and other crises, ranging from early warning to relief, recovery, rehabilitation and reconstruction.

Paragraph 52. States parties should further ensure rural women's rights to employment by:

(e) Protecting the occupational health and safety of rural women by taking legislative and other measures to protect them against exposure to harmful chemicals. They should **receive information about the health and environmental effects of the use of and exposure to chemicals, particularly hazardous chemicals, pesticides and other products used in agriculture, extractive, and other industries.** States parties should develop and implement public awareness programmes on these effects and on alternatives, and ensure that no use, storage or disposal of hazardous materials or substances takes place **without the explicit consent of rural women and their communities;**

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<sup>84</sup> Paragraph 10. UN CEDAW General Recommendation 34 on the rights of rural women, 4 March 2016.

Paragraph 62. States parties should implement agricultural policies which support rural women farmers, recognize and protect the natural commons, promote organic farming and protect rural women from harmful pesticides and fertilizers. They should ensure that rural women have effective access to agricultural resources, including high quality seeds, tools, knowledge and information, as well as equipment and resources for organic farming. Additionally, States parties should:

**(c) Ensure that land acquisitions, including land lease contracts, do not violate the rights of rural women or result in forced eviction, and protect them from the negative impacts of acquisition of land by national and transnational companies, as well due to development projects, extractive industries and megaprojects.**

These provisions can serve as initial entry points and advocacy agenda for women's policy engagement with government. However, there are other immediate concerns that the women leaders expressed during the workshop. The women noted that for most of them, it was their first time to be exposed to CEDAW; only a few of them have started using CEDAW as policy framework in their environmental rights advocacy. Hence, they recommended **continuous and scaled up capacity building** to build awareness and strengthen advocacy skills around CEDAW especially among women in the grassroots. They also recommended **collection of data, information and analysis** and particularly to build knowledge base on women's rights cases to enhance evidence-based advocacy. Women's issues should also be integrated in **electoral and political agenda-setting**. **Resources** also need to be mobilized in support of advocacies on women's human rights.

Specifically on capacity building, it is important to **strengthen** skills on human rights documentation that includes mapping of areas vis-à-vis gender issue. A specific suggested activity for capacity building is paralegal training on women's human rights (CEDAW, MCW) and environmental rules/procedures (filing of and responding to cases). Meanwhile, for building women's rights cases, there's a need to improve on documenting and writing up of stories that have already been compiled and to add more cases that describe the concrete cases of discrimination committed against women.

All these efforts can be nurtured by strong women's rights groups that represent their own voice in various forms of networks of struggle for environmental rights and human rights. There is still a need to strengthen such networks

and facilitate linkages between different women's groups and different communities. It was strongly recommended that there should be similar avenues like the National Forum and Workshop on advancing women's rights in mining and climate-change affected communities, where women's groups can strengthen alliances and enrich climate justice movements. While many women are already participating and even leading in multi-sectoral coalitions around mining and climate change issues, there is also a need to open up spaces where women can articulate their own perspectives and amplify their collective voice.

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## CONCLUSION: Envisioning, Capacitating and Empowering Women

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Within these pages are the voices of Filipino women living under different situations, and experiencing distinct issues and concerns. While sharing the same women's human rights and guaranteed by CEDAW, the Magna Carta of Women, and other instruments, these women have different stories to tell, different ways of seeing the world, and their own solutions to the concerns that they face on a daily basis.

This publication attempts to heighten these women's voices in their ongoing quest for gender equality, even as they organize with other women and locate platforms for the expression of their voices. Whether these platforms come in the form of utilizing the available CEDAW Optional Protocols for redress of women's human rights violations; organizing women's fora to ensure their participation in community development; elevating their concerns before a global stage; or ensuring that women and their concerns are mainstreamed in legislation, these women-led initiatives are powerful indicators of women's capacities for actualizing their leadership potentials and their active participation in the political, social, cultural and economic world.

A women in the Philippines continue with the work of women's human rights advocacy and organizing and empowering themselves, they seek to build partnerships and networks of solidarity and support among themselves and beyond. On such a strong foundation of solidarity and empowerment will all women face a future that is free from discrimination and violence.



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## OUR PARTNERS

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### Philippine Commission on Women (PCW)

The Philippine Commission on Women (PCW) is the primary policy-making and coordinating body on women and gender equality concerns. As the oversight body on women's concerns, the PCW acts as a catalyst for gender mainstreaming, authority on women's concerns, and lead advocate of women's empowerment, gender equity, and gender equality in the country.

The PCW was formerly known as the National Commission on the Role of Filipino Women (NCRFW) until August 14, 2009. This was the date that NCRFW was renamed as PCW and its mandate was expanded by the enactment of Republic Act 9710, otherwise known as the Magna Carta of Women (MCW).

The NCRFW was established on January 7, 1975 through Presidential Decree No. 633, as an advisory body to the President and the Cabinet on policies and programs for the advancement of women. It was mandated "to review, evaluate, and recommend measures, including priorities to ensure the full integration of women for economic, social and cultural development at national, regional and international levels, and to ensure further equality between women and men."

### National Commission on Indigenous Peoples (NCIP)

The National Commission on Indigenous Peoples (NCIP) is the agency of the national government of the Philippines that is responsible for protecting the rights of the indigenous peoples of the Philippines. The commission is composed of seven commissioners. It is attached to the Office of the President of the Philippines.

### Commission on Human Rights (CHR)

The Commission on Human Rights is an independent office created by the Constitution of the Philippines, with the primary function of investigating all forms of human rights violations involving civil and political rights in the Philippines. The Commission is composed of a Chairperson and four members.

Under Section 18, Article XIII of the Philippine Constitution, the Commission is empowered to investigate all forms of human rights violations involving civil and political rights, adopt rules of procedure and issue contempt citations, provide appropriate legal measures for the protection of human rights of all criminals within the Philippines, and several other powers in relation to the protection of human rights.

## Non-Governmental Organizations (NGOs)

### EnGendeRights

EnGendeRights is a legal non-governmental organization that advances women's rights through domestic and international legal and policy advocacy, research and training, and impact litigation.

The organization was founded to advocate for women's right to sexual and reproductive self-determination free from discrimination, coercion, and violence including access to contraceptives, emergency contraceptives, and to safe and legal abortion, and equality of lesbians and bisexual women and their freedom from discrimination.

It was founded in December 2003 by its Executive Director Ms. Clara Rita A. Padilla.

### PATAMABA

The Pambansang Tagapag-ugnay ng mga Manggagawa sa Bahay or National Network of Homeworkers is one the largest associations of women homeworkers engaged in livelihood activities. PATAMABA pursues efforts towards common facilities sharing and collective marketing in order to mobilize producers from its membership to respond quickly to trade opportunities. Being a tightly-knit organization, PATAMABA works closely with other networks for exchanging experiences and sharing opportunities to address women's issues and concerns, such as economic empowerment and the inclusion of marginalized producers in the global economy.

Established in 1989, the association has a wide sectoral coverage and nationwide network consisting of non-governmental organizations, the academe, people's organizations, community-based organizations and project solidarity groups and alliances.

### PKKK

The **Pambansang Koalisyon ng Kababaihan sa Kanayunan** (National Rural Women Congress) or PKKK is a national coalition of 426 organizations in 42 provinces in the Philippines, composed of organizations of women small farmers, fishers, indigenous peoples, formal and informal workers in the rural areas.

First convened in 2003, during the first National Rural Women Congress, PKKK is united on a Rural Women Agenda, namely:

- 1) Fulfillment of the Rural Women Property Rights in Agrarian Reform;
- 2) Fulfillment of the Rural Women's Property Rights in Ancestral Domains;
- 3) Fulfillment of Rural Women's Property Rights in Coastal Resources;

- 4) Access to basic services and social protection, safe and adequate food and potable water and right to fair wages and just working conditions;
- 5) Access to sustainable and women-friendly agriculture and fishery support services;
- 6) Representation and participation in the implementation of gender and development programs and local sectoral representation;
- 7) Fulfillment of reproductive rights and protection from all forms of violence and other oppressive relations;
- 8) Fulfillment of the Peace Agenda, especially in Mindanao; and
- 9) The right to a safe environment and protection from the impacts of climate change.

The PKKK is credited with strong advocacy at the legislature, which eventually resulted in the passage of the Magna Carta for Women, originally the Magna Carta for Rural Women, and the extension of the Agrarian reform program, the CARPER (PKKK External Evaluation). To this day, the PKKK continues to work on capacity building for rural women leaders and its lobby, advocacy and campaigns for the emancipation of rural women.

#### **WAGI (Women and Gender Institute)**

WAGI means ‘win’ in Filipino and “sister” in Ibanag, a Philippine language. The term epitomizes the long term objective of the Women and Gender Institute, which is to achieve women’s empowerment and gender equality in society as this will, in the end, result in a win-win situation for both women and men.

The Women and Gender Institute is Miriam College’s center for research, training and advocacy on women’s rights, gender equality and non-sexist learning in support of the leadership of young women and students. It offers a cross-disciplinary perspective on women’s empowerment that is interlinked with democracy, human rights, social justice and value formation. WAGI forges links with other sectors, organizations and institutions at the national, regional and international levels.

#### **WLB (Women’s Legal and Human Rights Bureau Inc.)**

The Women’s Legal and Human Rights Bureau (WLB) is a feminist legal non-government organization composed of women’s rights activists and advocates. They are professionals in the various disciplines of the law and social science, social work and community development addressing women’s issues and concerns. Founded in 1990, WLB’s main thrust is to engage in feminist legal advocacy work –pursuing policies and programs that uphold the rights and interests of Filipino women, conducting information- education communication campaigns to raise public awareness and actions on women’s issues, undertaking training and research with other women’s groups to build knowledge and capabilities for stronger campaigning and advocacy engagements on women’s rights; and promoting alternative feminist lawyering in line with the institutional mission to defend and advance women’s rights.



**Advancing Women's Human Rights  
in Mining and Climate Change-affected Communities,  
National Workshop and Forum, 3-6 March 2016**

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CSO representatives and grassroots women leaders from different parts of the country gather to analyze the situation of women in mining and climate change-affected communities through the lens of CEDAW.



**"CEDAW@35: Advancing Women's Human Rights-  
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How has CEDAW made a difference in the lives of women and girls? UN Women partners share stories and lessons in promoting and implementing CEDAW, and renew commitment to women's human rights advocacy.









