

Convention on the Elimination of All
Forms of Discrimination against Women
(CEDAW)

**THE RIGHT TO ADEQUATE FOOD AND NUTRITION
IN THE PHILIPPINES**



**Submitted by
FIAN Philippines**

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List of Acronyms

ADB	Asian Development Bank
ARB	Agrarian Reform Beneficiary
CADC/T	Certificate of Ancestral Domain Claim/Title
CARL	Comprehensive Agrarian Reform Law
CARP	Comprehensive Agrarian Reform Program
CARPER	Comprehensive Agrarian Reform Program Extension with Reforms
CED	Chronic Energy Deficiency
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CLOA	Certificate of Land Ownership Award
CRC	Convention on the Rights of the Child
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
EP	Emancipation Patent
FNRI	Food and Nutrition Research Institute
GAA	General Appropriations Act
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ILO	International Labour Organization
IP	Indigenous Peoples
IPRA	Indigenous Peoples Rights Act
KMBP	Kilusang Magbubukid of Bondoc Peninsula
KP	Kalusugan Pangkalahatan
MCW	Magna Carta of Women
MDG	Millennium Development Goal
NDHS	National Demographic and Health Survey
RPRH	Reproductive Health and Responsible Parenthood Act
RTAF	Right to Adequate Food
RTFN	Right to Food and Nutrition
SWS	Social Weather Station
VAD	Vitamin A Deficiency

1. HUNGER AND MALNUTRITION AMONG WOMEN IN THE PHILIPPINES

Hunger continues to persist in the Philippines despite claims by the government that over the past 15 years (1990-2015) it had met the Millennium Development Goal (MDG) 1 target of halving the proportion of undernourished population¹. The fact remains that many Filipinos still lack enough food to eat. An estimated 2.6 million families (or 13 million individuals) experienced hunger in the last quarter of 2015, half of them women.² Ironically, while women struggle daily to feed their families, they are the most vulnerable to hunger. In 2015, the monthly food threshold, or the amount needed to buy the basic food necessities, was 6,365 PHP (equivalent to about 136 USD) for a family of five, but one out of 10 Filipino families had an income lower than the food threshold.³ The Social Weather Stations (SWS) found in the Fourth Quarter 2015 Survey that 11.7% or an estimated 2.6 million families experience involuntary hunger at least once in the past three months.⁴

According to the latest (2013) National Nutrition Survey of the Food and Nutrition Research Institute (FNRI), 10% of Filipino adults have Chronic Energy Deficiency (CED). CED is the most widespread nutritional deficiency and it is said to be more prevalent among women.⁵ Although the survey showed a decreasing trend in iron deficiency disorder, or anemia prevalence among Filipinos, the most alarming of the micronutrient deficiencies is still ubiquitous among pregnant and lactating mothers (moderate) and infants (highest).⁶ The survey also reported that due to poor maternal health, 24.8% of pregnant women are nutritionally-at-risk, particularly underweight lactating mothers with a minor increase from 11.9% in 2011 to 12.5% in 2013.⁷

¹ FAO (2015): Regional Overview of Food Insecurity in Asia and the Pacific. Towards a Food Secure Asia and the Pacific. Bangkok: FAO, <http://www.fao.org/3/a-i4624e.pdf> [Accessed: 14.05.2016].

² See Social Weather Survey (2015): Fourth Quarter 2015 Social Weather Survey: Hunger falls to 11.7% of families; Moderate Hunger 8.9%, Severe Hunger 2.8%, [https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20\(media%20release\).pdf](https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20(media%20release).pdf) [Accessed: 12.05.2016]. According to the latest (2010) official Census of Population and Housing (CPH), women constitute 49.6% of the total individual population. See Philippine Commission on Women (2014): Factsheet Women and Men, 3, http://pcw.gov.ph/sites/default/files/documents/resources/factsheets_filipino_women_men_201402.pdf [Accessed: 12.05.2016].

³ NAPC (2015), <http://www.napc.gov.ph/tags/food-threshold> [Accessed: 12.05.2016].

⁴ See Social Weather Survey (2015): Fourth Quarter 2015 Social Weather Survey: Hunger falls to 11.7% of families; Moderate Hunger 8.9%, Severe Hunger 2.8%, [https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20\(media%20release\).pdf](https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20(media%20release).pdf) [Accessed: 12.05.2016].

⁵ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 14.05.2016].

⁶ Ibid.

⁷ Ibid.

The 8th National Nutrition Survey (2013) recorded 30.3% of children between 0 to 5 years old are stunted, while two out of 10 children in the same age group are underweight.⁸ In Southeast Asia, the Philippines and Lao PDR have the highest prevalence of Vitamin A Deficiency (VAD) among children.⁹

Women and children suffer most from hunger and malnutrition in the Philippines. However, women are more likely to go hungry due to unequal access to education, employment, resources and social services. Women are often relegated to domestic roles and sacrifice their food intake for the sake of the well-being of other family members. Furthermore, hunger is more prevalent in rural areas due to low rural incomes (regardless of whether a farmer or farm worker), lack of access to productive resources and vulnerability of the sector to various shocks related to climate and diseases.¹⁰ As women make up half of the rural population, poverty among women is increasing and their vulnerability to hunger and health risks rises.¹¹

Established in 1999, FIAN Philippines is a section of FIAN International, a human rights organization that works for the world-wide implementation of the right to food and nutrition (RTFN). Aside from playing a major role in spearheading the national campaign for the Right to Adequate Food Bill, rural woman, women's rights and agrarian reform have been FIAN Philippines' major foci during the last decade. Drawing on extensive studies on women's RTFN, secondary data, official statistics, interviews, experiences and case stories collected by FIAN Philippines, this report highlights the importance of achieving women's RTFN towards the full realization and enjoyment of women's rights and a life with dignity.

2. LEGAL FRAMEWORK OF THE RIGHT TO FOOD AND NUTRITION (RTFN)

The right to food and nutrition (hereafter RTFN) acknowledged in Article 24 and its accompanying General Recommendation 24, as well as in the General Recommendation 34 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) is a basic human right of both men and women. This fundamental human right is also recognized in an array of several international human rights laws, as follows- Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 12 of the CEDAW, as well as Article 24 of the Convention on the Rights of the Child (CRC). The Philippines is a state party to

⁸ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, 11-15 <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 15.05.2016].

⁹ FAO (2015): Regional Overview of Food Insecurity in Asia and the Pacific. Towards a Food Secure Asia and the Pacific. Bangkok: FAO, 26, <http://www.fao.org/3/a-i4624e.pdf> [Accessed: 15.05.2016].

¹⁰ FOCUS (2015): Right to Food and Food Sovereignty in the Philippines: What the Numbers Say, Briefing, 23 February, <http://focusweb.org/content/right-food-and-food-security-philippines-what-numbers-say> [Accessed: 04.06.2016].

¹¹ See ADB (2013): Gender Equality and Food Security. Women's Empowerment as a Tool against Hunger. Mandaluyong City: Asian Development Bank, <http://www.fao.org/wairdocs/ar259e/ar259e.pdf> [Accessed: 03.06.2016].

all these human rights instruments and is thus obliged under international law to respect, protect, and fulfill the RTFN of women in the Philippines.

The General Recommendation 34 on the Rights of Rural Women defines the RTFN in a holistic manner, in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Paragraph 65) and within the framework of food sovereignty (Paragraph 64). The full realization of the RTFN within the framework of food sovereignty – as referred to in the General Recommendation 34 on the Rights of Rural Women – can only be achieved when the highest possible level of nutritional well-being is attained, when women’s rights and their rights to sovereignty over natural resources, development and food are fully respected, and when indivisibility, interdependency, and interrelatedness of the RTFN and related human rights are ensured. It is a right to be able to feed oneself in dignity, to decide what to produce, when and how. Food must be available, adequate, accessible, and sustainable; it must be diversified, safe, contribute to balanced diets, based on local fresh produce which is agro-ecologically produced, and prepared according to cultural practices. Structural causes of hunger and malnutrition must be addressed throughout the entire food systems – from food production (access, control, management and ownership of land, seeds, forests, and water bodies), food processing, food distribution, to food consumption. Breastfeeding that is essential for the RTFN of infants and small children must equally be guaranteed. The RTFN is intrinsically linked to a number of other human rights, such as the human right to work, the human right to health, and the human right to land. The full implementation of the RTFN goes hand in hand with guaranteeing access and control over productive resources, living wages, social protection, and respect for human rights principles such as participation, accountability, non-discrimination, transparency, and human dignity.

While the RTFN is not explicitly recognized in the 1987 Constitution of the Philippines (hereafter Constitution), several provisions of the Constitution contribute to the realization of the RTF. Article III, Section 1, on the right to life implicitly recognize the RTFN, and Article XIII, Sections 4-6, which promotes agrarian reform¹² guarantees the land rights and access to resources of the peasants implicitly recognize the right to adequate food and nutrition . Currently, a right to food bill – which guarantees the RTFN of all Filipinos and aims to achieve zero-hunger in 10 years – is pending in Congress.¹³ The Magna Carta of Women (MCW), or Republic Act 9710, enacted in 2009 explicitly guarantees women’s right to food and the right to food production resources. It recognizes the contribution of women to food production and the importance of the active participation of women in ensuring food sustainability and sufficiency

¹² The 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

¹³ Senate Bill 2137. An Act Providing a Framework for the Right to Adequate Food, http://www.senate.gov.ph/lis/bill_res.aspx?congress=16&q=SBN-2137 [Accessed: 15.05.2016].

(Sec. 20).¹⁴ The MCW further calls for equal status to be given to women and men – regardless of marital status – in land titling and in the issuance of stewardship contracts. It guarantees equal rights and access in availing support services as provided for in agrarian reform laws. It also guarantees related rights such as the women’s right to health (Sec. 17), thereby ensuring comprehensive health services covering all stages of women’s life cycle, as well as the right to decent work (Sec. 22).

3. SITUATION OF WOMEN IN THE PHILIPPINES IN THE CONTEXT OF THE RIGHT TO ADEQUATE FOOD AND NUTRITION

3.1 CEDAW ARTICLE 11 – Right to Work

In the Philippines, the right to employment and livelihood is guaranteed through the ratification of a number of international conventions (e.g. ILO conventions on the Equal Remuneration [C100] and Discrimination [Employment and Occupation] C111).¹⁵ The Constitution affirms equality between men and women¹⁶ and the full assertion of the right to work for women is guaranteed in Sec. 22, the Right to Decent Work in the MCW, and the Act Instituting Policies for the Protection and Welfare of Domestic Workers 2013 (known as Batas Kasambahay). Batas Kasambahay safeguards the working conditions of household domestic workers, most of whom are women, and ensures they are paid at least the minimum wage.

Despite existence of the afore-mentioned gender-sensitive laws, operationalization through concrete actions that result in actual gender equality is yet to be seen.¹⁷ In wage employment in the non-agricultural sector, despite women outnumbering men at the tertiary level¹⁸, women earn only 60% of what their male counterparts are paid and the employment rate for women (46.7%)¹⁹ is significantly lower than men. Gender discrimination is prevalent in many institutions as men are often still preferred for hiring, particularly for higher paying jobs. Apart from this, cultural and social pressures prevent educated women from prioritizing a professional career over the family.

¹⁴ Republic Act No. 9710. An Act Providing for the Magna Carta of Women, http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html [Accessed: 15.05.2016].

¹⁵ See ILO (1951; 1958), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102970 [Accessed: 11.05.2016].

¹⁶ The 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

¹⁷ See ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> [Accessed: 17.05.2016].

¹⁸ Philippine Commission on Women (2014): Statistics on Filipino women and men’s labor and employment, <http://www.pcw.gov.ph/statistics/201405/statistics-filipino-women-and-mens-labor-and-employment> [Accessed: 12.05.2016].

¹⁹ ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, 9, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> [Accessed: 17.05.2016].

Women make up most of the urban informal sector²⁰. In order to stretch the family income, women look for every possible means to earn and contribute to the nutritional well-being of their families. They work as sidewalk vendors, peddlers, sari-sari store operators, launderers/pressers, and domestic helpers, or workers in small-scale industries. These female workers are not accounted for in labor force statistics and are largely unrecognized, unprotected and underpaid.²¹ Women in the informal sector are also at high risk in times of illness, disability, work injury, maternity, unemployment and old age.²² In the agricultural sector, although it is the second largest sector which employs around one third of women (28, 16 %), women have been historically underrepresented; they are underrepresented among wage and salary workers, but overrepresented in the unpaid family worker category. Even among paid workers, women earn less than men.²³ Women are more often responsible for subsistence crops and lack access to cash crops, leading to lower income. Also, only a few female farmers have access to high-quality inputs, credit, or information on farming techniques and markets. In addition, women in the Philippines – both urban and rural – have primary responsibility for household and child care – unpaid domestic labor – which has a higher total work burden when compared to men.²⁴ This arrangement constrains women’s participation in paid work. Isolating women to domestic roles not only compromises their economic independence, but also their autonomy over deciding for their lives – decisions such as what to eat and when, and when to have children and how many. High fertility rates also push the higher demand for women’s unpaid labor, particularly due to poor provision concerning child care services. According to the Philippines Commission on Women, over half of unpaid family members (account for 2.4 million) were women in 2014.²⁵

The right to decent work and wages is fundamental for the realization of the RTFN and forms an inseparable and inherent part of human dignity. Women in the Philippines play an important role in ensuring food for their families. Any gender-based discrimination in relation to the right to work has considerable consequences on asserting women’s rights in general, and

²⁰ The Philippine informal sector accounted for 61 percent of the country’s Gross Domestic Product (GDP) in 2006, representing almost 4 billion PHP income: Philippine Commission on Women (2013): Magna Carta of Workers in the Informal Economy. Policy Brief, No. 1, August, http://pcw.gov.ph/sites/default/files/documents/laws/wpla/2013/October/webmaster/magna_carta_workers_informal_economy.pdf [Accessed 03.06.2016].

²¹ Miclat-Teves, Aurea G. (2011): Introduction: Overview of the Philippine Women’s Movement. In: Voices of Women on the Right to Adequate Food in the Philippines. Quezon City: FIAN Philippines, 9.

²² See Philippine Commission on Women (2013): Magna Carta of Workers in the Informal Economy. Policy Brief, No. 1, August, http://pcw.gov.ph/sites/default/files/documents/laws/wpla/2013/October/webmaster/magna_carta_workers_informal_economy.pdf [Accessed 03.06.2016].

²³ Valientes, R. M. (2007): Sectoral and occupational sex segregation in the Philippine labor market 2001-2005. In: Journal of Global Business & Trade, 3:2, 101 – 134.

²⁴ Women spend 84% of their total household time on child care. See ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> p. 11 [Accessed: 17.05.2016].

²⁵ Ibid.

their RTFN in particular. Overall, women in the Philippines are subject to less paid work or unpaid domestic work; their work is often unprotected and women carry the additional burden of household and child care. In addition, they are exposed to pervasive discrimination which includes lack of social protection simply due to less access and opportunities to take on formal wage employment.²⁶

CASE STUDY I

Urban Poor Women's Access to Livelihoods and their Right to Food and Nutrition: The case of women in North Bay Boulevard South in the City of Navotas²⁷

Having adequate income to sustain the families' well-being and ensure their RTFN are prerequisites for many urban poor families, also for women. Navotas is a highly urbanized city in Metro Manila. It is also home to many informal settlers, most of whom reside near the Navotas fish port, which provides their primary source of daily income. Women and girls of the surrounding communities, particularly in North Bay, are mostly wives and children of fish port workers or "batilyos". A batilyo is a seasonal worker who usually earns about 100 to 300 PHP (equivalent to about USD2.15 to USD6.45) for six hours of work at the fish port. If there are no fish landings, batilyos have no work and receive no pay. The income of the batilyos is too meagre to cover the families' food requirements, children's education and other basic needs.

Most of the women are plain housewives. In order to support and contribute to their family's income, some engage in a variety of livelihood activities, such as maintaining neighborhood variety stores, working as ambulant vendors at the fish port, part-time worker at local sardine factories or hire themselves out as household helpers or baby sitters at the adjacent barangay or well-off families within the barangay. However, their work only provides irregular income with daily or weekly wages. In sardine factories, for example, women earn between PHP115 and 690 PHP690 (2.49 to 15 USD) a day, depending on the amount of fish available.

Aside from engaging in irregular jobs, women also need to attend to unpaid reproductive work. Women carry a heavier burden and oftentimes work night shifts at the port or at sardine factories and take care of the household and children during the day. The absence of child care services as well as the lack of access to education, training and credit limits the job opportunities for women. Most of the women in the community only finished secondary education.

During lean months, men look for alternative jobs. If they are unable to do so, it is usually the women who become responsible for the family's survival. This affects food consumption. Instead of three meals a day, they are compelled to eat only once or twice a day. In the worst

²⁶ Ibid.

²⁷ Briola, Catherine A. (2011): Case Study III: Urban Poor Women and the Right to Adequate Food. In: Voices of Women on the Right to Adequate Food in the Philippines. Quezon City: FIAN Philippines, 38-49.

situations, some wives resort to occasional prostitution just to earn money to provide for their families' needs, mostly food. Lack of adequate income results in lack of food for women because they often reduce their food intake in favor of other family members. This affects their mental and physical health, and undermines their RTFN. Moreover, several incidents of domestic violence have been reported against women due to poverty and connected emotional frustration of men.

3.2 CEDAW ARTICLE 12 – Access to Health Care and Nutrition

Several provisions of the Constitution (e.g. Article II/Section 15 and Article XIII/Sections 11 to 14) guarantee the right to health and the welfare of women. The National Objectives for Health (2011-2016) set all the health program goals toward the achievement of universal health care (“Kalusugan Pangkalahatan”- KP) and Reproductive Health and Responsible Parenthood Act (RPRH Law) enacted in 2013 integrates sexual and reproductive health and rights education in the primary and secondary school curricula, as well as in courses offered in higher educational institutions.²⁸ Despite such efforts, a holistic understanding of the intrinsic links between health, nutrition, food, socio-economic status and gender is missing. This situation will impact upon the RTFN of women in the Philippines.

Access to modern health care is denied to many rural women and Indigenous Peoples (IP) living in remote areas due to lack of available health personnel, services and facilities, lack of financial means to pay for treatment and transportation to health centers, and also due to prevailing social norms and patriarchal attitudes²⁹. These health centers are more easily found in urban than rural areas and often expensive as they are private³⁰, forcing

People rely on local or traditional healers, exposing mothers and children to increased infant and maternal health risks. In general, IPs have high infant and maternal mortality rates, for example, the Aetas of Mount Pinatubo and the Lumads of Mindanao.³¹

An additional concern that impacts women’s rights and their RTFN relates to abortion. The National Demographic and Health Survey (NDHS) reports that 25% of Filipino women start to engage in sex before 18. Lack of access to comprehensive sex education and contraceptive supplies increases the risk of unintended teen pregnancy. This situation exacerbates the already precarious situation of these pregnant women as the young women’s growing bodies compete with their fetus’ development with dire results for both. About 2 million Filipino girls and

²⁸ CEDAW (2016): List of issues and questions in relation to the combined seventh and eighth periodic reports of the Philippines, 16, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1019&Lang=en [Accessed 13.05.2016].

²⁹ CEDAW (2016): General recommendation No. 34 on the rights of rural women, 10, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/JINT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

³⁰ Cariño, Joji (2005): Indigenous Peoples, Human Rights and Poverty. In: Indigenous Perspectives, No. 3:1, 36-39.

³¹ Cariño, Jacqueline K (2012): Country Technical Note of Indigenous Peoples’ Issues. Republic of the Philippines. IFAD/AIPP, 8, <https://www.ifad.org/documents/10180/0c348367-f9e9-42ec-89e9-3ddbea5a14ac> [Accessed: 15.05.2016].

women had unintended pregnancy in 2008.³² This was primarily due to women's limited access to reproductive health services, supported by the strong opposition of various powerful segments of Filipino society, in particular, the Catholic Church. Although contraception is legal in the Philippines, the state's support to make modern contraceptives accessible to women is weak, leading to illegal abortions which are often performed in unsanitary conditions and using outdated techniques.³³ As a result, women undergo unsafe abortions, putting their health and lives at high risk. Around 1,000 women and girls die from illegal abortion complications, contributing to the national high maternal mortality ratio, while annually tens of thousands of women are hospitalized for complications from unsafe abortion.³⁴ Unsafe abortions do not only incur significant direct costs to women and girls. During recovery, women and girls are unable to attend school, sustain their livelihood, and care for their families, impairing their and their families' ability to feed themselves.

In 2013, the FNRI reported that one out of four pregnant women (24.8%) was nutritionally at risk³⁵. This has an implication on mothers as well as the fetus since many determinants of fetal growth are set before conception. The poor nutritional state of a woman at the start of her pregnancy diminishes her ability to meet the demands of her fetus and her baby because of inadequate dietary intake and nutrient reserves. Since malnourished mothers have little reserves in storage, they are not able to supply a range of nutrients necessary for fetus. While the importance of maternal health has gained more attention, women are often prevented from accessing health care not only due to the lack of information and their distance from health facilities, but also because of social norms and patriarchal practices.

The right to health is intrinsically linked to RTFN. The right to health is not only confined to access to adequate and affordable health care, but to a wide range of socioeconomic factors that promote conditions for people to lead a healthy life. This extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment. These determinants are as essential to the realization of the RTFN as nutrition. Women who suffer unequal access to basic health facilities and reproductive health services are often also those

³² Hussain, Rubina; Finer, Lawrence B. (2013): Unintended Pregnancy and Abortion in the Philippines: context and consequences, In Brief, No.3. New York: Guttmacher Institute, <http://www.guttmacher.org/pubs/IB-unintendedpregnancy-philippines.pdf> [Accessed: 12.05.2016].

³³ Abortion is illegal in the Philippines and is a criminal offense punishable up to 6 years in prison for doctors and midwives who perform abortions.

³⁴ Hussain, Rubina; Finer, Lawrence B. (2013): Unintended Pregnancy and Abortion in the Philippines: context and consequences, In Brief, No.3. New York: Guttmacher Institute, <http://www.guttmacher.org/pubs/IB-unintendedpregnancy-philippines.pdf> [Accessed: 12.05.2016].

³⁵ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, 5, <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 15.05.2016].

who are deprived of nutritious diets, denied clean drinking water and sanitation, and also face deplorable living and working conditions.

CASE STUDY II

Indigenous Women’s Access to Health and Nutrition and their Right to Food and Nutrition: The case of Aeta Women of Belbel, Eastern Barangay, Botolan, Zambales

Belbel, Eastern Barangay, is a remote Indigenous Peoples’ community with about 55 households. Aside from attending to household chores and taking care of the family, women help their husbands harvest crops for sustenance. Sometimes traders buy their products at very low prices, for example 50 PHP (1.08 USD) for one sack (around 30 pieces) of banana blossoms (“puso ng saging”). Often, they walk for eight hours from Belbel to the neighboring town of Botolan where they can sell their products, like banana blossoms, at a higher price – 10-15 PHP (0.22-0.32 USD) per kilo and 10 PHP (0.22 USD) per kilo of sweet potato. For transportation, they pay 150 PHP (3.24 USD) per sack to bring their produce to town on “kariton” (water buffalo led carriage).

Aside from the economic burden, women are especially affected by health problems. There is no health center available, so pregnant women cannot regularly avail of pre- and post-natal check-ups unless they go to the town center or when there are medical missions by civic groups. Children do not get regular immunization, resulting in a high rate of child mortality. For treatment of common illnesses they often rely on traditional healers and herbal medicines. Illiteracy and lack of awareness and information about family planning and contraceptives are the reasons why there is a high fertility rate, with families having 5 to 10 children. Moreover, women have a weak voice in decision-making concerning reproductive health, and men often decides on the use of contraceptives. Limited food supply, especially for a big family, leaves women hungry. In most cases, men eat first, then then children, and the women last, oftentimes only the very small amount of whatever that is left.

Lack of access to adequate health care, compounded by gender discrimination, lack of adequate income and high fertility rate and the related burden of time indigenous women spend for production, leave the Aeta women suffering from malnutrition.

3.3 CEDAW ARTICLE 14 – Access to Productive Resources (Rural Women)

Several acts and laws guarantee equal rights of women and men in land ownership, land transactions, equal rights to legally married and common law spouses, and gender-sensitive alternative dispute resolution mechanism. These are the Constitution³⁶, the MCW³⁷ and the

³⁶ The Philippine Constitution recognizes fundamental equality before the law of women and men. Furthermore, it does not explicitly recognize the right to food but may be inferred from Section 9, Article II in relation to Section 1, Article XII, which mandates policies focused on

Comprehensive Agrarian Reform Law/Program (CARL/CARP of 1988) and CARP Extension with Reforms (CARPER of 2009).³⁸ CARP promotes equal opportunities for women and men to become agrarian reform beneficiaries (ARB) and guarantee equal right to ownership of land, and equal share of the farm's produce to all qualified women members of the agricultural labor force.³⁹ In addition, for married and common law spouses, Certificate of Land Ownership Award (CLOA) and Emancipation Patent (EP) are placed in the names of both spouses.⁴⁰ Also, gender bias that discriminated woman in land rights was virtually removed by the enactment of the Department of Environment and Natural Resources (DENR) Administrative Order 2002-13, ending the previous law which allowed women to apply for a homestead patent only if her husband passed away, or has suffered from disease or mental illness, or was imprisoned. The Indigenous Peoples Rights Act of 1997 (IPRA) – although not fully elaborated – also specifically mentions women's land rights.

CEDAW's General Recommendation 34 on the Rights of Rural Women explicitly recognizes "rural women's rights to land, natural resources, including water, seeds, forestry, as well as fisheries, as fundamental human rights" (paragraph 56) and calls on State parties to ensure that "disadvantaged and marginalized groups of rural women (...) are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation, health care, etc. (...)" (paragraph 15). Similarly, paragraph 59 also calls on state parties to protect rural women's rights to natural resources under customary institutions and more explicitly, to ensure indigenous women's equal access.

Notwithstanding these statutes, rural women are still discriminated against and denied access to natural resources essential for guaranteeing their RTFN. The national agrarian reform program (CARP – later CARPER) has been male-biased⁴¹, making men the primary owners of land. In fact, many argue that the CARP itself disadvantaged women as they are mostly seasonal

improving the quality of life for all: see the 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

³⁷ The MCW promotes equal status of women and men, whether married or not, in land titling and their equal rights to use and manage land, water and other natural resources, in particular in Chapter V, Section 20: See Republic Act No. 9710. An Act Providing for the Magna Carta of Women, http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html [Accessed: 15.05.2016].

³⁸ Key related provisions include: RA 6657, Chapter X, Section 40; RA 9700, Section 1, amending Section 2 of RA 6657; RA 9700, Section 2 amending Section 3 of RA 6657; RA 9700, SEC. 37-A; RA 9700 Section 17, amending Section 41 of RA 6657: See Republic Act No. 6657, <http://www.dar.gov.ph/ra-6657-what-is-carp-comprehensive-agrarian-reform-program> [Accessed: 16.05.2016]; see Republic Act No. 9700, <http://www.dar.gov.ph/ra-9700-carper-comprehensive-agrarian-reform-program-extension> [Accessed: 16.05.2016].

³⁹ See Republic Act No. 6657, <http://www.dar.gov.ph/ra-6657-what-is-carp-comprehensive-agrarian-reform-program> [Accessed: 16.05.2016].

⁴⁰ DAO 01, Series of 2011: See ADB (2013): RETA 6143: Technical Assistance for Promoting Gender Equality and Women Empowerment, Consultant's Report, 18-19, <http://www.adb.org/sites/default/files/project-document/153354/37402-012-tacr-24.pdf> [Accessed: 13.05.2016].

⁴¹ CEDAW (2016): General recommendation No. 34 on the rights of rural women, 20, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/JINT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

farm workers and are hence ranked third in the prioritization for land distribution.⁴² Statistics on agrarian reform implementation show that rural women in the Philippines own less land in their own name than men. Figures from the Department of Agrarian Reform (DAR) in 2012 show that out of a total 2.3 million agrarian reform beneficiaries (ARBs), only 29% are women.⁴³ In 2013, the DAR counted 622,674 female holders of land certificates (CLOA) which is far below the number of male (1,281,125) CLOA holders.⁴⁴ The 2013 figure for female CLOA holders increased by only 2% from 2010⁴⁵. As a result, gender-related policies of the DAR find only limited implementation on the ground.

Denial of access to land can have an implication on the RTFN of women and their families since access to land can help women diversify their families' means of livelihood. They can use their land to cultivate home gardens, raise livestock or use it for income-generating activities. Placing productive assets such as land under the control of women can contribute substantially to the realization of the RTFN, especially because women in poor households tend to spend most of their earnings on basic household needs while men spend a significant amount of their earnings for personal purposes⁴⁶. There is clear link between poverty among rural women and the failure of the CARP/CARPER to deliver on its gender provisions in the Philippines. For the IPs, situation seems to be more complicated due to persistent problem of non-issuance of ancestral domain claims and the tedious process of securing the Certificate of Ancestral Domain Claims/Titles (CADC/Ts.), disadvantaging many indigenous and tribal groups, especially their women.⁴⁷

Additional gender-specific constraints in agriculture include less access to agriculture extension training and services, and credits. As emphasized in Article 14, paragraph 2 (d) of the CEDAW, these support services are crucial for farmers to be able to cultivate their land. The awarding of a land title alone may guarantee access to land but does not ensure that the farmers can make full use of the land. Discrimination against women in accessing support services emphasizes the small importance that is given to women's role in agriculture. Also,

⁴² USAID (2011): USAID Country Profile. Property Rights and Resource Governance. Philippines, 7, http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Philippines_Profile.pdf [Accessed: 17.05.2016].

⁴³ Corral, Violeta P. (2015): Analysis of Land Tools in the Philippines Using Gender Evaluation Criteria (GEC), http://asianfarmers.org/wp-content/uploads/2015/06/Corral_289-mar2015.pdf [Accessed: 03.06.2016].

⁴⁴ Philippine Statistics Authority (2016): Fact Sheet on Women and Men in the Philippines, <http://www.census.gov.ph/gender-stat> [Accessed: 13.05.2016].

⁴⁵ See CEDAW (2016): List of issues and questions in relation to the combined seventh and eighth periodic reports of the Philippines, 25, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1019&Lang=en [Accessed 13.05.2016].

⁴⁶ Add a footnote!

⁴⁷ Liamzone, C.; Arevalo, A; Naungayan, M. (2015): Women's land rights in Asia, 79-87, <http://www.angoc.org/wp-content/uploads/2016/01/Lok-Niti-Women.pdf> [Accessed: 16.05.2016].

most agricultural policies and plans do not address the situation of women in the sector, despite several references to gender-related issues in a number of plans and strategies.⁴⁸

Rural women who account for around 60% of total female population in the Philippines play a vital role in securing their own and their families' food and nutritional well-being. For the rural population and Indigenous Peoples, fulfillment of their RTFN (both physical and economic access) depends essentially on their access to and control over natural resources such as land, water, forests, pasture, and fish ponds. It should also be highlighted that the right of rural women to decent work as well as their right to social protection are equally crucial in the fulfillment of their human rights, especially in light of their RTFN and therefore must be guaranteed. These rights are emphasized in General Recommendation 34 (for ex. paragraphs 50 and 52 (d, e, f, h)), which call on state parties to fully incorporate the right to decent working conditions, to guarantee equal pay for equal work, to protect occupational health and safety of rural women, and to provide social security to women as well as child care. Often, however, only a few rural women possess land titles compared to men. Their key role in securing their families' food intake is often overlooked. Women are disadvantaged by discriminatory stereotypes and related practices which prevent them from taking control over land, water and other natural resources⁴⁹. Policies and initiatives are not always gender-responsive and rural women do not benefit from the enabled legal frameworks⁵⁰. In addition to securing access to natural resources, legal security of tenure must also be granted to rural women to guarantee not only legal protection against forced eviction and other related threats, but also to establish equal land rights for women and men.⁵¹

Furthermore, as already briefly mentioned above, rural women face discriminatory barriers in relation to their right to work, as their wages as rural workers are lower compared to men; or they are not paid at all since they are considered family workers; or they have less access to agricultural extension services as well as social protection/security programs such as health and child care. These discriminatory practices influence rural women's ability to feed themselves and their families.

Under the CARP, fewer female farmers received land titles than the male farmers, and their key role in securing their families' food intake is often overlooked. Rural women are disadvantaged by discriminatory stereotypes and related practices which prevent them from taking control over land, water and natural resources⁵². Equal access to agricultural support

⁴⁸ Ibid, xii.

⁴⁹ CEDAW (2016): General recommendation No. 34 on the rights of rural women, 7, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

⁵⁰ Ibid.

⁵¹ ADB (2013): RETA 6143: Technical Assistance for Promoting Gender Equality and Women Empowerment, Consultant's Report, 10, <http://www.adb.org/sites/default/files/project-document/153354/37402-012-tacr-24.pdf> [Accessed: 13.05.2016].

⁵² CEDAW (2016): General recommendation No. 34 on the rights of rural women, 7, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

services and access to health care is often denied to rural women. They are also victims of non-equal pay as rural agricultural workers. Policies and initiatives are not always gender-responsive and rural women do not benefit from the enabled legal frameworks.⁵³ In addition to securing access to natural resources, legal security of tenure must also be granted to rural women, to guarantee not only their legal protection against forced eviction and other related threats, but also to empower them to achieve equal land rights with men.⁵⁴

CASE STUDY III

Rural Women Access to Land and the Right to Food and Nutrition: The case of Kilusang Magbubukid of Bondoc Peninsula in Hacienda Matias at Barangay Don Juan Vercelos, San Francisco, Quezon Province

In 2004, farmer-members of the Kilusang Magbubukid of Bondoc Peninsula (KMBP) who were tenants of Hacienda Matias, a 1,716-hectare coconut plantation, filed a claim over the land they have been tilling pursuant to the national agrarian reform program. In 2014, almost a decade later, the primary government agency in-charge of the CARP implementation ordered the distribution of Hacienda Matias to the petitioners. Of 253 farmer-beneficiaries who were awarded Certificates of Land Ownership Award (CLOAs) covering 639 hectares whereby only 24.5% or 62 CLOA holders were women⁵⁵. Over 300 farmer-beneficiaries are yet to receive their CLOAs.

Women from Hacienda Matias are engaged in both productive and unpaid domestic work. While they support their husbands in the harvesting and selling of copra (dried coconut meat), which is also the main source of subsistence of Hacienda Matias farmers, they also take care of house chores and child care. To meet daily food and other basic needs, farmers have to find alternative sources of food and either plant crops or catch fish. These sources are, however, not available regularly. As the hacienda is located in a very remote area, alternative work opportunities are rather limited. More often, women are the ones who bear the burden of finding ways to feed their families, such as making charcoal that can be sold for 70 to 80 PHP (1.51 to 1.73 USD) per sack, or selling brooms made of coconut midribs for 21 to 25 PHP (0.45 to 0.54 USD) per 1.7 kg. In one day, women can earn around 70 PHP (1.51 USD) by selling these brooms. To augment family income, children help occasionally as laborers who carry bags and cargoes of boat passengers at the community port. Due to a lack of income, the families often subsist only on rice or rice congee, root crops and fish sauce.⁵⁶

⁵³ Ibid.

⁵⁴ ADB (2013): RETA 6143: Technical Assistance for Promoting Gender Equality and Women Empowerment, Consultant's Report, 10, <http://www.adb.org/sites/default/files/project-document/153354/37402-012-tacr-24.pdf> [Accessed: 13.05.2016].

⁵⁵ Data provided by RIGHTS Inc. Network, a local NGO that is working closely with the farmers in Hacienda Matias.

⁵⁶ See Beringer, Astrud Lea; Briola, Catherine A. (2015): Hacienda Matias: Taking steps towards the right to adequate food. In: Rappler, July 24, <http://www.rappler.com/move-ph/issues/hunger/100157-hacienda-matias-right-food> [Accessed: 03.06.2016].

3. CONCLUSION AND RECOMMENDATIONS

We kindly request the CEDAW committee to recommend to the Philippines State to adopt all necessary measures to ensure women's equal rights with respect to access to employment and livelihood, access to health and nutrition, and access to productive resources. Toward this end, we outline our specific recommendations below:

Access to Employment and Livelihood

- To effectively improve and implement the MCW, in particular Section 22 and 23 that guarantee women's right to decent work, livelihood, credit, capital and technology.
- Ensure "equal remuneration for work of equal value" in order to reduce the wage gap between women and men; this will develop and implement an independent and transparent minimum-wage setting process which sets a wage basis and can be extended to certain categories of work. This process is crucial for women's wages as they tend to be largely disadvantaged in free income distribution. For workers in the informal sector, the State must ensure that all provisions in Batas Kasambahay are followed. Monitoring and redress mechanisms must be in place and must be known to all women.
- Reduce women's unpaid domestic and care work as a strategy to facilitate an equal participation of women and men in the labor market, including the development of a child care service framework policy.
- Set gender-equitable targets and macroeconomic responses with proper monitoring in order to expand equal and decent working opportunities for women and men. This will also require policies and legislation to improve social protection and active labor market support.
- Increase the engagement of women in relevant technical and vocational education and training (TVET) programs as well as non-traditional fields, to ensure their integration into the labor market.

Access to Health Care and Nutrition

- Guarantee equal and improve access to quality health services, including prenatal and postnatal care for all Filipino women. Specifically, adequate financial resources in the annual General Appropriations Act (GAA)⁵⁷ for the implementation of the RPRH Law must be allocated.
- Improve the quality and quantity of health services, i.e. medical doctors, health centers, medicines, medical equipment, particularly for indigenous women living in remote rural areas and improve women's access to these facilities.

⁵⁷ GAA refers to the national budget of the Philippines.

- Adopt appropriate measures to protect the sexual and reproductive rights of women and girls, focusing especially on measures to reduce maternal and infant mortality among indigenous populations which is higher compared to other social and ethnic groups.
- Adopt appropriate measures to facilitate access to sexual and reproductive health services, including access to family planning, and information.
- Address, as a matter of priority, the problem of maternal deaths as a result of clandestine abortions.

Access to Productive Resources – Rural Women

Access to Natural Resources and Support Services

- The national agrarian reform program of the government – CARPER –will expire this month, June 2016, yet thousands of farmers, including rural women remain landless. The lack of access by women to natural resources denies their RTFN. In line with the Philippine Constitution's mandate, the Government should effectively implement a land reform program that will guarantee rural women's equal access to land as well as accompanying support services, such as trainings, seeds, farming implements and credits, which will empower women to also be able to make their awarded land productive.
- Improve agrarian reform policies and guidelines to ensure access to and control over land by women, as well as the collection of official sex-disaggregated data of CLOA holders.
- Condonation of all unpaid past loans of agrarian reform beneficiaries for the lands awarded to them.
- Pass the bill pending in Congress that will ensure the continuation of the agrarian reform program.
- Fully implement the IPRA by ensuring the effective enjoyment by indigenous peoples' rights to ancestral domains, lands and natural resources particularly with respect to provisions for women's land rights which are only subsumed in certain sections and not fully elaborated.
- Effectively implement Section 20 of MCW which guarantees women's right to land and related support services which are necessary to ensure women's RTFN and food security.

Finally, we request the Committee to ask the Philippine Government to decisively act on the people's call to immediately pass the Right to Adequate Food (RTAF) Framework Bill commonly known as the Zero Hunger Bill which was filed in the Philippine Congress in February 2014. The RTAF Bill is a comprehensive measure that provides for an explicit guarantee of the right to adequate food and creates a legal framework based on human

rights principles for addressing hunger. The RTAF bill guarantees women's right to adequate food and nutrition especially during pregnancy and lactation. The bill also prohibits all forms of discrimination against women with regards to the right to adequate food and the promotion of equal of opportunities between men and women.