

A SHADOW REPORT

Re : State of the Philippines, Combined 7th and 8th Report

TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (CEDAW)
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Prepared by :



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**Silingang Dapit sa Sidlakang
Mindanao**

Teduray Women's Group

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INTRODUCTION

In 2013, the Tebtebba launched a project called the “Indigenous Women’s Global School: Capacity Building and Empowerment in Asia” funded by the United Nations Fund for Gender Equality (UNFGE). This was implemented by the Asian Indigenous Women’s Network with its country partner organizations in Nepal and the Philippines from January 2013 to June 2015. The project aimed at building the capacities of indigenous women and their organizations and/or communities to be more critical of the violence they encounter daily as a process towards indigenous women’s empowerment. Part of the project process is an exercise on documenting all forms of violence that indigenous women face in selected communities.

The following report stems mostly from the results of the activities and processes undertaken during the project implementation in the Philippines from January 2013 to June 2015 including additional information received from Innabuyog-Gabriela, Silingang Dapit sa Sidlakang Mindanao, Teduray Women’s Group and the Kalumaran-Bai as partners. These results of the study, including the stories cited in the report are illustrative of the specific situations of the rights and freedoms of indigenous women in various contexts in the country and not exhaustive.

Throughout the project implementation, indigenous women participants have also noted the impacts of the State’s comprehensive poverty alleviation program that has reached targeted communities. Locally referred to as the “4Ps” (Pantawid Pamilyang Pilipino Program) it has a specific program plan for indigenous peoples plus a Modified Conditionalities Cash Transfer (MCCT) program to address identified bottlenecks.

The report is divided into 2 main parts with references to the combine 7th and 8th State report to CEDAW . Part 1 is on Gender and Human Rights Violations as it pertains to indigenous women relative to CEDAW General Recommendation Numbers 12 ,19 and 33 and the UNSC Resolution 1325. Part 2, Sustainable

Development and Indigenous Women, delves into specific programs cited in the State report which are affecting indigenous women particularly, but not limited to Articles 4, 12 and 14 of the CEDAW.

EXECUTIVE SUMMARY

This shadow report intends to provide additional information to the Committee on the Elimination of All Forms of Violence Against Women relative to the combined 7th and 8th report of the state of the Philippines. It specifically focuses on indigenous women and their particular experiences of violence being women and as indigenous peoples.

The report highlights the intersectionalities of indigenous and gender identities in the different contexts of aggression against the individual and collective rights of indigenous women and reiterates the need for specific attention because of this. We note with significance the UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz's recent report to the UN Human Rights Commission (A/HRC/30/41) which states that : "When examining the rights of indigenous women and girls, it is vital to consider the unique historical experiences of indigenous communities. Many forms of violence and abuse against indigenous women and girls have a strong intergenerational element. Violations of the broad right to self-determination of indigenous peoples are historically and currently endemic. Those have included gross and sustained assaults on the cultural integrity of indigenous peoples; denigration and non-recognition of customary laws and governance systems; failure to develop frameworks that allow indigenous peoples appropriate levels of self-governance; and practices that strip indigenous peoples of autonomy over land and natural resources. Those patterns of violations are vividly exemplified by colonization, but have also been perpetuated by post-colonial power structures and State practices. Those violations of the right to self-determination have been highly detrimental to the advancement of the rights of indigenous women and girls in a number of ways." ¹

The development of this report is guided by the General Recommendation Nos. 12 and 19 on Violence Against Women, General Recommendation No. 33 on Access to Justice and the Convention on the Elimination of All Form of

¹ Report of the UNSRIP Victoria Tauli Corpuz to the 13th Session of the UNHRC, 6 August 2015. A/HRC/30/41

Discrimination Against Women vis-à-vis the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

While the state has reported considerable progress in the prevention and protection of women against all forms of violence, including instituting measures towards such, it is silent in terms of effective implementation, practice and substantial results. The invisibility of indigenous women throughout the report is alarming despite various national campaigns by indigenous peoples organizations and communities on various issues from ancestral land recognition to militarization and displacement and lately, the violent dispersal of indigenous and rural communities seeking government relief from the impacts of drought in Cotabato. This does not bode well for a state that has, in fact, pioneered in enacting an Indigenous Peoples Rights Act (para 151 on RA 8371, 1977) predating the adoption of the UNDRIP.

While this is so, indigenous peoples, especially women, in the Philippines have yet to really feel the presence of this law. Similarly, while the government has enacted a lot of laws and programs for the achievement of equality between men and women, indigenous women have yet to hear and fully understand these laws and programs in the light of equality and the advancement of their status.

Poverty and limited access to proper information and basic services are just some of the layers of vulnerability that has to be addressed. At the core of it is the fundamental right and freedom for indigenous peoples to own, manage and sustain their lands, territories and resources which is basic for their survival and their children's while providing a source of security for indigenous women.

Indigenous women will remain invisible and marginalized and the advancement of their status impeded, as long as women are merely seen as the female gender and not recognized by their other identities. For indigenous women, this means substantive recognition of their identities as indigenous, therefore their collective right vis-à-vis their right as women as provided for by the CEDAW and other human rights instruments. In other words, these national laws and programs operationalizing the State's obligations to women have to be effectively implemented in the light of other national laws/programs and practice that perpetuate gender violence and impede on the enjoyment and fulfillment of human and collective rights of indigenous women.

BACKGROUND

According to latest data from the UNDP, “the Philippines is a culturally diverse country with an estimated 14- 17 million Indigenous Peoples (IPs) belonging to 110 ethno-linguistic groups. They are mainly concentrated in Northern Luzon (Cordillera Administrative Region, 33%) and Mindanao (61%), with some groups in the Visayas area. The Philippine Constitution, in recognition of this diversity and under the framework of national unity and development, mandates state recognition, protection, promotion, and fulfillment of the rights of Indigenous Peoples. Further, Republic Act 8371, also known as the “Indigenous Peoples Rights Act” (1997, IPRA), recognized the right of IPs to manage their ancestral domains; it has become the cornerstone of current national policy on IPs.”² While this is so, the ancestral domains has also become a bane affecting the totality of indigenous wellbeing in the country disproportionately impacting on indigenous women’s multiple roles. It also impinges on their right to full development as individuals and citizens of the state.

As elaborated by the UNSRIP Victoria Tauli Corpuz, “ Land appropriation is not gender neutral and indigenous women’s rights interact with violations of collective land rights...The gendered effects of those violations become manifest in situations where indigenous women lose their traditional livelihoods such as food gathering, agricultural production, herding, among others, while compensation and jobs following land seizure tend to benefit the male members of indigenous communities. The loss of land and exclusion of women can create vulnerability to abuse and violence such as sexual violence, exploitation and trafficking. Additionally, the secondary effects of violation of land rights such as loss of livelihood and ill health, often disproportionately impact women in their roles as caregivers and guardians of the local environment.”³

In the Philippines, indigenous peoples’ struggles, since history, has always been related to the protection of their territories from encroachment and the exploitation of the resources therein that they have sustained through generations. In the light of the current trend for globalization and economic liberalization, indigenous peoples territories have been subject to appropriation and expropriation without the benefit of genuine consent from indigenous peoples. Indigenous women, dependent of the land and resources, are not separate from these community struggles as may be seen in the recent waves of evacuation of Lumad communities in Mindanao.

Studies have often noted that “The indigenous peoples, to a large extent “forgotten” by the government, are in the midst of problems. Physical isolation

² United Nations Development Programme. Fast Facts: Indigenous Peoples in the Philippines. 24 July 2013, www.ph.undp.org/2.

³ Report of the UNSRIP Victoria Tauli Corpuz to the 13th Session of the UNHRC, 6 August 2015. A/HRC/30/41

does not shield them from being caught in the crossfire in the on-going armed conflicts in the country, many suffered as internally displaced persons (IDPs) and some killed or detained and tortured as suspected members of the armed opposition groups. Lack of access to basic social services, education, sustainable livelihood, farm-to-market roads, and health services contribute to their continuing poverty. In many cases, the onslaught of commercialism and modern culture came at the expense of maintaining their own culture and tradition (and thus their identity).“⁴ .

“Indigenous peoples’ communities are found in the forests, mountains, lowlands and coastal areas of 65 provinces in the country and are in varied levels of socio-economic development. They engage in a mix of production systems including swidden farming, settled agriculture, hunting and gathering, livestock raising, fishing and production and trade in local handicrafts. A common characteristic of indigenous peoples is their close attachment to ancestral land, territory and resources. The world view that “land is life” is deeply embedded in their existence.

Indigenous peoples are among the poorest and most marginalized sectors of Philippine society. They experience neglect and discrimination in the provision of basic social services by the Government. The 2008 budget shows that regions with highest concentrations of indigenous peoples get the smallest allocations from the national government. Thus, social service provision in indigenous territories is far below that of the rest of the country. The general health situation in regions and provinces with the largest concentrations of indigenous peoples is below the national average. Indigenous peoples experience seasonal to chronic food shortages during the year. A major factor causing food insecurity and poverty among indigenous peoples is the loss of ancestral land due to displacement by development projects and extractive industries including mining, dams, logging or natural causes. Another factor is environmental degradation – destruction of forests, pollution of waters and loss of agrobiodiversity resulting from the impacts of extractive industries and agriculture modernization.”⁵

⁴ Rey Ty. *Indigenous Peoples in the Philippines: Continuing Struggle*. FOCUS December 2010 Volume Volume 62, <http://www.hurights.or.jp/archives/focus/section2/2010/12/indigenous-peoples-in-the-philippines-continuing-struggle.html>

⁵ Jacqueline K. Cariño. *Country Technical Note on Indigenous Peoples Issues. Republic of the Philippines*. November 2012, <https://www.ifad.org/documents/10180/0c348367-f9e9-42ec-89e9-3ddbea5a14ac>

PART 1 : Indigenous Women : Gender and Human Rights Violations

A. General Recommendation Number 12 and 19 : Violence Against Women

We welcome the National VAW Documentation System that intends to respond to VAW in the country. We however note that in the intake and other forms,⁶ there is no ethnicity indicator making it impossible to draw ample data and analysis as to VAW and indigenous women. The closest indicator to this is the address but even that is not enough to establish ethnic identity. We note with importance that in addition to the state obligation to provide data, paragraph # 30 of the Concluding Comments of the Committee on the Elimination of Discrimination against Women re : Philippine's combined 5th and 6th Periodic Report states that : "The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women."⁷

A documentation exercise by indigenous women and peoples' organizations in the Cordillera Region and in Mindanao from 2013-2015 resulted to a total of 185 cases classified into 13 forms. At 32.43 %, domestic violence is the highest with 61 victims followed by political discrimination⁸ at 16.76 % with more than 70 victims. Around twelve (11.89 %) percent of the cases are labor-related with 22 victims. Child abuse and sexual abuse/rape are both at 9.73 %. There are 5.95% cases of abandonment with 11 victims. Cases of frustrated murder, murder, massacre, physical violence, unjust vexation, bullying and land grabbing are all below 8 %.

Based on the cases documented, domestic violence, generally ensues from situations of failure of the husband/partner to provide family support and concubinage (22 cases) jealous rages and under influence of liquor. Attempts to refer to authorities , whether in the formal or traditional systems, usually leads to warnings to the perpetrator and advice for amicable settlement. While there are some cases where the traditional justice system and the Barangay - the most accessible government unit for redress mechanism, successfully intervened in stopping domestic violence, in most cases, full resolution is impeded by the

⁶<http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/downloadable/VAWHandbook.pdf><http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/downloadable/VAWHandbook.pdf>

⁷Committee on the Elimination of Discrimination against Women Thirty-sixth session, Concluding Comments of the Committee on the Elimination of Discrimination against Women: Philippines (CEDAW/C/PHI/CO/6)

⁸ Includes cases involving of acts vilification/ red-tagging, illegal entry, search and seizure of private property, harrasment, threat, intimidation, surveillance, bombing and strafing, public disturbance, indiscriminate firing, encampment in civilian houses and public facilities

prevailing notion that these are “domestic/family matters” despite the law. Local initiatives are also challenged by issues of jurisdiction⁹. Victims are given referrals should they opt to pursue their case at higher level. Other actors dealing with domestic violence include civil society organizations and NGOs but their services are similarly limited.

Political discrimination includes cases¹⁰ involving of acts vilification/ red-tagging, illegal entry, search and seizure of private property, harrassment, threat, intimidation, surveillance, bombing and strafing, public disturbance, indiscriminate firing, encampment in civilian houses and public facilities. These are rampant in conflict-affected areas involving corporate claims over indigenous peoples’ ancestral domains and usually involves the state military and corporate para-military forces. These are just some of the documented cases directly aggressing on indigenous women and these have been recurring with impunity in several communities (i.e Bukidnon, Agusan del Norte and Agusan del Sur, etc.) since 2009. On top of the land and resource issues, communities are also caught in the struggle between various armed groups and the state. In Mindanao where encounters between armed groups sporadically occur, indigenous communities are seriously affected. This has resulted to several killings of indigenous women and children who are accused or related to accused supporters of armed groups.

Lastly, although the documented cases of collective rights (the violations of cultural rights and the right to free, prior and informed consent (FPIC)) are both below 4 percent, the numbers of victims are far higher than any of the other cases – these being communities.

Perpetrators

Data collected shows that the highest in number of perpetrators are the elements of the Philippine Armed Forces. Husbands come next with 53 counts. Precipitating incidence include being under the influence of alcohol, jealousy and no gainful employment. There are 14 and 11 counts of VAW committed by employment agencies and employers, respectively. Twelve (12) cases involve neighbors. In 12 other cases, perpetrators are unknown. Other perpetrators are identified as live-in partner, mistresses of the victims’ husbands, relatives, boyfriends, classmates, government personnel, in-laws, unknown armed men, foreigners, police officers and others.

The aggression to and violation of indigenous peoples’ collective rights especially to land, resources and self-determination puts indigenous women at a

⁹ See also UNRIP Report. A/HRC/30/41

¹⁰ Some of these cases documented during the Project Inception Workshop have been cited in the STATEMENT OF INDIGENOUS WOMEN IN THE PHILIPPINES ON THE OCCASION OF THE CELEBRATION OF THE WORLD’S INDIGENOUS PEOPLES’ DAY, 9 AUGUST 2013 that resulted from the activity.

disproportionate disadvantage. Personal, family and community security becomes a demanding concern on top of their productive and reproductive roles. The overlapping issues of regional autonomy, insurgency, peace, development and human rights in Mindanao, for example, is continuously causing conflicts between the private and the state sectors and various armed groups impacting on the civil society, including indigenous peoples.

The excerpted story below partially describes experiences of indigenous women growing-up in conflict-ridden areas in Mindanao.

“Our place is beautiful, the forest is green, and we know that mining companies have long wanted to get their hands on it.” Manobo woman leader Josephine Pagalan¹¹, 36, of Surigao del Sur, said simply of her ancestral lands in Andap Valley Complex in Surigao del Sur.

Pagalan, who is from Diatagon village, Lianga, learned that she was being sought by paramilitary groups just hours before talking to Bulatlat¹². “I’ve been so long in the organization but it’s only today, on March 5,” that I am harassed and threatened, Pagalan said. She learned that the Bagani Force¹³ have been conducting surveillance at her home, looking for her. Pagalan, a mother of four, is a council member of the intermunicipal organization Malahutayong Pakigbisog alang sa Sumusunod (Mapasu), and the Lumad group Kasalo in the Caraga region.

Pagalan recalled that even as a child, she had experienced repeated evacuations. This continues up to now that she has her own children.

“We have repeatedly evacuated because of the human rights violations, the abductions, the killings, the encampment in our homes and schools,” she said.

“It has been part of our life to evacuate, but we do it to show we are united, not just because we are scared, but as a form of protest, because they are violating our rights, and by way of fighting for our ancestral lands... We became active, because of our experience, because of the militarization,” said Pagalan.

She was able to study only up to Grade 3, already something of a feat in

¹¹ Josephine is one among the estimated 3000 evacuees from Surigao del Sur on the wake of the brutal murder of ALCADDEV Executive Director Emerito Samarca, Manobo leader Dionel Campos, and Datu Juvello Sinzo in front of the whole community in September 1, 2015 by members of the Bagani Force. See

<http://www.karapatan.org/ALCADEV+Executive+Director%2C+Two+Lumads+killed+by+AFP+units+and+its+paramilitary+group>.

¹² An on-line media service, bulatlat.com.

¹³ *Bagani Force – a Lumad paramilitary group suspected in various human rights violations, including last year’s killing of Mapasu leader Henry Alameda of San Isidro village, Lianga.*

the Manobo community at that time. When the Tribal Filipino Program for Surigao del Sur (Trifpss) opened an alternative primary school, she trained and became a parateacher. Later, a secondary school was established, the Alternative Learning Center for Agricultural and Livelihood Development (Alcadev).

“It is this development that they (military) continue to attack, they want to destroy, because they said the NPA is behind all these,” she said.

Because of the schools, more Manobo youths were able to finish secondary education, eventually becoming parateachers. Pagalan decided to leave the school, to take care of her growing family.¹⁴

Already historically marginalized due to poverty and lack of access to education and social services, women from conflict-ridden areas, indigenous women are put in a helpless situation impinging on their right to full development and a life with dignity.

Conflict, militarization and development aggression creating multiple forms of human rights violations from harassment, displacement to outright killings disables the social and cultural system that ensures physical, psycho-social and spiritual well-being that ensures healthy and full development of indigenous peoples, particularly the youth and children. Indigenous women’s inability to perform primary reproductive and productive roles erodes self-confidence. This is exacerbated by the weakening or loss of community solidarity and support systems.

At the outset, these may not necessarily fit into the ‘gender-based violence’ category but crass violation of human rights and collective rights. Understanding VAW from the perspectives of indigenous women involves broader lenses that captures the intersectionalities of their diverse identities and circumstances. Historical discrimination has led to the current marginalization of indigenous peoples, especially women. Poverty, lack of basic services nor the access thereto, coupled with geographical isolation and state’s lack of political will has put indigenous women already at a vulnerable situation. Such vulnerabilities are galvanized when conflicts from policies and programmes arise without the full and effective consent from the community.

Recommendations :

1. VAW penetrates to the core of the individual and social psyche. Appropriate information on VAW prevails as a need for indigenous women. Along with this is the need to capacitate them to get a fuller understanding why VAW occurs, how they and their communities, as a whole, can prevent it and what mechanisms are there at their

¹⁴ <http://bulatlat.com/main/2015/03/25/lumad-women-our-place-is-in-the-struggle/>

disposal to access justice. This includes a process of educating them and their communities on their rights as human beings, as women and as indigenous peoples.

Specifically, the State should allocate sufficient resources for :

- a) The full implementation of its laws and operation of its mechanisms for women. This should include awareness creation for all women and sectors of the laws and programs related to VAW and monitoring strict compliance especially at the local level of governance. It also includes the building of capacities among service providers and government personell to be able to deliver to indigenous women and peoples in a culturally appropriate and sensitive way.
- b) The State to be able to comply to its obligation to collect disaggregated data on VAW amongst indigenous women .

2. . Consistent with UNSC Resolution 1325, Article 22 of the UNDRIP and the CEDAW, the State should comply to its obligations to recognize, protect and fulfill its obligations to the human rights and fundamental freedoms of all peoples, ensure security of person and life free from violence and displacement.

Specifically, the State should

- a) Muster its political will to fully and effectively comply to its commitment to UNDRIP, particularly Articles 30, 11, 19, 28 and 29 to prevent conflict in indigenous territories which puts women in a vulnerable position. Specifically, the State should pull out its armed forces from indigenous territories and put a moratorium to all development initiatives and corporate interests in indigenous territories unless and until genuine free, prior and informed consent is given by the community concerned.
- b). Ensure effective institutional frameworks that address structural and underlying causes and vulnerability factors of violence against indigenous women including the alarming culture of impunity.
- c) Capacitate the government, its agencies and personnel on its international obligations and allocating appropriate logistical, technical and financial support to the full and effective implementation and operationalization of the CEDAW and the UNDRIP in full consultation with indigenous women and peoples.

d) Ensure the free and prior informed consent of indigenous women in all matters and processes that affect them.

B. General Recommendation Number 33 : Access to Justice

The Philippine report describes available legal remedies instituted in cases of VAW (Para 46). On the ground, however, justice is still elusive to indigenous women and girls. Of the 185 cases mentioned above, 25.95 % have not been reported where victims resort to seeking refuge with their families and leaving their fate to the “Creator” (religious reference).

From the documentation of VAW under the UNFGE-supported project, several mechanisms are sought to seek justice for the victims. There are 11.89 % of the VAW cases referred to the Katarungang Pambarangay or the Barangay Justice System¹⁵ while 9.73 % are reported and settled through the customary justice system¹⁶. Close to five percent (4.86) or 9 cases are filed in court with one perpetrator sentenced to jail. In labor-related cases, the government agency for overseas workers and non-government organization working for migrant Filipino workers have been instrumental in facilitating formal complaints and providing the necessary aid. It is notable that only 4 or 2.16 % of the cases are reported to the police and there are 4 instances when the community confronted the state’s armed forces for the violations committed against their collective rights.

Legal pluralism provides options for access to justice in relation to violence against indigenous women. Indigenous peoples, including women in cases of VAW, have the options to refer their plight to the legal or traditional justice systems, or use one if the other fails. Often, the legal system is shunned because of the cost, stigma/double victimization, length and lack of understanding of the process by the victims. On top of these is the lack of confidence in the complicated process which does not guarantee that justice is obtained. On the other hand, traditional justice systems, which vary from one community to another, are resorted to for being more direct and fast and its process and structure fully understood by the victim. This is true in communities where indigenous systems are still strong. Given the influence of patriarchy on

¹⁵ Republic Act 7160 or the Local Government Code decentralized to the barangay, the basic political unit of the country, the mandate to enforce peace and order. It also empowers the barangays to settle disputes through the barangay heads and barangay peace council in order to ensure the effective enforcement of human rights and justice. The barangay justice system aims to decongest the judicial courts at the same time to cater closely to the needs of the marginalized or the grassroots with least cost and faster delivery of justice.

¹⁶ Justice mechanism among indigenous communities which is not codified and varies in its methodologies and structures in indigenous communities. It is recognized through the IPRA but is discouraged to resolved cases that are considered heinous under the penal code of the country, including rape.)

indigenous peoples, however, traditional justice systems 'may fail to offer genuine recourse to justice'¹⁷

Recommendations :

- 1). Noting GR 33, more studies, should be undertaken to look deeper into the effectiveness and scope of these co-existing systems and how each should strengthen or compliment the other ensuring compliance to human rights standards. Such studies should duly consult or ensure that indigenous women's perspectives and concerns and promising practices are included;
- 2). Ensure or strengthen where needed, gender and culturally relevant legal and policy frameworks and processes;
3. Provide adequate and quality legal aid to address the issue of high costs of litigation?
- 4.) Provide support and resources for awareness raising initiatives in the community on the relevant laws and formal legal systems

¹⁷ UNSRIP. A/HRC/30/41.

PART II : Sustainable Development and Indigenous Women

A. Article 4 : Temporary Special Measure

The State report mentions its programs on poverty alleviation, education, livelihoods and health purportedly to improve the social safety nets and protection in compliance to its commitments to the MDGs (paras 105-109) . The 4Ps, has now a Modified Conditional Cash Transfer (MCCT) program which has a specific programme for home street families and indigenous peoples in geographically-isolated and disadvantaged areas (MCCT-IPs in GIDA).

While there is a lot of reservations on the dole-out nature of this program financed through loans, it is a welcome progress in an attempt to comprehensively address women and girls' marginalization. It should, however, be noted that basic social services are priority obligations of states. On the surface, the program has set out with a noble intent and seemingly promising benefits according to reports. Experiences shared by indigenous women beneficiaries, however, point to flaws which could instead compromise the intent of empowering indigenous beneficiaries more than advancing their status. The conditional and dole-out manner adopted by the program, for example, has undermined community solidarity and cohesion strongly reinforced by the common value and practice of reciprocal labor.

Among other issues, program procedures have become burdensome for indigenous beneficiaries. The distance between indigenous communities and pay-out centers coupled with the lack of infrastructure and services to ease travel, among others, has precipitated domestic and gender violence.

The project documented two cases of indigenous women CCT beneficiaries who suffered from gender-based violence, one resulting to homicide. In one of this, a beneficiary, coming home late from the pay-out center, was almost raped by her neighbor. The other was killed by the husband in a heated argument after she came home late from the town center where she was interviewed for the CCT. Local officials thought her children would be included as beneficiaries after her death and the subsequent suicide of her husband. They were not, however, included among the beneficiaries and are now separately living with their relatives.

Recent stories from women beneficiaries include delayed payments of benefits and entrusting ATM cards to enterprising lenders for loans acquired for basic needs.

Recommendations :

1. The State should review and seriously address the bottlenecks raised by the DSWD – IP unit, other recommendations from existing studies and critiques and good strategies used in other countries to enhance or strengthen the program for IP communities. Undertake measures that effectively address not only of the beneficiaries but of the community to prevent further impacts on personal relations and community cohesion.
2. Primary to this is to ensure the full and effective participation of indigenous peoples particularly the women in all stages of the 4Ps and MCCT from conceptualization to implementation consistent with the respect and recognition of their rights to free, prior and informed consent, traditional knowledge and customary laws. Indigenous women should be treated as equal partners with potentials and contributions in development not as mere beneficiaries.
3. The State should report more on the substantial outcomes of the program with disaggregated data.

B. Article 12 : Healthcare (On Women’s Access to Reproductive Health services)

The government, in its report has reported on “implementing health reforms to rapidly reduce maternal and newborn mortality” (paras 126, 127 and 133) as part of its comprehensive program to invest on human resources while adhering to its commitments to the MDGs. Like the CCT program above, adherence to commitments been the driving force more than state obligation. The poor state of basic services, especially in the countryside reflects a history of neglect and disregard.

Despite the health reforms being implemented by the government, indigenous women and girls continue to suffer from illnesses and diseases that are preventable and curable. This is due to lack of access to quality health care. Indigenous communities in GIDAs lack functional health care facilities and if there are facilities there are no skilled health care professionals on duty. If there are skilled health care providers on duty, they are on schedule basis which limits their availability and service.

If there are even health facilities for birthing or for other health care needs, it is kilometers away from the communities and hours before it can be reached for timely birthing or treatment. Transportation costs are additional burden to reach a far off health facility. In addition, medicines in health facilities in indigenous communities are limited and costly, if not, none at all. Discrimination and stereotypes, continue to perpetuate unequal treatment of indigenous women and

their children among health workers and in health care facilities. Indigenous women seeking health services, for example, are put in embarrassing situations when providers blame them for their health conditions based on the notion that indigenous peoples are backward, superstitious and uneducated.

A staff of the Department of Social Services and Welfare's has this to say on the health services packaged under the CCT/MCCT program mentioned above :

“As for the “health” requirement, I cannot give any clear observations but i think the absence of medical facilities within IP communities will always have an effect to compliance - non-compliance means deduction to their total monthly benefit. When it comes to personnel handling the implementation, they are trained social workers but i think not well-trained to deal with indigenous culture. I think the program lacks some culture sensitivity training for these field personnel”

The MNCHN (para 133) program requires women to seek health care service in DOH health facilities and to be attended by skilled or professional health care workers. To this end, and with the aim of attaining the reduction of maternal , antenatal and post natal mortality rates, the Department of Health issued Administrative Order 2008 –0029.

The second edition of the MNCHN Strategy Manual of Operations circulated on 2011 requires the local government executive issuances and/or legislations to facilitate and sustain its implementation. One of the policy directives it is pushing for local governments to promulgate to facilitate the achievement of the MNCHN goals is “a) promotion of facility-based deliveries, and prohibition of TBA (traditional birth attendants)-assisted deliveries”.¹⁸ In fact, there are local government units which have policy formulations explicitly prohibiting TBAs in delivering babies at home while imposing penalties to mothers and the TBAs for violations. Penalties range from Php 1,000.00 to Php 6,000.00 (21.27 to 127. 66 USD @ 1 USD=47 Php) and or community service. In other areas, imprisonment is part of the penalty.

In effect, indigenous birth attendants, usually women, are being disenfranchised and even prohibited by local legislations to attend to maternal and infant care. Such disenfranchisement impedes on indigenous birth attendants' freedom to practice and develop their knowledge and roles in indigenous health systems. It threatens the displacement and erosion of indigenous knowledge, practice, values and spirituality related to reproductive, child and maternal care and well-being.

¹⁸ MNCHN Manual of Operations, 2nd edition, 2011. Chapter 7. 7.2.2. *Regulatory Measures*. P. 63.

Recommendations :

1. Allocate personnel and finance resources for :
 - a) Data disaggregation : The general lack of disaggregated data based on ethnicity and sex in national reports prevents the development of a full perspective on the status of health and other rights among indigenous peoples. Furthermore, process and outcome indicators on health programs being implemented and affecting indigenous peoples should be included.
 - b) In-depth study on the health status of indigenous peoples based on their broad context of ‘well-being’ towards proper and effective targeting. Targeting and implementation should be done in partnership with indigenous peoples, communities, experts and organizations. Specifically, indigenous birth attendants have recommended the conduct of a study on their occupation and practice vis-à-vis the claim that a many of maternal and neonatal mortality are related to “unskilled” aid and home births.
 - c) Intercultural Health : Development of culturally and gender sensitive strategies and programs. This includes capacity building to sensitize health workers and other service providers including indigenous health care providers i.e birth attendants. The roles of indigenous health care providers in family and community health care and management should be recognized and strengthened through enabling activities and mechanisms (i.e scholarships for formal training and providing accreditation to practice as skilled birth attendants) without prejudice to the development of indigenous medicinal and health-related knowledge and practice.

The intercultural health approach will also facilitate promotion of culture/identity, advancement of indigenous knowledge and good health-seeking behavior among women, children and youth. This entails effective information and communications and developing mechanisms for participation and inclusion in decision making.
 - d) Integrated and Holistic Approach to Health : “Wellbeing” is the sum of the different components that contribute to the health status of an individual or community. It has references to the health or the capacity of the land, resources and the environment to provide the needs of the community. It also has reference to the capacity of the person and the community to withstand or overcome health crisis through governance and management that upholds the dignity of the life and culture of indigenous peoples – women and men - under the principles of equality.

C. Article 14 : : Rural women

The report provides information on access to livelihood and support services (paras 156 – 155) including tenure for women. It is however silent on indigenous women's access to or security of tenure in relation to ancestral lands. Even with the IPRA (paras 150 – 151) that allows for the titling of ancestral land, there are a lot of ancestral land claims to be recognized yet through a complicated and expensive process. Meanwhile, projects and programs continue to enter and create conflict on indigenous territories. Documentation by civil society organizations point to some 45 incidences of displacement among 9 indigenous communities from 12 provinces in Mindanao from June 2010 to March 2012. This does not yet include the well-publicized recent Lumad evacuation to the UCCP compound in Davao City, Philippines, following the brutal murder of community leaders in front of the whole community in September 2015.

As inferred from the results of the project earlier mentioned, indigenous women are disproportionately affected when displaced from their ancestral domains and/or lands whether by armed conflict, landgrabs, disasters or calamities. Food security is a primary concern for indigenous women when displacement occurs. Deprived of their basic source of production, economic base and participation, indigenous women's decision making spaces shrink as options become limited. This is anti-thesis to empowerment.

Minda "Dindin" Dalinan, 36, from the Blaan indigenous tribe is a mother to eight children, ages 1 to 17. Dalinan left her children under the care of her husband and relatives to participate in a month-long campaign against militarization of Lumad communities. She didn't want to leave them but she knew that joining the protest was something she had to do to try to give them a peaceful life.

"In 2004, the military killed my father. My father is a member of the tribal council in our community. He was stubborn. He did not want to give up our ancestral land so armed men killed him. I just want the killings to stop. My dream is to see an end to human rights violations," Dalinan said.

"Why would a mother like me leave her eight children?" she said. "It's because the human rights violations in our community are so rampant. I have to join this protest. It's too much."¹⁹

Much have been said about resolving land and tenure for women but Bai Ellen Manlimbaas, 55 years old and a Matigsalog community leader from Bukidnon, whose community evacuated to Davao City due to military atrocities, says it simply :

¹⁹ <http://womensnews.org/2016/03/indigenous-women-in-philippines-are-fighting-for-their-way-of-life/>

“We are still hopeful that we will return to our ancestral lands. We hope that other people, even those who are not Lumads, support us in defending our land that means life to us.”²⁰

Recommendations :

In the light of the state’s commitment to leave no one behind under Agenda 2030 and noting sub23bis of the Draft Agreed Conclusions of the CSW 60th Session , full development can never be realized if the playing field is not leveled. Indigenous women possess knowledge, practice and values which they can offer to the goal for sustainable development given equal status and opportunities. The advancement of the status of the human rights and fundamental freedoms of indigenous women while upholding indigenous peoples’ rights anchored on their ownership to their lands and territories, is therefore critical in the processes to achieve the SDGs. It is therefore crucial that

- a) The government of the Republic of the Philippines through its concerned agencies, the Philippine Commission on Women and the National Commission on Indigenous Peoples, among others, to allocate resources towards this end so as not to leave indigenous women behind;
- b) A results-based monitoring scheme be developed that addresses the state’s obligation to the human rights of women and indigenous peoples and the need for disaggregated data, especially that pertaining to sex and ethnicity;
- c) These should be conceptualized and implemented in genuine consultation and partnership with indigenous women/peoples’ organizations and/or their communities.
- d) Support and develop platforms to strengthen indigenous capacities to determine, negotiate and implement their visions of development based on their collective and individual visions of wellbeing and sustained development.

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²⁰ <https://www.worldpulse.com/en/community/groups/voices-our-future-virtual-classroom-2016/posts/65406>