

INTERVENTION

Johaira Wahab / Nisa UI Haqq Fi Bangsa Moro

PHILIPPINES

AGENDA ITEM # 5: Minority Women and Effective Participation in Economic, Social and Cultural Life

Thank you Madame Chair.

My name is Johaira Wahab. I am with Nisa UI Haqq Fi Bangsa Moro (Women for Justice in the Bangsa Moro), an NGO based in Mindanao, Philippines.

It is the responsibility of States to protect minority women from discriminatory practices within a group, even if these practices may constitute "accepted cultural norms".

(Therefore) in relation to Draft Recommendation no. 12:

We agree to the tenor of the Draft Recommendation, with the addition that the recommendation should extend to laws and policies which sanction cultural norms discriminatory to women and ultimately impede their effective participation in economic and social life.

We note Presidential Decree no. 1083 or "The Code of Muslim Personal Laws in the Philippines" (CMPL) which (1) sets different minimum ages for marriage for males and females¹, (2) allows the marriage of girls below 15 years², and (3) allows the betrothal of girls below 12 years old, albeit voidable under certain circumstances.³

This law has pernicious impact on the access of minority girls to education, employment, psycho-social well-being, reproductive health and other facets of economic and social life. It institutionalizes cultural practices that make minority girls susceptible to the ills of early and forced marriages, not to mention discrimination in spousal rights and responsibilities and inheritance rights.

A research we conducted in 2009 confirms that early and forced marriages are indeed prevalent among Muslim girls who are 9-17 years old. Among the 15- to 17-year old girls surveyed, more than one-half reported that their socio-economic conditions remained poor after marriage as a result of lost opportunity for education and work.

¹ P.D. 1083 sets the minimum age of marriage for males at 15, and "the age of puberty" for females, which is presumed to be at the age of 15 too.

² Under P.D. 1083, a female who has attained puberty but is less than 15 and not less than 12 years of age can be married off by her guardian in marriage (*wali*) upon approval by the *Shari'a* District Court.

³ A marriage of a girl below 12 is considered a betrothal and is voidable, provided no voluntary cohabitation has taken place and the *wali* who contracted the marriage was other than the father or paternal grandfather.

Marrying early did not improve their self-esteem either. They bear an average of 3.5 children, and 3 out of 4 of them experience miscarriages and other reproductive health-related illnesses.

Finally, the CEDAW Committee's Concluding Comments on the Philippines' 5th and 6th Periodic Reports⁴ also noted these discriminatory provisions in P.D. 1083, which allow early marriages and forced marriages.

We therefore urge this Forum to adopt Draft Recommendation no. 12, as herein modified:

*Governments should review and reform as appropriate any legislation, policy or practice that has a disproportionately negative effect on women from particular minority groups and **sanctions cultural norms that are discriminatory to women or ultimately impede their effective participation in economic and social life, for example, by restricting their access to public and work places, employment opportunities, health services and educational institutions.***⁵

We also urge this Forum to call on the Government of the Republic of the Philippines to include as an urgent legislative priority the review and amendment of the Presidential Decree no. 1083, to raise the age of marriage for both men and women and to remove all other provisions that allow early marriages and forced marriages.

Thank you for your attention.

⁴ Paragraph 11, Concluding Comments of the Committee on the Elimination of Discrimination against Women: Philippines, August 25, 2006.

⁵ This proposed amendment must be read in relation to Draft Recommendation no. 30 that, *inter alia*, the review of laws and policies must not result in an indiscriminate attack on minority cultures.