



# PHILIPPINES

## Equality in the Family is Necessary

- ▶ Discriminatory provisions in the Code of Muslim Personal Laws (CMPL) include:
  - A woman of any age or status is required to have a *wali* when she gets married; this is not required for the groom.
  - The minimum age of marriage is 15 for males, and ‘the age of puberty’ for females. A female between 12 and 15 years old can be married upon approval by the *Shari’a* District Court. The majority of girls in the ARMM marry before they reach 18.
  - Arranged marriages still happen, especially among political families making alliances with each other. In some areas, women are abducted by men and then forced to marry under threat of danger to life and limb. Such abductions are seen as an unfortunate but culturally accepted practice.
  - *Mahr* is often given to the parents or guardians of the bride or used for the payment of expenses incurred in the celebration of the marriage, instead of being given to the bride.
  - Mixed marriages between Muslims and non-Muslims are simply considered irregular (*fasid*) and sometimes even valid when the groom is Muslim, but are always void (*batil*) when the bride is Muslim.
  - The rights and obligations of the wife include management of the household; exercise of a profession, with the husband’s consent (though

he can object if his income is sufficient for the needs of the family); retention of ownership and administration of her exclusive property; and enjoyment of equal and just treatment should the husband exercise polygamy.

- Polygamy still exists. The husband must give prior notice to the Clerk of the *Shari’a* Circuit Court, who shall, in turn, notify the wife or wives. Should any of them object, an Agama Arbitration Council can decide whether or not to sustain the objections. However, the marriage is still valid if this procedure is not followed. In general, conditions for polygamy are not observed.
- Four forms of divorce are available to husbands and three to wives. Husbands can more easily divorce their wives, especially through *talaq*. For women, *fasakh* is the most popular, though court procedures and personnel are not always women-friendly. *Khul’* is not readily available, as only those who have the financial means to redeem their freedom can afford it.
- Female Muslim victims of domestic violence may use *fasakh* to divorce their husbands or the Anti-Violence against Women and Children Law to get a protection order and/or to put their husbands in jail.

The ‘Moros’, who comprise 10 per cent of the Philippine population, are made up of about 13 Islamised indigenous peoples. Once proud peoples with at least two Sultanates, the Moros are now concentrated in the five provinces and one city that make up the Autonomous Region of Muslim Mindanao (ARMM) in Mindanao, the southern part of the Philippines. The history of conflict with the Spanish, American and the Philippine regimes has taken its toll. Displaced from their ancestral domains, discriminated against and suffering from the effects of long-standing armed conflict, the Moros are in the bottom of the human development index. Moro women specifically suffer from multiple layers of discrimination and marginalisation as women, as minority peoples and as Muslims.

The Code of Muslim Personal Laws is a special law for Muslims enacted through a Presidential Decree at the height of the Moro rebellion in the 1970s. All of the other national laws, including criminal law, apply to Muslim Filipinos along with the rest of the population.

## Equality in the Family is Possible

- ▶ Amendments to the Code of Muslim Personal Laws (CMPL) were drafted by Muslim women and submitted to the Lower House of Congress in 2000, though the endeavour was not successful. The proposed amendments included the requirement of pre-marriage counselling to emphasise the rights of women and the obligations of husbands; ante-nuptial agreements that can include an option for monogamy; and an increase in the minimum age of marriage to 18 years.
- ▶ A subset of these Muslim women are now formulating arguments using different disciplines and approaches—religious, rights-based, scientific, and even evidence-based researches on topics such as early marriage. In addition, awareness raising and capacity building are taking place to build a stronger and bigger constituency to push for the amendments.
- ▶ In the 2006 Concluding Comments of the Committee on the Elimination of Discrimination against Women, Muslim women were identified as a subsection of women who need intensified initiatives, including in the area of the Muslim family laws.
- ▶ Some cultural practices are more progressive than the standards laid down by the CMPL. For example, while the Code provides for sisters getting half of what their brothers acquire in inheritance distribution, the actual practice has been to give equal shares to all the siblings, regardless of sex, or to circumvent the provision by giving ante-mortem gifts to the daughters.
- ▶ Women can rely on laws that apply to all of the citizens of the Philippines, such as the Anti-Violence against Women and Children Law. The CMPL is limited in its view of domestic violence; the national law’s inclusion of economic and psychological violence therefore provides remedies.

### Setting the Context

The context in which Moro women live is dire. Poverty, banditry, clan feuds (*rido*), kidnapping, the unresolved Moro claim for its right to self-determination, and the continuing decline of agriculture and homegrown industries make life in the region incredibly unstable. Many Moro women are deprived of basic education and serve more frequently than men as labourers, unskilled workers and unpaid family labour, not to mention as migrant workers in the Middle East and elsewhere in Asia. Child labour is visible in rice and cornfields, banana and sugarcane plantations, quarries, bus stations, and the port area. Girls work as dishwashers, waitresses, vendors and domestic help, or in entertainment clubs where they are vulnerable to trafficking into prostitution. Women have been considerably disadvantaged compared to men in terms of life expectancy at birth, educational attainment and standard of living.

Source: Report submitted to Musawah in English by Nisa Ul-Haqq fi Bangsamoro, a group of Muslim women advocating for women’s rights in the context of Islam and culture. The Nisa members are women from the following non-governmental organisations: Alternative Legal Assistance Center (SALIGAN), Bangsamoro Lawyers’ Network (BLN), Neighbors PopDev, Almujaadilah Development Foundation, Inc. (AMDF), Tarbilang Foundation, Inc., and Basilan Muslim Women’s Association. The original report provides extensive background information on the context in which Moro women live.