

Expert Group Meeting

Good practices in realizing women's rights to productive resources, with a focus on land

Geneva, Switzerland

25-27 June 2012

**Good practice in realizing women's rights to productive resources,
with a focus on land in the Philippines**

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Introduction

The rights to adequate housing and the basic welfare of poor families are guaranteed and protected under various national laws (Philippine Constitution and the Urban Development and Housing Act)) as well as a number of international conventions (such as Universal Declaration of Human Rights, Article 25.1; ICESCR, Articles 14.2 (h) and 16.1 (h); CRC, Article 5 (e) (iii) and Habitat II Conference (1996, Istanbul) to which the Philippine government is a signatory.

However, these guarantees often remain on paper only. Past experiences have shown that rights are respected when people know these rights and assert them, basic services are delivered when people organize to press national government agencies and local government units to deliver them.

A research conducted by the Grassroots Women Empowerment Center, Inc (GWEC) and the Centre on Housing Rights and Evictions (COHRE) in five relocation sites (sites that are officially provided by government) in 2007 showed that the actual situation does not meet humane and international standards for decent housing; people relocated in remote settlements have to go back to the cities to find employment, as jobs are scarce or non-existent; some sites still lacked basic facilities such as potable water, electricity and public schools; some sites are close to dumpsites, contributing to a high incidence of ailments, and in some cases, death among children; and violence against women and other social problems such as alcoholism has increased in the sites.¹

This paper focuses on the actual experiences of women in leading communities in engaging with the national and local decisions makers to negotiate and mutually agree on solutions that prevent forced evictions with the end view of providing adequate housing for families threatened by evictions.

Main issues in realizing women's rights to productive resources, in particular, land

The Northrail-Southern Linkage Project: Rehabilitation and Modernization of the Aging Philippine Railway

One of the highly ambitious infrastructure projects of President Gloria Macapagal-Arroyo (GMA) is the modernization and rehabilitation (called the Northrail-Southern Linkage Project) of the aging Philippine Railway. It consists of 1,147 kilometers, of which only 452 kilometers remain operational. The Northrail-Southern Linkage Project (NLSP) is part of GMA administration's 10-point agenda called "Beat the Odds" which is envisioned to jumpstart the country's growth and set it along the path of "sustainable and equitable progress". It is argued that the railway project will alleviate existing traffic congestion in Metro Manila, improve transport between airports and seaports in the Manila-Clark-Subic economic triangle, and provide easy access to Central and Northern Luzon's new economic growth areas.

¹ *Women of the Railway: Experiences of the Northrail and Southern Evictions, unpublished research of the Centre on Housing Rights and Evictions (COHRE), 2007*

To implement the project, the government determined that it had to evict individuals and families who have built their lives and livelihoods along the tracks, made possible by the inactivity of the railway. It is estimated that 400,000 people will be displaced. There has been no comparable resettlement project of this scale in the Philippines since the 1970s under the government of Marcos and at the height of martial law when it attempted to uproot approximately half of the number of people (180,000) to build a new container port. The Marcos government was unsuccessful in its attempt, however, this has not deterred the Arroyo government.²

The big challenges facing the community along the railway is to ensure that the people will be properly notified; no violence will occur during eviction, relocation is properly carried out, and people's human and housing rights are promoted and protected.

Effective initiatives and approaches

The experience of women of the railway in the cities of Caloocan and Tondo shows that women seem to be more effective than men when it comes to the housing rights issues and campaigns because they are more calm and collected in their approach.

Strategies Used in Fighting Eviction

- Training on housing rights to enable the leaders and partner NGO to launch a housing rights campaign. At the same time, leaders read up on housing rights, the UN Declaration on Human Rights (UDH), International Covenant on Economic, Social and Cultural Rights (ICESCR), General Comment No. 4 on the Rights to Adequate Housing and the Seven Elements of Adequate Housing, Philippine laws that protect people's housing rights particularly the Urban Development and Housing Act (UDHA).
- Orientation/Information Campaign to organize as many groups in the areas affected by the project and federate the groups
- Advocating for the community not to opt for voluntary relocation without any decent and /or proper relocation. This requires patience and creativity so that the message could be carried across more effectively. This will enable leaders to reach not only those who sat down with them during meetings, but also the entire neighborhood.
- Petition letter to government agencies, including the Office of the President and other agencies on housing to ask for information on the details of the project and the government's plan for relocation
- Partnership Building: Intervention of the Bishop of Caloocan and other religious personalities.

² *Home at Last: A women-led approach to relocation, publication of the Grassroots Women Empowerment Center, Inc., 2009.*

- Face to face meetings between the Community Members and Government officials: Series of Colloquiums on Human Settlements and invited all line agencies of the government, including top brass such as Vice President, to a face-to-face dialogue with the railway people and their leaders.
- Research on the details on the Northrail-Southrail Linkage Project and the government's relocation plan for affected families.
- Visit to possible relocation sites

Significant Role of Women

- Women's efforts and major participation in the housing and land rights campaign has been recognized as an integral part of the community's development and the change in the mindset of some housing officials and agencies that women-related problem are purely domestic affairs (as in the case of an official from the Philippine National Railways who said that he tends to be more attentive to what the women are saying because they are more calm and collected in their approach.
- Women have become more confident of their potentials. The campaign has promoted women empowerment because education has enabled them to realize their untapped potentials (as in the case of a woman leader who said that "I realized that we need to get out of our shell, we need to understand what's happening to our neighborhood, to our society. I learned that I can take more responsibility other than child rearing and doing laundry"). Women needs projects that they can count on- acquiring new home in a place of their choice does not only respond to having a "secure place" but promotes social awareness which is an essential component for assertion of their rights.
- The most glaring of the sustained housing and land rights campaign is that no one claims to have started and done it but the women themselves.

Lessons Learned from the Initiatives and Approaches

- Training on women's rights and housing and land rights is an important tool for empowerment- women in the community realized that they need to get out of their shell, need to understand what's happening to their neighbourhood, to their society and learned that they can take more responsibility other than child rearing and doing laundry.
- Women's efforts and participation have been recognized as an integral part of the community's development and change in the mindset of some housing officials and agencies that women-related problems are purely domestic affairs.
- It is the woman who worries most when her family loses its home.

- Many women became empowered when they fight not only for their housing rights but also for their rights as human beings.

On-going challenges and possible ways to address those challenges

The six years housing rights campaign launched by women of the railway and the Grassroots Women Empowerment Center, Inc. has produced significant results; almost four thousand families from Tondo, City of Manila and Caloocan City moved to their new home in Northville 5B (St. Mary's Village), Barangay Caysio, Municipality of Sta. Maria, province of Bulacan. Physically, the relocation site is a better environment than the railway tracks where urban poor families came from – there is no danger from passing trains; there is better sanitation, more wide streets and cleaner air.

But the issue does not end with getting four walls and a roof per family. The bigger challenge for women organizations in relocation sites in Northville and Southville is to continue helping families recover physically, emotionally and psychologically from the displacement. It usually takes more than five to ten years for people's lives to normalize and the government will not listen to them unless they are organized and know what they are fighting for.

Women's Needs and Possibilities for Action (In Northville and Southville Relocation Sites)

In the recent doctoral dissertation entitled "A Phenomenology of Women as Wives, Mothers and Leaders in Selected Relocation Sites" (Maglunob, 2012), the 15 co-researchers correspondents of which are mother leaders from Grassroots Women Empowerment Center (GWEC, Inc) and the Federation of Northville-Southville Homeowners Association, Inc., the following women needs and possibilities for action were identified:³

1) For GWEC and Partner Women Organizations in different relocation sites

- **Establish partnership** with the Adamson University's (AdU) Integrated Community Extension Services (ICES) whose outreach arm is the Vincentian Center for Social Responsibility (VCSR).⁴ Partnering with big institution such as AdU/ICES will enable the GWEC and partner women organizations in relocation sites (Northville and Southville) to embark on a region-wide education and advocacy campaign to challenge the national and local government to fulfill its obligation to respond to the issues and concerns of women in relocation sites.

³ The legislative body of every municipality can enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants. Community can use this tool as a good mechanism to ensure that women's programs and projects in every site has the necessary budget for implementation. Republic Act 7192 or the Women in Development and Nation-Building Act provides that all government agencies, local government units, government-owned and controlled corporations, state colleges and universities and all instrumentalities of government to allocate at least five percent of their annual budgets (or internal revenue allocation for LGUs) for priority programs and projects or activities that address gender issues or women concerns.

⁴ AdU is an educational institution founded by a Greek Chemist in 1934. It was turned over to the Congregation of the Mission in 1964 and has become a center for quality education especially for the disadvantaged members of society. In its advocacy to extend assistance to the relocatees in Northville and Southville, AdU has created the Integrated Community Extension Services (ICES) and the Vincentian Center for Social Responsibility(VCSR)

- **Formation of Women Coalition/ Women Sector** will give them strong voice; enable women organizations in different relocation sites to address women’s issues and concerns; negotiate with their respective local governments for the enactment of a Gender and Development ordinance by the municipal/town legislative council so that women organizations can access the Gender and Development Budget of the Local Government Units. This budget can be used to provide the following services in the government relocation sites).

- a hospital and maternity clinic open and able to serve 24/7 and ambulance for the group. There had been cases of maternal deaths due to severe and prolonged bleeding and labor. All three areas in Bulacan are quite far from hospitals, while the one in Cavite does not have enough facilities to accommodate the new settlers. A Mobile Clinic with complete laboratory, pre-natal and post-natal services with a full-time medical personnel would be most welcome;
- as sewing machines and resources and actual exposure and education with actual demonstration for livelihood projects/financial assistance;
- markets where they could get food supplies anytime, this time they rely on their talipapa (flea market) and sari-sari store(convenience) stores. There is also a need for a constant and cheap supply for fuel. When clearing a relocation site, the first to go are the trees, forgetting the need of women for fuel to cook for her family.

- **Intensify women’s rights advocacy** at the municipal and barangay (village) levels through active participation of women in local governance such as holding important positions in Local Development Councils, Local Councils for the Protection of Women and Children, : Local Housing Board, Violence Against Women’s Desk, and as barangay (village) officials, etc.

Since 2010, during the Women’s Summit⁵, women have been talking about accreditation and Gender And Development (GAD) budgets. Since then they have not availed of these. There is still a problem in accessing resources for women; there is still no GAD and Violence Against Women and Children’s Desk in the relocation sites. The biggest aspiration of all the women leaders at the moment is to become barangay officials/hold important positions in Local Development Councils, Local Councils for the Protection of Women and Children, :Local Housing Board, and to put up a Violence Against Women’s (VAW) Desk with Gender And Development (GAD) budget so they could respond to special needs of women such as ambulance, hospital, doctor, medicines, crisis centers, GAD seminars, livelihood projects and other trainings relevant to women’s needs.

⁵ Doctoral dissertation entitled “A Phenomenology of Women as Wives, Mothers and Leaders in Selected Relocation Sites” (Maglunob, 2012); Women organizations in Bulacan have gathered to collectively assess the situations of women and their families in the relocation sites at the provincial level to critically assess the situation of families in relocation sites.

- **Paralegal Training** on domestic laws and international standards to help the community leaders acquire legal knowledge as well as confidence in the justness of their struggles.

Sufficient understanding and knowledge of the national law and international standards – International Covenant on Economic, Social and Cultural Rights (IESCR), Convention on the Elimination of All Forms of Violence Against Women (CEDAW), Magna Carta of Women, Republic Act 7192 (specifically the GAD Budget), Anti Violence Against Women and Children Act (VAWC Law) Local Government Code, etc. and shared knowledge with other women so that they too may expand their understanding and awareness.

- **Capability Building** to implement GAD trainings and other related training to relocated families to be more gender-sensitive in the upbringing of their children. Machismo and the martyr complex should already be corrected because this is the root of the double standard morality. Churches to preach healing and liberating news to women; to be more gender-aware and sensitive, and non-sexist; stop sexist or discriminatory language in the interpretation of Scriptures; and for church workers to take courses on Scriptures from knowledgeable women sources.

- **Organizing efforts** among women for collective action.

- **Equal participation of women in bodies or organizations** created by development programs or projects and higher representation of women in various decision-making bodies and leadership positions.

One of the rights guaranteed by the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) is women's right to vote and run for election and hold public office. AdU's School of Good Governance for Social Development (SGGSD)⁶ and GWEC shared the same vision of someday women leaders from an impoverished community can be transformed into effective women leaders who can truly represent their own sector in Congress.

- **Continuing vigilance** in the use of the relocation funds, since relocation is still going on and will go on for as long as there are families along the railways. Women are now happier in their new communities, but there are facilities which need to be constructed such as markets, hospitals, and Material Recovery Facilities that may be given priority because they are very basic needs.

- **the Philippine Commission on Women** be more responsive in the training needs of women's groups. Support and/or endorse non-government groups that have the capability to implement GAD trainings. For the local government units to accredit Securities and

⁶ A Leadership School for the Poor aims to enhance and harness community leaders' organizational and leadership skills towards to eventually involve in politics.

Exchange Commission registered women's organizations to be able to avail of GAD budgets for women's livelihood, health and educational/training needs activities. These are women's special needs and gender-related concerns.

- **Implementation of gender objectives and goals in schools**, both basic and higher institutions. The teaching of our pre-colonial egalitarian myths of origin as a people should be taught.
- **For Filipino families to be more gender-sensitive in the upbringing of their children.** Machismo and the martyr complex should already be corrected because this is the root of the double standard morality or Churches to preach healing and liberating news to women; to be more gender-aware and sensitive, and non-sexist; and non-sexist or discriminatory language.
- **Gender Sensitivity trainings in all institutions**, in all levels and age brackets for women and men; incorporation of Filipino myths of origin (Jocano) and Sikolohiyang Pilipino (Filipino Psychology) values to provide a Filipino touch or perspective relevant to Filipino women's orientation.

2) In the National Level

National and Local Governments (Constitution and UDHA) to:

- Stop using various strategy such as pressuring families threatened with evictions to relinquish their rights by signing waivers and "voluntary" relocating them to sites unfit for human habitation.
- Repeal/amendment of laws inconsistent with housing rights standards, the Constitution and the Urban Development and Housing Act (UDHA).⁷ Under the Philippine Constitution of 1987, while the actual phrase "right to adequate housing" there is however, explicit recognition for some aspects of right to adequate housing and protection against forced eviction. The is contained in Article 13 Section 9, 8, and 10 of the Constitution:

"The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners.

⁷ Republic Act 7279, The Urban Development and Housing Act of 1992

Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in just and human manner.”⁸

Opinion: The Constitution did not mention Article 11 (1) of the ICESCR and the Articles 14 (h) (2) of THE CEDAW , nor was there any direct reference to housing rights, merely a reference that squatters, as human beings, are entitled to protection of a just and humane manner of eviction / demolition.

UDHA’s objectives are to be achieved is essentially the creation of a government program providing for socialized housing – defined as “housing projects for the underprivileged and homeless characterized by sites and services development; long term financing, liberalized terms on interest payments, and other benefits and incentives.

* The Community Mortgage Program is one novel component of the housing program under the UDHA. Its principal intent is to assist residents of blighted or depressed areas in purchasing the land they already occupy from the legal owners

* Under the UDHA, socialized housing projects are already considered legally “adequate” when the following amenities and facilities are present:

- a) potable water;
- b) power and electricity and an adequate power distribution system,
- c) sewerage facilities and an efficient and adequate solid waste disposal system; and
- d) access to primary roads and transportation facilities.

- Beyond these, other services such as health, education, communications, security, recreation, relief and welfare are merely to be treated on a best effort basis and are not counted as requisites or preconditions to what is recognized under international law as essential components to the Right to Adequate Housing.
- Need for slum communities and Civil Society Organizations to engage local and national governments not only in demanding the rights but also in finding and innovating solutions to secure tenure/ housing needs, and to clarify their role in city development.
- Need to further develop institutional capacities of Local Government Units (cities) to fulfill social housing, urban development mandates

3) International Level

- Linking grassroots organizations in Northville and Southville relocation sites to other groups outside the Philippines in the form of exchange program to promote mutual understanding and camaraderie amongst grassroots groups working on anti eviction issue.

⁸ The Philippine Constitution, 1987: Article 13. Section 9.8.104

In addition, to cultivate the spirit of international cooperation and make use of the valuable experience/learning they obtained abroad.

- UN women issuing well-researched and popular version of UN documents to be used in training of grassroots organizations. UN documents are important tools in enlightening the people on their rights specifically their housing rights.
- Regular submission of alternative report (shadow report) to the Committee on Economic, Social and Cultural Rights on housing rights situation of women highlighting the impact of forced eviction on women based on research findings. This should be done by the women organizations and partner Non Government Organizations.
- Participation in UN Women/UN Habitat's organized events to increase women networks with other grassroots groups
- Solidarity with communities facing eviction.