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# Violence Against Women\*

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### **Strategic Objectives:**

- D1. Take integrated measures to prevent and eliminate violence against women
- D2. Study the causes and consequences of VAW and the effectiveness of preventive measures
- D3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

This paper represents an assemblage of reports from various women's groups working on violence against women (VAW), all of which function within a human rights-based perspective based on the premise that *women's rights are human rights*. Both the women's groups in the Philippines and the Philippine Commission on Women (the women's national machinery) agree that the bigger challenge in the struggle against VAW remains to be that of implementing and monitoring women-related laws.

### **Strategic Objective D1. Take integrated measures to prevent and eliminate violence against women**

Such measures have taken the form mainly of progressive legislation. The pioneering work of women's groups in the Philippines to combat violence against women (VAW) bore fruit with the passage of ten laws addressing VAW, namely:

- RA 7877: Anti-Sexual Harassment Act (1995)
- RA 8353: Anti-Rape Act (1997)
- RA 8369: An Act Establishing Family Courts (1997)
- RA 8505: Establishing Rape Crisis Centers (1998)

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- RA 9208: An Act to Eliminate Trafficking in Persons (2003)
- RA 9262: Anti-Violence Against Women and Their Children Act (2004)
- RA 9995: Anti-Photo and Voyeurism Act (2009)
- RA 10364: Expanded Anti-Trafficking in Persons Act (2012)
- RA 10175: Anti-Cybersex Act (2012)
- RA 10627: Anti-Bullying Act (2013)

These legal reforms created a difference in the field of women's legal struggle for gender equality. However, several years after the implementation of such laws, some levels of 'frustrations' emerged, especially from among women NGO groups because only a few women victim-survivors (VS) of VAW actually used these laws. Not even VS from the middle and upper classes dared to file legal cases. Some of these laws need to expand their definitions because they do not actually capture other relevant settings where VAW occurs, such as in public and online or virtual spaces.

Not all of the above cited laws will be discussed in this paper. It will focus only on the laws which are extensively used and monitored by women's groups.

## **NGO INITIATIVES**

### **The Women's Crisis Center: USE RA 9262 Project (2009)**

The Philippines was able to craft the most comprehensive and most gender-sensitive law against VAW in Asia in 2004: Republic Act No. 9262, also known as the Anti-Violence Against Women and Their Children Act.

After five years of RA 9262's implementation, women victim-survivors (VS) who were counselees or clients of the Women's Crisis Center (WCC) were gathered in focus group discussions to assess how the Anti-VAWC law helped them to access justice. Many of them saw the law as punitive since perpetrators were regarded as criminals. Very few of them wanted imprisonment to be meted out to their abusers; e.g., their husbands, boyfriends and/or partners, because they 'still love' them, though they want the violence to stop. The FGD results showed a big gap between the experiences of women VS and the implementation of the law.

The USE RA 9262 project, funded by the European Union, aimed to bridge that gap by implementing strategies such as institutional strengthening, consciousness-raising, developing a ToolKit, Monitoring Portal, Court Watch, Training Monitor, Public Policy Dialogues, Campaigns, Literature Review, Review of Jurisprudence and Rapid Appraisal of Cases. Under this project, ASSIST set up a web portal which women VS can access to fight for their issues. They can access information such as fact sheets on VAWC and reports of the partners in the National Network of Family Violence Prevention (NNFVP) which are direct service providers working to address VAWC. The

portal also serves as an online forum, to see if women use the law effectively. The WCC implemented the other strategies.

The initial results of the USE RA 9262 Project were shared with other organizations in February 2010. The sharing revealed that abusers evade the law through the use of internet technology; e.g., they use texting, FaceBook and other apps to harass women. Abusers employed further violence when they separated from their women partners.

### **The Women's Feature Service (WFS), WCC and Women Lead: Justice and Healing (J & H) Project (2010–2011)**

The overall objective of this project was "to strengthen components of the justice system to deliver rights-based and gender-sensitive services using the J & H perspective with respect to VAW cases." A total of 15 barangay fora were conducted, with 150 barangays represented in the fora.

This project expanded the criminal justice approach by recognizing women's need for healing. What was important was for women to stand up for their rights whether or not they win the legal battle. In a nutshell, the project noted six elements of J & H, namely, safety and security, information, choice and autonomy, truth-telling, validation, and restitution.

J & H concepts include "being gender-sensitive and women-centered," captured by the phrase "Let Justice Heal; Let Healing Be Just." J & H also seeks to "challenge power relations to empower women." In one of the focus group discussions (FGDs) with women victim-survivors (VS), justice was defined as "*pagtitimon*," or to steer one's course of action. Thus, J & H also means that women determine their own lives, or practice self-determination. In another FGD, community women defined healing as "*pagbubuo ng nasirang pagkatao*" or picking up the pieces of a shattered life. The women explained that they not only brought with them the burdens of battering but also the wounds of their childhood. So, healing must encompass the whole range of women's lives. As to justice, the women complained of a lack of effective response when they disclosed the abuses.

Worth noting are the achievements of Barangay UP Campus, one of the J & H project sites. In 2011, the Barangay issued the highest number of Barangay Protection Orders (BPOs) in the whole country: 427. Also, it was able to organize 30 victim-survivors of VAWC into a support group.

An FGD was also conducted with court judges and lawyers to unearth factors behind the non-implementation or violation of many provisions of RA 9262, among them facilitation of amicable settlement, women's lack of access to holistic services to start a new life, abusers' lack of employment and a place to go after ejection from their homes. A roundtable discussion (RTD) with the Supreme Court Committee on Gender Responsiveness in the Judi-

ciary (CGRJ) was conducted on November 2012 as a result of which said Committee became very receptive to the J & H approach.

### **One Billion Rising (OBR) against VAW**

A multi-stakeholders mobilization against VAW and for gender justice took place Valentine's Day (February 14) for three years already (2013–2015) locally, nationally and globally. This was in the form of a dance-protest against VAW. The campaign was meant to highlight the intersectionality of poverty, male dominance and globalization, among other factors that brought about the still increasing VAW incidence. Significantly, it was the global women's movement which initiated this campaign. This event gained worldwide coverage inspiring thousands and thousands of people, from all genders, from all walks of life to gather, expose and call for an end to VAW in a more creative manner.

***Strategic Objective D2. Study the causes and consequences of VAW and the effectiveness of preventive measures***

Such study begins with the gathering and collation of requisite data on various manifestations, old and new, of VAW.

ULAT Lila, citing Philippine National Police (PNP) data, noted that as of 2013, VAWC cases totaled 16,517, an increase of 43% from the number recorded in 2012 (Center for Women's Resources [CWR], 2014).

As reported by the Women's Feature Service (WFS) (2012), based on the National Barangay Operations Report of the Department of Interior and Local Government (DILG), there were 15,237 VAWC cases in 2010. In 2011, using the reports from 2,056 barangays, there were 5,599 cases of VAW. These were the actions or responses of the barangays to the complaints in the year 2011:

- 2,161 were referred to the Philippine National Police (PNP)
- 159 Barangay Protection Orders were issued
- 646 were referred to courts.

Olive Tripone of Women's Feature Service, citing Philippine National Police (PNP) reports, stressed that rape happens every 80 minutes (WFS, 2012). There were 5,180 rape cases in 2012, which increased to 6,432 in 2013. There was also an increase in the number of sexual harassment cases, recorded at 3,607 in 2014. Trafficking in women and children totaled 170 cases. Majority of the victims were children.

At the local level, Echel Escobal, head of the Family Community Healing Center (FCHC) in the University of the Philippines (UP) Diliman noted that a high incidence of physical abuse, acts of lasciviousness and rape were re-

ported from 2009–2011, confirming data found in national accounts (FCHC, 2012). The highest number of abuses was committed by tricycle drivers and unemployed men, and a substantial number by UP employees. Cases of incest rape were registered, and these were forwarded to the Barangay Council for the Protection of Children. In 2011, 841 of these cases were referred to the Social Services Development Department of Quezon City, and the rest to medico-legal services.

## SPECIFIC FORMS OF VAW

### **Adolescent Pregnancy related to VAW among Young Women**

In a WomanHealth Philippines (2014a) study entitled *Research on the Political Economy of Adolescent Sexuality and Teen Pregnancy in the Philippines*, 19 cases of pregnancy were described to have resulted from forced sex (such as rape) as reported by the Women's Crisis Center. In another study conducted by the University of the Philippines Manila, with 635 survey respondents, it was reported that most young women are coerced to have sex with their boyfriends, sometimes resulting in pregnancies (WomanHealth, 2014b). Most teen-age mothers engage in "live in" relationships at a young age because they were impregnated by their boyfriends. Some say "they want to escape poverty"; others blamed it on "lack of communication at home" and still others wished to escape from violence in their homes. This is consistent with the results of the preliminary report of the 2013 National Demographic and Health Survey. It is worth noting here that the youngest Philippine case of adolescent pregnancy is eight years old. There were also four cases of young lesbians who were impregnated (WomanHealth, 2014b).

### **ICT-related Violence against Women**

According to the 2014 Philippines Country Report (UNDP & USAID, 2014), information and communications technology has become a medium for the perpetration of violence against women in the form of pornography, harassment, threats, invasion of privacy, and trafficking. Studies by the Women's Legal Bureau (WLB) and the Foundation for Media Alternatives show that the incidence of VAW online is unchecked and increasing.<sup>1</sup>

There are no official statistics on the proliferation of nude images and sex videos being uploaded on the Internet without women's consent. These images violate women's bodily integrity and privacy. The violation is multiplied many times over with the borderlessness and multiple platforms afforded by the Internet.

Women in poverty stricken communities have also resorted to engaging in cybersex or cyber-pornography in exchange for dollars, making the Philippines a cybersex hub. The Women's Legal and Human Rights Bureau noted

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<sup>1</sup> See full report on Women and Media and ICT, pp. 174–186, this volume.

that the newly instituted cybersex crime law fails to address women's concerns.<sup>2</sup>

### **Violence and Discrimination against Women with Disabilities**

The 2014 Philippines Country Report also noted that women with disabilities remain largely outside State programs and activities for Filipino women. There are no specific programs or monitoring efforts to address the needs of women with disabilities by the Philippine Commission on Women, the National Council on Disability Affairs, or even by the Commission on Human Rights.

Leaders of the Philippine Deaf Women's Health and Crisis Center shared their research on VAW. They noted that "1 in 3 women with disabilities had experienced VAW in their lifetime" (WomanHealth, 2014b).

### **VAW among Indigenous Women**

In September 2014, a documentary film titled *Walang Rape sa Bontok* (No Rape in Bontoc) was shown in mainstream movie houses. This film depicts why indigenous women and men of Bontoc have no term for rape because in their culture, women were safe, even when they moved around their villages topless. With modernization and the influx of people of other cultures, incidents of VAW began to appear, perpetrated by non-Bontoc abusers.

### **VAW among Rural Women**

The PKKK or National Rural Women's Coalition noted an increasing number of VAW in their areas, especially domestic violence. However, less than 10% were able to pursue justice due to limited means and little access to support services (PKKK, 2011).

### **VAW among Older Women**

There are anecdotal accounts of how senior women are being abused, especially by family members,<sup>3</sup> but there are no official data on this. Several news clippings recently showed older women being killed by co-family members, and some had even been raped before being murdered.

### **VAW in the Catholic Church**

The Women and Gender Committee of the Association of Major Religious Superiors (AMRSP) attempted to document VAWC cases in the Ro-

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<sup>2</sup> See full report Human Rights of Women, pp. 151–173, of this volume.

<sup>3</sup> National Anti-Poverty Commission Senior Citizen representative, personal communication, September 3, 2014 at Miriam College.

man Catholic Church. They gathered some 30 cases from December 2001 to May 2002 alone: 37% may be classified as rape and 50% sexual harassment (Bermisa, 2011).

The recent reporting of cases of child sexual abuse committed by priests only shows the tip of the problem. VAWC is an issue that has been damaging the reputation of the Church.

### **State Violence**

The University of the Philippines-Diliman Gender Office (UPDGO) in a three-page report (2014) showed how the Jennifer Laude 2014 case was not an isolated incident of violation of women's human rights, especially in connection with the Visiting Forces Agreement. In 2005, there was the celebrated case of "Nicole" who was raped by a US soldier. In 2002, Buyong-buyong Isnjal was also killed by a US soldier in Basilan. In 2008, Rahina Wahid was shot during a military operation in Sulu. In 2009, rape was committed by a US Marine in Makati City. In 2010, an interpreter for US troops was killed in Marawi City. In 2012, a fisherman died because his boat was rammed by a US speedboat. The Center for Women's Resources reported in 2010 from their website that under the Arroyo government, women comprised 12% of the 1,118 cases of extra-judicial killings and 15% of the 204 forced abductions.

### **Effects of VAW on Women and Girl Children**

The damage on the women's and children's "*pagkatao*" or personhood and development is devastating and, of course, immeasurable. The consequences of these abuses have been documented comprehensively in a ten-country report of the WHO (United Nations Development Fund for Women [UNIFEM] 2008).

### **Violence against Lesbian, Bisexual and Transgender Women**

Tan (2014), in a book entitled *Being LGBT in Asia: The Philippines Country Report*, cites recent studies that describe how women who identify as lesbians, bisexual or transgender, are more vulnerable to violence in both the private and public spheres. The study includes the Rainbow Rights report called *Kwentong Bebot: The Lived Experiences of LBT Women* (Umbac, 2014) and the GALANG report *Breaking Out: Stories of Violence and Poverty among Lesbians, Bisexual Women and Trans Men in the Philippines* (Lim, 2011). Also cited were data from GANDA Filipinas, a transgender advocacy group. Lesbians, bisexual and transgender women report being subjected to physical, verbal and emotional violence (Fontanos, 2014).

Many of those interviewed said that family members, predominantly male but also including female relatives, had inflicted most of the physical vio-

lence. Most incidents occurred immediately after the person had been “outed” or had voluntarily disclosed her sexual orientation and/or gender identity. Some were also accosted by strangers outside the home.

Some instances of VAW committed against transgenders and lesbians from the Rainbow Rights are described as follows:

Vanessa (a transgender woman) was often bullied and roughed up by her brothers. A brother boxed her in public for wearing a dress and a wig. Vanessa was also almost gunned down by a stranger, but was able to dodge the bullets. Madeline (a transgender woman) was slapped by her mother at age 4 for wearing her bra. Kel (a lesbian) was slapped by her uncle for “acting like a tomboy.” A man crossed the street, declared that “you transsexuals are bad!” and without provocation, attacked Alyssa (a transgender woman). A man threatened to kill Agnes (a lesbian) by making a sign like he will cut off her head. A security guard was discourteous to Lei (a transgender woman), so she told him he was not supposed to act like that. Instead of apologizing, he hit her with the nightstick.

Emotional violence largely came from family members, significant others or ex-partners, coworkers, and strangers. This form of violence primarily involved criticism or rejection of actual or perceived sexual orientation, gender identity or gender expression or the choice of a partner. Respondents said that they were taunted or ordered to change their sexuality or gender expression, for instance, by modifying their manner of clothing and demeanor.

Some individuals with LGBT identities were raped within their family, or were sexually abused by uncles during childhood and in prepubescence. For instance, Pol (a transgender woman) was raped by her uncle when she was in Grade 5. May (a transgender woman) was molested by her uncle and some neighbors when she was 10 or 11 years old. Jelay was raped by her uncle when she was in Grade 2 (8 years old), a rape she was accused of provoking.

Some LGBT suffered sexual violence from significant others, people they know, or from strangers. Anne (a bisexual woman) said her former male partner used physical and sexual assault as a means of denigrating her sexual orientation. A transgender woman who served as a village official found that her position did not offer her protection from sexual advances when the village captain attempted to grope her, and went around afterwards bragging to other officials that he was able to mash her breasts. Madelene (a transgender woman) was able to escape a rape attempt. By that time she was already stripped of her clothes and her hands were tied behind her back.

The latest issue on violence against women affecting a transgender woman is the brutal beating and murder of Jennifer Laude on October 11, 2014, allegedly by a US marine who was in the country as part of US-Philippine military exercises. The case is currently being monitored by the Association of Transgender Philippines, together with partner organizations in PhilWomen on ASEAN to ensure that the gender-based violence is not set aside because of diplomacy and foreign relations.

Republic Act No. 9262, also known as the Anti Violence Against Women and Their Children Act, was passed in 2004, and provides that the perpetrator can be any person, meaning it can include violence that happens in a lesbian relationship with the perpetrator being another woman. This law has not yet been tested on these instances. It has also not been tested in cases of transgender women who are victims of violence by their male intimate partners.

Rainbow Rights reported that the Philippine Commission on Women and the Population Commission have conducted dialogues on sexual orientation and gender identity. Their recommendations which were submitted to the Department of Foreign Affairs were instrumental in the Philippine vote at the UN Human Rights Council supporting a resolution to update a report entitled *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*. This updated report is expected to be presented at the 29th session of the Council in Geneva in June 2015. Note that in 2011, the Philippines abstained on that vote. The Philippine statement, given on September 28, 2014, provides a definitive support for persons of diverse sexual orientation and gender identity. It states: "[The Philippines] stood against discrimination against specific individuals and sectors, including discrimination and violence against individuals based on their sexual orientation and gender identity."

Anti-Discrimination Ordinances that cover discrimination and violence against lesbian, gays, bisexuals and transgender people are currently in place in Quezon City, Davao, Cebu, Bacolod, Dagupan, Candon, Angeles, and in the provinces of Cavite and Agusan del Norte. UP Prof. Eric Manalastas mapped out these ordinances. But there is no ordinance and law defining "hate crimes" in the country, crimes which are motivated by hatred against LGBTs in particular.

## **VAW in the Aftermath of Yolanda**

Typhoon Yolanda, which hit the Visayan areas in November 2013, also left a trail of women who were battered, raped, sexually harassed, or became victims of other forms of VAW. For instance, in Concepcion, Iloilo, the head of the PNP Iloilo City Women's Desk reported,<sup>4</sup> an increase in VAWC cases in the aftermath of Yolanda. Twenty-seven cases of abuse by husbands were reported, particularly verbal and physical abuse, but only three women filed RA 9262 cases against their husbands. There were four cases of rape, two of which were committed against minors. There were 13 cases of child abuse. The PNP noted that there could be more instances that they were not able to respond to from the 11 island barangays because of the latter's inaccessibility.

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<sup>4</sup> Presented in *My Body, My Self, My Personhood Training*, May 12–16, 2014, Concepcion, Iloilo.

ity. The low number of cases filed under RA 9262 is attributed to the lack of financial independence of women, lack of a women's crisis center in the area, and lack of reporting to the PNP.

A consortium of seven women's groups was tasked with the creation of community based women's watch groups to immediately respond to the rising VAWC incidents committed in the aftermath of typhoon Yolanda. WomanHealth was one of these women's groups, and took charge of setting up a Gender-Based Violence (GBV) watch group in three provinces hit by Typhoon Yolanda in November of 2013. Other members of the consortium are EngenderRights, PKKK, SARILAYA, WCC, D2KA-Pinasama, and CATW-AP.

The GBV watch groups in each province are tasked to monitor, document and report VAWC cases in their areas. Each watch group undertook a five day Training of Trainers on VAW and some of them were involved in the conduct of 96 roll-out sessions on women's rights in their areas. In each province and municipality, WomanHealth invited the local police or the local social welfare department to report on the VAWC situation. The GBV watch groups prioritized the monitoring of barangays which were identified by the local police or social welfare department to have cases of VAWC. The GBV watch groups, in turn, are to be monitored by the members of the women's consortium.

***Strategic Objective D3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking***

In the period from 2007 to 2010, the trafficking flow of South East Asians has been the most significant, according to the UN Office on Drugs and Crimes (Philwomen on ASEAN, 2014). In the Philippines, reports of trafficking, especially for prostitution, continue to increase significantly. Survivors in Olongapo City, Angeles City, Davao City and Quezon City report that younger women are seen in prostitution bars and in street prostitution.

Poverty is still the major push factor in the continued trafficking of women and girl children, especially in the ZAMBOSULTA (Zamboanga, Sulu and Tawi-Tawi) areas (Ateneo Human Rights Center, 2012). "Halaws" or people migrating from those areas to Sabah, Malaysia believe that "there are greener pastures outside of the Philippines" so they can manage to face all "risks" to have a 'good' life. However, there is a dearth of data on women migrants who suffer from VAW in the places where they have moved.

The situation of trafficking of persons is worsened by the opening up of mining areas to foreign investors, the influx of foreign and local soldiers in many areas of the country, and by disasters. Data gathered by the CATW-AP (2014) after typhoon Yolanda describe recruiters taking advantage of the desperation of internally displaced persons. Recruiters came to the disaster-

afflicted areas, asking for women and girls who had lost their husbands or parents and needed work. In Region 8, there were at least 12 cases of trafficking recorded four months after Yolanda, mostly destined for work in Angeles City, known as a common destination for sex trafficking. In Region 6, police similarly recorded trafficking of typhoon survivors. The Social Welfare Department in Estancia, Iloilo, reported the decrease by half of women accessing the conditional cash transfer program, as many of them migrated for work, and it is yet unclear if they landed safe jobs. In an evacuation center receiving the internally-displaced persons (IDPs) in Manila, there were persons who pretended to be fetching relatives, but who actually trafficked women to Angeles.

The government reported an increasing number of convictions of TIP (trafficking in persons) cases from 2010 to 2014 (Philippine Commission on Women [PCW], 2015). It noted 126 convictions which involved 144 persons. However, the government also admitted this is very meager compared to the 1,519 cases presently lodged in courts. Penalties for such convictions entail life imprisonment and fines ranging from one to eight million pesos. Recently, the Inter-agency Council against Trafficking was able to rescue at least six women IDPs from Globas Bar along Visayas Avenue in Quezon City (CATW-AP, 2014).

### **CATW-AP Youth Camps**

The Coalition Against Trafficking of Women-Asia Pacific conducted several youth camps of mixed groups. These involved mapping activities on what the youth engage in, where they will be made vulnerable to various risks, including the risk of getting into prostitution, trafficking or pornography. They also had sessions on deconstructing masculinities, love and sex, and practice sessions on non-violent communication.

## **EFFORTS OF ACADEME TO ADDRESS VAW: SOME EXAMPLES**

### **UP Office of Anti-Sexual Harassment (OASH)**

The University of the Philippines System, in its quest for more humane and violence-free campuses, devised its own anti-sexual harassment policy in 1994, even before the passage of Anti-Sexual Harassment Law in 1995. The UP Diliman Office of Anti-Sexual Harassment was established in September 2003. The campus policy includes peer-to-peer sexual harassment (which is not included in the national law).

As of late 2014, UP Diliman recorded 29 filed cases; UP Visayas in the Miagao and Iloilo City campuses reported four cases since 2007. UP Tacloban received two complaints and UP Manila recorded 20 cases. UP Mindanao received only one complaint up to 2014 (University of the Philippines Diliman Gender Office [UPDGO], 2014).

## **UP Diliman Gender Office (UP DGO)**

Another UP unit which is also indirectly addressing and implementing a VAW law particularly RA 9262 is the UP Diliman Gender Office (UP DGO). Through its counseling and legal services since 2007, the UP DGO recorded 364 cases of VAW (Anti-Sexual Harassment [OASH], 2014). But very few women filed legal or criminal cases.

The bulk of UP DGO cases are actually violations of RA 9262, or the Anti-Violence against Women and their Children Act of 2004 (196; 54%). Only four women filed legal cases against their husbands. Most of the women opted for child support and counseling. There were also counselees who were victims of rape, incest and childhood sexual abuse (8%), young women who sought termination of pregnancy (2%), those with LGBT concerns (4%), victims of family violence (6%), e-VAW (.8%), and women with mental health problems (3%).

The UPD, being the main campus, has its own referral system in responding to VAW because of the presence of the health, legal and police services, unlike other UP campuses which lack these services. Through the UP DGO, workers, faculty and students are oriented every year on gender issues on campus, particularly the laws on SH and Anti-VAWC. It also offers orientation on sexuality, reproductive health and religion.

## **CHALLENGES**

### **Poor Implementation of Anti-VAWC Law**

In a Regional GAD Conference held on May 30–31, 2012 in Tagaytay (Region IV-A (CALABARZON) GAD Council, 2012), regional officers from different government agencies in Luzon tackled the implementation of VAWC as one of their agenda. According to the DILG Regional Office, the poor implementation of RA 9262 can be attributed to the following reasons:

- Barangay officials and VAW desk officers lack training which results in women's non-availment of barangay protection orders (BPOs). In addition, mediation or amicable settlement which is prohibited is still practiced by barangay officials in resolving VAW cases.
- Lack of enabling mechanisms such as a strong Provincial/City/Municipal Inter-agency Council against Trafficking and VAWC.
- Lukewarm response of local chief executives to some GAD-related laws.
- Low prioritization of livelihood programs for women.

In 2010, the Women's Crisis Center (WCC) reported that it had not won a single case on VAW since RA 9262's implementation in 2004. Atty. Gaddi of SALIGAN also reported that she received a resolution upholding an Anti-VAWC case only after two years from the filing of the case.

The experiences of women have shown little or no utilization of the Battered Women Syndrome (BWS) as a legal defense, or of Barangay Protection Orders. BPOs are violated and are even revoked by women VS themselves. While the law mandates courts to provide services and protection for VS, the court decisions are sometimes rendered ineffective due to lack of services for the women and even for the abusers. For instance, there is no national counseling service even if counseling is mandatory for abusers. The law also provides for the setting up of an inter-agency council for monitoring and implementation of the law. Sadly, even the PCW itself admitted to poor implementation and monitoring.

In the end, both community women and women's groups organizers noted that the poor implementation of RA 9262 may be due to the non-distinction between crimes between strangers (CBS) and crimes between intimate partners (CBP). In the J & H framework, there is a distinction. CBS happens within a definable timeframe and is addressed by legal structures around CBS. However, CBP happens within an indefinite period of time, involves women's emotional and economic experience, but is addressed by emergent mechanisms within a legal infrastructure developed around CBS. Thus, the judiciary is not prepared for implementing RA 9262 and the women VS also admit they cannot depend on the law for justice.

### **Failure to Follow-through the 'Spirit' of the Law and Have the Political Will to End VAWC**

Based on the *Guidelines in Developing Legislation on VAW 2008*, the Philippines passed the standards in terms of the letter or wording of the law but it falls short in almost all of the criteria based on the women NGO practices and women VS experiences shared and/or discussed above, namely:

- Support for complainants
- Conduct of consultation appropriate for experiences of women
- Evidence-based approach
- Human rights perspective
- Mechanism to monitor effective implementation
- Coordinated and gender-sensitive implementation of the law
- Prosecution and punishment of perpetrators

As captured in the UN Secretary General's Study on VAW, political will can be expressed in a variety of ways, not only through legislation but also through resource allocation, efforts to overcome impunity, and "creating an environment conducive to the effective functioning of NGOs working on this issue" (United Nations Study of the Secretary General, 2013, p. 21).

## **Urgent Need for Temporary Shelter for VAW Victim-Survivors**

The need for shelter for VAW VS is urgent, especially in the urban poor areas where most couples in abusive relationships are migrants, with no houses of their own.

## **Localizing Justice and Healing (J & H) Concepts**

The 2012 Advocacy Counseling Consultation Training Services (ACCTS) report recommends the localization of the Justice & Healing concepts so that the people at the local level can deepen their meanings. Based on the reports of counselors, women are often forced to return to their families where VAW still happens, so this strategy does not always work for them. "Positive discipline" is a concept that is so close to J & H. According to PCW, because the concept of justice pertains more to the work of police, law enforcement, and lawyers, while healing pertains more to the work of social services such as the DSWD and DepEd, both should be tackled by an inter-agency council.

## **Reviving Hospital Based Women's Crisis Care**

The Women's Crisis Center (WCC) founded the first hospital-based crisis center in the Philippines. It also pioneered feminist counseling for VAW victim-survivors in the country. But in March 2014, after 20 years of serving as the Women's Crisis Care and Children's Protection Unit (WCCCCPU) at the East Avenue Medical Center, the WCC was 'forced' to vacate its place at the said hospital. The story goes this way:

Sometime in 2013, a Management Committee (MC) Meeting of the EAMC was held. In that meeting, the WCC representative was bombarded with complaints from the heads of the different departments of the hospital. Consequently, the WCC consulted the legal counsel of the hospital. The lawyer advised the WCC to request a physical space at the "Tahan Tahanan," a project for children survivors of cancer. But the WCC was not given that suggested space; instead, it was relocated in the Emergency Room which is about 2 x 2 meters wide, enough for two tables and two chairs, with a telephone. At that time, there was constant 'black out', about 5x a day. Another EAMC MC meeting was held. In March 2014, the Medical Social Services Department began to take over the functions of WCC in the hospital. The WCC is now located in Manila, with streamlined staff and services.

## **Towards a Law that will Prevent VAW**

The laws passed to combat VAW usually address the intervention phase when the violence against women had been already committed. In the NNFVPP Partners' Forum, there was a proposal worth testing: a law to prevent VAW. This may actually arrest commission of VAW.

Actually, the Magna Carta of Women is the answer to this plea. But the ineffective implementation of various women-related laws that have been

passed makes advocates wonder if this “bill of rights” of women at the local or country level can actually arrest VAW.

### **Safekeeping of VAW Data in Disaster Prone Areas**

The newly launched national database on VAW sponsored or initiated by the PCW is truly a big help especially with the advent of mega-disasters. The UP Miagao and Iloilo campuses were not able to save any hard copy of the statistics on sexual harassment in their areas after strong typhoons. Thus, a national database, which is being tested now, could prove very helpful in ensuring the safety and easy recovery of data wherever they are located. Of course, the system has yet to prove its reliability in harmonizing all reports or statistics on VAW.

### **Addressing VAW in the Catholic Church**

Sr. Nila Abesamis (2011), in the book *That She May Dance Again*, noted that the role of the Church in addressing VAW is lacking. It is a challenge to the Roman Catholic Church to take a strong position in addressing VAW in the Philippines.

### **Making Men Responsible for VAW Prevention**

The PCW-initiated MOVE (Movement of Men Opposed to Violence against Women Everywhere) failed to take root at the local level, as evidenced by what happened in Barangay UP Campus. The UP DGO had a partnership with the Barangay UP Campus, the UP Center for Women's Studies and other allies to launch the MOVE chapter in the Barangay. FGD sessions with several urban poor men in the areas were held but MOVE failed to pick up. In earlier years, Barangay UP campus also had several men counselors who volunteered their time in counseling perpetrators of VAW. But their number dwindled, until no man was volunteering to do counseling work. Thus, it remains a challenge for both the women's groups and the communities to actively involve men in addressing VAW at the community level.

In the Philippines, women and men still do not work harmoniously together in the same agency or space in addressing VAW. In Indonesia, they already have the Riffka Anissa where women and men counselors are present in the same office and address both the needs of men abusers and women victim-survivors of VAWC.

### **Bringing the Discourse on VAWC to the Community**

In the J & H Barangay Forum in Barangay UP Campus by the WCC, several issues were surfaced: the accountability of abusers, whether mediation is proper, and the preservation of the family.

The forum emphasized that the intention is for transformation of men so they will end their violent ways. The family should be preserved but only when women's autonomy is recognized and the abuse and violence is put to a stop. According to Atty. Lea Domingo of UP DGO, mediation does not address the root cause of VAWC which is the unequal negotiating power between men and women.

### **Funding for VAW Services as well as Other Basic Social Services**

The effective use of the GAD budget in arresting gender violence in different settings still remains to be seen. Another source of funds for addressing VAWC can be the 1% budget allotted to the Barangay Council for the Protection of Children (BCPC).

Instead of putting more budget allocation on building military capability, which creates the demand for human trafficking and prostitution, the government budget should be shifted towards job creation and social services to address the push factors on the supply side of trafficking and prostitution as well as the indecisiveness of most women to leave a battering relationship because they are economically dependent on their husbands (based on WCC study). As to the funds pouring into the national coffers for trafficking and typhoon-related interventions, there is a lack of transparency on how these funds are spent.

### **Developing 'Second liners' for Anti-VAW Work**

The PCW also noted the need to develop young women advocates for anti-VAW work. The PCW actually has a Commissioner for Young Women to take on this task. The women's movement is prioritizing the participation of young women in workshops and training to ensure second liners in this kind of advocacy.

### **Activating VAW Desks in Every Barangay**

There are VAW desks in about 27,000 out of the 45,000 barangays in the country. A Manual for VAW Desks is being prepared together with the DILG, DSWD, PNP, and DepEd. This project has been taken on by the Women's Consortium addressing VAW in Yolanda hit areas. However there is feedback that VAW Desks are not even heard of in the remotest barangays. Many of the barangay halls were totally devastated so there is no place for a VAW desk which requires confidentiality and safety for the survivors. Some of the barangays locate their VAW Desk in the nutrition centers, some in their barangay health centers and others in a corner of their barangay halls. Two barangays were piloted for the establishment of VAW Desks; the UNFPA provided them with space, with furniture such as table and chairs, computer and allowance for the VAW desk officers.

## **Organizing Anti-VAW Campaigns Online**

Another challenge is onsite or virtual community organizing against VAWC. The use of the social media or internet is not yet maximized in forming interest groups of parents, children, among other sectors in advocacy campaigns to address VAWC.

## **Putting VAW on the Electoral Agenda**

It was suggested in a barangay forum that addressing VAW can be pushed as a major item in the electoral agenda for local candidates this coming 2016 elections.

## **Creating Community Watch Groups on VAW**

The role of the community cannot be overemphasized especially in the areas of safety, prevention and integration of women VS. Even the barangay officials who fail to implement the letter and spirit of the law can be corrected through the activities of community watch groups.

Creating all-women VAW watch groups in the areas devastated by Typhoon Yolanda constitutes good practice. They were given samples of a Manual or ToolKit on how to file a case step by step. Some of the women showed this to government officials when they were neglectful of their duties. The Naga City Bantay Bana also did this as shared in the NNFVPP Forum. It disseminated materials on women-related laws in 27 barangays as part of its community monitoring activity. It also furnishes copies of the laws to officials of the courts who are not familiar with these. The City was in fact adjudged as the "Most Responsive LGU."

## **RECOMMENDATIONS**

### **Gather and Consolidate Data on VAW**

There is a glaring lack of consolidated data on VAW. The PCW initiated NVAW docs is a step towards consolidation. But NGOs like the WCC have a problem with the confidentiality issue in this kind of undertaking. Since most of the police are admittedly abusers too, then access of the police to such confidential data is a big issue for women VS.

Gender-related researches are also minimal. There were only about 48 women- and gender-related researches documented in the UP Gender Audit (2007–2012). A lot of topics can be researched on and as earlier stated, it is urgent that the impact of interventions on VAW must be evaluated for both effectiveness and efficiency.

Gemma Abezado of the Advocacy Counseling Consultation Training Services or ACCTS noted in her 2012 report the need for research on VAW

primarily because VAW incidence is not going down and there is a high rate of recidivism among perpetrators.

### **Hasten Implementation of RA 8369 on the Creation of Family Courts**

RA 8369 on the Creation of Family Courts forms part of the triad of laws addressing rape together with RA 8353 (Anti-Rape Law), RA 8505 (Rape Crisis Center in Every Barangay). According to PCW, this is a long-shot goal for the Supreme Court. Family Courts are created so they can deal directly with special laws such as the Anti-Rape and the Anti-VAWC (Abezano, 2012). But later, it can happen that they will be converted into Special Anti-Drug Courts because most of the perpetrators of VAWC are guilty of drug and alcohol abuse.

### **Implement Comprehensive Sexuality Education (CSE)**

Comprehensive sexuality education (CSE) has been long delayed. With the passage of the Responsible Parenthood and Reproductive Health Law (RA 10354), institutionalizing CSE through curricular reforms can inculcate positive ideas about women's sexuality and sexuality in general. This can help stem increasing teen pregnancy, trafficking of women and girl children and other abuses which are somehow attributed to the "predatory" character of men's sexualities and/or masculinities that can be partly corrected through CSE.

### **Expand the Definition of Sexual Harassment in the Law and Scrap Contradictory Laws on Trafficking**

The PCW, through its power as the national women's machinery, must push for the expanded definition of SH in the House and the Senate. This can serve as landmark reform especially if SH will also encompass sexual harassment occurring in public spaces, not just in a learning or working environment. This will be significant because it will define women's security in both individual and community spaces, but it understandably will involve more costs due to the widening of its coverage. It will however, curb VAW as a major obstacle in women's development. Another challenge is to implement the mandatory and transparent counseling of perpetrators to ensure compliance and monitoring.

There remains to be contradictory laws in the Philippines that criminalize trafficked and prostituted persons, contrary to the UN Protocol on the Suppression of Traffic in Persons and the GR 19 of the CEDAW Committee (based on CATW-AP Report). This includes the Vagrancy Act or Art. 201 of the Revised Penal Code. Application of the trafficking law remains narrow, in that protection and reintegration of victims do not include those who have

been trafficked into prostitution for a long time, and those whose cases do not involve the element of "force" or "movement," which is not necessary in the UN Protocol or the local law.

### **DepEd Must Insert VAW Topic in the Curriculum**

It is very glaring in the PCW Report of 2014 that the Department of Education (DepEd) has no major contributions, unlike other government agencies, in addressing VAW. If VAW is defined in the BPA as rooted in "historical inequality between men and women" it is imperative that the DepEd has something in the curriculum which tackles the historically rooted oppression of women.

## **CONCLUDING REMARKS**

### **'Kudos' to the Framers of Women-related Laws**

RA 9262 is noted in a SALIGAN study to be the most comprehensive and gender-sensitive law on domestic violence in Asia. The definition of VAW in RA 9262 actually debunks the public and private divide. Defining VAW is very important but what is equally important is making the law useful to women and making women win their legal battles.

### **Community Partnering**

In terms of solidity or continuity of response to the various needs of women VS (e.g. safety, protection and reintegration), community partnering should be a vital component in all projects of NGOs and GOs.

### **ASEAN-level Integration of Laws**

ASEAN countries must harmonize their laws with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, so that all victims are protected and national laws are focused on suppressing the demand side, instead of re-victimizing women and children through criminalization (based on CATW-AP Report).

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