

The Republic of the Philippines' implementation of General Assembly resolution A/RES/58/185 entitled "In-depth Study of All Forms of Violence Against Women"

1. On 8 March 2004, the Philippine President signed into law Republic Act 9262 or the *Anti-Violence Against Women and Their Children Act* (VAWCA). This law aims to further protect women and children from violence and to criminalize perpetrators. VAWCA criminalizes people who commit acts of physical, sexual, psychological (including verbal), and economic abuse and violence against women and their children in a marriage, when dating, or in common-law relationship. It protects women who are abused by their spouses, former partners or lesbian partners. It also includes the "battered woman syndrome" as a justifying circumstance for self-defense, leaving the woman-victim free from any civil or criminal liability if she injures or kills her abuser.
2. The remedies available to the offended woman or child under the law, includes the issuance of a temporary protection order by the court which incorporate such relief as: (a) prohibiting the respondent from making threats or harassment; (b) excluding the respondent from the residence of the offended party regardless of the ownership of the residence; and (c) garnishment of a percentage of the respondent's wages in favor of the offended party.
3. For rural women who are victims of violence, the law mandates the *barangay* (village) officials to provide protection. Section 14 of the law provides that the *Punong* (Head of) *Barangay* can issue the protection order after having determined the basis of the application. If the barangay head is not available, any *Barangay Kagawad* (Councilman) can fulfill the role as long as an attestation of the Punong Barangay's unavailability will be provided.
4. The law affords women better access to services, as well as facilitates popularization of the issue at the local level. As an implementing mechanism for this law, an inter-agency council on VAWC was created. The council formulates relevant programs and projects, as well as develops capability programs for the front liners.
5. Republic Act 9208 or the *Anti-Trafficking in Persons Act of 2003* was signed into law on 26 May 2003. It defines trafficking in persons as "recruitment, transport, transfer or harboring or receipt of persons with or without the victims' consent or knowledge, within or across national borders by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual

exploitation, forced labor or services, slavery, servitude or the removal or sale of the organs.”

6. The law gives legal protection to the trafficked persons, regardless of whether or not they have given their consent. As such, all trafficked persons, without qualification, shall be recognized as victims of trafficking and shall not be penalized for it. The victims or survivors shall be entitled to the witness protection program, and to services such as counseling, temporary shelter, education, health care and legal assistance.
7. Government policies, programs, projects and strategies are focused on addressing discrimination, inequality, vulnerability and empowerment issues experienced by women in their immediate social and economic environment.
8. The Department of Social Welfare and Development (DSWD) provides services to women in difficult circumstances (WIDC) in community-based and residential settings. The DSWD endeavors to enable WIDCs to resolve their problems as well as prepare them for their eventual return to their community. The services given these women include residential care, maternal and childcare development, livelihood skills, counseling, legal assistance and other psychosocial interventions. A total of 21,892 women in various categories were served in communities and centers for the year 2003. For the first semester of 2004, a total of 1,081 women victims of abuse and violence were provided with residential, protective and rehabilitative services in Substitute Homes for Women. During the same period, a total of 4586 women victims were given community-based protective and rehabilitative services.
9. DSWD assists trafficking victims by providing them with temporary shelter to ensure their privacy and safety. The victims and their families are then given counseling services.
10. The DSWD also conducts the *Community-Based Program for Rehabilitation of Domestic Violence Perpetrators* and the *National Family Violence Prevention Program*. The rehabilitation program focuses on the treatment, rehabilitation and transformation of domestic violence perpetrators. On the other hand, the prevention program prepares family members against violence and manages peaceful resolution of conflicts within the context of family relations. It mobilizes communities and inter-agency support groups to consolidate efforts in support of families at risk. The program has the following components: family group conference, organization of family councils, protective behavior of women and children and the training and organization of fathers through the empowerment and reaffirmation of paternal abilities. The prevention program has been adopted in 25 barangays and 16 Municipalities. In the Cordillera

Administrative Region, Regions III, IV, V, X and XI. A total of 240 barangay leaders were trained for the year 2002 to the first semester of 2003. A total of 56 families at risk were trained in the prevention of family violence.

11. The National Commission on the Role of Filipino Women (NCRFW), in partnership with the DSWD and local government units, signed on 8 April 2005, a Letter of Understanding with the United Nations Population Fund for the project, "Strengthening Government Mechanisms to Mainstream Gender in Reproductive Health, Population and Anti-Violence against women Programs>" The project is part of the gender component on the UNFPA 6th Country Programme of Assistance, with the NCRFW as the Project Component Manager.
12. Included among its six major components is the establishment of performance standards for the delivery of VAW services, strengthening and localization of existing inter-agency councils addressing specific VAW concerns, and integration of gender in the reproductive health and population programs of government.
13. Projects deliverable include the development of a manual on the implementation of gender responsive counseling services for service providers; training of trainers on the use of the manual in the UNFPA priority areas; establishment of Inter-Agency Committee on VAW at the regional, provincial and municipal levels in the UNFPA priority areas.

Republic of the Philippines
Addendum on the Implementation of General Assembly resolution A/RES/58/185

1. RATIONALE

The Declaration on the Elimination of Violence Against Women (DEVAW) defines violence against women as an “act of gender-based violence that results in, or likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It encompasses all forms of violation of women’s rights, including threats and reprisals, exploitation, harassment, and other forms of control.”

The Beijing Platform for Action (BPFA) likewise defines VAW as encompassing but not limited to physical, sexual, and psychological or emotional violence occurring in the family (wife battering and incest) or within the community (rape, sexual harassment and trafficking), or condoned or perpetrated by the state (military rape and sexualized torture). Also, the BPFA identified VAW as one of the twelve areas of concerns and recognizes VAW as the “manifestation of the unequal power relations between women and men which have led to the domination and discrimination of women by men and to the prevention of women’s full advancement.”

Given the above-mentioned context, the NCRFW as the government machinery for the advancement of women and the policy advisory body to the Office of the President, adopted VAW as one of its priority concerns.

The succeeding sections will provide the highlights of NCRFW’s initiatives on VAW as well as its accomplishments. Latest data or statistics on VAW are also presented to give a picture of the magnitude of the issue.

II. STATISTICS

The Philippine National Police (PNP) and the Department of Social Welfare and Development (DSWD) are the primary sources of the data on VAW.

- VAW cases reported with the PNP rose between 2000 and 2002 before declining to 7,805 in 2003. Physical abuse and wife battering accounted for 58% to 62% of the reports, while rape accounted for 13% on the average.
- The number of VAW cases reported to the PNP increased seven-fold, from 1,100 in 1996 to 7,383 in 2004. The highest recorded number of VAW cases was in 2001 at 10,343.
- The DSWD, on the other hand, saw a general decline in the number of women in especially difficult circumstances (WEDC) cases served since 1999.
- Both the PNP and the DSWD records show that battering and rape were the most common types of cases reported to them accounting for 48.1% and 16.6%, respectively.

The Women's Crisis Center (WCC) a non-governmental organization that caters to VAW victims and survivors has the following data:

- 7 of 10 rape survivors were raped by men known to them
- 6 of 10 rape survivors were forced into early marriages or live-in arrangements with their assailants
- 6 of 10 incest survivors were abused by their own biological fathers
- 1 of 3 incest survivors were abused when they were below eleven years old
- 2 of 10 incest and rape survivors had unwanted pregnancies
- 9 of 10 battered women experienced marital rape
- 6 of 10 battered women had unwanted pregnancies
- 6 of 10 battered women were battered during pregnancy

The Department of Justice (DOJ), the Department of Foreign Affairs (DFA) and the DSWD have the following data on trafficking from June to November 2004.

DOJ	DFA	DSWD
Investigation and Prosecution -received 42 cases of violations of RA 9208 <ul style="list-style-type: none"> • 15 Have been filed in court • 23 pending preliminary investigation/resolution • 4 dismissal 	Received 432 cases of trafficking/illegal recruitment from 11 countries (Malaysia, Nigeria, Bahrain, Brunei, Cyprus, Hong Kong, Italy, Japan, Jordan and Kuwait)	Assisted 156 victims of trafficking from Kota Kinabalu and elsewhere in Malaysia – all female

III MAJOR INTERVENTIONS AND ACCOMPLISHMENTS

INSTITUTIONAL MECHANISMS

A) **THE VAWCC:** In response to the National Socio-Economic Pact of 2001 agreed upon by the executive and legislative branches of government **“to strengthen the NCRFW’s oversight function to implement measures to curb violence against women and direct government agencies to follow it”** the NCRFW convened the Violence Against Women Coordinating Committee (VAWCC) composed of 15 government agencies with VAW mandates, namely, the Civil Service Commission (CSC), Commission on Human Rights (CHR), Department of Education (DepEd); Department of Health (DOH), Department of Interior and Local Government (DILG), Department of National Defense-Armed Forces of the Philippines (DND-AFP), Department of Social Welfare and

Development (DSWD), Bureau of Jail Management and Penology (BJMP), National Bureau of Investigation (NBI), National Police Commission (NAPOLCOM), National Statistical Coordination Board (NSCB), Philippine Information Agency (PIA) and Philippine National Police (PNP). The VAWCC is to serve as an oversight committee to eliminate VAW through an integrated and holistic approach focusing on four areas of concerns, namely: a) response to the needs of VAW victims and survivors; b) response to offenders; c) nature and causes of VAW; and d) changing societal values.

Among others, the VAWCC was able to develop the following: a) National Action Plan to Eliminate VAW; b) VAW performance indicators; c) VAW core messages; and d) Plan for standardizing documentation format, namely the VAW was instrumental in the passage of two landmark legislations on **VAW, Republic Act (RA) 9208 or the Anti-trafficking in Persons Act of 2003 and RA 9262 or the Anti-Violence Against Women and Their Children Act of 2004**. The anti-VAWC law addresses abuse in the family and intimate relationships. The different VAWCC agencies actively participated in the advocacy activities for the passage of these laws through the commemoration of the 16-day campaign to eliminate VAW in 2002 and 2003. The VAWCC was also into continuing capacity building and conceptual clarification on issues and concerns related to VAW.

B) **THE INTER-AGENCY COUNCILS ON VAWC and TRAFFICKING.** The passage of RAs 9262 and 9208 paved the way for the creation of inter-agency councils that are to specifically look into the issues and concerns related to the implementation of these laws. The **Inter-Agency Council on Violence Against Women and Their Children (IAVAWC)** which is being chaired by the DSWD and co-chaired by the Department of Interior and Local Government (DILG) with the NCRFW as the council secretariat adopted the Implementing Rules and Regulations of RA 9262. At the moment, the IACVAWC is in the process of setting in place the mechanisms to effectively implement the provisions of the law. The **Inter-Agency Council on Anti-Trafficking (IACAT)** which is headed by the DOJ has the following major accomplishments: a) National Strategic Plan of Action Against Trafficking in Persons; b) Standard Orientation Module on RA 9208 and its IRR; c) Guidelines for the establishment of inter-agency task force against trafficking. The IACAT is also in the provision of needed services to trafficking victims and survivors. The NCRFW is a member of IACAT.

POLICY ADVOCACY, NETWORKING, LINKAGING AND PARTNERSHIP BUILDING

The NCRFW, in partnership with other relevant government agencies and non-government organizations, was instrumental in the passage of the RAs 9262 and 9208. Massive public information and dissemination campaign and lobbying on issues and concerns related to VAW in the family and intimate relationships and trafficking were undertaken to facilitate the passage of these laws. The passage of these laws were highlights of the commemoration of the 16-day campaign on the elimination of gender-based violence in 2002 and 2003.

Also, to encourage the participation of men in the campaign to stop VAW, the "White Ribbon and Men Speak Out Against Violence Campaign" was launched.

The NCRFW has also been into networking and partnership building between and among the other branches of government such as the legislative and judicial branches and the non-governmental organizations (NGOs).

The "Gender Justice Awards", the first in the region, recognized judges who rendered gender sensitive decisions on cases of VAW. This was organized in partnership with the University of the Philippines - Center for Women Studies (UP-CWS), the Commission on Human Rights, Zonta Club of Pasig, NGO lawyers and the private sector. UNIFEM provided initial funds and UNICEF, UNDP and CIDA also pitched in. This was a good practice in multi-sectoral partnership and cooperation.

Likewise the Supreme Court developed the Rule on Violence Against Women which spells out the Court's procedures and guidelines in handling VAWC cases. This Rule was launched last October 2004, together with the Implementing Rules and Regulations (RR) of RA 9262.

Moreover, the Commission has maintained a partnership with NGOs, specifically in the provision of services to VAW victims and survivors such as the Women's Crisis Center (WCC), Kalakasan Foundation, Womenlead, Women's Legal Bureau (WLB), Saligan, etc. as the NCRFW does not provide direct services. Most of them were also part of the Technical Working Group that crafted the IRR of RA 9262.

TOOLS and IEC DEVELOPMENT

The NCRFW has also been engaged in the development of tools and information, education campaign development. The Commission was able to develop/package the following: a) VAW Information kit, which contains, among others, VAW data, VAW hotlines and services, etc.; b) RAs 9262, 9208 and their IRRs; and c) VAW posters.

CAPACITY-BUILDING

The NCRFW has also conducted capacity-building activities for its partners. Recently with CIDA support, it sponsored trainings for prosecutors, as well as, members of the VAWCC, with special emphasis on the gender sensitive handling of VAW cases.