

A DEEPER LOOK AT VIOLENCE AGAINST WOMEN (VAW): THE PHILIPPINE CASE¹

“Violence against Women is perhaps the most shameful human rights violation. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace.”

*- Kofi Annan, United Nations General Assembly
New York, 5-9 June 2000*

I. Naming and defining the problem

The United Nations decade for Women (1976-1985) brought to the fore the issue of gender-based violence, particularly violence against women (VAW). This phenomenon, which was previously regarded as rare or non-existent, was given focal attention as its incidence all over the world became very alarming.

Variouly referred to as “sexual violence”, “gender violence” or “violence against women”, this age-old issue and reality has gained urgency only recently because of the significant work of women advocates and survivors in naming the problem. It includes domestic violence, rape, trafficking in women and girls, forced prostitution, and violence in armed conflict, such as murder, systematic rape, sexual slavery and forced pregnancy. It also includes honor killings, dowry-related violence, female infanticide and prenatal sex selection in favor of male babies, female genital mutilation, and other harmful practices and traditions. These forms show that violence against women maybe viewed in a “continuum” occurring at various life cycle stages of a woman’s life.

Such violence arise from a “complex interaction between, on one hand, pervasive political and social structures in which women generally have less power than men, and on the other, individual responses to these structures.” This imbalance in power relationship between women and men often means that men are influenced by their notions of masculinity, including the use of and acceptance of violence in various aspects of his life including within the context of relationships with women.

VAW is closely linked with the unequal power relationship between women and men otherwise known as “gender-based violence.” It is related to how women and men feel, experience and think about the world around them, perceptions that are influenced by the system of power and how organization, policies, norms and behaviors support those systems in different contexts. It is rooted in ideas of what it means to be a woman, and what it is to be man; in the notion that men are entitled to certain types of power; and in the consequences that ensue when that entitlement is thwarted.

The UN Declaration on the Elimination of Violence against Women (1993) defines violence against women as, *“any act of gender-based violence that results in, or is likely to result in,*

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physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public and private life."

Two years later, this issue was further reiterated as one of the twelve critical areas of concerns in the Beijing Declaration-Fourth World Conference on Women, known as the Beijing Platform for Action.

II. Socio-Cultural and Political Contexts of VAW in Asia

Social and political contexts such as class, race, ethnic group and sex, as well as individual circumstances, may vary and or exacerbate the extent and magnitude of violence against women.

In Asia, as elsewhere in the world, the impact of grinding poverty brought about by economic globalization and various forms of fundamentalism are two phenomena in the Asia Pacific that have significantly influenced the context in which violence against women takes place and on how states have responded to VAW.

The aggressive push for trade liberalization has led to economic as well as cultural dislocations of rural and indigenous women in the Asia Pacific Region. Large-scale commercial extractive industries such as mining, logging and power generation by multinational corporations have led to the loss of land, traditional sources of livelihood, and have worsened the state of food security. These have contributed to the increase of cheap female labor and a staggering increase in the feminization of migration. In Hong Kong, the number of foreign domestic helpers (a majority coming from the Philippines, Indonesia and Thailand, all women) was 237,110 for the year 2002.

The feminization of poverty, alongside the pervasive social and cultural practices that discriminate against women, limit their opportunities and access to economic and political resources. In Asia Pacific, there are numerous cultural practices that are discriminatory towards women and which perpetuate forms of violence against women. The cultural and religious leaders, who are predominantly men, hold tremendous power and influence in their societies to interpret cultural and religious traditions in ways that perpetuate discrimination and violence against women.

Within the context of social and ethnic or religious divisions, these anti-women practices are justified as a means for asserting the community's cultural and political identity. Women and women's bodies are the common terrain upon which cultural interpretations and assertions of power are played out - whether it be over women's clothes, reproductive rights, intimate relationships, social roles or rights to land and other resources. In its report on the communal violence in Gujarat, India in 2002, the National Human Rights Commission of India concluded that there was a comprehensive failure of the state to protect the people which resulted in numerous accounts of violence against Muslim women, including rapes, torture, and killings.

Women have become more vulnerable to violence, especially in conflict areas, and have become displaced persons in some parts of the Philippines, India and Pakistan as well as Burma, and asylum seekers in transit and receiving countries. The increased militarization in many Asian countries has been supported by increased allocations in national budgets for military purposes and subsequent reductions in budgets for expenditures on health and education for women.

III. Violence Against Women: Extent and Magnitude

VAW is a worldwide phenomenon. The World Health Organization (WHO) reports that half of all women who die from homicide are killed by their current or former husbands and partners. They succumbed to gunshot wounds, burns, hemorrhages and other physical injuries resulting from various forms of abuse.

In the United States, the National Center for Victims of Crime, a leading resource and advocacy organization for crime victims, reports that ten percent of violent crimes in 2003 were committed by the victim's intimate partner. Nineteen percent (19 percent) of women were victimized by intimate partners, a greater rate than men (3 percent).

In the Philippines, while the documentation of all forms of VAW has yet to be achieved, existing data indicate that VAW is a pervasive social problem. Due to the sensitivity of the issues and its impact on women and their families, many cases of violence against women often go unreported.

The Philippine National Police (PNP) documented a total of 1,100 to 7,383 cases of VAW from 1996 to 2004. The highest record was in 2001 at 10,343. Cases reported included physical injuries, wife battering and rape (incestuous and attempted).

The Department of Social Welfare and Development (DSWD) however, saw a general decline in the number of women in especially difficult circumstances (WEDC) cases served from 7,763 in 1999 to 5,559 in 2004. Likewise, the number of child abuse cases also declined from 11,045 in 2000 to 9,197 cases in 2004.

For the first three quarters of 2005, there were 4,240 VAW cases reported to the PNP and 2,826 WEDC cases served by the DSWD. Both the police and social welfare records show that battering and rape were the most common types of reported VAW cases.

From 1993 to December 2002, there were around **1,013 Recorded Cases of Human Trafficking** (DFA/CFO). 1999 accounted for 36.1 percent of the cases while 2000 accounted for 13.2 percent of the cases. Out of 460 responses, it has been noted that most of the victims came from Region III (26.5 percent); Region IV (17.8 percent); and the National Capital Region (16.5 percent). 64.5 percent were women victims and 19.1 percent of the women victims were forced into

prostitution. 51.8 percent were trafficked/smuggled to Asia-Pacific; 26 percent to the Middle East; and 18.3 percent to Europe.

Poverty and the absence of alternative sources of income push women into prostitution where they are exploited by brothel owners and pimps. Unscrupulous operators in tourism and entertainment industries continue to exploit women for prostitution, bride matching and pornography.

As a country with the highest number of women working overseas (about 500, leave the country for work each year), migration-related violence has become an important issue in the Philippines. The vulnerabilities of women suffered in their home country are compounded in a setting where they are seen as temporary workers working in occupations considered socially inferior for nationals. There are numerous cases of sexual and physical abuse of domestic helpers in the Middle East, as well as destination countries in Asia. Entertainers experience sexual harassment and pressure to provide sexual services to customers. Where there are no mechanisms and infrastructure for relief and assistance victims are simply left to suffer their fate.

IV. Impacts of Violence Against Women

Violence against Women as a Human Rights Violation. Violence against women occurs when the human rights of women are violated, such as when women are physically injured, raped, beaten, held captive, or forced to work or provide services against their will. When women are trapped in violent marriages or homes, repeatedly battered, verbally abused and completely under the control of their husbands or partners, that is violence against women. The physical, mental and emotional abuse that women suffer from as a result of violence have a tremendous impact on the health and well being of women.

Abused women are more likely to suffer from depression, anxiety, psychosomatic symptoms, eating problems, sexual dysfunction and reproductive health complications. Violence may affect the reproductive health of women through the transmission of sexually transmitted diseases and HIV/AIDS. Unplanned pregnancies may sometimes become risk factors and lead to more aggression and abuse. Effects of violence maybe fatal as a result of severe injury, homicide or suicide.

VAW has also become a development issue because it is an obstacle to the achievement of equality, security, liberty, integrity, and dignity of all human beings. It constrains human development, economic growth, and productive capacity. It is also a drain on financial resources. The direct costs include medical care; treatment programs for survivors and perpetrators; shelters; courts and legal services to prosecute perpetrators; loss of productivity; increased mortality; training costs for personnel in the service provider system such as police, judges, nurses, medical doctors, social workers, and counselors; and other indirect social costs to family members of survivors and perpetrators. These costs have an impact on the economic

growth of the country. The Inter-American Development Bank (IDB) indicates that the costs of domestic violence reach 14.2 percent of GDP for the Latin American Region, including lost productivity, medical and legal costs, and the associated stress on families. In the USA, the costs of intimate partner violence are estimated at US \$5.8 billion per year.

Further, *working women who suffer physical, psychological or sexual violence at the hands of their partners earn less in general than women who do not suffer domestic violence (DV)*. The productivity of women is affected due to the high absenteeism caused by domestic violence. The IDB estimates that countries in Latin America lose 1.6 percent-2 percent of GDP due to DV-related loss of wages alone. This drain on a country's finances is made worse by the strain that domestic violence places on women's health -for every five years that a woman suffers domestic violence, she will lose one year of healthy life. In the Philippines, the government spends an estimated 6 billion pesos (P/6b) for the medical and psychological interventions for VAW

V. Some Philippine Initiatives / Progress on the Elimination of Violence Against Women

In the Philippines, tremendous and significant progress has been made in addressing and eliminating violence against women by both government and non-government organizations.

Legislation, policies and action programs

Some of the more significant laws passed were RA 8353 (or the Anti-Rape Law) and RA 8505 of the Rape-Victim Assistance and Protection Act; the Anti Sexual Harassment Law (or RA 7877) and the Anti-Trafficking of Persons Law. The Family Courts Act of 1997 (RA 8369) established family courts in major cities all over the country. It is expected to foster a more proactive approach to protecting the rights of women and children against domestic violence and incest.

The Department of Justice Memorandum No. 9 series of 1998 on the Guidelines on the Handling of Rape Cases Involving Adult Victims was adopted. Relevant features of the policy include ensuring the fair and respectful treatment of the adult rape victim, assignment of a woman investigator during preliminary inquest, prevention of admission of evidence of the victim's past sexual conduct or reputation unless such evidence is material and relevant to the case, and banning of the public during the conduct of the preliminary investigation. This is pursuant to RA 8505 or the Rape-Victim Assistance and Protection Act.

Local governments of City and Province of Cebu have shown that local legislative bodies can use their power of legislation to address domestic violence. The Cebu City Council, as well as the Provincial Board, passed ordinances penalizing domestic violence and providing protective measures for women and child victims of abuse. Among the more notable features of the provincial ordinance is the "barangay protection order" (BPO) which may be issued by the barangay chair upon petition of the victim. The BPO makes it possible for local officials to "remove and exclude (the abuser) from the residence of the abused person temporarily for the purpose of protecting the victim regardless of the ownership of the residence." The protection

order is deemed necessary because it is usually the wife and children who are compelled to leave the family home to escape the abusive husband. This protection order is one of the important features of the new on law on VAW.

In May 2003 President Macapagal-Arroyo signed into law Republic Act 9208 or the Anti-Trafficking in Persons Act. This was the result of advocacy strategies and intensified advocacy campaigns executed by NCRFW with support from members of the VAWCC and women NGOs. This is a comprehensive law that institutes policies to eliminate trafficking in persons, especially women and children, establishes necessary institutional mechanisms to protect and support trafficked persons, and sets sanctions and penalties to traffickers, those who facilitate trafficking, and those who buy or engage the services of trafficked persons for prostitution. The law provides for a penalty ranging from 20 years imprisonment to life imprisonment and fine from P1million to P5million for offenders. It likewise provides for the protection and rehabilitation of survivors by according them temporary shelter, health care, legal assistance, and counseling. Customers of trafficked women will also be penalized with community service or imprisonment and a fine. NCRFW played a major role in the finalization of implementing the rules and regulations. The Philippines was also cited as the country with the best practice in enacting a trafficking law at the Asia-Europe Meeting (ASEM) Seminar on “Enhancing Support and Cooperation for Strengthening Policies to Assist Trafficked Women and Children” held in Bangkok, Thailand (September, 2003).

Another milestone in the advocacy to eliminate VAW was the passage of Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004. This was signed into law last March 8, 2004 during the celebration of “International Women’s Day.” It penalizes all forms of abuse and violence within the family and intimate relationships.

RA 9262 penalizes the commission of violence against women and their children (VAWC). It defines VAWC as any act or series of acts committed by any person against a women who is his wife or former wife, or with whom the person has or had a sexual dating relationship, or with whom he has had a common child. Additionally, it provides for penalties for violence committed against his child whether legitimate or illegitimate, within or without the family abode, which results in (or is likely to result in) physical or psychological harm or suffering. Also, economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty are penalized. Among others, it provides for the security of the complainant and her family through the protection orders from the barangay and court. Furthermore, it recognizes “battered woman syndrome” (BWS) which refers to a scientifically defined pattern of psychological or behavioral symptoms found in women living in abusive relationships as a result of cumulative abuse, as an acceptable defense for actions committed by a victim as a result of battering.

The passage of RAs 9262 and 9208 paved the way for the creation of inter-agency councils that will 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 (IACVAWC) for the

RA 9262 and the Inter-agency Council on Anti-Trafficking (IACAT) for RA 9208 are currently developing policies, programs, systems, and procedures to further strengthen the implementation of the two laws.

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 (IRR) of RA 9262.

The passage of these laws was also the highlight of the commemoration of the 16-day campaign on the elimination of gender-based violence in 2002 and 2003 through massive public information and dissemination campaign. The NCRFW, along with other relevant government agencies and non-government institutions commemorates the 16-day campaign to end VAW since 2002.

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 during the 16-day campaign to end VAW last December 2003. The NCRFW is purposively bringing in the men in its advocacy to end VAW primarily to encourage other men to respect, protect, and promote the rights of women. NCRFW featured the champions of this advocacy led by Supreme Court Honorable Chief Justice Hilario G. Davide, Jr., Senate President Franklin Drilon, and other respected personalities of the country. Conducting gender sensitivity for men and the Gender Justice Awards are some of the major undertakings of this endeavor.

At the moment the NCRFW is very active in its advocacy for the passage of the "Anti-Prostitution Act" which penalizes the users and pimps and decriminalizes the prostituted persons.

As part of its advocacy to mainstream gender and development principles (GAD) and violence against women (VAW) in education curriculum, the NCRFW initiated a project in partnership with the Department of Education (DepED) on the integration of GAD and VAW core messages in basic education curriculum.

Integrated Approach to Violence Against Women

Recognizing the need for an integrated and synergized approach to eliminating gender-based violence, a Violence Against Women Coordinating Committee composed of 15 agencies in the executive branch has forged a Memorandum of Agreement committed to providing programs and services along four areas of concern: addressing the needs of survivors, response to offenders, understanding the nature and causes of gender-based violence, and changing societal values and attitudes. Its members consist of 15 government agencies with VAW-related mandates, namely: National commission on the Role of Filipino Women, Department of Justice, the Department of Local Government, the Philippine National Police, and the Department of Social Work and Development.

A national action plan has been drafted and performance standards have been developed. The members of this committee were very active in the campaign to pass the Anti-Trafficking in Persons (RA9208) and are now making plans to advocate for a law to protect women from abuse in intimate relationships and other abuses in the domestic sphere.

The Committee's task is to systematize and synchronize all efforts on VAW including the standardization of documentation and the protocols and procedures in the fast delivery of the justice system as well as social and material assistance to survivors of violence.

Facilities and Programs on Violence Against Women

Facilities and programs have been established by the government primarily to address the issue of VAW. These programs and facilities include temporary care and shelter for Women in Especially Difficult Circumstances, called the Haven, Crisis Intervention Unit of the Department of Social Welfare and Development. The Department of Health (DOH) institutionalized the Women and Children Protection Program in all its 39 hospitals nationwide. Now called the Women and Children Protection Unit, each WCPU is founded on a 24-hour quick-response approach that delivers a personalized and comprehensive health care to survivors. In collaboration with the Children Protection Unit and Women's Desk of the Philippine General Hospital of the University of the Philippines, DOH developed a training program for the WCPU doctors to respond with competence and sensitivity to the needs of women and children survivors of violence. The training program also enables doctors to do forensic work so that they can provide evidence and stand as expert witness in court.

The Philippine National Police now has a Women's and Children's Desks. Staffed mainly by female police officers, these units receive complaints by victims-survivors of crimes committed against women and children.

Various programs of different agencies also contribute to the general awareness-raising program of government on the issues of violence against women. These initiatives include the following:

The Philippine Judicial Academy (PHILJA) conducts gender-awareness seminars for prosecutors and judges as well as to the five pillars of the justice system.

The National Youth Commission organized "Youthspeak" to reach a covenant with media practitioners to develop a more responsive media environment reflective of the youth's visions and aspirations and supportive of their well-being. Youthspeak reached over 100 students/youth leaders and media practitioners. The Commission also formed the *Bantay* Cinema Youth Network to serve as monitoring team in various localities. NCRFW convened policy dialogues and coordinated information campaigns like the "16 days of activism on violence against women."

NGO Programs in Violence Against Women [and Children] (VAWC)

The NGO community should be credited for not only raising violence against women as a public issue and for providing services even before government systems were set up. Many community-based programs to assist women victims of violence initiated by NGOs have now been adopted and replicated by national government agencies and local government units such as the Community-based Approach to Violence Against Women (COMBAT-VAW) pioneered by the Women's Legal Bureau and the HASIK. The Lihok Pilipina's *Bantay Banay* or "community watch" is the backbone of Cebu City's anti-domestic violence program.

The Women's Crisis Center (WCC), the first crisis center for victims/survivors of VAW, launched its National Family Violence Prevention Program in 1997 with 18 cities and municipalities all over the Philippines. It is a community-based strategy of preparing family members to protect themselves against violence and manage peaceful resolution of conflict within the context of family relations. It aims to organize and mobilize multi-agency action groups in the prevention of family violence from the regional up to the barangay level. The WCC spent an average of P/6,083.30 per month per survivor. This includes food and transportation subsidy, medical assistance, therapies, utilities, and other personal needs like toiletries, towels and slippers, among others.

Other women NGOs that have been at the forefront of the crusade against VAWC are SALIGAN (a legal group), KALAKASAN (Women Against Violence, an NGO providing shelter and counseling) and Women's Legal Bureau (legal group). These women's groups maintain a network of services dedicated to helping women survivors of violence and cooperated in the implementation of research projects dealing with violence. They have also conscientiously tried to maintain records of their clients and services to help establish data on the extent and nature of violence committed against women.

Several networks on violence against women such as the Coalition Against Trafficking in Women focus on issue of prostitution and trafficking locally and internationally. They hold preventive education seminars and training in communities, among NGOs and with selected youth groups. The Philippine Migrants Rights Network on the other hand, particularly Kanlungan, assists women who are victims of violence in the context of migration.

The Role of the National Commission on the Role of Filipino Women (NCRFW)

The National Commission on the Role of Filipino Women, the national machinery for the advancement of women and the policy-advisory body on women and gender concerns, is committed to eliminate Violence Against Women and its strategies and interventions are translated in the Framework Plan of Women, specifically in one of its core areas of concern, which is **upholding women's human rights**.

To effectively influence government to address women and gender concerns, particularly those relating to upholding women's human rights, the Commission is into gender and development mainstreaming or GAD mainstreaming. The strategy is to integrate women and men's concerns and experiences in the design, implementation, monitoring and evaluation of policies, programs and project in all political and economic social agenda. It likewise situates gender equality issues at the center of the broad policy decisions, institutional structures and resource allocations and includes women's views and priorities in making decisions about development goals and processes.

The Framework Plan for Women is a time slice of the 30-year Philippine Plan for Gender-Responsive Development (PPGD). It is a blueprint for advancing the status of women in the next three years. It is specific, doable and results-focused. It has three priority areas namely, **promoting women's economic empowerment, advancing, protecting and fulfilling women's human rights and promoting and strengthening gender-responsive governance.**

As an oversight agency, the National Commission on the Role of Filipino Women functions as a coordinative body to implement measures to eliminate violence against women in a comprehensive way through its leadership role in the creation of the Violence Against Women Coordinating Committee (VAWCC) and the forging of an Integrated National Action Plan on Violence Against Women.

At the **judicial level**, NCRFW assisted in the development of plans and projects with the Committee on Gender-Responsiveness in the Judiciary.

The NCRFW will continue to promote capacity building of VAWCC members and lead in the implementation of the Integrated National Action Plan to Eliminate VAW, as part of its mainstreaming efforts with government agencies.

V. Remaining Issues and Challenges

While tremendous gains have already been achieved, there are key challenges that need to be addressed still. Among these are:

The monitoring, evaluation and implementation of existing laws and policies addressing violence against women need to be regularly done via a standardized documentation system and development of evaluation instruments to analyze trends and developments including prevalence and magnitude of VAW.

Critical legislation on violence against women needs to be passed. Among these are the anti-prostitution bill, the amendments of discriminatory laws such as the Revised Penal Code, particularly the provisions related to Adultery and Concubinage and the Reproductive health Care Act.

A more sustained gender sensitizing and training of police investigators, social workers, police and health officials involved in assisting survivors is needed. In the same manner, a more comprehensive, coordinated and multi-agency approach to VAW needs to be operationalized to ensure timely, responsive environment for woman victims; including a woman-friendly judicial framework that safeguards the safety and welfare of victims throughout the proceedings and processes of the criminal justice system.

There is a need for a more comprehensive approach to also address the cyclical nature of violence and to focus on reforming and rehabilitating the perpetrator. Preventive measures should also be part of the solution. This could include a more aggressive education campaign to inform women of their rights, of how and where they can get support including legal recourse. Gender sensitivity training for women victims including perpetrators of VAW crimes need to be included.

As central protagonists and power brokers in any overall strategy to end violence, it becomes clear that working with men is a necessary component of effective violence prevention, thus working with men to end gender-based violence is crucial.

Existing service need to be augmented and improved. Women's Desks need to be equipped with separate rooms to allow privacy in interviewing and examining victims. Some provinces and cities do not have family courts and judges to attend to victims of abuse and violence.

The full implementation of Anti-Trafficking Law of 2003, the Anti-VAWC law and other VAW-related laws and policies need to be ensured. It should build on the achievements and mechanism now in place in country and in the countries of destination, involving both government and non-government organizations. Bilateral cooperation should be pursued in countries with highest incidence of violence against women.

There is a need to continue addressing the root causes of violence against women in all its forms including domestic violence, prostitution and trafficking. These efforts must interrogate concepts of masculinity and sexist attitudes that lead/ perpetrate violence against women

Continuous capacity-building and partnership building between and among the three branches of government the executive, the legislative and judiciary need to be pursued to further strengthen the efforts to end VAW.

The impact of civilians of the government's war against rebel forces and terrorist organizations must be given immediate and serious attention. Women should be enabled to participate in peace building and in rehabilitation of their communities, even as their livelihood and basic services should be ensured.

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