

Rising to the challenge of eliminating all forms of violence against women and girls

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Since the adoption of the Beijing Platform for Action in 1995, gender equality concerns have been elaborated in various global, regional, and national plans. In September 2015, the Philippines, together with 192 other United Nations member-states, committed to attain by 2030 the Sustainable Development Goals (SDGs). These goals include SDG5, which aims to “achieve gender quality and empower all women and girls”. Of the nine targets for SDG5, Target 5.2 to “eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation” is one of the most urgent and arguably the most difficult to address.

This *Policy Note* reviews the progress in the elimination of all forms of violence against women (VAW) and girls. Beyond the statistics

shown, it takes a closer look at the remaining legal, cultural, and administrative challenges to effective protection of women and girls from violence. Much of the insight in these areas come from the experiences of various women and gender leaders who participated in this study through interviews and group discussions.

Laws and experience on the protection of women and girls

The Philippines has passed various laws that provide protection against acts of violence against women and children (VAWC). They include (1) the Anti-Rape Law (Republic Act 8353), which expanded the definition of rape and reclassified it as a crime against person instead of against chastity, (2) the Anti-VAWC Act, which aims to address violence in the context of marital or common

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law relationships, and (3) the Magna Carta for Women (MCW), which contains specific provisions related to VAWC. A number of bills have also been filed in the current Senate aimed at protecting women from harassment and rape, including proposals to more strictly prohibit and penalize gender-based online violence, increasing the age of statutory rape from 12 to 18 years old, and penalizing peer sexual harassment.

While these laws take a relatively progressive view of women's rights, there has been limited improvement in reported experiences of women. Compared to 20.1 percent of women in 2008 aged 15–49 years old who reported having ever experienced physical violence at aged 15, in 2013 the proportion stayed at 19.6 percent (Table 1). When asked if they have experienced violence in the past year, it was 5.6 percent in 2013, a slight decline from 7.3 percent in 2008. This decline was observed among women 20 years and older, but remained the same for younger women (15–19 years old). Much of this violence was experienced in the hands of their closest family members, such as their partners or parents. According to victims, violence is perpetrated mostly by a domestic partner, such as a husband, partner, or ex-husband (51.6%), followed by parents or stepparents (46%). Violence is enabled by the still-prevalent belief among women that their husbands can beat their wives for reasons such as having neglected their children. Data from the National Demographic and Health Survey (NDHS) show that while it has declined from

24.1 percent in 2003, the belief by women that there is at least one reason for justified beating is still at 12.9 percent in 2013, with neglect of children as the main reason (10.6%). These are data from women; there are no available similar statistics from men, but it would be reasonable to expect a higher prevalence of the said belief among them.

Ever having been victimized by sexual violence declined by 2.4-percentage points from 8.7 percent in 2008 to 6.3 percent in 2013 among women aged 15–49. The incidences in 2013 are higher among those with little or no education than among those with a college degree. Nationally, 1 out of 20 women has been sexually violated. Among women who have only up to an elementary education, the odds are nearly 1 in every 10 having experienced sexual violence. While generally declining, the rate of decline remains slow.

A recent national survey sponsored by the United Nations Children's Fund and conducted by the Council for the Welfare of Children (among children and youth aged 13–24 years old) reports that the experience of overall child and youth physical violence is 62.5 percent among girls, severe physical violence is 1.9 percent, and severe sexual violence is 2.3 percent. Reported experience of cyberviolence is 42.2 percent (CWC 2017). Of the high rate of reported overall child physical violence, the majority of incidences for both boys and girls are related to corporal punishments, such as spanking, hair pulling, ear twisting, and spanking with a small

Table 1. Percentage of women aged 15–49 who have ever experienced physical violence since age 15 and during the 12 months preceding the survey, 2008 and 2013

	Ever Experienced Physical Violence from 15 Years of Age		Experienced Physical Violence Often or Sometimes in the Past 12 Months		Experienced Sexual Violence	
	2008	2013	2008	2013	2008	2013
National	20.1	19.6	7.3	5.6	8.7	6.3
Residence						
Urban	18.9	20.0	7.2	5.2	7.1	6.1
Rural	21.6	19.2	7.4	6.1	10.7	6.6
Education						
No education	26.3	18.5	12.9	7.9	14.5	9.4
Elementary	26.7	22.6	9.1	6.6	11.9	9.2
High school	21.7	21.9	8.6	6.7	9.1	6.8
College	13.5	14.9	4.1	3.7	6.0	4.3

Source: Philippine Statistics Authority (2016); data generated from the National Demographic and Health Survey

implement like a stick (54.5%). A large portion (30%) experienced more severe physical violence, such as slapping, kicking, smothering, tying, and burning. Experience of violence in the home for both girls and boys can affect how they conduct themselves as adults. Thus, any violence toward children should be a cause for concern.

Having experienced sexual violence as a child is not uncommon; for instance, 17.1 percent of children 13–18 years old report having experienced some form of sexual violence (e.g., inappropriate touching and groping) in their lifetime. Severe sexual violence victimizes 3.2 percent of children and youth; boys are victimized more often than girls (4.1% vs 2.3%). Meanwhile, 43.8 percent of those 13–18 years old have experienced cyberviolence, mostly in the form of verbal abuse and sexual harassment. Most alarming is the estimated 2.5 percent of children reporting

that their sexual activities or nude bodies have been shown on the Internet (CWC 2017).

Human trafficking is closely attached to VAWC since a large majority of trafficking victims are female. SDG16 includes among its targets the end of abuse, exploitation, trafficking, and all forms of violence against children, including torture. The extent of trafficking is difficult to capture because it involves moving people across local and international borders. Reporting agencies may also not have a clear technical understanding of violations that constitute trafficking (interview with a nongovernmental organization [NGO] director). SDG baseline data (UNODC 2014) suggest that, compared to its neighboring countries in the Association of Southeast Asian Nations, the Philippines has one of the highest trafficking incidences and the fastest growing. In 2011, 537 people were trafficked per 100,000 population; the figures climbed to 1,083 in 2014. Of the 1,083

trafficked victims, 63 percent are adult women, 24 percent are girls, and the remaining 13 percent are either men or boys.

Addressing risk factors

Social workers and NGOs, as well as the international literature (WHO 2017), have identified the risk factors for VAW. For domestic abuse, poverty, lower educational background of the male, economic dependence of the female, and lack of community support for women in abusive relationships make women vulnerable. Interviews with NGO leaders also suggest that large-scale events, such as disasters, increase VAWC prevalence in certain areas. When disaster events dislocate communities into mass housing relocation sites where communities are thrust into grinding poverty, and when economic catastrophes strike communities, VAWC increases.

Displacement of communities by disasters creates opportunities for human trafficking and victimization of women and girls in the sex trade. On the positive side, the agencies and NGOs working in these fields are aware of these risk factors; they try to mitigate them during disasters when vulnerabilities rise. However, while rescue and prevention are possible, the assistance to victims in terms of livelihood, socioemotional counseling, and health care is often not available.

The long-term solution to VAW is women's economic empowerment as poverty remains at the root of much of domestic abuse and battering in the home, for both women and children—the same way that poverty is the

root cause of human trafficking and slave labor. Poor and rural women are more likely to be victims of violence, more likely to be financially dependent on their husbands, and more likely to have more children than their urban counterparts.

Implementation challenges and deficits of laws

The MCW made way for the development of stricter protocols for dealing with VAWC cases across all levels of law enforcement. In older protocols, complaints of physical abuse against a wife by a husband that are reported to a barangay official are like any other complaint, that is, it is subject to mediation or counseling. In contrast, newer protocols specify that in VAWC complaints, the case must be referred directly to the police.

Barangay officials are not supposed to attempt to reconcile the couple because when abused women are pressured into reconciliation, they are placed back under the power of their abuser and are left vulnerable to further harm. However, when complaints are referred straight to the police, the police are compelled to open an investigation and the abuser is taken out of the home. These changes in protocols were designed to recognize the special nature of domestic abuse cases, that is, the normal way of dealing with disputes should not be applied to VAWC cases because of the extreme level of vulnerability created by mediation.

Moreover, officials who work in barangay offices often exercise wide discretion in

handling VAW complaints. If they think the offense is not “serious”, they will do “counseling” to sort out the problem and get the abused and the abuser to reconcile.¹ The intention of this counseling is to discourage the lodging of a formal complaint. Such breaches of protocols for VAW complaints are validated by interviews of NGO leaders who have spoken with gender and development focal people across the country. If the abuse is more serious or has happened more than once, a (temporary) Barangay Protection Order (BPO) is issued, and the abuser leaves the house. After the BPO expires, the perpetrator moves back into the house. Further exceptions are made when the children ask to see their father. Barangay officials tend to deviate from protocols when they believe they are protecting the interests of the children. When they feel that the child needs to see their father, or needs the income that he brings into the home, they do more to keep the father in the home.

A review of the implementation experiences is needed to determine whether there are procedural changes that must be made or additional information that should be provided to facilitate effective enforcement of the law. Deeper examinations of the beliefs and deficits of law enforcement frontliners are needed to design interventions that would provide more discipline to the discretion exercised by officials. Gender stakeholders have to grapple with these ingrained beliefs, and perhaps find procedural solutions that will provide a set of guidelines for frontline responders.

Overburdened social services

In addition to criminal proceedings, the MCW further provides that the victims of abuse “shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment (Sec. 17).” The law places a huge demand on local officials to provide various services which they may have no resources nor capacity for (interview with NGO directors). Given the shortage of resources, different jurisdictions and officials refer victim survivors to other offices, which then find another office to pass them along to the next office. In these scenarios, victims end up back in the home of their abuser. In trafficking, for example, the offices of the local government unit (LGU) where traffickers move people through transit-point towns have to learn how to attend to victims. When victims are rescued, LGUs are obliged to assist the victim from rescue to reintegration, yet there is sometimes little willingness on the part of (often-overburdened) municipal social workers because the victims are not from their jurisdiction. Towns that are transit points, where victims often land or are intercepted when being trafficked, are burdened with responsibilities and resources that they are ill equipped for, to assist people who they consider to be outside of their community.

A real assessment of the resources available needs to be done so that informed budgeting

¹ focus group discussion with local government staff



The Philippines has already passed various laws that provide protection against acts of violence against women and children (VAWC), such as the the Anti-Rape Law, the Anti-VAWC Act, and the Magna Carta for Women. Despite the presence of these laws that take a relatively progressive view of women's rights, however, this study still noted a limited improvement in reported experiences of women. (Photo by Flickr/Wayne S. Grazio)

decisions at all levels of government can be made to fund all the required enforcement and support obligations spelled out in the laws. Government should examine possibilities for a pool of funds at the national level for assistance to local and international trafficking victims. This way, LGUs who end up being frontliners by virtue of their geographical location can get the assistance they need. Further, LGUs and relevant national government agencies (NGAs), e.g., Department of Social Welfare and Development, Department of Health, Department of Education, and Philippine Commission on Women, need to establish an action plan

for how shelters can be established, run, and continuously funded with government resources. There should also be an assessment throughout the system of whether there are enough social workers nationwide.

The devolved nature of core social services needed to coordinate a holistic plan presents a logistical and resource challenge, especially to poorer LGUs. Poorer LGUs would have difficulty raising the necessary resources to comply with the law in a meaningful way. Targeted assistance from NGAs would improve the effectiveness of government response to VAWC.

Defining victimhood in prostitution and trafficking

In the history of legislation to address prostitution and human trafficking, the shuffle of new laws and repeals has created an environment where those who use prostituted women and those who profit from it are not penalized, yet the victims are. Laws and policies on prostitution are a remaining area in VAWC that needs intervention. The attention has been targeted to penalizing the women, effectively neglecting the role of the demand from men that fuels the industry. That men are early in life exposed to harmful forms of masculinity (Fulu et al. 2013), thus forming the belief that sex from women is something they can demand and purchase, is the crux of the problem (PCW 2016). It is a deep-seated cultural norm that must be addressed directly and early in life. The debate that exists in the role of “choice” of women who end up in prostitution is a highly consequential one to future legislation and policing. Prostituted women are conditioned by their experience of abuse early in their life, and thus, any “choice” to live as a prostitute is a continued effect of that abuse (interview with NGO director). Therefore, for enforcement of laws against prostitution and human trafficking, the matter of “consent” by the victim is immaterial to a case.

The work of local NGOs has been critically important to ensure that the tenets of international agreements and frameworks on human trafficking are faithfully reflected in our laws. This can be challenging, especially

as many legislators, mostly men, do not share the same views about the protection of victims of prostitution and trafficking. All victims should be rescued and protected regardless of consent. They should not be penalized for being prostituted or trafficked. Accountability must be exacted on the demand side.

Interventions needed for men

Across many interventions and policy studies on promoting women’s empowerment, men are usually not part of studies. The NDHS asks only women about attitudes related to wife beating. Studies on leadership of women in industry and government (David et al. 2017) include experiences of women without discussing the accountability of men. Even in the laws for VAWC and human trafficking, the main barriers are male legislators and yet much of the advocacy is targeted toward women and representatives of the lesbian, gay, bisexual, and transgender community.

The lack of protection for women and the promotion of gender equality is a problem not only of women but also of men (WB 2017). Women cannot fix it if the source of oppression and victimization are not also targets of intervention. There is a dearth of research about men’s beliefs, norms, and behaviors (Flood and Pease 2009). Therefore, policy and programmatic responses remain incomplete. Men are not only often the perpetrators of VAW, they are also enablers of their peers’ behaviors, they are among the frontline responders, and ultimately make up the majority of

decisionmakers in the legislative and policy space. Changing beliefs and behaviors of men is necessary for the bigger project of gender equality (Fulu et al. 2013).

In the legislative landscape and agenda for future bills, NGO leaders of women's groups note that the focus is largely skewed toward law enforcement and much less toward prevention. There is a notable absence of public policy to incorporate more preventive programs, and to strengthen institutions and support mechanisms against human trafficking, VAWC, and harassment.

Once laws are passed, implementation itself is heavy on enforcement (i.e., capture, investigation, prosecution) and light on victim care. This is a critical imbalance that needs correction, and one that will require champions and advocates in government who will represent and defend the interests and safety of all women and girls. 📄

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