



GENDER OMBUD  
COMMISSION ON HUMAN RIGHTS  
PHILIPPINES

# *Ending* **GENDER BASED VIOLENCE**



A GUIDE FOR  
**WOMEN,  
GIRLS, &  
LGBTQIA+**

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2020



This booklet is a component of the **GBV Observatory** project of the Gender Equality and Women's Human Rights Center (GEWHRC) of the Commission on Human Rights (CHR) of the Philippines. For more information on the project, please visit [chr-observatories.uwazi.io](http://chr-observatories.uwazi.io)

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## A MESSAGE FROM THE COMMISSION

As the Focal Commissioner on Women and LGBTQI, it is my pleasure to present this Handbook on Ending Gender-Based Violence for Women, Girls, and LGBTQI. The development of this handbook is part of the fulfillment of our role as Gender Ombud under the Magna Carta of Women (RA 9710), and as part of our GBV Observatory. We know that despite the gains of women's movement in enacting laws addressing GBV, many forms of GBV, particularly against women, girls, and LGBTQI continue to happen.

In the Philippines, the 2017 National Demographic Health Survey reports that 1 out of 4 married women have experienced violence, it also reports that only 1/3 of those who experience violence seek help. The Commission's Mapping of GBV Legal Referral Mechanisms last 2019 has documented the continuing gaps in accessing justice in cases of gender-based violence (GBV), the gaps include lack of information and knowledge of the laws, and of protection and referral mechanisms, accessibility of and availability of services, and insensitivity of service providers.

Through this Handbook, which we intend to disseminate widely, we hope to be able to provide information on basic laws addressing GBV. We aim to make information available and to reach out to women, girls, and LGBTQI who may be at risk or survivors of violence and in need of information to access remedies. We wish to send the message that we can break the silence, stop the abuse, and that the Commission, as Gender Ombud, is among the agencies that they can seek guidance and help from.

We are one with you in building a world free from all forms of violence and discrimination.

COMMISSIONER KAREN GOMEZ-DUMPIT  
Focal Commissioner on Women and LGBTQI

# Safety Plan

FOR SURVIVORS OF VIOLENCE AGAINST WOMEN



IDENTIFY FRIENDS, RELATIVES, AND SHELTER  
YOU CAN RUN TO OR CALL IN CASE OF VAW



KEEP VAW HOTLINE NUMBERS IN  
YOUR PHONE / ADDRESS BOOK



KEEP IMPORTANT DOCUMENTS IN ONE PLACE;  
BRING THEM WHEN YOU GO (BIRTH CERTIFICATE,  
IDS, MARRIAGE CERTIFICATE, ETC.)



HAVE A PLAN OF HOW TO LEAVE THE HOUSE IN  
CASE VIOLENCE ESCALATES (TRANSPORT, ETC.)



IDENTIFY NEARBY HOSPITALS,  
POLICE STATION, SHELTER



BRING MEDICINES, FUNDS, JEWELRIES



TEXT A FRIEND WHEN VAW BEGINS

WHAT IS

## Gender Based Violence

(GBV)



**'IT ENCOMPASSES THREATS OF VIOLENCE AND COERCION. IT CAN BE PHYSICAL, EMOTIONAL, PSYCHOLOGICAL, OR SEXUAL IN NATURE, AND CAN TAKE THE FORM OF A DENIAL OF RESOURCES OR ACCESS TO SERVICES. WHILE WOMEN, MEN, BOYS, AND GIRLS CAN BE VICTIMS OF GENDER-BASED VIOLENCE, WOMEN AND GIRLS ARE THE MAIN VICTIMS.'**

*Gender-based violence (GBV) are any acts of violence directed against another person because of their gender.*

The United Nations High Commissioner for Refugees (UNHCR) calls it sexual and gender-based violence; referring to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of

resources or access to services. While women, men, boys, and girls can be victims of gender-based violence, women and girls are the main victims.

It is the duty of the State to protect the dignity of all, particularly women and girls, from violence and threats to their personal safety and security. Towards this end, the State shall give highest priority to the enactment of laws addressing gender-based violence committed against women and girls, whether in the private or public spheres.

11% OF WOMEN AGREE THAT A HUSBAND IS JUSTIFIED IN BEATING HIS WIFE FOR ANY OF THE FOLLOWING REASONS: NEGLECTS CHILDREN, GOES OUT WITHOUT TELLING HIM, ARGUES WITH HIM, REFUSES SEXUAL INTERCOURSE, BURNS FOOD.

11%

15  
MILLION

GLOBALLY, APPROXIMATELY 15 MILLION ADOLESCENT GIRLS (AGED 15 TO 19) WORLDWIDE HAVE EXPERIENCED FORCED SEX AT SOME POINT IN THEIR LIFE.

1 IN 4

1 IN 4 MARRIED WOMEN EXPERIENCED SPOUSAL VIOLENCE (PHYSICAL, SEXUAL, OR EMOTIONAL) BY A CURRENT OR MOST RECENT HUSBAND/PARTNER.

GLOBALLY, 1 IN 3 WOMEN HAVE EXPERIENCED PHYSICAL OR SEXUAL VIOLENCE — MOSTLY BY AN INTIMATE PARTNER.

When accounting for sexual harassment, this figure is even higher.

1 IN 3

8 OUT OF 10 LGBT CHILDREN ARE PHYSICALLY AND PSYCHOLOGICALLY ABUSED.<sup>1</sup>

8/10

<sup>1</sup> National Baseline Survey on Violence Against Children, 2017.

1/3

41%

ONLY 1/3 OF THOSE WHO HAVE EXPERIENCED PHYSICAL OR SEXUAL VIOLENCE SOUGHT HELP; 41% NEVER SOUGHT HELP OR TOLD ANYONE.

## GBV Facts

\*Philippine data, unless otherwise noted, were sourced from the National Demographic Health Survey (NDHS), 2017.

\*\*Global data were sourced from UN Women | Explore the Facts: Violence against women, <https://interactive.unwomen.org/multimedia/infographic/violenceagainstwomen/en/index.html#nav-3>, accessed June 2020.





**“KAYA KO NAMAN KAYONG  
BUHAYIN E! ALAGAAN MO NA  
LANG ANG MGA BATA.”**

Billy does not want his wife, Martha, to work or even sell stuff online. Billy works as a Manager at a local fast food chain.

*Sec 5 (e) of RA 9262 covers acts which restrict a woman or her child's movement or conduct. It includes restrictions in the exercise of legitimate profession. The act of Billy could also constitute economic violence.*

**“SASAKTAN KO KAYO E!”**

Mario is Karla's live-in partner. Everytime he comes home drunk, he always threatens to hurt Karla and their 1-year old son.

*Mario's actions violates Sec. 5 of RA 9262, which covers physical and psychological violence.*

**“LASING AKO! WALA  
AKONG MAALALAI!”**

Hero said he was drunk when he beat his wife and did not know what he was doing.

*Art. 3, Sec 27 of the RA 9262 provides that being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under this Act.*

**“HINDI KO KAYANG  
SUSTENTUHAN 'YANG BATA.”**

Diane had a daughter with her ex-boyfriend, Richard. Richard is now married to another woman. Diane asked for child support but Richard said he cannot support their child

*Sec 5 (e) of the law includes depriving or threatening to deprive the woman or children of financial support legally due them.*

**“SIGE UMALIS KA! BAKA 'PAG BALIK  
MO KUNG ANO NA NAGAWA KO.”**

Ferdie always threatens to hurt himself if Sha decides to leave to meet with friends.

*Included among the punishable acts under Section 5 (f) is inflicting or threatening to inflict physical harm on oneself for the purpose of controlling the woman's actions or decision.*



# Violence Against Women and their Children (VAWC)

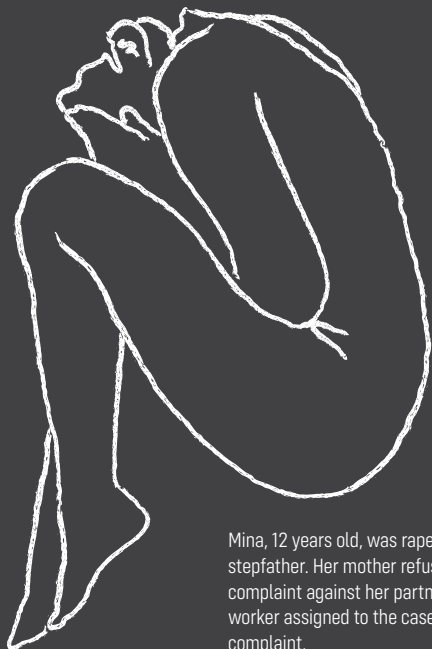
**ANTI-VAWC LAW: PROTECTING WOMEN AND THEIR CHILDREN  
FROM VIOLENCE IN INTIMATE RELATIONSHIPS (R.A. 9262)**

Republic Act 9262, or the Anti-Violence Against Women and their Children Act of 2004, seeks to address the prevalence of violence against women (VAW) committed by their intimate partner, such as their husband, live-in partner, boyfriend/girlfriend, or any person they have a sexual or dating relationship with, whether present or ex. The law was signed into law on March 2, 2004.

This act classifies VAW as a public crime. This means that it is no longer a private matter—one only between the man and woman in the relationship—and may now be intervened by the State and the community.

The law may be invoked if the victim is a woman or the child of a woman whose intimate partner committed one or more of the following acts:

- ➊ *Physical Violence* refers to acts that include bodily or physical harm
- ➋ *Sexual violence* refers to an act which is sexual in nature, committed against a woman or her child
- ➌ *Psychological violence* refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim
- ➍ *Economic abuse* refers to acts that make or attempt to make a woman financially dependent



A man sexually assaulted a woman. He claims that he cannot be charged of rape since the woman is a known prostitute and he can pay her anyway.

***Under RA 8353, rape is a crime against persons. It recognizes that rape violates a person's well-being, and not just one's purity or virginity. Any person, whether a prostituted person, non-virgin, or one who has an active sexual life, may be a victim of rape.***

Mina, 12 years old, was raped by her stepfather. Her mother refuses to file a complaint against her partner. The case worker assigned to the case filed the complaint.

***By reclassifying it as Crime Against Persons, it no longer considers rape as a private crime. The victim or anyone who has knowledge of the crime, may file the complaint.***

Can a husband be charged for raping his wife?

***Husbands may also be liable for raping his own wife as, generally, the penalty of rape may apply to marital rape.***

# Rape

## ANTI-RAPE LAW: EXPANDING THE DEFINITION OF RAPE, AND RECLASSIFYING RAPE AS A CRIME AGAINST PERSONS (R.A. 8353)

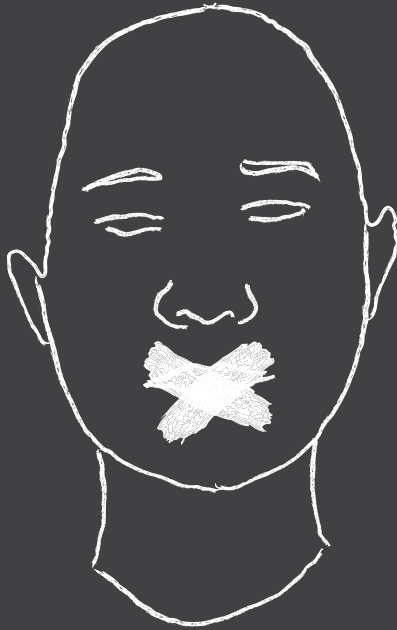
The Anti-Rape Law of 1997 amended Title Eight of the Act No. 3815, otherwise known as the Revised Penal Code. In the original law, the crime of rape was classified as a Crime Against Chastity. In redefining it as a Crime Against Persons, it recognizes that rape violates a person's well-being and not just one's purity or virginity. Also, by reclassifying it as such, it no longer considers rape as a private crime. This means that any person, who has knowledge of the crime, may file a case on the victim's behalf and prosecution continues even if the victim discontinues the case.

The law may be invoked under either of the following conditions:

- ❶ If the victim is a woman or a girl, and the perpetrator (who is a man or a boy) has carnal knowledge of her through any of the following circumstances:
  - ▶ Through force, threat, or intimidation
  - ▶ When the offended party is deprived of reason or otherwise unconscious;
  - ▶ By means of fraudulent machination or grave abuse of authority; and
- ▶ When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above are/were present.
- ❷ If the victim is a woman, man, or child<sup>1</sup>, and the perpetrator commits an act of sexual assault<sup>2</sup> under any of the above the circumstances.

<sup>1</sup> Under the Child Abuse Law (R.A. 7610), a child is a person below 18 years of age, or those over—but unable to take care of themselves because of physical or mental disability or condition.

<sup>2</sup> Sexual assault is committed by inserting a penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.



Mina, 15 years old, was hired as a domestic worker for a family in Malaysia. She is from Zamboanga. She willingly agreed to do the work. She was not forced.

*There is still a violation of the Anti-Trafficking law, because initial consent and/or payment for commercial labor is not relevant, especially if the victim is a child.*

Lina was recruited as a saleslady from Samar. Her employment turned out to be that of a "guest relations officer" (GRO) in a bar in Manila. She filed a case of trafficking. Her employer said the law is only applicable for those who are trafficked to and from other countries.

*Trafficking in persons do not only cover foreign nationals or immigrants from other countries, Filipino citizens may also be victims of trafficking in persons within the Philippines.*

# Trafficking in Persons

**ANTI-TRAFFICKING LAW: ELIMINATING TRAFFICKING IN PERSONS  
ESPECIALLY WOMEN AND CHILDREN (R.A. 9208 / R.A. 10364)**

The Republic Act 9208, otherwise known as the anti-Trafficking in Persons Act of 2003, was signed into law on May 23, 2006. In keeping with the State's obligation to protect the dignity of an individual, and in recognizing equal rights and inherent human dignity enshrined in universally accepted human rights instruments and other international conventions, this law criminalizes the act of trafficking in persons, especially women and children, for prostitution, sexual exploitation and slavery, among others.

The law defines trafficking in persons as the:

- ❶ recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge
- ❷ within or across national borders
- ❸ 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
- ❹ 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 organs."

It also considers "recruitment, transportation, transfer, harboring or receipt of a child, for the purpose of exploitation, as "trafficking in persons" even if it does not involve any of the means set forth above.

# Sexual Harassment

(at Work, School, or Training Environments)

**ANTI-SEXUAL HARASSMENT LAW: ADDRESSING SEXUAL HARASSMENT IN THE WORKPLACE AND EDUCATION AND TRAINING ENVIRONMENT (R.A. 7877)**



In guaranteeing full respect for rights and dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education, the Anti-Sexual Harassment Law, otherwise known as Republic Act 7877, was enacted on February 14, 1995. The law considers all forms of sexual harassment in the employment, education or training environment unlawful and subject to the penalties defined by law.

Under this law, sexual harassment is committed:

- ➊ by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, *having authority, influence or moral ascendancy over another in a work or training or education environment*,
- ➋ demands, requests or otherwise requires any sexual favor from the other, *regardless of whether the demand, request or requirement for submission is accepted by the victim-survivor*.

Sexual harassment can take many forms in a work-related, employment, education- or training- related environment, such as but not limited to:

- ➊ Physical acts which may take the form of malicious touching, overt sexual advances, and gestures with lewd insinuation;
- ➋ Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;

- ➌ Use of objects, pictures or graphics, letters or written notes with sexual underpinnings; and
- ➍ Other forms analogous to the foregoing.

In a *work-related or employment environment*, sexual harassment is committed:

- ➊ When the sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee.

In an *education or training environment*, sexual harassment is committed:

- ➊ When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
- ➋ When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

TEXT MESSAGES TO A FELLOW GOVERNMENT WORKER:

"PAUWI KA NA BA SEXY?" "I LIKE YOU" "HAVE A DATE WITH ME"  
"DONT TELL TO (SIC) OTHERS THAT I TOLD THAT I LIKE YOU BECAUSE  
NAKAKAHIYA" "PUSO MO TO PAG BIGAY MOTO SAKIN, I WOULD BE  
VERY HAPPY" "I SLEPT AND DREAMT NICE THINGS ABOUT YOU"

These texts was followed by an attempt to kiss the woman without her consent during a work field trip.

*The Supreme Court found the respondent guilty of grave misconduct for these acts of sexual harassment. Respondent was dismissed from services with forfeiture of benefits. The SC said 'he is a perverted predator preying on his female colleagues and subordinantes. His continued misbehavior cannot go unchecked.'*

*(Narvasa vs. Sanchez, March 2010)*

#### CHAIRMAN: SAAN NA BA TAYO NATAPOS?

Palakad-lakad siya sa aking likuran habang nag-didikta. Huminto siya pagkatapos, at nilagay niya ang kanang kamay niya sa aking kanang balikat at pinisil-pisil ito pagkatapos ay pinagapang niya ito sa kanang bahagi ng aking leeg, at pinagapang hanggang kanang tenga at saka kiniliti. Dito ko inalis ang kaniyang kamay sa pamamagitan ng aking kaliwang kamay. At saka ko sinabi:

#### LOURDES: SIR, YUNG KAMAY NINYO ALISIN NIYO!

*It is not essential that the demand, request or requirement be made as a condition for continued employment or for promotion to a higher position. It is enough that the respondent's acts result in creating an intimidating, hostile or offensive environment for the employee.*

*(Domingo vs. Rayala, 2008)*



# PSST!

GANDA MO NAMAN.

IDOL, ANO  
NUMBER  
MO?

BAKIT KAPUWA BABAE ANG PINILI MO?  
MAS MASARAP AKO DIYAN.

LOVE YOU, IDOL.

\*WOLFHOWL\*

# \*WITWIW\*

IPAHIRAM KA KAYA NG MISTER  
MO SA AKIN. PARA DI KA NA  
NAGWAWALA. MASARAP AKO, MISIS.

# UY, SEXY!

"ANG GANDA NAMAN NI ATE. I'M AROUSED."

Mia and her friend Carl took a picture together. Carl posted their picture on his Facebook wall. Sandro, Carl's friend, posted the comment above.

## ATE, HATID NA KITA, TARA.

*Ang Safe Spaces act ay di lamang nagbabawal ng cat-calling, misogynistic, homophobic, and transphobic remarks in public spaces; ito rin ay nagbabawal at nagpaparusang ng sexual harassment na nagaganap sa online spaces.*

# Sexual Harassment

(in Public Spaces and Online)

**SAFE SPACES ACT: ADDRESSING SEXUAL HARASSMENT IN PUBLIC SPACES  
INCLUDING ONLINE GENDER-BASED SEXUAL HARASSMENT (R.A. 11313)**



Republic Act 11313, otherwise known as Safe Spaces Act, *expands the scope of the Anti-Sexual Harassment Act of 1995, or Republic Act 7877. The Safe Spaces Act includes acts of gender-based sexual harassment committed in streets and public spaces including restaurants and cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, building and other privately owned places open to the public, public utility vehicles, as well as online sexual harassment. The law was signed in April 2018 but took effect only in August 2019. Its Implementing Rules and Regulations was signed, 90 days after it took effect, on October 28, 2019.*

*Gender-based sexual harassment committed in streets and public spaces are any acts of unwanted and uninvited sexual actions or remarks against any person regardless of the motive behind such actions or remarks, such as:*

- ❶ Any acts that are unwanted and has threatened one's sense of personal space and physical safety, and committed in streets and public spaces<sup>1</sup>
- ❷ Acts of making offensive body gestures at someone for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening, or intimidating the offended party;<sup>2</sup>

<sup>1</sup> Catcalling, including wolf-whistling, and misogynistic, transphobic, homophobic and sexist slurs; cursing, taunting, unwanted invitations; leering and intrusive gazing; persistent uninvited comments or gestures on a person's appearance; relentless requests for personal details such as name, contact and social media details or destination; the use of words, gestures, or actions that ridicule on the basis of sex, gender or sexual orientation, gender identity and expression, misogynistic, transphobic, homophobic and sexist statements and slurs; persistent telling of sexual jokes, use of sexual names; or Use of sexual names, comments and demands

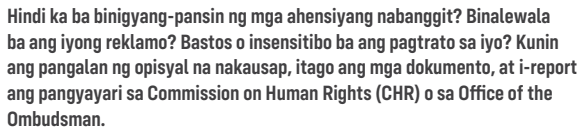
<sup>2</sup> Public masturbation; exposing or flashing of private parts; groping; or any sexual and similar lewd advances whether verbal or physical

- ❸ Stalking, and touching, pinching, or brushing against any part of the victim's body, whether accompanied or not by the acts previously described.

*Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:*

- ❶ physical, psychological, and emotional threats;
- ❷ unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or thorough direct and private messages;
- ❸ invasion of privacy through cyberstalking and incessant messaging;
- ❹ uploading and sharing any form of media that contains photos, voice or video with sexual content without the victim's consent;
- ❺ any unauthorized recording and sharing of any of the victim's photos, videos, or any information online;
- ❻ impersonating identities of victims online or posting lies about the victim to harm their reputation; or
- ❼ filing false abuse reports to online platforms to silence victims.

## MGA LUNAS O PROTESKYON NG BATAS AT PAGKUHA NG MGA ITO



<sup>1</sup> Mayroong tatlong klase ng protection order para sa mga biktima ng VAWC. Ang Barangay Protection Order (B/PO) binibigay ng Punong Barangay matapos mag-reporma sa Barangay VAW Desk. Ang Temporary o Permanent Protection Order (T/PPO) naman ay makukuha sa family court kung saan kasalukuyang nakatira ang babae. Kung walang family court, ang protection order ay maaaring i-file sa regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court kung saan nakatira ang babae. Ang B/PO ay hindi kinakailangan para makapag-file para sa protection order sa korte.

## EMERGENCY NUMBERS

### Inter-Agency Council Against Trafficking

Domestic: 1343 International: +632 (1343)

For Smart subscribers: Text "ENDOSEC

[space] [message/report]" to 7444-64

### National Emergency

**Hotline: 911**

### Bantay Bata 163

Landline (toll-free): 163

Globe (toll-free): #163

Smart: 163

### Philippine National

**Police (PNP)**

Hotline: 117

### Aleng Pulis Hotline

Hotline: 0919 777 7377

## LEGAL ASSISTANCE

### Commission on Human Rights (CHR)

### Citizen's Help and Action Desk (CHAD)

Globe: 0936-0680982

Smart: 0920-5061194

E-mail: chad.pasco.chr@gmail.com

### Commission on Human Rights (CHR) Region

Landline / Mobile:

E-mail:

### Public Attorney's Office

Landline:

(02) 8 929 9436 local 106, 107,  
or 159 (local "0" for operator)

Mobile: 0939 323 3665

Email Address:

pao\_executive@yahoo.com

### Integrated Bar of the Philippines

Facebook Messenger:

@IBPNationalCenterforLegalAid

Email Address:

legalaidd@ibp.ph

### NBI-Violence Against Women and Children Desk (VAWCD)

Hotline:

(02) 8523-8231 to 38

(02) 8525-6028

## SUPPORT SERVICES

### Department of Social Welfare and Development (DSWD)

Hotline: (02) 8931-8101 to 07

(02) 8951-2803

0918 912 2813

### National Center for Mental

**Health and Crisis Hotline**

Hotline: 0917 899 8727

+63 2 899 8727