

MAKING DATA WORK FOR WOMEN: MAPPING
OF LEGAL REFERRAL MECHANISMS ON
GENDER-BASED VIOLENCE:

Proceedings of the Focus Group Discussions in Kidapawan City,
September 19, 2019

Commission on Human Rights (CHR), Region 12

I. INTRODUCTION

The facilitator discussed the highlight of the project to enlighten the participants on their roles as service providers and community women. The FGD was undertaken with two sessions, one in the morning and one in the afternoon.

The activity was attended by the following agencies/organizations:

City Planning and Development Office
City Social Welfare and Development Office
Barangay VAW Desk Office
PNP WCPD Office
Public Attorney's Office
City Prosecution Office
KALIPi Federation
Bangsamoro Women
Mother's Club
CIPWA
BOD
RIC (Rural Improvement Club)
IP Women Federation

II. FOCUS GROUP DISCUSSION PROPER

A. SERVICE PROVIDERS

1. Gender equality situationer in the city

In terms of gender-disaggregated data, the City Planning and Development Office (CPDO) has its process of data collection known as the Community-Based Monitoring System (CBMS). Also, the barangays in the city use CBMS with disaggregation such as sex and age. The City Social Welfare Development Office uses basic demographics such as sex and age when it comes to recording of GBV cases.

The Public Attorney's Office categorizes their GBV data according to the type of case filed such as violations of RA 9262, RA 8353 and RA 7610. These data are directly submitted and consolidated at the regional level and central office.

While the City Prosecution Office of Kidapawan does not have a regular report on GBV cases, however, upon request of agencies concerned, they can still provide a summary of GBV cases with gender disaggregation.

The City of Kidapawan has its Implementing Rules and Regulations and Gender and Development Code where the mechanisms on assisting the GBV victims-survivors are stated.

The CSWDO has a separate budget allocated specifically for GBV cases and for the implementation of GAD PAPs (Programs, Activities, and Projects). 5% shall be drawn from the city's total budget appropriations however the rest of the budget are attributions from the agency's major programs.

Some barangays have a 5% annual allocation for GAD PAPs taken from the total IRA (Internal Revenue Allotment). However, there are barangays with the corresponding budget for the year of the program that is attributed to the GAD budget.

2. GBV in the city

The common forms of GBV cases received by all service providers are violations of RA 9262, RA 8353, RA 7610. The PAO usually received complaints from wives of PNP and complaints from a group of middle-class women. They do not require GBV clients to undergo an indigency test. They have a "mediation" program that aims to protect the family relationship and the best interest of the child. Based on the experience of PAO, the lack of understanding within the family and responsible parenting, and distractions brought by social media are common factors that affect family ties.

The WCPD (Women and Children Protection Desk) of PNP usually encounters rape cases with whom the perpetrator is a relative of the victim/survivor; as well as VAWC cases. According to PNP profiling and records, the victims/survivors usually come from the poor and marginalised group.

In cases of VAWC, some victims-survivors do not report to barangay due to gossips that may escalate the situation. They directly file a complaint to PNP. The CSWDO immediately intervene when the barangay is no longer able to address or help the victims-survivors.

The PAO considered VAW cases as the most difficult to handle because it creates conflict within the family and the children are prone to psychological abuses. Usually, women belonging to the middle-class level are the ones difficult to handle. The rape and incest cases also pose difficulty because of the effects it builds within the family and society. While PNP WCPD explained that those complainants whose economic situation is below the poverty line are the ones challenging for them.

2.1. Challenges and barriers

Some GBV victims-survivors are afraid of reporting their situation to barangay level because of humiliation they feel and fear that the situation may worsen due to gossips made by neighbors.

Upon the subsequent trial of the case, the complainant will no longer appear to the court and pursue the case due to economic dependency on the spouse and also because the love for the family prevails. There is difficulty in securing convictions in gender-based violence according to City Prosecutor. The city lacks facilities for the GBV victims-survivors.

2.1.1. Best practices

The referral system on the part of the victim-survivors is established and effective. There is a separate social worker for the victim and perpetrator. Upon assessment of the social worker, GBV victims-survivors are provided financial assistance.

3. Documentation

The documentation of GBV starts when the victim-survivor approaches the barangay VAW desk officers; file a formal complaint at the police station; and when the victim-survivor seeks counseling to the CSWDO. There is no electronic database for the GBV cases available in the city. However, the PNP WCPD is currently in the process of establishing an electronic database for gender-sensitive cases.

4. Recommendations

The group highly recommends:

- Revision of GAD Code and IRR to include a rights-based approach with the participation of CHR Regional Office 12 in amending the IRR to include the mediation conference;
- Strengthen the capacities of barangay officials in addressing GBV cases by providing training;

- Enhance the information dissemination on GBV situations;
- Establishing of barangay marriage counselors as immediate grassroots authorities in addressing GBV cases;
- Create a Center specifically for GBV victim-survivors during the helping process;

- Protection for the social workers handling a sensitive case and full implementation of Magna Carta for Social Workers;

- Adequate support and salary for the social workers and house parents handling difficult and sensitive cases;
- A one-stop shop composed of a multidisciplinary team where GBV victims-survivors may be brought in and taken care of; and

- There should be a designated permanent barangay VAW desk officer in handling gender-sensitive cases to preserve its confidentiality.

B. CIVIL SOCIETY ORGANIZATIONS (CSOs)

1. Gender equality situationer in the city

The City of Kidapawan has GAD (Gender and Development) Code and Anti-Discrimination Ordinance. There are also VAWC ordinances incorporated in the GAD Code. Most of the women sector have participated and were consulted in the crafting of these policies. Some barangays have accessed on the 5% GAD budget used for implementing their GAD plans, programs, activities, and projects.

VAW Desks Officers can respond to the GBV cases referred to them. They are aware of the processes in addressing these cases.

2. GBV in the city

The common forms of GBV cases referred are violations of RA 9262. Urban poor women are the most affected group by GBV. Victim-survivors do not pursue the case because of love or the family and security of their children emotionally. These make women hesitant in seeking legal remedies to authorities.

For the past years, as per observations, the GBV cases have lessened because of the creation of RA 9262 and other laws specifically for gender sensitivity.

The Crisis Intervention Unit wherein psychosocial intervention is the most offered services and accessed by GBV victim-survivors. They see livelihood assistance as helpful to the GBV victims-survivors because most of the women affected are economically dependent on their husbands.

GBV victims and survivors often exit the helping system when financial assistance has already provided and the mediation process has been done. Most of the women sector have already attended seminars and training on addressing GBV

3. Recommendations

- Review the policies of PNP in taking blotters
- Provide livelihood assistance to the GBV victim-survivors as part of the helping process
- Seek a sustainable helping strategy in terms of the victim-survivors' economic aspect
- There should be incentives like a free meal, food packs, etc as forms of strategy in making the community people participate in gender-sensitive activities