

Understanding

VIOLENCE
AAGAINST
WOMEN

Core Messages
for Services,
Training,
Education
and Advocacy

Office of the President

National Commission on the Role of Filipino Women

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Understanding
Violence Against Women
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Training, Education
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CIDA



NCRFW



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Foreword

This booklet on *Understanding Violence against Women: Core Messages for Services, Training, Education and Advocacy*, published by the National Commission on the Role of Filipino Women (NCRFW) hopes to contribute to a better understanding of issues surrounding violence against women, particularly among agencies directly involved in addressing the problem. It is a result of a series of consultations among various groups, particularly among the representatives of the 15 government agencies who are members of the Violence against Women Coordinating Committee (VAWCC), and who took part in a two-day writeshop to draft the core messages. The concepts and messages were based on existing laws like RAs 9262, 9208, 8353, as well as on international human rights instruments and standards like UN Convention on the Elimination of All Forms of Violence Against Women (CEDAW) ratified in 1981 and the Declaration on the Advancement of Women (DeVAW) signed in 1993. They were also based on the experiences of victims/survivors and those of service providers from GOs and NGOs.

This booklet is expected to serve as a practical, relevant and handy reference on the nature of VAW, how it affects women and men's lives, why it happens and some guidance for those who help both victims/survivors and offenders. In accordance with the provisions of RA 7192, the core messages will be integrated in the service delivery and training programs of frontline agencies like the Philippine National Police, Department of Social Welfare and Development, Department of Health, Department of Justice, and Department of the Interior and Local Government, among others. Many of these agencies have started the process. For example, PNP has developed a manual for investigating

crimes involving women and children, and DSWD is developing a manual for gender responsive counseling of victims of violence. The Department of Education, in partnership with the NCRFW under the UNFPA-assisted project on *Strengthening Government Mechanisms for Mainstreaming Gender in the Population, Reproductive Health and Anti-VAW Programs*, has integrated core messages on violence against women and children through the instructional materials developed for adolescent reproductive health.

We congratulate these agencies that have taken the bold step. The challenge is how these core messages can be translated into gender sensitive delivery of services to victims/survivors through proper and sustained training of frontline service providers.

In publishing these core messages, we also endeavor to reach a wider audience, particularly among local government units, NGOs, the media, and other concerned groups. Making our homes, communities, workplaces and our society safe for women and children is truly a concern of all.

We thank the Canadian International Development Agency (CIDA) for supporting the development of the core messages, and the UN Population Fund (UNFPA) for supporting the editing and printing.


EMMELINE L. VERZOSA
Executive Director

Message

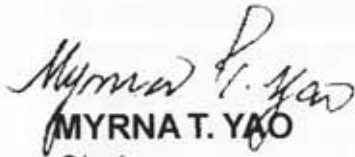


In 2001, the NCRFW convened the Violence Against Women Coordinating Committee (VAWCC) composed of government agencies with mandates to provide direct services for women and children victims of violence. It was envisioned that this mechanism will help strengthen and concretely address VAW to ensure that both women and men enjoy the fruits of development efforts.

With the funding support of the Canadian International Development Agency (CIDA) through its Institutional Strengthening Project with the NCRFW, the VAWCC formulated the National Action Plan to Eliminate VAW (NAP-EVAW). This action plan provides for a set of interventions and service standards necessary to effectively address VAW and other forms of gender-based violence. Deemed as an important component to effectively implement NAP-EVAW, the VAWCC developed a set of VAW Core Messages. This set of VAW core messages aims to clarify various concepts related to VAW, to identify basic principles that will guide agencies in the delivery of VAW related services and bring about non-judgmental approaches to handling VAW cases.

In support of the crucial step of finalizing the VAW core messages, the NCRFW is grateful for the assistance of the United Nations Population Fund (UNFPA) through its gender component project with the NCRFW entitled, "Strengthening Government Mechanisms in Mainstreaming Gender in Reproductive Health, Population and Anti-VAW programs." The project also paved the way for the integration of these core messages in the basic education curriculum of the Department of Education.

Now in printed form, the NCRFW is hopeful that the VAW core messages would serve its purpose of ensuring common understanding and clarifying VAW concepts and in adopting the highest possible standards for the effective delivery of services to victims of gender-based violence.



MYRNA T. YAO

Chairperson

*National Commission on the Role
of Filipino Women*

Acknowledgements

The development of this set of core messages was a result of several consultations among various groups led by the members of the Violence Against Women Coordinating Committee (VAWCC). A two-day writeshop drafted the core messages and further discussions refined and finalized them with the help of consultants. VAWCC is a national interagency committee created in December 2001 to promote a more comprehensive and coordinated response to VAW. It is composed of 15 government agencies primarily involved in addressing violence against women and children. The National Commission on the Role of Filipino Women was designated as lead convenor to "strengthen its oversight function to implement measures to curb violence against women and direct relevant departments and agencies to follow it."

VAWCC developed a comprehensive and integrated plan, the National Plan to Eliminate VAW (NAP-EVAW) identifying key result areas encompassing: standard setting for quality VAW services; case documentation system; improving physical access to services; awareness-building across levels of government; general education from schools and media; and strengthening participatory mechanisms. Many of the target results of the NAP-EVAW are being addressed by the NCRFW-UNFPA (2005-2009) Project on "Strengthening Institutional Mechanisms for Mainstreaming Gender in Reproductive Health, Population and Anti-VAW Programs." These have also been incorporated in the Strategic Plan prepared by the Inter-agency Council on Violence against Women and Children (IAC-VAWC), a council created by Republic Act 9262 (Anti-Violence against Women and their

Children Act of 2004). In a workshop supported by the NCRFW-CIDA Institutional Strengthening Project Phase II, the VAWCC developed the Core Messages on Violence Against Women.

The VAWCC is composed of the following government agencies:

1. National Commission on the Role of Filipino Women – Lead Convenor
2. Department of Justice
3. Department of Social Welfare and Development
4. Department of the Interior and Local Government
5. Philippine National Police
6. Department of Education
7. Commission on Human Rights
8. Department of National Defense
9. National Bureau of Investigation
10. National Police Commission
11. Civil Service Commission
12. Department of Health
13. National Statistical Coordination Board
14. Bureau of Jail Management and Penology
15. Philippine Information Agency

We also deeply acknowledge the following whose support and dedication made the formulation and publication of these core messages possible: former NCRFW Chairperson Aurora Javate-de Dios (2001-2004), for her vision, direction and untiring effort to address VAWC; Ms. Mia Aquino and Ms. Maria Dulce Natividad for drafting, revising and finalizing the core messages; Ms. Estrella Maniquis for editing the manuscript and Mr. Arnel Orea for the cover design and lay out. The Policy Analysis Division of NCRFW provided the technical coordination, review and facilitation of the core messages development.

We thank most especially the survivors who have broken their silence, boldly sought help, struggled or are struggling for their right to be free from violence and discrimination. Their courage is our inspiration to work harder and strengthen our resolve to better serve their interest.

We reiterate our thanks to the Canadian International Development Agency and to the UN Population Fund for their financial support.

Background and Introduction

Response to the problem of violence against women (VAW) has long been hampered by a lack of uniform and standard core messages on the issue. Not only does this lack prevent agencies and organizations from providing sensitive interventions and services to VAW victims, much less addressing the problem at its root. It could also result in overlapping if not contradictory responses.

The Violence Against Women Coordinating Committee (VAWCC), an inter-agency committee of 15 government agencies with VAW-related mandates, undertook a two-day workshop as a first step in addressing the information gap. The workshop aimed to:

- clarify various VAW concepts;
- identify the basic principles that guide frontline agencies in their provision of services to VAW survivors;
- pave the way for the development of non-condemnatory and non-judgmental approaches to handling VAW cases; and
- guide service providers in handling cases through the adoption of standard core messages.

From the standard core messages evolved at the workshop, individual agencies are expected to draw messages specific to their mandate and services. The core messages shall also be fleshed out into programs by VAWCC members. It may be noted that the workshop did not come out with slogans or catch phrases. Rather, its focus was to clarify key concepts and critical principles of VAW, and to build consensus around these concepts and principles.

A multi-level approach to the formulation of core messages was employed to cover the following:

- a) **Audience** — VAW survivors/victims and their families, the abusers or perpetrators, the general public and relevant government agencies.
- b) **Forms of action** — both the preventive and responsive measures necessary for reducing, if not altogether eliminating, gender-based violence.
- c) **Agency mandate and coordination** — what each line agency should do to address VAW, and how best the agencies could work together on common concerns.
- d) **Ethical considerations** — laying down the principles to adhere to in dealing with VAW and being guided by these principles in making a just, decent and sensitive response to the plight of VAW survivors and in upholding their welfare and that of their families.

At the start of the workshop, a distinction was made between “VAWC” as defined in the law on violence against women and children (Republic Act 9262), and the broader phenomenon of violence against women and children covered in various literature on gender-based violence. In this discussion, VAWC shall refer to the provisions of RA 9262, specifically to definitions and elements of the crime, the circumstances of the crime, who are considered victims and who may be the offenders, and the penalties. VAW on the other hand shall refer to violations of women's human rights in general, including those specified in RA 9262. The core messages themselves belong to this latter category.

Also, the term “women” shall pertain to all who were born female regardless of age and sexual orientation. Transsexuals, persons who had undergone surgical sex change, though they may regard themselves as women, are excluded.

While the discussions at the workshop were centered on particular forms of VAW — rape, incest, domestic violence, sexual harassment and trafficking in persons — it was recognized that there are other forms of violence that are equally dehumanizing and should be addressed. Among these are the violence faced by women in situations of armed conflict (including the forcing of women during the war to become “comfort” women and serve the sexual needs of soldiers), female genital mutilation, forced sterilization, forced abortion, homophobia, prostitution, pornography and other forms of sexual exploitation.



The Core Messages

What is VAW?

1. Violence against women is violence that is gender-based.

Gender-based violence means that women are subjected to violence or abuse simply because they are women. Factors such as class status, race, educational background, age or even looks are but secondary to the gender factor in this case.

VAW is a manifestation of the gender hierarchy in society as well as a tool to maintain that hierarchy. It reflects and perpetuates the unequal and unjust relations between women and men, where men are seen as superior to and valued more than women. It is the misuse and abuse of power by men to subjugate women – their lives, their bodies, their hopes and dreams. VAW exists to ensure servitude of women to men and to assert male sexual privilege. It should be noted that VAW is a social phenomenon rather than something that happens only to individuals, and it is from this perspective that responses to the problem should be structured.

2. VAW is not limited to physical abuse. It can also take the form of emotional, verbal, psychological, economic and sexual abuse.

VAW is commonly seen as physical abuse. For a long time, bodily assault was the only element or form of abuse recognized by law and by law enforcers.

Even with the extensive consciousness-raising and advocacy on VAW that has been done, many still resist the idea that emotional, psychological and sexual assault can cause as much injury as physical violence, if not worse.

The United Nations Declaration on the Elimination of Violence Against Women (DEVAW, 1993) defines VAW as referring to "any act of gender-based violence that results in, or is 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." Article 2 of the Declaration states that violence against women may be categorized as, but is not limited to, the following:

- physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.



3. Discrimination has many layers and faces.

Aside from gender-based discrimination, biases also exist based on class, race, age, physical characteristics and other factors. Not only is VAW reinforced by these types of discrimination, it also becomes a vehicle for their expression and practice.

Rural poor, uneducated women in underdeveloped countries, for instance, are much more vulnerable to being trafficked as sex slaves compared with well-to-do, college-educated women in developed countries. A lesbian's brown skin makes her a likely object of racial attack or sexual abuse. For sure, women who are educated and well-off can be prey to VAW. But there are many factors in being less privileged that increase the risk of being victimized while reducing the ability to deal with abuse.

The problem is that there is a chance that situations like this — which many women overseas Filipino workers (OFWs) find themselves in — will be seen only for their racial or class dimension. If racism becomes the focus, for instance, the gender dimension can be overlooked. When this happens, the much-needed response though provided may not be sufficient or appropriate.

As mentioned, VAW serves to maintain gender inequality — where men exercise power and control over women, and women are subordinate or seen as inferior to men. Thus, for equality between the sexes to become a reality, violence against women has to stop. Being clear on what VAW is, and making sure that it is recognized as an offshoot of gender bias, is a first step toward its elimination.

4. VAW is a human rights issue.

International instruments addressing VAW include the Convention on the Elimination of All Forms of Discrimination Against Women, 1979, including General Recommendation Nos. 12 (1989) and 19 (1992); Programme of Action, International Conference on Population and Development (ICPD), 1994; and the Beijing Platform for Action of the Fourth World Conference on Women (BpfA), 1995. Another is the Declaration on the Elimination of Violence Against Women (DEVAW) adopted by the UN General Assembly in 1993. These instruments set

the minimum standards for UN member states to comply with in order to protect human rights. They are considered milestones in the effort to get VAW recognized as a human rights violation and an issue to be addressed by nations in their development agenda.

Following are categories of human rights that VAW violates:

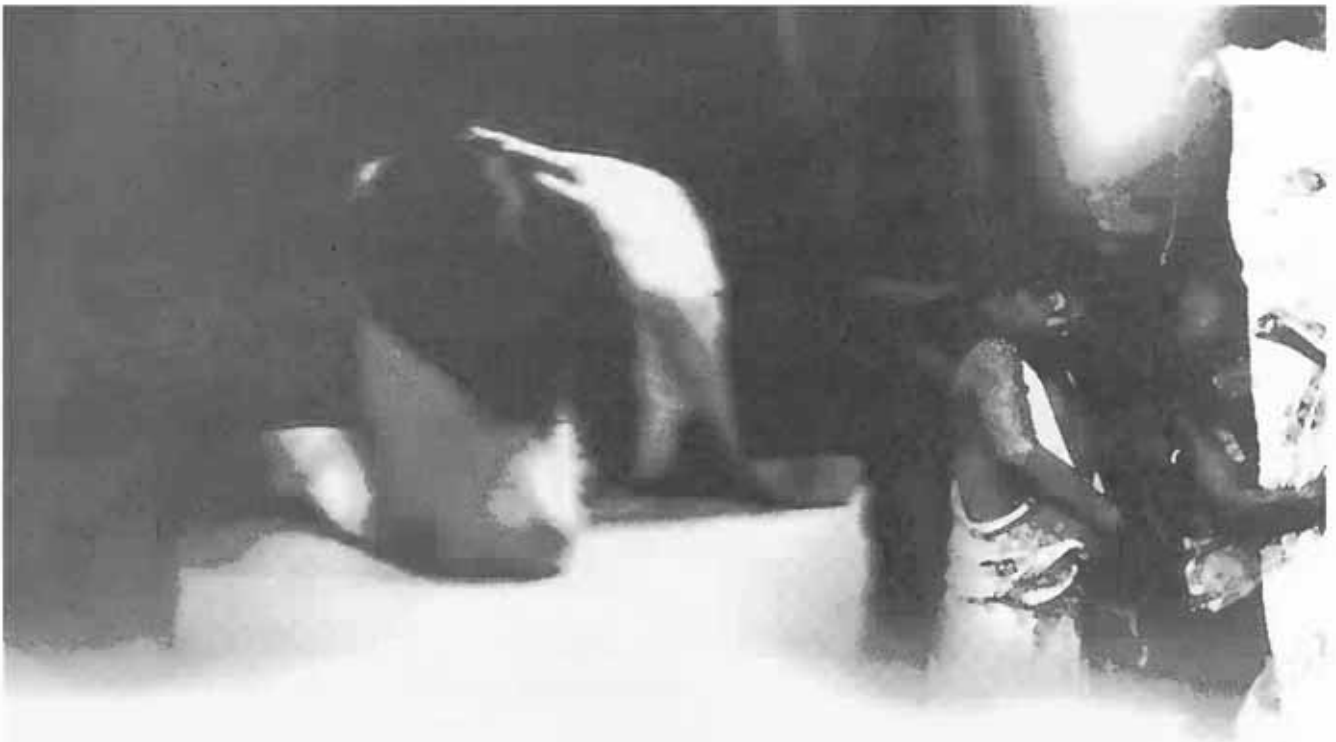
- a. ***Right to development.*** Subjecting a person to violence of any kind (physical, psychological, emotional, sexual, economic) is like putting that person in prison. She cannot make a move or decision on even the most ordinary matter without being afraid that this might provoke another attack. VAW, which as noted earlier is gender-based, does not only cripple women by striking at their self-esteem and depriving them of opportunities for personal development. It also prevents them from experiencing the growth that normally comes with being able to move freely in society and participate meaningfully in the life of the community. The development of the nation in turn suffers from this disabling effect of VAW on its members.
- b. ***Protection rights.*** The Universal Declaration of Human Rights (UDHR) directs nation states to protect all peoples from all forms of abuse committed by any actor – be it by the state or by non-state actors. The continued prevalence of VAW shows how women and girls have not been afforded this protection. Even in countries where the human rights movement is strong, women's rights may not be adequately safeguarded because of lack of awareness that violence can be gender-based.
- c. ***Survival rights, the right to a life of dignity, to live free from fear, threat and persecution.*** VAW kills. VAW threatens life. VAW debilitates women and girls. VAW is a negation of their right to a meaningful life. VAW creates an environment of fear and helplessness and this immobilizes victims to the extent that they become unable to take control of their situation and their lives. Many who fall prey to vicious forms of VAW are scarred for life.
- d. ***Right to express oneself.*** VAW is an institution of patriarchy intended to perpetuate male dominance. Many women live

their lives without being able to actualize their dreams or experience how to be individuals in their own right. They are brought up in such a way and with such values as to ensure their continued identification with and service to men. Their lives, sexualities, aspirations are defined by others, and VAW ensures that this scheme of things will not change. More than the body, the sense of self is battered in VAW, compromising the victim's ability to freely express who she is and what she wants to become.

- e. ***Right to counsel and to due process.*** When VAW is unacknowledged, unquestioned, unreported, and therefore concealed, women's right to due process is denied. Failure to take women's experiences and point of view into account is tantamount to allowing injustice to have the upper hand.
- f. ***Right to humane treatment while in detention.*** The conditions that allow VAW to be committed in the home are present to an even greater degree in prison. Women prisoners have been raped and subjected to sexual indignities. Among women political detainees, sexual debasement as torture tactic has been used to make them own up to crimes or to testify against comrades.
- g. ***Reproductive rights.**** For women to have the freedom to live meaningful lives, knowledge of and control over one's body and sexuality is essential. VAW takes away that freedom. Women are beaten up for refusing to have sex. Or, when they say "no" they are not believed and are seen as a tease instead. The common thinking is that women were created to be man's companion and to bear and care for his offspring, so how can they go against this "God-given" responsibility?

It is also a form of VAW when women are prevented from exercising their reproductive health rights because they are denied health information and services, whether directly by the men who control their lives, by church institutions that censure informed choice, and by the state cutting down the social services women badly need.

* In the Philippine context, the use of the term reproductive rights does not include abortion as a method of contraception.



Impact of VAW

1. VAW strikes at the personhood of women.

VAW is an assault on the dignity of women and their right to self-determination. It limits freedom of movement and compromises a person's mental and physical integrity. VAW takes away women's control over their bodies and lives. It is known to have resulted in deprivation, psychological and emotional stress, injury, disability and death to victims. The Philippine Plan for Gender-Responsive Development (PPGD), 1995–2025, quoting from the 1985 Nairobi Forward-Looking Strategies, says that VAW “violates the rights and principles of women with regard to equality, security, liberty, integrity and dignity.”

Many VAW survivors — women in prostitution, trafficked women, sex slaves — have been victims for so long that they have internalized their oppression and no longer see themselves as having rights or deserving of respect. They may even regard the violence they experience as something they brought upon themselves. Many women in prostitution would say that at least they get paid for being used by men. In a discussion about women's rights, streetwalkers working with BUKLOD (an organization for the welfare and rights of streetwalkers in Quezon City) said they didn't think they have any rights left since they are the dregs of society, that the abuse they receive from their

pimps, clients, and even the arresting police officers are not violations but are "hazards of the trade".

The harm caused by VAW cuts deep and wide. As with the other aspects of gender discrimination, it has taken nations and communities a long and difficult journey to come to this realization. While much remains to be known about the effects of VAW on individuals and society, those working on the issue take heart from the fact that the problem has been brought to light and taken up as a primary concern by institutions whose efforts will have a definite impact on its eradication.

2. VAW limits human development.

VAW limits the growth and potential of women and their families. Violence and abuse have grave consequences on women's health, education and ability to earn an income. It is an obstacle to women's full participation in and contribution to national and community life.

The PPGD, 1995 – 2025 says:

"...Violence against women effectively blocks Filipino women's rightful path to human development and causes them to withdraw from community life. Worse, a repetition or cycle of aggression can turn women into fearful, confused persons who lack confidence and experience feelings of helplessness and have difficulty making their own decisions.

"...Their conduct as productive individuals suffers, and regardless of their social or economic standing, lose out in opportunities in education, career advancement, social interaction and other chances for human development.

"VAW is in direct contradiction to national and social development goals. It exacts grave consequences on women's lives as individuals, and denies them options. "...It jeopardizes their health, human rights and their capacity to participate, as well as contribute freely in society."

VAW is responsible for one out of every five healthy days of life lost to women of reproductive age. Rape and domestic violence are a major cause of disability and death among these women, and account for 5 percent of healthy years of life lost to women of reproductive age in demographically developing countries. Furthermore, the health burden from gender-based victimization among women 15-44 years old is comparable with that from HIV infection, TB, sepsis during childbirth, cancer, and cardiovascular diseases. Violence is a risk factor for disease conditions such as STDs, depression and injuries, which makes women more vulnerable compared with men (*World Bank Report, 1993*).

In the end, it is society that suffers from the loss of human potential brought about by the phenomenon of VAW, because VAW debilitates and leaves out women from the development equation. As the 1995 UNDP Human Development Report points out, "if development is meant to widen opportunities for all people, then (the) continuing exclusion of women from many opportunities of life totally warps the process of development... There is no rationale for such continuing exclusion. Women are essential agents of political and economic change."

VAW "violates the rights and principles of women with regard to equality, security, liberty, integrity and dignity."



Why VAW happens

To understand VAW, one has to see the phenomenon from the perspective of women themselves. One has to get off from the simply psychological, economic, moral or legalistic points of view — that violence happens because of bad childhood experiences; or poverty pushes men to commit crimes; or because man is sinful. To look at VAW from women's lenses means that their experience, their vulnerabilities, their voice have to take center stage. Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, notes that "the world must listen to the voices of women, if it is to recover its humanity".

To do this there is a need to separate the usual excuses for why VAW occurs, from what women say lead to VAW.

1. There are many excuses passed off as explanations of VAW.

Several explanations are offered as to why VAW happens. Most of these are excuses, accepted and unquestioned statements that blur and minimize men's responsibility for the violence, and pass the blame to women. Examples of these would be:

- Men think women deserve to be hit because they are “naggers” or adulterers.
- It is alcohol and drug use that made the men do it. They were not in their right mind when they committed VAW.
- Women who wear sexy clothing invite harassment or rape.
- Men had a rough day at work, or they got fired from their jobs, and they lost their cool with the *Misis*.
- Men take on mistresses because the wife now looks old and worn (*mukhang losyang*) and is no longer hot in bed (*wala nang asim sa kama*).
- A husband hits his wife because she is a flirt and has made him jealous.
- Men who commit rape give the excuse that women tease, and when they say “no” they actually mean “yes”.

Feminists and women’s advocates reject all these as simply rationalizations and a cover-up for men’s abusive behavior or actions. In a patriarchal environment, where men are dominant and everything is subordinated to men – women, children, other men seen as weak like homosexuals, the elderly and those with disabilities – violence is used to keep the subjects in check and the dominance unchallenged.

VAW is also strengthened and maintained by the conditioning of society, women in particular, to defer to men and to regard men’s needs as paramount. This has resulted in women devoting their talent and energy to serving men and making this the measure of their worth. The message is that women exist to support male aspirations. At a young age women are trained to act, think and behave “properly”, not to antagonize men, otherwise they could end up being “alone”. Other women are seen as competitors and/or obstacles to winning men’s attention. Even “successful” women have been known to readily give up their careers when they marry. There are also women who continue mothering grown men. The same self-sacrificing mentality is seen in a wife who gets raging mad at the mistress but not at the philandering husband, or who acquiesces to sharing the husband with a mistress rather than be abandoned altogether.

2. Misconceptions about VAW still abound.

Misconceptions about VAW are still prevalent and seep through the fabric of Philippine society. At the VAWCC workshop of July 2004,

some of these misconceptions were grouped together under four tendencies or biases. These are victim-blaming, invoking the “natural order” of things, hiding or cloaking the violator in mystery, and limiting the scope of VAW.

a. *Victim-blaming: it is the woman's fault*

This mindset puts the blame (and the burden of responsibility for avoiding violence) on the woman — that is, VAW would not have taken place had it not been for what the victim did or said, or did not do or say, how she looked and behaved, and so on. A common example of this thinking would be the view that women are raped because they wear provocative or sexy clothing.

A woman works as a prostitute because she wants “fast and easy money”, therefore she has to bear with the hazards of the trade. An incest victim who finally musters enough courage to tell her mother about having been violated by her stepfather is humiliated and told to shut up because it is her flirtatious ways that must have caused it all. A female employee complaining of sexual harassment is said to have an overactive imagination, interpreting a perfectly innocent act — meant merely to flatter or express appreciation of beauty — as malicious (*binigyan ng malisya*).

All these are instances of victim-blaming. In victim-blaming the man is never at fault. He could even be seen as the unwitting victim.

b. *Concealment of the offender: violation without a perpetrator*

As with victim-blaming, this category also erases men's culpability in the commission of VAW by saying that the violator is as much a victim as the one violated.



Examples of misconceptions related to this bias are:

- poverty, upbringing or environment, and ignorance are the real causes of VAW;
- rape is a blessing in disguise and may even be an act of charity if you are an "old maid" and childless;
- a man is pushed to raping his young daughter because he is lonely for his wife who works abroad; and
- a client who abuses a prostitute was merely "carried away".

c. Invoking the "natural order" of things

Misconceptions under this category say that VAW is a given — something that is simply there. And givens are rarely questioned or challenged, and may even be impossible to eradicate.

Examples of misconceptions under this cluster are:

- prostitution is the oldest profession;
- It is normal for spouses to quarrel, and when domestic violence happens it is only because the couple got carried away by their anger;
- verbal harassment is no big deal, it is harmless teasing that should just be ignored;
- sexual harassment is part of male upbringing or is a test or show of manliness; and
- fathers or male relatives in incest cases are merely asserting their primacy over members of their household (the idea of "*mauna muna ako bago pakinabangan ng iba*", or that daughters are pieces of property which the father can "use" as he wishes).

There is a need to call attention to the unnaturalness of these "natural order" of things – that no opinion or view is a given and what is regarded as natural is in fact socially constructed by people, influenced by the view of the dominant group, and perpetuated over time by social processes so that they have been blindly accepted and have become part of the "natural order" of things.

It comes as no surprise that all the rethinking, reexamination and reconstruction about empowering women and the struggle for equality

and justice for women are seen as going against the “natural order” of things.

d. Limiting the scope and nature of VAW

It is not rape if there was no penetration. The use of abusive language, humiliation and other acts that do not actually inflict physical harm on the spouse cannot be called domestic violence. Sexual harassment is something that happens only between a superior and his subordinate. These contentions reflect a limited view of VAW and prevent the many other faces of violence from being brought to light.

Although VAW is now recognized as a crime, its definition as a criminal act is from a male point of view, and therefore tends to protect the perpetrator. From the examples above, men have defined sex as penile (entry of the penis into the vagina), and all other sex acts are only foreplay or not sexual intercourse. And — they contend — since rape is like sex except that it is done by force, deception or intimidation, then penetration of all other female orifices (the mouth and the anus), and the use of all other implements to penetrate those orifices (finger, tongue, vibrator, cigarette, bottles, etc.), do not constitute rape but merely sexual assault and should carry a lesser penalty. The law on rape before 1997 is a glaring example of this concealment and containment.

But women’s experiences speak of sex and rape differently. Hence the ten-year struggle to pass the 1997 Anti-Rape Law, that redefines rape based on what women have suffered and know to be an act of violation, regardless of whether there was penile penetration or not.



3. VAW persists as a result of the interaction of ideology and belief systems, social structures, community patterns, and personal history.

Breaking the cycle of violence means working on changing our personal, institutional, and societal relationships, views and practices.

Thanks to gender sensitivity training, many are now aware that gender inequality is ingrained in all peoples and nations, structures, systems and social processes. Men are more highly valued, deferred to, afforded better education and employment opportunities (giving them higher earning power), and extended more privileges compared with women. This has gained for men power over women and all others seen as inferior to men, including children, the elderly, and the effeminate. With power has come the need to control so as to maintain that power.

How does it happen that the sexes come to be rated differently? Men and women are socialized — some prefer the term “genderized” — into assuming specific roles for which there are perceived qualities.



For example, man is the pursuer, provider and protector, the household head. Fulfilling these roles is seen as requiring strength, aggressiveness, leadership ability. Woman on the other hand is the object of pursuit, the nurturer, peacekeeper, man's companion – roles associated with resilience, forbearance and creativity but also with meekness, passivity and subordination. The perceptions of what is "masculine" and what is "feminine" evidently tip the power scale in men's favor.

This conditioning toward male supremacy is a "womb to tomb" process – it starts in the home (from birth), and is reinforced by peers, the media, education, religion, laws, community life, traditions, value systems, norms, and all other social structures

Society's acceptance that women and children are under men's control, the passivity and dependence of women as a result of social conditioning, and the high tolerance for male aggression — all set the stage for VAW to happen.

The PPGRD 1995–2025 sums up the host of complex and interacting factors that account for the prevalence of VAW in society:

- values and attitudes that arise from and contribute to gender inequality;
- gender prescriptions that vest social power on men;
- a culture of violence; and
- the resulting psychological make-up of both the victim and the perpetrator of VAW.

VAW has existed for centuries but began to be recognized and addressed as a human rights violation only recently – at the World Conference on Human Rights in Vienna in 1993. Here the international community listened to the declaration by women that "Women's Rights Are Human Rights", and that VAW should no longer be seen as a private matter between victim and aggressor, but as a crime that harms society itself.

4. Some cultural or traditional beliefs or values can undermine human rights and permit VAW to happen.

A classic example is the adherence to the idea that “*ang pag-aasawa ay hindi parang mainit na kaning iluluwa kapag napaso.*” Regarded as wise counsel of old, this saying is directed at women in particular and encourages them to accept with passivity and resignation their life with an abusive or irresponsible husband. A cultural characteristic of Filipinos that has proven harmful to women is the overly high esteem for medical establishments and authorities, to the extent that what the doctor says, goes. Ignorance of one’s body is not uncommon, and often it is the women who are too shy to express doubt about a diagnosis or too modest to ask questions especially if intimate body parts are involved. Moreover, doctors are considered the expert and this being the case, Filipino women do not bother to find out for themselves what is wrong or to get a second or third opinion.

Then there are the myths about sex, sexual orientation and sexuality. Who has not been told that masturbation especially for women is sinful, and warned of weird consequences like hair growing on the offending hand or going blind? And despite the gay rights movement, lesbians are still looked upon as sick and depraved individuals — associating with them will transform a good heterosexual into an “abomination” like them. Moreover, it is common belief that a lesbian can be “reformed” by putting her in bed with a man. There have been cases in the Philippines and abroad where lesbians were diagnosed as being sick of mind, and could be “saved” by being married off to a man or at least having sex with a male partner.

There are many more examples of how cultural beliefs and traditions have put



women at a grave disadvantage. One problem with tradition is that this is unthinkingly passed on from one generation to the next. To question tradition is to invite reprimand, disfavor. But in so far as these long-held beliefs perpetuate violation of women's rights, they must be reexamined and corrected.

Again the painful reminder to all is that violence against women is first and foremost a tool of patriarchy to maintain its stranglehold on women, preventing women's full advancement as human beings and to a certain extent also stunting men's growth. Violence against women throughout the life cycle derives essentially from cultural patterns and standards, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language, or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society (BPfA, 1995).⁵ Laws are a powerful tool in the fight against VAW, but false and outdated perceptions and paradigms need to be replaced

The task of redefining rape from the point of view of women has begun. Laws that respect and uphold women's rights and are more sensitive to the needs and particular situation of women are now in place. But many more laws need to be amended if gender equality is to become the norm. Moreover, all lawmaking has to be imbued with gender sensitivity and responsiveness. Only then can peace, justice, equality and development become a reality for everyone. Below are instances in which women, with support from various entities within and outside government, have succeeded in replacing some of the old paradigms.

- The 1997 Anti-Rape Law reclassifies rape as a crime against persons, defining it as public rather than a private crime. It recognizes that there is such a thing as marital rape, and questions the notion of sexual obligation in marriage. The law further notes that rape happens even without penile penetration and therefore considers forcible anal penetration and the use of objects as constituting rape. However, the latter offense is still given a lesser penalty, proving true the criticism that the present law, though progressive in many aspects, still reinforces the idea of penile supremacy. The law is also criticized for the provision that nullifies marital rape once the woman forgives her husband.

- The Anti-Trafficking in Persons Act makes trafficking for whatever purpose – sexual exploitation, adoption, sale of human organs, labor and servitude – a crime even if it is with the consent of the victim. This law gives some detail on the traps and channels through which trafficking operates. The liable party is not just the end user but anyone who takes part in the trade at any point – recruitment, transport, preparation of travel documents, pimping and so on. The trafficked person, on the other hand, is treated as a victim and accorded protection by the State.
- The Anti-Sexual Harassment Law elevates sexual harassment from being regarded as a personal issue between the complainant and the offender, to being a public issue, a labor issue in particular. It states that sexual harassment is about abusing power relations – using one’s power to extract sexual favors. Contrary to the view that acts or remarks made by men on women’s sexuality are mere expressions of appreciation or admiration, the law says that what gives women discomfort can also be harassment. This shows that the women’s point of view was given due consideration. But as many have pointed out, the Anti-Sexual Harassment Law still falls short in that it recognizes only sexual harassment committed by authority or superiors, neglecting sexual harassment by peers and those lower in rank. Also, it recognizes only the sexual harassment that takes place at work and in educational settings, and overlooks those committed in transport conveyances, the community and other places.
- Like the Anti-Sexual Harassment Law, the recently passed Anti-VAWC Law corrects another common misconception — that domestic violence (also called family violence, or abuse of women in intimate relationships) is a private matter and that it involves only married couples. The law maintains that domestic violence can happen within any intimate relationship whether married, living-in, legally separated, dating or casually intimate. Furthermore, it puts government officials to task — anyone who fails to respond (for example, fails to issue protection orders as needed) will be held administratively liable. It also provides for the security of the complainant and her family through the availment of temporary to permanent protective orders.



Understanding the VAW survivor/victim

A woman is not defined by her social background or the abuse or violence she experiences. This point is emphasized to remind service providers of how they should respond to the women who come to them for assistance.

Sometimes the rape victim is a prostitute, or the victim of battering is the “other” woman or one who admits to having put up with the battering for a long time. Personal assumptions about these “types” of women can keep the service provider from interviewing the client more thoroughly. Worse, she can fall into the trap of making spot judgments on the complainant’s personality and character, and allow her biases to influence how the case should be assisted.

Although profiles of women in VAW situations are presented at seminars, these profiles merely give an introduction and should not give the impression that cases can be categorized neatly and matched with corresponding responses. Each case, each survivor, and even each abuser is unique in many ways although there are similarities across the cases.

So-called superiority in race, abilities, family origins, etc., does not guarantee safety. As the song “Fight Back” goes, “women all around

the world, every color, religion or race; we all have one thing in common, we can all be battered and raped...but I won't live my life in a cage”.

VAW, without doubt, disempowers women. It deprives them of the right to self-determination. It must be kept in mind, though, that by living through the violence VAW survivors have shown incomparable strength. And as women they have been the carers and nurturers of the world, unsung heroes who invariably find the means to see their families through difficult times. Having been conditioned to be self-sacrificing, however, they tend to put the interest of others above their own. And when the need comes for them to make decisions for their own welfare, they panic, and feel insecure and inadequate.

That is where the government and women's organizations can come in — help women sufferers and survivors of VAW know and value themselves, walk with them in the choices they make, help them heal, and assist them as they go through the difficult road of reconstructing their lives. These require patience, respect, knowledge, professionalism, ethical practice, honesty and humility from service providers. It is a tall order, but not impossible.



“women all around the world, every color, religion or race; we all have one thing in common, we can all be battered and raped...but I won't live my life in a cage”.



On the perpetrator

The PPGRD 1995-2025 says: "...Many commonly held beliefs hinder a real understanding of the nature of VAW. One is that perpetrators are usually drunk, under the influence of drugs, the devil's spell, mentally deranged and/or incapacitated at the time the crime was committed. The fact is, perpetrators are often normal, "respectable" and can be considered "progressive" members of society. Frequently, they are aware of what they are doing and their acts of violence are repeatedly and consistently done over time."

No single factor can account for violent behavior. A history of being abused as a child, exposure to violence in media or even mental illness does not by itself lead to violence. Rather, it is the interplay of several factors that predisposes one to violent behavior. Moreover, violence is not a male monopoly, since there have been cases of battering in which women were the batterers.

One thing, however, is clear — men are mainly the perpetrators of violence. A Filipino feminist once said in a speech that it is men who rape women, children, other men and even animals (yes, there are documented cases of men having sex with goats, and even the dead). This is harsh reality, but it must be brought to light before the tough work of healing, rehabilitation, reconstruction, and finally celebration can proceed. And yes, the aggressors must also be

helped to reform their behavior and mindsets, with the broader aim of developing relationships anchored on respect, equality and compassion.

In fact, efforts to involve the men in combating domestic and other forms of violence have started. The book *Filipino Men and Domestic Violence* published in 2000, was "conceived and realized in response to the question, 'if men are often the sources of physical violence, why are they excluded from domestic violence programs?'" The DSWD has counseling and rehabilitative services for VAW perpetrators. But these are only a few initiatives and must be augmented along with programs aimed at assisting the victim.

Programs for perpetrators of VAW ideally should be able to do the following:

1. **Establish accountability.** The perpetrator must be made to recognize his wrongdoing, since men often think they are well within their rights to assert supremacy with force or violence. The program should also be a good opportunity for raising male consciousness on gender inequality, unequal power relations and the destructive impact on the family of the imposition of patriarchal values.
2. **Target reform.** Here the focus is on the hope or possibility of change for a better future, by identifying ways that the men could right the wrong done to the women, working at changing their mindsets so they will learn to regard the contributions of women and men with equal importance, and taking steps to reform their behavior, speech and thought patterns.
3. **Target prevention.** With their resolve to reform themselves and the new awareness they have gained, perpetrators can be motivated and guided to take the lead in breaking the cycle of violence in their families and the community.



Responses to or forms of action to address VAW

Accountability for VAW should not be limited to the perpetrator. Family members and relatives who contribute to silencing a survivor or hiding the violence must be answerable as well — maybe not to the same extent as the abuser, but with enough gravity to make them realize that hushing up the matter is tantamount to being accomplices to the violation. Professional associations, colleagues, neighbors, fellow inmates in prison situations — all have a responsibility as well in exposing and eliminating VAW.

More importantly, commensurate punishment must await the offender. Although many women and women's advocates do not endorse the death penalty for rape and incest, allowing abusers to get off lightly sends the message that VAW is not a serious offense. And even as there is talk about reform and rehabilitation for perpetrators, justice must first be served and retribution made.

Above all, steps must be taken to ensure the victim's safety and that every possible help is extended to enable her to recover from the abuse.

Addressing VAW is a serious challenge. It requires a look into the interaction of psychological, social, cultural and other factors. And this has implications again on the need for interdisciplinary, multi-dimensional approaches.

Mechanisms and programs (setting up committees, drafting GAD modules, launching information and media campaigns, direct services to clients) have been instituted to address VAW. But the question remains: how do we make them work? How do we make these programs and projects accessible?

Critical issues that have prevented government from responding to VAW effectively have likewise been identified for the bureaucracy to address: red tape, lack of coordination among agencies, lack of gender awareness, lack of knowledge on the dynamics of VAW or the psychological state of the victims, information dissemination problems, and protocols. Anti-VAW programs can be facilitated by:

- Instituting systems and processes to assist work. These range from protocol development to tightening procedures and strengthening coordination among agencies.
- Capacity-building activities (orientation, skills-building and continuing education) to address the lack of knowledge, misinformation, and lack of skills and sensitivity among service providers.
- Information dissemination to help make services accessible to the public.



Ethical considerations in addressing VAW

The following are some of the ethical considerations to guide the work of addressing VAW:

- **Maintaining confidentiality.** Lives are at stake, and the cost of any lapse in confidentiality may be irreversible. Care has to be taken, and mechanisms put in place, to ensure that all information on the cases handled are kept confidential. Should there be any need to share information on the case — for instance with another professional brought in for the case, or for research purposes — it must always be with the permission of the client. No information should be divulged without the client agreeing to it.

Details of the case that have to be kept strictly confidential (unless the client gives permission to disclose them) include the client's name, address, the names and ages of the children, schools they go to. If knowledge of the perpetrator's name or circumstances can reveal the identity of the victim and her children, then even these will have to be kept secret. But the important thing is, disclosures whether or not the

client is present must be done with the utmost caution. Extra care must be taken not to communicate any bias against the client and possibly put her in a bad light. Reiterating that the information is confidential is also advisable. General data should be given in such a way that the identities of clients are protected, even as the crime of VAW is unmasked.

- **Use of gender-sensitive language.** Language is powerful. It can build and affirm but can also hurt, negate, corrupt. Male-oriented (or gender-blind) language – for example, “mankind” which is supposed to refer to both women and men — has the effect of making woman invisible. Language can also be anti-woman, as seen in curse words like “*putang ina*” or labels like “*malandi*” which is applied mostly to women. Moreover, it is not just the tone or manner of what is said that counts, but the politics imprinted in language has to be scrutinized and worked on as well.

This does not mean that service providers should always be tiptoeing around the survivor/victim, overly cautious not to cause offense. But listening closely, looking at things from the perspective of the woman, being conscious that one's thoughts and ways can still be tainted with gender bias, should be a good way to start.

When talking about the details of what happened to the client, it would good to ask if she finds certain terms offensive, and what words might be substituted that she would be comfortable with. Examples of these would be terms for intimate body parts like vagina, penis, breasts, etc.

Respect for the decision of the victim. Knowing that a life is at stake, the service provider is often tempted to make the decisions for the client if she does not take the option offered to her. However, the client's decision has primacy. The role of the service provider is to listen, provide the right information and offer the widest possible range of options, and be there for the client in whatever course of action she decides on. Leveling with the client, discussing options with her, and respecting and supporting

her decisions serve to build up the client's confidence and help her gain the empowerment she needs to deal with the situation.

- **Respecting the victim's emotional state.** Service providers need to be aware that sometimes, because of the many materials they have read or trainings and conferences attended on the handling VAW cases, they tend to form assumptions about what VAW victims might be undergoing. It is important to be reminded that in one's eagerness to reach out, one might trespass on private ground. Also, insensitive probing can cause the client to become secretive and evasive. Being already battered, the victim may find it too painful to be prodded into telling her story, which can be like living her ordeal all over again. Calm and attentive listening, showing understanding with a simple nod of the head, and communicating empathy/sympathy through appropriate gestures should be prove more effective in assisting the client through her testimony. Paying attention to what the client is hesitant to talk about, or remains silent on, can help guide the interview to the right direction.
- **Taking care not to pressure the victim in making a decision.** As with the earlier discussion, the service provider is there simply to listen, give information, provide the broadest range of options, and guide the client in her decision-making. The client is still the best person to decide on what step to take and when to take it, so it is important for the service provider to be mindful not to exert any pressure at all.

For a person who had depended for most of her life on someone else – her parents, her teachers, her religion, her doctors, the men – to know things and decide accordingly, decision-making is not an easy task. Many are at a loss, even immobilized, by the fear of taking responsibility for their lives and their children, not having developed the skills for this process. They could feel insecure and fumbling about the whole thing. The service provider's patient understanding and guidance are therefore crucial to seeing them through this difficult exercise.



Ethical considerations in counseling

The following ethical considerations in counseling, handling of legal cases and investigation are proposed here for reflection and enrichment:

- Recognizing the client's readiness for disclosure. Again, it is important to be sensitive to the client's state of mind and to wait for her to open up. Although persuasive tactics might be helpful, it is entirely up to the client to decide what to disclose and when, how this should be done.
- Respect for the person's dignity. Every client deserves respect. This must be shown not just through avowals or declarations but even in one's tone of voice, language, and behavior. Punctuality in keeping appointments is also giving value and showing respect to the client.
- Setting up an atmosphere conducive to counseling. Physical arrangement can make or break a counseling session. Care should thus be taken to prepare the venue and make the atmosphere as non-threatening, and with the least

distraction, as possible. It is important for both the client and service provider to be relaxed.

- **Upholding confidentiality, taking care not to abuse confidence.** As a rule, information disclosed about the client's VAW experience is only between her and the service provider (who could be a counselor, a therapist, or a lawyer, among others). Should there be any need to share the information with persons other than her primary caregivers — such as for a media interview, for inclusion in data for a research project, or for campaigns against VAW — permission from the client is always secured first, even if the receiver of such information is another concerned professional.

In cases where the client is certified by a professional to be incapable of making such decisions, the official guardian, who may be her partner, mother, therapist, adult daughter or close friend, may be consulted, and permission secured from that guardian. A suggestion is for a written request to be given to the client/guardian, who shall reply also in writing.

- **Recognizing the victim's decision-making capacity.** Trust that the client knows what's best for her. It must be kept in mind that her disempowerment stems mainly from having had people dictate on and make decisions for her. Care must be taken not to perpetuate this violation of her rights.
- **Being conscious of the power relations between counselor and client.** Although easier said than done, being aware of the power dynamics between client and service provider should be the latter's concern at all times. Transference, or the phenomenon in which a client "transfers" to the counselor feelings linked with other relationships (such as love or hatred for the spouse) can compromise the counseling process. It is not uncommon for the client to "fall in love" with the counselor, which makes her even more emotionally dependent. Similarly, the counselor can be tempted to take advantage of this "power". Vigilance against such danger, while building trust and developing autonomy in the client, is a primary task for the counselor.



Ethical considerations in handling legal cases/ investigation

The following are some ethical elements to consider when conducting investigation of VAW situations and handling legal cases:

- **Arming the client with information.** In legal counseling, the client must know what to expect and how the investigation and possible litigation will proceed. This means providing her with all the information needed to make an intelligent decision, discussing all possible options, and presenting all possible resources. It would be good to “walk” her through the processes and trials she may undergo, including possible backlash of her decisions and actions – a counter suit by her abuser, negative reactions from her own family and friends, loss of income, and so on. Let her know that these are being shared with her not to scare her, but to prepare her for the worst.
- **Informing the media and the survivor/victim about the rules of confidentiality.** While RA 9208 and RA 9262 have explicit provisions protecting the confidentiality of the victim,

other laws do not. Before a client is brought before the media, both parties must be clear about the protocols, which should include guarantees of confidentiality. Preparing a document beforehand, like a memorandum of agreement or guide to the media in handling VAW cases, would help avoid painful mistakes. A penalty clause should there be any violation of the confidentiality requirement may be included. This would send a good message to both media and client that confidentiality of the case should be taken seriously. - (RA 9262 and RA 9208 are explicit regarding confidentiality)

- **Use of sensitive language.** As mentioned, a service provider should be careful about language use and with the tone or manner of speaking. Leading questions or judgmental remarks should be avoided, offensive or vulgar language is a no-no. Establishing eye contact and giving the client full attention are a must for effective communication. Definitely one's cellular phone should not be in use during a counseling session (it may be put in silent or "vibrate" mode, and if a call has to be taken, this should be done quickly outside the counseling room, with the proper leave).
- **Allowing the victim to talk freely.** Active listening is the service provider's primary role during counseling sessions. Active listening is more than just hearing what is said. It means focusing fully on the client and what she is saying, respecting her pauses, giving her time to compose her words or even to decide what she wants to say. The client should feel comfortable about letting out her feelings, cry if she feels like crying. It's a good idea to have a box of tissue paper within easy reach. One must be careful about touching a client to show sympathy – no matter how innocently done, this might trigger negative reactions in one who has experienced rape or other forms of sexual abuse
- **Training frontline staff, not just investigators.** Frontline staff are the first-aiders when it comes to handling VAW cases. They are the first to meet the client before she is turned over to the handling officer, and it is important for them to be skilled in putting the client at ease, possibly informing her of standard procedures, and letting her know that her case will be given the attention it deserves.

- **Professional ethics between law enforcement agencies.**

Respect for the mandates of agencies. Each agency has a role to play — these roles are interrelated and should complement each other. Overlapping of functions should be avoided through good communication and coordination. On the other hand, turfing is discouraged since this can only be disadvantageous to the client and would also not be good for the work to be done or for the agencies involved.

Respect for and recognition of investigation done or evidence already collected by other agencies to avoid putting the victim through the same traumatic experience. Some VAW survivors and the NGOs working with them have reported cases in which a client was interviewed repeatedly for the same information by different government units, simply because there was no proper coordination between the agencies supposed to be helping her. Making the client retell her VAW experience over and over again causes re-traumatization, the reliving of the ordeal she went through. If there is need for information other than that already documented, then permission from the concerned agency must be sought first. Any information obtained should be shared immediately with those officially connected to the case.

Determination of jurisdiction. The agency primarily responsible for the case should be identified. Next, the roles, relationships and accountabilities of other agency members will have to be defined. The lines of authority must be clarified and respected.

- **Respecting the decision of the client.** This principle cannot be overemphasized. The decision of the client is first and foremost. At no given time or circumstance should this be compromised, unless, as discussed in # 4 of the section on Ethical Considerations in Counseling, the client is certified by a professional that she is at that point in time, for varying reasons, incapable of making decisions. This is the sole exception, and it is her guardian who should be consulted about her case.



Guidelines in dealing with the media

Media institutions and practitioners are important partners in the effort to eradicate VAW and the misconceptions surrounding the issue. Also, it is necessary to work closely with them when a VAW case breaks into the news or requires media exposure, so as to safeguard the rights of the victim and protect her from further harm. Following are some “must-do’s” in dealing with media:

- Reorient or re-“educate” the media through dialogue, discussions, and forums to encourage them to be more sensitive in reporting on issues concerning VAW. Many NGOs, both local and international have drafted media guidelines or protocols. These may be studied and adapted to the needs of the clients of an agency.
- Come up with a strategy on how to encourage the media to become advocates for women/ gender issues. Conduct dialogues and consultation workshops with key media actors, including advertising agencies, and ask them to join the fight against VAW. Point out how gender stereotypes are often used to sell news or products, and challenge them to evolve

new media images that promote women's empowerment and help bridge gender inequality.

- Adopt the "protection rights" approach used in children's cases during investigation and court proceedings to protect the victim's right to privacy. Responsive and sensitive handling of children's cases should be an essential element in media guidelines for the coverage and handling of VAW. Children's rights should at all times be protected. – (Invoke the provisions of RA 9262 and 9208 re confidentiality.)

A parting thought...

Ultimately, the goal is to prevent and eventually stop VAW from happening. Paul Kivel, Co-founder of The Oakland Men's Project writes in his book, *Men's Work*: "Our challenge is to reweave our lives as men. Many women have decided already that the violence has to stop, and they are weaving strong, new fabrics with beautiful patterns that will not be weakened by violence. It is up to us, as men, to reweave the fabric of our lives into something strong, vibrant and nurturing, unflawed by the presence of violence."

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(Violence Against Women Coordinating Committee)
Angels Hills, Tagaytay City
8-9 July 2004

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