



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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6 April 2010

### PHL103367.E

Philippines: Domestic violence, including legislation, availability of state protection and support services for victims  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to the 2008 National Demographic and Health Survey, one in five women in the Philippines between the ages of 15 and 49 years has experienced domestic violence (Philippines 14 Jan. 2010). Similarly, a report produced by Amnesty International (AI) Philippines in collaboration with Women Working Together to Stop Violence Against Women (WWTSAW) states that violence against women is "very pervasive" in the Philippines (2009, 13). A media report states that police statistics indicate that 7,864 cases of violence against women were reported in 2008, up from 6,647 incidents the previous year (*Philippine Daily Inquirer* 6 Feb. 2009). However, a report produced by the Asian Development Bank (ADB) and various United Nations (UN) agencies states that, relative to the size of the Philippines' population, official statistics reflect a "limited number" of reported cases (ADB et al. 2008, 75). The same source indicates this low number is likely due to the fact that many women do not report gender-based violence to the police (ibid.). Moreover, a report produced by the National Commission on the Role of Filipino Women (NCRFW) corroborates that official data do not present a "coherent picture" of violence against women in the Philippines (NCRFW 2008a, 2, 5).

### Legislation

The Philippines has ratified and adopted several international instruments that pertain to the human rights of women including the United Nations (UN) Convention on the Elimination of all Forms of Discrimination Against Women (UN n.d.), the Vienna Declaration on the Elimination of Violence Against Women (1993) and the Beijing Platform for Action (1995) (NCRFW 2008c, 39). With respect to domestic legislation, Republic Act (RA) 9262 (referred to as the Anti-violence Against Women and their Children Act) was introduced in 2004 (Philippines 8 Mar. 2004; UN 26 Nov. 2008; Guanzon 22 Aug. 2008, 12). The Act criminalizes physical, sexual and psychological violence against women and children, as well as economic abuse (ibid. 13; Philippines 8 Mar. 2004, Sec. 3). It also criminalizes violence against any woman with whom a man has an intimate relationship, not only a wife (ibid.). The law is gender-specific and applies only to women and their children (Guanzon 22 Aug. 2008, 13).

### Women and Child Protection Desks

The law requires the Philippine National Police (PNP) to establish "women's desks" that would address crimes against women and children in all police stations (NCRFW 2008c, 40). It further states that the PNP should make it a priority to recruit female officers to staff the women's desk, and that it create a gender sensitivity program for all officers (ibid.).

Sources report that Women and Children Protection Desks (WCPDs) have been established in almost all police stations across the country (ibid., 3; *American Chronicle* 5 Aug. 2009; ADB et al. 2008, 76; AI Philippines/WWTSAW 2009, 34; *Philippine Daily Inquirer* 29 July 2009). Media reports published in 2009 indicate that there are 1,830 WCPDs in the Philippines (ibid.; *American Chronicle* 5 Aug. 2009). A 2008 report produced by NCRFW in collaboration with the PNP reported there were 1,782 WCPDs (NCRFW 2008c, 73).

The *Philippine Daily Inquirer* reports that the WCPDs are staffed by 2,728 female police officers, many of whom have been trained in how to investigate and sensitively handle crimes against women and children (29 July 2009). A report on gender and development produced by the ADB corroborates that the women's desk officers assist a complainant, for example, by going with her to the medical examiner and preparing the affidavit (ADB Oct. 2009). The same source also states that some members of the PNP have undergone gender-sensitivity training, but adds this training has not been comprehensive (ibid.).

However, a joint country gender assessment supported by the ADB and various government and UN agencies states that male officers are commonly assigned to work on the WCPDs (ADB et al. 2008, 76). Moreover, the AI Philippines/WWTSAW report indicates that some police officers have "inadequate" knowledge of RA 9262 (2009, 34). The report further states that some members of the PNP have demonstrated "gender insensitivity," for example by advising women in situations of violence to reconcile with their partners (AI Philippines/ WWTSAW 2009, 34-35). A separate ADB report on gender and development corroborates that the police reportedly have dealt with gender-based violence in an insensitive manner; some lack knowledge of laws relevant to gender-based violence (ADB Oct. 2009).

Sources indicate that the PNP are not always able to comply with the legislation's requirement that interviews with women complaining of domestic violence take place in a separate room (NCRFW 2008c, 71; *Philippine Daily Inquirer* 17 Oct. 2009). Moreover, not all stations keep a separate police blotter to record information related to gender-based violence, as the law requires them to do (NCRFW 2008c, 71).

### **Women and Children's Protection Centre**

The PNP's WCPDs are supervised and organized by the Women and Children's Protection Centre (WCPC), located in Metro Manila (*Philippine Daily Inquirer* 17 Oct. 2009; Reuters 8 Mar. 2008). Reuters reports that the centre, which is headed by a female general who was formerly a social worker, is exclusively staffed by female police officers (ibid.). It also includes an all-female Special Weapons and Tactics (SWAT) group (Philippines 6 Feb. 2008). Reuters reports that WCPC officers have all been trained in addressing crimes against women (Reuters 8 Mar. 2008).

The President of the Philippines has stated that the SWAT team is ready to deal with "extreme cases" of domestic violence in which a hostage has been

taken (Philippines 6 Feb. 2008). In a speech delivered at the opening of the Centre, President Gloria Macapagal-Arroyo also stated that the role of female police officers with respect to domestic violence is "not only limited to sisterly counselling. It packs a mean firepower." (ibid.).

### **Health Services: Women and Child Protection Units**

There are programs within hospitals that offer services to women and children who are victims of gender-based violence, including domestic violence (ADB et al. 2008, 80; AI Philippines/WWTSSVAW 2009, 25; NCRFW 2008a, 35, 39). Known as Women and Child Protection Units (WCPUs), these facilities exist in 44 hospitals of the 72 hospitals run by the Department of Health (DOH) in the Philippines (ibid., 35). The AI Philippines/WWTSSVAW report states that the WCPU are "appropriate organizations" to deal with women experiencing intimate partner abuse (2009, 25). In addition to providing medical services, for example, the WCPU in the Davao City Hospital facilitates referrals to organizations that provide counselling, legal services, and temporary shelter (NCRFW 2008a, 39).

However, according to the AI Philippines/WWTSSVAW report, not all cities and provinces have WCPUs (2009, 25). The report also states that poor women living in remote areas may have difficulty in accessing the WCPUs (AI Philippines/WWTSSVAW 2009, 25).

### **Restraining orders**

Women who experience domestic violence can apply for a Barangay Protection Order (BPO), as well as petition for a Temporary Protection Order (TPO) or Permanent Protection Order (PPO) (Philippines 8 Mar. 2004, Sec. 8; Guanzon and Calleja n.d., 3). A *barangay*, or village, is the smallest administrative division in the Philippines (Philippines 9 Sept. 2009).

Women can apply for a TPO through Family Court (or a regional or municipal court if there is no family court in the vicinity) (Guanzon and Calleja n.d., 4). The TPO is effective for 30 days and it is extendable until a decision is made on whether or not it should be made permanent (ibid.; AI Philippines/WWTSSVAW 2009, 36). Both the TPO and PPO are more comprehensive than BTOs, addressing issues such as support and children's custody (ibid.).

However, the judicial process is slow (AI Philippines/WWTSSVAW 2009, 36-37; ADB et al. 2008, 82; Guanzon 22 Aug. 2008, 22). AI Philippines/WWTSSVAW cites a lawyers' group as noting it can take anywhere between a day and two months to issue a TPO (2009, 37). A report produced by Saligan, "a legal resource non-governmental organization" (SALIGAN n.d.a), states that it can take between six months to a year to obtain a PPO (ibid., n.d.b., 4).

### **Barangay Protection Order**

A BPO is issued by the local barangay officials on the same day as the complaint is made (AI Philippines/WWTSSVAW 2009, 36). Effective for 15 days, the BPO requires the alleged perpetrator to stop harming or threatening the woman in question (ibid.; Guanzon and Calleja n.d., 4).

The Philippine Human Rights Reporting Project (The Project) states that some barangay officials are unfamiliar with sections in the anti-violence against women law concerning protection orders (11 Jan. 2008). Similarly, sources report that that, in some cases, barangay officials have denied protection orders and encouraged women in situations of domestic violence to reconcile with their partner, even though the law does not allow officials to intervene in this manner (AI Philippines/WWTSSVAW 2009, 32; UN 26 Nov. 2008).

However, according to a statement by Alicia Bala, Undersecretary for Policy and Programs, Department of Social Welfare and Development :

Since the passage of the 2004 law on violence against women and their children, we have embarked on a tedious process of building the capacities of our duty bearers, especially male judges, law enforcers and village leaders, to provide gender-sensitive services to abused women and their children. (Philippines 5 Mar. 2009, 2-3)

Various sources corroborate that efforts have been made to build the capacity of government officials to implement laws prohibiting gender-based violence (ADB Oct. 2009; IDS Mar. 2009; *Sun Star Bacolad* 5 Sept. 2009; AI Philippines/WWTSSVAW 2009, 30). However, a Professor at the University of the Philippines College of Law wrote, in an expert paper submitted to the UN, that efforts to improve officials' gender sensitivity and understanding of the law have not been "systematic and comprehensive" (Guanzon 22 Aug. 2008, 21).

### **Prosecution: Task Force on Women and Children Protection**

To deal with the crimes delineated in RA9262, the Department of Justice (DOJ) created the Task Force on Women and Children Protection (TF-WCP) (NCRFW 2008b, 46; Guanzone 22 Aug. 2008, 21-22). The TF-WCP - which is composed of state prosecutors (ibid.) - undertakes the preliminary investigation and prosecution of crimes against women and children (NCRFW 2008b, 46). There are no similar task forces at the regional, provincial or city level (ibid.; Guanzone 22 Aug. 2008, 22).

Domestic violence cases are tried in Family Courts; in 2008, there were 104 such courts in the Philippines (ADB Oct. 2009). However, sources indicate that taking a perpetrator of domestic violence to court is a lengthy, expensive and stressful process (ibid.; The Project 12 July 2008; ADB et al. 2008, 82; Guanzone 22 Aug. 2008, 22). Corruption is also a problem in the judiciary and the prosecution services, according to the expert paper authored by the Professor at the University of the Philippines College of Law (Guanzone 22 Aug. 2008, 22). The Professor also states that some judges lack gender-sensitivity (ibid.).

### **Support services**

NCRFW states that the Department of Social Welfare and Development supports 45 temporary shelters and residential care facilities located throughout the country for women who have experienced gender-based violence (Philippines 2008). The AI Philippines/WWTSSVAW report puts the number of facilities at 43 (2009, 26). However, the AI Philippines/WWTSSVAW report states that the shelters providing service to rural women are inadequate, adding that all the shelters are "overcrowded" (2009, 26-27).

The Women's Crisis Centre in Quezon City runs a temporary shelter and undertakes advocacy to address violence against women (NCRFW 26 Feb. 2009). The CRIBS Foundation conducts advocacy and information campaigns to counter violence against women (NCRFW 25 Feb. 2009).

According to the Joint Country Gender Assessment published by the ADB along with other organizations, the Philippines has implemented "innovative" grassroots programs to address violence against women (ADB et al. 2008, 80). These include the Banuio City-based Cordillera task force on violence against women, and the Bathaluman Crisis Centre Foundation in Davao City (ADB et al. 2008, 80-81). A movement known as "Men Opposed to Violence Against Women Everywhere," or MOVE, is working to change stereotypical male attitudes towards their female domestic partners in an effort to address the root causes of domestic violence (ibid., 81; Philippines 5 Mar. 2009, 3).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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