1. **Is there a police force in the Philippines? Please provide any other information on the current situation in the Philippines in relation to law and order, and protection for single women.**

The Philippines does have a police force – the Philippine National Police Force (PNP). The PNP and the Armed Forces of the Philippines (AFP) are charged with the protection of the state and citizenry and have a counter-insurgency mandate in order to address a variety of separatist and communist rebellions within the archipelago.

Recent non government organisation (NGO), government and media reports indicate that maintenance of law and order and provision of citizen protection in the Philippines is often ineffective and that law enforcement agencies and the judiciary are weak and corrupt. While the country has recently elected a new president, it is unclear whether the new government will have any measurable effect on the current state of law and order in the Philippines. Women are particularly vulnerable in the Philippines and violence, sexual abuse and harassment and trafficking of women are serious problems.

Question two of research response *PHL36485* of April 2010 provides a thorough overview of the effectiveness of the PNP and AFP in providing protection and ensuring law and order in the Philippines. The response includes the following information relevant to law and order in the Philippines: ¹

- Reports indicate the PNP and the AFP are failing to fulfil their roles; both are characterised by institutional deficiencies, corruption, and use of torture, arbitrary arrests and extrajudicial killings;
- Executive Order 546 issued in 2006 by President Arroyo legalised the use of private armies by local politicians or strongmen and consequently has supported the operation of paramilitary groups;
- There is a lack of security and protection for victims and witnesses of criminal activities in the Philippines;
- The PNP colludes with the AFP and purposefully fails to investigate allegations of abuses committed by the military;
- Since 2007 the Philippines government has introduced a number of measures designed to address protection-related issues; however, human rights NGOs accuse the government of attempting to deflect domestic and international criticism and state that the measures have accomplished little in practice.

Recent media reports indicate that maintenance of law and order and provision of citizen protection in the Philippines is often ineffective. The lead up to May 2010’s presidential elections in the Philippines was violent, and at least five candidates and 16 campaign

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¹ RRT Country Advice and Information 2010, *PHL36485*, 12 April – Attachment 1
organisers were killed.\textsuperscript{2} Amnesty International reported in May 2010 that the number of private armies jumped from 68 in December 2009 to 117 in February 2010. The report notes that political killings remain an “endemic problem” in the Philippines, “fuelled by a culture of impunity”.\textsuperscript{3}

In April 2010 \textit{The Canadian Press} reported that 11 police officers had been charged with participating in a politically-motivated massacre of 57 people in 2009. The article describes accusations of political interference by the Arroyo government in the trial of the alleged perpetrators.\textsuperscript{4}

In January 2010 Human Rights Watch noted in its World Report that the judiciary and law enforcement agencies of the Philippines are weak, allowing the military and police to commit human rights violations with impunity.\textsuperscript{5} The US Department of State also reported in March 2010 that the AFP does “not aggressively pursue internal investigations into alleged serious human rights abuses by some of its members”.\textsuperscript{6}

Law and order is undermined by a number of violent conflicts that affect many provinces throughout the Philippine archipelago (see map below). The US Department of State reported in March 2010 that long-running Communist and separatist insurgencies affect the country.\textsuperscript{7} Human Rights Watch (HRW) reports that “death squads” targeting alleged petty criminals, drug dealers, gang members, and street children, continue to operate in Davao City, General Santos City, Digos City, Tagum City and Cebu City.\textsuperscript{8} The army continues to fight armed Islamist group Abu Sayyaf, a group implicated in attacks and abductions against civilians, particularly in Sulu and Basilan.\textsuperscript{9} Government forces also continue to undertake military operations against the communist New People’s Army (NPA), especially in Central and Northern Luzon, Southern Tagalog, Bicol, Eastern Visayas, Negros and Southern and Northern Mindanao.\textsuperscript{10} Amnesty International’s 2010 Annual Report states that the military regularly fails to differentiate between NPA fighters and civilian activists in rural areas, resulting in displacement and unlawful killings.\textsuperscript{11}\textsuperscript{12}

HRW also reported that in 2009 the military “failed to take all feasible precautions to minimize civilian harm during military operations”.\textsuperscript{12}

A ceasefire was agreed upon in July 2009 in the armed conflict between the Philippine government and the Moro Islamic Liberation Front (MLF)\textsuperscript{13}; however, 250 000 persons in Mindanao have been internally displaced due to the conflict.\textsuperscript{14}

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\textsuperscript{2} Amnesty International 2010, ‘Philippines election marred by political killings’, Amnesty website, 7 May May

\textsuperscript{3} Amnesty International 2010, ‘Philippines election marred by political killings’, Amnesty website, 7 May May


\textsuperscript{6} United States Department of State 2010, 2009 \textit{Human Rights report: Philippines}, US State Department website, 11 March – Attachment 15

\textsuperscript{7} United States Department of State 2010, 2009 \textit{Human Rights report: Philippines}, US State Department website, 11 March – Attachment 15


\textsuperscript{13} Amnesty International 2010, \textit{Annual Report 2010: Philippines}, p. 261 – Attachment 14


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The map below illustrates the spread of the various conflicts in the Philippines outlined in the preceding paragraphs.15

Law and Order Under the New Government

On June 9 2010, Benigno Aquino III, son of the late President Corazon Aquino, was proclaimed the new president of the Philippines after winning the May 10 presidential elections in a landslide.16 During his campaign, Aquino promised to eliminate corruption and poverty and to restore trust in government, although he is reported to have been vague on the details of fulfilling such promises thus far.17 Aquino also said he would form a commission to investigate allegations of corruption during Arroyo’s administration; the commission will, however, lack the power to initiate prosecutions, but can refer matters to police.18 Aquino has stated that he plans to dismiss the military chief of staff (who is close

to the former president) but would likely retain the national police chief.\textsuperscript{19} Given the
information outlined above regarding the reported tendency of the NPA to collude with
the military and actively fail to undertake investigations into allegations of abuses
committed by the military, Aquino's retention of the national police chief may be of
concern.

It is too early to ascertain whether or not the new president will have the necessary
political will to address problems contributing to the ineffective provision of protection
and maintenance or law and order in the Philippines, particularly endemic corruption
within government and security forces and a culture of impunity.

Women and protection

The Filipino population is 83 per cent Catholic\textsuperscript{20}, resulting in patriarchal community
attitudes and government policy (such as on divorce, birth control) that sometimes
disadvantages and limits choices available to women. Violence against women, sexual
abuse and harassment, and trafficking for sexual exploitation and forced labour are
pervasive problems in the country. No information was located, however, that indicates
single women are targeted by the government or any non-government group for reason of
being single women.

In a paper titles \textit{Filipino Women and Sexual Violence}, Australia-based non government
organisation Immigrant Women’s Support Service (IWSS) writes that:

\begin{quote}
The Philippines today is predominantly Catholic, so personal and community
values echo the teachings of the Roman Catholic Church, which is male-centred
and male dominated. The value placed on virginity until marriage and sex only for
procreation, reflect the Catholic upbringing of most Filipinos, as do the
indissolubility of marriage and the belief that the husband is head of the household
with absolute authority over his wife and children. The father’s word is law and his
behaviour cannot be questioned. All these values have consequences for women
who experience sexual assault and domestic violence, for example, the reluctance
to report rape or incest and the tendency to stay in untenable violent relationships
even if their lives are at risk. They also partly explain the fear, shame and guilt that
overwhelm victims of these crimes.\textsuperscript{21}

…Young women feel pressured into early marriages to legalize sexual relations or
to avoid the stigma of becoming “old maids”. Young men, on the other hand, are
allowed to express their sexuality freely, and are sometimes initiated by fathers
who take their sons to brothels for sexual intercourse with women…Philippine
laws on adultery and concubinage simply reflect society’s double standard in the
treatment of sexual infidelity.\textsuperscript{22}
\end{quote}

\begin{footnotes}
19 ‘Aquino Promises Justice as Philippines President’ 2010, AP,
21 Hunt, D. D. and Cora Sta. Ana-Gatbonton (undated), Filipino Women and Sexual Violence: Speaking Out and
Providing Services, Centre for Philippines Concerns Australia, Brisbane Branch, Immigrant Women’s Support
Attachment 20
22 Hunt, D. D. and Cora Sta. Ana-Gatbonton (undated), Filipino Women and Sexual Violence: Speaking Out and
Providing Services, Centre for Philippines Concerns Australia, Brisbane Branch, Immigrant Women’s Support
Attachment 20
\end{footnotes}
The US Department of State reported in March 2010 that violence against women and rape is common in the country, and likely to be significantly underreported.\(^{23}\)

There have been some legislative developments in the protection of women’s rights in the Philippines. Since 1995 six laws\(^{24}\) on violence against women have been passed by the Philippines government, and a Family Courts Act provides for the jurisdiction of family Courts in cases involving domestic violence and violence against women.\(^{25}\) Further, the Philippines ratified the United Nations (UN) *Convention on the Elimination of Discrimination Against Women* (CEDAW) in 1981 and the *Optional Protocol on the CEDAW* in 2003,\(^{26}\) and in August 2009 then-President Arroyo signed *Republic Act 9710*, the Magna Carta of Women. The Act recognises and protects women’s rights at home, at work and in all spheres of society.\(^{27}\) The Act requires resources to be allocated at all levels of government to enhance the empowerment and protection of women.\(^{28}\) An article published in the *Philippine Daily Inquirer* in September 2009, however, notes that “advocates of gender equality face the great divide between passage of the law and its implementation”.\(^{29}\)

In March 2010 Amnesty International reported that the Philippines government had decided to implement UN Security Council resolution 1325, which aims to ensure the protection of women’s rights during armed conflict and post-conflict situations.\(^{30}\) The Philippines is the first Asian country to produce a National Action Plan (NAP) to implement the resolution. Amnesty International noted that while the NAP is a promising first step, the real test will be how it is implemented on the ground.\(^{31}\)

In spite of the legislative provisions outlined above, a UN report on the laws on violence against women in the Philippines published in August 2008 notes that women’s human rights lawyers and female litigators “continue to complain about the lack of gender-sensitivity of some judges, or corruption in the judiciary and in the prosecution service, of the ignorance of the law of many police officers and their lack of gender-sensitivity, and


the high cost of litigation and delay in the proceedings”.

The report also notes that there is no national free legal aid program for poor women; problems remain with the use of other conflicting laws and rules in retaliation by husbands to defeat the rights of women under the Anti-Violence Against Women Act; and that there has been a constitutional challenge to the Anti-Violence Against Women and Their Children Act.

In March 2010 the *Manila Times* reported that the national Statistical Coordination Boards had characterised the rising occurrence of domestic violence against women as “alarming”, with 22.3 percent of women who are married or living with a partner having experienced some form of domestic violence. The report also notes that most victims do not seek help from the police. The US Department of State reports that in smaller localities, perpetrators of violence and/or sexual abuse against women sometimes use personal relationships with authorities to avoid prosecution; in other cases women seeking to file complaints were told by police they had to pay “special fees” before their complaints could be recorded. The US Department of State reports that in 2009 there were reports of rape and sexual abuse of women in police or protective custody, alleged instances of rape perpetrated by PNP officials and anecdotal reports of an increase in rape and sexual abuse charges filed against officers. This may indicate an improvement in the PNP’s sensitivity in and receptivity to reported incidences of rape and sexual abuse, with more women believing it is worthwhile, or feeling comfortable in, reporting abuses to the authorities. As noted above, however, corruption and gender-insensitivity continue to hamper success at the judicial level. In March 2010 the *Philippine Inquirer* reported comments by the Philippines Supreme Court Justice that gender biases and bigotry are deeply rooted among judges, social workers, prosecutors, defence counsels and police officers.

An article published on the *Inquirer* website in March 2006 describes the introduction of a successful NGO initiative to address endemic domestic violence in Cebu City in the Philippines. The article notes that prior to the NGO program, women suffering from domestic violence:

> would not even think of suing their partners, for fear of retribution from a society that frowned on discussing “personal” matters in public… [Further, if] battered women did find the courage to complain against their partners… policemen would

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40 ‘Cebu women’s group cited for domestic violence fight’ 2006, *Inquirer*, 21 March – Attachment 7
not even both to officially record their complaints…Instead, the abused women were told to go home, patch up their differences with their husbands or boyfriends”.

Compounding the problem is a constitutional provision providing for marriage annulment only on the basis of psychological incapacity, effectively rendering divorce illegal.

The US Department of State also notes that sexual harassment in the workplace is widespread and underreported in the Philippines. Female employees in special economic zones are particularly at risk, as most are economic migrants and do not have independent workers’ organization to assist with filing complaints. Further, women working under three or six-month contracts are less likely to report complaints for fear of not having their contracts renewed.

Trafficking of women (as well as men and children) for the purposes of sexual exploitation and forced labour is reported to be a serious problem in the Philippines; the majority of trafficking victims are females aged 13 to 30 from poor farming families.

The US Department of State reports that although the Philippines government does pursue trafficking cases under anti-trafficking and other related laws, its efforts are “hampered by slowness of the courts, a high vacancy rate among judges, resource constraints within law enforcement agencies, endemic corruption, and general inefficiency of the judicial system”. Further, anecdotal reports indicate that some lower level officials such as customs officers, border guards, immigration officials and local police receive bribes from traffickers or otherwise facilitate trafficking.

No information was located indicating that an elderly woman would be targeted by any criminal elements in the Philippines, corrupt security officials or others for no reason other than her status as a single woman. Sources indicate, however, that Filipino women are particularly vulnerable in a context where the corruption, inefficiency and extrajudicial activities of security forces, as well as the continuation of a number of violent conflicts throughout the country, are negatively affecting the PNP and AFP’s provision of protection to Filipino citizens and their capacity to maintain law and order.

Attachments

1. RRT Country Advice and Information 2010, PHL36485, 12 April.


41 ‘Cebu women’s group cited for domestic violence fight’ 2006, Inquirer, 21 March – Attachment 7


7. ‘Cebu women’s group cited for domestic violence fight’ 2006, Inquirer, 21 March. CISNET Philippines. (CX223395)


