

TRAINING OF TRAINERS

Strengthening the Capacities of Local Government Units
in Handling Violence Against Women (VAW)
and Gender-Based Violence (GBV) Cases

Implementation of Safe, Fair-Environment and Responsive Barangays
for Women Project (SAFER Women)



Funded by the
European Union





EUROPEAN UNION



MESSAGE

I would like to congratulate the Philippine Department of the Interior and Local Government (DILG) on the publication of the Manual on Strengthening the Capacities of Local Government Units in Handling Violence against Women (VAW) and Gender-Based Violence (GBV) Cases. We were able to support this process led by the DILG's National Barangay Operations Office (NBOO), through our Governance in Justice programme (EU GOJUST).

The manual is an important resource that updates the existing training materials to the most current legal standards on violence against women. It should assist key officials in the barangay, municipal and city local governments to provide adequate response to the victims of violence and fully utilize the Barangay Protection Order as a first response to domestic violence.

The European Union has been a committed partner to the Philippine Justice Sector reform since 2006. Our engagement is based on the critical role played by the justice system in enforcing and strengthening the rule of law and human rights, including the protection of the rights of women and children who are survivors of domestic violence.

Working together, we strive to make real-time justice accessible to all in the Philippines.

A handwritten signature in blue ink, appearing to read 'Luc Véron'.

H.E. Luc Véron

Ambassador of the European Union to the Philippines



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA cor. Quezon Avenue, West Triangle, Quezon City
www.dilg.gov.ph

STRENGTHENING THE CAPACITIES OF LGUs IN HANDLING VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE (GBV) CASES

According to the Philippine Commission on Women (PCW), sexual violence against women and children is widespread in the country, revealing that one in every 20 girls and women aged 15 to 49 years old has experienced such violence at some point in their lifetime.

Moreover, according to the 2022 National Baseline Study on Violence Against Children, 17.1 percent of Filipinos aged 13 to 17 years old have experienced sexual violence, and 3.2 percent have been victims of forced consummated sex during their childhood.

Among those who experienced sexual violence, 14.1 percent encountered it while dating. The study also found that 13.7 percent of incidents occurred at home, 7.8 percent in the community, 7.1 percent in the workplace, and 5.3 percent in schools.

It is for these reasons that local government units (LGUs) should fully embrace their role as partners of the national government in promoting the welfare of women and children and in protecting them from violence and abuse.


With the enactment of several national laws and policies to prevent violence against women and their children (VAWC), several local mechanisms are in place that can handle VAWC. These include the Local Committee on Anti-Trafficking and Violence against Women and their Children (LCAT-VAWC) at the City/Municipal and Provincial levels as well as the Barangay Violence against Women (VAW) Desk at the barangay level.

I, therefore, congratulate the National Barangay Operations Office (NBOO) in partnership with the Sentro ng Alternatibong Lingap Panlegal (SALIGAN), for developing this **Manual on Strengthening the Capacities of LGUs in Handling Violence Against Women (VAW) and Gender-Based Violence (GBV) Cases**.

This will enhance the capacities of service providers at the barangay level in handling VAW and GBV Cases, and shall serve as a guide for the higher LGUs, especially the LCAT-VAWCs, to train and equip the Barangay VAW Desks in their respective jurisdiction.

It is my hope that this material, developed under the GOJUST II Programme, will help LGUs in handling VAWC Cases at the community more efficiently and effectively.

I expect LGUs to consider this Manual as one of the primary references in enhancing their skills and abilities to promote the welfare of the women and children towards a *Matino, Mahusay, at Panatag na buhay para sa lahat ng mga Pilipino*.


ATTY. BENJAMIN C. ABALOS, JR.
Secretary



"Matino, Mahusay at Maaasahan"
Trunkline No.: 8876-34-54



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Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA cor. Quezon Avenue, West Triangle, Quezon City
www.dilg.gov.ph

STRENGTHENING THE CAPACITIES OF LGUs IN HANDLING VIOLENCE AGAINST WOMEN AND GENDER-BASED VIOLENCE (GBV) CASES

ATTY. IZZA MARI D. LAURIO MESSAGE

This Training Manual on Strengthening the Capacities of LGUs in Handling Violence Against Women and Gender-Based Violence (GBV) Cases is one of the initiatives of the Department through the National Barangay Operations Office and in partnership with Sentro ng Alternatibong Lingap Panlegal (SALIGAN).

First and foremost, I would like to express my sincerest gratitude to GOJUST II Programme for the funding support extended to the Department for the updating of the existing material and coming out with a comprehensive version of the Training Manual to address GVB cases at the barangay level. Likewise, I extend my appreciation for the support provided by selected LGUs and other stakeholders through their inputs and recommendations that contributed to the enhancement of the said material.

The key features of this manual include the integration of roles and responsibilities of the Local Government Units (LGUs) pursuant to the recently enacted VAWC and GBV-related laws and policies, such as Safe Spaces Act (SSA), Expanded Anti-Trafficking in Persons (TIP) Act, and the Anti-Online Sexual Abuse of Children and Anti-Child Sexual Abuse and Exploitation Materials (OSAEC and CSAEM).

After several months of development, I am proud to inform everyone that we can now use this manual, serve as reference material and guide for LGUs in the performance of their mandated functions in handling VAWC and GBV Cases in their respective jurisdiction.

*“Bigyang prayoridad ang inisiyatibang magseseguro ng proteksiyon
laban sa “gender-based violence”*

A handwritten signature in blue ink, appearing to read 'Izza Mari D. Laurio'.

ATTY. IZZA MARI D. LAURIO
Officer-in-Charge, NBOO

MESSAGE

The Philippine Commission on Women applauds the Department of Interior and Local Government (DILG) for undertaking the development of the Training Manual on Strengthening the Capacities of Local Government Units in Handling Violence Against Women (VAW) and Gender Based Violence (GBV) cases in partnership with SALIGAN.

This manual provides local government units and barangays with vital skills and knowledge to handle VAW cases effectively. We value the inclusion of recent legislation, such as OSAEC and CSAEM, which keeps the guidelines relevant and responsive to new forms of violence.

The manual highlights the government's dedication to improving local service providers' abilities, ensuring quality, gender-sensitive, and trauma-informed assistance. Managing these complex cases requires a deep understanding of the issues and genuine empathy for victim-survivors who endure various forms of violence and discrimination.

The PCW fully supports the wide distribution of this manual to all LGUs and relevant government agencies. We committed to making it accessible on our website.

Together, we strive to create a VAW-free and more inclusive society.



ATTY. KHAY ANN C. MAGUNDAYAO-BORLADO

Officer-in-Charge, PCW

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INTRODUCTION

In the National Demographic Health Survey (NDHS) for 2022 by the Philippine Statistics Agency, 14% of women from ages 15 to 49 years old have experienced physical or sexual violence from their current or most recent husband or partner. Forty two percent who experienced physical or sexual violence never sought help to end the violence, 24% have told someone about their ordeal but never sought help while 34% were able to seek assistance to end said violence.

Twenty years have passed since the passage and implementation of the Anti-Violence Against Women and Their Children Act, but cases where women have yet to seek assistance or avail of the mechanisms in response to violence against women (VAW) cases are still high.

The Governance in Justice Programme, in partnership with the National Barangay Operations Office of the Department of the Interior and Local and the Sentro ng Alternatibong Lingap Panlegal (SALIGAN), has implemented the Safe, Fair-Environment and Responsive Barangays for Women (SAFER Women) Project. It is aimed to: (1) strengthen barangay responses to VAW and gender-based violence (GBV) cases and (2) increase awareness and promotion of the barangay responses to VAWC and GBV cases through popular materials.

Part of achieving these objectives is to enhance the existing 2016 Training Manual on Strengthening the Capacities of Direct Service Providers of LGUs in Handling VAW Cases by the Department of the Interior and Local Government (DILG) by including recent legislations such as the Safe Spaces Act, Expanded Anti-Trafficking in Persons Act and the Anti-Online Sexual Abuse of Children and Anti-Child Sexual Abuse and Exploitation Materials as well as issuances on the localization of the Safe Spaces Act.

This Training of Trainers (TOT) Manual has been pilot tested among members of the Local Committee on Anti-Trafficking and Violence Against Women and their Children of the following local government units: Calamba City, Quezon City, Baguio City, Balanga City and Zamboanga City. It was likewise pilot tested among the punong barangay, barangay kagawad, barangay tanod, barangay VAW desk officers and Sangguniang Kabataang Barangay official in 35 barangays of the aforementioned LGUs. Inputs and other ways of improving the TOT Manual were given by the participants in a series of trainings conducted from February 2023 to April 2024.

The Manual, which is a collaboration of the national agencies, the civil society and the barangays, will be among the resource materials that can be utilized in capacity development sessions aimed at strengthening barangays and service providers in responses to VAWC and GBV cases.

Sentro ng Alternatibong Lingap Panlegal

ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
AFP	Armed Forces of the Philippines
ALG	Alternative Law Groups, Inc.
ASH	Anti-sexual harassment
ASHA	Anti-Sexual Harassment Act
ASHE	Anti-sexual harassment enforcer
BPO	Barangay Protection Order
CHR	Commission on Human Rights
CHO	City Health Office
CODI	Committee on Decorum and Investigation
CSAM	Child sexual abuse material
CSAEM	Child sexual abuse or exploitation materials
CSO	Civil society organization
CSWDO	City Social Welfare and Development Office
DBM	Department of Budget and Management
DepEd	Department of Education
DILG	Department of the Interior and Local Government
DOH	Department of Health
DOJ	Department of Justice
DSWD	Department of Social Welfare and Development
EO	Executive Order
GAD	Gender and development
GBV	Gender-based violence
GFPS	Gender and Development Focal Point System
GSH	Gender-based sexual harassment
GST	Gender sensitivity training
HIV	Human Immunodeficiency Virus
IBP	Integrated Bar of the Philippines
ICT	Information and communication technology
IEC	Information, education, and communication
IRR	Implementing rules and regulations
ISA	Image-based sexual abuse
JMC	Joint Memorandum Circular
KASHEW	Knowledge, attitude, skills, habits, and ethics of work
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex, asexual, etc.
LCAT-VAWC	Local Committee on Anti-Trafficking and Violence Against Women and Their Children
LGU	Local government unit
MC	Memorandum Circular
MCW	Magna Carta of Women
MHO	Municipal Health Office
MSWDO	Municipal Social Welfare and Development Office
NBI	National Bureau of Investigation
NBOO	National Barangay Operations Office
NEDA	National Economic and Development Authority

NGO	Nongovernment organization
OSAEC	Online sexual abuse or exploitation of children
PAO	Public Attorney's Office
PSWDO	Provincial Social Welfare and Development Office
PCW	Philippine Commission on Women
PNP	Philippine National Police
PPO	Permanent protection order
PUV	Public utility vehicles
PWD	Person with Disability
RA	Republic Act
SK	Sangguniang Kabataan
SOGIESC	Sexual orientation, gender identity and expression, and sex characteristics
SSA	Safe Spaces Act
TESDA	Technical Education and Skills Development Authority
TPO	Temporary protection order
VAW	Violence against women
VAWC	Violence against women and their children
VAW DocS	National Violence Against Women Documentation System
WCPD	Women and Children Protection Desk

OVERVIEW

The Training of Trainers Manual on Strengthening the Capacities of Local Government Units in Handling Violence Against Women (VAW) and Gender-Based Violence (GBV) Cases enhances the modules in the 2016 Training Manual on Strengthening the Capacities of Direct Service Providers of LGUs in Handling VAW Cases by the Department of the Interior and Local Government (DILG). It integrates recent legislations such as the Safe Spaces Act, the Expanded Anti-Trafficking in Persons Act and the Anti-Online Sexual Abuse of Children and Anti-Child Sexual Abuse and Exploitation Materials. A pool of competent trainers will be formed that can provide training to the *Punong Barangays* and Barangay Anti-Violence against Women their Children and Anti-Sexual Harassment (VAW/ASH) Desk Persons in responding to VAW and gender-based violence cases.

TRAINING OBJECTIVES

The training aims to strengthen the capacities of service providers at the barangay level in handling VAW and GBV Cases. Specifically, at the end of the training, the participants are expected to:

1. Understand gender as a social construct and how gender biases lead to gender-based violence;
2. Know the salient features of the laws that penalize GBV and offenses against women and children;
3. Know the roles of the local government units and service providers in responding to GBV and VAW cases;
4. Explain how to operationalize a Barangay VAW/ASH Desk; and
5. Demonstrate the protocols and procedures in handling GBV and VAW cases at the barangay level.

MODULE CONTENTS

Module 1 lays the foundation for understanding issues surrounding sex and gender and gender-based violence.

1. Gender
2. Understanding gender-based violence

Module 2 goes through the salient features of various laws that penalize gender-based violence and offenses against women and children. It will aid them in the formulation of a guide that VAW/ASH Desk officers may use as they respond to the cases.

1. Anti-Violence Against Women and Their Children Act of 2004
2. Sexual Harassment & Voyeurism
3. Rape & Other Felonies
4. Trafficking in Persons
5. Special Laws Protecting Children

Module 3 looks into the remedies of victim-survivors and the roles of the local government units and service providers under the laws that penalize gender-based violence and offenses against women and children.

1. Responses to and Mandatory Services in VAWC Cases
2. Responses to and Mandatory Services in Sexual Harassment & Voyeurism Cases
3. Responses to and Mandatory Services in Rape Cases
4. Responses to and Mandatory Services in Trafficking in Persons
5. Responses to and Mandatory Services in Violation of Special Laws Protecting Children

Module 4 explains the operationalization of a Barangay VAW/ASH Desk.

1. Establishing a Barangay VAW/ASH Desk and ASH Referral Network
2. Designating a Barangay VAW/ASH Desk Officer
3. Monitoring and evaluation VAW/ASH services
4. Guiding Service Delivery
5. Challenges and Opportunities

SUGGESTED TRAINING SCHEDULE

This suggested training design provides an overview of the activities, coverage of each module, sessions and duration of the activity. The group of trainers may identify among themselves who will be the resource person for each topic.

Changes in the training schedule and process may be made to adapt to the context and needs of the participants.

TIME	ACTIVITY/TOPIC	PERSON-IN-CHARGE/ RESOURCE PERSON
DAY 1		
1 hour	Arrival and Registration of Participants	
30 minutes	Preliminaries Prayer Philippine National Anthem Introduction of Participants and Facilitators Messages from the Organizations	
1 hour	Training Introduction Overview Rationale Objectives Methodologies Pre-Test Schedule of Activities Group Hosting Leveling of Expectations House Rules	

1 hour and 30 minutes	Gender and Gender-Based Violence Module 1 Session 1: Gender	
1 hour	Lunch	
1 hour and 30 minutes	Module 1 Session 2: Gender-Based Violence and Violence Against Women	
15 minutes	Energizer / Break	
1 hour	Laws Penalizing Gender-Based Violence and Violence Against Women and their Children Module 2 Session 1: Anti-Violence Against Women and their Children Act	
1 hour	Module 2 Session 2: Laws on Sexual Harassment and Voyeurism	
Day 2		
15 minutes	Preliminaries Recapitulation	
45 minutes	Module 2 Session 3: Laws on Rape and Other Felonies	
45 minutes	Module 2 Session 4: Laws on Trafficking in Persons	
15 minutes	Energizer / Break	
1 hour	Module 2 Session 5: Special Laws Protecting Children	
1 hour	Responses and Mandatory Services to GBV and VAW Cases Module 3 Session 1: Responses and Mandatory Services under Anti-Violence Against Women and their Children Act	
1 hour	Lunch	
1 hour	Module 3 Session 2: Responses and Mandatory Services under Sexual Harassment and Voyeurism	
45 minutes	Module 3 Session 3: Responses and Mandatory Services under Rape and Other Felonies	
15 minutes	Energizer / Break	

45 minutes	Module 3 Session 4: Responses and Mandatory Services under Trafficking in Persons	
1 hour	Module 3 Session 5: Responses and Mandatory Services under Special Laws Protecting Children	
Day 3		
15 minutes	Preliminaries Recapitulation	
1 hour	Operationalization of the VAW/ASH Desk Module 4 Session 1: Setting up the VAW/ASH Desk and Referral Network	
30 minutes	Module 4 Session 2: Designating a Barangay VAW/ASH Desk Officer	
15 minutes	Energizer/Break	
30 minutes	Module 4 Session 3: Monitoring and Evaluation of VAW/ASH Desk Services	
1 hour and 30 minutes	Module 4 Session 4: Guiding Service Delivery	
1 hour	Lunch	
1 hour	Continuation of Module 4 Session 4: Guiding Service Delivery	
1 hour	Module 4 Session 5: Sharing of Challenges and Opportunities	
15 minutes	Energizer/Break	
45 minutes	Tips on Facilitation Skills	
1 hour	Action Planning	
Day 4		
15 minutes	Preliminaries Recapitulation	
45 minutes	Presentation of Action Plans	
1 hour	Feedback on the Training of Trainers Post-Test	
30 minutes	Closing Program Awarding of Certificates Closing Remarks	

MODULE 1: GENDER & GENDER-BASED VIOLENCE

Module 1 lays the foundation for understanding issues surrounding sex and gender and gender-based violence.

Objective: By the end of the module, the participants will be able to

1. Explain the responsibility to understand gender as a social construct and
2. Illustrate how gender biases lead to gender-based violence.

Duration: 3 hours

Methodologies: Interactive lecture discussions and learning exercises

Module Outline:

Session 1: Gender

Session 2: Gender-Based Violence & Violence Against Women

Key Learning Points for Module 1

- Sex refers to a person's biological features, while gender is a social construct that is formed by various social factors.
- Gender biases and their manifestations, fostered by many institutions, have harmful effects and are likely to lead to violence.
- Gender-based violence (GBV) refers to any harmful act that is perpetrated against a person based on socially ascribed gender differences.
- Violence against women (VAW) is any act of GBV that results in, or is likely to result in physical, sexual, psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in private or in public life.
- GBV arises from the historically unequal power relations between women and men in both the private and public spheres that created a social system that gives men dominance and control over women.

MODULE 1 | SESSION 1: Gender

Objectives:

By the end of the session, the participants will be able to:

1. Differentiate between sex and gender;
2. Identify everyday manifestations of gender bias;
3. Recognize the harmful effects of gender biases.

Duration: 1 hour and 30 minutes

Methodologies: Interactive lecture discussion, video presentations, and structured learning exercises.

Equipment and materials needed: Laptop, multi-media projector, presentation slides, video clips, and handouts

Session flow:

1. Plan ahead and choose the activities that will fit within the allotted time for the sessions.
2. Begin Session 1 by playing the video clips recommended below.
3. Open the floor for comments from the participants on the video clips.
4. Conduct one or both learning activities recommended below.
5. Make note of any significant inputs raised by the participants that may be elaborated on as key learning points.
6. Synthesize those learning points in your discussion of the concepts found in the Content of Session 1.

Video clips:

- *Start with the Boys* (Link: https://www.youtube.com/watch?v=0Nj99epLFqg&ab_channel=VOGUEIndia)
- *The Impossible Dream* (Link: https://www.youtube.com/watch?v=t2JBPFIFR2Y&ab_channel=UnitedNations)
- *Where Does the Filipino Woman Stand Today?* (Link: https://www.youtube.com/watch?v=zcw9tGO80Xo&ab_channel=Rappler)
- *UN Free & Equal: The Lesson* (Link: https://www.youtube.com/watch?v=iMwvdz2Yvl0&ab_channel=UNHumanRights)

Activities:

- **What to Do?** This activity explores opinions in the group on common dilemmas relating to sex, sexuality, relationships, and violence.
- **My Safe Space.** This activity will ask the participants to reflect on what makes a safe space for them.

Activity #1: What to Do?

The design for this activity was derived from *Gender Matters: A manual on addressing gender-based violence affecting young people*, created by the Council of Europe in 2019. This activity explores opinions in the group on common dilemmas relating to sex, sexuality, relationships and violence.

Preparation and Materials Needed:

- A copy of selected case scenarios/dilemmas (attached) that will be read aloud by the facilitator. The case study may also be displayed on the screen.
- A space large enough for the participants to move around in.
- Four designated spots within that space where participants may gather when they make their choices.

Instructions for the Facilitator:

1. Invite participants to stand up and tell them that you will be reading aloud a number of stories that present dilemmas related to sex, sexuality, violence, and relationships. For each dilemma, the participants should select one of the possible options (A, B, C, or Other) and take a stand by choosing the spot in the room that corresponds to their preferred response. Indicate the different spots and read out the first dilemma.
2. When everyone has selected a spot and is standing in place, allow the participants to discuss their response with others around them. Ask participants from each spot to give a reason for why they are standing there.
3. Repeat the process for each of the dilemmas, or as many as you wish to present.
4. After all the selected case studies have been presented, explain that there are no correct answers and that you will only be exploring the dilemmas that are faced by young people in relationships and how society may influence their options. Ask any of the following questions for their debriefing and evaluation:
 - a. How did you feel during the activity? Why?
 - b. Was there anything surprising in the responses or positions of other participants?
 - c. Do you consider that these dilemmas are representative of those faced by young people today?
 - d. How do you think young people make a decision when faced with such a dilemma?
 - e. When you have a dilemma (large or small), how do you go about resolving it?
 - f. Where can young people faced with such dilemmas get support from if they need it?
 - g. Which human rights can you identify which are relevant to human sexuality?
 - h. What challenges do young people face in exercising their rights related to sexuality? What are some of the challenges related to gender equality?

Notes for the facilitator:

- You can adapt the dilemmas to suit the group you are working with, by changing the sex, age, sexuality, nationality or other characteristics of the persons described, or by changing the scenarios. Remember that it is not always possible to know ‘who is in the room’ and that you should avoid using the personal stories of participants.
- Find out whether any form of support (counselling, anonymous help-line, etc.) exists for dealing with the concerns of young people in your local area. If none exist, consider whether your group could initiate a project to provide relevant peer support services.
- The original design of the activity may be found here:
<https://www.coe.int/en/web/gender-matters/-/what-to-do->

What to Do? Scenarios

Niña’s Dilemma

Niña is 14 and is in love. Her girlfriend feels the same way. They have been together for two months, but Niña’s parents don’t know this. She is sure they would forbid her to go on seeing her girlfriend. What should Niña do?

- A. Stop seeing the person she is in love with
- B. Take her girlfriend home and present her to her parents
- C. Continue to meet her in secret
- D. Something else (Other answer)

Bobby’s Dilemma

Bobby is 16. He is gay, but no one in his family or circle of friends knows this. He likes a boy in his class and would like to have a relationship with him. However, he is not sure if the boy will be open to the proposal, and he is worried that the boy might tell other people in the class and that his parents might find out. What should Bobby do?

- A. Drop the whole idea and forget about the boy
- B. Tell his parents and friends that he is gay, and ask the boy out on a date and just see what happens
- C. Try to get to know the boy better, to check whether he has similar feelings, before revealing his own
- D. Something else (Other answer)

Gail's Dilemma

Gail is 15. The coolest guy in the school asks her home after the disco, telling her his parents are away. Gail likes him but doesn't really know him. She has heard that he has slept with lots of girls at school. She doesn't want to have sex with him yet. What should she do?

- A. Say no
- B. Say yes
- C. Say yes, but only if a few friends go too
- D. Something else (Other answer)

Miya and Nigel's Dilemma

Miya and Nigel are both 21. They have been together for more than a year. They have just found out that Miya is pregnant. They were not planning on having kids but had been thinking about getting married. Miya wants to tell her parents. Nigel is sure they will not approve and might even try to break them up. They don't know what to do because Miya is still finishing school. What should Miya and Nigel do?

- A. Go to a teacher or counselor for advice
- B. Get married and then announce the pregnancy to Miya's parents
- C. Tell Miya's parents and ask for their support in planning the next steps
- D. Something else (Other answer)

Abbie's Dilemma

Abbie and Mark are both 17. They have been going out together for 2 years. One night they are out at a party, and Mark gets drunk. Abbie decides to go on to another party without Mark, and he gets very angry, starts shouting at her, and pushes her to the ground. What should Abbie do?

- A. Stay with Mark for the rest of the night and forget what happened
- B. Leave the party without Mark and tell her friends what just happened
- C. Hit back until Mark stops shouting
- D. Something else (Other answer)

Dany's Dilemma

Dany was born intersex, but the doctors took the decision to operate surgically to make them a woman. Their parents were not informed about the decision, and no additional follow up on Dany's condition was ever made. Dany was raised as a girl, not knowing what being intersex means. By the time Dany had reached puberty, they started to develop several health issues, and certain markers of masculinity. At the last medical consultation, the doctors revealed to Dany and their parents the original cause of the issue and proposed further hormonal treatment to force female characteristics. Dany's parents were very much in agreement with the doctors' proposal. What should Dany do?

- A. Allow the parents and the doctors to decide because they know better
- B. Ask for more information and further options, while taking only the medication necessary to mitigate health risks
- C. Sue the doctors and institutions that were responsible for the situation
- D. Something else (Other answer)

Activity #2: My Safe Space

The design for this activity was derived from *Gender Matters: A manual on addressing gender-based violence affecting young people*, created by the Council of Europe in 2019. This activity uses brainstorming to reflect about what people do to avoid violence and to identify common threats to safety according to sex. It highlights gender differences in relation to violence.

Preparation and Materials Needed:

- An empty wall with enough space for participants to move
- Three large pieces of paper with the headings "SAFE," "UNSAFE," and "I DON'T KNOW"

Instructions for the Facilitator:

1. Prepare a safety scale by sticking the "SAFE" and "UNSAFE" signs at the opposite ends of the wall, making sure that there is large enough space between them. The sign "I DON'T KNOW" will be placed on a different wall or away from the safety scale.
2. Ask participants to imagine that the room is a giant opinion scale, with one end of the room representing "SAFE," the other end "UNSAFE." Indicate the posters on the wall and clarify that those who have no idea about how to answer can choose the "I DON'T KNOW" space.
3. Explain to participants that they will need to imagine the safety levels for LGBTQIA+ people to be 'out' at various events or locations, and to position themselves on the scale accordingly.
4. Read aloud each of the events or locations below, allowing time between reading each one for participants to position themselves in silence:
 - a. in a classroom

- b. at a concert or music festival
 - c. riding a jeepney
 - d. at the workplace
 - e. in the local youth club
 - f. walking to school
 - g. outside their house at night
 - h. at a sports event
 - i. at a gay or lesbian bookstore
5. After each statement, ask participants to explain the position they have taken by asking individual participants why they think a setting is safe or unsafe for LGBTQIA+ to show they are 'out'. Encourage participants to engage in discussion with others who have a different view, but try to ensure that they provide relevant, evidence-based arguments, or that they speak from a position of personal experience. Participants should outline their own opinion rather than disputing the opinion of others, but they may make references to arguments put by other people.
 6. Make sure to invite the participants who opted for 'I don't know' to share anything they may want to share or to check if they are better informed now and could thus place themselves in the safety scale.
 7. Repeat this procedure for some or all of the settings on the list. Decide in advance how long you would like to devote to the discussion of each setting (5 to 10 minutes, recommended). This will give you an idea of how long you need for the whole activity.
 8. For their debriefing, ask some of the following questions:
 - a. Was there anything surprising in any of the positions taken or arguments made?
 - b. Were there differences in perception concerning the safety of these settings for LGBTQIA+ people who are 'out'? Why?
 - c. Based on the activity, what are some of the characteristics of settings considered to be 'unsafe' for LGBTQIA+?
 - d. What are some of the characteristics of settings considered to be 'safe' for LGBTQIA+?
 - e. Can you identify settings from your local context which are 'safe' or 'unsafe'?
 - f. What are some of the dangers facing young LGBTQIA+ who are 'out' in your local context?
 - g. Are there other aspects of identity - other than belonging to LGBTQIA+ - which might lead to someone feeling unsafe in your local context?
 - h. What do you think that people in these settings can do to help LGBTQIA+ who are 'out' to feel safe? Give examples from the different settings
 - i. What precautions can young LGBTQIA+ take to improve their own safety?
 - j. Why do some people have difficulties in imagining the level of safety of some places (the 'I don't know' positions)?
 - k. What are some of the human rights threats facing LGBTQIA+ people in the Philippines? Can these be overcome? How?

Notes for the facilitator:

- Depending on the composition of your group and the experiences of participants, the activity may lead to some of them sharing personal experiences involving violence and insecurity. You should be prepared to deal with such experiences and the emotions that might arise as a result of sharing them. However, you should also make it clear to participants at the beginning of the activity that they should not feel compelled to share anything that they are not comfortable with.
- When working with a group that has limited awareness and experience with LGBT+ you might be faced with a situation where 'I DON'T KNOW' is the most common answer. To avoid this, you can take the option away, pushing people to make a choice between 'SAFE' and 'UNSAFE'.
- The list of settings provided is not exhaustive. You could revise it to make it more relevant to your group's reality.
- The issue of safety in public spaces is also important for women, as well as from an intersectional point of view. You could develop a list of roles for participants to play, and ask them to position themselves according to their perceived level of security. Such a list could include such roles as being a young woman, young LGBT+ from an indigenous community, etc.
- The original design of the activity may be found here:
<https://www.coe.int/en/web/gender-matters/-/spaces-and-plac-1>

Content/Lecture Notes:

Sex & Gender

Sex refers to a person's biological status and is typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish male from female). There are a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia.

Gender refers to the attitudes, feelings, and behavior that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

These social characteristics are constructed on the basis of different factors, such as age, religion, national, ethnic and social origin. They differ both within and between cultures and define identities, status, roles, responsibilities and power relations among the members of any society or culture. Gender is learned through socialization. It is not static or innate, but evolves to respond to changes in the social, political and cultural environment.

Sex Roles

The sex roles of female and males also differ. The male is responsible for ovum fertilization, and his sperm determines the sex of a child, while the female is responsible for gestation, childbearing, and lactation.

Gender Roles

A gender role is a set of social and behavioral norms that society considers appropriate for a person in a social or interpersonal relationship. Gender roles determine how people should think, speak, dress, and interact within the context of society.

Gender roles are cultural and personal, and they are taught and reinforced by family, school, mass media, religion, and language, among others.

Gender Identity

Gender identity is defined as one's internal, personal sense of femininity or masculinity. For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.

Gender Expression

Gender expression refers to the way in which a person acts to communicate gender within a given culture, for example, in terms of clothing, communication patterns and interests. A person's gender expression may or may not be consistent with socially prescribed gender roles and may or may not reflect his or her gender identity.

It refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions.

Sexual Orientation

Sexual orientation refers to the direction of emotional, sexual attraction, or conduct towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation) or to the absence of sexual attraction (asexual orientation).

Sex Characteristics

Sex characteristics refers to a person's physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organs.

Traits present at birth are called primary sex characteristics, whereas those that develop during puberty are called secondary sex characteristics. A person's sex characteristics can be male, female, or intersex.

Persons of Diverse Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC)

The term "persons of diverse SOGIESC" refers to the collective of persons who are male and female homosexuals or "gays" and "lesbians", respectively, including persons who are attracted to people of more than one gender or "bisexuals"; persons whose gender identity do not align with their sex or gender assigned at birth or "transgender" persons; or persons whose primary and/or secondary sex characteristics, or their combination of chromosomes,

external genitalia, gonads, hormones, and/or internal reproductive organs, differ from the two expected patterns of "female" and "male" and cannot be easily categorized as either of them or "intersex" persons; persons whose sexual orientation, gender identity, or gender expression does not conform to cisgender-heterosexual norms or "queer"; persons whose gender do not fall within the gender binary of female and male or "non binary"; or persons whose gender expression do not align with their gender identity or "gender non-conforming" persons, among others.

Gender as a Social Construct

Gender is said to be socially constructed because society and culture create gender roles, and these roles are prescribed as ideal or appropriate behavior for a person of that specific gender.

Gender is a process, a stratification system, and a structure.

- Process: Day-to-day interactions reinforce gender as opposites. For example, conversations, rituals of daily life, sayings, etc.
- Stratification: Men as a group have more status and power than women as a group. Women are treated as "other", as compared to men.
- Structure: Gender divides work in the home and economic production. It legitimates those in authority and organizes sexuality and emotional life.

Gender Bias

Society produces bias that is structured on the basis of gender identities. The patriarchy strengthens the gender bias and recognizes the society as a male-dominated space. Thus, women face bias from the dominant patriarchal society.

Gender bias is the construction of socialization process, and it is the extension of patriarchal ideology. Gender bias is considered to be discrimination and/or hatred towards people based on their gender rather than their individual merits, but it can also be referred to any and all systemic differentiations based on the gender of the individuals.

- Can be conscious or unconscious
- May manifest in many ways, both subtle and obvious
- Can have a range of consequences
- Taught and reinforced by family, school, language, mass media and religion

Institutions that Promote Gender Bias

Family

Gender bias happens inside our home. For example, in a family, boys and girls do different chores, play different toys and games, and do different activities. Girls are expected and encouraged to help the mother in the household chores while boys are allowed to play outside of the house.

School

Gender bias can happen within subject areas and school activities. For instance, females are said to be well-behaved, while males are naughty and adventurous and LGBT are weak. In classroom activities, the roles for mother or housewives are automatically given to females,

while the roles for father or workers are portrayed by males, and the roles for beauticians, entertainers and fashion designers are given to LGBT.

Further, myths say that boys are naturally better at science and mathematics than girls, thus, courses such as Science, Engineering and Politics remain dominated by males. Females are encouraged to take courses such as Secretarial, Nursing, Banking and Finance while beauty and hair culture and fashion/interior design are encouraged to be taken by the LGBTs.

Language

Another institution that promotes gender bias is language. Many of the words we use are sexist or not gender-neutral such as chairman, fireman, seaman, among others. Sexism promotes gender discrimination especially against women and girls. The use of sexist words may imply the belief that men are superior over women.

Mass Media

Mass media is a major source of providing news and entertainment to the people. It provides lot of information to the public in the form of advertisements, entertainment, and news. Media plays a vital role in changing the behavior and attitudes of people.

Media influences in shaping the ideology and thinking of the society. However, one of the concerns raised due to the media role is the negative stereotyping of women and LGBT such as follows:

WOMEN	MEN	LGBT
<ul style="list-style-type: none"> • As housewife who has to buy products to lighten her burden • As loving mother and wife who serves her husband and children • As beautiful woman who has to attract the attention of men, or hold her husband's attention through the use of advertised products • As sex objects whose body is used as a come-on for men to buy products 	<ul style="list-style-type: none"> • Courageous • Principled • Determined • Assertive • Violent; engaged in sports, professions, wars • Camaraderie with other men • Conquest of women 	<ul style="list-style-type: none"> • Screaming • Cross-dressing • Comic relief • Sidekick • Entertainers

Religion

Religion promotes gender bias. Religious scripts are often cited to promote gender bias.

Manifestation of Gender Bias

Economic marginalization: Women are last to be hired and first to be fired while at the same time receiving unequal pay for work of equal value. Women and LGBTs have less access to and control over resources and benefits.

Political Subordination: Women are largely expected to play supportive roles to men and accept a subordinate status.

Stereotyping: Fixed and unquestioned beliefs or images at the back of our minds about men and women are transmitted from generation to generation. It is a process of attributing a set of characteristics, roles, and traits – favorable or unfavorable – to all members of a social group based on sex.

The following are some stereotypes on masculinity and femininity:

MALE	FEMALE
Men are strong, dominant and unemotional	Women are weak, submissive and prone to tears
Men are the principal economic providers	Women need protection and should not go out at night

Multiple Burden (Patung-patong na Gawain)

Multiple burden is a condition experienced by a person (usually women) when limited time and energy is devoted to several tasks/responsibilities that is concurrently performed.

Women, even as they are viewed as having primarily reproductive functions, actually participate in a host of other activities. Despite women putting in the same working hours as men outside the home, housework and childcare remain their concern.

Multiple Burden involves three (3) spheres of work: 1) reproductive; 2) productive; and 3) community works, such as parenting, housework, community work and work in the public sphere or informal sectors.

Women perform heavy workloads and overlapping tasks involved which, if computed in terms of hours, would total to more than 24 hours.

Women are expected to be responsible for work in the domestic sphere, including childcare, household management, small-scale livelihood production, and family-based production. Since these are activities “expected of women,” they rarely earn from these jobs, or earn very little.

Women Subordination

Subordination of women is a means by which men assert power over women through perpetration of gender stereotypes and economic control.

Some of these examples are: the husband is the money keeper in the family, only men have the right to decide about their properties, women remain to be submissive, and more women work at low paying job.

Violence Against Women

Women suffer from different forms of violence namely: physical, psychological, sexual and economic. Women and girls are the most at risk of violence from men and violation of human rights.

Obstacle to Personhood and Development

Growing up and living in a world which limits a woman's every right to be human, women generally possess lower level of self-esteem and confidence compared to men.

Coupled with the obstacles that women have to confront in developing a sense of self-worth is the reality that gender discrimination does not only occur in arenas external to women but also with regard to their own bodies. Reproductive rights and the services that they deserve, and even women's sexuality is severely constrained.

Discrimination on the Basis of SOGIESC

Discrimination based on one's SOGIESC includes any distinction, exclusion, restriction, or preference based on sexual orientation or gender identity which has the purpose or effect of nullifying or impairing equality before the law or the equal protection of the law, or the recognition enjoyment or exercise, on an equal basis, of all human rights and fundamental freedoms. Discrimination based on sexual orientation or gender identity may be, and commonly is, compounded by discrimination on other grounds including gender, race, age, religion, disability, health and economic status.

MODULE 1 | SESSION 2: Understanding Gender-Based Violence

Objectives:

By the end of the session, the participants will be able to:

1. Explain the concepts of gender-based violence (GBV) and violence against women (VAW); and
2. Identify how gender-based violence affects society as a whole.

Duration: 1 hour 30 minutes

Methodologies: Interactive lecture discussion and structured learning exercises.

Equipment and materials needed: Laptop, multimedia projector, presentation slides, and handouts

Session flow:

1. Plan ahead and choose the activities that will fit within the allotted time for the sessions.
2. Begin Session 2 by conducting one or both learning activities recommended below.
3. Make note of any significant inputs raised by the participants that may be elaborated on as key learning points.
4. Synthesize those learning points in your discussion of the concepts found in the Content of Session 2.

Activity:

- **Power Walk.** This activity will allow the participants to reflect on their perceptions of power in relation to a person's profile and characteristics.
- **The Impact of Gender-Based Violence.** The participants look at various examples of gender-based violence and discuss the consequences for the individuals concerned and for society as a whole.

Activity #1: Power Walk

Preparation and Materials Needed:

- Prior to the actual session, print in small sheets of paper the description of the character to be used for the activity. The following are the 16 characters:
 - Male mayor from 3rd class municipality
 - Female mayor from highly urbanized city
 - Male Punong Barangay
 - Female Punong Barangay
 - Male farmer
 - Female farmer
 - Community leader, trans woman, 30 years old, middle-class

- Youth leader, lesbian, 20 years old, low income
 - Grandmother, 65 years old, low income
 - Grandfather, 65 years old, low income
 - Female with hearing impairment, 18 years old, middle income
 - Nonverbal, male, 18 years old, middle income
 - Day Care Worker, female, rural area, low income
 - Day Care Worker, male, urban area, low income
 - Husband, 35 years old, unemployed
 - Wife, 35 years old, unemployed
 - Member of indigenous group, female, 25 years old, college graduate
 - Elder of an indigenous group, male, 60 years old
- Conduct the activity in a spacious area. Should the training be conducted in a small room, if possible, ask the participants to step out and facilitate the activity in an open space.

Instructions for the Facilitator:

1. Ask for sixteen (16) volunteers and let them stand in a row.
2. Give each volunteer a piece of paper with a character and its description written on it. They should not share who their character is with anyone.
3. They are given five (5) minutes to internalize the situation of their character. Each volunteer shall act according to who they are supposed to be as their character.
4. The facilitator should read the statements one at a time. The volunteer should step forward if the statement applies to the character. The volunteer should step backward if the statement is inapplicable to the character. If the volunteer is unsure, then the volunteer shall remain in position.
5. Read aloud the following statements:
 - a. People believe in what I say.
 - b. I have savings to use during emergency situations.
 - c. I enjoy decision-making powers at home.
 - d. I don't have to ask permission from anyone to make decision on the pursuit of my spouse or any authority on decisions I want to make.
 - e. When I get home, I rest and don't worry about housework.
 - f. I feel safe to walk in the streets, even at 1:00 a.m.
 - g. I have influence over many people.
 - h. I can take care of all the needs of my family.
 - i. I am not vulnerable to sexual harassment.
 - j. I don't have to wait for hours to avail services from the government.
 - k. I eat at least three full meals a day.
 - l. I can discuss with LGU officials the situation in our community.
 - m. I don't need the services of a social worker to achieve a better quality of life.

6. When all the statements are read, it will be noticed that the participants are no longer forming a straight line – some are way ahead of the rest and others remain near their starting point.
7. Ask the volunteers in front to read out what characters they represent, why they are in that position, and how did they feel when they are leaving the others behind. Then ask the volunteers at the back what characters they represent, why they moved little from their starting point and how did they feel when they are being left behind.
8. In order to discuss the outcome of the activity and determine why certain characters are frontrunners and some at the back, ask the volunteers to raise their hands when the same is applicable to them:
 - a. Socio-economic: Who are employed? Who are unemployed?
 - b. Age: Who are the adults? Senior citizens? Youth?
 - c. Sex: Who are the females? Males?
 - d. Position of Power: Who are public officials? Who are PWDs?
9. Ask the participants what their insights and realizations are, as well as the following questions:
 - a. What do these positions of the characters relative to the other characters imply?
 - b. Are the following factors (socio-economic, age, sex, position of power, status, among others) determinative of the position of a character? What does this mean?
 - c. Is there an opportunity for the volunteers at the back to voice out their concerns to the volunteers in front? How can this be done?
 - d. What are the implications of this activity to incidents of VAW and GBV?

Activity #2: The Impact of Gender-Based Violence

The design for this activity was derived from *Gender Matters: A manual on addressing gender-based violence affecting young people*, created by the Council of Europe in 2019. The participants look at various examples of gender-based violence and discuss the consequences for the individuals concerned and for society as a whole.

Preparation and Materials Needed:

- Copies of the stories, one story per group.
- Whiteboard or manila paper, divided into two columns for writing answers under two headings: “Consequences on victims” and “Consequences on society”

Instructions for the Facilitator:

1. Tell participants that they will work in small groups of 4-5 people to discuss a brief story. They should read the text and answer the questions at the end. Hand out one story to each group and give them about 20 minutes to discuss the cases.
2. Once this part of the work is completed, ask the groups to come together and present their answers. They should begin by reading the story aloud. Allow other groups to

comment on the group's results. If the groups are unclear about the types of gender-based violence present in the story, you may need to provide the answers yourself.

3. When the groups present their answers to the questions about the impact of violence on the victims and on society, write these down on the whiteboard or manila paper. After each presentation, read the summarized answers back to the whole group and ask if they would like to add or change anything.
4. For their debriefing, ask the following questions:
 - a. What do you think about the activity? How did you feel doing it?
 - b. Had you heard about all the different types of gender-based violence presented in the stories? Was there anything surprising for you?
 - c. Was there anything common to different groups' responses to the impact of gender-based violence?
 - d. Why does gender-based violence have consequences for the whole of society?
 - e. What causes gender-based violence? Who is to blame?
 - f. Which human rights are violated in case of gender-based violence?
 - g. What can be done to put an end to such violence, and who can help to bring such a change about?
 - h. What can you do to prevent this type of violence, and how can we all act against it?

Notes for the facilitator:

- The stories in this activity can easily be modified, and facilitators are encouraged to adapt them to local context, where necessary. Some stories include more than one type of violence.
- Pay attention to this when explaining the types of violence: very often different types happen together at the same time. Try also to address the issue of intersectionality, when someone suffers from violence and discrimination on multiple grounds – as in the first story (gender and disability).
- Make sure to emphasize that the only person responsible for violence is the perpetrator. It is never the victim's fault!
- The original design of the activity may be found here:
<https://www.coe.int/en/web/gender-matters/-/the-impact-of-gender-based-violence#>

Stories

STORY 1

Martha moves using an electric wheelchair. She lives with her partner in a small apartment, in a small town. They have been together for 6 years. Steven, her partner, has always been a great support to her in carrying out daily activities. However, recently he has been under great pressure to work very long hours. Martha is at home alone, and there are days when she does not eat for more than 8 hours. Last Monday, Steven returned home in the morning after a night shift and found that she had been unable to put herself to bed and had tried to sleep in her wheelchair. When Martha asked Steven to work from home in the evenings, he said this was not possible. Martha has no relatives locally, so it is difficult for her to call on anyone else. She also has few friends, as the couple rarely go out. Once when Martha told Steven she was hungry he told her, "Come on, you are a woman! Make an effort and cook something for yourself or call for food delivery!"

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

STORY 2

Bernadette works as an accountant in a large company. She has recently received numerous missed calls from an unknown number. When she tried to call back, there was no response. She did not worry until recently, when she received several text messages from a different number. These made her feel uncomfortable, as the texts were very explicit: they called her a slut, suggested that she loves sex, and described her body in detail. The last message was even threatening: "I dream about raping you and I will do it one day. You'll love it!" She did not know what to do so she told her friend about the messages, but the friend suggested that she calm down. However, she did offer to drive Bernadette to and from work every day. Bernadette felt slightly relieved, but recently, she noticed an unfamiliar man near her block of flats, looking at her. The same thing happened on the next day.

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

STORY 3

Linda, who is 17, is a passionate online gamer. In her free time, she plays a lot and has even made some good friends online. Gaming has always been her passion and she is very good at it, especially at strategic online games. Last time she played her favorite game, one of the male players commented on her avatar (containing her picture) saying: "God, you are so f... hot! I wish I was near you to show you what a real man is." Linda did not react, although she felt a little uncomfortable: after all, it was only a game, and just a stupid comment. Two weeks later, she did not do very well in a game she was playing, and some of the players started to send her private messages: "Go to the kitchen and bring me a beer, woman," "Get some sex and come back again," "Playing in a team with women always ends up like this. Never again!" She decided she would not play the game for the next month.

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

STORY 4

Jan and Ivan have been in a relationship for 2 years. They decided to spend New Year's Eve at their friends' house, in a town about 100 km away. After the party, at 6 o'clock in the morning, they were going back to the hotel holding hands. They were close to the bus stop when they saw a group of young men walking towards them. One of the men started shouting: "Look at those fags! You deserve to die! You are a shame to our country." Jan and Ivan were scared. Three of the men started to run towards them. They kicked Jan in the belly and punched Ivan in the face. Jan and Ivan cried out for help, but then the bus arrived, and the three men got on. Jan asked the driver for help, telling him that those men had just violently beaten him and his friend. They shouted back: "They are fags!" The bus driver refused to help and shut the door in Jan's face.

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

STORY 5

Martina (16) met Shane (17) at school. She had always liked him, so she couldn't have been happier when he asked her for a date. After two dates, she was sure she was in love. On the third date, Shane invited her home and started telling her how beautiful she was, and at one moment he touched her leg. Martina said nothing, but when he started to stroke her, she removed his hand. He suggested that they should undress and make love. She said it was too soon for her and that she wanted to wait until they knew each other better. He insisted and started to undress her. She wanted to leave but he forced her onto the bed by force and started to undress her, touching her in between the legs. She screamed and tried free herself, but Shane was too strong.

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

STORY 6

After the birth of her second child, Samantha decided to go back to work as soon as her maternity leave was over. She discussed it with her husband, who asked her to wait to make this decision until her maternity leave was coming to an end. As this time approached, she submitted a number of job applications and was invited to an interview and was then offered the job. She was very happy and shared the news with her husband. He was less happy and started asking about the job, identifying difficulties and problems, such as that the children would need to go to nursery school, there would be problems with picking them up, the family would need to eat out more often, etc. After two hours of very intense discussion, he asked: "Don't you have enough money? I always give you money when you go shopping. You don't need more. You are a woman and need to take care of our children."

Which examples of gender-based violence can you identify in this story? Who is the victim and who is the perpetrator? What are the likely consequences of violence for the victim? What are the possible consequences for society as a whole?

Content/Lecture Notes:

Power

Power is embedded in social relation. All relationships are affected by the exercise of power.

What gives someone power?

- Income and wealth
- Status
- Age
- Sex / masculine gender
- Political backing/Social backing
- Physical Strength
- Controlling access and resources, controlling money or access to work, discriminatory laws

Who has power in your community?

- Elders
- Religious leaders
- Politicians
- Teachers
- Parents
- Men
- Soldiers
- Police

How do we exercise power?

- Power to - one's ability to act on his/her own. Intellect, resources, and knowledge are among the sources of such power.
- Power over - one's ability to dominate others, to make them do what you want.

- Power with - one's ability to cooperate with others to accomplish something.

Gender intersects with other social variables in determining one's access to vulnerabilities to abuse and violence.

While men and women may belong to same socio-economic sector, they may have different access to power, opportunities, resources and wealth. Not all people with power abuse their power.

Gender-based violence involves the abuse of power arising from unequal power relationships.

Understanding Gender-Based Violence (GBV)

Gender-based violence is an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) difference between males and females.

The term "gender-based violence" and "violence against women" are frequently used interchangeably in literature and by advocates, however, the term gender-based violence refers to violence directed against a person because of his or her gender and expectations of his or her role in a society or culture.

Gender-based violence highlights the gender dimension of these types of acts, in other words, the relationship between females' subordinate status in society and their increased vulnerability to violence. It is important to note, however, that men and boys may also be victims of gender-based violence, especially sexual violence.

The root causes of gender-based violence are society's attitudes towards and practices of gender discrimination. Typically, these place women and men in rigid roles and positions of power, with women in a subordinate position in relation to men.

The accepted gender roles and lack of social and economic value for women and women's work strengthen the assumption that men have decision-making power and control over women. Through acts of gender-based violence, perpetrators seek to maintain privileges, power, and control over others. This disregard for or lack of awareness about human rights, gender equality, democracy, and non-violent means of resolving problems helps continue the inequality that leads to GBV.

Forms of Abuse Based on SOGIESC

1. Physical abuse: the intentional use of force against a person without that person's consent, causing physical pain, injury, disability, or death because of their SOGIESC.
2. Sexual abuse: includes any unwanted sexual behavior.
3. Financial abuse: when someone uses money or properties to exploit, control, and make someone dependent because of their SOGIESC.
4. Emotional abuse: includes the willful use of emotional anguish using words or actions to control, humiliate, degrade, frighten, isolate, demean, and intimidate a person that takes away their self-respect because of their SOGIESC.

Understanding Violence Against Women (VAW)

Violence against women (VAW) is any act of gender-based violence that results in, or is likely to result in physical, sexual, psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in private or in public life. [The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)]

Further, violence against women violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuses that cut across lines of income, class and culture. (Beijing Declaration and Platform for Action, paragraph 112).

It is commonly known as wife/partner /dating abuse, battering, assault, cruelty and family violence.

Nature and Causes of VAW

- Arises from the historically unequal power relations between women and men in both the private and public spheres that created a social system that gives men dominance and control over women;
- Became socially acceptable through traditional and cultural beliefs, norms and social institutions;
- Human rights violation - as it violates the person or the woman's right to life, liberty, security, human dignity, due process, information, live free from fear and threat, express oneself, reproductive rights, be free from persecution, freedom to choose one's partner;
- Gender-based violence as it is inflicted against a woman because she is a woman; due to the perception that a woman is weak and cannot fight back; and
- Characterized by a cycle and continuum of violence.

Contributing Factors

Violence within an intimate relationship occurs due to imbalance of power and control. Further, numerous factors can be associated why the violence happens, such as the following:

- Alcohol/drug abuse
- Poverty
- Conflict
- Collapse of traditional society and family support system
- Lack of police protection
- Culture of impunity

However, these factors do not automatically mean that a person will become a victim or an offender.

The Cycle of Abuse

Many violent relationships follow a common pattern or cycle.

1. Build-up Phase (Tension Building)
 - Tension builds over common domestic issues like money, children or jobs
 - Abuse may begin
 - Victim tries to control the situation by giving in to or avoiding the abuse
2. Violent Outburst (Incident)
 - Any type of abuse occurs (physical/sexual/emotional/economic)
3. Remorse Phase
 - Abuser may apologize for the abuse
 - Abuser may promise it will never happen again
 - Abuser may blame the victim for causing the abuse
4. Pursuit Phase (Reconciliation)
 - Promises made during “making-up” may be met
 - Abuser may give gifts to victim
 - Abuser may exhibit loving, kind behavior, generosity and helpfulness
5. Honeymoon Phase (Calm)
 - Victim may hope that the abuse is over
 - Loving and contrite behavior strengthens the bond between the partners and will probably convince the victim, once again, that leaving the relationship is not necessary.

Consequences of VAW

VAW could lead to fatal and non-fatal outcomes. Fatal outcomes usually include homicide, suicide, and maternal mortality. On the other hand, non- fatal outcomes include the following:

- physical (injury, functional impairment, permanent disability and poor subjective health)
- chronic (chronic pain syndrome, irritable bowel syndrome and gastrointestinal disorder)
- mental (post-traumatic disorder, mental depression, anxiety, sleeping and eating disorders)
- negative health behaviors (unsafe sex, alcohol and drug abuse, smoking and eating disorders which can contribute to high level illness and death)
- reproductive health (unwanted pregnancy, STDs, HIV/AIDs, unsafe abortion, miscarriage, gynecological disorders, pelvic inflammatory diseases)

Victims of VAW may suffer the following social consequences:

- blaming the victim
- social stigma
- social rejection and isolation

Impact of VAW

When women are exposed to different forms of violence, there are consequences to her physical, mental, and emotional well-being which could lead to various impacts to the quality of life of the victim which in turn can have ripple effects to the society as a whole.

- Drains resources of the government, community, and family which impedes economic and social development.
- Effects on productivity and employment.
- Children who are exposed to domestic violence can suffer from behavioral and emotional disturbances, which can lead to perpetrating or being victims of violence later in life.

Psychological Stages of Battered Woman Syndrome

The battered woman syndrome is an extremely detrimental psychological condition that affects women who are subjected to repeated abuse and violence. This syndrome helps explain why women stay in abusive relationships and do not seek assistance for their harmful situation. These stages can be observed in many of the victims of violence against women.

1. Denial

The first stage of battered woman syndrome is denial. Denial occurs when a victim of abuse is unable to admit and acknowledge that she is being subjected to domestic violence, she may call each incident as “accident”.

2. Guilt

During this phase, victim will experience feelings of extreme guilt and disgrace. She will believe that she has caused the abuse that the perpetrator has subjected her to. In many cases, the perpetrator will convince the victim that she is forced to resort to physical violence due to her own fault or shortcomings. Hence, victim will not report the abuse because her partner is not to blame for the abuse.

3. Enlightenment

This occurs when a victim of abuse recognizes that she is not to blame for the abuse that she is experiencing. She will begin to understand that no one deserves to be subjected to violence no matter what characteristics she possesses and that violence is the fault of the offender.

4. Responsibility

Once the victim realizes that the abuse is the fault of the abuser, it is the only time that the victim understands the importance of escaping her current situation. In this phase, when the victim decides to escape the abusive relationship, the victim must ensure her safety and the safety of her children by seeking help from law enforcement agencies.

**MODULE 2:
LAWS PENALIZING GENDER-BASED VIOLENCE
& CRIMES AGAINST WOMEN AND CHILDREN**

Module 2 goes through the salient features of various laws that penalize gender-based violence and offenses against women and children. It will aid them in the formulation of a guide that VAW/ASH Desk officers may use as they respond to the cases.

Objective: By the end of the module, the participants will be prepared to identify whether the cases brought before the VAW/ASH Desk would fall under the Anti-VAWC Act, the Safe Spaces Act, or other criminal or penal laws.

Duration: 4-5 hours

Methodologies: Interactive lecture discussions and activities

Module Outline:

- Session 1: Anti-Violence Against Women and Their Children Act of 2004
- Session 2: Sexual Harassment & Voyeurism
- Session 3: Rape & Other Felonies
- Session 4: Trafficking in Persons
- Session 5: Other Special Laws Protecting Children

Session Flow/Notes for the Facilitator:

1. Distribute copies of the Matrix of Crimes to the participants.
2. Discuss each of the laws by focusing on the elements that identify the crimes and the felonies that may be brought to the VAW/ASH Desks.
3. Emphasize what the laws provide as to who may be the offended parties of the crimes that will be discussed and whether the laws require that there be any relationship between the offended parties and the offenders.
4. Describe the punishable acts in simplified terms and provide examples of scenarios where the laws may apply.
5. Highlight the elements of the crimes involving location or where each crime may be committed, if applicable.
6. Note any significant features of the laws that will help the participants identify which law would apply to cases that may be brought before the VAW/ASH Desk.
7. Synthesize any similarities and identify key differences among the laws discussed.
8. Open the floor for questions from the participants about scenarios that they may have encountered and encourage them to apply their learnings from the sessions.
9. After all the sessions have been conducted, the participants will be asked to group into 4 or 5, and each group will be given a scenario illustrating gender-based violence that may be brought to the VAW/ASH Desk. Each group will be asked to determine what crimes may have been committed.

**MODULE 2 | SESSION 1:
Anti-Violence Against Women and Their Children Act of 2004**

Objectives:

By the end of the session, the participants will be able to:

1. Determine whether R.A. No. 9262 applies to the cases brought to the VAW/ASH Desk and
2. Describe the acts of violence that may be committed against women and their children under R.A. No. 9262.

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides, and handouts

Content:

**THE ANTI-VIOLENCE AGAINST WOMEN
AND THEIR CHILDREN (VAWC) ACT OF 2004**

The Anti-Violence Against Women and Their Children (VAWC) Act of 2004 or R.A. No 9262 was enacted in 2004. It provides for measures to protect women and their children who may be abused by their partners or former partners through the different forms of violence that may be committed against women and their children.

Violence Against Women and Their Children

Section 3 of R.A. No. 9262 defines violence against women and their children as any act or a series of acts committed by any person against a woman who is the offender's wife, former wife, with whom the person has or had a sexual or dating relationship, with whom the offender has a common child, or against offended party's child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or sufferings, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

The Offended Party/ies

In VAWC cases, there is an offended party who is the recipient of the abuse. The offended party can be the woman, her child, or both.

1. The woman pertained to in the act may be:
 - the offender's current or former wife,
 - a woman with whom the offender has or had a sexual or dating relationship;
or
 - with whom the offender has a common child.
2. The children pertained to in the act may be:

- the legitimate or illegitimate children of the woman offended, living within or without the family abode; or
- those who are below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. It includes the biological children of the victim and other children under her care.

The Offender

1. Any person (husband, ex-husband, lover and ex-lover) who committed the abuse.’

The offender should be related to the victim only by marriage, a former marriage, or a dating or sexual relationship.

One is in a “dating relationship” when the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship.

A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.

2. Other persons

The law expressly recognizes that the acts of violence against women and their children may be committed by an offender through another (Sec. 5 (h), R.A. NO. 9262).

Forms of Violence

Violence against women and their children under R.A. No. 9262 includes, but is not limited to, the following:

1. “Physical violence,” which refers to acts that include bodily or physical harm.
2. “Sexual violence,” which refers to acts that are sexual in nature, committed against a woman or her child such as, but not limited to:
 - Rape
 - Sexual harassment
 - Acts of lasciviousness
 - Treating a woman or her child as a sex object
 - Making demeaning and sexually suggestive remarks
 - Physically attacking the sexual parts of the offended party’s body
 - Forcing the women or her child to watch obscene publications and indecent shows
 - Forcing the woman or her child to do indecent acts and/or make films
 - Forcing the wife and the offender’s mistress or lover to live in the conjugal home or sleep together in the same room with the offender
 - Causing or attempting to cause the offended party to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion
 - Prostituting the woman or her child

3. “Psychological violence,” which refers to acts or omissions causing or likely to cause mental or emotional suffering of the offended party such as, but not limited to:
 - Intimidation
 - Harassment
 - Stalking
 - Damage to property
 - Public ridicule or humiliation
 - Repeated verbal abuse
 - Marital infidelity
 - Causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs
 - Causing or allowing the victim to witness to witness pornography in any form
 - Causing or allowing the victim to witness abusive injury to pets
 - Unlawful or unwanted deprivation of the right to custody and/or visitation of common children

4. “Economic abuse,” which refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:
 - Withdrawal of financial support or preventing the victim from engaging any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code
 - Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common
 - Destroying household property
 - Controlling the victim’s own money or properties or solely controlling the conjugal money or properties

Punishable Acts

The crime of violence against women and their children is committed through any of the following acts:

1. Causing physical harm to the woman or her child

2. Threatening to cause the woman or her child physical harm

3. Attempting to cause the woman or her child physical harm

4. Placing the woman or her child in fear of imminent physical harm

5. Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or to desist from conduct which the woman or her child has the right to engage in

6. Attempting to restrict or restricting the woman’s or her child’s freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not be limited to, the following acts committed with the purpose or effect of controlling or restricting the woman’s or her child’s movement or conduct:

- a. Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
 - b. Depriving or threatening to deprive the woman or her children of financial support legally due them, or deliberately providing her children insufficient financial support;
 - c. Depriving or threatening to deprive the woman or her child of a legal right;
 - d. Preventing the woman in engaging in any legitimate profession, occupation, business or activity, or controlling the victim's own money or properties, or solely controlling the conjugal or common money or properties.
7. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions
8. Causing or attempting to cause the woman or her child to engage in any sexual activity which does NOT constitute rape, by force or threat of force, physical harm, or intimidation directed against her/child or family
9. Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress, which includes, but not limited to:
 - a. Stalking or following the woman or her child in public/private places;
 - b. Peering in the window or lingering outside the residence of the woman or her child;
 - c. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
 - d. Destroying the property and personal belongings or inflicting harm to their animals or pets; and
 - e. Engaging in any form of harassment or violence.
10. Causing mental or emotional anguish, public ridicule or humiliation, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the children

MODULE 2 | SESSION 2: Sexual Harassment & Voyeurism

Objectives:

By the end of the session, the participants will be able to:

1. Describe sexual harassment and its forms;
2. Define photo or video voyeurism; and
3. Determine whether a case brought to the VAW/ASH Desk falls under these laws.

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides, and handouts.

Content:

THE ANTI-SEXUAL HARASSMENT ACT OF 1995

The Anti-Sexual Harassment Act (ASHA) of 1995 (R.A. No. 7877) is a special law that guarantees full respect for human rights, and upholds the dignity of workers, employees, applicants for employment, student or those undergoing training, instruction or education. All forms of harassment in the employment, education, or training environment are declared unlawful.

Where Sexual Harassment Under RA 7877 May Be Committed

1. Work-related or employment environment
2. Education or training-related environment

Who May Commit Sexual Harassment Under RA 7877

1. Employer
2. Employee
3. Manager
4. Supervisor
5. Teacher
6. Instructor
7. Professor
8. Coach
9. Trainor
10. Any other person having authority, influence, or moral ascendancy over the offended party

How Sexual Harassment is Committed Under RA 7877

Sexual harassment is committed by any person having authority, influence or moral ascendancy over another in a work or training or education environment who demands, requests, or otherwise requires any sexual favor from the other, regardless of whether the demand, request, or requirement for submission is accepted.

Sexual Harassment in a Work-Related or Employment Environment

Sexual harassment in a work-related or employment environment is committed when:

- a sexual favor is made as condition in the hiring or in the employment, re-employment or continued employment, or in granting victim favorable compensation, terms, conditions, promotions or privileges; or the refusal to grant a sexual favor results in limiting, segregating, classifying the employee which in any way would discriminate, deprive or diminish employment or adversely affect said employee;
- the above acts would impair the employee's rights or privileges under existing labor laws; or
- the above acts would result in an intimidating, hostile, or defensive environment for the employee.

Sexual Harassment in an Education or Training-Related Environment

Sexual harassment in an education or training-related environment is committed:

- against one who is under the care, custody or supervision of the offender;
- against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- when the sexual favor is made as a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
- when the sexual advances result in intimidating, hostile or offensive environment for the student, trainee, or apprentice.

SAFE SPACES ACT

The Safe Spaces Act (R.A. No. 11313) expanded the concept of sexual harassment to protect the right of any person to have personal spaces of safety that are free from sexual harassment. Sexual harassment under R.A. No. 11313 may be committed by any person (a) on streets and in public spaces; (b) in restaurants and cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, buildings and other privately owned places open to the public; (c) in public utility vehicles; (d) online; (e) in the workplace; (f) and in educational and training institutions.

Gender-Based Sexual Harassment in Streets and Public Spaces

1. For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety —
 - a. The first offense shall be punished by a fine of one thousand pesos (P1,000.00) and community service of twelve (12) hours, inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;
 - b. The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (P3,000.00);

- c. The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (P10,000.00).

Offenses committed under no. 1 prescribe in 1 year.

- 2. For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions —
 - a. The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - b. The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);
 - c. The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).

Offenses committed under no. 2 prescribe in 3 years.

- 3. For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b) when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) —
 - a. The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - b. The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);
 - c. The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (P100,000.00).

Offenses committed under no. 3 prescribe in 10 years.

Gender-Based Online Sexual Harassment

Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing

of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the person liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Offenses that constitute gender-based online sexual harassment are imprescriptible.

Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment

The penalty next higher in degree will be applied in the following cases:

- If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- If the offended party is diagnosed with a mental problem tending to impair consent;
- If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

Gender-Based Sexual Harassment in the Workplace

The crime of gender-based sexual harassment in the workplace includes the following:

1. An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
2. A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
3. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: provided that the crime of gender-based sexual harassment may also be committed between peers and those committed to a

superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

4. Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Offenses that constitute gender-based sexual harassment in the workplace prescribe in 5 years.

Gender-Based Sexual Harassment in Educational and Training Institutions

All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of the Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Offenses that constitute gender-based sexual harassment in educational and training institutions prescribe in five (5) years.

Minor Students

Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

VOYEURISM

The Anti-Photo & Video Voyeurism Act of 2009 (R.A. No. 9995)

The Anti-Photo and Video Voyeurism Act of 2009 or Republic Act No. 9995 penalizes photo or video voyeurism, which is the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of the same was given by such persons.

Punishable Acts

The Anti-Photo and Video Voyeurism Act prohibits the following acts:

1. To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;
2. To copy or reproduce, or to cause to be copied or reproduced, such photo or video or recording of sexual act or any similar activity with or without consideration;
3. To sell or distribute, or cause to be sold or distributed, such photo or video or recording of sexual act, whether it be the original copy or reproduction thereof; and
4. To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones and other similar means or device.

Prohibited acts numbers 2, 3, and 4 will still apply even if the person or persons involved in the material consented to the taking of the photo or recording of the sexual act. Any person who will violate these acts shall be held liable.

MODULE 2 | SESSION 3: Rape & Other Felonies

Objectives:

By the end of the session, the participants will be able to determine whether the crime rape has been committed in any case brought before the VAW/ASH Desk.

Duration: 45 minutes

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides, and handouts

Content:

RAPE

Rape Under the Revised Penal Code, as Amended

The crime of rape is punishable under the Revised Penal Code, as it has been amended by The Anti-Rape Law of 1997 (R.A. No. 8353) and An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape (R.A. No. 11648).

The Revised Penal Code used to treat rape as a crime against the chastity of a woman. R.A. No. 8353 transformed the crime of rape from being a crime against chastity to a crime against persons.

How Rape is Committed

As the law stands now, rape may be committed in two ways:

1. Any person has carnal knowledge of another person under any one of the following circumstances:
 - a. Through force, threat, or intimidation
 - b. When the offended party is deprived of reason or is otherwise unconscious
 - c. By means of fraudulent machination or grave abuse of authority
 - d. When offended party is under 13 years old or demented, even though none of the above circumstances are present
 - e. When offended party is under 16 years old, even though none of the above circumstances are present, subject to the conditions discussed in the next section

Penalties

(Note that the imposition of the death penalty is prohibited by R.A. No. 9346.)

Rape under no. 1 is punishable by *reclusion perpetua*.

- if committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

- if by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* to death.
- if the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.
- if by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
- 2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
- 3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
- 4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
- 5) When the victim is a child below seven (7) years old;
- 6) When the offender knows that he is afflicted with Human Immune-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;
- 7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;
- 8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;
- 9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and
- 10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

2. Any person who, under any of the circumstances mentioned in paragraph 1, shall commit an act of sexual assault by
 - a. Inserting his penis into another person's mouth or anal orifice or
 - b. Inserting any instrument or object (including a finger) into the genital or anal orifice of another person

Penalties

Rape under no. 2 is punishable by *prison mayor*.

- if committed with the use of a deadly weapon or by two or more persons, the penalty shall be *prison mayor* to *reclusion temporal*.
- if by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion temporal*.

- if the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion temporal* to *reclusion perpetua*.
- if by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua*.

Reclusion temporal shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances enumerated for no. 1.

When the Offended Party is 16 or Demented

A person who has carnal knowledge of another person under 16 years old does will have no criminal liability when (a) the age difference between the parties is not more than 3 years and (b) the sexual act in question is proven to be consensual, non-abusive, and non-exploitative.

“Non-abusive” means the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim.

“Non-exploitative” means there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the

OTHER FELONIES COMMITTED AGAINST WOMEN & CHILDREN

The Revised Penal Code punishes the following offenses that may be committed against women and children:

Abuses Against Chastity. This crime is committed by any public officer who solicits or makes immoral or indecent advances to a woman interested in matters that the officer has to (a) decide on, (b) submit a report on, or (c) consult a superior officer on. This is also committed by any warden or other public officer directly charged with the care or the custody of prisoners or persons under arrest who solicits or makes immoral or indecent advances to (a) a woman under the warden's or officer's custody or (b) the wife, daughter, sister, or relative within the same degree of affinity of any person in the custody of such warden or officer.

Concubinage. This crime is committed by any husband who (a) keeps a mistress in the conjugal dwelling or (b) has sexual intercourse under scandalous circumstances with a woman who is not his wife or (c) cohabits with the said woman in any other place.

Bigamy. This crime is committed by any person who contracts a second or subsequent marriage before the first marriage has been legally dissolved or before the absent spouse has been declared presumptively dead by a judgment rendered in the proper proceedings.

Acts of Lasciviousness. This crime is committed by any person who commits any act of lasciviousness against a person of any sex under any of the following circumstances: (a) by using force or intimidation, (b) when the offended party is deprived of reason or otherwise unconscious, (c) by means of fraudulent machination or grave abuse of authority, or when the offended party is under 16 years of age or demented. A lewd act is defined as obscene, lustful, indecent, or lecherous.

Qualified Seduction. This crime is committed through the seduction of a minor aged between 16 and 18 by any person in public authority, priest, home-servant, domestic, guardian, teacher, or any person who, in any capacity, is entrusted with the education or custody of the offended party. It is also committed by any person who seduces his sister or descendant, whether or not she is a virgin or over 18. Seduction is committed when the offender has carnal knowledge of the offended party as described.

Simple Seduction. This crime is committed by any person who seduces, by means of deceit, a minor aged between 16 and 18.

Corruption of Minors. This crime is committed by any person who promotes or facilitates the prostitution or corruption of persons underage to satisfy the lust of another.

Forcible Abduction. This is committed by any person who abducts any woman against her will and with lewd designs.

Consented Abduction. This crime is committed by any person who abducts a virgin over 12 and under 18 years of age, with her consent and with lewd designs.

Kidnapping and Failure to Return a Minor. This is committed by any person who, being entrusted with the custody of a minor person, fails to restore the latter to the parents or guardians.

Inducing a Minor to Abandon His Home. This is committed by any person who induces a minor to abandon the home of his or her parents or guardians or the persons entrusted with his or her custody.

Exploitation of Child Labor. This crime is committed by any person who, under the pretext of reimbursing a debt incurred by an ascendant, guardian, or person entrusted with the custody of a minor shall, against the minor's will, retain the minor in the service of the offender.

Abandoning a Minor. This is committed by any person who abandons a child under 7 years of age whose custody is incumbent upon the offender.

Abandonment of Minor by Person Entrusted with His Custody; Indifference of Parents. This crime is committed by any person who, having charge of the rearing or education of a minor, shall deliver said minor to a public institution or other persons, without the consent of the one who entrusted the child to the offender's care or, in the absence that person, without the consent of the proper authorities.

Exploitation of Minors. This crime is committed by (1) any person who causes any boy or girl under 16 years of age to perform any dangerous feat of balancing, physical strength or contortion; (2) any person who, being an acrobat, gymnast, rope-walker, diver, wild-animal tamer or circus manager or engaged in a similar calling, employs in exhibitions of these kinds of children under 16 years of age who are not his children or descendants; (3) any person engaged in any of the callings enumerated in the previous paragraph who employs any descendant of his under 12 years of age in such dangerous exhibitions; (4) any ascendant, guardian, teacher or person entrusted in any capacity with the care of a child under 16 years of age, who delivers such child gratuitously to any person following any of the callings enumerated in no. 2 hereof, or to any habitual vagrant or beggar; and (5) any person who shall induce any child under 16 years of age to abandon the home of its ascendants, guardians, curators or teachers to follow any person engaged in any of the callings mentioned in no. 2 hereof, or to accompany any habitual vagrant or beggar.

Prescriptive Periods

The Revised Penal Code provides for the prescriptive periods for crimes under it. These periods do not apply to crimes provided under special penal laws unless otherwise provided.

Crimes punishable by death, *reclusión perpetua*, or *reclusión temporal* prescribe in 20 years.

Those punishable by *prision mayor* or a fine exceeding 6,000 pesos prescribe in 15 years.

Those punishable by *prision correccional* or a fine not exceeding 6,000 pesos but is not less than 200 pesos prescribe in 10 years, with the exception of those punishable by *arresto mayor*, which prescribe in 5 years. Those punishable by *arresto menor* or a fine less than 200 pesos prescribe in two months.

When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application.

MOULE 2 | SESSION 4: Trafficking in Persons

Objectives:

By the end of the session, the participants will be able to define trafficking in persons and determine whether a case brought to the VAW/ASH Desk would constitute trafficking in persons.

Duration: 45 minutes

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multi-media projector, presentation slides, and handouts.

Content:

THE EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022 (R.A. No. 11862)

The Expanded Anti-Trafficking in Persons Act of 2022 or R.A. No. 11862 is an expanded and strengthened version of Republic Act No. 9208, known as the Anti-Trafficking in Persons Act of 2003, which had earlier been amended by Expanded Anti-Trafficking in Persons Act of 2012 or Republic Act No. 10364.

Trafficking in Persons

Trafficking in persons refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, or the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

Some Terms, Defined

Child refers to a person below 18 years of age or one who is over 18 but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

Prostitution is any act, transaction, scheme or design involving the use of a person by another for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

Involuntary servitude is a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.

Sexual exploitation refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given.

Debt bondage is the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

Pornography refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes. When a child is involved, the material shall be considered child sexual abuse and exploitation material.

Child laundering refers to an act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.

Child sexual abuse and exploitation material or child sexual abuse material (CSAEM or CSAM) refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by, through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child.

Online sexual abuse and exploitation of children (OSAEC) refers to the use of digital or analog communication and ICT as means to abuse and exploit children sexually, which includes cases in which contact child abuse or exploitation offline is combined with an online component. This can also include the production, dissemination, and possession of CSAEM or CSAM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation

of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim.

Acts of Trafficking in Persons

It shall be unlawful for any person, natural or juridical, to commit by means of a threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person, any of the following acts:

- a. To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual abuse or exploitation, production, creation, or distribution of CSAEM or CSAM, forced labor, slavery, involuntary servitude, or debt bondage;
- b. To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 10906 or the Anti-Mail Order Spouse Act, any Filipino to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- c. To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- d. To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- e. To maintain or hire a person to engage in prostitution or pornography;
- f. To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- g. To adopt or facilitate the adoption of persons with or without consideration for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage, or to facilitate illegal child adoptions or child-laundering, or for other exploitative purposes;
- h. To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive, or abduct a person, for the purpose of removal or sale of organs of said person;
- i. To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child to engage in armed activities or participate in activities in the context of an armed conflict in the Philippines or abroad;
- j. To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide, or receive a person by means defined in Section 3 of the Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
 - 1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
 - 2) To abuse or threaten the use of law or the legal processes.
- k. To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt, or receive a child for purposes of exploitation or trading them, including the act of buying

or selling a child, or both for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

- 1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage, and forced labor, including recruitment of children for use in armed conflict;
 - 2) The use, procuring or offering of a child for prostitution, for the production of CSAEM or CSAM, or for pornographic performances;
 - 3) The use, procuring or offering of a child for the production and trafficking of drugs; and
 - 4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals.
- l. To organize, provide financial support, or direct other persons to commit the offenses defined as acts of trafficking under the Act; and
 - m. To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive, or adopt a child for deployment abroad as migrant worker.

Attempted Trafficking in Persons

Attempted trafficking is committed by an offender who committed acts to initiate the commission of a trafficking offense but failed to or did not execute all elements of the crime, by accident or by reason of some cause other than voluntary desistance.

If the offended party is a child, any of the following acts shall be deemed as attempted trafficking in persons:

- a. Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian;
- b. Executing, for a consideration, an affidavit of consent or a written consent for adoption;
- c. Recruiting a woman to bear a child for the purpose of selling the child;
- d. Simulating a birth for the purpose of selling the child; and
- e. Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.

Acts that Promote Trafficking in Persons

The following acts that promote or facilitate trafficking in persons are also punishable:

- a. To knowingly lease or sublease, use, or allow to be used any house, building, tourism enterprise, or any similar establishment; or any vehicle or carrier by land, sea, and air; or any of their computer system or computer hardware, other computer-related devices, or any of their digital platform and application, for the purpose of promoting trafficking in persons;
- b. To produce, print and issue, or distribute unissued, tampered, or fake passports, birth certificates, affidavits of delayed registration of births, foundling certificates, travel clearances, counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals, and such other markers as proof of compliance with government

regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

- c. To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- d. To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- e. To facilitate, assist, or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports, knowing they are not in possession of required travel documents, or are in possession of tampered, fake, or fraudulently acquired travel documents, for the purpose of promoting trafficking in persons;
- f. To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies;
- g. To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery;
- h. To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under the Act;
- i. To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person;
- j. To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under the Act;
- k. For internet intermediaries to knowingly or by gross negligence allow their internet infrastructure to be used for the purpose of promoting trafficking in persons;
- l. For internet cafes, kiosks, and hotspots, including establishments offering Wi-Fi access services to the public, to knowingly or by gross negligence allow their facilities to be used for the purpose of promoting trafficking in persons;
- m. For financial intermediaries, including banks and credit card companies and money transfer or remittance centers, to knowingly or by gross negligence allow their services, online platform and applications, among others, to be used for the purpose of promoting trafficking in persons;
- n. To knowingly or by gross negligence facilitate, assist, or help in the entry into the country of persons who are convicted sex offenders whether at international and local airports, territorial boundaries, and seaports for the purpose of promoting trafficking in persons; or
- o. To arrange, facilitate, expedite, or cause the introduction or encounter of persons who are suspected or convicted sex offenders in any jurisdiction, to a child. The actual introduction or encounter need not occur to be liable under this provision. It is enough that there is a deliberate attempt to cause the introduction or encounter.

Qualified Trafficking in Persons

The following acts are considered qualified trafficking in persons:

- a. When the trafficked person is a child: Provided, That acts of online sexual abuse and exploitation of children shall be without prejudice to appropriate investigation and prosecution under other related laws;
- b. When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- c. When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- d. When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- e. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- f. When the offender is a member of the military or law enforcement agencies;
- g. When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);
- h. When the offender, commits one or more acts of trafficking under Section 4 over a period of at least sixty (60) days, whether those days are continuous or not;
- i. When the offender, or through another, directs or manages the actions of a victim in carrying out the exploitative purpose of trafficking;
- j. When the crime is committed during a crisis, disaster, public health concern, pandemic, a humanitarian conflict, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict;
- k. When the trafficked person belongs to an indigenous community or religious minority and is considered a member of the same;
- l. When the trafficked person is a person with disability (PWD);
- m. When the crime has resulted in pregnancy;
- n. When the trafficked person suffered mental or emotional disorder as a result of being victim of trafficking; or
- o. When the act is committed by or through the use of ICT or any computer system.

Accomplice Liability

Whoever knowingly aids, abets, cooperates in the execution of the offense by previous or simultaneous acts defined in the Act may be punished.

Accessory Liability

An accessory is any person who has knowledge of the commission of the crime and, without having participated therein either as principal or as accomplices, takes part in its commission through any of the following means:

- a. By profiting themselves or assisting the offender to profit by the effects of the crime;
- b. By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery;
- c. By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime.

Use of Trafficked Persons

Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following:

- a. *Prision correccional* in its maximum period to *prision mayor* or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00)
- b. If the offender is a public official, he or she shall be dismissed from the service and shall suffer perpetual absolute disqualification to hold office, in addition to any imprisonment or fine.
- c. If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country

Extra-Territorial Jurisdiction

The act is punishable even if committed outside the Philippines if the offense, being a continuing offense, was either (a) commenced in the Philippines or (b) committed in another country, provided that in the case of the latter, the suspect or accused

- a. is a Filipino citizen,
- b. is a permanent resident of the Philippines, or
- c. has committed the act against a citizen of the Philippines

MODULE 2 | SESSION 5: Special Laws Protecting Children

Objectives:

By the end of the session, the participants will be able to:

1. Describe the acts constitute child abuse and child sexual abuse and
2. Determine whether a case brought to the VAW/ASH Desk would fall under the R.A. No. 7610 and R.A. No. 11930.

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides, and handouts.

Content:

THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT

Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act was approved on June 17, 1992. It provides for the special protection of children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial to their development.

Child Abuse

Child abuse refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
3. Unreasonable deprivation of his basic needs for survival such as food and shelter; or
4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

Child Prostitution and Other Sexual Abuse

Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

1. Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
 - a. Acting as a procurer of a child prostitute;
 - b. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - c. Taking advantage of influence or relationship to procure a child as prostitute;
 - d. Threatening or using violence towards a child to engage him as a prostitute; or
 - e. Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution.
2. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim is under sixteen (16) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, otherwise known as "The Revised Penal Code," for rape, or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under sixteen (16) years of age shall be reclusion temporal in its medium period; and
3. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

Child Trafficking

Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of *reclusion temporal* to *reclusion perpetua*. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

There is an attempt to commit child trafficking under Section 7 of the Act:

1. When a child travels alone to a foreign country without valid reason therefor and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian;
2. When a pregnant mother executes an affidavit of consent for adoption for a consideration;
3. When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
4. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or
5. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 7 hereof shall be imposed upon the principals of the attempt to commit child trafficking under the Act.

Obscene Publications and Indecent Shows

Any person who shall hire, employ, use, persuade, induce, or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of *prision mayor* in its medium period.

If the child used as a performer, subject, or seller/distributor is under eighteen (18) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of *prision mayor* in its medium period.

Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development

- Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prision mayor* in its minimum period.
- Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000): Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.
- Any person who shall induce, deliver or offer a minor to any one prohibited by the Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than Forty thousand pesos (P40,000); Provided, however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be *prision mayor* in its maximum period, a fine of not less than Fifty thousand pesos (P50,000), and the loss of parental authority over the minor.
- Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of *prision mayor* in its medium period and a fine of not less than Fifty thousand pesos (P50,000), and the loss of the license to operate such a place or establishment.
- Any person who shall use, coerce, force or intimidate a street child or any other child to;
 - Beg or use begging as a means of living;
 - Act as conduit or middlemen in drug trafficking or pushing; or
 - Conduct any illegal activities, shall suffer the penalty of *prision correccional* in its medium period to *reclusion perpetua*.

For purposes of the Act, the penalty for the commission of acts punishable under Articles 248, 249, 262, paragraph 2, and 263, paragraph 1 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of murder, homicide, other intentional mutilation, and serious physical injuries, respectively, shall be reclusion perpetua when the victim is under twelve (12) years of age. The penalty for the commission of acts punishable under Article 337, 339, 340 and 341 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of qualified seduction, acts of lasciviousness with the consent of the offended party, corruption of minors, and white slave trade, respectively, shall be one (1) degree higher than that imposed by law when the victim is under twelve (12) years of age.

Worst Forms of Child Labor

No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:

1. All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or
2. The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or
3. The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or
4. Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:
 - a. Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or
 - b. Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
 - c. Is performed underground, underwater or at dangerous heights; or
 - d. Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
 - e. Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or
 - f. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or
 - g. Is performed under particularly difficult conditions; or
 - h. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or
 - i. Involves the manufacture or handling of explosives and other pyrotechnic products.

THE ANTI-OSAEC AND ANTI-CSAEM ACT

The Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, or R.A. No. 11930, was passed in view of the State's policy to provide special protections to children from all forms of sexual violence, abuse and exploitation especially those committed with the use of information and communications technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non-digital production, distribution or possession of child sexual abuse or exploitation material.

Some Terms, Defined

Child sexual abuse refers to any form of communication through any platform or format, or any physical interaction between a child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the desire to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim, or the consent of the victim.

Child sexual abuse or exploitation material or child sexual abuse material (CSAEM/CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of the Act, CSAEM may interchangeably be referred to as CSAM.

Child sexual exploitation refers to any of the following acts even if consent appears to have been granted by the child: (1) Child sexual abuse with consideration whether monetary or nonmonetary consideration, favor, or benefit in exchange for the opportunity to perform such abusive or exploitative act; (2) Actual sexual intercourse with a child or children with or without consideration; (3) Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of or sexual intercourse with a child or children; or (4) Any other similar or analogous acts related to child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the development of the child.

Grooming refers to predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, and/or the family, guardian, and/or caregivers, whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form of CSAEM.

Image-based sexual abuse (ISA) refers to a form of technology-facilitated sexual violence. The term describes a pattern of behavior involving the nonconsensual creation, distribution, or threats to distribute nude or sexual images. It includes a diversity of behaviors including, but not limited to, "sextortion scams," the use of artificial intelligence to construct "deepfake" pornographic videos, threats to distribute photographs and videos; and the taking or sharing of sexual assault imagery.

Luring refers to the act of communicating, by means of a computer system, with a child or someone who the offender believes to be a child for the purpose of facilitating the commission of sexual activity or production of any form of CSAEM.

Online sexual abuse or exploitation of children (OSAEC) refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; sexual extortion of children, sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim:

Provided, That OSAEC may be used interchangeably with online child sexual exploitation or abuse (OCSEA).

Pandering refers to the act of offering, advertising, promoting, representing or distributing through any means any child sexual abuse or exploitation material, or any material that purports to contain any form of child sexual abuse or exploitation material, regardless of its actual content.

Sexualization of a child refers to the act of using a child as an object for the sexual desire or satisfaction of another, even if there is no actual sexual intercourse or no private part of the body of the child has been shown.

Prohibited Acts

Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

- a. To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM;
- b. To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same;
- c. To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM;
- d. To knowingly publish, transmit and broadcast, by any means, any form of CSAEM;
- e. To permit or influence the child to engage, participate or assist in any form of CSAEM;
- f. To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation
- g. To stream or live-stream acts of, or any form of, child sexual abuse and exploitation;
- h. To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating the Act;
- i. To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under the Act;
- j. For film distributors, theaters and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under the Act;

- k. To knowingly benefit from, financial or otherwise, the commission of any of the offenses of the Act;
- l. To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;
- m. To engage in the luring or grooming of a child: Provided, That grooming taking place offline as a prelude to violations under the Act shall also be penalized;
- n. To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;
- o. To engage in pandering as defined under the Act;
- p. To willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- q. To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation
- r. To possess any form of CSAEM: Provided, That possession of three (3) or more CSAEMs is prima facie evidence of the intent to sell, distribute, publish or broadcast;
- s. To willfully access any form of CSAEM; and
- t. To conspire to commit any of the prohibited acts stated in this section.

R.A. No. 9262: Anti-Violence Against Women & Their Children Act

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/ REMARKS
<ul style="list-style-type: none"> ● Woman ● Her child/ren ● Or both <p>The woman (offended party) may be the offender's current or former wife, a woman with whom the offender has or had a sexual or dating relationship, or a woman with whom the offender has a common child.</p> <p>The children may be the legitimate or illegitimate children of the woman (offended party), living within or without the family abode, or those who are below eighteen (18) years of age or older but are incapable of taking care of themselves under R.A. No. 7610. This includes the biological children of the victim and other children under her care.</p>	<p>The offender should be related to the offended party only by marriage, a former marriage, or a dating or sexual relationship.</p>	<ul style="list-style-type: none"> ● Physical violence ● Sexual violence ● Psychological violence ● Economic abuse 	<p><u>Generally</u>, anywhere in the Philippines.</p>	

R.A. No. 7877: Anti-Sexual Harassment Act of 1995

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/REMARKS
Any person	The offender has authority, influence or moral ascendancy over the offended party in a work or training or education environment	The offender demands, requests, or otherwise requires any sexual favor from the other, regardless of whether the demand, request, or requirement for submission is accepted.	<ul style="list-style-type: none"> ● In a work-related or employment environment ● In an education or training-related environment 	
		Sexual harassment is committed in a work-related or employment environment when: <ul style="list-style-type: none"> ● a sexual favor is made as condition in the hiring or in the employment, re-employment or continued employment, or in granting victim favorable compensation, terms, conditions, promotions or privileges; or the refusal to grant a sexual favor results in limiting, segregating, classifying 		

		<p>the employee which in any way would discriminate, deprive or diminish employment or adversely affect said employee;</p> <ul style="list-style-type: none"> ● the above acts would impair the employee's rights or privileges under existing labor laws; or ● the above acts would result in an intimidating, hostile, or defensive environment for the employee. <p>Sexual harassment is committed in an education or training-related environment:</p> <ul style="list-style-type: none"> ● against one who is under the care, custody or supervision of the offender; ● against one whose education, training, apprenticeship or tutorship is entrusted to the offender; ● when the sexual favor is made as a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or 		
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		when the sexual advances result in intimidating, hostile or offensive environment for the student, trainee, or apprentice.		
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R.A. No. 11313: Safe Spaces Act

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/REMARKS
Any person	None	<p>On streets and in public spaces:</p> <ol style="list-style-type: none"> 1. cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety 2. making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of 	<ul style="list-style-type: none"> ● On streets and in public spaces ● In restaurants, and cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, buildings and other privately owned places open to the public ● In public utility vehicles ● Online ● In the workplace ● In educational or training institutions 	

		<p>demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions</p> <p>3. stalking, and any of the acts mentioned in numbers 1 and 2, when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in numbers 1 and 2</p>		
		<p>Online:</p> <ul style="list-style-type: none"> . Acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's 		

		<p>photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims</p>		
		<p>In the workplace</p> <ol style="list-style-type: none"> 1. An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities 2. A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems 3. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: provided that the crime of 		

		gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee		
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R.A. No. 9995: Anti-Photo & Video Voyeurism Act of 2009

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/ REMARKS
Any person	None	<ol style="list-style-type: none"> 1. To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy; 2. To copy or reproduce, or to cause to be copied or reproduced, such photo or video or recording of sexual act or any similar activity with or without consideration; 3. To sell or distribute, or cause to be sold or distributed, such 	Anywhere in the Philippines	

		<p>photo or video or recording of sexual act, whether it be the original copy or reproduction thereof; and</p> <p>4. To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones and other similar means or device.</p> <p>Prohibited acts numbers 2, 3, and 4 will still apply even if the person or persons involved in the material consented to the taking of the photo or recording of the sexual act. Any person who will violate these acts shall be held liable.</p>		
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Revised Penal Code: Rape

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/ REMARKS
Any person	None	<p>(1) Any person has carnal knowledge of another person under any one of the following circumstances:</p> <ul style="list-style-type: none"> a. Through force, threat, or intimidation b. When the offended party is deprived of reason or is otherwise unconscious c. By means of fraudulent machination or grave abuse of authority d. When offended party is under 13 years old or demented, even though none of the above circumstances are present e. When offended party is under 16 years old, even though none of the above circumstances are present, subject to the conditions discussed in the next section <p>(2) Any person who, under any of the circumstances mentioned in paragraph 1, shall commit an act of sexual assault by</p> <ul style="list-style-type: none"> a. Inserting his penis into another person's mouth or anal orifice or b. Inserting any instrument or object (including a finger) into the genital or anal orifice of another person 	Anywhere in the Philippines	

R.A. No. 11862: Expanded Anti-Trafficking in Persons Act of 2022

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/ REMARKS
Any person	None	<p>Elements:</p> <ul style="list-style-type: none"> • the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons • with or without the victim's consent or knowledge, • within or across national borders • by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, • for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, or the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs. <p>The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.</p>	<p>Anywhere</p> <p>Even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country, provided that in the case of the latter, the suspect or accused is a Filipino citizen, a permanent resident of the Philippines, or has committed the act against a citizen of the Philippines.</p>	

R.A. No. 7610: Special Protection of Children Against Abuse, Exploitation and Discrimination Act

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/ REMARKS
<p align="center">Children</p> <p>Children refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.</p>	<p align="center">None</p>	<ul style="list-style-type: none"> • Child abuse • Child prostitution and other acts of sexual abuse • Child trafficking • Obscene publications and indecent shows • Other acts of neglect, abuse, cruelty, or exploitation and other conditions prejudicial to the child's development <p>Child abuse refers to the maltreatment, whether habitual or not, of the child which includes any of the following:</p> <ol style="list-style-type: none"> 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment; 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; 3. Unreasonable deprivation of his basic needs for survival such as food and shelter; or 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death. <p>Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or</p>	<p align="center">Anywhere in the Philippines</p>	

		<p>group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse. The following acts are punishable:</p> <ol style="list-style-type: none"> 4. Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following: <ol style="list-style-type: none"> a. Acting as a procurer of a child prostitute; b. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means; c. Taking advantage of influence or relationship to procure a child as prostitute; d. Threatening or using violence towards a child to engage him as a prostitute; or e. Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child in prostitution. 5. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim is under sixteen (16) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, otherwise known as "The Revised Penal Code," for rape, or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under sixteen (16) years of age shall be reclusion temporal in its medium period; and 		
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		<p>6. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.</p> <p>For obscene publications and indecent shows:</p> <ul style="list-style-type: none"> • Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials • Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered <p>For other acts:</p> <ul style="list-style-type: none"> • Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development • Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, 		
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		<p>pension house, sauna or massage parlor, beach and/or other tourist resort or similar places, but this shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty</p> <ul style="list-style-type: none"> ● Any person who shall induce, deliver or offer a minor to any one prohibited by the Act to keep or have in his company a minor as provided in the preceding paragraph ● Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described ● Any person who shall use, coerce, force or intimidate a street child or any other child to; <ul style="list-style-type: none"> ○ Beg or use begging as a means of living; ○ Act as conduit or middlemen in drug trafficking or pushing; or ○ Conduct any illegal activities <p>Worst forms of child labor:</p> <ol style="list-style-type: none"> 1. All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or 2. The use, procuring, offering or exposing of a child for prostitution, for the production of 		
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		<p>pornography or for pornographic performances; or</p> <ol style="list-style-type: none"> 3. The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or 4. Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it: <ol style="list-style-type: none"> a. Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or b. Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or c. Is performed underground, underwater or at dangerous heights; or d. Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or e. Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or f. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme 		
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		<p>temperatures, noise levels, or vibrations; or</p> <ul style="list-style-type: none">g. Is performed under particularly difficult conditions; orh. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; ori. Involves the manufacture or handling of explosives and other pyrotechnic products.		
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R.A. No. 11930: Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act

OFFENDED PARTY	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED	NOTES/REMARKS
<p align="center">Children</p> <p>Child refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical, mental, intellectual or sensory disability or condition. For purposes of this Act, a child shall also refer to:</p>	<p align="center">None</p>	<ul style="list-style-type: none"> a. To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM; b. To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same; c. To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM; d. To knowingly publish, transmit and broadcast, by any means, any form of CSAEM; e. To permit or influence the child to engage, participate or assist in any form of CSAEM; f. To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation g. To stream or live-stream acts of, or any form of, child sexual abuse and exploitation; h. To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating the Act; i. To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under the Act; j. For film distributors, theaters and ICT services by themselves or in cooperation with other entities, to 	<p align="center">Anywhere</p> <p>Even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, if the offense, being a continuing offense, was either commenced in the Philippines; or committed in another country: Provided, That in the case of the latter, the suspect or accused is a Filipino citizen, a permanent resident of the Philippines, and has committed the act against a citizen of the Philippines.</p>	

<p>(1) A person regardless of age who is presented, depicted or portrayed as a child as defined herein; and</p> <p>(2) Computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be a child as defined herein.</p>		<p>distribute any form of CSAEM or to facilitate the commission of any of the offenses under the Act;</p> <p>k. To knowingly benefit from, financial or otherwise, the commission of any of the offenses of the Act;</p> <p>l. To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;</p> <p>m. To engage in the luring or grooming of a child: Provided, That grooming taking place offline as a prelude to violations under the Act shall also be penalized;</p> <p>n. To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;</p> <p>o. To engage in pandering as defined under the Act;</p> <p>p. To willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;</p> <p>q. To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation</p> <p>r. To possess any form of CSAEM: Provided, That possession of three (3) or more CSAEMs is prima facie evidence of the intent to sell, distribute, publish or broadcast;</p> <p>s. To willfully access any form of CSAEM; and</p> <p>t. To conspire to commit any of the prohibited acts stated in this section.</p>		
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LAW: _____

OFFENDED PARTY (Any person/ Women & Children/ Women only/ Children only)	REQUIRED RELATIONSHIP BETWEEN THE OFFENDER AND THE OFFENDED PARTY	PUNISHABLE ACT/S	WHERE COMMITTED (Anywhere/ Philippines only/ Work environment/ School environment/ Streets & public spaces/ Online/	OTHER NOTES (Penalties, Prescriptive Period, Etc.)

MODULE 3: RESPONSES TO AND MANDATORY SERVICES IN GENDER-BASED VIOLENCE AND VIOLENCE AGAINST WOMEN AND CHILDREN CASES

Module 3 looks into the remedies of victim-survivors and the roles of the local government units and service providers under the laws that penalize gender-based violence and offenses against women and children.

Objective: By the end of the module, the participants will be able to determine the appropriate course of action on cases brought before the Anti-VAW/ASH Desk, the provision of services to the victim-survivors and the role of the local government units and service providers in the implementation of the laws.

Duration: 4.5 hours

Methodologies: Interactive lecture discussions and case studies

Module Outline:

- Session 1: Anti-Violence Against Women and Their Children Act of 2004
- Session 2: Sexual Harassment & Voyeurism
- Session 3: Rape & Other Felonies
- Session 4: Trafficking in Persons
- Session 5: Other Special Laws Protecting Children

Activity Instruction:

1. After all the sessions have been conducted, the participants will form into groups. Each group will be given a scenario on a VAWC or gender-based violence that may be brought to the Anti-VAW/ASH Desk.
2. Each group will be asked to illustrate the responses of Anti-VAW/ASH Desk and service providers to a particular violence or case brought before it.

MODULE 3 | SESSION 1:
Responses and Mandatory Services under the Anti-Violence Against Women and Their Children Act of 2004

Objectives: After this session, the participants will be able to identify the remedies of the offended party under this law and the responses and provision of services of the local government units and service providers in violence against women and their children cases.

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides

Content:

Republic Act 9262: Anti-Violence Against Women and their Children Act

Rights/Entitlements of Victims

Victims of violence against women and their children shall have the following rights:

- a. To be treated with respect and dignity;
- b. To avail of legal assistance from the Public Attorney's Office of the Department of Justice or any public legal assistance office
- c. To be entitled to support services from the Department of Social Welfare and Development and local government units
- d. To be entitled to all legal remedies and support
- e. To be informed of their rights and the services available
- f. Ten-day paid leave in addition to other leave benefits.

Victims of violence under the law shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leave under the Labor Code and Civil Service Rules and Regulations, extendible when necessity arises as specified in the protection order.

Remedies before the Barangay

- a. Barangay Protection Order
 - i. Barangay Protection Order (BPO) refers to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under Section 5 (a) and (b) of RA 9262.
 - ii. Applications for barangay protection orders shall observe the following rules on venue:
 1. where the parties reside, in the same barangay, the dispute shall be brought for settlement in said barangay;
 2. where the parties reside in different barangays in the same city or

- municipality, the dispute shall be settled in the barangay where the respondent or any one of the respondents actually resides, at the choice of the complainant;
3. disputes arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such workplace or institution is located; and
 4. any objection relating to venue shall be raised before the Punong Barangay during the proceedings before him. Failure to do so shall be deemed a waiver of such objections.
- iii. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay Kagawad*.
 - iv. If the BPO is issued by a *Barangay Kagawad*, the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time for the issuance of the BPO.
 - v. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Barangay Kagawad* shall personally serve a copy of the same on the respondent, or direct any barangay official to effect is personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.

- b. Violations of BPO
 - i. A complaint for violation of a barangay protection order may be filed with any metropolitan trial court, municipal trial court in cities, municipal trial court or municipal circuit trial court that has territorial jurisdiction over the barangay which issued the said protection order.
 - ii. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.
 - iii. A judgement of violation of a BPO may be appealed according to the Rules of Court. During trial and upon judgment, the trial court may *motu proprio* issue a protection order as it deems necessary without need of an application.
- c. Protocol in Handling VAWC at the Barangay Level (Joint Memorandum Circular No. 2010-02 issued by the Department of the Interior and Local Government, Department of Health, Department of Social Welfare and Development, Department of Education and Philippine Commission on Women on December 9, 2010)
 - i. When a victim-survivor is accompanied by someone to the barangay or the victim herself goes to the barangay:
 1. Make the woman (and children, if applicable) comfortable in a safe and

- private room giving her water and other immediate needs, if any;
 - 2. Assess the situation and get initial information to determine the risks on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest medical facility;
 - 3. After the victim-survivor has stabilized, assist the punong barangay/kagawad in the conduct of an investigation in a gender-sensitive and non-judgmental manner in a language understood by her;
 - 4. Inform her of her rights and the remedies available and the processes involved particularly in relation to the BPO. Assist her to file application, if she decides to have a BPO;
 - 5. Record the incident;
 - 6. If victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter/women's center or to the C/MSWDO;
 - 7. Assist the victim-survivor to file for a temporary protection order (TPO) or permanent protection order (PPO) with the nearest Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires or she applies directly for a TPO/PPO instead of a BPO;
 - 8. Report the incident within four hours to the PNP and the C/MSWDO.
- ii. If the VAWC case is reported by a community member:
 - 1. Verify the information and if needed, seek assistance from the PNP;
 - 2. Assess the situation and facilitate the rescue of the victim-survivor when necessary to ensure her safety, and when applicable the safety of her children;
 - 3. Inform the victim-survivor about her rights and remedies available particularly the BPO and its processes. Assist her to apply for a BPO, if she so desires;
 - 4. Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
 - 5. Record the incident;
 - 6. If not done earlier, report the incident within four hours to the PNP and the C/MSWDO.

Remedies Before the Court

- a. Petition for Protection Order
 - i. Protection Order

A protection order is an order issued under Sec. 8 of RA 9262 for the purpose of preventing further acts of violence against a woman or her child (Sec. 5) and granting any necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life.

Types of Protection Order

- 1. Temporary Protection Order (TPO) - a protection order issued by the

court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO.

2. Permanent Protection Order (PPO) - Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing. The PPO is enforceable in the Philippines and it is effective until revoked by a court upon application of the person in whose favor the order was issued.

ii. Application for TPO/PPO

1. Application for TPO and PPO must be in writing, signed and verified under oath by the applicant. A standard protection order application form, written in English with translation to the major local languages, containing the following information:
 - a. names and addresses of petitioner and respondent
 - b. description of relationships between petitioner and respondent
 - c. a statement of the circumstances of the abuse
 - d. description of the reliefs requested by petitioner
 - e. request for counsel and reason for such
 - f. request for waiver of application fees until hearing
 - g. an attestation that there is no pending application for protection order in another court
2. If applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to:
 - a. circumstances of the abuse suffered by the victim; and
 - b. the circumstances of consent given by the victim for the filing of the application.
3. Application for TPO/PPO shall be filed at the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the petitioner. If family court exists in the place of residence of the petitioner, the application shall be filed with that court.
4. After proper notice to the respondent, the court shall conduct the hearing on the merits of the issuance of a PPO in one (1) day. The non-appearance of respondent despite proper notice, or his lack of a lawyer, or non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of PPO.
5. If respondent appears without counsel, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow ex parte presentation of evidence by the applicant and render judgment on

the basis of the evidence presented.

iii. Persons who can file Petition for Protection Order

1. offended party
2. parents or guardians of the offended party
3. ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity
4. officers or social workers of the DSWD or social workers of local government units (LGUs)
5. police officers, preferably those in charge of women and children's desks
6. Punong Barangay or Barangay Kagawad
7. lawyer, counselor, therapist or healthcare provider of the petitioner
8. at least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

iv. Duties of the Law Enforcement Officer

Upon the receipt of the protection order, the law enforcement officer shall use all reasonable means to enforce the order and prevent further violence, such as by:

1. Taking any action necessary to provide for the safety of the offended party.
2. Taking custody of the weapon used in the violence against women and their children.
3. Transporting or obtaining transportation for the offended party to a safe place.
4. Assisting the offended party in obtaining medical treatment, including transportation to a medical clinic or hospital.
5. Assisting the offended party in removing essential personal effects from the residence.
6. The law enforcement officer shall submit a written report to the court within twenty-four hours from receipt setting forth compliance with such order.

v. Duties of the Social Worker

The social worker assigned by the court shall assist the petitioner seeking a protection order by:

1. Preparing a case study and a program of intervention for the offended party, including her children, and referring them to DSWD havens, crisis intervention centers and private entities rendering appropriate social services.
2. Formulating a safety plan which shall be approved by the court; and
3. Monitoring the measures indicated in the protection order.

b. Reliefs Available to the Offended Party under the Protection Order

- i. Prohibiting the respondent from threatening to commit or committing, personally or through another, acts of violence against the offended party.

- ii. Prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating in any form with the offended party, either directly or indirectly.
- iii. Removing and excluding the respondent from the residence of the offended party, regardless of ownership of the residence, either temporally for the purpose of protecting the offended party, or permanently where no property rights are violated. If the respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until the respondent has gathered his things and escort him from the residence.
- iv. Requiring the respondent to stay away from the offended party and any designated family or household member at a distance specified by the court.
- v. Requiring the respondent to stay away from the residence, school, place of employment or any specified place frequented regularly by the offended party and any designated family or household member.
- vi. Directing lawful possession and use by the offended party of an automobile and other essential personal effect, regardless of ownership, and directing the appropriate law enforcement officer to accompany the offended party to the residence of the parties to ensure that the offended party is safely restored to the possession of the automobile and other essential personal effects.
- vii. Ordering temporary or permanent custody of the child/children with the offended party, taking into consideration the best interests of the child. An offended party who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the batterer of a woman who is suffering from Battered Woman Syndrome.
- viii. Directing the respondent to provide support 'o the woman and/or her child, if entitled to legal import. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by his employer and to automatically remit it directly to the offended party. Failure to withhold, remit or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer liable for indirect contempt of court.
- ix. Prohibiting the respondent from carrying or possessing any firearm or deadly weapon and ordering him to surrender the same to the court for appropriate disposition, including revocation of license and disqualification to apply for any license to carry or possess a firearm. If the respondent is a law enforcement agent, the court shall order him to surrender his firearm and shall direct the appropriate authority to investigate him and take appropriate action thereon.
- x. Directing the DSWD or any appropriate agency to prepare a program of intervention for the offended party that provides advocacy, temporary shelter, crisis intervention, treatment, therapy, counseling, education, training and other social services that the offended party may need;
- xi. Requiring the respondent to receive professional counseling from agencies or persons who have demonstrated expertise and experience in anger control, management of alcohol, substance abuse and other forms of

intervention to stop violence. The program of intervention for offenders must be approved by the court. The agency or person is required to provide the court with regular reports of the progress and result of professional counseling, for which the respondent may be ordered to pay; and

- xiii. Awarding the offended party actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income; and compensatory, moral, and exemplary damages, subject to Sections 26a and 35 of this Rule.

The court may grant such other forms of relief to protect the offended party and any designated family or household member who consents to such relief.

c. Battered Woman Syndrome (BWS) as a Defense

Battered Woman Syndrome (BWS) is a scientifically defined pattern of psychological and behavioral symptoms that have resulted from cumulative abuse found in women living in battering relationships.

Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

d. Custody of Children

The woman victim of domestic violence shall be entitled to the custody and support of her child/children. Children with disabilities below seven (7) years old or older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

A victim who is suffering from battered woman syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the perpetrator of a woman who is suffering from Battered Woman Syndrome.

Even if woman suffers from BWS, she is given custody of children below 7 years, or older but with mental or physical disabilities, unless court finds compelling reason not to.

e. Damages

Any victim-survivor of violence under the RA 9262 shall be entitled to actual, compensatory, moral and exemplary damages.

f. Hold Departure Order

The counsel for the victim-survivor or applicant may request the court for a Hold Departure Order in the application or petition for protection order.

Duties and Functions of Barangay Officials to Eliminate VAWC

- a. Undertake education program on RA 9262 and on why it exists, the rights and remedies of victim-survivors, and the duties of residents and all barangay officials.
- b. Have a family violence prevention program, including peer counseling for men.
- c. Support organizing efforts and development programs for women in the community.
- d. Prioritize livelihood projects for victim-survivors.
- e. Involve women in planning and implementation of all programs and projects in the barangay.
- f. Have an Anti-VAWC desk officer in the barangay to coordinate a one-stop shop help desk, open for 24 hours as much as possible.
- g. Ensure that all barangay officials, barangay health workers, barangay nutrition scholars, other barangay workers and tanod or barangay security officers undergo gender sensitivity seminars to enable them to respond to victims of violence;
- h. Develop a system to document and report cases of VAWC and assistance programs to victims.
- i. If applicable/necessary, prescribe additional guidelines and standards that are consistent with the law.

Duties of DSWD AND LGUs

The Department of Social Welfare and Development and local government units shall provide the victims of the following:

- a. temporary shelters
- b. counselling
- c. psychosocial services and/or recovery
- d. rehabilitation programs
- e. livelihood assistance

Duties of Other Government Agencies and LGUs

- a. Establish programs such as, but not limited to, education and information campaign, and seminars or symposia on the nature, causes, incidence and consequences of violence particularly towards the public on its social impacts.
- b. Ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children.

Exemption from Liability

- a. Any person, police authority or barangay official who responds or intervenes without using violence or restraint greater than necessary have no criminal, civil or administrative liability.
- b. The privacy and identity of service providers are not to be disclosed by any person who has personal knowledge of the VAWC.

Counselling and Treatment of Offenders

The DSWD in partnership with NGOs and LGUs shall ensure effective psychosocial rehabilitation of perpetrators of VAWC, which include but not limited to:

- a. Development of policies and procedures relative to the delivery of rehabilitation services to offenders/perpetrators of violence, ensuring its effectiveness and efficiency;
- b. Provision of appropriate training to City/Municipal Social Workers and other service providers who are implementing rehabilitative/treatment programs for offenders/perpetrators; and;
- c. Establishment of system of accreditation of counselors and rehabilitation program in coordination with concerned institutions and the academe for regulatory purposes;

When necessary, Court orders offender/perpetrator to submit to psychiatric treatment or confinement. Those offenders/perpetrators who were issued protection orders by the Barangay or the courts are subject to mandatory rehabilitative counseling and treatment.

Mandatory Education and Training of Persons Involved in Responding to VAWC Cases

All agencies involved in responding to VAWC cases shall be required to undergo education and training to acquaint them with:

- a. nature, extent and causes of VAWC
- b. legal rights of, and remedies available to, victims of VAWC
- c. services and facilities available to victim-survivors
- d. legal duties imposed on police officers to make arrest and to offer protection and assistance
- e. techniques for handling incidents of VAWC that minimize the likelihood of injury o the officer and promote the safety of the victim-survivor

The Philippine National Police (PNP), in coordination with LGUs, shall establish an education and training program for police officers and barangay officials to enable them to properly handle cases of VAWC.

The Inter-Agency Council on Violence Against Women and Their Children (IACVAWC)

The Inter-Agency Council on Violence Against Women and Their Children (IACVAWC) is a council responsible in ensuring the effective implementation of the law; and acts as the lead coordinator and monitoring body on VAWC initiatives. It is composed of the heads of the following agencies:

- a. Commission on Human Rights (CHR)
- b. Civil Service Commission (CSC)
- c. Council for the Welfare of Children (CWC)
- d. Department of Education (DepEd)
- e. Department of the Interior and Local Government (DILG)

- f. Department of Health (DOH)
- g. Department of Justice (DOJ)
- h. Department of Labor and Employment (DOLE)
- i. Department of Social Welfare and Development (DSWD)
- j. National Commission on the Role of Filipino Women (presently Philippine Commission on Women)
- k. National Bureau of Investigation (NBI)
- l. Philippine National Police (PNP)

These agencies are tasked to formulate programs and projects to eliminate VAW based on their mandates as well as develop capability programs for their employees to become more sensitive to the needs of their clients. The Council also serves as the monitoring body as regards VAW initiatives.

Creation of the Local Committee on Anti-Trafficking and VAWC (LCAT-VAWC) at the provincial, city and municipal level

Joint Memorandum Circular No. 2010-01 issued by DILG, DSWD and the Department of Justice on October 18, 2010 created the LCAT-VAWC to establish and strengthen the local level that will collaboratively address the problems of trafficking and VAWC, specifically:

Establish functional parallel structure and system at the local level which will monitor and oversee the implementation of the provisions of RA 9208 and RA 9262 and other women/VAW-related laws and policies

- i. Increase the capacities of local partners in developing and implementing culturally appropriate and gender-responsive policies and programs.
- ii. Empower and mobilize resources of the local community in the prevention, protection, recovery and reintegration of victims/survivors
- iii. Establish partnership and participation of non-government organizations and people's organizations in the development and implementation of programs and activities that will address human trafficking and VAWC.

Composition at the Provincial Level

- i. Provincial Governor
- ii. Provincial Planning and Development Coordinator
- iii. Provincial Social Welfare and Development Officer
- iv. Provincial Health Officer
- v. Chairperson, Committee on Women, Children and Family of the Sangguniang Panlalawigan
- vi. Provincial Public Employment and Services Officer
- vii. Provincial Schools superintendent
- viii. Civil Service Commission Field Office Director
- ix. Provincial Prosecutor
- x. DILG Provincial Director
- xi. PNP Provincial Director
- xii. NGO representatives of the women, children and overseas Filipino workers sectors.

Composition at the City/Municipal Level

- i. City/Municipal Mayor
- ii. City/Municipal Planning and Development Coordinator
- iii. City/Municipal Social Welfare and Development Officer
- iv. City/Municipal Health Officer
- v. Chairperson, Committee on Women, Children and Family of the Sangguniang Panlungsod/Pambayan
- vi. City/Municipal Public Employment and Services Officer
- vii. City/Municipal Prosecutor
- viii. City/Municipal Local Government Operations Officer
- ix. City/Municipal Chief of Police
- x. NGO representatives of the women, children and overseas Filipino workers sectors.

Funding

The amount necessary to implement the provisions of RA 9262 shall be included in the annual General Appropriations Act (GAA). The Gender and Development (GAD) Budget of the mandated agencies and LGUs shall be used to implement services for victim of violence against women and their children.

MODULE 3 | SESSION 2:
Responses and Mandatory Services under the
Laws Penalizing Sexual Harassment and Voyeurism

Objectives: After this session, the participants will be able to identify the remedies of the offended party and the responses and provision of services by service providers under the laws penalizing sexual harassment and voyeurism, particularly the Anti-Sexual Harassment Act of 1997 (RA 7877), the Anti-Photo and Video Voyeurism Act of 2009 (RA 9995) and the Safe Spaces Act (RA 11313).

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides

Content:

Republic Act 7877: Anti-Sexual Harassment Act

Under the Anti-Sexual Harassment law, the employers or heads of offices are tasked with the duty of preventing or deterring the commission of acts of sexual harassment in the work-related, educational or training environment. It also includes the formation of a Committee on Decorum and Investigation in the organizations to increase the awareness, prevent the incidents and investigate cases constituting sexual harassment. The law limits its coverage to the work-related, educational or training environment.

Duty of the Employer or Head of Office in a Work-related, Education or Training Environment

It shall be the duty of the employer or the head of the work-related, educational or training environment or institution to prevent or deter the commission of acts of sexual harassment, and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. The employer or head of office shall:

- a. Promulgate appropriate rules and regulations prescribing the procedure for the investigation of sexual harassment and administrative sanctions.
- b. Create a committee on decorum and investigation of cases on sexual harassment.

The employer or head of office is solidarily liable if informed of such acts and no immediate action is taken.

Committee Of Decorum and Investigation (CODI)

The committee shall conduct meetings with other officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of the alleged cases constituting sexual harassment.

RA 9995: Anti-Photo and Video Voyeurism Act of 2009

The law was enacted to value the dignity and privacy of every human person such that it penalizes acts that would destroy the honor, dignity and integrity of a person. Should any of the prohibited acts under the law be committed, the violator may be proceeded against criminally and/or administratively.

These are among the remedies under the law:

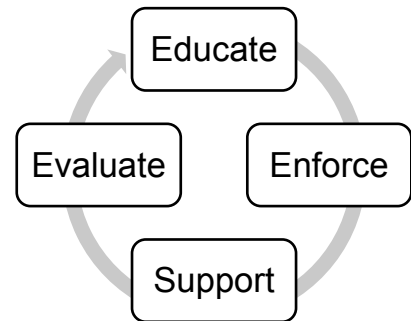
1. Filing a criminal case for violation of the RA 9995.
2. Filing an administrative case if the offender is a public officer or employee
3. Revocation of license or franchise of a juridical entities such as print media and broadcast media with their editor and reporter, and station manager, editor and broadcaster being made liable.
4. Deportation proceedings of an alien after serving his/her sentence and payment of fines.

RA 11313: The Safe Spaces Act

The Safe Spaces Act (SSA) was enacted to expand the coverage of sexual harassment by including verbal, non-verbal and physical harassment committed in private and public spaces. It also seeks to secure all persons regardless of sex, sexual orientation and gender identity and expression from all kinds of gender-based violence and discrimination.

Framework for Local Implementation

Under the SSA, its Implementing Rules and Regulations, and the DILG-PCW JMC No. 2020-001, the local government units (LGUs) are mandated to educate the public and its personnel on gender-based sexual harassment (GSH), enforce the law against perpetrators of GSH on streets and in public spaces as well as qualified GSH committed in public spaces, support victims-survivors of GSH, and evaluate the implementation of the SSA and related policies in their respective territories.



LGUs are mandated to set up the following local mechanisms:

- Units of Anti-Sexual Harassment Enforcers (ASHEs) in cities, municipalities, and barangays
- Anti-Sexual Harassment (ASH) Desks in city, municipal, and barangay halls
- ASH Hotlines in cities and municipalities
- ASH Subcommittees under the City and Municipal Gender and Development Focal Point Systems (GADFPS)
- ASH Referral Networks in cities, municipalities, and barangays

Duties of LGUs in educating the public and its personnel

Provinces are mandated to:

- Conduct information campaigns, anti-sexual harassment seminars, or other measures to prevent GSH in educational and social institutions
- Coordinate with the PCW, the DILG, and the Regional Committee on Anti-Trafficking and Violence against Women and their Children (RCAT-VAWC) for a sustained information campaign and to provide assistance, when necessary, to component LGUs in the development of information, education, and communication (IEC) materials and the conduct of awareness campaigns
- Engage with academic institutions, duly accredited or recognized women's groups and civil society organizations (CSOs), and local media such as TV and radio stations in the conduct of advocacy campaigns against GSH on streets and in public spaces
- Provide technical and financial assistance to component LGUs in the implementation of programs, projects, and activities (PPAs) related to awareness campaigns against GSH on streets and in public spaces, capacity-building activities of LGU personnel, and the operationalization of ASH Desks and ASH Hotlines
- Disseminate or post in conspicuous places and on official websites and social media pages copies of the SSA and related ordinances

Cities and municipalities are mandated to:

- Ensure that their ASHs undergo gender sensitivity trainings (GSTs) and orientations on the SSA
- Engage with academic institutions, duly accredited or recognized women's groups and CSOs, and local media such as TV and radio stations in the conduct of advocacy campaigns against GSH on streets and in public spaces
- Develop, produce, and distribute IEC materials, preferably translated in the local dialects, that raise awareness of and condemn GSH, inform the public of the penalties for committing GSH, and contain infographics on reporting and referral mechanisms and hotline numbers
- Provide training on the law for the punong barangay and members of the lupong tagapamayapa in cases covered by the katarungang pambarangay system as well as for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level
- Provide technical and financial assistance in the implementation of PPAs related to awareness campaigns against GSH on streets and in public spaces, capacity-building activities of LGU personnel, and the operationalization of ASH Desks and ASH Hotlines
- Disseminate or post in conspicuous places and on official websites and social media pages copies of the SSA and related ordinances

Barangays are mandated to:

- Ensure the participation of ASHs, ASH Desk Officers, and members of the lupong tagapamayapa in GSTs and orientations on the SSA and protocols in responding to GSH on streets and in public spaces
- Distribute IEC materials, developed by cities and municipalities and other entities, that raise awareness of and condemn GSH on streets and in public spaces

Duties of LGUs in enforcing the law against perpetrators

- LGUs at all levels shall ensure the setting up and maintenance of functional closed-circuit television (CCTV) cameras in major roads, alleys, and sidewalks to aid in the filing of cases and gathering of evidence as well as in the prevention of GSH on streets and in public spaces and qualified GSH.
- Cities, municipalities, and barangays are specifically mandated to designate traffic enforcers, barangay tanod, community brigades, community service units, and other local law enforcement units to be ASHEs.
- Barangays are mandated to create mechanisms for handling and documentation of complaints including those cases covered by the katarungang pambarangay system.

Duties of LGUs in providing support for victims-survivors

Cities and municipalities are mandated to:

- Organize an ASH Subcommittee under the City or Municipal GADFPS to supervise, support, and coordinate the operations of the ASH Desk, ASH Hotline, and ASH Referral Network
- Establish an ASH Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victims-survivors of GSH
- Set up an ASH Hotline to receive and respond to calls on GSH on streets and in public spaces
- Set up an ASH Desk at the city or municipal hall for the purpose of expediting the receipt and processing of complaints and reports of GSH on streets and in public spaces
- Ensure the establishment of an ASH Desk in every barangay

Barangays are mandated to:

- Organize an ASH Subcommittee under the Barangay GADFPS to establish and support the ASH Referral Network
- Establish an ASH Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victims-survivors of GSH
- Designate their Violence against Women (VAW) Desks to serve also as ASH Desks for the purpose of expediting the receipt and processing of complaints and reports of sexual harassment

Duties of LGUs in evaluating the localization of the SSA

- The provinces, exercising their supervisory powers, are mandated to ensure the compliance of their component cities and municipalities with the SSA, its IRR, and DILG-PCW JMC No. 2020-001
- Cities and municipalities are mandated to ensure the compliance with the same of their component barangays.
- Component LGUs can evaluate the implementation of the said policies during safety audits, which must be conducted every three years.

Common and specific duties of LGUs

The common and specific duties of LGUs under the SSA, its IRR, and DILG-PCW JMC No. 2020-001 are laid out in the following table:

	Provinces	Cities/municipalities	Barangays
E D U C A T I O N	<ul style="list-style-type: none"> ● Engage with academic institutions, duly accredited or recognized women’s groups and CSOs, and local media in the conduct of advocacy campaigns against GSH ● Provide technical and financial assistance to component LGUs in the implementation of PPAs related to awareness campaigns against GSH, capacity-building activities of LGU personnel, and the operationalization of ASH Desks and ASH Hotlines ● Disseminate or post in conspicuous places and on official websites and social media pages copies of the SSA and related ordinances 		<ul style="list-style-type: none"> ● Ensure the participation of ASHEs, ASH Desk Officers, and members of the lupong tagapamayapa in GSTs and orientations on the SSA and protocols in responding to GSH on streets and in public spaces ● Distribute IEC materials developed by cities and municipalities and other entities
	<ul style="list-style-type: none"> ● Conduct information campaigns, ASH seminars, or other measures to prevent GSH in educational and social institutions ● Coordinate with PCW, DILG, and RCAT-VAWC for a sustained information campaign and to provide assistance to component LGUs in the development of IEC materials and the conduct of awareness campaigns 	<ul style="list-style-type: none"> ● Ensure that their ASHEs undergo GSTs and orientations on the SSA ● Develop, produce, and distribute IEC materials that raise awareness of and condemn GSH, inform the public of the penalties for committing GSH, and contain infographics on reporting and referral mechanisms and hotline numbers ● Provide training on the law for the punong barangay and members of the lupong tagapamayapa in cases covered by the katarungang pambarangay system as well as for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU 	

		personnel down to the barangay level	
E N F O R C E M E N T	<ul style="list-style-type: none"> • Ensure the setting up and maintenance of functional CCTV cameras in major roads, alleys, and sidewalks 		
		<ul style="list-style-type: none"> • Designate traffic enforcers and other local law enforcement units as ASHEs 	<ul style="list-style-type: none"> • Designate barangay tanods, community brigades, and community service units as ASHEs • Create mechanisms for handling and documentation of complaints including those cases covered by the katarungang pambarangay system
S U P P O R T	<ul style="list-style-type: none"> • Organize an ASH Subcommittee to supervise, support, and coordinate the operations of the ASH Desk, ASH Hotline (for cities and municipalities), and ASH Referral Network • Establish an ASH Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victims-survivors of GSH • Set up an ASH Desk for the purpose of expediting the receipt and processing of complaints and reports of GSH on streets and in public spaces 		
		<ul style="list-style-type: none"> • Set up an ASH Hotline to receive and respond to calls on GSH on streets and in public spaces 	
E V A L U A T I O N	<ul style="list-style-type: none"> • Ensure the compliance of component cities and municipalities with the SSA, its IRR, and DILG-PCW JMC No. 2020-001 • Conduct safety audits of component cities and municipalities every three years 	<ul style="list-style-type: none"> • Ensure the compliance of component barangays with the SSA, its IRR, and DILG-PCW JMC No. 2020-001 • Conduct safety audits of component barangays every three years 	<ul style="list-style-type: none"> • Participate in safety audits of their cities and municipalities every three years

a. **Education**

Role of NGAs in educational measures undertaken by LGUs

The Philippine Commission on Women (PCW) is mandated by the SSA to lead a national awareness campaign on the law, with the assistance of the DILG. LGUs may align their own local information, awareness, and advocacy campaigns with the national awareness campaign of the PCW. LGUs may also use the educational modules and materials of the PCW for the development of their own local modules and IEC materials.

In addition, the PCW is tasked to provide capacity-building activities for LGU officials and functionaries in the implementation of the SSA, in partnership with the DILG, the LGA, the DAP, and the CHR. Meanwhile, cities and municipalities are tasked to provide capacity-building activities for their personnel who may not necessarily be officials or functionaries. They may also supplement the PCW's capacity-building activities with PPAs focusing on other topics or aspects of local implementation.

b. **Enforcement**

Apprehension of violators of the SSA

The following may apprehend suspected or accused violators of the SSA under a warrant of arrest or through a lawful warrantless arrest:

- ASHEs, pursuant to their authority under the SSA or related ordinances
- PNP officers, pursuant to their authority to apprehend violators of the law

Further, the following may effect a lawful warrantless arrest in the concept of a citizen's arrest:

- ASH Officers (ASHOs) designated by private establishments that are open to the public, in accordance with requirements under the SSA and its IRR
- Security guards
- Other private persons

Lawful warrantless arrest in relation to offenses under the SSA

A warrantless arrest of suspected perpetrators of GSH is lawful when:

- In the presence of the arresting officer or private person, the person to be arrested has committed, is actually committing, or is attempting to commit GSH
- GSH has in fact just been committed, and the arresting officer or private person has personal knowledge of facts indicating that the person to be arrested committed it

The arresting officer or private person should immediately bring the person arrested to the nearest PNP station. The victim-survivor may also be requested to make a statement at the PNP station.

Designation of ASHEs

The SSA requires the designation of the following as ASHEs:

- Metro Manila Development Authority (MMDA) enforcers in Metro Manila
- Local units of the PNP in areas outside of Metro Manila

In addition, DILG-PCW JMC No. 2020-001 mandates the designation by cities, municipalities, and barangays of the following as ASHEs:

- Traffic enforcers and other local law enforcements units in cities and municipalities
- Barangay tanods, community brigades, and community service units in barangays

Functions of ASHEs

Designated ASHEs shall have the following functions:

- Receive complaints on GSH on streets and in public spaces, as well as qualified GSH committed in public spaces
- Immediately apprehend perpetrators caught in the act of committing GSH
- Immediately bring perpetrators to the nearest PNP station for appropriate action
- Together with the women and children's desks of PNP stations, keep a ledger of perpetrators for the purpose of determining if they are first-time, second-time, or third-time offenders

Filing of complaints or reports of GSH

Complaints or reports of GSH on streets and in public spaces and qualified GSH committed in public spaces may be filed with the following:

- ASHEs, PNP officers, ASHOs, or security guards who may then effect a lawful warrantless arrest of the suspected offender or, if this is not possible, refer the complaint or report to the nearest PNP station or lupong tagapamayapa as appropriate
- ASH Desks in city or municipal halls or barangays which shall provide support to victims-survivors and refer the complaint or report to the nearest PNP station or lupong tagapamayapa as appropriate
- ASH Hotlines of cities or municipalities which shall assist callers and refer the call to the nearest PNP station or barangay hall as appropriate
- Lupong tagapamayapa of barangays if the case is strictly covered by the katarungang pambarangay system
- Women and children's desks of PNP stations which may cause a lawful warrantless arrest of the suspected offender or, if this is not possible, investigate the case and provide other forms of assistance as appropriate
- Offices of the provincial or city prosecutors, municipal trial courts, municipal circuit trial courts, or municipal trial courts in cities, as appropriate, for the institution of criminal actions

A complaint is filed by the victim-survivor while a report is filed by a witness or any person other than the victim-survivor. The protocols, particularly of ASH Desks, are different when receiving complaints and when receiving reports.

Cases that fall within the jurisdiction of the katarungang pambarangay and those that are not covered by the katarungang pamabarangay system will be further discussed in Module 4 on the Operationalization of the barangay VAW/ASH desk.

Institution of criminal actions under the SSA

No complaint or action regarding any offense under the SSA that is covered by the katarungang pambarangay shall be filed or instituted directly in court, except in the following instances:

- Where the complainant secures a Certificate to File Action (CFA) issued by the secretary of the lupong tagapamayapa or the pangkat ng tagapagkasundo and attested to by the lupon or pangkat chairperson
- Where the accused is under detention
- Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings
- Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite
- Where the action may otherwise be barred by the statute of limitations

Cases under the SSA which are covered by the katarungang pambarangay system will follow the ordinary procedure as in other covered cases.

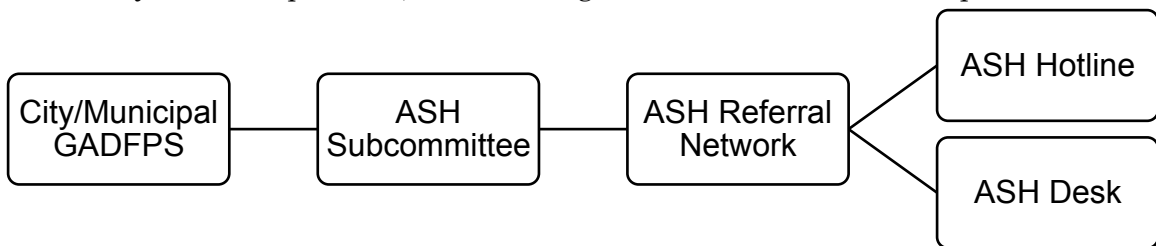
Role of LGUs in effectively enforcing the law against offenders under the SSA

LGUs are mandated to ensure the setting up and maintenance of functional CCTV cameras in major roads, alleys, and sidewalks to aid in the filing of cases and gathering of evidence as well as in the prevention of GSH on streets and in public spaces and qualified GSH. For this purpose, provinces, highly urbanized cities (HUCs), independent component cities (ICC), and independent municipalities may coordinate with their component LGUs in order to strategically place the cameras on roads, alleys, and sidewalks.

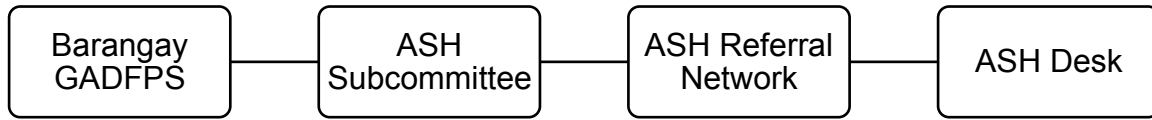
c. Support

Mechanisms to provide support for victims-survivors of GSH in the LGUs

At the city or municipal level, the following mechanisms must be set up:



At the barangay level, the following mechanisms must be set up:



Gender and Development Focal Point Systems (GADFPS)

The City, Municipal, or Barangay GADFPS is a local mechanism to catalyze and accelerate gender mainstreaming within the LGU. The establishment of a Local GADFPS is required for all LGUs under R.A. No. 9710 or the Magna Carta of Women.

ASH Subcommittee in the Local GADFPS

The ASH Subcommittee is a subgroup under the TWG of the Local GADFPS. It is tasked to establish, supervise, support, and coordinate the operations of the ASH Referral Network, the ASH Desk, and, for cities and municipalities, the ASH Hotline.

ASH Referral Network

The ASH Referral Network is a local network of public and private service providers rendering support services to address the needs of victims-survivors and witnesses of GSH. These will include legal, medical, psychosocial, safety, security, and other relevant services. These services should be provided by the network to victims-survivors and witnesses referred by the ASH Desk and the ASH Hotline.

The ASH Referral Network may include representatives from the following:

- ASH Desk and ASH Hotline
- The City/Municipal Health Office (C/MHO) or Barangay Health Station (BHS)
- The C/MSWDO
- Local PNP office or station
- Legal aid providers such as the Public Attorney's Office (PAO), the Office of the City or Provincial Prosecutor, the Integrated Bar of the Philippines (IBP) chapter, and other legal organizations or associations
- Schools and educational institutions
- CSOs, nongovernment organizations (NGOs), and faith-based organizations (FBOs) involved in issues of gender equality and human rights or providing medical, psychosocial, economic, legal, and social services.

Setting Up the ASH Referral Network

The ASH Subcommittee, through its Chairperson, should take the following steps to establish the ASH Referral Network:

- Convene and initial stakeholders' meeting. The ASH Sub-Committee Chairperson should invite appropriate representatives from local public and private service providers to an initial meeting.

- Conduct a participatory mapping exercise. Through the mapping exercise, participants should be able to identify available community resources and services, requirement for referrals, possible barriers in accessing support services, and other existing mechanisms and structures to address GSH.
- Establish a referral network. As a result of the mapping exercise, the ASH Referral Network should be established, and a Directory of Resources must be created and updated regularly. The members of the network should define their working arrangements and clarify their specific roles and responsibilities. A focal person for each office, agency, institution, and organization should be identified. The protocols and procedures to be observed, the forms to be used such as referral and feedback forms, should be in writing for everyone's reference.
- Put system in place to develop and support the ASH Referral Network. A memorandum of agreement with clear terms of reference of all members and partners may be undertaken. The support and endorsement of the LCE or local sanggunian, through an executive order or ordinance, is important to provide mandates for the referral system and the service providers as well as the regular monitoring and evaluation of the referral system.

ASH Hotline

The ASH Hotline is a communication link or local call center that receives calls for complaints or reports of GSH within a city or municipality and refers the same to appropriate service providers. It is open and accessible 24 hours a day, seven days a week. It is operated by ASH Hotline Operators appointed or designated by the city or municipal government. If the city or municipality has a 911 Local Call Center set up pursuant to E.O. No. 56, s. 2018, it can also serve as the city or municipality's ASH Hotline.

Qualifications of an ASH Hotline Operator

The ASH Hotline Operator must possess the following qualifications:

- Good communication and active listening skills
- Ability to speak and understand the local language or dialect or Filipino
- Attitude that shows empathy and understanding for victims-survivors and commitment to keep the confidentiality of complaints and reports
- Familiarity with the gender-sensitive manner of handling complaints and reports of GSH
- Participation in trainings and orientations on the following: (a) the SSA; (b) the ASHA; (c) Anti-Violence Against Women and their Children Act (R.A. No. 9262); (d) Anti-Photo and Video Voyeurism Act (R.A. No. 9995); (e) Anti-Child Pornography Act (R.A. No. 9775); (f) Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (R.A. No. 7610); (g) Anti-Trafficking in Persons Act (R.A. Nos. 9208 and 10364); (h) provisions of the Revised Penal Code which are related to gender-based violence; (i) relevant provisions of the Family Code; (j) existing services of the city or municipal government and the ASH Referral Network; (k) protocols for handling complaints and reports of GSH

Functions of an ASH Hotline Operator

The ASH Hotline Operator is expected to perform the following functions:

- Receive complaints and reports involving GSH
- Assess the nature of the assistance needed and facilitate referral to the ASH Desk or to the appropriate service providers in the ASH Referral Network or elsewhere for legal, medical, psychosocial, safety, security, and other assistance or services
- Record, maintain, and update a database of complaints and reports received through the ASH Hotline
- Perform other related functions as may be assigned

ASH Desk

The ASH Desk is a physical facility where victims-survivors and witnesses of sexual harassment can immediately go to for assistance. There should be one in every city, municipal, and barangay hall. The LCE should designate an area in the city, municipal, or barangay hall where the ASH Desk may be set up in such a way that the right to privacy of victims-survivors and witnesses is protected at all times. The ASH Desk should have the necessary furniture and fixtures such as but not limited to a table, chairs, and a separate filing cabinet where the logbook and tools and equipment for documentation will be stored. The ASH Desk is managed by an ASH Desk Officer, who is preferably a woman, designated by the LCE.

Qualifications of an ASH Desk Officer

Before designation, an ASH Desk Officer must possess the following qualifications:

- Attitude that shows empathy and understanding for victims-survivors and commitment to keep the confidentiality of cases of GSH
- Familiarity with appropriate ways to handle cases of gender-based violence and sensitivity to the needs of victim-survivors and complainants in each possible scenario
- Basic knowledge on gender-based violence and the different forms of sexual harassment and on diverse SOGIESC
- No derogatory records related to violation of laws protecting women and commission of acts constituting gender-based violence

After designation, the ASH Desk Officer must undergo the following trainings and orientations:

- Gender Sensitivity Training
- Trainings and orientations on the salient provisions of the following: (a) the SSA; (b) the ASHA; (c) Anti-Violence Against Women and their Children Act (R.A. No. 9262); (d) Anti-Photo and Video Voyeurism Act (R.A. No. 9995); (e) Anti-Child Pornography Act (R.A. No. 9775); (f) Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (R.A. No. 7610); (g) Anti-Trafficking in Persons Act (R.A. Nos. 9208 and 10364); (h) provisions of the Revised Penal Code which are related to gender-based violence; and (i) relevant provisions of the Family Code

- Orientation on the existing services of the city or municipal government and the ASH Referral Network
- Training on protocols for handling complaints and reports of GSH

Functions of an ASH Desk Officer

The ASH Desk Officer is expected to perform the following functions:

- Receive, document, and respond to complaints and reports of GSH on streets and in public spaces as well as qualified GSH committed in public spaces
- Facilitate the referral of cases and persons to the ASH Referral Network and other appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security, and other services
- Record the number of cases received and referred by them and submit a quarterly report to the DILG City/Municipal Field Office and the C/MSWDO
- Keep case records confidential and secure, and ensure that only authorized personnel have access to these records
- Assist in the formulation and updating of local policies and mechanisms, PPAs, and educational and awareness campaigns to address GSH on streets and in public spaces
- Coordinate with pertinent agencies in monitoring the status of GSH-related complaints and reports
- Perform other related functions as may be assigned

Protocols for handling complaints and reports received at the ASH Desk

When responding to complaints of GSH from the victims-survivors themselves, the ASH Desk Officer should observe the following protocols:

- Make the victim-survivor and their companion/s, if any, comfortable in a safe and private room, and provide water and other immediate needs, if any.
- After the victim-survivor has stabilized, conduct an initial investigation in a gender-sensitive and non-judgmental manner, and in a language understood by the victim-survivor.
- Assess the situation and get initial information to determine the risks at hand. Record the details of the incident (date, time, place, and description) and relevant information about the victim-survivor and the alleged perpetrator. If needed, immediately facilitate referral to the nearest police station or medical facility.
- Inform the victim-survivor of their rights, the remedies available, and the procedures and processes involved.
- If the case involves a minor, immediately refer the case to the C/MSWDO.
- If the incident is covered by the katarungang pambarangay, assist the victim-survivor and refer the case to the lupong tagapamayapa within four hours from receipt of the complaint.
- For all other incidents, refer and report the cases to the police station through the Women and Children Protection Desk (WCPD) within four hours from receipt of the complaint.

- Monitor the status of cases of GSH five working days after the case has been referred.

When responding to reports of GSH from persons other than the victims-survivors, the ASH Desk Officer should observe the following protocols:

- Verify the information and seek assistance from the ASHEs or the local police station, if needed.
- Assess the situation and facilitate the rescue of the victim-survivor, when necessary, to ensure their safety.
- If the victim-survivor is rescued or appears before the ASH Desk, follow the same protocols in responding to direct complaints from victims-survivors.
- In all cases, record the details of the incident (date, time, place, and description) and relevant information about the victim-survivor, the alleged perpetrator, and the person reporting.
- If the case involves a minor, refer and report the case to the C/MSWDO within 24 hours upon receipt of the report.
- If the incident is covered by the katarungang pambarangay, assist the victim-survivor and refer the case to the lupong tagapamayapa within 24 hours from receipt of the report.
- For all other incidents, refer and report the case to the local police station through the WCPD within four hours from receipt of the report.
- Monitor the status of GSH cases five working days after the case has been referred.

VAW Desk as the ASH Desk

In barangays, the VAW Desks should also serve as the ASH Desks while continuing to perform their functions as VAW Desks. The VAW Desk Officer should also act as the ASH Desk Officer and undergo the same trainings and orientations as other ASH Desk Officers.

If a barangay does not have its own VAW Desk, it must immediately establish one, which shall likewise serve as its ASH Desk. The establishment of VAW Desks is required for all barangays under Section 9 (d) of the Magna Carta of Women and JMC No. 2010-2 of the DILG, Department of Social Welfare and Development (DSWD), Department of Education (DepEd), Department of Health (DOH), and PCW.

d. Evaluation

Mechanisms for monitoring and evaluating the localization of the SSA

There are two mechanisms for monitoring and evaluating the localization of the SSA:

- Compliance Reports under DILG-PCW JMC No. 2020-001
- Safety audits under the SSA

Compliance Report

The Compliance Report is a report submitted by the DILG Regional Director on the compliance of LGUs within their jurisdiction with DILG-PCW JMC No. 2020-001. It contains the following:

- A list of all ordinances, resolutions, and other local issuances related to GSH on streets and in public spaces enacted or issued before or after the issuance of DILG-PCW JMC No. 2020-001 on 07 December 2020
- A list of all PPAs and other measures undertaken by the LGUs to comply with their duties and responsibilities under the SSA, its IRR, and DILG-PCW JMC No. 2020-001

The Compliance Monitoring Report Template is to be used by the DILG Regional Directors in accomplishing the report. It is attached as Annex 6 to DILG-PCW JMC No. 2020-001.

The Compliance Report should be submitted to the National Barangay Operations Office (NBOO) of the DILG on 07 December 2021, one year after the issuance of DILG-PCW JMC No. 2020-001.

Safety audit

A safety audit is a local periodic review whereby an LGU evaluates the efficiency and effectivity of its component LGUs in terms of localizing and implementing the SSA. Provinces will audit their component cities and municipalities, while cities and municipalities will audit their component barangays. The guidelines and indicators to be used for the safety audits have yet to be developed by the DILG with the assistance of the PCW.

The safety audits should be conducted every three years. Thus, LGUs should conduct the first safety audits by 2022 at the latest.

Fund Source on the implementation of SSA

The localization and implementation of the SSA may be charged against the Gender and Development (GAD) budget or other proper sources of funds subject to availability and to existing accounting and auditing rules and regulations.

Expenses that can be charged against the GAD budget

In determining what can be charged to the GAD budget, the primary consideration is the gender issue being addressed by the expense or activity. If the gender issue is clear, the expense may be charged to the GAD budget.

Examples of expenses that can be charged against the GAD budget are:

- PPAs that address GAD issues and GAD mandates, including relevant expenses such as supplies, travel, food, board and lodging, professional fees, among others
- Capacity development on GAD, e.g. GST, Gender Analysis, Gender-responsive Planning and Budgeting

- Activities related to the establishment or strengthening of enabling mechanisms that support the GAD efforts of LGUs, e.g. GADFPS, CODI, and VAW Desks
- Salaries of LGU personnel assigned to plan, implement, and monitor GAD PPAs on a full-time basis, following government rules in hiring and creating positions
- Time spent by the Local GADFPS members or LGU employees doing GAD-related work (overtime work rendered in doing GAD-related PPAs may be compensated through a compensatory time off, following government accounting and auditing rules and regulations)
- Salaries of police officers assigned to women's desks
- Salaries of personnel hired to manage or operate the GAD Office, if established
- LGU programs that address women's practical and strategic needs, e.g. day care center, breastfeeding rooms, crisis or counseling rooms for abused women and children, halfway houses for trafficked women and children, and gender-responsive family planning programs
- Construction expenses for gender-responsive or GAD-mandated facilities which include, but are not limited to, the following: day care center, VAWC Center, halfway houses for trafficked women and girls, and women crisis center
- Consultations conducted by the LGU to gather inputs for or to disseminate the GAD plan and budget (GPB)
- Payment of professional fees, honoraria, and other services for gender experts or gender specialists engaged by the LGUs for GAD-related trainings and activities
- IEC activities (development, printing, and dissemination) that support the GAD PPAs and objectives of the LGUs

Expenses that cannot be charged against the GAD budget

If the gender issue is not clear, the expense cannot be charged to the GAD budget.

Examples of expenses that cannot be charged against the GAD budget are:

- PPAs that are not in the LGU's DILG-endorsed original or adjusted GAD plan unless these are addressing a newly emerging gender issue that has not been considered during the GPB preparation and review stage, provided that the inclusion of such PPAs should be communicated with the appropriate DILG unit
- Personal services of women employees unless they are working full-time or part-time on GAD PPAs
- Honoraria for Local GADFPS members or other employees working on their LGU GAD programs
- Salaries of casual or emergency employees unless they are hired to assist in GAD-related PPAs
- Provision of contingency funds or "other services" of PPAs
- Purchase of supplies, materials, equipment, and vehicles for the general use of the LGU
- The following expenses, unless they are justified as clearly addressing a specific gender issue: (a) physical, mental, and health fitness activities, including purchase of supplies, materials, equipment, and information dissemination materials; (b) social, rest, and recreation activities; and (c) religious activities and implementation of cultural project.

MODULE 3 | SESSION 3:
Responses and Mandatory Services for Victims and Survivors of Rape

Objectives:

After this session, the participants will be able to identify the remedies of the offended party in the crime of rape and the responses and provision of services of the local government units and service providers.

Duration: 45 minutes

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides

Content:

**Republic Act 8505: Rape Victim Assistance and Protection Act of 1998
Common Duties and Responsibilities of the Investigating Police Officer,
Examining Physician, Prosecutor And Social Worker Or Crisis Workers**

- a. respect the rights and dignity of the survivors as a person;
- b. arrange for psychological counseling of rape victims and survivors by a trained and qualified counselor;
- c. arrange for the medical examination of the offended party by a trained and qualified physician and further medical services;
- d. refer the case to the Women's Desk of a precinct or agency;
- e. refer the survivor for legal services if he or she decides to file a case;
- f. inform the survivor of the range of his or her options;
- g. ensure the information regarding the survivor and his/her circumstances are kept confidential; and
- h. undergo training and other capacity development programs on, but not limited to, the following: trainings on gender sensitivity, gender sensitive counseling, human rights and women and children rights and legal management of rape cases.

Duties and Responsibilities of the Police Officer

Upon receipt by the police of the complaint for rape, it shall be the duty of the police officer to:

- a. Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained; otherwise, the rules of court shall apply;
- b. Arrange for counselling and medical services for the offended party; and
- c. Immediately make a report on the action taken.

It shall be the duty of the police officer or the examining physician, who must be of the same gender as the offended party, to ensure that only persons expressly authorized by the offended party shall be allowed inside the room where the investigation or medical or physical examination is being conducted.

A women's desk must be established in every police precinct throughout the country to provide a police woman to conduct investigation of complaints of women rape victims. In the same manner, the preliminary investigation proper or inquest of women rape

victims must be assigned to female prosecutor or prosecutors after the police shall have endorsed all the pertinent papers thereof to the same office.

Duties and Responsibilities of the Examining Physician

- a. Before Examination:
 - i. Ensure that the medico-legal examination shall be conducted by a woman, or if unavailable, in the presence of a duly authorized woman;
 - ii. Ensure that the only person(s) expressly authorized by the rape survivor are allowed inside the examination room.
- b. During Examination:
 - i. Conduct a speedy and thorough examination of the survivor so that humiliation as a result of repetitious procedures may be minimized; and
 - ii. Treat the victim with gentleness and utmost respect.
- c. After Examination:
 - i. Prepare an official Medico-Legal Report based on the findings of the examination ensuring that it is duly endorsed by the Chief and the Director of the MedicoLegal Division or duly authorized representative with its corresponding case number. The MedicoLegal Report is prepared within two or three days unless other requirements are requested like x-ray, pregnancy test, ultrasound and others which would take a longer period of medical analysis; and
 - ii. Prepare and issue an initial report if there is an immediate need for the Medico-Legal Report.
- d. Post Examination Assistance
 - i. Refer all cases of rape to the rape crisis center or other government organization concerned, or to the hospital of choice for medical attention and counseling if not yet referred; and • Appear and testify in court as an expert witness on the case.

Duties and Responsibilities of the Social Worker or Crisis Worker

- a. Assess the cases of rape survivors received in the center;
- b. Define the problems to be worked on and set an agreement with the survivors consistent with the functions of the rape crisis centers;
- c. Formulate treatment plans with the rape survivors including her family consistent with the functions of the rape crisis centers;
- d. Organize and direct the interdisciplinary team in the center towards a holistic approach for the healing, recovery and reintegration of the rape survivors;
- e. Conduct stress management and other appropriate interventions to the rape survivors towards resolving trauma brought about by the experience;
- f. Network with the five pillars of the justice system to link the survivors to appropriate resources in response to identified needs;
- g. Evaluate the progress of the rape survivors according to the treatment plans formulated;
- h. Terminate the helping relationship after attainment of the treatment plans; and
- i. Ensure social reintegration of rape survivors in their family and community.

Duties and Responsibilities of the Prosecutor

- a. A prosecutor who is preferably of the same sex as the victim or to a gender sensitive prosecutor if the former is not present or available, shall conduct the inquest or preliminary investigation.
 - i. Informing the rape survivor of his or her rights and what to expect in the legal process;
 - ii. Filing of the information against the offender including the discharge of a suspected offender to become a state witness;
 - iii. Informing the rape survivor of the detention status of the accused pending trial, i.e., the rape survivor shall be informed beforehand of the release of the accused;
 - iv. Scheduling of each court proceeding that the rape survivor is required to attend; and
 - v. Accepting a plea of guilt by the accused or the promulgation of judgement in the rape case;
- b. Present during trial, the admission of evidence of the victim's past sexual conduct, opinion thereof, or reputation;
- c. Ensure that the inquest of preliminary investigation and trial shall be conducted in a language or dialect that is known or familiar to the victim;
- d. Exert utmost efforts to prevent delay in the preliminary investigation and trial of the rape case; and
- e. Not to divulge to the public the name, address and any other information or circumstances tending to establish the identity of the victim. Moreover, the public shall be barred during the conduct of the inquest or preliminary investigation if it will serve the best interests of the victim.

Healing, Recovery and Reintegraton of Rape Survivors

- a. A healing, recovery, and reintegration program for rape survivors shall be adopted and consistently implemented by all rape crisis centers. Underlying said program should be the following:
 - i. Rape is a stress causing circumstance that tests the capacity of the individual, and therefore, rape survivors should be provided full support and understanding. It shall be a policy that the credibility and character of the survivor shall not be questioned as the victim should never be blamed for the rape that occurred;
 - ii. The therapeutic applications should focus on helping the survivor's return to her or his previous level of adaptation. The primary goal of interventions therefore facilitate the survivor's reintegration;
 - iii. The therapeutic applications should increase the survivor's capacity to adopt and maintain control since rape produces helplessness, feelings of vulnerability, fear, deception and humiliation;
 - iv. Confidentiality should be maintained by the service providers. They should assure the survivors that they can withhold information and feelings about the abuse from significant persons in their lives for this may disrupt relationships;
 - v. The service providers should sensitize the family and friends of rape survivors to the meaning of rape so they can support the survivor; and
 - vi. counseling for the immediate family members of the survivors is necessary to avoid criticizing or blaming the survivor.

- b. Upon the assessment of a duly authorized psychologist or psychiatrist, psycho-therapy shall be provided to the victim; and
- c. Rape survivors should be informed of the range of their options, the advantages and disadvantages of each one of their options, the challenges and all the possible consequences of their options so that they could make sound decisions.

Rehabilitation of Perpetrators.

A referral system shall be established for services to the perpetrators to prevent occurrences of incidences of rape.

Confidentiality of Rape Cases

- a. Only persons expressly authorized by the offended party shall be allowed inside the room where the investigation, medical or physical examination is being conducted. Appropriate protocols shall be developed and observed at any stage of the investigation, prosecution and trial of rape cases;
- b. The police officer, prosecutor and the court shall ensure fair and impartial proceedings, and in consideration of the best interest of both parties, shall order closed door investigation, prosecution or trial;
- c. All hearings in rape cases shall be made confidential and shall not be open to the public unless ordered by the court. All records, books and papers relating to the case in the files of the court, of the mandated agencies and of any other agency or institution participating in the rape case proceedings shall be kept strictly confidential; and
- d. Service providers or other personnel involved in the handling or rape cases who have been found guilty of violating any provision of RA 8505 and its IRR shall be subject to administrative and/or criminal liability.

Right to Privacy

- a. At any stage of the investigation, prosecution and trial of a complaint for rape, the police officer, prosecutor, and the court and its officers, shall recognize the right to privacy of the offended party and the accused as guaranteed by the Constitution;
- b. The name or personal circumstance of the offended party and the accused or any information which would tend to establish the identity of the rape victim shall not be disclosed to the public; and
- c. Medical reporting of rape cases shall be limited to the basic facts of the case and devoid of sensationalism. The name and address of the survivor and other information tending to establish her or his identity shall not be included in the report unless the survivor gives his or her consent in writing. Any violation of this provision shall render the reporter or columnist as well as the editor and publisher, in the case of printed material, or the newscaster or reporter, or director and producer, in the case of television and radio broadcasts, solidarily liable for damages.

Establishment of a Rape Crisis Center

Rape Crisis Center refers to a facility where a comprehensive network of services and support activities are available in a particular province or city to victims of rape and other forms of

sexual abuse, their family and the community, in general, including programs for sexual assault awareness and prevention.

The Rape Crisis Center will be established in areas where there are high incidences of rape cases. It may be located in any suitable place or government hospital or health clinic and will be established by creating or upgrading existing facilities or by establishing or building upon existing networks providing support and assistance to victims of rape (and other forms of sexual abuse). The center may be known by some other name to prevent stigmatization of the survivor.

The Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and a lead non-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

- a. Providing rape victims with psychological counselling, medical and health services, including their medico-legal examination;
- b. Securing free legal assistance or service, when necessary, for rape victims;
- c. Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;
- d. Ensuring the privacy and safety of rape victims;
- e. Providing psychological counseling and medical services when necessary for the family of rape victims;
- f. Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; and
- g. Adopting and implementing programs for the recovery of rape victims.

The DSWD shall be the lead agency in the establishment and operation of the Rape Crisis Center.

MODULE 3 | SESSION 4:
Responses to and Mandatory Services for Trafficked Persons

Objectives:

After this session, the participants will be able to identify the remedies of the trafficked persons and the responses and provision of services of the local government units and service providers under RA 11862 and relevant provisions of RA 10364 and RA 9208.

Duration: 45 minutes

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides

Content:

Republic Act 11862: Expanded Anti-Trafficking in Persons Act of 2022

Intermediate Protection of Trafficking Victims

- a. Trafficking victims shall immediately be placed under the protective custody of the DSWD, pursuant to Republic Act No. 7610, otherwise known as the ‘Special Protection of Children Against Abuse, Exploitation and Discrimination Act’. In the regular performance of this function, the DSWD shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603 or ‘The Child and Youth Welfare Code’.
- b. Victims of trafficking of all ages shall be entitled to immediate temporary protective shelter from the DSWD: Provided, That if the trafficked person is overseas, it shall be the relevant embassy or consulate that shall provide the same.
- c. Victims of trafficking and their family members shall be entitled to protection as well as preferential entitlement to the rights and benefits of witnesses under Republic Act No. 6981, otherwise known as the ‘Witness Protection, Security and Benefit Act’: *Provided*, That they possess all the qualifications and none of the disqualifications under the said law.

A victim of trafficking shall also be considered as a victim of a violent crime as defined under Section 3(d) of Republic Act No. 7309, entitled ‘An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes’, so that the victim may claim compensation therein;

Initiation of Investigation

Law enforcement agencies are mandated to immediately initiate the investigation and counter-trafficking-intelligence gathering upon receipt of statements or affidavit from victims of trafficking, migrant workers, or their families who are in possession of knowledge or information about trafficking in persons cases.

Confidentiality

All records and proceedings under this law, from the initial contact until the final disposition of the case, shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever where the testimony of the child shall be taken in accordance with A.M. No. 004-07-SC or the Rule on Examination of a Child Witness.

It shall be unlawful for any editor, publisher; reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting and digital media, and producer and director of the film in case of the movie industry, to cause any publicity that may result in the further suffering of the victim. Any person or agency involved in the reporting, investigation, or trial of cases of gender-based violence shall refrain from any act or statement that may be construed as blaming the victim or placing responsibility for the offense committed against the victim.

Mandatory Services to Trafficked Persons

To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons:

- a. Emergency shelter or appropriate housing;
- b. Counseling;
- c. Free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
- d. Medical or psychological services;
- e. Livelihood and skills training; and
- f. Educational assistance to a trafficked child.

Other Services for Trafficked Persons

- a. Healing, Recovery, and Reintegration Program for Trafficked Persons (RRPTP)
 - i. The DSWD and the LGUs shall develop and implement a healing, recovery, and reintegration program for trafficked persons which shall include a comprehensive package of services for the individual victim-survivor of trafficking in persons, the victim's immediate family, and the community at large including mental health services such as psychological assessment, counseling and therapy, rehabilitation, upgrade of temporary shelters, assistance in accessing judicial services, livelihood training and opportunities, psychoeducation services, educational scholarships, or skills enhancement training services, and economic reintegration services.
 - ii. The LGUs shall be responsible for the proper implementation of the recovery and reintegration program for trafficked persons: Provided, That the DSWD shall monitor and evaluate the implementation of the program and conduct an audit of Local Social Welfare and Development Offices.

Role of Local Government Units (LGUs)

The LGUs shall develop and implement programs to prevent trafficking in persons, monitor and document cases of trafficking in persons, and provide support to victims of trafficking in persons including their subsequent rehabilitation and reintegration. It shall:

- a. Ensure that the Violence Against Women and Children desks in all barangays are activated and staffed by trained personnel who are able to provide immediate and appropriate support to victims of trafficking in persons;
- b. Organize and ensure the smooth functioning of a sub-committee on trafficking in persons as an integral part of the local anti-trafficking in persons council that shall recommend policies and programs aimed at ensuring the protection of children against trafficking and grant honoraria to local anti-trafficking in persons committees or council members to ensure total active participation;
- c. Document and monitor cases of trafficking in persons in their respective areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act, ensure effective prosecution of such cases, and prescribe compliance with this Act as requisite for the issuance and renewal of licenses and permits to establishments within their respective jurisdictions, including internet service providers, internet content hosts, internet cafes and establishments offering Wi-Fi services, tourism enterprises and malls, transportation services, and financial intermediaries;
- d. Ensure the provision of necessary services to victims of trafficking in persons, such as temporary shelter, board and lodging, transportation, counseling and documentation, among others;
- e. Coordinate with, refer, and endorse to the DSWD all cases of trafficking in persons;
- f. Undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with the DILG, PIA, CFO, NGOs and other concerned agencies. They shall develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community;
- g. Encourage and support community-based initiatives which address the trafficking in persons;
- h. Enact ordinances to localize and strengthen the implementation of this law by providing local services and programs to victims-survivors of trafficking and other exploitative behavior;
- i. Develop a system for accreditation of NGOs and civil society organizations (CSOs) for purposes of establishing centers and programs for interventions in the community;
- j. Submit regular reports to the IACAT on trafficking in persons cases and programs undertaken to prevent and address trafficking in persons; and
- k. Provide livelihood grants to support the economic empowerment of poor households, in order to increase their financial capacities and address household crises which force them to engage in trafficking.

In implementing this Act, the LGUs may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups.

Creation of the Local Committee on Anti-Trafficking and VAWC (LCAT-VAWC) at the Provincial, City and Municipal level

Joint Memorandum Circular No. 2010-01 issued by DILG, DSWD and the Department of Justice on October 18, 2010 created the LCAT-VAWC to establish and strengthen the local level that will collaboratively address the problems of trafficking and VAWC, specifically:

Establish functional parallel structure and system at the local level which will monitor and oversee the implementation of the provisions of RA 9208 and RA 9262 and other women/VAW-related laws and policies

- i. Increase the capacities of local partners in developing and implementing culturally appropriate and gender-responsive policies and programs.
- ii. Empower and mobilize resources of the local community in the prevention, protection, recovery and reintegration of victims/survivors
- iii. Establish partnership and participation of non-government organizations and people's organizations in the development and implementation of programs and activities that will address human trafficking and VAWC.

Composition at the Provincial Level

- i. Provincial Governor
- ii. Provincial Planning and Development Coordinator
- iii. Provincial Social Welfare and Development Officer
- iv. Provincial Health Officer
- v. Chairperson, Committee on Women, Children and Family of the Sangguniang Panlalawigan
- vi. Provincial Public Employment and Services Officer
- vii. Provincial Schools Superintendent
- viii. Civil Service Commission Field Office Director
- ix. Provincial Prosecutor
- x. DILG Provincial Director
- xi. PNP Provincial Director
- xii. NGO representatives of the women, children and overseas Filipino workers sectors.

Composition at the City/Municipal Level

- i. City/Municipal Mayor
- ii. City/Municipal Planning and Development Coordinator
- iii. City/Municipal Social Welfare and Development Officer
- iv. City/Municipal Health Officer
- v. Chairperson, Committee on Women, Children and Family of the Sangguniang Panlungsod/Pambayan
- vi. City/Municipal Public Employment and Services Officer
- vii. City/Municipal Prosecutor
- viii. City/Municipal Local Government Operations Officer
- ix. City/Municipal Chief of Police
- x. NGO representatives of the women, children and overseas Filipino workers sectors.

MODULE 3 | SESSION 5:
Responses and Mandatory Services under the
Special Laws Protecting Children

Objectives:

After this session, the participants will be able to identify the remedies of the offended party and the responses and provision of services of the local government units and service providers under RA 7610 and R.A. 11930.

Duration: 1 hour

Methodologies: Interactive lecture discussion

Equipment and materials needed: Laptop, multimedia projector, presentation slides

Content:

REPUBLIC ACT 7610: THE SPECIAL PROTECTION OF CHILDREN
AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT

Reporting of Child Abuse Cases

A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development (DSWD) or its local counterpart, to the police or other law enforcement agency or to a Barangay Council for the Protection of Children.

Mandatory Reporting

The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician and nurse, shall report, either orally or in writing, to the DSWD, the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from knowledge of the same.

Duties of Government Workers to Report

- a. It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, corrections officers and other government officials and employees whose work involves dealing with children to report all incidents of possible child abuse to the DSWD.
- b. Failure of the head or administrator of any public or private hospital, medical clinic and similar institution, as well as the attending physician and nurse to report a possible case of child abuse shall be punishable.
- c. A person who, acting in good faith, shall report a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

Investigation

- a. Not later than forty-eight (48) hours after receipt of a report on a possible incident of child abuse, the DSWD shall immediately proceed to the home or establishment where the alleged child victim is found and interview said child to determine whether an abuse was committed, the identity of the perpetrator and the need of removing the child from his/her home or the establishment where he/she may be found or placing him/her under protective custody.
- b. The DSWD shall conduct the interview jointly with the police and/or a barangay official. To minimize the number of interviews of the child victim, the statement shall be transcribed or recorded on voice or video tape.

Protective Custody of the Child

- a. The Department of Social Welfare and Development shall have protective custody over the offended party pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.
- b. If the investigation discloses sexual abuse, serious physical injury of life-threatening neglect of the child, the duly authorized officer or social worker shall immediately remove the child from his/her home or the establishment where he/she was found and place him/her under protective custody to ensure his/her safety.
- c. The duly authorized officer or social worker and the assisting police officer or barangay official, if any, who shall take a child under protective custody shall be exempt from any civil, criminal and administrative liability therefor.
- d. The DSWD shall inform the police or other law enforcement agency whenever a child victim is placed under protective custody.
- e. The DSWD shall refer the child who is placed under protective custody to a government medical or health officer for a physical/mental examination and/or medical treatment. They will also determine the rehabilitation or treatment program which the child may require and to gather data relevant to the filing of criminal charges against the abuser.

Involuntary Commitment/Effect on Parental Authority

- a. The DSWD shall file a petition for the involuntary commitment of the child victim under the provisions of Presidential Decree No. 603, as amended, if the investigation confirms the commission of child abuse.
- b. The DSWD shall ask the Court to suspend the parental authority of the parent or lawful guardian who abused the child victim. In cases of sexual abuse, the Department shall ask for the permanent deprivation of parental authority of the offending parent or lawful guardian.
- c. The DSWD shall, in case of suspension or deprivation of parental authority and if the child victim cannot be placed under the care of a next of kin, ask the proper Court to transfer said authority over the child victim to the Department or to the head of a duly accredited children's home, orphanage or similar institution

Filing of Complaint

- a. The following may file complaints on cases of unlawful acts committed against the children under RA 7610:
 - i. Offended party
 - ii. Parents or guardians
 - iii. Ascendant or collateral relative within the third degree of consanguinity
 - iv. Officer, social worker or representative of a licensed child-caring institution
 - v. Officer or social worker of the Department of Social Welfare and Development
 - vi. Barangay chairperson; or
 - vii. At least three (3) concerned responsible citizens where the violation occurred.
- b. In the filing of criminal cases, the investigation report of the DSWD and/or of the police or other law enforcement agency on the abuse of a child, together with the results of the physical/mental examination and/or medical treatment and other relevant evidence, shall be immediately forwarded to the provincial or city prosecutor concerned for the preparation and filing of the appropriate criminal charge against the person who allegedly committed the abuse.
- c. Upon the filing of the criminal complaint for child abuse, the DSWD shall ask the appropriate court to appoint a guardian ad litem to represent the best interests of the child. The guardian ad litem shall:
 - i. explain to the child the legal proceedings in which the child will be involved;
 - ii. advise the judge, when appropriate, and as a friend of the court, regarding the child's ability to understand the proceedings and questions propounded therein;
 - iii. advise the prosecutor concerning the ability of the child to cooperate as a witness for the prosecution;
 - iv. attend all investigations, hearings and trial proceedings in which the child is a participant; and
 - v. monitor and coordinate concurrent administrative and court actions.
- d. The trial of child abuse cases shall take precedence over all other cases before the courts, except election and habeas corpus cases. The trial in said cases shall commence within three (3) days from the date the accused is arraigned and no postponement of the initial hearing shall be granted except on account of the illness of the accused or other grounds beyond his control.

Confidentiality

- a. Name of the offended party may be withheld from the public until the court acquires jurisdiction over the case.
- b. It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

Protection of Victim from Undue Publicity

- a. The prosecutor in a child abuse case shall, taking into consideration the age, psychological maturity and understanding of the child victim, the nature of the

unlawful acts committed, the desire of the victim and the interests of the child's family, take the necessary steps to exclude the public during the giving of testimony of the child victim; to limit the publication of information, photographs or artistic renderings that may identify the victim; and to prevent the undue and sensationalized publicity of the case.

**REPUBLIC ACT 11930 | AN ACT PUNISHING ONLINE SEXUAL ABUSE OR
EXPLOITATION OF CHILDREN, PENALIZING THE PRODUCTION,
DISTRIBUTION, POSSESSION AND ACCESS OF CHILD SEXUAL ABUSE OR
EXPLOITATION MATERIALS**

Initiation of Investigation

- a. Law enforcement agencies are mandated to immediately initiate investigation and counter-OSAEC and -CSAEM-intelligence gathering upon receipt of statements or affidavits from victims of OSAEC and CSAEM, or their families, and other persons who have knowledge or information about violations of this Act, including the private sector.
- b. Agencies that receive complaints of violations under this shall develop both online and face-to-face reporting mechanisms that are gender-sensitive, age-appropriate and culturally sensitive to children, especially girls.
- c. A law enforcement officer may, upon a written order from the regional trial court, track, intercept, view, monitor, surveil, listen to, and record, by technical or electronic means, any communications, information or messages, including the procurement of content data, transmitted by means of a computer system involving at least one (1) person reasonably believed to have committed violations under this Act: *Provided*, That when the offense involves the use of computer systems and digital platforms, a court order shall not be required in order for a law enforcement officer acting in an undercover capacity to intercept a communication with a person reasonably believed to have committed, is committing, or is about to commit any of the violations of this law
- d. Where an order is required, the order shall only be issued or granted upon written application of a law enforcement officer, who shall be examined under oath or affirmation, and the witnesses he or she may produce and the showing that:
 - i. there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed, or is being committed, or is about to be committed;
 - ii. that there are reasonable grounds to believe that evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of, any such crimes; and
 - iii. that there are no other means readily available for obtaining such evidence.

The order shall only be effective for the length of time determined by the court, which shall not exceed a period of ten (10) days from its issuance. The court issuing the order may, upon motion, extend its effectivity based only on justifiable reasons for a period not exceeding ten (10) days from the expiration of the original period.

- e. In investigating violations of this law involving the use of the internet and other digital platforms, law enforcement officers acting in an undercover capacity who record their communications with a person or persons reasonably believed to have committed, is committing, or is about to commit any of the violations under this law shall not be considered as wiretapping or illegal interception, shall not be liable under the provisions of Republic Act No. 4200, otherwise known as "The Anti-Wiretapping Law" *Provided*, That victims of violations of this Act shall not be liable under the provisions of "The Anti-Wiretapping Law" and the "Cybercrime Prevention Act of 2012" if they record, transmit, or perform any other acts directly or indirectly related to the reporting of any violation of this Act committed against them.

Filing of Complaint

Complaints on cases of any form of child sexual abuse or exploitation punishable under this law may be filed by the following:

- a. Offended party
- b. Parents or guardians
- c. Ascendant or collateral relative within the third (3rd) degree of consanguinity
- d. Officer, social worker or representative of a licensed child-caring institution
- e. Officer or social worker of the DSWD
- f. Local social welfare development officer
- g. Any barangay official
- h. Any law enforcement officer
- i. At least three (3) concerned responsible citizens residing in the place where the violation occurred, or
- j. Any person who has personal knowledge of the circumstances of the commission of any offense under this Act.

Protective Custody of the Child

- a. The child victim shall be immediately placed under the protective custody of the city or municipal social welfare and development office.
- b. DSWD shall provide support and assistance to the concerned city or municipal social welfare and development office by assuming temporary protective custody over the child in cases where:
 - i. the city or municipal social welfare and development office has no registered social worker that can perform case management;
 - ii. the LGU does not have any residential care facility that can afford center-based intervention and rehabilitation; and/or
 - iii. it was assessed that there are safety and risk factors detrimental to the child's stay in the same locality.
- c. The needs of the child shall be provided for by the concerned LGU.
- d. The custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code.
- e. The DSWD and the DOJ shall extend all necessary legal assistance and support to the city or municipal social welfare and development office for any legal impediment that may arise in performing their functions in assuming temporary protective custody as another form of technical assistance and resource augmentation. In the regular performance of this function, the city or municipal social welfare and

development office or the DSWD shall be free from any administrative, civil or criminal liability.

The child shall also be considered as a victim of a violent crime defined under Section 3 (d) of Republic Act No. 7309, entitled "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes," and may claim compensation therefor

Mandatory Services to Victims of Child Sexual Abuse or Exploitation

The following services, through the city or municipal social welfare and development office, shall be made available to victims of any form of child sexual abuse or exploitation and their families, when applicable. This is to ensure recovery, rehabilitation and reintegration into society:

- a. Emergency shelter or appropriate housing
- b. Counseling
- c. Free legal services, which shall include information about the victim's rights and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child
- d. Medical or psychological services
- e. Livelihood and skills training
- f. Educational assistance.

There shall also be a sustained supervision and follow-through mechanism that will track the progress of recovery, rehabilitation and reintegration of the child victims.

The DSWD and other concerned national government agencies may provide the necessary technical assistance and resource augmentation to the LGUs or city or municipal social welfare and development office, subject to the availability of funds.

Programs for Victims of Child Sexual Abuse or Exploitation

The National Coordination Center against OSAEC and CSAEM created under Section 30 of this law shall develop and implement the necessary programs that will prevent any form of child sexual abuse or exploitation, as well as protect, heal and reintegrate the child or children into the mainstream of society. Such programs shall include the

- a. provision of mandatory services including counseling, free legal services, medical or psychological services, livelihood and skills training and educational assistance to the child or children and their families
- b. sponsorship of a national research program on OSAEC and CSAEM and the establishment of a data collection system for monitoring and evaluation purpose
- c. provision of necessary technical and material support services to appropriate government agencies and nongovernment organizations (NGOs)
- d. sponsorship of conferences and seminars to provide a venue for consensus building amongst the public, the academe, government, nongovernment and international organizations.
- e. promotion of information and education campaigns regarding the safe and responsible use of the internet in relation to the violations of this Act to educate the public, including children.

- f. provision of programs developed for purposes of intervention and diversion, as well as rehabilitation of the child victim, for reintegration into the family of the child or community.

Application of the Juvenile Justice and Welfare Act, as amended.

In cases where the offender is a child, the prosecution of the offense shall be in accordance with Republic Act No. 9344 or the "Juvenile Justice and Welfare Act of 2006," as amended, and the child shall be accorded the appropriate treatment and services under the said law: *Provided*, That in cases of self-generated CSAMs, the child producing the sexualized materials shall be considered as a victim and not as an offender. The child victim shall be accorded the necessary treatment and services under this law and in existing laws.

National Coordination Center against OSAEC and CSAEM

A National Coordination Center against OSAEC and CSAEM (NCC-OSAEC-CSAEM) will be created under the Inter-Agency Council Against Trafficking (IACAT) formed under Republic Act No. 9208, or the "Anti-Trafficking in Persons Act of 2003," as amended. The IACAT shall retain its composition and functions as provided under the Anti-Trafficking in Persons Act of 2003, as amended, with the additional mandate of addressing cases falling under RA 11930. The NCC-OSAEC-CSAEM, under the direction of the IACAT, shall develop and implement the necessary programs that will prevent the commission of OSAEC and CSAEM, as well as protect, heal and reintegrate the child into the mainstream of society.

Role of the Local Government Unit

Local governments shall pass an ordinance to localize efforts against OSAEC and CSAEM, take account local culture and norms, institutionalize community-based initiatives that address OSAEC and CSAEM at the barangay level, establish OSAEC and CSAEM prevention programs that aim to educate families against OSAEC and CSAEM, and provide a holistic local program for rehabilitation and reintegration under the local social welfare and development office including support and protection for victims and survivors.

**REPORTING
OF CASES**

BARANGAY VAW/ASH DESK

Sec. 5 a & b, RA 9262

Sec. 11 (a), RA 11313 for first and second-time offenses

*Referral to LSWDO if involving a minor

*Referral to the WCPD, LSWDO, local health office and prosecutor of other incidents for appropriate action and intervention

LOCAL SOCIAL WELFARE AND DEVELOPMENT OFFICE
PNP WOMEN AND CHILDREN'S PROTECTION DESK
LOCAL HEALTH OFFICE
PROSECUTION OFFICE/
PUBLIC ATTORNEY'S OFFICE

Other Offenses under the Anti-Violence Against Women and their Children Act

Offenses under the Anti-Sexual Harassment Act of 1995;

Offenses under the Safe Spaces Act, other than the first and second offenses in Section 11 (a) of the Act;

Rape and other felonies

Offenses under the Anti-Photo and Video Voyeurism Act, the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, the Expanded Anti-Trafficking in Persons Act, and the Anti-Online Sexual Abuse or Exploitation of Children and Child Abuse or Exploitation of Children Materials Act;

COMMITTEE OF DECORUM AND INVESTIGATION

Investigation of offenses under the Anti-Sexual Harassment Act of 1995

For offenses/violations of other laws:

1. Anyone can report to the barangay, the women and children's desk of the local police, the local social welfare office or to any of the mandatory reporters prescribed by law.

2. The report will then be referred to the local police and the local social welfare office for investigation and joint interview and to the local health office for the appropriate medical attention/examination.
3. The local police and the local social welfare office will assist the victim in the filing of the complaint before the prosecutor's office.

MODULE 3 Case Scenarios

1

During a long wait at the MRT train station, Mr. A and Ms. B stood next to each other and found themselves chatting and later exchanging numbers. Thereafter, they went out on several dates. One day, while they were walking along the boulevard, they had a heated argument. Mr. A shouted at Ms. B, slapped her face and shoved her towards the lamp post which resulted to the wounding of Ms. B's head.

What should Ms. B do? What services can the LGU provide in this case?

2

A strong earthquake occurred in town ABC. Ms. Writer wrote shared on her social media page her reflections about the incident and the response of the LGU, asking the whereabouts of the town mayor.

Mr. Vlogger, using the name Jack the Ripper, responded with the following messages: "Naramdaman mo ba yun Ms. Writer? Sinong may kasalanan?"

The next day, Mr. Vlogger allegedly insulted Ms. Writer in a video after arguing that the town mayor had not been responsible for the magnitude 7 earthquake that rocked town ABC. He allegedly hurled sexist remarks in the video:

"Kulang ka lang sa dilig."

"Ano ka ba? Sino ka ba talaga? Ha! Gusto mong mag face-to-face tayo? Para ligawan na lang kita para manahimik ka dyan. Kung makapag ... akala mo naman kung ... Mmm!"

"Huwag kang ano dyan Ms. Writer. Baka pag nagkita tayo, ibabangka kita sa dagat nang walang hanggan.

Ms. Writer felt unsafe online and in the real world. She has been suffering sleepless nights, public ridicule, embarrassment, anguish, and her freedom of movement has been restrained because she fears for her safety.

What should Ms. Writer do? What services can the LGU provide in this case?

3

AAA attended the fiesta in the town of her boyfriend. While drinking soda at a store, her boyfriend's uncle saw her and invited her to go with him and meet her boyfriend. Upon reaching the uncle's house, she was forced to go inside one of the rooms. The uncle punched her abdomen, removed her shorts and underwear and inserted his penis in her vagina. AAA was unable to fight back because the uncle was too strong for her.

What should Ms. AAA do? What services can the LGU provide in this case?

4

Mr. X invited three minors, AAA, BBB and CCC, to his house. While at Mr. X's house, he revealed to the three that the purpose of the meeting was for them help Mr. X in committing robbery. Upon learning about this, CCC expressed his desire to leave but Mr. X got angry and punched him; thus, he was forced to join the group. Mr. X took advantage of their vulnerability as minors through enticement, violence and use of force and coercion. Mr. X was the mastermind of several robberies in their town and also served as the driver of their getaway tricycle.

What should the minors do? What services can the LGU provide in this case?

5

Mr. A was the Vice-President of the High School General Parents Teachers Association while BBB, a sixteen-year old student, was the Corps Commander of the Citizenship Advancement Training (CAT). The school's commandant ordered shirts from Mr. A for their CAT Program. BBB was asked by the commandant to follow up their orders. Later, Mr. A would send cellphone load and offer other items to BBB.

One evening, Mr. A invited BBB to a drinking spree in his house. AAA does not drink alcohol but was offered one. Since it was already late in the evening and there was no more available transportation, Mr. A told BBB to sleep in his bedroom. While BBB was sleeping, Mr. A put his penis in BBB's mouth. BBB tried to resist but failed since he was too drunk.

What should BBB do? What services can the LGU provide in this case?

MODULE 4: OPERATIONALIZATION OF THE BARANGAY VAW/ASH DESK

This module explains how to establish a Barangay VAW/ASH Desk and ASH Referral Network, designate a Barangay VAW/ASH Desk Officer, monitor and evaluate VAW/ASH services, and the protocols in handling VAW/ASH cases at the barangay level.

Objectives:

After undergoing training under this module:

1. The punong barangays should be able to set up the VAW/ASH Desks and ASH Referral Networks in their respective barangays in accordance with the requirements under the law;
2. The punong barangays should be able to properly designate Barangay VAW/ASH Desk Officers who possess the required qualifications, qualities, and attributes and none of the disqualifications;
3. The Barangay VAW/ASH Desk Officers should be able to regularly and satisfactorily perform their functions at their respective Desks;
4. The Barangay VAW/ASH Desk Officers should be able to follow the correct protocols and procedures in handling VAW/ASH cases that are lodged or referred to their respective Desks;
5. The punong barangays and Barangay VAW/ASH Desk Officers should be able to properly monitor and evaluate the delivery of Anti-VAW and ASH services in their respective barangays; and
6. The punong barangays and Barangay VAW/ASH Desk Officers should be able to identify the challenges and opportunities in implementation for the improvement of their respective Anti-VAW/ASH services and the government's policies on VAW and gender-based sexual harassment.

Duration: 5 hours and 30 minutes

Methodologies: Interactive lecture discussion, sharing, and role-playing.

Equipment and Materials Needed: Laptop, multi-media projector, presentation, scenario, and handouts.

Outline:

- SESSION 1: Setting-up a Barangay VAW/ASH Desk and ASH Referral Network
- SESSION 2: Designating a Barangay VAW/ASH Desk Officer
- SESSION 3: Monitoring and Evaluating Anti-VAW/ASH Services
- SESSION 4: Guiding Service Delivery
- SESSION 5: Sharing of Challenges and Opportunities

MODULE 4 | SESSION 1: SETTING UP THE BARANGAY VAW/ASH DESK AND THE ASH REFERRAL NETWORK

Objective:

After this session, the punong barangays should be able to set up the VAW/ASH Desks and ASH Referral Networks in their respective barangays in accordance with the requirements under the law.

Duration: 1 hour

Methodologies: Interactive lecture-discussion and sharing.

Materials Needed: Laptop, multi-media projector, presentation, meta cards, markers, manila paper, masking tape and handouts.

ACTIVITY 1: WHAT IS YOUR CURRENT BARANGAY VAW/ASH DESK SET-UP?

Instructions:

4. Select five (5) Punong Barangays and VAW/ASH Desk Persons from the participants.
5. Ask the Punong Barangays and VAW or VAW/ASH Desk Persons to answer the following questions by writing them on the meta cards:
 - Does your VAW Desk function concurrently as an ASH Desk?
 - Do you have an ASH Referral Network?
 - Who is your VAW or VAW/ASH Desk Officer?
 - Where is your VAW or VAW/ASH Desk located?
 - What can be seen in your VAW or VAW/ASH Desk?
6. Ask the Punong Barangays and VAW or VAW/ASH Desk Persons to share their outputs.

Processing:

The facilitator will synthesize the answers and proceed to the discussion.

CONTENT

LEGAL BASES FOR THE ESTABLISHMENT OF A BARANGAY VAW DESK

- **The Magna Carta of Women (RA 9710)**

Section 9 (d) of the Magna Carta of Women or RA 9710 mandates all barangays to establish a Violence Against Women (VAW) Desk.

This mandate is reiterated in Section 12 (D) of the IRR of the Magna Carta of Women. The provision also directs all provincial governors and city and municipal mayors to ensure the establishment of a VAW Desk in every barangay within their jurisdiction and provide technical and financial assistance.

- **DILG-DSWD-DepEd-DOH-PCW Joint Memorandum Circular 2010-02 [Guidelines in the Establishment of a Violence Against Women (VAW) Desk in Every Barangay]**

This issuance provides for the guidelines in the establishment of VAW Desk in every barangay; functions of the Barangay VAW Desk; protocols in handling VAW cases at the barangay level; and the cost of establishment and operations of the VAW Desk.

LEGAL BASES FOR THE ESTABLISHMENT OF A BARANGAY ASH DESK

- **The Safe Spaces Act (RA 11313)**

Section 10 of the Safe Spaces Act or RA 11313 mandates the setting up of Anti-Sexual Harassment (ASH) Desks in all barangay and city halls to expedite the receipt and processing of complaints of gender-based sexual harassment (GSH). Under Section 9 (i) of the Implementing Rules and Regulations (IRR) of the Safe Spaces Act, LGUs are duty-bound to set up ASH Desks in all barangay, city, and municipal halls, preferably staffed by women. The same IRR provision allows the existing VAW Desks to concurrently serve as ASH Desks.

- **DILG-PCW Joint Memorandum Circular 2020-001 [Guidelines on the Localization of the Safe Spaces Act]**

Section 5.3 of this issuance provides the guidelines for the establishment of ASH Desks in cities, municipalities, and barangays. Under these guidelines, the designated Barangay VAW Desk Person shall concurrently serve as the Barangay ASH Desk Officer. Thus, Barangay VAW Desks should now serve as Barangay VAW/ASH Desks and the Barangay VAW Desk Persons should now function as Barangay VAW/ASH Desk Officers.

THE BARANGAY VAW/ASH DESK

A VAW/ASH Desk is a physical facility where the VAW/ASH victim-survivors can immediately go to seek help. It is managed by a person designated by the Punong Barangay.

REQUIREMENTS IN SETTING UP A BARANGAY VAW/ASH DESK

The VAW/ASH Desk must be furnished with items and equipment necessary to make it functional.

1. Physical Requirements

a) Location

The VAW/ASH Desk should be located within the barangay hall. If there is no barangay hall, the VAW/ASH Desk may be put up near or where the Punong Barangay holds office.

Its location must be situated in a place where the confidentiality, privacy and safety of the client will not be compromised. It must have a separate room where the intake interview can be conducted.

b) Facility (Room)

The room should have an alternative entrance and exit that is separate from the main entrance of the barangay hall; where people inside could not be seen; can be locked from the inside; and well-ventilated, clean and orderly. If there is no room available for the VAW/ASH Desk, find an enclosed area within the compound or the building where the barangay hall is located.

It is possible to use an enclosed area within the premises of another government institution. Another option is to have it in a private place approved by the Punong Barangay. The privacy of the VAW/ASH victim-survivor must be upheld at all times.

c) Furniture

A VAW/ASH Desk must have table, chairs, filing cabinet or storage area and sofa bed, folding bed or mat. A VAW/ASH Desk should have a separate cabinet or designated storage place where files and tools/equipment for documentation could be safely kept and maintained. Access to its contents must be controlled by the person-in-charge.

d) Equipment

A VAW/ASH Desk must have a computer for logging in and monitoring of VAW/ASH cases; camera to be used in documenting cases of violence, especially in capturing physical proof; electric fan or air conditioning unit, if possible; television; and tape or voice recorder. Like the camera, a tape or voice recorder is helpful in documenting VAW/ASH cases.

For security purposes, cameras in mobile phones are not to be used to avoid passing on or spreading documented video to unauthorized individuals. Television should not be kept inside the counselling room.

2. **Financial Requirements**

All provincial governors and city and municipal mayors must ensure the establishment of a VAW/ASH Desk in every barangay within their jurisdiction, and provide technical and financial assistance for its operations pursuant to Section 12 (D) of the MCW IRR.

The cost of the establishment and operations of VAW/ASH Desks shall be charged under the LGU's Gender and Development (GAD) Budget, which shall be at least five percent (5%) of their budgetary allocation. This is in accordance with Section 5.5 of JMC 2020-001. It shall be included in the annual GAD Plans and Programs of the LGUs, in accordance with Section 37 (A) of the MCW IRR (Planning, Budgeting, Monitoring and Evaluation for GAD).

The GAD Budget is the cost of implementing the GAD Plan and it corresponds to at least 5% of an LGU's total appropriation. The GAD Plan is a set of programs and specific activities and their corresponding schedules of implementation, required resources, and costs which are systematically designed to address gender issues in the locality. All government institutions, including LGUs, are required to make a GAD Plan and to implement it using the GAD Budget.

How can the GAD Budget be accessed?

The VAW/ASH Desk Officer can access funds for the Desk's planned projects and activities after the barangay GAD Plan is approved and the budget allocated.

3. Other Requirements

a) Monitoring Tools

A VAW/ASH Desk must have Intake Form, Referral Form, Feedback Form, BPO Application Form and BPO Form. The VAW/ASH Desk Officer must have a logbook for recording of VAW/ASH Cases.

b) References

The VAW/ASH Desk Person should keep a directory of all agencies and institutions from the barangay up to the national agencies that provide relevant services. This is vital in referring VAW/ASH victim-survivors to the proper agencies or institutions in cases where they need services such as legal assistance; psychosocial services; medical services; medico-legal services; and livelihood development and employment assistance.

Under JMC 2020-001, every barangay must establish an ASH Referral Network to strengthen coordination among public and private service providers in addressing the needs of victim survivors of GSH. The ASH Referral Network shall provide legal, medical, psychosocial, safety, security, and other relevant services. The guidelines for the establishment of a Barangay ASH Referral Network are discussed below.

Other references that the VAW/ASH Desk must have are the VAW Desk Handbook and VAW- and ASH-related reference books, primers, brochures, etc.

c) Transportation and Utilities

All VAW/ASH cases should always be treated with urgency. There should be an easily accessible mode of transportation whenever the situation calls for the victim-survivor to be relocated due to security reasons or to get immediate medical attention.

The means of transport could either be the barangay patrol car, or a public or private vehicle that could be relied on during cases of emergency.

The VAW/ASH Desk should be well-lit and well-ventilated. It is therefore necessary to have a power source provided by electricity, a generator, or a vehicle battery, 24 hours a day, seven days a week.

d) Supplies

The VAW/ASH Desk must have the basic materials needed for evidence collection and preservation; clean water supply available 24 hours a day, seven days a week; first aid kit; and food.

e) Personal Amenities

It is important that the VAW/ASH Desk has clothing for the victim-survivor to wear, in case their clothing is either torn or stained with blood; toiletries and beddings.

f) Advocacy and Promotional Materials

One of the functions of the VAW/ASH Desk Officer is to lead the advocacy on the elimination of VAW and GSH in the community. Hence, they must have a communication and advocacy plan; anti-VAW and ASH posters and other IEC materials; flowchart on anti-VAW and ASH services; flowchart on how to apply for a BPO; and a simple chart showing a summary of VAW/ASH cases in the barangay as well as the number of cases that the Barangay VAW/ASH Desk Officer has attended to.

ESTABLISHING AN ASH REFERRAL NETWORK

The Barangay ASH Referral Network is a network of public and private service providers rendering support services to address the needs of victims-survivors and witnesses of GSH. Such support services include legal, medical, psychosocial, safety, security, and other relevant services. While not yet required by policy, it is encouraged for the Barangay ASH Referral Network to also make its services available to victims-survivors and witnesses of VAW cases and to reflect the same in its terms of references.

The members of the Barangay ASH Referral Network shall receive and efficiently act on referrals from the Barangay ASH Desk and the City/Municipal ASH Hotline (if any) for the provision of services needed by victim-survivors and witnesses. Protocols in this connection shall be formulated through an executive order, ordinance, or memorandum of agreement among the service providers.

A. Institutional framework of support

The Barangay ASH Referral Network is part of the barangay-level support framework for ASH victim-survivors and witnesses under JMC 2020-001. The framework includes the following support mechanisms:



Each of these mechanisms must be set up at the barangay level in order to effectively provide support for ASH victim-survivors and witnesses.

The **Barangay Gender and Development Focal Point System (GFPS)** is a local mechanism to catalyze and accelerate gender mainstreaming within the barangay. Under PCW-DILG-DBM-NEDA JMC 2013-01, the Barangay GFPS is chaired by the punong barangay and co-chaired by the Chair of the Sangguniang Barangay Committee on Women, Children, and Family, with the following as members:

1. Sangguniang Barangay Committee on Appropriations
2. SK Chairperson
3. Barangay Health Worker
4. Barangay Treasurer
5. VAW/ASH Desk Officer
6. Barangay Nutrition Scholar
7. Tanod Executive Officer
8. Day Care Worker
9. Lupong Tagapamayapa member
10. Women's organizations existing at the barangay level
11. Barangay Human Rights Action Officer, where existent
12. Members of the private sector and academe, as appropriate

The Barangay Secretary provides secretariat support to the Barangay GFPS.

Meanwhile, the **Barangay ASH Subcommittee** is a subgroup under the Barangay GFPS that is tasked to establish, supervise, support, and coordinate the operations of the Barangay ASH Referral Network and the Barangay VAW/ASH Desk. It is up to the Barangay GFPS to determine who, among its members, should comprise the Subcommittee.

The Barangay GFPS Chairperson must convene the ASH Subcommittee within 30 days upon the establishment thereof to take the lead in setting up the ASH Referral Network.

ii. **Procedure for establishment**

After convening, the Barangay ASH Subcommittee shall undertake the following steps in the establishment of the Barangay ASH Referral Network:

1. **Convene an initial stakeholder's meeting.** The ASH Sub-Committee Chairperson shall be guided by the list of government and private service providers relevant to the issue of GSH. The agenda for the meeting/workshop must be clearly stated in the letter of invitation so that the appropriate representative will be the one in attendance.
2. **Conduct a participatory mapping exercise.** The mapping exercise aims to identify community resources, services available, requirement for referrals, possible barriers in accessing the support services and other existing mechanism/structure addressing GSH cases.

3. **Establish a referral network.** As a result of the mapping exercises, a referral network shall be established and a Directory of Resources must be created and updated regularly. The members of the referral network shall define their working arrangement and clarify their specific roles and responsibilities. A focal person for each office, agency, institution and organization shall be identified. The protocols and procedures to be observed, the forms to be used such as referral and feedback forms, shall be in writing and each member provided a copy for reference.
4. **Put system in place to develop and support the referral network.** A Memorandum of Agreement with clear terms of reference of all members and partners is encouraged to be undertaken. The support and endorsement of the punong barangay or Sangguniang Barangay, through an executive order or ordinance, is paramount in providing mandate for the referral system and the service providers, and regular monitoring and evaluation of the referral system.

iii. **Composition**

The Barangay ASH Referral Network may be composed of the following service providers:

1. VAW/ASH Desk Officer
2. Barangay Health Worker
3. Tanod Executive Officer
4. Lupong Tagapamayapa member
5. Local PNP stations
6. Lawyers, law offices, law firms, and paralegals in the barangay
7. Local clinics and other health service providers
8. Schools and other educational institutions
9. Professional organizations that provide legal, medical, psychosocial, and other services
10. Nongovernment organizations (NGOs) or civil society organizations (CSOs) that are involved in gender equality and human rights and that provide medical, psychosocial, economic, legal and social services

Note that members of the Barangay ASH Referral Network may be operating within the barangay or in an area that includes the barangay. In particular, the following offices and organizations may be tapped to be part of the ASH Referral Network for specific services or at least included in the VAW/ASH Desk Directory:

For Protection Services

- Barangay Officials
- PNP Women and Children Protection Desk
- PNP Scene of the Crime Operatives
- NBI

For Temporary Shelter

- DSWD
- NGOs
- Religious organizations
- LGUs

For Legal Assistance

- PAO
- Prosecutor's Office
- Local Chapter of the Integrated Bar of the Philippines
- Legal NGOs /Alternative Law Groups, Inc.
- Commission on Human Rights (CHR)

For Psycho-Social Services

- P/C/MSWDO
- Counsellors
- Therapists
- Social Workers
- DSWD

For Medico-Legal Services

- Government-run hospitals
- NBI
- Camp Crame Crime Laboratory

For Medical Services

- Barangay health stations
- Rural health units/Main health centers
- District hospitals
- Provincial hospitals
- Private clinics or hospitals
- Lying-in facilities for abused pregnant women

Other Institutions which are sympathetic in responding to VAW/GSH

- Academic institutions
- Faith-based organizations
- Crisis Centers/NGOs
- Private corporations

Livelihood Development and Employment Assistance

- TESDA
- NGOs providing livelihood assistance/ trainingLGUs

SYNTHESIS

With the enactment of RA 9710, all barangays are mandated to establish VAW Desks where VAW victim-survivors can go to report their abuse and seek necessary assistance such as issuance of a Barangay Protection Order and referral to other institutions that provide VAW-

related services. Today, with the enactment of RA 11313, these VAW Desks must now function as VAW/ASH Desks and will now operate within an institutional framework that provides support to VAW/ASH victim-survivors.

The VAW/ASH Desk must be located within the premises of the barangay hall and provided with the necessary facility, equipment, supplies and materials and budget to make it operational.

MODULE 4 | SESSION 2: DESIGNATING A BARANGAY VAW/ASH DESK OFFICER

Objective:

After this session, the punong barangays should be able to properly designate Barangay VAW/ASH Desk Officers who possess the required qualifications, qualities, and attributes and none of the disqualifications.

Duration: 30 Minutes

Methodology: Interactive lecture discussion

Materials Needed: Laptop, presentation, multi-media projector, and handouts.

CONTENT

FUNCTIONS OF THE VAW/ASH DESK OFFICER

1. Receive, document, and respond to gender-based violence cases brought to the barangay, including cases of gender-based sexual harassment in streets and public spaces;
2. Facilitate the referral of cases and persons to the appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security, and other services;
3. Record the number of gender-based violence cases handled by the barangay and submit a quarterly report on all cases of VAW and GSH to the DILG City/Municipal Field Office and the City/Municipal Social Welfare Development Office (C/MSWDO);
4. Keep case records confidential and secured, and ensure that only authorized personnel can access these;
5. Assist victims of VAW in securing Barangay Protection Order (BPO) and access necessary services;
6. Develop the barangay's gender-responsive plan and assist in the formulation and updating of policies to address gender-based violence, including educational and awareness campaigns, support services, capacity building and referral system;
7. Coordinate with pertinent agencies in monitoring the status of cases;
8. Address other forms of abuse committed against women and LGBTQIA+ persons, especially senior citizens, persons with disabilities, and other marginalized groups;
9. Lead advocacies on the elimination of VAW and GSH in the community; and
10. Perform other related functions as may be assigned.

QUALITIES OF A VAW/ASH DESK OFFICER

- Sensitive to the situation and needs of the victim-survivors and shows empathy and understanding towards them
- Familiar with appropriate ways to handle cases of gender-based violence
- Knowledgeable on gender-based violence and its different forms as well as on diverse sexual orientations, gender identities and expressions, and sex characteristics

- Committed to their work and to maintain the confidentiality of cases
- Passionate in helping the victim-survivors
- Responsive without being judgmental
- Willing to learn and be trained
- Honest and efficient in using the budget
- Resourceful in providing the needs of victim-survivors
- Has no derogatory records related to violation of laws protecting women and commission of acts constituting gender-based violence

COMPETENCIES AND ATTRIBUTES OF A VAW/ASH DESK OFFICER

To be effective and efficient, VAW/ASH Desk Officers must undergo the following trainings and orientations:

1. Gender Sensitivity Training (GST)
2. Salient provisions of the Anti-Violence Against Women and Their Children Act (RA 9262) and the Safe Spaces Act (RA 11313)
3. Salient provisions of other laws protecting women, children, and LGBTQIA+ persons including, but not limited to, the following:
 - a. Magna Carta of Women (RA 9710)
 - b. Anti-Sexual Harassment Act (RA 7877)
 - c. Anti-Photo and Video Voyeurism Act (RA 9995)
 - d. Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act (RA 11930)
 - e. Expanded Anti-Trafficking in Persons Act (RA 9208 as amended by RAs 10364 & 11862)
 - f. Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (RA 7610)
 - g. Provisions of the Revised Penal Code which are related to gender-based violence
 - h. Relevant provisions of the Family Code
4. Existing services of the barangay and city/municipal government and those provided under the Barangay ASH Referral Network
5. Protocols in handling VAW and GSH cases

All VAW/ASH Desk Officers must be capable of responding to and assisting victim-survivors or witnesses in a gender-sensitive manner especially if these witnesses are children.

The following **Knowledge, Attitude, Skills, Habits and Ethics of Work (KASHEW)** could greatly help them meet the challenging tasks of giving services.

Knowledge

- GAD Concepts and Principles
- VAW and ASH related laws
- Forms, Nature, Causes and Effects of VAW and GSH
- Protocol in handling VAW and ASH cases

- Crisis intervention
- Justice and Healing

Attitude

- Unconditional Acceptance
- Agent of Change
- Autonomy
- Authenticity
- Empathy
- Flexibility
- Out-of-the-box Thinking
- Non-judgmental
- Personal Awareness
- Teamwork
- Truthfulness

Skills

- Assessment
- Interviewing and Recording
- Case Management
- Communication
- Documentation
- Active Listening
- Referral
- Report Writing

Habits and Ethics of Work

- Belief in the client
- Genuine concern for the client
- Self-awareness and self-care
- Flexible
- Advocate for change
- Observes confidentiality
- Ensures competence
- Firm commitment to end VAW and family violence as well as GSH
- Works with passion and willing to take risks

WHO CAN BE DESIGNATED AS A VAW/ASH DESK OFFICER?

- Woman Barangay Kagawad;
- Woman Barangay Tanod; or
- Any woman resident of the barangay

Preferably, the VAW/ASH Desk Officer should be a woman simply because in most VAW and ASH cases, the perpetrators are men. The VAW/ASH victim-survivors may be less comfortable relating their experiences to a man.

SYNTHESIS

The Barangay VAW/ASH Desk Officer to be designated should possess good qualities, skills, knowledge, attitudes, and competencies to effectively and efficiently handle VAW/ASH cases. Preferably, the VAW/ASH Desk Officer should be a woman.

It is important that the Barangay VAW/ASH Desk Officers are knowledgeable on the laws protecting women and LGBTQIA+ persons to help them render the necessary and appropriate assistance expected from them.

MODULE 4 | SESSION 3: MONITORING AND EVALUATION OF ANTI-VAW/ASH DESK SERVICES

Objective:

After this session, the punong barangays and Barangay VAW/ASH Desk Officers should be able to properly monitor and evaluate the delivery of Anti-VAW and ASH services in their respective barangays.

Duration: 30 minutes

Methodology: Interactive lecture discussion

Materials Needed: Laptop, presentation, multi-media projector, and handouts

CONTENT

Data on VAW/ASH cases at the barangay level are the foundation of the national database on VAW/ASH cases. Each case must be recorded and counted to know the prevalence of VAW/GSH incidence in a certain area. The national and local government units rely on this information to be able to formulate appropriate interventions.

HOW VAW/ASH CASES ARE MONITORED

The information in the intake form is essential in monitoring VAW/ASH cases. This serves as basis for identifying the right remedies to address issues on VAW and GSH.

TWO LEVELS OF MONITORING VAW/ASH CASES

1. In Monitoring **Individual Cases**, it is the duty of the Barangay VAW/ASH Desk Officer to:
 - a) Coordinate with pertinent agencies to monitor the status of an individual VAW/ASH case.
 - b) Attend case conferences called by the social worker to check whether the remedies and services needed by the victim-survivor have been delivered.
 - c) If security permits, join the social worker in conducting home visits to assess the progress or condition of the client.

2. In Monitoring Cases at the **Barangay Level**, it is the duty of the Barangay VAW/ASH Desk Officer to:
 - a) Maintain a data base of all VAW and ASH cases reported in the barangay.
 - b) Take particular note of the profiles of cases such as the following:
 - rape
 - acts of lasciviousness
 - sexual harassment
 - trafficking of women and girl-children
 - abuses of women by their intimate partners
 - other forms of VAW or GBV

- c) Gather and keep data of the profiles and needs of the reported VAW/ASH victim-survivors in the barangay.

HOW VAW/ASH DESK SERVICES ARE EVALUATED

It is ideal to keep track of progress and identify concerns affecting the services of VAW/ASH Desk. This will be helpful in improving the operations of the VAW/ASH Desk and the services and assistance it provides.

The barangay should take note of the following parameters in conducting the evaluation:

1. Physical Facilities
 - What facilities have been provided by the barangay? If necessary facilities have not yet been provided, when will this be done?
2. Personnel Qualifications
 - What are the capabilities and competencies of the VAW/ASH Desk Officer?
 - What are the possible training programs they should attend?
3. Provision of Services
 - What are the services provided by the barangay government and the Barangay ASH Referral Network?
 - How many clients experience sexual, physical, economic and psychological abuse, respectively?
4. Access to Information and Services
 - What is the availability of the VAW/ASH personnel and services provided by the barangay government and the Barangay ASH referral Network?
 - Is there a list of available literature and IEC materials that can be distributed to victim-survivors and the community?
5. Number of GAD Related Activities in the Barangay
 - Does the barangay hold activities which are GAD-focused? What are they?
 - What is the budget for each activity?

EVALUATING PERFORMANCE ON VAW CASES: TWO-LEVEL EVALUATION

There are two levels of evaluating the performance of Barangay VAW/ASH Desks with respect to VAW cases:

1. Barangay Officials
 - The VAW/ASH Desk can be evaluated by the barangay officials using the Performance Standards and Assessment Tool for Services Addressing VAW in the Philippines (Barangay Level).
 - The evaluation can be done once a year.
2. LGU office-in-charge of GAD affairs and, if possible, LCAT-VAWC and PCW representatives

- The VAW/ASH Desk can be evaluated by the representatives from the city/municipal GAD office, if possible, Local Committee on Anti-Trafficking and Violence Against Women and Their Children (LCAT-VAWC) and the Philippine Commission on Women using the Assessment Tool for VAW- Related Services of Cities and Municipalities and The Assessment Tool for VAW-Related Services of Provinces and Highly Urbanized Cities.
- The evaluation can be done every two years.

EVALUATING PERFORMANCE ON ASH CASES: SAFETY AUDITS

A safety audit is a local periodic review whereby an LGU evaluates the efficiency and effectivity of its component LGUs in terms of localizing and implementing the SSA. Provinces will audit their component cities and municipalities, while cities and municipalities will audit their component barangays.

The safety audits should be conducted every three years. The guidelines and indicators to be used for the safety audits will be developed by the DILG with the assistance of the PCW.

SYNTHESIS

All VAW/ASH cases referred to concerned institutions must be regularly monitored by the Barangay VAW/ASH Desk Officers. This is to determine if necessary and appropriate assistance was given to VAW/ASH victim-survivors and to assess their conditions. Incidence of VAW and GSH in the barangay should be monitored through proper data gathering and maintaining of a database. This will help the barangay identify the appropriate interventions to address or eliminate VAW and GSH in the community.

Further, VAW/ASH Desk performance with respect to VAW cases must be evaluated once a year or every two years. Meanwhile, safety audits should be conducted by cities and municipalities to evaluate the barangays with respect to their implementation and localization of the Safe Spaces Act and related issuances. This is to help the officials identify the challenges being faced in operations. The result of the evaluation will help the officials formulate plans and programs to improve the services of the VAW/ASH Desks.

MODULE 4 | SESSION 4: GUIDING SERVICE DELIVERY

Objectives:

After this session:

1. The Barangay VAW/ASH Desk Officers should be able to regularly and satisfactorily perform their functions at their respective Desks; and
2. The Barangay VAW/ASH Desk Officers should be able to follow the correct protocols and procedures in handling VAW/ASH cases that are lodged or referred to their respective Desks.

Duration: 2 hours and 30 minutes (1 hour discussion, 1 hour activity, 30 minutes synthesis)

Methodologies: Interactive lecture discussion and Role playing

Materials Needed: Laptop, multi-media projector, scenario, presentation and handouts

CONTENT

The Anti-Violence Against Women and Their Children Act or RA 9262 mandates the punong barangay or, in their absence, the barangay kagawad concerned on duty to take immediate action upon being informed of a violent incident and is mandated to issue Barangay Protection Order (BPO) on the date of filing after an ex parte determination on the basis of application.

KATARUNGANG PAMBARANGAY

REMINDER:

All forms of amicable settlement under the Katarungang Pambarangay such as mediation, settlement, conciliation, arbitration shall apply to certain GSH cases but NOT to any VAWC cases.

RA 9262 explicitly prohibits mediation of VAWC cases. This is based on the premise that VAW happens because of the unequal power relation between men and women. Mediation between unequal parties may result in men imposing their will and control over women. A barangay official who would initiate mediation or reconciliation in VAW cases will be administratively liable for taking this action.

In contrast, there is no such explicit prohibition under the Safe Spaces Act or RA 11313. Therefore, Barangay VAW/ASH Desk Officers who receive a complaint for sexual harassment should refer the complaint to the lupong tagapamayapa if the same falls strictly within the coverage of the katarungang pambarangay.

The first- and second-time offenses of the following acts of sexual harassment, found in Section 11 (a) of the Safe Spaces Act, are covered by the katarungang pambarangay:

- cursing,
- wolf-whistling,
- catcalling,
- leering and intrusive gazing,

- taunting,
- unwanted invitations,
- misogynistic, transphobic, homophobic, and sexist slurs,
- persistent unwanted comments on one's appearance,
- relentless requests for one's personal details such as name, contact and social media details or destination,
- the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs,
- the persistent telling of sexual jokes,
- use of sexual names, comments and demands, and
- any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety.

Meanwhile, the following cases of sexual harassment are not covered by the katarungang pambarangay and shall be referred to the local PNP women and children's desk or to the proper officer or court for appropriate action:

- Offenses under the Anti-Sexual Harassment Act of 1995;
- Offenses under the Safe Spaces Act, other than the first and second offenses in Section 11 (a) of the Act;
- Offenses under the Anti-Violence Against Women and their Children Act, Anti-Photo and Video Voyeurism Act, the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, the Expanded Anti-Trafficking in Persons Act, and the Anti-Online Sexual Abuse or Exploitation of Children and Child Abuse or Exploitation of Children Materials Act
- Violations of ordinances punishable by imprisonment exceeding one year or a fine exceeding P5,000.00;
- Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- Other cases not covered by the katarungang pambarangay under the Local Government Code and other relevant laws, rules, and regulations.

No complaint or action regarding any offense under the Safe Spaces Act that is covered by the katarungang pambarangay shall be filed or instituted directly in court, except in the following instances:

- where the complainant secures a Certificate to File Action issued by the secretary of the lupon tagapamayapa or the pangkat ng tagapagkasundo and attested to by the lupon or pangkat chairperson;
- where the accused is under detention;
- where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support pendente lite; and
- where the action may otherwise be barred by the statute of limitations.

The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

PROTOCOLS TO BE OBSERVED BY BARANGAY VAW/ASH DESK OFFICER WHEN RESPONDING TO VAW SITUATIONS

A. If a VAWC victim-survivor is accompanied by someone to the barangay or the victim-survivor herself goes to the barangay:

Step 1: Make sure that the victim-survivor and their companion/s are:

- comfortable;
- in a safe and private room or area; and
- given water and other immediate needs such as food, first aid, and clothing.

The VAW/ASH Desk Officer must create a safe environment and help stabilize the victim-survivor such as providing them space for privacy, explaining that their rights and well-being are of paramount importance, among others.

Step 2: Assess the situation by getting basic information that can determine present and possible risks at hand.

Step 3: If it is an emergency situation, do the following:

- if further medical attention is needed, immediately take the victim-survivor to the nearest clinic or hospital;
- if further legal attention or protective services are required, especially with regard to security and safety, refer or take the victim-survivor to the appropriate offices which can better attend to their protection; and
- fill out the Intake/Referral Form

REMINDER:

The recording of all information in appropriate logbook must be done as soon as possible.

Step 4: Once the victim-survivor has stabilized, assist the Punong Barangay or Kagawad in the conduct of an investigation in a gender-sensitive and non-judgmental manner and in a language or dialect understood by the victim-survivor.

The interview is not an interrogation. It is an interactive process whereby the pace and extent of disclosure to be made are determined by the victim-survivor.

Step 5: If the case is a violation of RA 9262 or RA 11313, inform the victim-survivor of their rights, the solutions and remedies available, and the processes involved in their quest for justice. The Barangay VAW/ASH Desk Person will brief the victim-survivor about the Barangay Protection Order (BPO) on how to secure it, including the implications to them and the children should they decide to apply.

Step 6: From the logbook, transfer the necessary data to the Intake Form.

Step 7: Refer the case to the appropriate office depending on the age of the victim-survivor and the nature of the incident.

If the victim-survivor or perpetrator is a **MINOR**, immediately refer the case to the C/MSWDO.

If the incident is covered by the **KATARUNGANG PAMBARANGAY**, assist the victim-survivor and refer the case to the lupon tagapamayapa within four hours from receipt of the complaint.

For **ALL OTHER INCIDENTS**, report the incident to the Philippine National Police (PNP) and the C/MSWDO within four hours after it happened.

Even though the rule states that the incident must be reported within four hours after it happened, reporting may still be done later. However, it must be strictly observed at all times that VAW/ASH cases are to be treated as urgent. All VAW/ASH clients must be given attention and assistance the soonest time possible.

Step 8: Monitor the status of each case five (5) working days after the it has been referred.

REMINDER:

For steps 5-7, get an informed consent from the victim-survivor before making a referral to any agency or institution. Proper consent must also be obtained from the client when taking action with regard to the welfare of their children, unless it is in their best interest not to do so.

PROCESS OF INTERVIEW

1. Ask the victim-survivor why they went to the VAW/ASH Desk.
2. Ask the victim-survivor to write the following information in the logbook:
 - personal information
 - purpose of their visit
 - action to be taken upon the request.
3. Let the victim-survivor tell their story and avoid interrupting. Actively listen to the victim-survivor.
4. Ask questions when they seem hesitant or do not know how to start their story. The interview should avoid giving personal opinions.

A properly conducted interview with the victim-survivor helps the VAW/ASH Desk Officer get relevant information about the abuse and gives them an idea on the type of assistance needed. The VAW/ASH Desk Officer should avoid interrupting and ask questions only when the victim-survivor seems hesitant or does not know how to start their story.

DO'S AND DON'TS IN CONDUCTING THE INTERVIEW

Do's

- Take the case seriously
- Refrain from making judgmental statements
- Present and discuss advantages and disadvantages of all options available to the client

Don'ts

- Contradict their version of the story or make fun of their situation
- Be judgmental
- Press them to make a decision

REMINDER:

Make sure that the incident is recorded in one separate page to avoid exposing information to other complainants or clients. Each page must be numbered and must match the case number of the client's case folder.

If the victim-survivor has difficulty writing their statements, the VAW/ASH Desk Officer may interview them and then write or type their report. The victim-survivor should then read the report and affix their signature or thumbmark on the report. This will prove that they sought assistance from the VAW/ASH Desk.

OTHER OPTIONS OF VICTIM-SURVIVORS

- Temporary Protection Order and Permanent Protection Order

Explain to the VAW victim-survivor that they can also file a Temporary Protection Order (TPO) or a Permanent Protection Order (PPO). Also, explain what TPO and PPO mean and the implications to them and their children if they avail of either one.

If the victim-survivor wants to directly apply for a TPO/PPO instead of a BPO, refer them to the nearest Public Attorney's Office (PAO) or the Alternative Law Groups, Inc. (ALG).

- Safe Shelter

If the victim-survivor asks for a safe shelter, refer them to a shelter, a women's center or to the City/Municipal Social Welfare and Development Office (C/MSWDO). The VAW/ASH Desk Officer may seek the assistance of other barangay officials, barangay tanod or the police in getting their belongings from the conjugal house.

B. If an incident is reported by a community member who is not directly involved:

1. If a third party reports the incident, the VAW/ASH Desk Officer should do the following:
 - Check the completeness and correctness of the information. For safety reasons, the VAW/ASH Desk Officer may ask assistance from the PNP or the ASH Enforcers (ASHEs);
 - Assess the situation; and
 - Oversee the rescue of the victim-survivor and their children, when applicable, to ensure their safety.

2. If the incident is an emergency, take the appropriate course of action and follow the correct process for referrals.

3. If the victim-survivor is rescued or appears before the ASH Desk, follow the same protocols in responding to direct complaints from victim-survivors. Make certain that the victim-survivor is in a stable condition before assisting the Punong Barangay or Kagawad in the interview.
 - Inform them of their rights and the available remedies, especially with regard to the BPO.
 - Assist them in applying for BPO/TPO/PPO.
 - Get them to a safe shelter.
 - Record the incident using VAW DocS form.
 - If applicable, report the incident within four hours after it happened to the PNP and to the C/MSWDO, and even after the four-hour period has elapsed.

C. FOR CASES OF GENDER-BASED VIOLENCE OTHER THAN VAW OR GSH

- Conduct an intake interview
- Assist the victim-survivor in writing and filing a complaint at the barangay for cases covered by the katarungang pambarangay or, for other cases, the PNP Women and Children Protection Desk or the National Bureau of Investigation (NBI).

IF THE VICTIM-SURVIVOR NEEDS ASSISTANCE BEYOND THE SCOPE OF THE VAW/ASH DESK'S SERVICES

At times, a VAW/ASH victim-survivor does not know what to do. As part of the service provided by the VAW/ASH Desk, it is important to ask what kind of help they want. If the VAW/ASH Desk is neither capable nor authorized to deliver what the victim-survivor asks for, the VAW/ASH Desk Officer must refer the victim-survivor to the appropriate institutions and agencies. For this purpose, the VAW/ASH Desk Officer should make use of the Barangay ASH Referral Network whenever necessary. If there is no Barangay ASH Referral Network or if the assistance required is beyond the scope of the Barangay ASH Referral Network, the VAW/ASH Desk Officer should make use of the Desk's Directory to make the proper referrals.

POST-DISCUSSION ACTIVITY: ROLEPLAYING / CASE SCENARIO

Instructions:

1. Divide the participants into 3-6 groups (depending on the total number of participants).
2. Each group will be given a case scenario on VAW or GSH.
3. Each group will discuss how they will handle the VAW/ASH case.
4. Each group will demonstrate the protocol and procedure in handling the given case through roleplay.
5. The facilitator will observe each group and take note of their observations.

Processing:

The facilitator will solicit comments from the plenary and give their own comments based on the protocols discussed.

Case Scenarios:

1. Kyle, a transman, comes to the Barangay VAW/ASH Desk in the morning. He claims that his 16-year-old girlfriend, Rita, and her eight-month-old baby, Ron-Ron, had just been kicked out of their house by Rita's parents. According to Kyle, Ron-Ron's father told Rita's parents about her secret relationship with Kyle. When they found out, Rita's father slapped her and her mother told them to get all their things and leave the house.
2. Danilo, a 43-year old marketing supervisor, comes to the Barangay VAW/ASH Desk after office hours. He claims that his 10-year-old daughter, Maria, was taken by her mother, Shiela, after Maria's classes. Shiela had just arrived from Japan after working there. According to witnesses, she was with her new Japanese boyfriend.
3. Renee, a 32-year-old transwoman, comes to the Barangay VAW/ASH Desk late at night. She has bruises on her face. She says that she recently broke up with her ex-boyfriend, Marcus, and stopped regularly giving him money. Earlier in the evening, Marcus confronted Renee, hit her face, and threatened to upload their sex videos if Renee won't give him a final amount of P300,000.
4. Grognak, a 22-year-old cisgender heterosexual man, comes to the Barangay VAW/ASH Desk around lunchtime. He is a resident of the barangay. He says that he had just left his workplace in a distant city when his co-workers called him "babakla-bakla" and "Grognak the Barbie Doll" because of his effeminate demeanor and long flowing hair. It was not the first time his co-workers teased him.

SYNTHESIS

In responding to cases of VAW or GSH, the protocols and procedures must be observed at all times by the Barangay VAW/ASH Desk Officer to effectively and efficiently handle various VAW/ASH cases. Cases that are strictly covered by the katarungang pambarangay should be referred to the lupong tagapamayapa for appropriate action.

In any case, proper and immediate assistance should be given to the victim-survivor in case they opt to seek protection order, shelter, medical or legal attention.

In getting information, the VAW/ASH Desk Officer must observe the do's and don'ts in conducting interview. This will help the victim-survivor tell their story.

MODULE 4 | SESSION 5: SHARING OF CHALLENGES AND OPPORTUNITIES

Objective:

After this session the punong barangays and Barangay VAW/ASH Desk Officers should be able to identify the challenges and opportunities in implementation for the improvement of their respective Anti-VAW/ASH services and the government's policies on VAW and gender-based sexual harassment.

Duration: 1 hour

Methodologies: Open forum

Materials Needed: Meta cards, whiteboard with markers, or blackboard with chalk

ACTIVITY: OPEN FORUM

Instructions:

1. Divide the participants into 3-6 groups (depending on the total number of participants). Ideally, the participants in each group should come from different barangays or have different roles in their barangay.
2. Each group will have a breakout discussion on their members' experiences related to gender-based violence in their communities or to the implementation of policies against VAW and GSH. If the group members have no such prior experience, they may share their inputs or insights regarding what they have learned so far from these training modules.
3. Each group will identify (a) challenges and (b) opportunities in eliminating VAW and GSH that they faced in their communities or that they identified from the training modules. They should be given 15-20 minutes to do this.
4. After the breakout discussions, each group will either post meta cards or write on the board the challenges and opportunities that they identified. Separate spaces should be provided for (a) challenges and (b) opportunities.

Processing:

The facilitator may ask the participants to expound when necessary. They should also facilitate discussion among the participants on what can be done to address the challenges and make use of the opportunities identified.

After the discussion, the facilitator will conclude the training. They will document the challenges and opportunities identified by the participants as well as the discussion that ensued.

ACTION PLANNING

The participants will plan for their actions and activities to be undertaken by their respective barangay after they have completed the training.

Objective: At the end of the session, participants shall be able to apply their learnings and plan their course of actions for the next months.

Duration: 1 hour

Methodologies: Workshop and group presentation

Materials Needed: Action Plan Template, bond paper, manila paper, pens

Instructions:

1. Group the participants according to their barangay, city/municipality and region.
2. Distribute the copy of Action Plan template.
3. Ask the groups to discuss and fill out the Action Plan template. They are given one (1) hour to do the activity.
4. Each group is given 10 minutes to present their Action Plan to the plenary.

Processing:

The facilitator will synthesize all the presentations then proceed to the closing program.

The closing program wraps up the training. The participants and the facilitators shall level off on the different topics covered by the modules. The training team shall synthesize these modules and the participants shall be able to apply what they have learned during the training.

ACTION PLAN TEMPLATE

ACTIVITY	OFFICE/PERSON RESPONSIBLE	RESOURCE REQUIREMENT	TIMELINE	OUTPUT

REFERENCES

Act No. 3815 (The Revised Penal Code)

E.O. No. 209, s. 1987 (The Family Code of the Philippines)

R.A. No. 7160 (Local Government Code of 1991)

R.A. No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act)

R.A. No. 7877 (Anti-Sexual Harassment Act of 1995)

R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998, Common Duties and Responsibilities of the Investigating Police Officer, Examining Physician, Prosecutor And Social Worker Or Crisis Workers)

R.A. 9208, as amended by R.A. Nos. 10364 & 11862 (Expanded Anti-Trafficking in Persons Act of 2022)

R.A. No. 9262 (Anti-Violence Against Women and Their Children Act of 2004) and its IRR

R.A. No. 9344, as amended by R.A. No. 10630 (Juvenile Justice and Welfare Act of 2006)

R.A. No. 9710 (Magna Carta of Women) and its IRR

R.A. No. 9995 (Anti-Photo and Video Voyeurism Act of 2009)

R.A. No. 11313 (Safe Spaces Act) and its IRR

R.A. No. 11648 (An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape)

R.A. No. 11930 (Anti-Online Sexual Abuse or Exploitation of Children [OSAEC] and Anti-Child Sexual Abuse or Exploitation Materials [CSAEM] Act)

DILG-DSWD-DOJ Joint Memorandum Circular No. 2010-1 (Creation of Local Committees on Anti-Trafficking and Violence Against Women and Their Children [LCAT-VAWC])

DILG-DSWD-DepEd-DOH-PCW Joint Memorandum Circular No. 2010-02 (Guidelines in the Establishment of a Violence Against Women [VAW] Desk in Every Barangay)

DILG Memorandum Circular No. 2012-61 (Adoption/Implementation of the Guidelines in the Establishment and Management of a Referral System on Violence Against Women at the Local Government Unit Level)

PCW-DILG-DBM-NEDA Joint Memorandum Circular No. 2013-01 (Guidelines on the Localization of the Magna Carta of Women), as amended by PCW-DILG-DBM-NEDA Joint Memorandum Circular No. 2016-01

DILG-PCW Joint Memorandum Circular No. 2020-001 (Guidelines on the Localization of the Safe Spaces Act)

Committee for the Special Protection of Children, Department of Justice, Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation (2014)

Philippine Commission on Women, Performance Standards and Assessment Tool for Services Addressing VAW in the Philippines (2008)

Philippine Commission on Women, Barangay VAW Desk Handbook (2012)

Sentro ng Alternatibong Lingap Panlegal, A Primer on the Localization of Safe Spaces Act (2021)