



LEGISLATIVE RESEARCH SERVICE

QUICK NOTES

Second Regular Session, 19th Congress

Public Hearing of the Committee on Women, Children, Family Relations and Gender Equality joint with the Committees on Justice and Human Rights; Science and Technology; Civil Service, Government Reorganization and Professional Regulation; and Finance

Chairperson: Sen. Risa Hontiveros

19 March 2024, Tuesday, 10:00 AM, Sen. Padilla Room, Senate

Re: I. Amending RA 11313 or the Safe Spaces Act

II. Expanded Anti-Violence Against Women and Their Children (E-VAWC) Act

III. Philippine Commission on Children Act

- **S. No. 2232—Sen. Cynthia Villar**
- **S. No. 2293—Sen. Mark Villar**
- **S. No. 2529—Sen. Risa Hontiveros**

Background

- The 1987 Philippine Constitution places great emphasis on the role of women in nation-building, and it mandates equal treatment for all, irrespective of their gender. This is the foundation upon which the laws against sexual harassment are built.¹
- Violence against women and children affects the lives and welfare of people around the world. Many women and children in the Philippines suffer multiple types of violence.
- As a response to emerging threats to the welfare of women and children, the E-VAWC Act was filed to punish violators and abusers who utilize electronic communication and social media platforms to inflict psychological violence through intimidation, harassment, stalking, public ridicule or humiliation, repeated verbal abuse, and marital infidelity against women and children.
- A bill creating a special agency that will focus on promoting and safeguarding the rights and welfare of children was also filed.

¹ S.B. No. 2232, Sen. Cynthia A. Villar.

Highlights

S. No. 2232 (Safe Spaces Act)

- The bill expands the definition of sexual harassment, extending its application to include situations in educational and training institutions, and workplace.
- It focuses on gender-based sexual harassment in public areas such as streets, privately-owned places open to the public, and public utility vehicles, among others.
- With the passing of the law, local government units are mandated to pass ordinances localizing the applicability of the Safe Spaces Act.
- The Metro Manila Development Authority (MMDA), the Philippine National Police (PNP), and the Women and Children's Protection Desk (WCPD) of the PNP have been given the task of apprehending violators of the law.

S. No. 2293 (E-VAWC Act)

- The bill seeks to protect women and their children from all forms of electronic violence by expanding the coverage of RA 9262 or the Anti-Violence Against Women and Their Children Act of 2004.
- Through this bill, acts or omissions that may be committed through information and communication technology (ICT), which may cause mental or emotional suffering to a woman and/or her children, shall be considered as punishable offenses.
- The bill likewise includes electronic or ICT-related violence as punishable act.

S. No. 2529 (Philippine Commission on Children Act)

- The bill seeks to reorganize the Council for the Welfare of Children into the Philippine Commission on Children, which will serve as the oversight body over committee, councils, and other structures, and recommend areas of convergence for an improved and efficient coordination, information-sharing, and monitoring of the safety and well-being of a child.
- It also provides for the composition of the Commission, the powers and functions, the Technical Advisory Group, and other provisions especially created to promote the welfare of children.
- It also mandates the creation of policies that further ensure the protection of children and the preservation of their childhood.

Possible Points for Discussion

1. Existing policies and programs on Violence Against Women and Children:

- Assessing the effectiveness of current policies and programs in preventing and responding to violence against women and children, including through rigorous monitoring, evaluation, and feedback mechanisms;
- Promoting collaboration and partnerships between government agencies, civil society organizations, and grassroots initiatives to address the root causes of gender-based violence, and provide holistic support to survivors;
- Increasing public awareness and education campaigns to challenge harmful gender norms, stereotypes, and attitudes that perpetuate violence and discrimination;
- Allocating sufficient resources and funding to sustain and expand initiatives aimed at preventing violence, supporting survivors, and holding perpetrators accountable; and
- Incorporating a human rights-based approach into policies and programs to ensure the protection and empowerment of women and children, including marginalized and vulnerable groups.

2. The weaponization of social media platforms to attack and harass women and/or their children through intimidation, doxxing,² and other threats:

- Developing and enforcing stronger regulations and policies to address online harassment and cyberbullying, including measures to hold platforms accountable for facilitating or enabling such behavior;
- Providing digital literacy training and resources to help women and children navigate online spaces safely, recognize and respond to threats, and protect their privacy and personal information;
- Strengthening cooperation between tech companies, law enforcement agencies, and civil society organizations to develop innovative solutions and tools to combat online abuse and harassment effectively; and
- Raising awareness about the impact of cyber harassment on mental health and well-being, particularly for marginalized communities, and advocating for greater support and resources for survivors.

3. Clear definition of the acts of gender-based sexual harassment in public spaces:

- Ensuring that legal definitions of sexual harassment in public spaces encompass a wide range of behaviors, including verbal, non-verbal, and physical conduct that is unwanted, unwelcome, or offensive based on a person's gender;

² According to the International Encyclopedia of Gender, Media, and Communication, doxxing is the [intentional revelation](#) of a person's private information online without their consent, often with malicious intent. This includes the sharing of phone numbers, home addresses, identification numbers and essentially any sensitive and previously private information such as personal photos that could make the victim identifiable and potentially exposed to further harassment, humiliation and real-life threats including stalking and unwanted encounters in person. Source: [What is doxxing and what can you do if you are doxxed? | CNN](#)

- Providing examples and illustrations of what constitutes sexual harassment in different public settings, taking into account cultural norms, social dynamics, and power imbalances;
- Incorporating intersectional perspectives to recognize how factors, such as race, ethnicity, class, age, disability, and sexual orientation, intersect with gender to shape experiences of harassment and vulnerability; and
- Establishing clear guidelines and protocols for reporting incidents of sexual harassment in public spaces, as well as procedures for investigation, mediation, and resolution, with a focus on survivor-centered approaches and confidentiality.

4. How is citizen's arrest (bystander intervention) applied in gender-based sexual harassment?

- Clarifying the legal parameters and limitations of citizen's arrest in cases of gender-based sexual harassment, including the threshold for intervention, use of force, and potential liability for false arrest or excessive action;
- Providing training and guidance to the public on when and how to safely and effectively intervene to prevent or stop instances of sexual harassment in public spaces, emphasizing de-escalation techniques and community support;
- Ensuring that laws and policies governing citizen's arrest are consistent with human rights principles, including non-discrimination, proportionality, and respect for due process, to prevent abuse or misuse of authority;
- Collaborating with law enforcement agencies and local authorities to coordinate efforts and exchange information on incidents of sexual harassment, with a view to enhancing prevention, protection, and accountability measures; and
- Promoting bystander intervention initiatives and campaigns to encourage active bystander engagement and collective action against sexual harassment, empowering individuals and communities to create safer environments for everyone.

5. Strengthening the laws on the protection of women and children:

- Implementing harsher penalties for perpetrators of gender-based violence, threats, including domestic violence, sexual assault, and child abuse, to deter such crimes and ensure justice for survivors;
- Enhancing legal frameworks to address emerging forms of e-violence, such as cyberbullying, online harassments/threats, and revenge porn, which disproportionately affect women and children;
- Providing greater access to legal aid and support services for survivors, including specialized courts or tribunals to handle cases of violence against women and children more effectively; and
- Strengthening enforcement mechanisms and improving coordination among law enforcement agencies, social services, healthcare providers, and community organizations to ensure a comprehensive response to cases of violence.