

Violence Against Women and their Children

a primer



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What is Violence against Women or VAW?

Violence against women refers to different forms of physical, sexual and emotional violence inflicted on women, as well as threats and economic abuse.

What are the forms of VAW?



Physical violence refers to acts that include bodily or physical harm, such as hitting, slapping, kicking.

Sexual violence refers to an act which is sexual in nature, and is committed against a woman or her child. It includes but is 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 victim's body, forcing her/him to watch obscene publications and indecent shows, or forcing the woman or her child to do indecent acts, and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
- Acts which cause - or attempt to cause - the victim to engage in any sexual activity by force or physical or other harm, threats of force or physical or other harm, or coercion;
- Prostituting the woman or her child





Psychological violence refers to acts or omissions which cause - or likely cause - mental or emotional suffering of the victim such as – but not limited to – intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity.

It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form, or to witness abusive injury to pets, or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

Economic abuse refers to acts that make - or attempt to make - a woman financially dependent. This includes – but is not limited to – the following:

- Withdrawal of financial support, or preventing the victim from engaging in 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.



What is domestic violence?

RA 9262 explains that domestic violence refers to any form of violence in which the victim and attacker are related by blood, or are living in the same place.

What is Republic Act No. 9262?

RA 9262 is the Anti-Violence Against Women and Their Children Act of 2004. It seeks to address the prevalence of violence against women and children (VAWC), abuses on women and their children by their partners like:



- Husband or ex-husband
- Live-in partner or ex-live in partner
- Boyfriend/girlfriend or ex-boyfriend/
ex-girlfriend
- Dating partner or ex-dating partner

What is VAWC under the law?

It refers to “any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship*, or with whom he has a common child, or against her 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 suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.”

**A dating relationship is one which has a romantic involvement. It means that a relationship existed between a woman and a partner who is or was abusive, whether or not the relationship was formal. Sexual relations refer to a single sexual act, which may or may not result to a bearing of a child.*

Who is protected under the law?



The law recognizes the unequal relations of a man and a woman in an abusive relationship where the woman is usually the one disadvantaged. Thus, **the law protects the woman and her children.**

The victim, the child who is a minor (legitimate and illegitimate), and a person aged 18 years and beyond who doesn't have the ability to decide for herself/himself because of an emotional, physical and mental illness can make full use of the law.

Any child under the care of a woman is also protected under the law.

What can women and children do?

The law allows women and their children to secure barangay protection order (BPO), and/or temporary or permanent protection order from the courts.

They can also file an independent civil action for damages and criminal action for the violation of anti-VAWC Act.

What is a protection order?

To prevent further abuse of or violence against a woman and her child, a provision for a protection order is prescribed in the Anti-VAWC Act. It also provides them relief from said abuse or violence.





How can the complainant obtain the BPO?

Victims can come to the barangay chairman or councilor to submit a statement under oath to validate the complaint. BPO should be released on the day the complaint is filed. If not, the victim may file an administrative case against barangay officials.

What should a barangay official do if a VAWC victim seeks help?

A barangay official should help the victim draft her complaint. If a lawyer is not available, he can ask the victim to sign a statement under oath. It is also important to ensure the details of the complaint, especially the sequence of events.

Barangay councilors may also accompany the victim in filing a case at any Family Court near the barangay.

What are some of the important duties of the barangay captain and police?

- Enter the house of the victim, WITH OR WITHOUT BPO or TPO.
- Confiscate any weapons of the accused
- Arrest the accused EVEN IF there is no warrant of arrest.
- Bring the victim to a safe place or to a hospital if she is injured.

Can barangay officials mediate to settle the issue between the victim and the accused?

The Implementing Rules and Regulations of RA 9262 prohibits this. Barangay officials as well as judges who issued the protection order have no power to mediate in VAWC cases.

Who can be liable under the law?

Anyone who hurts the woman he or she is or was in a sexual or dating relationship with may be held liable under the Anti-VAWC Act.

Who can file a case?

Violence against women and children (VAWC) is a public offense under Philippine law, so anyone who has personal knowledge of the crime may file a case on the victim's behalf.

This includes parents or guardians, grandparents, children and grandchildren, other relatives, local officials, social workers, lawyers, counselors, health care providers and the police.

What are the penalties for committing VAWC?

If the courts have proven that the offender is guilty of the crime, he may be imprisoned and will be obliged to pay P100,000 to P300, 000 in damages.



Where to get help

Counseling and Referral Services

Department of Social Welfare and Development (DSWD)

Crisis Intervention Unit (CIU)

(02) 931-8101 loc 508 to 509

Medical and Health Services

Women's Crisis Center

Women's and Children's Crisis Care & Protection Unit

East Avenue Medical Center (WCCCPU-EAMC)

Tel Nos.: (02) 926-7744, 922-5235

Philippine General Hospital (PGH)

Women's Desk

Tel Nos.: (02) 554-8400 loc 2536

Legal Assistance

Public Attorney's Office

Tel Nos.: (02) 929-9010, 929-9436 to 37

Fax Nos.: (02) 927-6810, 926-2878

Law Enforcement Agencies

Philippine National Police (PNP)

Women and Children's Concern Division (WCCD)

Tel No.: (02) 723-0401 loc 3480

Call or text 117 (PATROL 117)

National Bureau of Investigation (NBI)

Violence Against Women and Children's Division (VAWCD)



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