

WOMEN AND CHILDREN AS VICTIMS OF CRIME

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INTRODUCTION

The Philippines was not exempted from the Asian financial crisis which further aggravated the socioeconomic problems of the country. We all agree that the prevailing economic crisis and the worsening poverty situation in the region are fertile grounds for the increased incidence of crime and other social problems where the worst affected are women and children.

The pro-poor agenda of the government which includes a comprehensive program for poverty alleviation and a massive housing program, among others, is just beginning to take off. The burden on the Filipino family to respond to the increasing needs of its members has increased, affecting its caring and nurturing role to its members. Women are constrained to work in rural areas or abroad, leaving their families behind. This situation leads to lack of supervision of children, making them vulnerable to abuse and exploitation. Children, at times, are left to fend for themselves or they too have to work in the streets, factories or establishments, exposing them to hazardous and exploitative working conditions.

Although advocacy and social mobilization for the promotion of human rights of women and children have been successful, there are still obstacles, particularly socio-cultural factors ingrained in Philippine society, such as the "macho" image of the Filipino man, leading to the commodification of women and children, as they are seen as chattels, possessions and objects. The gender stereotypes still prevail, particularly in the rural areas. This will take some time to change, maybe a generation, but the foundation had been laid in firm grounds.

GOVERNMENT RESPONSES TO ISSUES AND PROBLEMS

The Philippine Government has acknowledged the problem and has undertaken measures to help combat crimes against women and children through the collective efforts of various national and local government units in collaboration with non-governmental organizations and the private sector. We have an active and vigilant civil society as partners of government in the prevention and protection of women and children as well as in the recovery and reintegration of victims of crime.

First, we have a strong legislative and policy framework as part of the Philippine commitment to the various international instruments of which our country is one of the State Parties or signatories.

Being the 31st State Party to the UN Convention on the Rights of the Child (CRC), a Philippine Plan of Action for children was adopted in 1991 and is being updated by a 25-year long-term National Development Plan for Children, better known as Child 21, a road map for Filipino children to year 2025. As the CRC celebrates its 10th year anniversary, the Philippines has harmonized its legislation to uphold child's rights to survival, protection, development and participation. Most significant of these are the: 1) Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act where there are specific provisions against child trafficking (children unaccompanied by their parents are required to have travel clearances and social workers are stationed in international airports) and the commercial sexual exploitation of children (foreigners can be tried and convicted in Philippine courts for offenses against children and maybe meted out a death sentence since rape is a heinous crime), and Domestic and Inter-country Adoption Laws to prevent child trafficking for purposes of adoption.

As part of our commitment to the World Congress against the Commercial Sexual Exploitation of Children held in Stockholm, we have formulated a National Plan of Action which will address the growing problem of sexual exploitation of children. The Philippines and the United Kingdom sponsored the Child Welfare Initiative in the Asia-Europe Meeting (ASEM) in 1997 using the Stockholm Declaration as a framework.

The projects include a web-site for sharing legislation and best practices, particularly in developing the capability of law enforcement agencies in child-friendly investigation procedures, sharing of information on syndicates and individuals like the pedophiles preying on children, and on interventions for the early healing, recovery and reintegration of victims/survivors.

The Convention on the Elimination of-all Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action have been the framework for laws on Women and Development and Nation-Building, the Philippine Development Plan for Women and_ the Philippin6 Plan for Gender Responsive Development, a 30-year plan (1995-2025) providing for developing actions for the promotion of the status of women. Cohggress has mandated that five percent (5%) of the budget of all government agencies must be utilized in the implementation of these plans which are monitored by a National Commission on the Role of Filipino Women (NCRFW).

Since rape is the most prevalent crime against women and children, two laws were enacted, namely: the Anti-Rape Law, making rape a public crime and expanding the definition of rape which covers marital rape and does not only over sexual intercourse, and the Rape Victims Assistance and Protection Act. establishing rape crisis centers wlth a comprehensive program for rape victims/survivors.

At the regional level, the Bangkok Accord and Plan of Action to Combat Trafficking in Women and Children was adopted by the Asia and Pacific countries in November 1998. In the forthcoming ASEAN Meeting on the Committee on Social Development this December, the Philippines will sponsor an ASEAN Declaration against the trafficking of women and children.

There are still gaps in our legal/policy framework. To date, there is no law against domestic or family violence and the trafficking of women and children. Further, enforcement of existing laws is wanting and needs improvement. The community must be involved in monitoring of the implementation of these laws to prevent inaction and corruption of law enforcement agencies. Political will is important in the enforcement of laws.

Second, there are best practices we want to share which are found effective in our country.

In the area of prevention and early interventions, the Philippines recently embarked on a national family violence prevention program. The families are provided knowledge and skills to protect themselves against family violence and promote and strengthen community-based structures such as village councils for the protection of children. Special features of the program are the following:1) development of protective behaviour modules for women and children; 2) parent education to enhance parenting skills and understanding rights of women and children; and 3) empowerment and reaffirmation of parental abilities among fathers. The family violence prevention program aims to break the cycle of violence and empower the members of the family. With the need for women to work to augment family's income, productivity centres for women were established for skills training on food production, high speed sewing, and others for self or open employment and hopefully will prevent the women from seeking employment abroad. However, for those going abroad, pre-departure counselling on life in a foreign land are provided to them.

With the increased awareness of society on women and children's rights, there has been an increase of reports coming from the communities and the victims themselves. We have hotlines nationwide and quick response teams organized to ensure immediate action by an interdisciplinary team. The crisis centres, not only for rape or sexual abuse, are in place but need improvement in the areas of more gender sensitive procedures and handling of oases by law enforcement, although there are trained Child and Women's Desk Offilcers, mainly women service providers.

Outside of the country, our Embassies are mandated to provide services to protect Filipino migrant workers, both documented and undocumented who oftentimes are victims of trafficking and unscrupulous groups as well as the mail-order brides. There are

shortcomings but best efforts are being done to address their problems. We have Filipino social workers on secondment with the International Social Services in Hongkong and Japan.

A major area of concern is the healing, recovery and reintegration of victims/survivors upon return to their own families and communities. Although there are programs for their economic recovery, psycho-social interventions to cope with the trauma of being abused and exploited to being back their self-esteem and make them whole again are yet to be intensified. There are only three therapy centres or residential facilities for women and children, which implement a comprehensive program to prepare for their return to the community and work toward a community-based recovery program to remove stigmatisation of the victims.

Technical cooperation with Australia, New Zealand, and Japan has been sought to enhance the programs and services for the victims/survivors. The rise of Overseas Development Assistance (ODA) is exemplified by a bilateral project between the Philippines and Belgium where both sending and receiving countries cooperate with each other to combat the trafficking of women.

RECOMMENDATIONS FOR REGIONAL COOPERATION

The Philippines is reiterating its recommendations in several fora on the issue of trafficking of women and children.

1 . We need a comprehensive, integrated and holistic approach to combat trafficking and other crimes committed against women from the community level up to the regional/international level. The family and the community must be the first line of defense. The cycle of violence must be broken with the assistance of government and supported by civil society. Bilateral and multilateral agreements are effective mechanisms to address the supply and demand cycle for women and children. The Belgium-Philippines model may be replicated as well as other best practice models in prevention and protection, recovery and reintegration of victims.

2. The need to make the criminal justice system gender-fair and sensitive and child-friendly to ensure that the women and children victims of abuse and exploitation are treated with dignity and prevent revictimisation. Special units such as women and children's desks Family and Juvenile Courts, among others, with appropriate capability-building/training on processes and procedures for law enforcers, prosecutors, judges and other service providers. Evidences gathered must be acceptable to both countries to mete out justice to the victims such as in the enforcement of extraterritorial laws applied to perpetrators of child exploitation.

3 Continuing research, data banking and monitoring are needed to ensure that policy and program development are data-based and responsive to emerging needs or trends in the global community. The protection of women and children should be part of an overall social development plan to institutionalize efforts and maximize limited resources.