

Gender Violence **On the Internet:** **The Philippine Experience**

Philippine Country Report on Technology-Related Violence
against Women in the Philippines

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APC

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FOREWORD

The Foundation for Media Alternatives (FMA) prepared this country report as part of the broader study conducted by the Association for Progressive Communications (APC) on End violence: women's rights and safety online, which involve seven different countries. It looks into the existing legal remedies and corporate policies in the Philippines as they relate to technology-related violence against women (VAW).

In recent years, the media has directed the world's attention to the increasing prevalence of technology-related VAW incidents in the Philippine context, and the urgent need to raise the people's awareness and recognition of this worsening social malaise. Despite the existence of relevant laws on the subject—such as Republic Act No. 9995, otherwise known as the Anti-photo and Video Voyeurism Act, Republic Act No. 9775 or the Anti-Child Pornography Act, and Republic Act No. 10175 or the Cybercrime Prevention Act, to name a few—their effectiveness as exhibited through proper implementation and the prosecution of reported offenses has yet to be seen.

This report provides a glimpse on how women and girls in the domestic milieu experience violence in the digital space, and the response provided by municipal laws, including the corporate policies of local internet service providers, to such instances of technology-related VAW. For this purpose, FMA documented and analyzed three relevant and fairly recent cases that make up the crux of this text.

To be sure, there remains a large area to explore insofar as the effects and influence of technology—particularly ICTs—on women's human rights. This document represents but a critical first step in a more comprehensive inquiry that FMA hopes to be involved with, as it continues its mission of assisting in the promotion and protection of gender rights in the digital environments and in the global information society.

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The harms and violations perpetrated through and within ICTs are in need of serious attention...

Introduction

Information and communications technologies (ICTs) have revolutionized societies. They have transformed the way we communicate, socialize, transact business, gather and receive information.

For women, ICTs have provided vital spheres where they are able to express themselves, assert their rights and identities, initiate and enhance their participation in political and public life. But with the proliferation and increase in use of ICTs, there is also the risk and, in fact, evidence that violence against women (VAW) involving the use of technology is growing.

The harms and violations perpetrated through and within ICTs are in need of serious attention because, for the most part, they are not recognized or are seen as trivial, thus receiving inadequate and inappropriate response from the different actors such as the state, the private sector, civil society, or the women themselves.

In the Philippines, there have been several media reports on technology-related VAW, especially the uploading of images and videos without consent. However, there are no government data that point to the extent of these. Furthermore, according to a representative from one government agency, technology in VAW is treated as one of the tools to commit this crime.

The Association for Progressive Communications (APC), under its Women's Rights Programme, commissioned in 2013 a research project that looked into the increasing but largely unreported incidence of technology-related Violence against Women (VAW), the remedies available to those who experienced it and how they addressed the problem.

Technology-related VAW is a distinct phenomenon because of the medium, mode and place of its commission. The context in which it manifests remains relatively unexplored and less understood and as such has implications on women's access to justice. The distinct characteristic of ICT—its borderless nature, the fluidity of digital personhood, the absence of physicality, and the anonymity and intractability it offers—has changed not only the manner by which VAW is being committed and perpetrated, but also its effects and consequences, and its subsequent prosecution or non-prosecution.

¹ See UN Human Rights Council Report of the working group on the issue of discrimination against women in law and in practice, 2013. Available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.50_EN.pdf

² Foundation for Media Alternatives, 2013. Baseline report on VAW and its reporting system in the Philippines.

³ Anita Gurumurthy, and Niveditha Menon, Violence against Women via Cyberspace, Economic & Political Weekly (EPW), Vol. XLIV No. 4 (October 3, 2009).

The project was undertaken by APC project partners in seven countries: Bosnia and Herzegovina, Colombia, Democratic Republic of Congo, Kenya, Mexico, Pakistan, and the Philippines.

The main objectives of the study were to:

- Document in-depth case studies on victims/survivors of technology-based violence against women,
- Map pertinent domestic legislation that address technology-driven VAW, and
- Carry out desk review of corporate policies that either provide redress to cyber violence or hinder remedies.

This report summarizes the results of the research conducted by the Foundation for Media Alternatives (FMA), APC's partner in the Philippines. It documents three cases of technology-based VAW based on information from newspaper reports as well as from interviews conducted by FMA with a victim, lawyers and law enforcers, civil society groups directly concerned with VAW, and representatives of ICT companies (Internet Service Providers, Mobile Phone companies, and their public policy departments).

Summary of Research

The primary focus of the study was to document women's experience with technology-related violence in order to raise visibility of the issues and to advocate for the development of effective legal remedies and corporate policies/redress mechanisms to protect the rights of women. Based on the overarching research design, the study used purposive sampling of key informant interviews, and also a desk review of laws and corporate policies. FMA carried out the study between August 2013 and April 2014.

FMA originally sought to conduct four in-depth case studies, but adjustments had to be made due to the difficulty in finding victims/survivors willing to be interviewed. FMA settled for three in-depth case studies.⁴ Two are highly-publicized cases of celebrities, Ruby and Martha,⁵ whose private videos and photos were uploaded

⁴ Brief descriptions of the three cases can be found at the end of this report.

⁵ Names have been changed to protect the identity of the respondents.

on the internet without their consent. Both sought legal remedy. Only one (Ruby) granted an interview with FMA. The other case study was developed from news articles online and an interview with a lawyer handling a related case. The third case is about child cyber-pornography in a small town in Cebu province. Interviews were conducted with police personnel from the Anti-Cybercrime Group, a lawyer for an NGO providing legal assistance to children victims of abuse and a psychologist. The case studies were supplemented with news articles online. A desk review of corporate policies and laws was also conducted.