



THIRD REGULAR SESSION

RESOLUTION NO. 202

RESOLUTION CALLING ON THE GOVERNMENT OF THE DAY (GOTD), THROUGH THE OFFICE OF THE ATTORNEY GENERAL (OAG), BANGSAMORO WOMEN COMMISSION (BWC), MINISTRY OF INTERIOR AND LOCAL GOVERNMENT (MILG), AND OTHER APPROPRIATE MINISTRIES AND OFFICES, TO CONDUCT AN ANNUAL FORUM ON SEXUAL HARASSMENT, AND ON THE IMPLEMENTATION OF REPUBLIC ACT (R.A.) NO. 7877 OR THE ANTI-SEXUAL HARASSMENT ACT, R.A. NO. 8353 OR THE ANTI-RAPE LAW, AND THE RECENT R.A. NO. 11313 OR THE SAFE SPACES ACT IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO

WHEREAS, as stated by Riffat Hassan in her article titled "*The Quran on the Issue of Modesty*", the Holy Qur'an says:

"Tell the believing men to lower their gaze (avoiding its concentration on a person's body, or a certain part of it) and to be mindful of their chastity; in this, they will be more considerate for their well-being and purity, and surely God is fully aware of all that they do" (24: 30-31).

"And tell the believing women to lower their gaze (avoiding its concentration on a person's body, or a certain part of it) and to be mindful of their chastity, and not to display the charms of their bodies (in public) beyond what may (decently) be apparent thereof; hence, let them draw their head-coverings over their bosoms... (translation by Dr. Fathi Osman)."

WHEREAS, the Qur'anic injunction above-quoted, not only women are enjoined lower their gaze and behave modestly, but also men;

WHEREAS, under Section 5, Article II of the 1987 Constitution, it is stated that "[t]he maintenance of peace and order, the *protection of life*, liberty, and property, and the *promotion of the general welfare* are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, under Section 11 of the same Article, it is also provided that "[t]he State values the dignity of every human person and guarantees full respect for human rights";

WHEREAS, under Section 14 also thereof, is stated that "[t]he State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men";

WHEREAS, the general welfare clause, particularly Section 3, Article V of R.A. No. 11054, states that "[t]he Bangsamoro Government shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and *those which are essential to the promotion of general welfare*. Within its territorial jurisdiction, the Bangsamoro Government shall ensure and support, among other things, the preservation and enrichment of culture, *promote health and safety... improve public morals... maintain peace and order, and preserve the comfort and convenience of its inhabitants*";

WHEREAS, Section 12, Article IX of R.A. 11054, highlights the importance of the protection of women, such that "[t]he Bangsamoro Government shall uphold and protect the fundamental rights of women, including the right to engage in lawful employment, and *to be protected from exploitation,*

abuse, or discrimination, as embodied in the Convention on the Elimination of all Forms of Discrimination Against Women”;

WHEREAS, under Section 2 of R.A. No. 7877, it is declared policy that the State “shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction, or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful”;

WHEREAS, it is stated under Section 2 of R.A. No. 11313 that “it is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private but also on the streets, public spaces, online, workplaces and educational and training institutions”;

WHEREAS, under Section 4 of R.A. No. 11313, it is stated that:

“The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person’s appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one’s sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.”

WHEREAS, forms of sexual harassment now include sexual harassment in the workplace; in education and training institutions; in streets and public spaces; and online;

WHEREAS, as stated in an article by the CNN, citing a survey conducted in 2016 by the Social Weather Stations (SWS), three in five women have experienced sexual harassment at least once in their lifetime;

WHEREAS, also according to the SWS, 88% of women who are 18 to 24 years old have experienced sexual harassment at least once in their lifetime. The SWS survey classifies these instances into: wolf-whistling, lascivious language, stalking, voyeurism, groping, rubbing or touching, catcalling, indecent gestures, exhibitionism and public masturbation, sending of pornographic pictures or videos, and cyber violence;

WHEREAS, physical abuse, emotional stress due to infidelity, neglected and unaccompanied children, and sexual abuse are among the reported violence against women and children (VAWC) cases in the region. According to the 2017 National Demographic Health Survey (NDHS) data, only one-third of women who have experienced physical or sexual violence in the region sought help to stop the violence, while 72 percent of women never sought help nor told anyone;

WHEREAS, the low VAWC figures in the region may be attributed to underreporting of cases due to limited financial capability to pursue legal action or the fear of putting oneself in shameful condition or *maratabat*. Also, there are limited shelter facilities to accommodate VAWC cases and other disadvantaged women;

WHEREAS, some if not most of the Bangsamoro are not well-informed about the existence of such laws and should thus be educated and updated on the matter;

WHEREAS, the limited programs and projects for women and children at local levels; inadequate VAWC information, education, and communication (IEC) materials, particularly pamphlets in the vernacular for community awareness; and unequipped and unskilled social workers, police officers, and prosecutors, among others, are factors which aggravate the situation in the region. In addition, shared reporting mechanisms between and amongst institutions are not yet in place, resulting in inconsistencies in social protection data and other related vital indicators on women and children in the region;

WHEREAS, there is a necessity to prevent sexual harassment in the autonomous region, in whatever form it may be, and to provide a safer environment for all people and genders;

WHEREAS, the Ministry of Interior and Local Government (MILG), the counterpart of the Department of Interior and Local Government (DILG) in the region tasked to ensure the full implementation of R.A. No. 11313, should create and conduct an annual forum on sexual harassment to remind the Bangsamoro and to apprise them of the possible repercussions of the acts enumerated. This is in accordance with the mandate of R.A. No. 11313 under Section 9 (c), to provide capacity-building and training activities to build the capability of local government officials to implement R.A. No. 11313, in coordination with the Philippine Commission on Women (PCW), or its counterpart Bangsamoro Women Commission (BWC), the Local Government Academy, and the Development Academy of the Philippines (DAP), or its counterpart Development Academy of the Bangsamoro;

WHEREAS, the Office of the Attorney General, being the chief legal counsel of the Bangsamoro Autonomous Region, should work with the BWC, MILG and other agencies in the conduct of the forum, given that three major laws are to be discussed and made familiar to the people;

WHEREAS, the ministries and offices through their Gender and Development (GAD) Focal Point System (FPS), are committed to the improvement of gender and development and its mainstreaming in the autonomous region:

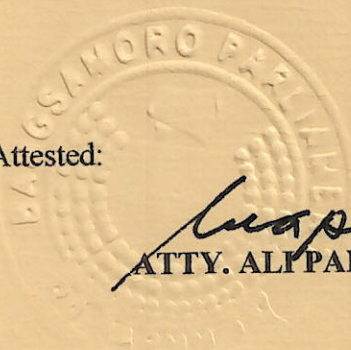
NOW, THEREFORE, be it

RESOLVED, as it is hereby resolved by the Bangsamoro Transition Authority, to call on the Government of the Day, through the Office of the Attorney General, Bangsamoro Women Commission, Ministry of Interior and Local Government, and other appropriate ministries and offices, to conduct an annual forum on sexual harassment, and on the implementation of Republic Act (R.A.) No. 7877 or the Anti-Sexual Harassment Act, R.A. No. 8353 or the Anti-Rape Law, and the recent R.A. No. 11313 or the Safe Spaces Act in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

RESOLVED, FURTHER, that copy of this Resolution be furnished to all ministries, offices, local government units, and government-owned and controlled corporations in the BARMM, for information and appropriate action.

ADOPTED, Jumada Al-Akhirah 21, 1443/January 25, 2022.

Attested:




ATTY. ALI PANGALIAN M. BALINDONG
Speaker

Certified Correct:


PROF. RABY B. ANGKAL
Secretary-General