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PHILIPPINES

Fear, shame and impunity: Rape and sexual abuse of women in custody

1. Introduction

Women in the custody of law enforcement officials in the Philippines are vulnerable to torture, including rape and sexual abuse. Between 1995 and 2000 Amnesty International received reports of more than 30 incidents of rape or other sexual abuse of women or girls in custody. The organization fears that this figure represents only a fraction of the real number of cases. Women in police custody have also reported being subjected to other forms of torture or ill-treatment, including threats, slaps, punches, kicks and sexual assault, such as the groping of breasts. Women detained in provincial, municipal and city jails are also vulnerable to rape or sexual violence.

Rape of women detainees by police officers, jail guards or military officials always constitutes torture. It is both a physical violation and injury as well as a humiliating assault on a woman's mental and emotional integrity. In addition, rape is always associated with the risk of sexually transmitted diseases, particularly Human Immunodeficiency Virus (HIV). Women who become pregnant as a result of rape in custody face a further set of serious problems. A common accompaniment to rape, whether in custody or in the community, is the perpetrator's threat of additional violence if the victim tells anyone of the assault. Other forms of sexual abuse by law enforcement officials, including the threat of rape, verbal sexual abuse and mocking, designed to degrade and humiliate, may also constitute torture or other forms of cruel, inhuman and degrading treatment.

Torture is prohibited both under the Philippine Constitution¹ and by the major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Philippines is a party. The United Nations Declaration on the Elimination of Violence against Women has defined violence against women as: "*any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life*".²

Lack of systematic monitoring in the Philippines makes it difficult to estimate the true extent to which women are subjected to torture in custody, but Amnesty International believes

¹ Article 111, Section 12 provides that "*no torture, force, violence, threat, intimidation or any other means which vitiates the free will shall be used against [the accused]*."

² UN General Assembly resolution 48/104 of 20 December 1993

that the real number of cases is far higher than reported. This belief is reinforced by the fact that victims of rape face enormous obstacles in bringing the perpetrators to justice and achieving redress. Such obstacles include fear of reprisals, cultural stigma and feelings of shame which prevent many women from speaking out. Rape victims often face a lack of sensitivity from police or court officials and intrusive media reporting of their cases.

Lodging a complaint against a police officer or prison official requires courage and usually financial resources beyond the means of most victims. It is not unusual for a victim of rape by law enforcement officials to be threatened or pressured by the perpetrator into withdrawing her complaint. If the victim is from a disadvantaged social or economic group, as is most often the case, her chances of obtaining justice are bleak. Many women are fearful of a police force whose reputation has been tarnished by the torture of criminal suspects, corruption and involvement in criminal activities. Few victims of torture in the Philippines, particularly the poorly educated and impoverished, are aware of their rights or expect their complaints to be taken seriously.

Philippine law stipulates the death penalty for law enforcement officials convicted of raping a woman in custody. According to Amnesty International's information, there has been only a small number of convictions of police officers for rape of female detainees. Despite these prosecutions and the imposition of the death penalty - itself a violation of fundamental human rights - new cases of rape in custody continue to be reported. Amnesty International fears that unless women are given the necessary encouragement and protection to enable them to report torture in custody, many perpetrators will evade justice and the cycle of impunity will continue. Women detainees will remain vulnerable to rape and other abuses by law enforcement officials.

Young women in a detention cell © Philippine Center for Investigative Journalism

Some Philippine human rights lawyers have noted that there is a degree of public acceptance that women in conflict with the law will be subjected to sexual harassment or other forms of ill-treatment. Suspected female offenders, often from the most marginalised groups, including prostitutes, street children and drug users, are frequently regarded by society as inherently immoral and therefore unworthy of just and fair treatment. Amnesty International's research into the treatment of male criminal suspects has also found a high level of tolerance

by society of torture by the police, which is seen as an effective means to secure confessions in the fight against crime.

This report is based on information gathered since 1995 and on a visit by Amnesty International delegates to the Philippines in July 2000. The delegates met a variety of women's non-governmental organizations, local human rights organizations, women lawyers, investigative journalists and academics. The delegates also visited the Philippine Commission on Human Rights, the Women's Correctional Institution and the Manila City Jail, including its women's section. This report focuses primarily on torture of women in custody but also touches briefly on domestic violence, which in certain circumstances may amount to torture.

Amnesty International and women's organizations in the Philippines believe the Government of the Philippines must take urgent steps to protect women in custody from torture, including rape, sexual violence and other cruel, inhuman and degrading treatment. The government also has an obligation to refrain from condoning or acquiescing in abuses by private actors and to exercise due diligence by preventing, prosecuting and punishing such abuses. This report concludes with a series of recommendations to the authorities to prevent these grave violations of women's rights.

2. Women's rights in the Philippines: the struggle for full recognition

The Philippines has a vibrant community of women's rights activists who have made tremendous progress in recent years in raising the profile of women's rights both within the country and the Asia-Pacific region. One example is the increasing momentum of the campaign for justice by Filipino former "comfort women". Forced into sexual slavery during the Japanese military occupation of the Philippines in the early 1940s, the extraordinary courage of these women, now in their 70s and 80s, has been a great inspiration for other women across Asia who are struggling to end impunity for violations of women's human rights, including sexual violence.

Former "comfort women" demonstrate during a visit of the then Japanese Prime Minister Obuchi during his visit to Manila in 1999 © Romeo Ranoco/Reuters

2.1 Laws and their implementation

Following persistent efforts by Filipino women activists, the government adopted a 30-year Plan for Gender Responsive Development (1995-2025), aimed at pursuing full equality and development for women and men, based on commitments made by the Philippines at the Fourth World Conference on Women in Beijing in 1995. Successful lobbying by Filipino women activists on a range of other issues has also encouraged the government to adopt a number of laws to protect and enhance women's rights. In 1995 the Anti-Sexual Harassment Act was passed, prohibiting sexual harassment in employment, education and training environments and in 1997 a new Anti-Rape Law redefined rape as a crime against persons. It had formerly been classed as a crime against chastity.

Despite enactment of various laws designed to protect women's human rights and the ratification of major international human rights treaties,³ the authorities have been heavily criticized by women's groups for poor implementation. Inadequate funding for gender-based projects has also been a major problem. For example, implementation of the 1998 Rape Victim Assistance and Protection Act, providing for the establishment of a rape crisis centre in every province and city, is reported to have been stalled due to lack of funding.

2.2 Violence against women in the family and community

In 1997 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) called on the Government of the Philippines to enact legislation to combat violence against women and to compile relevant data.⁴ Data gathered by the Department of Social Welfare and Development is reported to have shown that in the first six months of 2000 there were 4,468 reports of women in "especially difficult circumstances". Nearly half of the cases are reported to have involved physical abuse, maltreatment and battery while 14 percent reportedly involved sexual abuse.⁵ Despite prolonged lobbying by women advocates, the

³ The Philippines is party to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and in March 2000 signed its Optional Protocol. The Optional Protocol, which came into force in December 2000, provides for a complaints mechanism allowing women to bring communications that allege violations of their rights under the Convention, including complaints that the state has failed in its duty to act to protect against abuses. The Philippines is also a party to the International Covenant on Civil and Political Rights and the United Nations Convention against Torture.

⁴ Concluding observations of CEDAW at its 16th session, January 1997, A/52/38/Rev.1, paras. 275-305

⁵ *Philippine Star*, 3 December 2000

government has failed to pass any legislation to protect women from violence in the family, although bills are pending before the Philippine Congress.

Women's rights advocates report that the police and local government officials lack awareness in how to deal sensitively and appropriately with victims of domestic abuse. It is reportedly common for police officers to refuse to intervene, regarding the abuse as an internal "family matter" and advising women to return to their abusive husband or partner.

In August 2000 Senator Loren Legarda expressed concern about a rise in reported cases of rape in the community, criticizing the authorities' failure to fund and implement laws to protect women's rights. According to police statistics, more than 1,610 cases of rape were reported to the authorities between January and June 2000, a rise of more than six percent in comparison with the same period the previous year.⁶ Senator Legarda also commented that the actual number of rape cases was believed to be far higher, as many women refrained from complaining to the authorities.

2.3 Discrimination against women subjected to sexual violence

Women who decide to report rape in the family and community to the authorities and follow a case through the courts often find that officials dealing with their cases lack gender sensitivity. Despite the establishment of women's and children's desks in police stations in many cities, some of which are staffed by women, most police officers lack training in dealing with gender-specific issues. According to women activists supporting survivors of sexual violence, women who report rape to police officers sometimes find their complaints are not taken seriously or they are subjected to humiliating jokes by the officials who are supposed to protect them. In one case, police officers at a Pasay City police station reportedly told the press that a woman complaining of an attempted rape had been able to escape because her attacker had allegedly been deterred by her unpleasant body odour.⁷

Women lawyers also criticize the courts for gender bias and report that complainants in rape cases frequently feel victimized by prosecutors, most of whom are male. Discrimination against women leads to bias in the way trials are conducted and in decisions and rulings. For example, court records routinely refer to whether or not a survivor of rape was a virgin prior to the attack and judges are reported to have dismissed rape cases, with their ruling partly based on their belief that the woman was sexually experienced. In 1999 a leading newspaper reported that a male judge had acquitted a police officer charged with raping a 13-year-old girl detained

⁶ ABS-CBN website, 21 August 2000, <http://www.abs-cbnnews.com>

⁷ *Philippine Star*, 9 August 2000

for theft in Davao City. In his ruling the judge reportedly called the girl “a woman in a minor child’s body, old in the ways of the world beyond her years... admittedly she is no longer a virgin... it is possible that she concocted this lurid tale of lust and rape.”⁸

A heavy backlog in cases, compounded by corruption and inefficiency, means that rape and other cases can take years to go through the courts. In August 2000 a Caloocan City judge was reported to have acquitted an armed security guard accused of raping a 16-year-old girl at gunpoint while she sheltered in a building from heavy rain. In his decision the judge is reported to have called the girl’s testimony “dubious”, claiming she should easily have been able to escape.⁹ He reportedly gave credence to the guard’s claim that she agreed to have sex with him in exchange for a small amount of money. The case had taken seven years to reach the courts.

Media reporting of rape cases, particularly in the popular press, is often sensationalist, graphic and intrusive. Press reports sometimes name the rape victim, or members of her family, allowing her to be easily identified. Amnesty International is particularly concerned that women who have complained of rape by police officers are sometimes named in the press, increasing the risk they could be threatened or harassed.

Abortion is illegal in the Philippines, adding to the shame, fear and stigma suffered by women who become pregnant as a result of rape.¹⁰ Nevertheless, illegal abortions are widely practised by Filipino women.¹¹ Often performed by inadequately trained practitioners, they may result in health complications or even death, particularly for economically disadvantaged women without the means to visit private hospitals or competent medical professionals willing to perform illegal abortions.

The persistence of cultural stereotypes leading to discrimination against women is often fuelled by poverty, particularly in rural areas of the Philippines. Amnesty International has called on governments to recognize that discrimination against women in law and in practice is a key factor increasing women’s vulnerability to torture and places additional obstacles in their struggle for redress. In order to combat torture of women, Amnesty International urges the Government of the Philippines periodically to review, evaluate and revise all laws, codes and procedures to ensure that they do not discriminate against women and to enhance their effectiveness in

⁸ *Philippine Daily Inquirer*, 8 April 1999

⁹ ABS-CBN website, 18 August 2000

¹⁰ Articles 256 to 259 of the Revised Penal Code

¹¹ See *Women’s Health and the Law*, Women’s Legal Bureau, November 1997

eliminating discrimination against women. All provisions allowing for or condoning discrimination against women should be removed.

Despite the existence of an active network of women's non-governmental organizations working on many issues, including violence against women, hardly any are currently in a position to monitor or document systematically the situation of women in the custody of law enforcement officials. While this is due partly to lack of resources, experience also shows that violations of women's rights in custody, including rape and sexual harassment, often remain hidden from public scrutiny for other reasons. According to Filipino women activists, the shame and stigma associated both with rape and with incarceration means that women are often reluctant to talk about their experience, even to close friends or relatives. Amnesty International hopes to encourage women's organizations in the Philippines, especially those working on violence against women in the family and community, to extend their focus to women in custody.

3. Torture of women political detainees with impunity: the 1970s to the 1990s

During the administrations of former Presidents Ferdinand Marcos (1965 to 1986) and Corazon Aquino (1986 to 1992), torture of female political prisoners was common. Women detainees were frequently subjected to rape or other sexual violence by members of the armed forces in the course of counter-insurgency operations.¹² In many cases, women were targeted in connection with their legitimate, peaceful activities or because they had been labelled as sympathisers of the communist armed opposition group, the New People's Army.

One woman, a former student activist and community organizer who was arrested and sexually assaulted during interrogation in 1973 told a leading Philippine newspaper in 1999: "The stigma was so strong that for a long time, there were fears about women being raped but no actual admissions. It was only much later when [one woman] revealed her ordeal, that other women came forward"¹³.

Hilda Narciso, a former church worker, is reported to have been visiting a pastor's house in Davao City in 1983 when it was raided by the military. She was taken to a so-called

¹² See also: *Report of an Amnesty International Mission to the Republic of the Philippines, November 1981* (AI Index: ASA 35/25/82)

¹³ *Philippine Daily Inquirer*, 29 September 1999, in an article by Pennie Azarcon-dela Cruz entitled "The Pain of Wives and Mothers".

military “safehouse”, or unofficial detention centre, for interrogation where she was raped and subjected to other sexual assaults by her military captors. Hilda Narciso is amongst those courageous women who have struggled for years to bring the perpetrators to justice, but to no avail. Despite her efforts, the military officials accused of raping her were never charged with any offence and later were reported to have been promoted. Former Minister of Defence, now Senator Juan Ponce Enrile, is said to have claimed in response to her complaint that hers was the “one and only case of military sexual abuse in the Philippines”.¹⁴ In 1989 Hilda Narciso founded the Women’s Crisis Center in Manila to assist survivors of rape and domestic violence. It was the first such centre in the country.

To Amnesty International’s knowledge there have been no successful prosecutions for rape of women political detainees during the Marcos and Aquino administrations. In the vast majority of other cases of past human rights violations, including torture, “disappearances” and extrajudicial executions, the perpetrators have gone unpunished and justice continues to evade the victims to this day. The lack of prosecutions for torture by state officials, including rape of female detainees, is a major factor contributing to a wider climate of impunity today.

4. Torture and ill-treatment of women in police custody

In April 2000 an 18-year-old woman was arrested late at night outside a store in Malate, Manila, on suspicion of violating the anti-vagrancy law. According to a press report,¹⁵ instead of being taken to the local police station, she was brought to a private jeep, forced inside and raped at gunpoint by two police officers and a third man. The three men were arrested after they were discovered by the owner of the jeep, who was also a police officer. The suspects were reported to have been detained for questioning while criminal and administrative charges were being prepared against them. The final outcome of the case is unknown.

Amnesty International has received many recent reports of women and young girls being raped or suffering other serious forms of sexual violence in police custody. Most of the victims are members of socially disadvantaged groups, including suspected prostitutes, street children, drug addicts and the poor. Often they were arrested for minor crimes, such as petty theft or on suspicion of violating anti-vagrancy laws. In the vast majority of arrests, police are

¹⁴ *Midweek*, 15 April 1992

¹⁵ *Today*, 26 April 2000

believed to ignore proper procedures obliging them to produce a warrant.¹⁶ Street children, many of whom are young girls who have fled their homes to escape incest or domestic violence, are particularly at risk of further abuse. The greater the underprivileged status of the detainee, the higher the risk she may be subjected to torture or ill-treatment.

Women are particularly vulnerable to rape between the time of arrest and arrival at a police station. Amnesty International has received several reports of women being subjected to abuse during this period. In June 1999, a 21-year-old woman suffering from mental illness was reported to have been raped by three police officers.¹⁷ She had been arrested allegedly for “loitering” in the vicinity of the international airport. The police officers, who were said by a witness to have dumped the woman’s unconscious body from a police patrol car, were reported to have taken her to an unknown location instead of to the local police station. The three police officers were subsequently suspended pending official investigation. It is not known whether they face criminal charges for rape.

Once in custody in official police detention centres female detainees remain vulnerable to rape, sexual harassment and other forms of ill-treatment. Following arrest, women detainees are taken to the local police station for questioning where they are held in a detention cell before being charged. According to Philippine regulations, male and female detainees are supposed to be segregated in police custody, but local human rights lawyers report that this is not the case in all police stations. If the arrested woman is in an influential position or is of a higher social status the police are reportedly more likely to follow correct procedures. They may, for example, convert an office into a temporary segregated area if there is no separate section for female detainees. Once charged with an offence, the woman is transferred to a city, municipal or provincial jail to await trial. Little information is available about conditions in provincial detention centres, but Amnesty International has received reports that in some jails female detainees are not held separately from male detainees.¹⁸

According to women’s rights activists, it is common for women to be subjected to ill-treatment while in police custody, including threats, slaps, punches, kicks and sexual assault, such

¹⁶ For further information about torture of criminal suspects and Philippine laws governing the procedures for arrests, see *Philippines: The Rolando Abadilla murder inquiry - an urgent need for effective investigation of torture*, AI Index: ASA 35/08/00, October 2000. The document is available at: <http://www.amnesty.org>

¹⁷ *Today*, 21 June 1999

¹⁸ According to the United Nations Standard Minimum Rules for the Treatment of Prisoners, Article 8 (a), the whole of the premises allocated to women should be entirely separate to those allocated to male detainees.

as groping of breasts. Women's activists also report that police officers sometimes offer to release women or give them preferential treatment if they agree to have sex with them. This occurs despite the existence of a law forbidding public officers from making sexual advances towards female detainees.¹⁹

In February 1999, Marilou,²⁰ then aged 17, was arrested by Quezon City police officers, along with two other women, on suspicion of involvement in a robbery. Originally from the province of Leyte, Marilou had been attempting to earn a living by selling cigarettes at a street stall. According to a sworn statement she made on 12 February 1999, Marilou was woken by an errand boy at around 3am that morning as she slept in the women's detention cell of a Quezon City police station. She alleges she was brought to a police officer who took her into a darkened room, ordered her to massage him and then raped her, causing her to scream in pain. She said she was brought back later that night to the same room, where she was sexually abused by a second man, believed to be a radio reporter, who allegedly promised he would help to secure her release.

Marilou's co-accused, another woman held in the same detention cell, also made a sworn statement to the police on 13 February 1999, stating she had woken during the night to find Marilou missing from the cell. According to her account, when Marilou returned, she was clutching her stomach, distressed and in tears. After repeatedly asking her what had happened, Marilou recounted to her cell-mate that she had been raped. On 12 February 1999 Marilou was examined by a male police doctor, who concluded that she was "in non-virgin state" and that he could find no external signs of trauma. The police officer admitted questioning Marilou twice during the night but denied raping her.

An investigating prosecutor dismissed Marilou's complaint against the accused police officer and radio reporter for lack of evidence. However, this decision was subsequently overturned by the Chief Prosecutor who recommended the filing of criminal charges for rape and acts of lasciviousness. Amnesty International does not know whether the accused were subsequently detained and charged.

In May 1999 and again in June 1999 Marilou and the accused police officer were summoned to appear at separate hearings for grave misconduct before the People's Law

¹⁹ Article 245 of the Revised Penal Code (Abuses against chastity) stipulates a prison sentence of up to six years for "any warden or other public officer directly charged with the care and custody of prisoners or persons under arrest who shall solicit or make immoral or indecent advances to a woman under his custody". Amnesty International believes this law is never, or rarely, enforced.

²⁰ Marilou's real name has been changed by Amnesty International in order to protect her and her family.

Enforcement Board.²¹ It is not known whether these hearings took place. Marilou was unable to pay bail of 100,000 pesos (approximately US\$ 2,000) for her release and was transferred to Quezon City Jail where she remains, awaiting trial in connection with the robbery charge against her.

The Manila police have also been criticized for their practice of employing “errand girls” to carry out menial tasks in some police stations. In June 2000 the Philippine House Committee on Public Order and Security reportedly called on police officers to stop this practice. Citing an incident where, according to the Committee, a detained street girl had been raped at a police station in Luneta, Manila, it is reported to have said: “The [committee] noted the unethical practice in many police stations of having young women loitering around, using them to do chores for the policemen. The practice may breed indecent and immoral acts in addition to contributing to the negative image of the police”.²²

²¹ People’s Law Enforcement Boards (PLEBs) are local tribunals under the control of the Department of the Interior and Local Government. Designed to handle complaints by the public against police officers, they are empowered to impose administrative sanctions, including demotion or dismissal from the police force. Human rights lawyers have criticized the PLEBs as ineffective.

²² *Today*, 6 June 2000.

4.1 Violations of women's rights under the anti-vagrancy law

"Vagrants" are defined as the following, under Article 202 of the Revised Penal Code:

1. Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;
2. Any person found loitering about public or semi-public buildings or places or tramping or wandering about the country or the streets without visible means of support;
3. Any idle or dissolute person who lodges in houses of ill fame; ruffians or pimps and those who habitually associate with prostitutes;
4. Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;
5. Prostitutes.

For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to *prision correccional*²³ in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.

Many women complaining of rape or sexual abuse in police custody were arrested on suspicion of being prostitutes under the definition of the anti-vagrancy law. Women working as prostitutes are among the most marginalised and discriminated groups in Philippine society. Amnesty International believes they are particularly at risk of torture and ill-treatment because of their low status. The United Nations Special Rapporteur on Violence against Women has commented on prostitutes' particular vulnerability and urged states to afford them the equal protection of laws against rape and other forms of violence.²⁴

²³ *Arresto menor* is a penalty of imprisonment for a period of between one and 30 days; *arresto mayor* is imprisonment of between one and six months; *prision correccional* is a prison term of between six months and one day and six years.

²⁴ According to CEDAW General Recommendation No. 19, A/47/38, 11th Session, 1992: "Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence."

According to Bukal, a non-governmental organization working with prostitutes in the Cubao and Quezon Avenue areas of Quezon City, Metro Manila, there are approximately 600 prostitutes working in that area alone, some believed to be girls as young as 13. Most come from the poorest provinces of the Philippines, often after escaping domestic or sexual violence, including incest. Others were forced into prostitution after being promised legal work in Manila. Many of the women are addicted to drugs such as *shabu* (methamphetamine hydrochloride).

In 1999 Bukal published the results of a survey,²⁵ conducted two years previously, of 30 women aged from 17 to 32 working on the streets of Quezon City. Many of the women had been detained on numerous occasions under the anti-vagrancy law. Most arrests were carried out by police in plain clothes driving private vehicles, who failed to produce proper identification. The police reportedly use the anti-vagrancy law on a routine basis as a pretext to arrest women arbitrarily, extort money or subject them to sexual violence. The majority of the women interviewed by Bukal had had money extorted from them by police officers, or had been fined or detained for periods of between five days and six months.

Sixteen of the women in the survey told Bukal that they had been sexually assaulted in police custody and 11 said they had been raped by police officers or forced to grant sexual favours in exchange for their release. Many said they had been threatened by police with their guns and verbally abused. Ten women said the arresting officers had pulled them by the hair, slapped and punched them in the face and stomach or kicked them. One woman is reported to have suffered a miscarriage as a result of her ill-treatment and was denied prompt medical attention.

Following their transfer to Quezon City Jail, the women reported that they were detained in dirty, leaking and overcrowded cells without beds or space to sleep. They said that police officers sometimes raped them in the jail or forced them to give other sexual favours, such as massages.

According to Bukal the women were unaware of their right not to be subjected to torture or ill-treatment by the police, and were too afraid to complain. Lodging a complaint would mean they would have to deal with other police officers, which most are reluctant to do.

Staff from Bukal have also been subjected to police harassment on account of their work giving health advice to prostitutes and educating them about their human rights. In October 1997 four staff members were arrested by plain clothes police officers without warrants and questioned for two hours at a police station in Quezon City. They were released without charge

²⁵ *GIMIK! sa Quezon Avenue at Cubao*, published by Bukal (*Bukluran ng Kababaihan sa Lansangan* or Alliance of Women in the Streets) in 1999.

following the intervention of officials from the National Commission on the Role of Filipino Women.²⁶

Women lawyers and non-governmental organizations working for women's rights have called for the repeal of Article 202 of the Revised Penal Code on the basis that it discriminates against the poor and is used to penalize those who are homeless or without any visible means of subsistence. The law has been used in a way which discriminates on the basis of gender; women's groups report that while women, particularly suspected prostitutes, are routinely arrested under the law, it is never or rarely used against suspected male offenders, such as men who use prostitutes. In 1997 the United Nations Committee on the Elimination of Discrimination against Women²⁷ also criticized the discriminatory application of the law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients.

Amnesty International is concerned that the anti-vagrancy law has been used as a pretext for arbitrary arrest and detention. The organization is particularly concerned that the vague wording of the law leaves it open to abuse by law enforcement officials. Amnesty International calls on the Government of the Philippines to ensure that all law enforcement officials respect human rights at all times. The Human Rights Committee of the ICCPR has also called on states party to ensure the equal enjoyment of rights without any discrimination on the grounds of sex and to put an end to discriminatory actions both in the public and the private sector which impair the equal enjoyment of rights.²⁸

In December 2000 Bukal held a press conference to expose the treatment of women arrested under the anti-vagrancy law. In response, Felix Varga, a Central Police District information officer, is reported to have called the reports of beatings and rapes of women by police officers "remote instances [sic]" and called on Bukal to prove their allegations.²⁹

He also said the police would intensify their campaign against vagrants and prostitutes, following an alleged rise in complaints from local residents. According to the press report,

²⁶ The National Commission on the Role of Filipino Women is a government agency set up to oversee the implementation of laws regarding women. It also helps formulate policies and gives advice to the President on women's issues.

²⁷ CEDAW/C/1997/L.1/Add.8

²⁸ CCPR/C/21/Rev.1/Add.10, CCPR General comment 28, 29 March 2000, regarding equality of rights between men and women.

²⁹ *Philippine Daily Inquirer*, 7 December 2000

officers from the Central Police District arrest an average number of 10 suspected prostitutes a night.

4.2 Prosecutions of police officers for rape

In June 2000 former Senator Ernesto Herrera stated that 12 police officers had been accused of rape in the previous ten months.³⁰ Under Philippine law, law enforcement officials, including police and military officers, found guilty of raping a woman in their custody, face a mandatory death sentence.³¹

Amnesty International is aware of four death sentences imposed on police officers following conviction. In 1996 a police officer in Pangasinan province was sentenced to death and ordered to pay his 14-year-old victim 100,000 pesos (approximately US \$2,000) as compensation and to support her baby, born as a result of the rape.³² In 1997 three police officers were sentenced to death and ordered to pay their victim 50,000 pesos in compensation. The 28-year-old woman, pregnant at the time of her arrest, had been arrested in Valenzuela for a minor fraud offence.³³ By February 2001, no executions of law enforcement officials for rape had been carried out, although three civilians were executed for incestuous rape before former President Estrada announced a moratorium on executions in March 2000.

In two cases, police officers found guilty of the rape of a woman in their custody, have been given long prison terms. In March 2000 a police officer from Quezon City's Central Police District was given a 40-year prison sentence for raping a 27-year-old woman arrested on suspicion of possession of drugs. On finding no evidence of drugs, instead of releasing her, the police officer took her to a hut within the Camp Karingal police headquarters, Quezon City, where he raped her. According to the judge who convicted him, he escaped the death sentence "because he did it in his private capacity and not in his capacity as an arresting officer or as her custodian."³⁴ In December 2000, two police officers from the Criminal Investigation and

³⁰ *Manila Standard*, 26 June 2000

³¹ Republic Act No. 7659, known as the Death Penalty Law of 1993 and Republic Act No. 8353, known as the Anti-Rape Law of 1997

³² *Philippine Daily Inquirer*, 20 June 1996

³³ *Philippine Daily Inquirer*, 19 April 1997

³⁴ *Philippine Star*, 31 March 2000

Detection Group (CIDG), Caloocan City, were sentenced to life imprisonment for raping at gunpoint a fish vendor, whom they had detained for two days at the CIDG headquarters.

Amnesty International welcomes all efforts by the Philippine authorities to bring the perpetrators of custodial rape to justice. However, penalties imposed for custodial rape should conform with internationally recognized standards for human rights. Amnesty International has campaigned for many years against the use of the death penalty in the Philippines, as it is a violation of fundamental human rights, including the right to life and the right not to be subjected to cruel, inhuman or degrading treatment. Its reimposition, since late 1993, has had little or no impact on the continuing reported incidence of rape by law enforcement officials or within the broader community. Many women's organizations in the Philippines have criticized the use of the death penalty for convicted rapists, partly because it perpetuates the cycle of violence. Some believe it hinders rather than encourages successful prosecutions, because it may increase the likelihood that a woman who accuses a law enforcement official of rape may be threatened by him into withdrawing the charges.

According to the Women's Crisis Center, Manila, a non-governmental organization assisting survivors of rape and domestic violence, women are often threatened or pressured into dropping rape charges if the attacker is in a position of influence, such as a government official. In a number of cases they have dealt with, including at least one against a police officer, the victim refused to pursue the case out of fear of reprisals against her or her family. Often those in a position of power may be able to escape prosecution by exploiting widespread corruption throughout the police and judiciary.

The authorities have been criticized for failing to act promptly in bringing alleged perpetrators to justice. In September 2000 a 24-year-old woman was arrested by three police officers of the Western Police District, in Malate, Manila. The officers released her without charge, reportedly after forcing her to perform oral sex inside a police car, threatening her and robbing her of a large amount of money which they ordered her to withdraw from her bank account. The police officers, who were reassigned to new jobs after the incident, were reported to be still at liberty several weeks later despite facing charges of rape and robbery.³⁵

³⁵ *Philippine Star*, 3 October 2000

5. Violations of women's rights in prisons

In January 2000 a 17-year-old girl detained at Dagupan City Jail, on suspicion of involvement in a homicide case, was reported to have accused the former jail warden and 11 guards of raping her. According to a press report³⁶ she claimed the male jail guards threatened her with their guns, forced her to drink alcohol and perform oral sex on them. Her attempts to complain and requests for medical treatment were reportedly ignored until she was finally admitted to a clinic, complaining of severe pain in her genitals and suffering from a sexually transmitted disease.

Sadly, this shocking story of abuse in jail is no isolated incident. According to Filipino human rights lawyers, sexual violence, including rape of female detainees in provincial, city and municipal jails may be a common occurrence which remains hidden behind a wall of impunity, fear and shame. Philippine law stipulates the death penalty for prison officers convicted of raping women in their custody.³⁷

Reports of male jail guards inviting female detainees to drink alcohol with them are common. Such incidents are often believed to lead to sexual contact, and frequently rape. It is not unusual for female detainees to be offered special privileges in return for sexual favours. Although Philippine law criminalizes sexual harassment in the workplace, education and training environments,³⁸ this law does not apply to sexual harassment of women detained in police custody or prisons. However, under the Revised Penal Code, prison officers are forbidden from making sexual advances towards female detainees,³⁹ a law which does not appear to be enforced. Sexual relations between guards and detainees can never be truly consensual because of the power that staff have over inmates. Amnesty International believes that the authorities' tacit acceptance of sexual harassment of female detainees by male guards contributes to an environment where torture, including rape and other sexual violence, may easily occur.

Although several cases of rape and other serious sexual assaults in prisons have been reported in the press, Amnesty International is unaware of any successful prosecutions of prison

³⁶ *Philippine Star*, 29 January 2000

³⁷ See page 15

³⁸ Republic Act No. 7877, known as the Anti-Sexual Harassment Act of 1995

³⁹ See page 10

officials for rape. In several cases investigated by the Philippine Center for Investigative Journalism (PCIJ), none of the alleged perpetrators were brought to justice.⁴⁰ In one case, a 34-year-old woman claimed she had been raped repeatedly by a jail guard at Meycauayan Municipal Jail, Bulacan, in late 1995. The woman reportedly found the courage to complain after the guard was transferred and her fellow inmates, all male, agreed to testify on her behalf. However, although the guard lost his job as a result of her complaint, the criminal case against him was dismissed, reportedly because the complainant did not have the financial means to pursue the case and the witnesses had been released and could not be traced. In another case reported by the PCIJ, a woman detained at Baguio City Jail suffered a miscarriage after allegedly being raped by the assistant warden. He is said to have offered her money to settle the case out of court, a payment he reportedly failed to make, and is believed to have been reassigned to a new job in a different prison.

In 1996 the Philippine Department of Interior and Local Government (DILG) conducted a survey of sexual harassment of female detainees.⁴¹ DILG staff interviewed 552 female detainees in 18 different detention centres under the jurisdiction of the Bureau of Jail Management and Penology. 22 of the inmates claimed they had been victims of sexual harassment in jails, while another 25 said they were aware of incidents of harassment because they had been informed by fellow inmates. Seven of the detainees said they had been raped in detention. Other forms of harassment experienced by the women included attempted rape, groping, lewd jokes, and comments or gestures designed to degrade and humiliate. Respondents also said they had been threatened with physical harm if they refused sexual advances. A number even refused to take part in the survey for fear of retaliation. The report commented that some inmates only disclosed their personal experience of sexual harassment once the formal interview had ended and the detainee felt better able to trust her interviewer, for example if she discovered she was from the same province or spoke the same dialect.

Only five of the women interviewed said they had complained about sexual harassment and in just one case were there any disciplinary proceedings conducted against the perpetrator, who was dismissed from employment. The majority of women, according to the report, had very low expectations and were unaware of their rights. There was also a common perception that

⁴⁰ Article entitled "No Justice for Women Raped in Jail", published by the Philippine Center for Investigative Journalism in 1998

⁴¹ *The Women Offenders in Selected Rehabilitation Centers in the National Capital Region and Region IV as Object of Exploratory Study in Sexual Harassment*, conducted by the DILG's Gender and Development Unit. The report defines sexual harassment as rape, attempted rape, other sexual assault such as touching, sexual gesturing, lewd jokes, abusive comments and sexual innuendo.

those who agreed to sexual advances might be accorded preferential treatment or privileges, such as soap, perfume, better food or temporary liberty during court hearings.

In its concluding chapter the DILG report makes the following comments:

“Women offenders have absorbed the notion that women are weak and inferior. Thus if one is a woman prisoner, the more she is inferior and in a very weak position which is a crippling stereotyping of oneself. This is revealed by the fact that the victims themselves feel that their being incarcerated is already a mark of deficiency in moral development and, as a consequence, cannot challenge the offensive behavior of their harassers for fear of being blamed, of being labelled or of being subjected to punishment, deprivation of privileges, ridicule, humiliation and gossip... the victim feels that she does not have any choice but to consent out of fear and under duress to the assault.... The comments given by the respondents reinforce this general perception such that the “bad woman” (in this case, the inmate) who accuses a person in authority of sexual harassment either caused or contributed to her own victimization.... there is the feeling ... that their complaints will always come to naught.”

Finally, the DILG report made a set of 11 recommendations to improve the situation of women in jails. These included: awareness-raising and education about sexual harassment among women detainees; proper segregation of male and female offenders and the hiring of more female guards; improvement of prison conditions; enactment of laws criminalizing sexual harassment in jails and provision of penalties for offenders; establishment of an independent complaints mechanism and legal assistance for women who experience sexual harassment; encouragement of women’s non-governmental organizations to work on issues relating to women in custody; better help for pregnant women, including those who had been raped.



Prisoners in the open-air compound, Correctional Institution for Women, Mandaluyong, Manila © AI

An independent survey of 100 women detained at the Correctional Institution for Women (CIW) in Mandaluyong City, Metro Manila, conducted by health professionals in 1997⁴² also found evidence that female detainees had had sexual contact with guards before their transfer to the CIW, in breach of Philippine law. The prison houses women serving prison sentences of three years or more. Forty six of those questioned had spent between one and three years detained at a provincial, city or municipal jail prior to their transfer

to the CIW. The survey found that 10% of the 100 women interviewed had had sex with jail guards prior to their admittance at the CIW. Two of the women questioned even told the researchers that their first ever sexual partner had been a male jail or prison guard.

The report states:

“In addition to gender exploitation, women prisoners are highly disadvantaged because of the situation they are in. Characterized by an atmosphere of violence and power struggle, they are subjected to all sorts of abuse including physical and sexual abuse, by co-prisoners, prison guards and officials, many of whom are men.... In exchange for small favors and benefits granted by prison guards and officials, prisoners easily succumb to the demands and wishes of the former. In many instances, the favors are repaid by providing sexual services or allowing themselves to become regular sexual partners.”

According to the 1993 Manual of Standards and Policies, issued by the Philippine Bureau of Corrections, women inmates should be attended and supervised only by women officers. The employment of men to guard women is also inconsistent with international standards set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners. Rules 53(1) to (3) state that where men and women are detained in the same institution, the area set aside for women should be “under the authority of a responsible woman officer who shall

⁴² “High risk behaviours and the prevalence of sexually transmitted diseases among women prisoners at the Women State Penitentiary in Metro Manila” by Nymia Pimentel Simbulan, MPH, Angela S. Aguilar, MD, Timothy Flanigan, MD and Susan Cu-Uvin, MD. The report highlights poor health facilities in the prison, including lack of proper training of the prison’s health personnel and insufficient funds.

have the custody of the keys of all that part of the institution.” No male member of staff is to enter the part of the institution set aside for women unless accompanied by a woman officer. Female prisoners should be attended and supervised only by female officers and male staff, such as doctors who provide professional services in female facilities, should always be accompanied by female officers.

In 1998 the United Nations Special Rapporteur on Violence against Women called on all countries to “fully implement the Standard Minimum Rules for the Treatment of Prisoners and ensure that protective measures are guaranteed in all situations of custody.”⁴³

Most non-governmental organizations working with prisoners in the Philippines operate in the Metro Manila area or other major cities. Lack of monitoring in many provincial prisons, particularly in the remoter and poorer provinces, means that little is known about conditions for women incarcerated in those areas. Despite some reported improvements in recent years, for example in employing more female guards in some prisons, women’s human rights activists believe that in certain prisons women continue to be vulnerable to abuse by predominantly male guards or male prisoners, who may not always be detained in fully segregated areas.



Families waiting to visit relatives in Manila City Jail © AI

5.1 Prison conditions

In August 1998 there were reported to be 2,546⁴⁴ women imprisoned throughout the country, representing less than 10 percent of the total prison population. However, the number of women detainees is reported to have grown by as much as 85% between 1992 and 1998, a rate twice as fast as that for male detainees. According to figures provided by the Philippine authorities, in August 1998 there were 409 district, city and municipal jails under the control of the Bureau

⁴³ Report of the Special Rapporteur on Violence against Women, E/CN.4/1998/54, Recommendation 1.

⁴⁴ Figures quoted by the Philippine Center for Investigative Journalism

of Jail Management and Penology and 933 jails under the control of the Philippine National Police. Other detention facilities, such as the Correctional Institution for Women, are under the control of the Department of Justice.

Conditions in Philippine prisons⁴⁵ are often very poor and overcrowding is a major problem. Due to a heavy backlog in court cases, detainees - many unable to pay money as surety for bail - may wait years for their trials to be concluded. Those unable to rely on relatives to bring extra food to supplement their diet sometimes suffer from nutritional deficiencies. Respiratory diseases such as tuberculosis are common, particularly in large, congested facilities such as the Manila City Jail. Antibiotics needed to treat various illnesses are not always readily available and prisoners must often rely on help from visiting non-governmental organizations. During the rainy season, parts of some jails, including the Manila City Jail, become badly flooded. Contaminated flood waters may carry



A man waits outside the flooded entrance to Manila City Jail © AI

various bacteria causing diseases such as cholera, typhoid fever and other enteric infections. According to a report in the Philippine Star, in late July 2000, 44 inmates had been found to have contracted leptospirosis, a potentially fatal disease carried by rats.

In July 2000 Amnesty International delegates visited Manila City Jail which houses approximately 3,000 detainees, around 300 of whom are women, including female juvenile suspected offenders. Parts of the jail were badly flooded during the visit. The delegates found that, due to heavy overcrowding in the women's section, recently admitted female detainees were sleeping on bare concrete floors. In some cases, oppressively hot, airless cells containing bunk beds for about 24 women housed well over 40 detainees. The delegates were informed that there were inadequate medical facilities for women and that it was not unusual for pregnant women to have their babies delivered by other inmates. Non-governmental organizations were

⁴⁵ Prisoners awaiting trial or sentenced to periods of less than three years are held in municipal, city or district jails, under the control of the Bureau of Jail Management and Penology, which is overseen by the Department of the Interior and Local Government. Women sentenced to prison terms of three years and above are transferred to the Correctional Institution for Women, Mandaluyong, Metro Manila.

sometimes able to assist with medical care for pregnant women, but lack of medicines in the prison infirmary was a problem. At the time of the visit all the guards, apart from one, were female.

Women who become pregnant as a result of custodial rape face an additional set of traumas, including lack of access to proper medical care or counselling. In November 2000 then Secretary of the Interior and Local Government, Alfredo Lim, was reported to have ordered an investigation against a senior police officer accused of repeatedly raping a 22-year-old inmate detained at Antipolo City Jail.⁴⁶ The victim, who was detained for a minor crime, is reported to have been repeatedly abused and threatened by the police officer. In September 2000 she gave birth to a baby, reportedly conceived as a result of the rape. Independent health professionals working with female detainees have also found that some women raped or sexually abused by relatives prior to their detention had no access to counselling in prison.

6. Reports of rapes by the military in Mindanao

Over 400,000 people - the majority of them women and children - fled their homes in 2000 to escape armed conflict in the southern Philippine island of Mindanao. The conflict escalated during the year as political tensions increased between the Government of the Philippines and the Moro Islamic Liberation Front (MILF), an armed group fighting for an independent Islamic state. In July 2000 peace talks between the government and the MILF collapsed amid calls by the then President Estrada for “all-out war” against the MILF. An estimated 60% of Armed Forces of the Philippines (AFP) personnel were deployed in Mindanao, together with an increased mobilization of militia groups such as the Citizen Armed Force Geographical Units (CAFGUs). There have been persistent reports that AFP personnel have committed grave human rights violations during counter-insurgency operations, including indiscriminate aerial and artillery bombardment of civilians, extrajudicial executions, “disappearances” and torture of suspected sympathisers of the MILF. The MILF have also been accused of human rights abuses, including the bombing of civilian targets, deliberate and arbitrary killings of civilians and hostage taking.

In June 2000 Kalinaw Mindanao, a coalition which includes legislators, peace and human rights advocates, church and Muslim leaders, held a press conference to reveal the findings of a fact-finding mission to investigate the plight of civilians affected by the armed conflict in the provinces of Sultan Kudarat, Maguindanao and Lanao del Sur in Central and Western Mindanao. Members of the mission told the press that they had received reports that military personnel had raped at least 12 Muslim women. According to Kalinaw Mindanao, the women and their

⁴⁶ ABS-CBN News, 6 November 2000

communities were reluctant to report the rapes to the authorities out of fear and “because of their culture.”⁴⁷ No official investigations into the reports are known to have been ordered. Women at a centre for evacuees also reportedly told Kalinaw Mindanao investigators that soldiers had groped their breasts while allegedly searching for grenades.

In all the armed conflicts around the world investigated by Amnesty International in 1999 and 2000, torture of women, including rape, was reported. Torture of women by soldiers has a long history of subjugation, terror and revenge. Evidence gathered by human rights organizations and by international and national tribunals indicates that women are often targeted because of their gender, and that the forms of abuses inflicted upon them tend to be gender-specific. Most abuses committed against women in armed conflicts worldwide involve the use of sexual violence.

Amnesty International calls on the Philippine authorities to send an unequivocal message to all military personnel that rape constitutes torture and will never be tolerated. The organization urges that all reports of rapes and other human rights violations in the context of the armed conflict be fully and impartially investigated and that the perpetrators be brought to justice.

7. Investigating rape in custody: the importance of medico-legal documentation

Evidence of sexual abuse depends significantly on victim testimony, though evidence of witnesses and prompt medical examination can provide strong, and in some cases irrefutable, support for such testimony. Medical reports in rape cases in the Philippines seen by Amnesty International appear to present irrelevant findings (such as presence or absence of breast secretions in the examinee, for example) and also employ non-medical terminology such as “non-virgin state”. Reports appear to be written to a formula with only small variations between cases. In one example seen by Amnesty International in which a detainee had alleged rape in custody (see page 11), there was no mention of whether the examining police doctor had interviewed the woman apart from a comment that she was “coherent”. Furthermore, there was no mention of the presence or absence of signs or symptoms such as pain, tenderness, swelling or redness in the genital region. Some of the information recorded by the police doctor was irrelevant and could be read as reflecting insensitivity to a victim alleging rape.

⁴⁷ *Philippine Daily Inquirer*, 25 June 2000

According to the Istanbul Protocol⁴⁸, “even on examination of the female genitalia immediately after rape there is identifiable damage in less than 50% of cases [and lesions] in less than 30% of cases [of anal rape]”. This underlines the importance of victim testimony as well as careful expert medical interview, examination, with the informed consent of the victim, and laboratory testing of specimens. Lack of medical evidence of sexual penetration does not refute an allegation of sexual abuse and the complainant’s testimony must be impartially evaluated for consistency, credibility and coherence. All allegations of sexual assault should be fully and sensitively investigated including interviewing the alleged perpetrators and any relevant witnesses. However, it should be noted that victims of recent assault may be confused and reluctant to seek medical or legal help due to the traumatic nature of the abuse, their fears, or socio-cultural concerns, such as feelings of shame and apprehension about the reaction of others. In all cases, the doctor should explain to the victim all possible medical and judicial options, and should act in accordance with the victim’s wishes.

According to Article 6 (b) of the Istanbul Protocol’s Principles on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the medical expert should promptly prepare an accurate written report which includes a detailed record of the subject’s story as given during the interview, including alleged methods of torture, the times when abuse is alleged to have occurred and all complaints of physical and psychological symptoms. All physical and psychological findings should be recorded together with an interpretation as to their probable relationship to possible torture. A recommendation for any necessary medical and psychological treatment and/or further examination should be given.

⁴⁸ The Istanbul Protocol (The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) is the product of three years work by a network of medical, legal and human rights experts. It was presented to the UN High Commissioner for Human Rights, Mary Robinson, in August 1999 and will be published by the UN. It is currently available at the website of Physicians for Human Rights: http://www.phrusa.org/research/istanbul_protocol/

8. Amnesty International's recommendations

Amnesty International urges the Government of the Philippines to take the following urgent steps to protect women from torture, including rape and sexual abuse by police, prison and military officials:

- send a clear, public message to police, prison and military officials emphasizing that rape and other sexual violence in custody always constitutes torture or ill-treatment, and that perpetrators of such offences will be brought to justice;
- ensure that female security personnel are present during the interrogation of women detainees, and that male staff who supervise women detainees are accompanied by female staff at all times, in line with the UN Standard Minimum Rules for the Treatment of Prisoners;
- there should be no contact between male guards and female detainees without the presence of a female guard;
- ensure that female detainees are always held separately from male detainees;
- introduce an independent complaints mechanism for women detainees who report rape or sexual harassment;
- take effective steps to protect women detainees who report rape or sexual harassment from threats, reprisals or any other form of intimidation;
- all complaints of rape or sexual abuse by state officials must be investigated promptly and independently, and anyone found responsible brought to justice. All punishments for such should conform with internationally recognized standards for human rights standards and exclude the death penalty;
- a medical examination, by a female doctor wherever possible, should be provided immediately for any woman in custody who alleges she has been raped. This examination should conform to the Istanbul Protocol's Principles on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- victims of rape, sexual abuse and other torture or ill-treatment in custody should be provided fair and adequate reparation, including compensation and appropriate medical care;

- introduce and fully implement laws forbidding sexual harassment of female detainees by police, prison or military officials, as the acceptance of such practices promotes an environment where rape and other sexual violence occurs. All forms of sexual contact between law enforcement officials and detainees, including physical assault, should be explicitly prohibited.
- law enforcement personnel and other government agents should receive adequate training on standards for the protection of women's rights, and how to respect and enforce them properly. The training should focus on rules against arbitrary deprivation of liberty, a serious concern given the current use of the anti-vagrancy law. Training should emphasize that rape and other sexual violence constitutes torture.
- ensure the provision of adequate physical and mental health care services for female detainees, including for those who are pregnant;

Amnesty International also urges the Government of the Philippines to take the following additional steps to ensure the protection of women's human rights:

- prohibit in law and establish adequate legal protection against all acts of violence against women, whether committed by state officials or private individuals. These include acts which take place within the community or within the family;
- provide gender awareness training to all police officers and court officials to enable them to deal effectively with allegations of violence against women, whether perpetrated in custody or within the family or community;
- recruit an adequate number of women police officers to specialize in cases of violence against women;
- recruit an adequate number of women prison officers to ensure that women prisoners are guarded in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- police officers who investigate cases of sexual assault should be given additional training in the issues surrounding violence against women and the use of medical and other forensic evidence;
- review, evaluate and revise laws, codes and procedures to ensure that they do not discriminate against women and to enhance their effectiveness in eliminating discrimination against women. Steps should be taken to eradicate police practices

which discriminate against women and facilitate rape or other sexual assaults against women;

- ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

* * *