

## **Contribution to the Special Rapporteur on violence against women and girls’ proposed report on the links between prostitution and violence against women and girls**

The Coalition Against Trafficking in Women–Asia Pacific (CATW-AP), based in the Philippines, is an international network of feminist and grassroots groups, and human rights advocates fighting to end the sexual exploitation, especially prostitution, pornography, sex trafficking, sex tourism, and bride selling, of women and girls. We hereby submit this document, whose findings were gathered in collaboration with other feminist grassroots groups across the Asia-Pacific region. We open this submission with portions of a statement made by survivors of prostitution and sex trafficking who gathered at an Asia-Pacific meeting and who proclaimed:

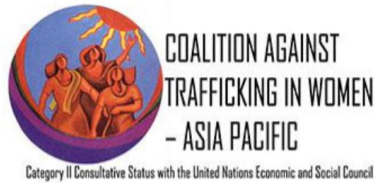
“Prostitution thrives because of the false ideas that women are inferior, sexual objects and commodities while men are superior, the sole decision-makers and owners of properties. Many of us have been victimized in child marriage, incestuous rape, different forms of child abuse, and domestic violence before we were victimized in prostitution. The system thrives because economic disparity widens between the rich and the poor. Because state policies continue to compromise our countries to sex tourists, foreign and local military, and big business, at the expense of our women’s livelihoods and bodily integrity. These are the workings of patriarchal, militarist and neo-liberal economic policies.”<sup>i</sup>

### **1. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

Women’s and girls’ access to justice is a fundamental right guaranteed by the Philippines Constitution. However, accessing justice remains a significant challenge, particularly for women and girls, due to myths and misconceptions about victims and the nature of violence against women and girls (VAWG), in addition to the protracted process of filing cases.

One of the key provisions of CEDAW directs the State to address the trafficking and exploitation of prostitution as forms of VAWG under Article 6.<sup>ii</sup> As stated, however, in the CEDAW Committee’s 2020 General Recommendation 38 on Trafficking in Women and Girls in the Context of Migration (GR38), despite the “plethora of existing anti-trafficking legal and policy frameworks at the national, regional, and international levels, females continue to comprise the majority of detected victims, and perpetrators enjoy widespread impunity.” This is also the case in the Philippines.<sup>iii</sup>

The CEDAW Committee’s GR38 offers the most recent guidance for Member States on how to address trafficking for purposes of sexual exploitation under Article 6 of CEDAW, further detailing actions that the States must undertake to address these violations against women and girls.



The Committee also acknowledges that the trafficking and prostitution of women and girls is unequivocally a phenomenon rooted in structural sex-based discrimination, constituting gender-based violence and “often exacerbated in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshore industry, militarization, foreign occupation, armed conflict, violent extremism and terrorism.”<sup>iv</sup>

## **2. What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls?**

The Government of the Philippines is not adequately developing measures to collect and analyse data related to VAWG, including prostitution. For example, insensitive handling of cases against women and girls continue to prevail where many Desk Officers assigned to cases of VAWG were found to lack the required qualifications or are inadequately trained to respond to VAWG cases.<sup>v</sup>

Furthermore, personal biases based on religion and culture influence the response to cases of Gender Based Violence (GBV) and VAWG, such as when subjective and prejudiced advice is dispensed instead of following protocols, which is often detrimental to the victim’s recovery. Survivors of sexual violence have complained about being victim-blamed and as a result do not receive the protection they need, nor are their perpetrators held accountable.

Continuous training must be included in the Gender and Development (GAD) program of local government units (LGUs) and at the national level.

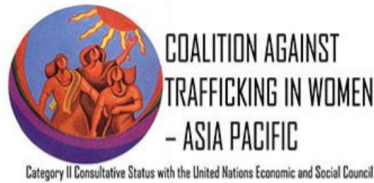
Women victims of violence rarely try to access justice due to a plethora of problems e.g. no availability of shelter, transportation, and modes of communication. Common concerns include how and where to report incidents of violence, whether to leave their children or not, and whether to endure the violence rather than risk reporting. In cases when they tried to access justice, women were silenced because the structures were deficient and/or were failing them.

### ***There is a lack of gender and disaggregated data on VAWG and marginalized sectors***

Gathering comprehensive data examining the intersectionality and contexts of marginalized groups of women and girls is necessary for the government to effectively respond to access to justice issues.

However, data on VAWG and the underlying contexts, i.e disability, economic status, or ethnicity, remains limited or lacking from the government’s agenda. The COVID-19 lockdown exacerbated the situation on GBV/VAWG, including the prostitution of women and girls.

## **3. What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?**



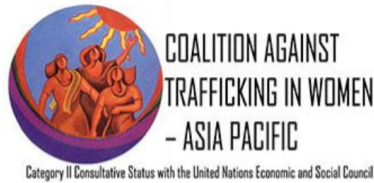
Women and girls in the Philippines and in the Asia-Pacific region suffer complex and multi-layered forms of violence and discrimination, most specifically in the context of the sex trade.

**1. *Recruiters, Pimps, Traffickers and Other Exploiters are Often Known to the Women and Girls.***

- The data disproves the common perception that recruiters of prostitution are people women and girls do not know. Most often, the initiation into prostitution is organized by family members, neighbors, friends and acquaintances who abuse the vulnerabilities of the girl or woman for financial gain. Social media platforms have also provided new venues for recruiters to find and groom their future victims. This relatively recent phenomenon needs to be further studied and to assess its methods of operations and success.
- Once in the system of prostitution, women and girls are trapped in it, with limited to no opportunities or power to exit. Women rarely report the violence they endure due to fear that either their family members may know (if the exploiter is not a family member).
- Women and girls in prostitution experience multiple forms of vulnerabilities, violence and such as having children sired by their exploiters or “clients,” sexually transmitted infections, drug abuse, physical violence and sexual violence.
- Many suffer intergenerational prostitution, whereby their mothers and grandmothers were also prostituted, making it extremely difficult to break the cycle of exploitation.
- In 2020, Talikala, an NGO based in Davao City, documented how ‘akyat barko’ works as a system of prostitution, which targets girl children in “fisherfolk” or fishing communities. When a ship docks, traffickers and pimps bring girls on “pump boats” to meet the “customers” in the cabin. The “package deal” negotiated by the pimps with the “customers” includes girls doing the laundry, cooking, as well as sexual acts, in other words the systematic paid rape of girls.<sup>vi</sup> Talikala also documented the ‘sistemang palit’ or barter among girl children in places near the coastal areas – in this case, the paid rape of girls is given in exchange for fish.<sup>vii</sup>

**2. *State-sanctioned Gender Stereotypes, Harmful Practices, and Violence***

- The period 2016 to 2019 was marked by successive sexist pronouncements by former President Rodrigo Duterte, wherein he normalized and trivialized rape, prostitution, sex trafficking, abuse of domestic workers and migrant women. Other public officials also committed sexist acts and issued remarks reinforcing gender stereotypes that can lead to impunity in cases of VAWG, including prostitution. In two of too many examples to cite, former President Duterte referred to women as “whores” in front of a group of celebrated female members of the military and police.<sup>viii</sup> In 2018, he also stated in a public speech that “as long as there are many beautiful



women, there will be more rape cases.”<sup>ix</sup> The above was widely condemned by women’s groups, in a lawsuit led by CATW-AP.<sup>x</sup>

- More women were rendered vulnerable to prostitution and trafficking following the declaration of war on drugs by the Duterte government.
- Vulnerability to various forms of VAWG, including sexual abuse, prostitution, and sex trafficking, was also heightened by wars, such as the siege of Marawi by ISIS-affiliated groups, and the subsequent bombing by government forces. Medical responders also talked about the stigma and the culture of silence surrounding sexual violence, prostitution, and abuse.<sup>xi</sup>

### **3. Pervasive Harm and Cultural Norms:**

Stigma is not the only inherent form of discrimination and violence that victims of prostitution suffer. The system of prostitution can lead to death, and even when fatality is avoided on any given day, women in prostitution, or those who have survived it, can face sexual and reproductive health consequences, including forced and unwanted pregnancies, sexually transmitted infections, including HIV, as well as injuries, mental and psychosocial effects such as depression, anxiety and post-traumatic stress, which can also lead to suicide.<sup>xii</sup>

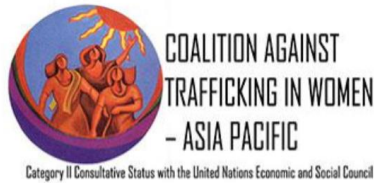
### **4. Building gender-responsive local capacities in emergency interventions related to Climate Change**

- In 2022, the Philippines was categorized as No. 1 in the World Risk Index.<sup>xiii</sup> Women’s groups involved in disaster-response and climate actions had offered solutions especially in times of climate emergencies. CATW-AP developed, and continues to build the capacities of local communities in coastal areas and those most vulnerable to climate-induced disasters. We have initiated rights-based and gender-responsive community watch groups of women affected by such disasters using a survivor-centered prevention framework that also responds to prostitution and sex trafficking.<sup>xiv</sup> Yet, these women-led actions despite having proven valuable in disaster response and recovery, and in protecting women and girls, continue to have little support and space in program and policy decision-making.<sup>xv</sup>

## **RECOMMENDATIONS**

Member States, including the Philippines, must:

- Implement to the fullest extent the conventions they have ratified, including the UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others 1949; the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979; the UN Declaration on the Elimination of Violence Against Women 1993; the UN Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000; and the UN Resolution on Sexual Harassment 2018.



- Recognize and address technology-facilitated forms of recruitment for and facilitation of prostitution, and take active steps to address online sexual exploitation and refrain from engaging in disinformation and other forms of hateful and harmful information that impede the rights of women and girls, and equality.
- The UN, its system and the OHCHR independent experts, including the Special Rapporteur on violence against women and girls, must reiterate that prostitution and pornography (online prostitution) is violence against women causing sex-based discrimination and reject the use of the term “sex work.” Prostitution is neither “sex” nor “work” but VAWG.
- The Philippines government must address the demand for prostitution and implement the anti-trafficking law provision of penalizing buying even in domestic trafficking. Sexual Exploitation Survivors Assistance and Protection Act.
- Strengthen the support and collaboration with grassroots women-led, persons with disabilities, Indigenous women, rural women, and survivors of prostitution to bring their voices to the forefront of discussions to change laws and policies that prevent and combat the prostitution and sexual exploitation of women and girls.
- The Philippines government should draw up sustainable reintegration programs, in consultation with civil society organizations and other stakeholders who can help craft programs linked to the overall employment and economic programs for disenfranchised women in particular.
- Ensure the involvement of survivors in the formulation of programmatic responses for survivors of prostitution, through the passage of the Sexual Exploitation Survivors’ Protection and Assistance Act, and in the review and redesign of the Recovery and Reintegration Program for Trafficked Persons (RRPTP). The organizing and peer support program of CATW-AP must be replicated in mainstream interventions.

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January 2024

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<sup>i</sup>Sex Trafficking & Prostitution Survivors Statement – Asia-Pacific, <https://ngo-migration.org/2011/05/02/sex-trafficking-prostitution-survivors-statement-asia-pacific/>

<sup>ii</sup> Under Article 6 of CEDAW, States are specifically mandated to ‘take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.’

<sup>iii</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, 20 November 2020

<sup>iv</sup> UN CEDAW Committee.GR 38. (para 10)

<sup>v</sup> Community-Based Violence Against Women (VAW) Desks in the Philippines: A Multi-Level Assessment Gillian Dorado Consignado<sup>1</sup> \*, Jennifer Marie Sunga Amparo<sup>1</sup> and Erwin Gaspar Alday Alampay<sup>2</sup>,  
[http://www.pertanika.upm.edu.my/resources/files/Pertanika%20PAPERS/JSSH%20Vol.%2030%20\(2\)%20Jun.%202022/25%20JSSH-8366-2021](http://www.pertanika.upm.edu.my/resources/files/Pertanika%20PAPERS/JSSH%20Vol.%2030%20(2)%20Jun.%202022/25%20JSSH-8366-2021)

<sup>vi</sup> Arcilla, N. The Filipino Children in Prostitution; A Worst kind of Child Labor. 2001.

[https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms\\_437078.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_437078.pdf)

<sup>vii</sup> Arcilla, note 2

<sup>viii</sup> <https://www.washingtonpost.com/world/2019/03/12/duterte-insulted-crazy-women-an-event-honor-women-hes-said-worse/>

<sup>ix</sup> August 30, 2018 – In a speech in Davao City: “Ingon sila nga daghang rape ang Davao. Basta daghang gwapa, daghang rape gyud na.” (They said there are many rape cases in Davao. As long as there are many beautiful women, there will be more rape cases.), Other comments include: December 29, 2017 – During his speech at the provincial gymnasium of Kidapawan, Cotabato City: “I went to the room of the maid.” When the priest asked why, the teenage Duterte said: “I lifted the blanket.... I tried to touch what was inside the panty.... I was touching [it]. She woke up so I left the room.” Then he said he went to the bathroom for the “usual.” Duterte then told the priest he went back to the maid and “I tried to insert my finger.”; In January 2018, when speaking to Indian and Filipino businessmen, Duterte, said that virgins are promised to would-be Islamic State (ISIS) followers: “The come-on is that if you die a martyr, you go to heaven with 42 virgins waiting for you. If I could just make it a come-on also for those who’d like to go to my country... (The ISIS) do not have the monopoly of discourse in this field. And I said, one of the most is promising virgins when you go to heaven. I’d like to have the virgins here, not in heaven.”;

March 12, 2019 - During the awarding ceremony of the Outstanding Women in Law Enforcement and National Security: President Duterte said that he loves women, that is why he has two wives. (Note that psychological and emotional abuse are punishable under the anti-VAWC Act, RA 9262 of 2004.)

<https://www.rappler.com/nation/143506-women-groups-de-lima-duterte-sexist-harassment>; <https://news.abs-cbn.com/news/03/01/18/womens-groups-rally-behind-sereno-slam-attacks-vs-dutertes-female-critics>;  
<https://www.philstar.com/headlines/2018/06/04/1821550/uneven-power-relations-behind-duterte-kissing-married-filipina-stage>; <https://www.gmanetwork.com/news/news/nation/666147/duterte-slammed-for-latest-rape-joke-may-face-charges-after-term/story/>; <https://www.abc.net.au/news/programs/the-world/2019-01-01/jean-enriquez-says-rodrigo-duterte-sexual-assault/10677840>; <https://www.gmanetwork.com/news/news/nation/687319/duterte-s-sexist-remarks-encourages-sexual-violence-says-women-s-group/story/>

<sup>x</sup> The Coalition Against Trafficking in Women-Asia Pacific (CATW-AP) led the filing of charges on April 20, 2016 against then presidential candidate Rodrigo Duterte, at the Commission on Human Rights.

<http://cnnphilippines.com/news/2016/04/20/duterte-complaint-womens-rights-group-chr.html>; <https://news.abs-cbn.com/halalan2016/nation/04/20/16/duterte-faces-complaint-over-rape-remark>

<sup>xi</sup> Women come together to address gender-based violence in Marawi, Philippines, UNFA Report, 20 Nov 2018,

<https://reliefweb.int/report/philippines/women-come-together-address-gender-based-violence-marawi-philippines>

<sup>xii</sup> The UN Declaration on Violence Against Women defines VAW 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 in private life.

<sup>xiii</sup> <https://opinion.inquirer.net/158015/no-1-in-world-risk-index-2022>

<sup>xiv</sup> As a result, a quantifiable decrease in cases of violence against women had been observed in evacuation camps. The National Rural Women Coalition (PKKK) also adopted a similar strategy– organizing and/or strengthening women’s organizations as GBV Watch Groups per barangay, with the aim of being part of the barangay DRR and GAD committees.

<sup>xv</sup> The 9<sup>th</sup> CEDAW Country Report cited that the Philippine Commission on Women (PCW), with the Coalition against Trafficking in Women-Asia Pacific (CATW-AP), drafted Guidelines on the Implementation of Gender-Responsive Emergency Interventions during Humanitarian Crises to operationalize the MCW Section on Women Affected by Disasters, Calamities, and Other Crisis Situations.