

**Keynote Address**  
**By Justice Salazar-Fernando**  
**Launch of UN Women's Flagship Report**  
**Progress of the World's Women 2011-2012: In Pursuit of**  
**Justice**  
**DFA Auditorium**  
**Roxas Boulevard, Pasay City**  
**December 8, 2011**

Acting Secretary of Department of Foreign Affairs, Honorable Laura Q. del Rosario; Ambassador Rosario G. Manalo, Philippine Representative, ASEAN Intergovernmental Commission on Human Rights, Former Senator Santanina Rasul, UN Resident Coordinator to the Philippines, Dr. Jacqui Badcock; OIC Deputy Regional Programme Director, UN Women East South East Asia Regional Office Ms. Shoko Ishikawa; My esteemed namesake, Chairperson Remedios Rikken of the Philippine Commission on Women; Prof. Elizabeth Pangalangan, Director, UP Institute of Human Rights, Atty. Evalyn Ursua, Women's Legal and Human Rights Bureau; The law deans and law students; Court personnel; UN agencies' officials & staff personnel; DFA officials & employees; Officials of the Human Rights Center of the Ateneo Law School; Our dear friends from the media and other NGO stakeholders; Ms. Rina Jimenez David, our very efficient moderator; Fellow women and gender advocates, My colleagues in public service, a pleasant afternoon to all of you!

December 8 is celebrated in this part of the world, a country which predominantly adheres to the Catholic faith, as the Feast Day of the Immaculate Conception. I find it auspicious, both as

a Catholic and as a woman, that we formally launch here today the UN Women's Flagship Report on the Progress of the World's Women in Pursuit of Justice on the feast day of the Blessed Virgin Mary, the Catholic faith's most revered woman and epitome of womanhood.

Today's formal launch of the UN Women Flagship Report also comes amidst encouraging news last Thursday, December 1, 2011, about the pardon and release from prison of Gulnaz, the Afghan woman who was imprisoned for having been raped by the husband of her cousin. Gulnaz's horrendous and dreadful story did not end with the rape and with her imprisonment. When the rape bore fruit and soon after she gave birth to her child, Gulnaz was given the very difficult choice of marrying her rapist in order to legitimize her child and for her to be released from prison. Luckily for her, her unfortunate plight caught international attention after she took part in a documentary film commissioned by the European Union, which was not released for fear that it might compromise her safety and that of the other women whose identities were shown in the film. Impelled by mounting international pressure from cause-oriented groups, the Afghan government, under the leadership of President Hamid Karzai, issued the statement last Thursday pardoning Gulnaz, a pardon described by international observers as rare in such a staunchly conservative Muslim state. Such interesting development reaffirms the underlying significance of the launch of the Flagship Report that we undertake today. For while traditional practices and beliefs and anachronistic political institutions and governments persist to perpetrate the culture of violence and discrimination against women, the struggle for women's rights and gender equality could

actually be won by the firm commitment and the one solid voice of all those who advocate for women's rights and gender equality.

Indeed, I am glad and honored to take the task that was previously reserved for our Honorable Chief Justice. While I do not claim to be an expert on women and gender issues, I take special interest in it, not only as a Member of the Committee on Gender Responsiveness in the Judiciary and as Chairperson of the Court of Appeals' Gender and Development Committee, but also because I too was a victim of sexual harassment about seventeen (17) years ago. That was in 1994, when there was barely a headway made in the Philippines in the realm of women's rights and gender issues. Back then, although women's rights movements were slowly gaining force elsewhere in other parts of the world, women issues were still taboo in the Philippines or were at least tackled with a certain amount of reluctance because of the traditional stereotyping of women's roles, attitudes and behaviors. I too suffered the same anguish, the same stereotyping, and the same reluctance that was experienced by women who similarly went through such an unfortunate ordeal. Like most of the sexual harassment cases that came before it, my case suffered the same attrition, in the manner described by the Flagship Report, which could be attributed to the paucity or inadequacy of support mechanisms and legal tools that aid women in distress. I was lucky that no less than the late President Corazon Aquino and the late Cardinal Sin gave their full support, followed by many NGOs and women's group and individuals, including our moderator, Ms. Rina Jimenez-David. Of course, I look back at the experience now with an enlightened perspective and after reading some of the case studies in the Flagship Report, I am convinced that my own

experience would have also been a good case study, if only to promote a deeper understanding of the complex concerns that women similarly-situated go through.

While the Philippines as early as 1981, ratified the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), no significant strides towards eliminating violence and discrimination against women were made in the area of legislation until fourteen (14) years after when the Philippines enacted Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Law in 1995. This was followed two (2) years after by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997, which expanded the definition of the crime of rape and reclassified the same from a crime against chastity to a crime against persons. A year after, in 1998, Republic Act No. 8505, otherwise known as the Rape Victim Assistance and Protection Act, was enacted, which thereby introduced the “rape shield rule”. The rule provided that no evidence of a women’s previous conduct or reputation could be admitted in evidence in rape cases. In 2003 came Republic Act No. 9208 otherwise known as the Anti-Trafficking in Persons Act, which aimed at eliminating trafficking in persons especially women and children and providing for the protection and support of trafficked persons. This was followed a year after by Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their Children Act of 2004, which statutorily defined “violence against women” and provided penalties thereto. The most recent of these legislations which were aimed at advancing women’s rights and protection, was Republic Act No. 9710, otherwise known as the Magna Carta of Women, which was enacted in 2009. The said law was basically a response to the

clamor for a more consolidated body of laws which not only promotes empowerment of women and their equal opportunities with men but which likewise articulates the human rights of women as enunciated in the CEDAW.

These legislative developments were matched by equal progress in jurisprudence with the promulgation by the Supreme Court of landmark decisions promoting the protection of women and acknowledging their human rights. For instance, in 2006, the Supreme Court pronounced in *People vs. Cabalquinto* (G.R. No. 167693, September 19, 2006) that the real names of the victims of rape and other sexual assaults, as well as that of their families, should be withheld to protect their identities. Instead, fictitious initials should be used to represent them. In *People vs. Genosa* (G.R. No. 135981, January 15, 2004), the Supreme Court acknowledged the possibility of self-defense arising in a crime of parricide from the “battered woman syndrome”. While Marivic Genosa was not completely exonerated, the penalty imposed upon her was lowered. But more than that, the decision in *People vs. Genosa* likewise championed the plight of the thousands of battered women in the Philippines.

With the advent of the new millennium, pioneering efforts towards a more gender-responsive court were undertaken by the Supreme Court, alongside its educational arm, the Philippine Judicial Academy (PHILJA), and with various judicial organizations like the Philippine Women Judges Association (PWJA). On December 9, 2003, the Supreme Court en banc approved the Strategic Gender and Development (GAD) Mainstreaming Plan

which envisioned a judicial system that is sensitive and responsive to gender equality and empowerment. In line with this vision, the Committee on Gender Responsiveness in the Judiciary (CGRJ) adopted core strategies which involved, among others, personnel training and capability-building on gender equality, review and gender audit of policies, programs and practices, the establishment of gender-responsive database on the judicial system, and the promotion of the use of gender-fair language, core gender messages and rituals for higher gender awareness. For the past five years, continuous trainings and seminar workshops on court personnel regarding gender-sensitivity and on the promotion of women's rights remained at the core of the agenda of the Supreme Court and the PHILJA. Likewise, the PWJA, headed by Justice Teresita L. de Castro, has been doing its share to advance women's rights and promote the protection of women. Recently, the PWJA in time for its anniversary celebration this year, hosted the seminar lecture series on "Sextortion" to further promote and deepen awareness about new genres of crimes against women. Lectures are being undertaken in various barangays all over the country by our lady judges.

In spite of these positive developments, however, the undeniable fact is that violence and discrimination against women persist. For those of you who are avid showbiz followers like me, it comes as a shock to hear about the news just a couple of days ago of a beautiful starlet seeking for a temporary protection order against her former boyfriend, a popular DJ, even as the scandal involving a sultry actress and a young doctor whose license was recently revoked, just about simmered down. That people like them in the limelight had not been exempt from ordeals like these could

only mean that there could be many more that happen everyday elsewhere in the far-flung barrios, in the barangays, in the provinces, in the slums, in the condominiums, or in the posh subdivisions, which remain untold and unreported. So too, such incidents bring to us the realization that indeed, violence and discrimination against women know no creed, know no boundaries and cut across every social strata, rich and poor alike.

This brings me to the point about the usefulness and timeliness of the UN Women's Flagship Report. The report emphasizes that it is possible for a well-functioning legal and justice system to be an ally of women towards achieving gender equality and empowerment as it can shape society, provide accountability, curb the abuse of power and create new norms. The case studies and examples presented in the report can be a source of inspiration on how to move towards a well-functioning legal and justice system in the context of promoting gender equality and women's empowerment.

More importantly, the ten recommendations on how to make the justice system work for women can serve as a springboard from which we can begin to address a lot of the problems that Filipino women face when engaging the Philippine legal and justice system. These recommendations are based on experiences of different legal systems worldwide and therefore are concrete and doable. There is a wealth of knowledge and experience reflected in these recommendations and we can definitely learn from them.

On that note, I join everyone in wishing well for the success of today's formal launch of the Flagship Report. I eagerly look

forward to the presentation of the Flagship Report and the robust discussions that will follow. Thank you and mabuhay ang kababaihan!-0