



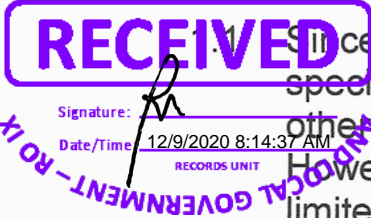
**GUIDELINES ON THE LOCALIZATION OF THE SAFE SPACES ACT**

Joint Memorandum Circular No. 2020-001

Date: 07 DEC 2020



DEPARTMENT OF THE INTERIOR  
**1. BACKGROUND**  
 Regional Office IX, Pagadian City



- 1.1 Since 1995, sexual harassment in the Philippines has been specifically prohibited under Republic Act (RA) No. 7877, otherwise known as the “Anti-Sexual Harassment Act of 1995.” However, the definition of sexual harassment under this law was limited and covered only the acts committed in work, education, and training-related environments. Further, it does not penalize the acts of sexual harassment committed in many other spaces, such as on the streets, in restaurants and malls, public utility vehicles (PUVs), and other public spaces.
- 1.2 The State values the dignity of every human person and guarantees full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building, and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security, and safety not only in private spaces but also in public spaces.
- 1.3 Sexual harassment as a form of gender-based violence, seriously inhibits women’s ability to enjoy rights and freedom on a basis of equality with men<sup>1</sup>. Sexual harassment in streets and public spaces will not be tolerated by the State as it violates the dignity and human rights of a person.
- 1.4. The passage of RA No. 11313, otherwise known as the Safe Spaces Act (SSA) expands the law on sexual harassment in the country to cover all of its forms including verbal, non-verbal and physical. Further, it seeks to secure all persons, regardless of sex, sexual orientation, and gender identity and expression, from all kinds of gender-based violence and discrimination such as sexual harassment, not only in private spaces but also in public spaces.

<sup>1</sup> Philippine Commission on Women. Policy Brief No. 5. Strengthening Law Enforcement and Protection Against Sexual Offenses: EXPANDING THE ANTI-SEXUAL HARASSMENT LAW, available at <https://pcw.gov.ph/assets/files/2019/07/PCW-WPLA-Policy-Brief-5-Anti-Sexual-Harassment.pdf> (accessed on October 16, 2020)

- 1.5. Guided by RA 7160 also known as the Local Government Code of 1991, local government units (LGUs) are mandated to promote the general welfare of their constituents. As such, Section 8 of SSA and Section 9 of its Implementing Rules and Regulations (IRR) mandate all LGUs to prevent and respond to gender-based sexual harassment (GBSH) in streets and public spaces.

## 2. PURPOSE

This Joint Memorandum Circular (JMC) is hereby issued to provide guidelines on the localization of the Safe Spaces Act and its IRR, particularly the provisions on GBSH in streets and public spaces.

## 3. SCOPE AND COVERAGE

This JMC shall cover all Provincial Governors, City and Municipal Mayors, Punong Barangays, Members of the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan, and Sangguniang Barangay, the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) Chief Minister, the BARMM Minister of Local Government, Department of the Interior and Local Government (DILG) Regional Directors and Field Officers, and others concerned.

## 4. DEFINITIONS

- 4.1. **Anti-Sexual Harassment (ASH) Desk** - a physical facility, managed by an ASH Desk officer, where victim-survivors of sexual harassment can immediately go to seek assistance.
- 4.2. **ASH Hotline** - a communication link in which calls or reports of GBSH in streets and public spaces are directed to the service providers.
- 4.3. **Community service** consists of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.
- 4.4. **Gender** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them.
- 4.5. **Gender identity and/or expression** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have been assigned a particular sex at birth but who identifies with the opposite sex, or may have an identity that does



not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.

- 4.6. **Gender-based streets and public spaces sexual harassment** is an act committed in streets and public spaces through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.
- 4.7. **Public spaces** refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, PUVs as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.
- 4.8. **Safe space**<sup>2</sup> is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoy the freedom of self-expression without the fear of judgment or harm.

## 5. POLICY CONTENT AND GUIDELINES

The policy content and guidelines provide the details on the duties and responsibilities of LGUs on the localization of the Act.

### 5.1 Duties and Responsibilities of Local Government Units

To ensure the effective implementation of the law, the provincial, city, municipal and barangay governments shall perform the following duties and responsibilities:

#### 5.1.1 Provincial Government

- 5.1.1.1 Pass an ordinance<sup>3</sup>, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature as safe spaces against GBSH;

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<sup>2</sup> UNFPA (2015), *Women and Girls Safe Spaces Guidance*. <https://www.unfpa.org/sites/default/files/resource-pdf>. (Accesses on October 3, 2020).

<sup>3</sup> The local ordinance is not a prerequisite on the enforcement of the law. The law itself is already enforceable.

- 5.1.1.2 Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;
- 5.1.1.3 Provide measures to prevent GBSH in educational and/or social institutions, such as information campaigns and anti-sexual harassment seminars;
- 5.1.1.4 Coordinate with the Philippine Commission on Women (PCW), the Department of the Interior and Local Government (DILG), and the Regional Committee on Anti-Trafficking and Violence Against Women and their Children (RCAT-VAWC) for a sustained information campaign activities and provide assistance, when necessary, to component LGUs in the development of IEC materials, preferably translated in local dialect and conduct of awareness campaigns;
- 5.1.1.5 Engage with academic institutions and duly accredited/recognized women's group and civil society organizations (CSOs), local media such as tv and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;
- 5.1.1.6 Ensure compliance of component cities and municipalities with the law and its IRR, and this guidelines;
- 5.1.1.7 Provide technical and financial assistance to component LGUs in the implementation of programs, projects and activities related to awareness campaign against GBSH in streets and public spaces, capacity building of LGU personnel and the operationalization of ASH Desks and ASH Hotlines; and
- 5.1.1.8 Ensure the setting-up and maintenance of functional Closed-Circuit Television (CCTV) cameras<sup>4</sup> in major roads, alleys and sidewalks to aid in the filing of cases and gathering of evidence

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<sup>4</sup> DBM-DILG Joint Memorandum Circular No. 2019-2, Guidelines on the Release and Utilization of the Local Government Support Fund-Other Financial Assistance to Local Government Units Under the FY 2019 General Appropriations Act, Republic Act No. 11260 for the Purchase of Multi-Cabs and/or Multi-Purpose Vehicles and Purchase and Installation of Video Surveillance, December 18, 2019.



as well as in the prevention of GBSH in streets and public spaces.

### **5.1.2 City/Municipal Government**

- 5.1.2.1 Pass an ordinance, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature, as safe spaces against GBSH;
- 5.1.2.2 Designate traffic enforcers and other local law enforcement units to be Anti-Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender-Sensitive Training (GST) and orientation on the law;
- 5.1.2.3 Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;
- 5.1.2.4 Engage with academic institutions, civil society organizations (CSOs), local media such as tv and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;
- 5.1.2.5 Develop, produce, and distribute IEC materials, preferably translated in local dialect, that raise awareness for and condemn gender-based sexual harassment, inform the public of the penalties for committing gender-based sexual harassment, and contain infographics on reporting and referral mechanisms and hotline numbers;
- 5.1.2.6 Set-up an Anti-Sexual Harassment (ASH) Desk at the city/municipal hall for the purpose of expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces, and the same shall be strengthened;
- 5.1.2.7 Establish an ASH Desk Hotline to receive and respond to calls on GBSH in streets and public spaces;

- 5.1.2.8 Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces;
- 5.1.2.9 Ensure the establishment of an ASH Desk in every barangay;
- 5.1.2.10 Organize an ASH Sub-Committee under the Gender and Development Focal Point System (GADFPS) to supervise, support and coordinate the operations of the ASH Desk and Hotline;
- 5.1.2.11 Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces;
- 5.1.2.12 Provide training on the law for the punong barangays and members of the *Lupong Tagapamayapa* in cases covered by the *Katarungang Pambarangay* system, for traffic enforces under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level; and
- 5.1.2.13 Provide technical and financial assistance in the implementation of programs, projects and activities related to the capacity development of LGU personnel on and awareness campaign against GBSH in streets and public spaces and the operationalization of ASH Desk and Hotline.

### **5.1.3 Barangay Government**

- 5.1.3.1 Pass an ordinance, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces regardless of ownership and nature as safe spaces against GBSH;
- 5.1.3.2 Designate barangay tanods, community brigades, and community service units to be the ASHES;



- 5.1.3.3 Establish an ASH Desk for the purpose of expediting the receipt and processing of complaints and reports of sexual harassment. The Violence Against Women (VAW) Desk shall also serve as the ASH Desk;
- 5.1.3.4 Ensure the participation of ASHEs, ASH Desk Officer and members of the *Katarungang Pambarangay* in gender-sensitivity training; orientation on the Safe Spaces Act, and protocols in responding to GBSH in streets and public spaces;
- 5.1.3.5 Distribute IEC materials, developed by the city/municipality and other entities, that raise awareness for and condemn GBSH in streets and public spaces;
- 5.1.3.6 Create a mechanism for handling and documentation of complaints including those cases covered by the *Katarungang Pambarangay* system;
- 5.1.3.7 Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces; and
- 5.1.3.8 Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

## **5.2 Functions of Anti-Sexual Harassment Enforcers (ASHEs)**

5.2.1 The ASHE shall have the following functions:

- 5.2.1.1 Receive complaints on GBSH in streets and public spaces;
- 5.2.1.2 Immediately apprehend the perpetrator if caught in the act of committing the crime;
- 5.2.1.3 Immediately bring the perpetrator to the nearest police station for appropriate action; and

- 5.2.1.4 Together with the Women's and Children's Desk of the PNP stations, keep a ledger of perpetrators for the purpose of determining if the perpetrator is a first-time, second-time or third-time offender.

### **5.3 Establishment of Anti-Sexual Harassment (ASH) Desk**

#### **5.3.1 Setting-up the ASH Desk.**

- 5.3.1.1 The local chief executive (LCE) shall designate an area in the city, municipal or barangay hall, as the case may be, where the ASH Desk may be set-up in such a way that the right to privacy of the victim-survivor is protected at all times; and
- 5.3.1.2 It shall have the necessary furniture and fixtures, such as, but not limited to, table, chairs, and separate filing cabinet where the logbook and tools/equipment for documentation are stored.

#### **5.3.2 Designation of ASH Desk Officer**

- 5.3.2.1 The city/municipal mayor and punong barangay shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.
- 5.3.2.2 In barangays, the designated VAW Desk person shall serve as the ASH Desk Officer. For this purpose, the VAW Desk person shall be trained on the forms of sexual harassment, as well as the functions and protocols in responding to GBSH in streets and public spaces.

#### **5.3.3 Functions of the ASH Desk Officer**

- 5.3.3.1 The ASH Desk Officer shall have the following functions:
  - 5.3.3.1.1 Receive, document, and respond to complaints and reports of GBSH in streets and public spaces;
  - 5.3.3.1.2 Facilitate the referral of cases and persons to the appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security, and other services;



- 5.3.3.1.3 Record the number cases of GBSH in streets and public spaces received and referred to other agencies, and submit a quarterly report to the DILG City/Municipal Field Office and the City/Municipal Social Welfare and Development Office (C/MSWDO);
- 5.3.3.1.4 Keep case records confidential and secure, and ensure that only authorized personnel have access to these records;
- 5.3.3.1.5 Assist in the formulation/updating of policies; development of plans, programs, projects and activities; and educational and awareness campaigns to address GBSH in streets and public spaces;
- 5.3.3.1.6 Coordinate with pertinent agencies in monitoring the status of GBSH-related complaints and reports; and
- 5.3.3.1.7 Perform other related functions as may be assigned.

#### **5.4 Conduct of Safety Audit**

5.4.1 Provincial, City and Municipal Governments shall conduct safety audits on their responsibilities enumerated in Section 8 of the law and Section 9 of the IRR every three (3) years to assess the efficiency and effectivity of the implementation of the law within their jurisdiction.

5.4.1.1 Provinces shall assess the cities and municipalities on the implementation of the law and its IRR; and

5.4.1.2 Cities and municipalities shall assess the barangays on the implementation of the law and its IRR.

#### **5.5 Source of Funds**

5.5.1 The implementation and localization of the Safe Spaces Act may be charged against the Gender and Development (GAD) budget or other sources of funds

subject to the availability thereof and to the existing accounting and auditing rules and regulations.

## **6. Institutional Arrangements**

### **6.1 Philippine Commission on Women**

- 6.1.1 Lead the national campaign for the awareness of the law;
- 6.1.2 Develop educational modules and materials for national awareness campaigns together with DILG, Local Government Academy (LGA), Development Academy of the Philippines (DAP), and Commission on Human Rights (CHR) and in coordination with accredited/recognized CSOs actively working on the issues affecting women, children and LGBTQ community;
- 6.1.3 Coordinate with duly accredited/recognized CSOs actively working on the issues affecting women, children and LGBTQ community to ensure the participation of all LGUs in a sustained information campaign;
- 6.1.4 Provide training activities to build the capacities of local government officials and functionaries in the implementation of the law, in partnership with DILG, LGA, DAP and CHR; and
- 6.1.5 Assist the DILG in the development of indicators that will guide the safety audits.

### **6.2 Department of the Interior and Local Government Central Office**

- 6.2.1 Develop guidelines and mechanisms to ensure the effective implementation of and monitoring on the compliance of LGUs on the law and its IRR;
- 6.2.2 Assist PCW in the development of educational modules and IEC materials for national awareness campaigns and capacity-building activities;
- 6.2.3 Assist PCW in the conduct of awareness campaign and capacity-building activities to LGUs related to GBSH in streets and public spaces;
- 6.2.4 Develop guidelines and indicators for the conduct of safety audits; and



6.2.5 Ensure that all LGUs have set-up CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence.

### **6.3 Department of the Interior and Local Government Regional and Field Offices**

6.3.1 Provide assistance in the conduct of awareness campaigns and capacity-building activities to LGUs;

6.3.2 Monitor and submit reports on LGU compliance with the law and its IRR and this guidelines;

6.3.3 Ensure widest dissemination of this guidelines; and

6.3.4 Assist the LGUs in the conduct of safety audits.

## **7. REFERENCES**

- 7.1. DILG-DSWD-DepEd-DOH-PCW JMC No. 2010-2 (Guidelines in the Establishment of a Violence Against Women Desk in Every Barangay)
- 7.2. DILG-DSWD-DOJ JMC No. 2010-1 (Creation of Local Committees on Anti-Trafficking and Violence Against Women and Their Children)
- 7.3. DILG MC No. 2012-61 (Adoption/Implementation of the Guidelines in the Establishment and Management of a Referral System on Violence Against Women at the Local Government Unit Level)
- 7.4. PCW-DILG-DBM-NEDA JMC No. 2016-01 (Amendments to PCW-DILG-DBM-NEDA JMC No. 2013-01: Guidelines on the Localization of the Magna Carta of Women)
- 7.5. Philippine Commission on Women. Policy Brief No. 5. Strengthening Law Enforcement and Protection Against Sexual Offenses: Expanding the Anti-Sexual Harassment Law
- 7.6. Republic Act No. 11313 (Safe Spaces Act) and its IRR
- 7.7. Republic Act No. 11362 (Community Service Act) and its IRR
- 7.8. Republic Act No. 9710 (Magna Carta of Women) and its IRR
- 7.9. Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006), as amended by R.A. No. 10630, and its Revised IRR

7.10. Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004) and its IRR

7.11. Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995);

7.12. Republic Act No. 7160 (Local Government Code of 1991)

## **8. ANNEXES**

8.1. Annex 1: Qualifications of an ASH Desk Officer

8.2. Annex 2: Protocols in Handling GBSH in Streets and Public Spaces Complaint from the Victim-Survivors

8.3. Annex 3: Protocols in Handling GBSH in Streets and Public Spaces Complaint Other than the Victim-Survivors

8.4. Annex 4: Establishment of ASH Hotline (Functions, Qualifications, Protocols in Handling Complaints)

8.5. Annex 5: Establishment of an ASH Referral Network

8.6. Annex 6: Compliance Monitoring Report Template

8.7. Annex 7: Examples of Expenses That Can and Cannot Be Charged to the GAD Budget

8.8. Annex 8: Cases covered and not covered under the Katarungang Pambarangay System

## **9. EFFECTIVITY**

This Joint Memorandum Circular shall take effect immediately.

## **10. MONITORING AND SUBMISSION OF REPORTS**

10.1 One (1) year after the issuance of this Guidelines, the DILG Regional Directors shall submit reports on the compliance of LGUs herewith to the National Barangay Operations Office (NBOO). The Compliance Report shall contain the following:

10.1.1 A list of all ordinances, resolutions, and other local issuances related to GBSH in streets and public spaces, enacted or issued before or after the issuance of this Guidelines; and

10.1.2 A list activities and other measures undertaken by the LGUs to comply with its duties and



responsibilities under the Safe Spaces Act, its IRR, and this Guidelines.

10.2 NBOO shall oversee the monitoring of LGUs compliance with the guidelines. To facilitate this task, monitoring sheets shall be developed and made available in a google drive. Link to the online facility shall be provided accordingly; and

10.3 NBOO shall provide a copy of the compliance monitoring report to the PCW for information and monitoring purposes.

## 11. APPROVING AUTHORITY



**SANDRA S. MONTANO**  
Chairperson  
Philippine Commission on Women



**EDUARDO M. AÑO**  
Secretary  
Department of the Interior and Local Government

## 12. FEEDBACK

For related inquiries, please contact the NBOO-Community Capacity Development Division on (02) 876-3454 local nos. 4403 and 4404 or send an e-mail to: [nboocdd2019@gmail.com](mailto:nboocdd2019@gmail.com).

