



# SAFE SPACES ACT

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The Law and IRR of Republic Act (R.A.) No. 11313

Wednesday, December 4, 2024 \* 1:30pm - 4:45pm via ZOOM

## Course Outline

### **I. HISTORY AND BACKGROUND of the Safe Spaces Act**

- A. Why was there a need for the Anti-Bastos Law?
- B. Policy of the State
- C. Existing related laws
  - 1. Anti-Sexual Harassment Act of 1995 or RA 7877
  - 2. Anti-Violence Against Women and Children Act
  - 3. Others

### **II. COVERAGE**

- A. What acts are considered Gender-Based Streets and Public Harassment?
  - 1. Catcalling
  - 2. Wolf-whistling
  - 3. Leering and intrusive gazing
  - 4. Taunting
  - 5. Unwanted invitations
  - 6. Cursing
  - 7. Misogynistic remarks or slurs
  - 8. Transphobic remarks or slurs
  - 9. Homophobic remarks or slurs
  - 10. Sexist remarks or slurs
  - 11. Persistent uninvited comments or gestures on one's appearance
  - 12. Relentless requests for one's personal details
  - 13. Stalking
  - 14. Use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation
  - 15. Persistent telling of sexual jokes
  - 16. Use of sexual names, comments, and demands
  - 17. ANY ADVANCES, WHETHER VERBAL OR PHYSICAL, THAT HAS MADE AN INVASION ON ONE'S SENSE OF PERSONAL SPACE OR THREATENS THE PERSON'S SENSE OF PERSONAL SAFETY

### **GRAVER ACTS:**

- 1. Making offensive body gestures at someone
- 2. Exposing private parts for sexual gratification including flashing of private parts
- 3. Public masturbation
- 4. Groping
- 5. OTHER SIMILAR LEWD SEXUAL ACTIONS

### III. DIFFERENT CONTEXTS OF SEXUAL HARASSMENT

#### A. Gender-Based Streets and Public Spaces Sexual Harassment

1. What is Gender-Based Streets and Public Spaces Sexual Harassment?
  - a. "Public Spaces" - Definition
  - b. Privately Owned Places Open to the Public - Gender-Based Sexual Harassment (GBSH) in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately Owned Places Open to the Public
  - c. What are obligations of the Management of the above -mentioned establishments?
    - 1) policy
    - 2) measures to prevent the occurrence of GBSH
    - 3) measures to address the occurrence of GBSH
    - 4) citizen's arrest
    - 5) awareness/ training
2. What is Gender-Based Sexual Harassment in Public Utility Vehicles (PUV)?
  - a. What is the definition of "common carriers"?
  - b. Additional penalties
3. What happens if Gender-Based Sexual Harassment in Streets and Public Spaces is committed by minors?
4. Duties of Local Government Units (LGUs)
5. Role of the DILG
6. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces
7. Specific Acts and Penalties for Gender Based Sexual Harassment in Streets and Public Places

#### B. Gender-Based Online Sexual Harassment

1. What does gender-based online sexual harassment include? What is "Cyberstalking"?
2. Exemptions to acts penalized as gender-based online sexual harassment
3. What is the definition of "information and communication system"?
4. What happens if the perpetrator is a foreigner?
5. Implementing Bodies for Gender-Based Online Sexual Harassment
6. Procedure for Filing Cases of Gender-Based Online Sexual Harassment
7. Penalties for Gender-Based Online Sexual Harassment

\*\*\*QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE HARASSMENT\*\*\*

#### C. Gender-Based Sexual Harassment in the Workplace

1. What is gender-based sexual harassment in the workplace?
2. Definition of "Employer"; Definition of "Employee"
3. Duties of Employers
4. Support for Workers in the Informal Economy
5. Duties of Employees and Co-Workers
6. Liability of Employers
7. Independent Action for Damages
8. Routine Inspection

- D. Gender-Based Sexual Harassment in Educational and Training Institutions
  - 1. Responsibilities Imposed on Educational and Training Institutions
  - 2. Who Can Commit Gender-Based Sexual Harassment in Educational and Training Institutions
  - 3. Duties of School Heads and Heads of Training Institutions
  - 4. Liability of School Heads and Heads of Training Institutions
  - 5. Development of Code of Conduct
  - 6. Liability of Students
  - 7. Independent Action for Damages
  - 8. Routine Inspection

#### **IV. The Code of Conduct and the Committee on Decorum and Investigation**

- a) Development of Code of Conduct
- b) Committee on Decorum and Investigation (CODI)
- c) Oversight Mechanism (Agencies Mandated to Implement the law)

#### **V. ACTS AND CORRESPONDING PENALTIES**

- 1. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces
- 2. Penalties for Gender-Based Online Sexual Harassment
- 3. Imposition of Heavier Penalties (QUALIFIED GENDER BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT)

#### **VI. Common Provisions**

- a) Confidentiality
- b) Restraining Order
- c) Remedies and Psychological Counseling
- d) Administrative Sanctions
- e) Exemptions

#### **VII. Final Provisions**

- a) PNP Women, and Children Protection Centers/ Desks
- b) Educational Modules
- c) Awareness Campaigns
- d) Safety Audits
- e.) Prescriptive Period

#### **Medium of Instruction to be Used: Combination of Filipino and English Language**

**Note:** Attendees from the government are exempted from the P2,000.00 limit set by COA for attending training provided by the private sector based on Department of Budget and Management Circular No. 563 dated April 22, 2016. Funding to attend this training may be sourced from GAD funds based on Republic Act No. 7192, otherwise known as the Women in Development and Nation Building Act.

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