

## Perceptions of Filipino Adults on the Safe Spaces Act

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**Abstract:** The **Safe Spaces Act** or **RA 11313** was signed into law on July 2019 by President Rodrigo Duterte. Commonly referred to as the '*Bawal Bastos*' law, this law prohibits gender-based harassment which includes catcalling, wolf-whistling, unwanted attention, and misogynistic, homophobic, transphobic or sexist remarks. The law defines gender as "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." Gender stereotypes are still deeply ingrained in social beliefs and practices. The power differentials in gender stereotypes can lead to dominance, harassment or abuse of minoritized groups. These minoritized groups often include children or adolescents, women and the LGBTQ community. In light of the recent enactment of the Safe Spaces Act, this ethnomethodological study investigated the perceptions of Filipino adults regarding the provisions of the new law and how it affects them. Three separate online Focus Group Discussions (FGDs) were conducted for the following groups: Men (n= 3), LGBTQ (n= 4), and Women (n= 4). Most of the participants did not realize that the Safe Spaces Act is the same as the "Anti-catcalling" law or the "*Bawal Bastos*" law. Although the participants generally agreed with the provisions of the law, their views were contextualized according to their respective gender. Among the three groups, the LGBTQ participants were keenly aware that the law pertains to gender equality. The participants are both skeptical and hopeful about the proper implementation of the Safe Spaces Act.

**Key Words:** Safe Spaces Act; RA 11313; LGBTQ community; Gender equality

### 1. INTRODUCTION

The **Safe Spaces Act** or **RA 11313** was signed into law by President Rodrigo Duterte. Commonly referred to as the '*Bawal Bastos*' law, this law prohibits gender-based harassment which includes catcalling, wolf-whistling, unwanted attention, and misogynistic, homophobic, transphobic or sexist remarks (Corrales, 2019). The law is closely related to the Anti-Sexual Harassment Act (RA 7877) of 1995. While the Anti-Sexual Harassment Act protects individuals from sexual harassment in the workplace and academic setting, the Safe Spaces Act widens the scope of RA 7877 to include harassment in *public* and *online* spaces (Abad, 2019).

Rep. Risa Hontiveros is the Chairperson of the

Senate Committee on Women, Children, Family Relations and Gender Equality. She is the principal author and sponsor of the Safe Spaces Act (CNN Philippines, 2019). The law defines **gender** as "a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying to social behavior of men and women, and the relations between them." **Gender identity and/or expression** is defined as "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, in which case this person is transgender." (RA 11313, Sec. 3d, 3f)

These definitions stipulated in the new law

resonate with Butler's (1988) concept that gender is a collective and continuous action. Gender goes beyond a person's physiology. Individuals can be identified through their physical attributes as male or female, but gender can only be established through the continuous performance of social actions (Turner, 1974, in Butler, 1988). In the Safe Spaces Act, the definition of gender goes beyond a static, given or assigned identity, as it adopts the term *socially ascribed*. This means that gender is continuously performed and constructed in social situations. Since gender is performed in social situations, Butler (1988) asserts that there can be no right or wrong gender, as the work of identity construction remains a personal and continuous process.

Not everyone agrees with the way the Safe Spaces Act defines gender. Gatdula, a writer for Business World, asserts in his article "No safe spaces" (18 July 2019) that in passing the law, Congress is adopting a *new* definition of gender. He adds that the definition of gender identity in the law (Sec. 3f) removes the clear distinction between "male" and "female", and renders a "privileged status" to transgenders. The recognition of transgenders, according to the writer, is a "hugely confused liberal progressive step of detaching gender from the reality of one's biological sex, and identifying [gender] as a mere social construct."

### 1.1 Gender Stereotypes

Gender stereotypes are still deeply ingrained in social beliefs and practices. Some researchers use Critical Discourse Analysis (CDA) in order to investigate the way power and inequality are "enacted, reproduced, and resisted by text and talk in social and political contexts" (van Dijk, 2004, in Sriwimon & Zilli, 2017). Machin and Mayr (2012, in Sriwimon & Zilli, 2017) posit that ideological positions underlie language structures and choices. In institutional, political, and media discourses, some social groups will be highlighted, but there will be other groups that can be misrepresented or rendered invisible (Wodak, 2001, in Sriwimon & Zilli, 2017).

Sriwimon and Zilli (2017), in their investigation of political media discourse in Thailand, noted that news writers describe their male and female politicians differently. The researchers chose the news items in the Bangkok Post and The Nation, the two leading English-language daily newspapers in Thailand, and their coverage of the 2011 elections. They selected the news items during the campaign

period from May to August 2011 and those that refer to Mrs. Yingluck Shinawatra. Yingluck Shinawatra is a businesswoman and is the youngest sister of the former Prime Minister Thaksin Shinawatra.

The news items used passive clauses in describing Yingluck's nomination as a candidate such as "*was...chosen to fill the No. 1 spot on the Pheu Thai party list*" and "*a resolution placing [her]*". In other articles describing how she was selected as the party's candidate, "*Thaksin picked Ms. Yingluck*." Yingluck is discursively described as a passive and dependent politician (Sriwimon & Zilli, 2017).

Grant et al. (2020) used the social role theory as their framework in their study on the semantic processing by the audience on the speech delivered by male and female announcers. This experimental study consisted of semantically correct and semantically incorrect sentences that were announced by the male or female announcer. The sentences were also perceived by the audience as congruent if it matches gender stereotypes. Thus, a congruent situation is when the male announcer gives a semantically correct statement on sports (because men are more knowledgeable on sports) or when he gives a semantically incorrect statement on fashion (because men are less knowledgeable on fashion). In like manner, a congruent situation is when the female announcer gives a semantically correct statement on fashion or a semantically incorrect statement on sports (Grant et al., 2020).

The results of this study show that social stereotypes influence language processing. The listeners' neurophysiological response to semantic violations was larger when those statements also violated a stereotype. Based on the social role theory, the behavior of group members affect their perception of stereotypes. The authors found that the effect of stereotype congruence was larger in the male voice. There are not many men who write or report on fashion. At present, more women are seen taking on traditional masculine roles than in the past. Hence, there was a weaker effect of stereotype congruence in the female voice (Grant et al., 2020).

### 1.2 Gender-Based Harassment

The power differentials in gender stereotypes can lead to dominance, harassment or abuse of minoritized groups. These minoritized groups often include children or adolescents, women and the LGBTQ community.

Sanchez et al. (2017) investigated peer sexual cybervictimization among high school students in Spain. Sexual cybervictimization refers to cyberbehaviors perpetrated by peers in an online platform which may prove unpleasant and distressing for the recipient. These behaviors include unwanted sexual requests, posting pornography, obscene visual and/or verbal remarks. Some studies have established that boys and girls may interpret the same behaviors differently, but have a more negative effect on the female students (Sanchez et al., 2017).

The results of this study showed that one in five adolescents confirmed being victims of sexual harassment or homophobic bullying. Among these students, half said that they felt bothered by the harassment or bullying. The other half indicated that they were not bothered by the behavior, which may indicate a normalization of this type of sexual cybervictimization. The authors recommend psychoeducational interventions that will help adolescents develop and express their sexuality in a healthy and respectful manner (Sanchez et al., 2017).

Adult women can also experience sexual harassment. In Canada, Phillips et al. (2019) conducted a national survey among medical students. Medical students are immersed in an environment where power imbalances are tangible, between doctors and patients, teachers and students, and men and women. The discussion and exposure of body parts and sexual functions are also expected in this environment (Phillips et al., 2019).

A total of 188 students responded to the online survey, with 69% younger than 26 years old, and 68% are female. The perpetrators were predominantly patients (326/807), followed by peers or other students (320/807) and to a lesser degree, teachers and faculty (161/807). These incidents bring about intense emotions on the students such as feeling confused, betrayed, angry, disrespected, ashamed and degraded. But the most worrying effect of sexual harassment on the students was that they could not do or say anything about it for fear of repercussions. If the harassment was done by a patient or a teacher, these students were afraid that they would receive a poor evaluation which could affect their academic performance or their job opportunities later on (Phillips et al., 2019).

This study yielded recommendations from the participants on how to address and prevent sexual harassment in medical schools. Their

recommendations include raising awareness and training the faculty, training the students, and improving institutional mechanisms and processes to address these reports, including clear and documented penalties for the perpetrators. The participants see these recommendations as interim measures to address sexual harassment. But they also recognize that to reduce sexual harassment, the solutions must be addressed at the societal level. As one participant said, "A larger societal discussion needs to take place to prevent sexual harassment in day to day life before it will be prevented in medical school. As long as 'boys will be boys', women will be sexually harassed" (Phillips et al., 2019).

### *1.3 Freedom of Speech and Safe Spaces*

The ongoing debate in democratic countries is upholding the freedom of speech accorded to every citizen on one hand, and protecting vulnerable individuals from hate speech on the other hand. Some prestigious U.S. universities have called for more moderate speech in light of recent events that marginalize or attack certain groups. In the University of Chicago, a Muslim student criticized the guest speaker from Charlie Hebdo for his magazine's insolent depiction of Islam. In Brown University, students opposed a conference where a speaker would talk about 'rape culture' (Shulevitz, 2015, in Pujol, 2016). At Princeton, students protested the commencement speech of rap artist 'Big Sean' because his lyrics were misogynistic (Parts, 2015, in Pujol, 2016). In Colorado, the students opposed the film showing of 'Stonewall' because it did not depict the role of African Americans in U.S. history (Pujol, 2016).

Historically, universities promote free social expression and cultural debate. The cornerstone of American democracy is freedom of speech. It would seem that turning campuses into safe spaces would run counter to free speech. According to some faculty members, restricting the free exchange of ideas on campus is tantamount to destroying their democratic principles. School administrators have a pragmatic stand about the controversy as they have the dual role of preserving the campus from a 'hostile environment' and to ensure freedom of speech at the same time (Pujol, 2016).

Pujol (2019) interviewed Prof. John Durham Peters, a Media Studies scholar from Yale University, about his views on the controversy. Prof. Peters thinks that the issue of 'safe spaces' has been overblown as he has not observed any drastic change in his campus.

The professor carefully notes, *“In my own experience of teaching, I think that the best safety lies in kindness, awareness and respect for others. That’s why I try to teach in a way that is caring and respectful. You don’t need a law about safe spaces; you need to respect and care for the other”* (Pujol, 2019).

At the same time, Prof. Peters also recognizes how technology can affect the way we communicate. He says, *“The internet is radically new in some ways—in its global span, its storage capacity, its speed, and its mixing of so many traditional communication modalities into one medium—but in other ways it reveals things we have known for a long time about human behavior...The internet has emerged so fast that we have hardly yet developed the buffers and codes of etiquette for managing it”* (Pujol, 2019).

## 2. METHODOLOGY

In light of the recent enactment of the Safe Spaces Act, this study investigated the perceptions of Filipino adults regarding the provisions of the new law and how it affects them. This study uses the ethnomethodological approach as it builds on the narrative accounts of the participants on how they perceive the new law to maintain social order (Whittle & Wilson, 2015). Specifically, this study had the following research questions:

- a) Are Filipino adults aware of the Safe Spaces Act?
- b) What are the perceptions of Filipino adults on the provisions of the Safe Spaces Act?
- c) What comments do Filipino adults consider offensive?

Purposive sampling was used in selecting the participants for this study and for the LGBTQ group, the snowballing method was used in selecting additional participants. All participants are educators in a private educational institution, with ages ranging from 20-50 years old and have given their informed consent prior to the online FGD. Most of the participants are either undertaking or have completed graduate studies. Although this study is limited to a small group of educators, the results may contribute to the university’s initiatives regarding the institutional implementation of the Safe Spaces Act. Moreover, other researchers may conduct similar FGDs with other members of the school community or other sectors in society for a wider perspective on the

implementation of the new law.

Three separate online Focus Group Discussions (FGDs) were conducted for the following groups: the Men group (n=3), the LGBTQ group (n=4), and the Women group (n=4). The researcher presented the FGD transcript to each group via email for their comments and approval prior to open coding and thematic analysis.

## 3. RESULTS AND DISCUSSION

For the **first research question**, most participants had a vague notion or partial idea what the Safe Spaces Act is. Some of them said they were aware of the law but admitted they had limited knowledge about the provisions, while some admitted readily that they have not heard about the law.

Many of them did not realize that it is the same as the ‘Anti-catcalling’ law or ‘*Bawal Bastos*’ law. Among the three groups, the LGBTQ group was the most cognizant about the law. They were able to cite general provisions and key words such as *“it’s about protecting lgbt from malicious act”*, *“it is also the promotion of the rights ofLgbt”* and *“it is gender-based protection.”* Among the three groups, the LGBTQ group was able to articulate that the law is “more inclusive” and “equal to all [genders].”

For the **second research question**, the participants had different ways of expressing how they understood the Safe Spaces Act, and six themes became apparent. The **first theme** is the participants *have comments or questions about the provisions of the law* which came from the Women group. They asked how exactly would the case be processed or validated, for instance, if the incident happened in a public place.

The **second theme** that emerged was the participants *generally agree with the provisions*. One participant from the Men group said that the law *“gives an atmosphere of being safe from offensive words and behaviors, not just for women and children but also for us men.”* Although he is aware that the law protects all genders, his statement did not include LGBTQ. One participant from the LGBTQ said, *“I feel heard, I feel prioritized.”* For him, the law resonates on a personal level. One participant from the Women group said that because of the law, *“women should not worry no matter how they dress.”* It was only from the

Women group that a comment pertaining to manner of dressing emerged.

The **third theme** was the *skepticism of some participants about the equal and consistent implementation of the law*. One participant from the Men group hoped that the law will cater to both men and women equally. The Men group mentioned the difficulty of tracking online behavior and how offensive behavior can be relative. They also said that people in power must abide by law and set a good example. The LGBTQ group noted that with our conservative Filipino culture, the implementation may not be easy. One participant from the LGBTQ group said *“with our Filipino conservative culture, sad to say, [it’s] still a very long journey...on that road to equality.”*

Although the participants generally agreed with the provisions of the law, their views were contextualized according to their gender, and these views emerged in the succeeding themes. The **fourth theme** emerged from the Men group which pertains to their *comments on harassment in online spaces*. The participants were concerned about the *“exponential rise in the reported or posted cases of indecent behavior”* online. One participant explained that as a daily user of Twitter and Instagram, he sees catcalling and other forms of harassment online *“on a terrifyingly frequent basis.”* They cited fake and dummy accounts, and how the anonymity of social media gives people *“an extra dose of courage, for lack of a better term”* in order to post inappropriate remarks.

The **fifth theme** emerged from the Women group which pertains to their *comments on harassment in public spaces*. Some of their questions were: *“For me the provision is good...but what if it is not really meant to?”*, *“How will they validate the case?”*, *“What if the accused did not accept [the complaint]?”* and *“What if a girl [hates] a man and [sets it up]?”* These questions though pertain to the specific provisions and can be best addressed by the Implementing Rules and Regulations (IRR). The women’s questions may seem that they are skeptical about the law, but they can also be indicative of growing interest as to how they can apply the law to themselves and to people they know.

The **sixth theme** emerged from the LGBTQ group which pertains to their *comments on gender equality*. They described the present reality for LGBTQ members as lacking recognition and inclusion

in Filipino society. At the same time, they are hopeful that the new law will give them the recognition that they deserve as individuals. One participant said that if the law is implemented well, then it *“would raise awareness and consciousness...in breaking stereotypes.”* Another participant said, *“We are present and found in different skills and endeavor...Name any field there is an LGBTQ [member]...so we are not just found in [the] parlor.”* Another participant suggested the use of public service announcements and campaigns to raise awareness about the human rights of the LGBTQ community. Another participant summarized his colleagues’ points succinctly in this short statement: *“Sensitivity and Equality it is.”*

For the **third research question**, the participants considered comments about physical traits, comments about gender stereotypes, and catcalling as offensive.

For the Men and Women groups, they find comments about physical traits as offensive, like those that refer to skin color and body weight. The LGBTQ group found comments about their gender as offensive. Particularly, when another person calls them *“bakla”*, they find this very upsetting when it is said in public or online. One participant also mentioned cursing as offensive.

All three groups found catcalling offensive, regardless of the gender of the person doing the catcalling. One woman said, *“Minsan mapapayak ka talaga. Feeling mo it is your [fault].”* This feeling was shared by an LGBTQ participant. He said, *“It is as if there is something wrong with me.”*

#### 4. CONCLUSIONS

Based on the responses of the participants in this study, this group of Filipino adults are somehow aware of the provisions of the Safe Spaces Act. Although the participants generally agreed with the provisions of the law, their views were contextualized according to their respective gender. Among the three groups, the LGBTQ participants were keenly aware that the law pertains to gender equality. Regardless of gender, this group of Filipino adults feel offended about catcalling and insensitive remarks.

The participants are both skeptical and

hopeful about the proper implementation of the Safe Spaces Act. Atty. Lejano, lawyer for *Sentro ng Alternatibong Lingap Panlignal*, explains that safe spaces follow the person. “*Whether you are in a private or public space, you have a safe, inviolable space around your body that can only be entered with your consent, online or offline*” (Tejano, 2019, in Abas, 2019).

This is the spirit behind the law. The Safe Spaces Act is meant to protect those who are weak, vulnerable and marginalized in Philippine society. As Rep. Herrera-Dy, former Chairperson of the House Committee on Women and Gender Equality, points out, “*the law intends to change the mindset of Filipinos*” (PCW, 2019). Rep. Hontiveros adds, “*The Bawal Bastos Law is a game changer. If fully implemented, it will promote policy change, behavioral change, and cultural change*” (PCW, 2019).

The road to equality is an uphill battle. Hopefully, the Safe Spaces Act is a small but significant step in the right direction.

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