



Karen Tayag Vertido

After 14 years of relentless battle to seek justice after claiming to have been raped by her superior, Filipina Davaoeña Karen Tayag Vertido, whose alleged assailant was cleared by a local court, received a belated vindication from the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (Cedaw).

After it considered the “communication” submitted by Vertido to improve international laws on rape, Cedaw said the Philippines violated the rights of a rape victim when a Davao court junked her complaint based on a gender-based myths and stereotypes.

Under the Cedaw “Optional Protocol,” a woman may bring before the U.N. committee a complaint of gender-based discrimination, provided she can prove she has exhausted all legal means possible to obtain justice in her home country.

In a landmark decision dated July but released only in September, the U.N. committee recommended that the Philippines review its rape law, including both the definition under its Criminal Code and its trial procedures, as well as to conduct gender-sensitive trainings for the legal profession.

It also recommended monetary compensation because of the undue delays in the proceedings and the reasoning used by the court in its decision which could potentially victimize the complainant.

UN unit rips R.P. gov't as violator of rape code

Written by Administrator

In the case of Vertido, however, the state party cannot be held accountable because its judiciary acquitted the accused, the committee said.

It could not be ascertained if Foreign Affairs Secretary Alberto Romulo had received a copy of the landmark decision of what steps he took, if any, regarding the case.

A call to Libran Cabactulan, the Philippine representative to the UN, seeking comment had not been returned.

It was on the night of March 29, 1996 when Vertido, who was then executive director of the Davao City Chamber of Commerce and Industry, was allegedly raped by a prominent Davao businessman, Jose Custodio, who was president of the chamber.

Vertido, then 42, told Cedaw that the 60-year-old businessman offered to take her home after a meeting.

And since he was a respected figure in the chamber and that another businessman was with them, she felt no reason to distrust the alleged suspect.

The decision is referred to as CEDAW/C/46/D/18/2008 and may be accessed at the website of the UN Office of the High Commissioner for Human Rights at <http://www2.ohchr.org/english/law/jurisprudence.htm>