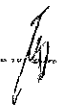


7 JUN 25 1999

SENATE
S.B. No. 1797

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to provide the necessary mechanisms to enforce and guarantee the realization of women's rights as well as adopt and undertake steps to include temporary special measures which encompass a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices aimed at accelerating the equal participation of women in the political, economic, social, cultural, civil or any other field.

The fundamental equality before the law of women and men is guaranteed by the Constitution. This Constitutional provision is reiterated by R.A. No. 7192, otherwise known as "Women in Development and Nation Building Act of 1992," which promotes the integration of women as full and equal partners of men in development and nation building. Earlier, R.A. No. 6725, which was approved on May 12, 1989, prohibited employers' discrimination against female employees, with respect to terms and conditions of employment, solely on account of their sex.

According to the Department of Labor and Employment, women make up 40% of the 37 million of the total number of employed Filipinos, specifically dominating the office jobs. Furthermore, in 2006, the International Labor Organization has identified the Philippines as having the world's highest ratio of women to men in executive positions, with women occupying 58% of the same.

In spite of these, gender discrimination, stereotyping and exploitation and abuse of women continue to exist and pervade in our social and cultural sphere. Despite the fact that the Filipina has come a long way in the career ladder, women continue to be abused, both physically and sexually, as shown by everyday reports of rape and wife battery incidents. The pervasiveness of the abuse on women also contribute to the fact that even though the Filipino women have greatly advanced in the professional level, still, much of what Filipinos read, watch and hear every day in print and electronic media are redolent of discrimination and gender stereotypes.

The need to institutionalize the rights of women arises, especially in this time of social and economic advancement. This proposal, the Magna Carta of Women, seeks to underscore the policy of the State in pursuing the fundamental equality of men and women.

Salient features of this bill include:

- 1.) Guaranteeing the institution of comprehensive health services for women;
- 2.) Upholding the rights of women in the marginalized sectors;
- 3.) Ensuring women's right to livelihood, credit, capital and technology;
- 4.) Ensuring their right to housing through housing programs and consultations;
- 5.) Upholding their right to representation and participation with the plan of:
 - a. increasing the recruitment and training of women in the police force, forensics and medico-legal, legal services, and such other services availed by women who are victims of gender-related offenses,
 - b. achieving a fifty-fifty gender balance in the third level positions in government within the next five (5) years, and
 - c. ensuring at least 33% membership of women in all development councils from the regional, provincial, city, municipal and barangay levels;
- 6.) Reinforcing the implementation of the 5% Gender and Development (GAD) budget;
- 7.) Strengthening the role of the National Commission on the Role of Filipino Women (NCRFW) as the over-all monitoring body to ensure the implementation of this Act;
- 8.) Establishing a GAD Ombudsman in the Commission on Human Rights;
- 9.) Establishing an incentives and rewards system for deserving entities, government agencies and local government units for their outstanding performance in upholding the rights of women.

The empowerment of women shall translate into empowerment of the society as a whole as women are integral partners in nation-building.

In view of the foregoing, the passage of this bill is earnestly sought.



LOREN LEGARDA
Senator

7 OCT 25 11:20

SENATE
S.B. 1797

RECEIVED BY

Introduced by Senator Loren Legarda

AN ACT
PROMOTING THE EMPOWERMENT OF WOMEN,
UPHOLDING THEIR RIGHT TO REPRESENTATION AND PARTICIPATION,
ESTABLISHING AN INCENTIVES AND REWARDS SYSTEM FOR
DESERVING ENTITIES, GOVERNMENT AGENCIES AND LOCAL
GOVERNMENT UNITS FOR THEIR OUTSTANDING PERFORMANCE
IN UPHOLDING THE RIGHTS OF WOMEN, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as "The Magna Carta of Women".

SECTION 2. Declaration of Policy. - The State recognizes the role of women in nation building and shall ensure the substantive equality of women and men. It shall promote the empowerment of women and pursue equal opportunities for men and women as well as ensure their equal access to resources and to development results and outcome.

It condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments. The State shall accord to women the rights, protection, and opportunities available to every member of society.

The State affirms women's rights as human rights and shall intensify its efforts to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women especially in the marginalized sectors of society to guarantee their economic, social and cultural well-being without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education and status.

The State shall provide the necessary mechanisms to enforce and guarantee the realization of women's rights as well as adopt and undertake steps to include temporary special measures which encompass a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices aimed at accelerating the equal participation of women in the political, economic, social, cultural, civil or any other field. Temporary special measures must be discontinued when their desired results have been achieved and sustained for a period of time.

The State, in ensuring the full integration of women's concerns in the mainstream of development, shall provide ample opportunities to enhance and develop their skills, acquire productive employment and contribute to their communities to the fullest of their capabilities.

In pursuance of this policy, the State recognizes the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management monitoring, and evaluation of all programs and projects. It shall support policies, researches, technology and training programs and other support services such as financing, production and marketing to encourage active participation of women in national development.

SECTION 3. Definitions. – For purposes of this Act, the following terms shall mean:

(A) *Empowerment* refers to the provision, availability and accessibility of opportunities which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management and control of production, and of material and informational resources and benefits in the family, community and society;

(B) *Discrimination Against Women* refers to any gender-based distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;

(C) *Marginalization* - a condition where a whole category of people is expelled from useful participation in political, economic, social and cultural life and is potentially subjected to severe material deprivation and even extermination.

(D) *The marginalized* refer to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure and justice system.

These include women in the following:

1. *Small Farmers and Rural Workers.* – refer to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include but not limited to (a) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; (b) rural workers who are either wage earners, self-employed, unpaid family workers directly & personally engaged in agriculture, small scale mining handicrafts and other related on-farm/off-farm activities

2. *Fishers.* – refer to those directly or indirectly engaged in taking, culturing or processing fishery or aquatic resources. These include, but are not be limited to, women engaged in fishing in municipal waters and coastal areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers and producers of mangrove resources and other related producers.
3. *Urban Poor* – natural person/s residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of tenure, where the income of the head of the family cannot afford in a sustained manner to provide for the family the minimum basic needs of food, health, education, housing and other essential amenities in life.
4. *Workers in the Formal Economy* – refer to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the Government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutions, or as well as non-profit private institutions, or organizations.
5. *Workers in the Informal Economy.* – shall refer to self-employed and all those without employer – employee relationship.
6. *Migrant workers.* – shall refer to Filipinos who are to be engaged, are engaged or have been engaged in a remunerated activity in a State of which they are not legal residents whether documented or undocumented.
7. *Indigenous Peoples.* – refer to those who are members of any indigenous peoples/indigenous cultural communities of the Philippines as defined under Section 3(h), Chapter II of Republic Act No. 8371 otherwise known as “The Indigenous People’s Rights Act of 1997” (IPRA of 1997).
8. *Moro* – refer to indigenous peoples that historically inhabited Mindanao, Palawan and Sulu, and who are of the Islamic faith.
9. *Children.* – shall refer to children below eighteen (18) years of age or those 18 and over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
10. *Senior Citizens* - shall refer to those sixty (60) years of age and above
11. *Persons with Disabilities.* – shall refer to those who are suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment to perform an activity in the manner or within the range considered normal for a human being.
12. *Solo Parents.* – shall refer to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the “Solo Parents Welfare Act of 2000”.

(E) *Gender* - refers to the socially differentiated roles, characteristics and expectations attributed by culture to women and men. It is created, produced, reproduced and maintained by social institutions.

Gender roles and attributes are not natural nor biologically given.

(F) *Gender Equality* indicates that men and women enjoy the same status; have equal conditions for realizing their full human potentials to contribute to and benefit from the results of development

(G) *Gender and Development (GAD)* refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance, and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights;

(H) *Gender Mainstreaming* is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.

(I) *Violence against Women* refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not be limited to, the following:

1. physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
2. physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and prostitution;
3. Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

As defined in R.A. 9262,

Physical violence shall mean bodily or physical harm.

Sexual violence shall mean any act that is sexual in nature, including but not limited to: rape; sexual harassment; acts of lasciviousness; treating the woman or her child as a sex object; making demeaning and sexually suggestive remarks; physically attacking the sexual parts of the victim's body; forcing the victim to watch obscene publications and indecent shows; forcing the victim to do indecent acts and/or make films thereof; forcing the wife and mistress/lover to live in the conjugal home or to sleep together in the same room with the abuser; causing or attempting to cause the victim to engage in sexual activity by force, physical or other harm, coercion or threats thereof; prostituting the woman or her child.

Psychological violence shall mean acts or omissions causing mental or emotional suffering of the victim, such as but not limited to: intimidation; harassment; stalking; damage to property; public ridicule or humiliation; repeated verbal abuse; marital infidelity; causing or allowing the victim to witness the physical, sexual, or psychological abuse of a family member; causing or allowing the victim to witness pornography in any form; causing or allowing the victim to witness abusing injury to pets; unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

Economic violence shall mean acts that make a woman financially dependent, including: withdrawal of financial support; preventing the victim from engaging in any legitimate profession, occupation, business or activity; deprivation of financial resources and the right to conjugal, community or property owned in common; destroying household property or controlling the victim's own money or properties.

SECTION 4. *Human Rights of Women.* - All rights recognized under international instruments duly signed and ratified by the Philippines, including rights under the Constitution and other existing laws, shall be rights of women under this Act to be enjoyed without discrimination.

SECTION 5. *Protection from Violence.* The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection to women against gender-based offenses and help women attain justice and healing. Towards this end, measures to prosecute and reform offenders shall likewise be pursued.

(A). Within the next five years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal, and legal services and such other services availed by women who are victims of gender-related offenses, until 50% of personnel shall be women.

(B). Women shall have the right to protection and security in situations of armed conflict and militarization. The State shall observe international standards, particularly International Humanitarian Laws, for the protection of civilian population in circumstances of emergency and armed conflict. It shall not force women, especially indigenous peoples, to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

(C). All government personnel involved in the protection and defense of women against gender-based violence shall undergo a mandatory training on human rights and

gender sensitivity pursuant to this Act.

SECTION 6. *Participation and Representation.* The State shall undertake temporary special measures to accelerate the participation and representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.

The State shall institute affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development;

(A) *Empowerment in Civil Service.* Within the next five (5) years, the number of women in third level positions in government shall be increased to achieve a fifty-fifty gender balance.

(B) *Development Councils and Planning Bodies.* To ensure the participation of women in all levels of development planning and program implementation, at least 33% of membership of all development councils from the regional, provincial, city, municipal and barangay levels shall be composed of women.

(C) *Other policy and decision-making bodies.* Women's groups shall also be represented in international, national and local special and decision-making bodies such as, but not limited, to agricultural, fisheries, agrarian reform and anti-poverty councils.

(D) *International bodies.* The State shall take all appropriate measures to ensure that women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

(E) *Integration of Women in Political Parties.* The State shall provide incentives to political parties with women's agenda and with women comprising at least 33% of their leadership and/or membership. It shall likewise encourage the representation of women in their internal policy-making structures, appointive and electoral nominating processes.

(F) *Private sector.* The State shall take measures to encourage women leadership in the private sector in the form of incentives.

SECTION 7. *Equal Treatment before the Law.* The State shall take steps to review and when necessary, amend and/or repeal existing discriminatory laws within three years from effectivity of this Act.

SECTION 8. *Equal Access and Elimination of Discrimination in Education, Scholarships and Training.*

(A) The State shall remove gender stereotypes and images in educational materials and curricula. Gender-sensitive language shall be used at all times.

(B) Enrollment of women and men in non-traditional skills training in vocational and tertiary levels shall be encouraged.

- (C) Expulsion of women students for single pregnancy shall be outlawed.

SECTION 9. *Non-discriminatory Portrayal of Women in Media and Film* – The State shall formulate policies and programs for the advancement of women in collaboration with media-related organizations from the private sector. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of a woman, and the role and contribution of women in the family, community and the society through the strategic use of the mass media.

For this purpose, the State shall provide incentives to encourage programming that appropriately present women's needs, issues and concerns in movies, television shows, advertisements and print media, and support media watch groups, media professional associations and women's organizations. Similarly, gender-sensitivity training (GST) programs for all media practitioners including producers, directors, managers, journalists, news editors, news reporters, publishers as well as those in the movie and advertising industries shall be organized to encourage the creation and use of non-stereotyped, balanced, diverse and positive images of women in media. The use of gender-fair language shall also be encouraged specifically in the practice of their profession.

The MTRCB shall revise its rules and regulations to discourage unfair or derogatory portrayal of women in both media and film.

SECTION 10. *Access to Information and Services relating to Women's Health;*

(A) *Comprehensive Health Services.* – The State shall at all times provide for comprehensive gender responsive health services and programs covering all stages of a woman's life cycle and ensure access to the following:

1. Maternal care services;
2. Nutrition package;
3. Reproductive health services;
4. Adolescent and youth health services;
5. Women and children protection services;
6. Screening and appropriate management of reproductive tract infections (RTIS) including sexually transmitted infections (STIS), human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), breast and reproductive tract cancers, and other gynecological conditions;
7. Healthy lifestyle activities;
8. Care of the elderly;
9. Health services for women with disabilities;
10. Post-menopausal services;
11. VAW Services – Women shall be given provision and access to comprehensive services which include psychosocial therapeutic interventions and assistance towards healing, recovery and empowerment

(B) *Comprehensive Health Information and Education.* – The State shall provide women in all sectors with timely, complete and accurate information and education on all the above-stated aspects of women's health, in government education and training programs.

Further, education programs on reproductive health shall always include the following:

1. The important role of parents in the total formation of their children
2. The formation of a person's sexuality that affirms human dignity
3. Natural and artificial family planning methods including fertility awareness

SECTION 11. *Equal rights in all matters relating to marriage and family relations.* The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

- (1) The same right to enter into and leave partnerships or relationships other than those referred to in the Family Code
- (2) The same right to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect.
- (3) The joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (4) The same personal rights as husband and wife, including the right to choose freely a profession and an occupation;
- (5) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property.
- (6) The same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary.

Customary laws shall be respected provided, however, that they do not contradict the above-enumerated rights.

CHAPTER IV RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

SECTION. 12. The State recognizes the contribution of women to food production and shall therefore ensure sustainability and sufficiency of its activities in the household and community levels. To address this, the State shall ensure:

(A) *Right to Food* - The State shall guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone to adequate food, free from unsafe substances and culturally accepted.

(B) *Right to Resources for Food Production*

The State shall promote the right to adequate food by proactively engaging in activities intended to strengthen access to and utilization of resources and means to ensure their livelihood, including food security:

1. Equal status shall be given to men and women, whether married or not, in the titling of the land and issuance of stewardship contracts and patents;
2. Equal treatment shall be given to men and women beneficiaries of the agrarian reform program, wherein vested right of a woman agrarian reform beneficiary is defined by the woman's relationship to the tillage, i.e. her direct and indirect contribution to the development of the land;
3. Customary rights of women to the land, including access to and control of the fruits and benefits, shall be recognized in circumstances where private ownership is not possible such as ancestral domain claims;
4. Information and assistance on claiming rights to the land shall be made available to women at all times;
5. Equal rights of women to the enjoyment, use and management of land and water and other natural resources within their communities or ancestral domains;
6. Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;
7. Equal status shall be given to men and women in the issuance of stewardship or lease agreements and other fishery rights that may be granted for the use and management of coastal and aquatic resources. In the same manner, women's organizations shall be given equal treatment as with other marginalized fishers organizations in the issuance of stewardship or lease agreements or other fishery rights for the use and management of such coastal and aquatic resources which may include providing support to women-managed coastal resources;
8. There shall be no discrimination against women in the deputization of fish wardens.
9. Women-friendly agriculture technology shall be designed based on accessibility and viability shall be designed in consultation with women's organizations;
10. Access to small farmers-based and controlled seeds production and distribution shall be ensured;
11. Indigenous practices of women in seed storage and cultivation shall be recognized;
12. Provide opportunities for empowering women fishers to be involved in the control and management not only of the catch and production of aquamarine resources but also to engage in entrepreneurial activities which will add value to production and marketing ventures;
13. Provide economic opportunities for the indigenous women, particularly access to market for their produce.

SECTION 13. *Right to Housing* - The State shall develop housing programs for women that are localized, simple, accessible, secure, with viable employment opportunities and affordable amortization. In this regard, the State shall consult women and involve them in community planning and development especially in matters pertaining to land use, zoning and relocation.

SECTION 14. *Right to Employment, Livelihood, Credit, Capital and Technology*- The State shall ensure that women shall be provided with the following:

- (A) Equal access to formal sources of credit and capital at concessional rates;
- (B) Equal share to the produce of the farms and aquatic resources;
- (C) Support services and gears to protect them from occupational and health hazards.
- (D) Support services that will enable women to balance family obligations and work responsibilities;
- (E) Membership in unions regardless of status of employment and place of employment;
- (F) In recognition of the temporary nature of overseas work, the State shall exert all efforts to address the causes of outmigration by developing local employment and other economic opportunities for women and by introducing measures to curb violence and forced and involuntary displacement of local women. The State shall ensure the protection and promotion of the rights and welfare of migrant women regardless of their work status;
- (G) Protection against discrimination in wages, conditions of work and employment opportunities in host countries;
- (H) Employment opportunities for returning women migrant workers taking into account their skills and qualifications. Corollarily, the State shall also promote skills and entrepreneurship development of returning women migrant workers.

SECTION 15. *Right to Education And Training* - The State shall ensure the following:

- (A) Participation in trainings and extension services related to rights enumerated in Sections 6 and 8 of this Act;
- (B) Gender-sensitive trainings and seminars;
- (C) Equal opportunities in scholarship, especially to those interested in research and development aimed towards women-friendly farm technology.

SECTION 16. *Right to Representation and Participation* - The State shall ensure women's participation in policy-making or decision-making bodies in the regional, national, and international levels. It shall also ensure the participation of at least thirty three percent (33%) grassroots women leaders in decision and policy making bodies in

their respective sectors, including but not limited to, Presidential Agrarian Reform Council (PARC) and local counterparts; community-based resource management bodies or mechanisms on forest management and stewardship; National Fisheries and Aquatic Resources Management Council (NFARMC) and local counterparts; National Commission on Indigenous Peoples, Presidential Commission for the Urban Poor and where applicable, local housing boards; and National Anti-Poverty Commission.

SECTION 17. *Right to Information* - Access to information regarding policies on women, including programs, projects and budget shall be ensured.

SECTION 18. *Social Protection*. -

(A) The Social Security System (SSS) and the Philippine Health Insurance Corporation (Philhealth) shall support indigenous and community-based social protection schemes.

(B) The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through negotiations. It shall likewise provide access to investment opportunities for remittances in line with national development efforts;

(C) The State shall establish alternative social security system and health insurance program for senior citizens

SECTION 19. *Recognition and Preservation of Cultural Identity/Integrity* - The State recognizes and respects the rights of Moro and indigenous women to practice, promote, protect and preserve their own culture, traditions and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge systems and practices, traditional livelihood and other manifestations of their cultures and ways of life provided that these cultural systems and practices are not discriminatory to women as defined in this Act

SECTION 20. *Peace and Development* - Peace process shall be pursued with the following considerations:

(A) Increase the number of women participating in decision making in the peace process, including membership in peace panels;

(B) Ensure the development and inclusion of the women's peace agenda in the over-all peace strategy and women's participation in the planning, implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict-affected areas;

(C) Recognize and support women's role in conflict-prevention and peacemaking and in indigenous systems of conflict resolution

SECTION 21. *Protection of Girl-children*. -

(A) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition and skills development.

(B) Girl-children shall be protected from all forms of abuse and exploitation caused by negative cultural attitudes and practices as well as in the economic exploitation of child labor.

(C) Equal access of Moro and indigenous girl children in the Madaris, schools of

living culture and traditions and the regular schools, shall be ensured;

(D) Gender-sensitive curriculum, including legal literacy, books and curriculum in the Madaris and school of living culture and tradition shall be developed.

(E) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadhan, choice of clothing (including the wearing of hijab), halal food shall be ensured.

SECTION 22. *Protection of Senior Citizens* - The State shall protect women senior-citizen from neglect, abandonment, domestic violence, abuse, exploitation and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation and discrimination of older women

CHAPTER V INSTITUTIONAL MECHANISMS

SECTION 23. *Gender Mainstreaming as a strategy for implementing the Magna Carta of Women*. All agencies, national and local, State colleges and universities, government owned and controlled corporations including local government units, shall adopt gender mainstreaming as a strategy to eliminate discrimination in their systems, policies, programs, processes and procedures that shall include but not be limited to the following:

(A) ***GAD plan and budget***. GAD plans based on the government entity's and agency's mandates or charter designed to empower women and gender issues, in accordance with R.A. 7192 and the national framework plan for women for the period, shall be developed. The development of the GAD plan shall proceed from the conduct of gender analysis of policies and programs, review and collection of sex-disaggregated data in consultation with gender/women's rights advocates and agency women clientele. Programs on economic empowerment and strengthening of women's bargaining powers in the globalized economy as well as micro-finance and micro-enterprise development of women; poverty alleviation and effective reduction of violence against women shall be priority allocation. The cost of implementation of the GAD plan shall be at least five percent (5%) of the agency's total budget appropriations;

(B) ***GAD focal points***. Key fulltime or permanent personnel shall be appointed as GAD focal points in all government entities and agencies, both at the national and local levels. They shall serve as the catalysts and/or advocates that will facilitate the implementation of this Act. They shall likewise lead in the conduct of GAD-related initiatives in their respective agencies;

(C) ***Sex-disaggregated data***. All government entities and agencies shall develop a systematic sex-disaggregated data gathering and gender analysis for planning, programming and policy formulation;

(D) ***GAD related policies and plans***. Implementation of this Act shall be articulated in the following policies and plans:

1. Macro-economic policies and plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;
2. Other national programs such as poverty-alleviation and hunger mitigation;

3. Plans and programs of local government units such as the comprehensive development plans, comprehensive land use plans, annual development plans and annual investment plans.

In partnership with all relevant government agencies and institutions, non-government and people's organizations and the private sector, the NCRFW shall develop a National Framework Plan for Women aimed at empowering women as well as men to achieve gender equality, to be used as a guide in the formulation of the abovementioned plans and programs.

Local government units (LGU's) shall likewise be encouraged to legislate GAD Codes, with the meaningful participation of women's rights and gender advocates, in their respective units.

SECTION 24. An officer duly trained on gender and development shall be designated as the gender focal point in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in strengthening the Philippine foreign posts' program for the delivery of services to women migrant workers;

SECTION 25. *The National Commission on the Role of Filipino Women (NCRFW).* As the primary coordinating agency and policy advisory on women and gender concerns under the Office of the President, the NCRFW shall be the overall monitoring body to ensure the implementation of this Act. In doing so, it shall direct all agencies to report on the implementation of this Act and immediately respond to the problems brought to their attention in relation to this Act. It shall also lead in ensuring that government entities and agencies are capacitated on effective implementation of this Law

SECTION 26. *The Gender and Development (GAD) Ombudsman.* A gender and development Ombudsman shall be established in the Commission on Human Rights. The GAD Ombudsman shall:

- (1) monitor and oversee the strict implementation of this Act, in coordination with NCRFW;
- (2) on its own or on report or complaint, have the power to require information, investigate or hear administrative complaint involving the possible violations of this Act;
- (3) use every and all reasonable means to ascertain the facts in the report or complaint, in all instances observing due process;
- (4) recommend to the President or the Civil Service Commission any possible administrative action based on non-compliance or failure to implement the provisions of this Act;
- (5) direct agencies to immediately respond to the problems brought to their attention in relation to the implementation of this Act and report to the Council on action taken;
- (6) assist in filing of cases against individuals, agencies, institutions or establishment that violate the provision of this Act.

SECTION. 27. *Incentives and awards-* there shall be established an incentives and awards system which shall be administered by a board under such rules and regulations as may be promulgated by the NCRFW to deserving entities, government

agencies and local government units for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

CHAPTER VI FINAL PROVISIONS

SECTION 28. *Implementing Rules and Regulations.* – As the lead agency, the NCRFW shall, in coordination with the Commission on Human Rights and all departments and agencies, formulate the Implementing Rules and Regulations (IRR) of this Act within ninety (90) days after its effectivity.

SECTION 29. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION. 30. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION. 31. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,