

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

8 MAR -5 25 09

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SENATE

Senate Bill No. 2114

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Article II Section 14 of the 1987 Constitution states that, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." Further, Article XIII Section 14 emphasizes that, "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is often described as an "international bill of rights for women". It was adopted by the United Nations General Assembly in 1979. The Philippines became a signatory to the Convention on July 15, 1980 and ratified the same on August 5, 1981. By this virtue, the Government of the Republic of the Philippines is mandated to put its provisions into practice and is responsible to "undertake a series of measures to end discrimination against women in all forms, including:

1. to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
2. to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and,
3. to ensure elimination of all acts of discrimination against women by persons, organization or enterprises."

This proposed measure seeks to embody the "*Magna Carta of Women*". It strengthens the promotion of the rights and empowerment of women and of marginalized sectors. It also provides for institutional mechanisms for the implementation of the Magna Carta including the adoption of gender mainstreaming, establishment of Gender and Development (GAD) Ombud, and establishment of incentives and awards system for outstanding performance of deserving entities.

In view of the above, immediate consideration of this measure is earnestly requested.

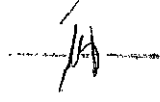

JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2114

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AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. Short Title. – This Act shall be known as “*The Magna Carta of Women*”.

SEC. 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 the 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.

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.

CHAPTER II DEFINITION OF TERMS

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

- (a) *Women's 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* is a condition where a whole category of people is excluded from useful participation in political, economic, social and cultural life;
- (d) The *marginalized* refers 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; and (b) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small scale mining handicrafts and other related on-farm / off-farm activities;
2. *Fisherfolks* – refer to those directly or indirectly engaged in taking, culturing or processing fishery or aquatic resources. These include, but not 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* – refer to those 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 the self-employed, occasionally or personally hired, subcontracted and unpaid family workers in household unincorporated enterprises, including homeworkers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights;
 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";
 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 a 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 and society to people based on their sex. 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 and have equal conditions for realizing their full human potentials to contribute to and benefit from the results of development;
- (g) *Gender Equity* refers to the policies, instruments, programs, services and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards, these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved;

- (h) *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;
- (i) *Gender Mainstreaming* is the 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. It 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;
- (j) *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 Republic Act 9262:
 - i. *Physical violence* shall mean bodily or physical harm;
 - ii. *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 women or her child;
 - iii. *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;

- iv. 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.

CHAPTER III RIGHTS AND EMPOWERMENT

SEC. 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.

SEC. 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 (5) 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 fifty percent (50%) of personnel shall be women.
- (b) Women shall have the right to protection and security in situations of armed and conflict and militarization. Towards this end, they shall be protected from all forms of gender-based violence, particularly rape and other forms of sexual abuse, and all forms of violence in situations of armed conflict. 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 of human rights and gender equality pursuant to this Act.

SEC. 6. *Women Affected by Disasters, Calamities, and other Crisis Situations.* – Women have the right to protection and security in times of disasters, calamities and other crisis situations especially in all phases of relief, recovery, rehabilitation and construction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources and early resettlement if necessary. It shall also address the particular needs of women from a gender perspective to ensure

their full protection from sexual exploitation and other sexual and gender-based violence committed against them. Responses to disaster situations shall include the provision of services such as psychosocial support, education, psychological and reproductive health.

SEC. 7. *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 (50%-50%) 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 forty percent (40%) 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 all international, national and local special and decision-making bodies;
- (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 Government 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 a women's agenda and with women comprising at least forty percent (40%) of their leadership and membership. It shall likewise encourage the integration of women in their internal policy-making structures, appointive and electoral nominating processes.

SEC. 8. *Equal Treatment Before the Law.* – The State shall take steps to review and when necessary, amend and/or repeal existing laws that are discriminatory to women, within three (3) years from effectivity of this Act.

SEC. 9. *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. Capability-building on gender and development (GAD), peace and human rights, education for teachers and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector and churches / faith groups shall be encouraged.

- (b) Enrollment of women and men in non-traditional skills training in vocational and tertiary levels shall be encouraged.
- (c) Expulsion, non-readmission, prohibiting the enrollment and other related discrimination of women students and faculty due to pregnancy outside of marriage, shall be outlawed.

SEC. 10. *Women in Sports.* – The State shall develop, establish and strengthen programs for the participation of women and girl-children in competitive and non-competitive sports as a means to achieve excellence, promote physical and social well-being, eliminate gender-role stereotyping, and provide equal access to the full benefits of development for all persons regardless of sex, gender identity and other similar factors.

For this purpose, the State shall direct the Department of Education, the Department of Health, the Philippine Sports Commission, the Games and Amusement Board, the Commission on Higher Education, the Philippine Olympic Committee, and the Philippine Information Agency, in collaboration with national and regional sports associations, media organizations and civil society organizations involved in sports and sports promotion, to require the creation and use of guidelines that will establish and integrate affirmative action as a strategy and gender equality as a framework in planning and implementing their policies, budgets, programs and activities relating to the participation of women and girls in sports.

The State will also provide material and non-material incentives to local government units, media organizations and the private sector for promoting, training and preparing women and girls for participation in competitive and non-competitive sports, specially in local and international events, including, but not limited to, the Palarong Pambansa, the Southeast Asian Games, the Asian Games, and the Olympics.

The State shall also ensure the safety and well-being of all women and girls participating in sports, especially, but not limited to, trainees, reserve members, members, coaches and mentors of national sports teams, whether in studying, training or performance phases, by providing them comprehensive health and medical insurance coverage, as well as integrated medical, nutritional and healthcare services.

SEC. 11. *Non-discriminatory and Non-derogatory 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 mass media.

For this purpose, the State shall provide material and non-material incentives to encourage ownership, management, and/or promotion of media venues and programs by registered women's non-profit organizations and cooperatives involved in media and communication work; as well as ensure allocation of space / airtime and resources, strengthen programming, production and image-making that appropriately present women's needs, issues and concerns in all forms of media, communication, information dissemination and advertising.

The State, through the Department of Trade and Industry; the National Telecommunications Commission; the Movie, Television and Review Classification Board; the Optical Media Board; the Commission on Higher Education; in cooperation with all schools of journalism, information and communication, as well as the national media federations and associations, shall require all media organizations and corporations to: integrate into their human resource development components regular training on gender equality and gender-based discrimination; create and use gender equality guidelines in all aspects of management, training, production, information dissemination, communication and programming; and convene a gender equality

committee that will promote gender mainstreaming as a framework and affirmative action as a strategy, monitor and evaluate the implementation of gender equality guidelines.

SEC. 12. *Access to Information and Services Relating to Women's Health.*

(A) *Comprehensive Health Services* – The State shall at all times provide for comprehensive, culture-sensitive and gender-responsive health programs and services covering all stages of a woman's reproductive years / life cycle; *Provided*, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood and the right of women to protection from hazardous drugs, devices, interventions and substances, access to the following shall be ensured:

1. Maternal, child health and nutrition;
2. Family planning;
3. Safe motherhood;
4. Adolescent and youth health services;
5. Prevention and management of sexually transmitted diseases, HIV/AIDS and other reproductive tract infections;
6. Prevention and management of reproductive tract cancers like breast and cervical cancers and other gynecological conditions;
7. Prevention and management of abortion and its complications;
8. Violence against women and children – women and children victims and survivors shall be provided with comprehensive health services that include psychosocial therapeutic, medical and legal interventions and assistance towards healing, recovery and empowerment;
9. Prevention and management of infertility and sexual dysfunction;
10. Care of the elderly or women beyond their reproductive years.

In addition, healthy lifestyle activities are encouraged and promoted through programs and projects as a strategy in the prevention of diseases.

(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. Due regard for the natural and primary right and duty of parents in the rearing of the youth the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;
2. The formation of a person's sexuality that affirms human dignity;
3. Modern, safe and effective family planning method including fertility awareness.

SEC. 13. *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 rights to enter into and leave partnerships or relationships without prejudice to personal or religious beliefs;
- (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 between partners including the right to choose freely a profession and an occupation;
- (5) The same rights for both partners 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

Women are guaranteed all the rights – civil, political, social and economic recognized, promoted and protected under existing laws, including but not limited to the Indigenous Peoples' Rights Act, Urban Development and Housing Act, Comprehensive Agrarian Reform Law, Fisheries Code, Labor Code, Migrant Workers Act, Solo Parents Welfare Act, and Social Reform and Poverty Alleviation Act.

SEC. 14. *Food Security and Productive Resources.* – 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 and the physical and economic accessibility for everyone to adequate food that is culturally acceptable and 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 women's 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 a 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 to 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-engaged 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 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.

SEC. 15. *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.

SEC. 16. *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.

SEC. 17. *Right to Education and Training.* – The 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.

SEC. 18. *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 the participation of at least forty percent (40%) 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 (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.

SEC. 19. *Right to Information.* – Access to information regarding policies on women, including programs, projects and budget shall be ensured.

SEC. 20. *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 health insurance program for senior citizens.

SEC. 21. *Recognition and Preservation of Cultural Identity and 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.

SEC. 22. *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) Include peace perspective in education curriculum and other educational undertaking;
- (d) Recognize and support women's role in conflict-prevention and peacemaking, and in indigenous systems of conflict resolution.

SEC. 23. *Women in Especially Difficult Circumstances.* – For purposes of this Act, "Women in Especially Difficult Circumstances" (WEDC) shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, involuntary prostitution, trafficking, armed conflict, women in detention, and such other related circumstances which have incapacitated them functionally.

SEC. 24. *Services and Interventions.* – WEDC shall be provided with services and interventions as necessary such as, but not limited to the following:

- (a) temporary and protective custody;
- (b) medical and dental services;
- (c) psychological evaluation;
- (d) counseling;
- (e) psychiatric evaluation;
- (f) legal services;
- (g) productivity skills capability building;
- (h) livelihood assistance;
- (i) job placement;

- (j) financial assistance;
- (k) transportation assistance.

SEC. 25. *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 Ramadan, choice of clothing (including the wearing of hijab) and availability of halal food shall be ensured.

SEC. 26. *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

SEC. 27. *Gender Mainstreaming as the Strategy for Implementing the Magna Carta of Women.* – All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units and other government instrumentalities, shall adopt gender mainstreaming as the strategy to promote women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes and procedures which shall include, but not limited to the following:

- (a) *Planning and budgeting for gender and development (GAD)* – GAD programs designed to address gender issues and concerns shall be designed and implemented based on the mandate of government agencies and local government units, Republic Act 7192, gender equality agenda of the government and other GAD-related legislation and policies. The development of the GAD programs shall proceed from the conduct of a gender audit of the agency / LGU and a gender analysis of its policies, programs, services and the situation of its clientele; the generation and review of sex-disaggregated data; and consultation with gender / women's rights advocates and agency / women clientele. The cost of implementing the GAD program shall be the agency's / LGU's GAD budget which shall be at least five percent (5%) of the agency's / LGU's total budget appropriations.

LGUs are also encouraged to develop and pass a GAD Code – based on the gender issues and concerns in their respective localities and the women's empowerment gender equality agenda of the government. The GAD Code

shall also serve as basis for identifying programs, activities and projects on GAD.

Where needed, temporary gender equity measures shall be provided for in the plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units and other government instrumentalities.

To move towards a more sustainable, gender-responsive and performance-based planning and budgeting, gender issues and concerns shall be integrated in the following plans, among others:

1. macro socio-economic plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;
 2. annual plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations;
 3. local plans and agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical framework plan (PDPFP), annual investment plan.
- (b) *Creation and/or strengthening of the GAD focal points* – All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units and other government instrumentalities shall establish or strengthen their GAD Focal Points or similar GAD mechanism.

GAD Focal Points shall be composed of key fulltime personnel with decision-making powers, coming from strategic offices and units, and chaired by the agency head or local chief executive. The GAD shall serve as the catalysts and/or advocates that will facilitate the implementation of this Act.

The tasks and functions of the members of the GFP shall form part of their regular key result areas.

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.

- (c) *Generation and maintenance of GAD database* – All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units, and other government instrumentalities, shall develop and maintain a GAD database containing gender statistics and sex-disaggregated data that have been systematically gathered, regularly updated and subjected to gender analysis for planning, programming and policy formulation.

SEC. 28. *Philippine Commission on Women (PCW).* – The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as Philippine Commission on Women (PCW) and strengthened to be the primary coordinating agency and policy advisory on women and gender concerns to the Office of the President and the Cabinet.

It shall also be the overall monitoring body to ensure the implementation of this Act. In doing so, the PCW shall direct all agencies to report on the implementation of the

Act and for them to immediately respond to the problems brought to their attention in relation to this Act. The PCW shall also lead in ensuring that government agencies are capacitated on effective implementation of this law. The Chairperson shall likewise report to the President in Cabinet meetings on the implementation of this Act.

To the extent possible, the PCW shall influence the systems, processes and procedures of the legislative and judicial branches of government vis-à-vis GAD to ensure the implementation of this Act.

SEC. 29. *The Gender and Development (GAD) Ombud.* – A gender and development Ombud shall be established in the Commission on Human Rights to:

- (a) monitor and oversee the strict implementation of this Act, in coordination with NCRFW (PCW);
- (b) 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;
- (c) use every and all reasonable means to ascertain the facts in the report or complaint, in all instances observing due process;
- (d) 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;
- (e) 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; assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act.

SEC. 30. *Incentives and Awards.* – There shall be established an incentives and awards systems which shall be administered by a board under such rules and regulations as may be promulgated by the NCRFW (PCW) 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

SEC. 31. *Implementing Rules and Regulations.* – As the lead agency, the NCRFW (PCW) shall, in coordination with the Commission on Human Rights and all departments and agencies including both Houses of Congress through the Senate Committee on Youth, Women and Family Relations and the House Committee on Women and Gender Equality as observers.

SEC. 32. *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.

SEC. 33 *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.

SEC. 34. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,