

DevPulse

NEDA Development Advocacy Factsheet

Visit the DevPulse Blog at <http://devpulse-neda.blogspot.com>

Vol. XIII No. 20 November 15, 2009

Republic Act 9710: Magna Carta of Women **Protecting Women's Rights**

The Philippine National Police (PNP) reports that 7,864 cases of violence against women was recorded in 2008, higher than the 6,647 incidents in 2007. The cases range from rape, incestuous rape, sexual harassment, abandonment, homicide, slander, parricide, threats, seduction, and concubinage, among others. There were 5,889 cases in 2006; 6,505 in 2005; 7,601 in 2004 and 8,011 in 2003.

To address the growing menace facing women, President Gloria Macapagal Arroyo signed Republic Act (RA) 9710 or the Magna Carta of Women (MCW) into law in August 2009. The MCW also seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors.

But will RA 9710 eliminate discrimination against women?

While the MCW provides legal protection for Filipino women from all forms of violence and from discrimination in employment, education and training, vigilance is needed for its appropriate implementation, especially among the poor, said GABRIELA, a national alliance of women's group in the Philippines.

The poor or marginalized sector referred to in RA 9710 include, but are not limited to women in the following sectors: (a) small farmers and rural workers; (b) fisherfolk; (c) urban poor; (d) workers in the informal and formal sectors; (e) migrant workers; (f) indigenous peoples; (g) *moros*; (h) children; (i) senior citizens; and (j) persons with disabilities and solo parents.

Status of RA 9710

The MCW took effect on September 15, 2009. Its implementing rules and regulations (IRR) are being formulated by the Philippine Commission on Women, in coordination with the Commission on Human



Rights and all concerned departments and agencies including both Houses of Congress. Representatives from nongovernment organizations (NGOs) and civil society groups are also participating in its formulation which should be finished 180 days after its effectivity.

RA 9710 also mandates the government to allocate available resources to effectively implement the said law. Government agencies are expected to utilize their gender and development budgets for programs and activities under the MCW. Initial funds for the implementation of the MCW shall be charged against the current appropriations of the concerned agencies, and shall be included in their annual budgets for the succeeding years.

The Medium-Term Philippine Development Plan (MTPDP) 2004-2010 also lists other bills on gender and development that aim to promote women empowerment and gender equality. These are the Anti-Prostitution Act, the Local Sectoral Representation Act, the *Kasambahay* Act, and the Marital Infidelity Act.

All government offices including local government units (LGUs) and government-owned and controlled corporations (GOCCs) shall implement the MCW particularly those that guarantee rights of women that

require specific action from the government. The government, private sector, all sectors of society, and every Filipino shall contribute to the recognition, respect and promotion of the rights of women defined and guaranteed in the MCW.

The Rights of Women

The MCW guarantees the civil, political and economic rights of women in the marginalized sectors, particularly their right to health, food security, housing, decent work, livelihood, social protection and preservation of cultural identity, representation and participation in policy-making bodies, among others.

Filipino women working abroad are also protected under RA 9710. A gender focal person will be designated in the consular section of Philippine embassies or consulates abroad. He/she shall be responsible in handling gender concerns of women migrant workers. Other agencies such as Departments of Labor and Employment (DOLE) and Social Welfare and Development (DSWD) are also mandated to cooperate in strengthening the Philippine foreign posts' programs for the delivery of services to women migrant workers.

The following are women's rights under RA 9710 or the Magna Carta of Women:

- **Equal Access and Elimination of Discrimination Against Women in Education, Scholarships and Training.** This means removing gender stereotypes and images in educational material and curricula. Furthermore, the enrolment of women and men in nontraditional skills training in vocational and tertiary training shall be encouraged and the expulsion, nonreadmission, prohibiting the enrolment and other related discrimination of women students and faculty due to pregnancy shall be outlawed;
- **The Right to be Protected From All Forms of Violence.** This includes the recruitment and training of women in government agencies that cater to women victims of gender-related offenses as well as mandatory training on human rights and gender sensitivity among all government personnel involved in the protection and defense of women against gender-based violence. It also mandates local government units to establish a Violence Against Women desk in every *barangay* to address cases on violence against women;
- **The Right to Participation and Representation.** This means ensuring women's equal participation and representation in the following: (a) the third level civil service; (b) development councils and planning bodies; (c) political parties and international bodies; and (d) the private sector, among others;

- **The Right to Protection and Security in Times of Disaster, Calamities and Other Crisis Situations.** These include phases of relief, recovery, rehabilitation and construction efforts as well as protection from sexual exploitation and other sexual and gender-based violence;
- **Equal Treatment Before the Law.** This includes review and, when necessary, amendment or repeal of existing laws that are discriminatory to women;
- **Equal Participation in Sports.** Measures shall be in place to ensure that gender-based discrimination in sports will be eliminated.
- **Nondiscrimination in Employment in the Military, Police and Other Similar Services.** This means women will be given the same privileges and opportunities as men such as pay increases, additional benefits, and awards based on competency and quality of performance. The dignity of women in the military, police and other similar services shall also be respected, they shall be accorded with the same capacity as men to act in and enter into contracts, including marriage. Women shall also be entitled to leave benefits such as maternity leave, as provided for in existing laws;
- **Nondiscriminatory and Nonderogatory Portrayal of Women in Media and Film.** This is to raise public's awareness in recognizing women's dignity and their role and contribution in the family, community, and society through the strategic use of mass media;
- **Comprehensive Health Services and Information as well as Education.** This covers all stages of a woman's life cycle as well as addresses the major causes of women's mortality and morbidity including access to maternal care, responsible, ethical, legal, safe and effective methods of family planning, and encouraging healthy lifestyle activities to prevent diseases, among others;
- **Leave Benefits.** This includes a two-month leave with full pay based on gross monthly compensation for women employees who will undergo surgery caused by gynecological disorders, provided that they have rendered continuous service of at least six months for the last 12 months; and
- **Equal Rights in all Matters Relating to Marriage and Family Relations.** This means ensuring the same rights of women and men to: (a) enter into and leave marriage; (b) choose a spouse; (c) decide on the number and spacing of children; (d) enjoy personal rights including the choice of a profession, own, acquire, and administer property; and (e) acquire, change, or retain nationality.