



MAGNA CARTA OF WOMEN

RA 9710

WHAT IS RA 9710 OR THE MAGNA CARTA OF WOMEN ?

The RA 9710 or the Magna Carta of Women (MCW) of 2009 is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, respecting, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors.

What is discrimination against women?

- 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 the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;
- any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to enjoyment of opportunities, benefits, or privileges;
- a measure or practice of general application that fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men are shown to have suffered the greater adverse effects of those measures or practices; and
- discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion.

"All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer **discrimination** on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards". (MCW, Sec. 3)

What are the rights of women guaranteed under the Magna Carta of Women?

All rights in the Philippine Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine laws shall be rights of women under the Magna Carta of Women. These rights shall be enjoyed without discrimination since the law prohibits discrimination against women, whether done by public and private entities or individuals.

The Magna Carta of Women spells out the following rights:

Protection from all forms of violence, including those committed by the State. This includes the incremental increase in the recruitment and training of women in government services that cater to women victims of gender-related offenses. It also ensures mandatory training on human rights and gender sensitivity to all government personnel involved in the protection and defense of women against gender-based violence, and mandates local government units to establish a Violence Against Women Desk in every barangay to address violence against women cases [Implementing agencies: CSC, DBM, NAPOLCOM, NBI, DOJ, OPPAP, DND-AFP, DSWD, DILG, DepEd, DOH, NCIP, NCMF, PCW, CHR, PNP, CHED, LGUs];

Protection and security in times of disaster, calamities and other crisis situations especially in all phases of relief, recovery, rehabilitation, and reconstruction efforts, including protection from sexual exploitation and other sexual and gender-based violence [NDRRMC, particularly DSWD, DND-OCD, DILG, LGUs];

Participation and representation including undertaking temporary special measures and affirmative actions to accelerate and ensure women's equitable participation and representation in the third level civil service (50-50 gender balance), development councils and planning bodies (40% membership), as well as political parties and international bodies, including the private sector [CSC, CESB, RDCs, DFA, DTI, DSWD, COMELEC, Local Chief Executives];

Equal treatment before the law including the State's review and when necessary amendment or repeal of existing laws that are discriminatory to women [Congress, Executive-Legislative body];

Equal access and elimination of discrimination against women in education, scholarships and training. This includes revising educational materials and curricula to remove gender stereotypes and images, and outlawing the expulsion, non-readmission, prohibiting enrollment and other related discrimination against women students and faculty due to pregnancy outside marriage [DepEd, CHED, TESDA, DOJ, DSWD, CHR, PNP, LGUs];

Equal participation in sports. This includes measures to ensure that gender-based discrimination in competitive and non-competitive sports is removed so that women and girls can benefit from sports development [PSC, GAB, DepEd, CHED, SUCs, sports-related organizations];

Non-discrimination in employment in the field of military, police, and other similar services. This includes according the same promotional privileges and opportunities as their men counterpart, including 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 always be respected, they shall be accorded with same capacity as men to act in and enter into contracts, including marriage, as well as be entitled



to leave benefits for women such as maternity leave, as provided for in existing laws. It also includes the revision or abolition of practices and policies that restrict women from availing combat and non-combat training that are open to men, or from taking other functions other than administrative duties [DND, DILG, PNPA, PPSC, DOJ, PMA, OCS, LGUs];

Non-discriminatory and non-derogatory portrayal of women in media and film to raise the consciousness of the general public in recognizing the dignity of women and the role and contribution of women in family, community, and the society through the strategic use of mass media [OPS, NTC, MTRCB, FAP, FDCP, OMB, NCCA, women's media NGOs, LGUs];

Comprehensive health services and health information and education covering all stages of a woman's life cycle, and which addresses the major causes of women's mortality and morbidity, including access to, among others, maternal care, responsible, ethical, legal, safe and effective methods of family planning, and encouraging healthy lifestyles and activities to prevent diseases [DOH, DepEd, CHED, PhilHealth, DOLE, LGUs];

Special leave benefits of two (2) months with full pay based on gross monthly compensation, for women employees who undergo surgery caused by gynecological disorders, provided that they have rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months [CSC, DOLE]; and

Equal rights in matters relating to marriage and family relations The State shall ensure the same rights of women and men to: enter into and leave marriages; freely choose a spouse; decide on the number and spacing of their children; enjoy personal rights including the choice of a profession; own, acquire and administer their property; and acquire, change, or retain their nationality. It also states that the betrothal and marriage of a child shall have no legal effect [DSWD, DOH, POPCOM, Supreme Court, DOJ, IBP, LGUs].

The Magna Carta of Women also guarantees the following civil, political and economic rights of women in the marginalized sectors:

Food security and resources for food production including equal rights in the titling of the land and issuance of stewardship contracts and patents [DA, BFAR, NFARMC, BPRES, PFDA, NDA, ATI, DOST, DOST-ITDI, DTI, FDA, DOE, DAR, DENR, DOT, DPWH, LRA, NCIP, TESDA, SUCs/HEIs, LGUs];

Localized, accessible, secure, and affordable housing especially in all phases of relief, recovery, rehabilitation, and reconstruction efforts, including protection from sexual exploitation and other sexual and gender-based violence [NDRRMC, particularly DSWD, DND-OCD, DILG, LGUs];

Decent work standards including creation of jobs in acceptable conditions of freedom, equality, security, and human dignity [DOLE, CSC, POEA, OWWA, DTI, DFA, NACP,];

Employment, livelihood, credit, capital and technology [DOLE, DOF, DTI, DOST, DSWD, DA, DOF, DAR, DENR, TESDA, NACP, NCIP, BSP, PCFC, GFIs, MFIs, TRC, and other BSOs, GSIS, SSS];

Skills training for women migrant and returning migrant workers, and equal opportunity in scholarship especially in research and development, aimed towards women friendly farm technology [DOLE, and its attached agencies and other concerned offices];

Representation and participation in policy-making or decision-making bodies in the regional, national, and international levels [PARC, PARCCOM, BARC, community-based resource management bodies mechanisms, NAFC, NFARMC, NCIP, PCUP, LHBs, NACP Basic Sectoral Councils]; technology [DOLE, and its attached agencies and other concerned offices];

Access to information regarding policies on women, including development and making available information, education, and communication (IEC) materials on specific programs, services, and funding outlays that affect women [ALL GOVERNMENT AGENCIES, LGUs];

Social protection to reduce poverty and vulnerability to risks and enhance the social status and rights of all women [DSWD, DA, DOLE, POEA, OWWA, DTI, DFA, SSS, GSIS, PhilHealth, BSP, NACP, NCDA, disaster coordinating councils, LGUs];

Recognition and preservation of cultural identity and integrity provided that these cultural systems and practices are not discriminatory to women [NCCA, NCIP, NCMF, RCBW-ARMM, CHED, DepEd];

Inclusion in discussions on peace and development [OPAPP, PCW, CHR, RCBW, BCH-ARMM, NCIP, DepEd, CHED, SUCs, AFP, PNP, TESDA, DSWD, DOH, LGUs];

Services and interventions for Women in Especially Difficult Circumstances or WEDC [DSWD, DOLE, TESDA, DOH, DOJ, CHR, PNP, BJMP, BuCor, PPB, NBI, BI, LGUs];

Protection of Girl-Children against all forms of discrimination in education, health and nutrition, and skills development [CWC, ECCD, DepEd, NCIP, NCMF, CHED, TESDA, DILG, RCBW, BCH-ARMM, LGUs, LCPCs]; and

Protection of Senior Citizens from gender-based violence and suspected cases of abuse and neglect [OSCA, DSWD, DOH, LGUs].

LIST OF AGENCIES/INSTITUTION

AFP- Armed Forces of the Philippines
ARMM- Autonomous Region of Muslim Mindanao
ATI- Agricultural Training Institute
BARC- Barangay Agrarian Reform Committee
BCH-ARMM- Bureau of Cultural Heritage- Autonomous Region of Muslim Mindanao
BSOs- Business Support Organizations
BSP- Bangko Sentral ng Pilipinas
BuCor- Bureau of Corrections
BFAR- Bureau of Fisheries and Aquatic Resources
BPRES- Bureau of Post-Harvest Research
BI- Bureau of Immigration
BJMP- Bureau of Jail Management and Penology
CESB- Career Executive Service Board
CHED- Commission on Higher Education
CHR- Commission on Human Rights
COA- Commission on Audit
COMELEC- Commission on Elections
CSC- Civil Service Commission
CWC- Council for the Welfare of Children
DA- Department of Agriculture
DA-ATI- Department of Agriculture Agricultural Training Institute
DA-BPRES- Department of Agriculture Bureau of Post-Harvest Research and Extension
DAR- Department of Agrarian Reform
DepEd- Department of Education
DENR- Department of Environment and Natural Resources
DFA- Department of Foreign Affairs
DILG- Department of the Interior and Local Government
DND- Department of National Defense
DOE- Department of Energy
DOH- Department of Health
DOJ- Department of Justice
DOLE- Department of Labor and Employment
DOST- Department of Science and Technology
DOST-ITDI- Department of Science and Technology Industrial Technology Development Institute
DOT- Department of Tourism
DPWH- Department of Public Works and Highways
DSWD- Department of Social Welfare and Development
DTI- Department of Trade and Industry
ECCD- Early Childhood Care and Development Council
FAP- Film Academy of the Philippines
FDA- Food and Drug Administration
FDCP- Film Development Council of the Philippines
GAB- Games and Amusement Board
GFIs- Government Financial Institutions
GSIS- Government Service Insurance System
HDMF- Home Development Mutual Fund
HEIs- Higher Education Institutions
HGC- Home Guaranty Corporation
HLURB- Housing and Land Use Regulatory Board
HUDCC- Housing and Urban Development Coordinating Council
IBP- Integrated Bar of the Philippines
LCPCs- Local Councils for the Protection of Children
LGUs- Local Government Units
LHBs- Local Housing Boards
LRA- Land Registration Authority
MFIs- Micro-finance Institutions
MTRCB- Movie and Television Review and Classification Board
NAFC- National Agricultural and Fishery Council
NACP- National Anti-Poverty Commission
NAPOLCOM- National Police Commission
NCCA- National Commission for Culture and the Arts
NCDA- National Council on Disability Affairs
NCIP- National Commission on Indigenous Peoples
NCMF- National Commission on Muslim Filipinos
NDA- National Dairy Authority
NDRRMC- National Disaster Risk Reduction and Management Council

NFARMC- National Fisheries and Aquatic Resources Management Council
 NGOs- Non government organizations
 NHA- National Housing Authority
 NHMFC- National Home Mortgage Finance Corporation
 NTC- National Telecommunications Commission
 OCS- Officer Candidate School
 OMB- Optical Media Board
 OPAPP- Office of Presidential Adviser on the Peace Process
 OPS- Office of the Press Secretary [renamed as Presidential Communications Office (PCO)]
 OSCA- Office of Senior Citizen Affairs
 OWWA- Overseas Workers Welfare Administration
 PARC- Presidential Agrarian Reform Council
 PARCCOM- Provincial Agrarian Reform Coordinating Committee
 PCFC- People's Credit and Finance Corporation
 PCUP- Presidential Commission for the Urban Poor
 PCW- Philippine Commission on Women
 PFDA- Philippine Fisheries Development Authority
 PhilHealth- Philippine Health Insurance Commission
 PMA- Philippine Military Academy
 PNPA- Philippine National Police Academy
 PNP- Philippine National Police
 POEA- Philippine Overseas Employment Administration
 POPCOM- Commission on Population
 PPB- Parole and Probation Board
 PPSC- Philippine Public Safety College
 PSC- Philippine Sports Commission
 RCBW- Regional Commission on Bangsamoro Women
 RDCs- Regional Development Councils
 SC- Supreme Court
 SHFC- Social Housing Finance Corporation
 SSS- Social Security System
 SUCs- State Universities and Colleges
 TESDA- Technical Education and Skills Development Authority
 TRC- Technology Resource Center

posts' programs for the delivery of services to women migrant workers, consistent with the one-country team approach in Foreign Service.

Who will be responsible for implementing the MCW?

The State, the private sector, society in general, and all individuals shall contribute to the recognition, respect, and promotion of the rights of women defined and guaranteed in the Magna Carta of Women.

The **Philippine government** shall be the primary duty-bearer in implementing the said law. It is tasked to refrain from discriminating against women and violating their rights; **protect** women against discrimination and from violation of their rights by private corporations, entities, and individuals; and **promote** and **fulfill** the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

The government shall fulfill these duties through the development and implementation of laws, policies, regulatory instruments, administrative guidelines, and other appropriate measures, including temporary special measures. It shall also establish mechanisms to promote the coherent and integrated implementation of the MCW and other related laws and policies to effectively stop discrimination against Filipino women.

What are the specific responsibilities of the government under the MCW?

The Magna Carta of Women mandates all government offices, including government-owned and controlled corporations and local government units to adopt gender mainstreaming as a strategy for implementing the law and attaining its objectives. It also mandates **(a) planning, budgeting, monitoring and evaluation for gender and development, (b) the creation and/or strengthening of gender and development focal points, and (c) the generation and maintenance of gender statistics and sex-disaggregated databases to aid in planning, programming and policy formulation.**

The **Philippine Commission on Women (PCW)** shall be the overall monitoring and oversight body to ensure the implementation of the law. It shall be the primary policy-making and coordinating body for women and gender equality concerns and shall lead in ensuring that government agencies are capacitated on the effective implementation of MCW. Consistent with its mandate, the **Commission on Human Rights (CHR)** shall act as the Gender and Development Ombud to ensure the promotion and protection of women's human rights. The **Commission on Audit (COA)** shall conduct an annual audit on government offices' use of their gender and development budgets for the purpose of determining its judicious use and the efficiency, and effectiveness of intervention in addressing gender issues. Local government units

are also encouraged to develop and pass a Gender and Development code (GAD Code) to address the issues and concerns of women in their respective localities based on consultation with their women constituents.

What are the penalties of violators?

If the violation is committed by a government agency or any government office, including government-owned and controlled corporations, and local government units, the person directly responsible for the violation, as well as the head of agency or local chief executives shall be held liable under the MCW. The sanctions under administrative law, civil service or other appropriate laws shall be recommended by the **Commission on Human Rights to the Civil Service Commission** and the **Department of the Interior and Local Government**. In cases where violence has proven to be perpetrated by agents of the State, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

If the violation is committed by a private entity or individual, the person directly responsible for the violation shall be liable to pay damages.

The offended party can also pursue other remedies available under the law and can invoke any of the provisions of existing laws, especially those that protect the rights of women.

How will the implementation of the MCW be funded?

The MCW provides that the State agencies should utilize their Gender and Development budgets for programs and activities to implement its provisions. Funds necessary for the implementation of 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 MCW also mandates the State to prioritize allocation of all available resources to effectively fulfill its obligations under the said law.

For more information, please contact:

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Who belong to the marginalized sectors?

The marginalized sectors are those that belong to the basic, disadvantaged, or vulnerable groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing security, physical infrastructure and the justice system.

These include , but are not limited to women in the following sectors:

Small Farmers and Rural Workers, Fisherfolk, Urban Poor, Workers in the Formal Economy, Workers in the Informal Economy, Migrant Workers, Indigenous Peoples, Moro, Children, Senior Citizens, Persons with Disabilities, and Solo Parents.

How can Filipino women living abroad benefit from this law?

Section 37 of the Magna Carta of Women mandates the designation of a **gender focal point** in the consular section of Philippine embassies or consulates. The said officer who shall be trained on gender and development shall be primarily responsible in handling gender concerns of women migrant workers, especially those in distress. Other agencies like **DSWD** and **DOLE** are also mandated to cooperate in strengthening the Philippine foreign



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