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**| RESEARCH ARTICLE**

## **Legal Bases and Issues Concerning Gender and Development in the Philippines**

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**| ABSTRACT**

The cry and fight for equality among humans can be seen even during time immemorial. The sex clash between the male and female remains the society's problem wherein the female class is regarded as the weak genus compared to the male species. The females are left to take care of the menial household duties, wherein it is for the taking care of the children, the husband and the family as a whole. The duties of the female class may not be disregarded because they perform one of the most important parts of molding the society for the better future as Agoncillo, 1990, "Women before the coming of the Spaniards enjoyed a unique position in society that their descendants during the Spanish occupation did not enjoy. Customary laws gave them the right to be equal to men, for they could own and inherit property, engage in trade and industry, and succeed in the chieftainship of a barangay without a male heir. Then, too, they have the exclusive right to give names to their children. As a sign of deep respect, the men, when accompanying women, walked behind them". The historian's note plays an important role in reaping and re-empower the women as acknowledged by no less than the supreme law of the land, which is the 1987 Philippine Constitution. This paper aims to revisit and be reminded about the roles of women in society and how it may even further encourage professional treatment in the workplace and in society; specifically, it will look into: What is the meaning of gender and development? What are the legal bases that support the program of government for gender and development programs? How may the government protect the rights of women? The findings of the study: The government must monitor the implementation of the laws. The government and civil society must collaborate to further promote women's rights. The government must make sure that the distribution of positions in the government is through merit and fitness. The government must be vigilant for female overseas workers and should see to it that they are not being exploited or their rights are violated by foreign employers. The government should invite the participation of all sectors in the proper observance and implementation of the laws, rules and regulations that promote Gender equality The study presented the legal bases through the available data, primarily government documents. The scope of the research concentrates on the policies affecting the rights and interests of women to compare and analyze through the records and media interviews. A case study is appropriate for this study because researchers have used the case study research method for many years across a variety of disciplines. Social scientists, in particular, have made wide use of this qualitative research method to examine contemporary real-life situations and provide the basis for the application of ideas and extension of methods.

**| KEYWORDS**

Gender, Gender equality, Human rights, Protective custody, Barangay Protection Order, Temporary Protection Order, Permanent Protection Order, Economic Abuse, Physical Abuse, Sexual Violence, Psychological Violence, Gender Mainstreaming, Sexual Harassment, Battered Woman Syndrome, Battery

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**1. Introduction**

The cry and fight for equality among humans can be seen even during time immemorial. The sex clash between the male and female remains the society's problem wherein the female class is regarded as the weak genus compared to the male species. The females are left to take care of the menial household duties, wherein it is for the taking care of the children, the husband and the family as a whole. The duties of the female class may not be disregarded because they perform one of the most important parts of molding the society for the better future as Agoncillo, 1990, "Women before the coming of the Spaniards enjoyed a unique

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position in society that their descendants during the Spanish occupation did not enjoy. Customary laws gave them the right to be equal to men, for they could own and inherit property, engage in trade and industry, and succeed in the chieftainship of a barangay without a male heir. Then, too, they have the exclusive right to give names to their children. As a sign of deep respect, the men, when accompanying women, walked behind them". The historian's note plays an important role in reaping and re-empower the women as acknowledged by no less than the supreme law of the land, which is the 1987 Philippine Constitution. The Philippine government created an office which is the Philippine Commission on Women, under the supervision of the Office of the President to see that rights and privileges accorded to the women may not be suppressed, violated or trampled upon.

## **2. Method**

The objective of this paper is to revisit and be reminded about the roles of women in society and how it may even further encourage professional treatment in the workplace and in society; specifically, it will look into:

1. What is the meaning of gender and development?
2. What are the legal bases that support the program of government for gender and development programs?
3. How may the government protect the rights of women?

The study will present the legal bases of Filipino women through available data, primarily government documents. The scope of the research concentrates on the policies affecting the rights and interests of women to compare and analyze through the records, media interviews and jurisprudence.

A case study is appropriate for this study because researchers have used the case study research method for many years across a variety of disciplines. Social scientists, in particular, have made wide use of this qualitative research method to examine contemporary real-life situations and provide the basis for the application of ideas and extension of methods. Researcher Robert K. Yin defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clearly evident. Multiple sources of evidence are used (Yin, 1984, p. 23).

## **3. Results and Discussion**

### **3.1 Gender and Development**

The definition of Gender, as World Bank puts it, "refers to the socially-constructed differences between men and women, as distinct from "sex", which refers to their biological differences." In all societies, men and women play different roles, have different needs, and face different constraints. Gender roles differ from the biological roles of men and women, although they may overlap. For example, women's biological roles in childbearing may extend their gender roles to child-rearing, food preparation, and household maintenance.

Gender roles demarcate responsibilities between men and women in

- social and economic activities
- access to resources
- decision-making authority

These roles can and do shift with social, economic, and technological change. For example, factors such as the introduction of new crops and technologies, mounting pressure on land, or increasing poverty or migration can change the roles of men and women in agriculture.

In agriculture, women are actively involved in production in most countries. However, men's and women's roles differ widely across regions. For example, among some groups, women are responsible for milking; in others, men do this work.

Factors influence gender-based differences. Social and economic factors can reinforce or decrease gender-based disparities. These factors include:

**Institutional arrangements:** These create and reinforce gender-based constraints or, conversely, foster an environment in which gender disparities can be reduced. For example, where women primarily grow food crops, institutions providing agricultural credit for food crop production can either promote or discourage women's access to credit.

**The formal legal system:** This reinforces customary practices and gives women inferior legal status in many countries. Women are discouraged--and in some countries legally barred--from owning land, property, and other agricultural assets, opening bank accounts or contracting for credit in their own names.

**Sociocultural attitudes and ethnic and class/caste-based obligations:** These affect farming systems and determine which crops men and women grow, who drives tractors or gives livestock vaccinations, or whether women need their husbands' approval to sell their cattle or the products of their labor.

**Religious beliefs and practices:** These limit women's mobility, social contact, access to resources, and the types of activities they can pursue. Some interpretations of religious law, for example, often stipulate gender-based differences in inheriting land.

Gender equality is considered a critical element in achieving Decent Work for All Women and Men in order to effect social and institutional change that leads to sustainable development with equity and growth. Gender equality refers to equal rights, responsibilities and opportunities that all persons should enjoy, regardless of whether one is born male or female.

In the context of the world of work, equality between women and men includes the following elements:

1. Equality of opportunity and treatment in employment
2. Equal remuneration for work of equal value
3. Equal access to safe and healthy working environments and to social security
4. Equality in association and collective bargaining
5. Equality in obtaining meaningful career development
6. A balance between work and home life that is fair to both women and men
7. Equal participation in decision-making at all levels

Given that women are usually in a disadvantaged position in the workplace compared to men, the promotion of gender equality implies explicit attention to women's needs and perspectives. At the same time, there are also significant negative effects of unequal power relations and expectations on men and boys due to stereotypes about what it means to be a male. Instead, both women and men, and boys and girls, should be free to develop their abilities and make choices – without limitations set by rigid gender roles and prejudices – based on personal interests and capacities.

The ILO has adopted an integrated approach to gender equality and decent work. This means enhancing equal employment opportunities through measures that aim to improve women's access to education, skills training and healthcare – while taking women's role in the care economy adequately into account. Examples of these include implementing measures to help workers balance work and family responsibilities and providing workplace incentives for the provision of childcare and parental leave.

### **3.2 Taking Aim at Poverty by Advancing Gender Equality**

The World Bank Group takes as its starting point that no country, community, or economy can achieve its potential or meet the challenges of the 21st century without the full and equal participation of women and men, girls and boys. Failure to fully unleash women's productive potential meanwhile represents a major missed opportunity with significant consequences for individuals, families, and economies. The World Bank Group works with public- and private-sector clients to close gaps between males and females globally for lasting impact in tackling poverty and driving sustainable economic growth that benefits all.

While many more girls are going to school and living longer, healthier lives than even a decade ago, these improvements haven't yet translated into broader gains—and women remain vastly more economically excluded than men. Trends suggest women's labor force participation has stagnated over the last two decades, declining from 57 percent to 55 percent globally and hovering around 25 percent in the Middle East and North Africa, directly impacting growth.

Gender gaps persist among entrepreneurs, farmers, and employees alike. Women typically farm smaller, less productive plots, own smaller businesses that create fewer jobs, work in less profitable sectors, and face discriminatory laws and norms that constrain their time and choices—including their ability to own or inherit property, open a bank account, or access the technology, credit, or fertilizer they need to grow larger, more profitable businesses or manage more productive farms.

A renewed gender equality strategy, to be launched in late 2015, will reflect fundamental changes in the world and the World Bank Group and respond to accumulating evidence regarding what works to close gender gaps. Previous work emphasized gender equality as an issue of development effectiveness and laid the basis for integrating gender into the Bank's policy dialogue, analytic work, and operations. The new strategy will address how to support client countries and companies to close gaps and achieve optimal development outcomes.

### **3.3 Legal bases that support the Gender and Development**

#### **3.3.1 1987 Philippine Constitution**

##### **Article II**

**Section 9.** The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

**Section 11.** The State values the dignity of every human person and guarantees full respect for human rights.

**Section 12.** The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. Parents' natural and primary right and duty in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

**Section 14.** The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.

**Section 18.** The State affirms labor as a primary social, economic force. It shall protect the rights of workers and promote their welfare.

##### **Article XIII**

**Section 14.** 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.

#### **3.2 PD 442. The Labor Code of the Philippines as amended**

##### **3.2.1 Title III Chapter 1 EMPLOYMENT OF WOMEN**

**Article 130. Night work prohibition.** No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

- (a) In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day;
- (b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or
- (c) In any agricultural undertaking at night time unless she is given a period of rest of not less than nine consecutive hours.

**Article 131. Exceptions.** The prohibition prescribed by the preceding Article shall not apply in any of the following cases:

- (a) In cases of actual or impending emergencies caused by a serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property or in cases of force majeure or imminent danger to public safety;
- (b) In case of urgent work to be performed on machinery, equipment or installation, to avoid serious loss which the employer would otherwise suffer;
- (c) Where the work is necessary to prevent serious loss of perishable goods;
- (d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;
- (e) Where the nature of the work requires the manual skill and dexterity of woman worker and the same cannot be performed with equal efficiency by the male worker;
- (f) Where the women employees are immediate members of the family operating the establishment or undertaking; and
- (g) Under other analogous cases exempted by the Secretary of Labor and Employment inappropriate regulations.

**Article 132. Facilities for women.** The Secretary of Labor and Employment shall establish standards that will ensure the safety and health of women employees. In appropriate cases, he shall by regulations require any employer to:

- (a) Provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;
- (b) Establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women;
- (c) Establish a nursery in a workplace for the benefit of the woman employees therein; and
- (d) Determine appropriate minimum age and other standards for retirement or termination in special occupations such as those of flight attendants and the like.

**Article 134. Family planning services; incentives for family planning.**

(a) Establishments that are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees, which shall include, but not limited to, the application or use of contraceptive pills and intra-uterine devices.

(b) In coordination with other agencies of the government engaged in the promotion of family planning, the Department of Labor and Employment shall develop and prescribe incentive bonus schemes to encourage family planning among female workers in any establishment or enterprise.

**Article 135. Discrimination prohibited.** It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex. The following are acts of discrimination:

- (a) Payment of a lesser compensation, including wage, salary or other forms of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; and
- (b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes.

Criminal liability for the willful commission of any unlawful act as provided in this article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: Provided, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other.

**Article 136. Stipulation against marriage.** It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married, a woman employee shall be deemed resigned or separated or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage.

**Article 137. Prohibited acts. (a) It shall be unlawful for any employer:**

- (1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code;
- (2) To discharge such woman on account of her pregnancy, while on leave or in confinement due to her pregnancy; or
- (3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant.

### **3.3 REPUBLIC ACT NO. 9710**

#### **3.3.1 AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN**

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

**SECTION 3. Principles of Human Rights of Women.** — Human rights are universal and inalienable. All people in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights, which states that all human beings are free and equal in dignity and rights.

**SECTION 4. Definitions.** — For purposes of this Act, the following terms shall mean:

- (a) “Women Empowerment” refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights 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 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.

(c) "Marginalization" refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life.

(d) "Marginalized" refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to lands and other resources, basic social and economical services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system. These include, but are not limited to, women in the following sectors and groups:

(1) "Small Farmers and Rural Workers" refers 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 are not limited to, (a) small farmers who own or are still amortizing for lands that are 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 farm and off-farm activities;

(2) "Fisherfolk" refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine 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" refers to those residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of abode, where the income of the head of the family cannot afford in a sustained manner to provide for the family's basic needs of food, health, education, housing, and other essentials in life;

(4) "Workers in the Formal Economy" refers 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, subdivisions, and instrumentalities, all government-owned and -controlled corporations and institutions, as well as nonprofit private institutions or organizations;

(5) "Workers in the Informal Economy" refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights;

(6) "Migrant Workers" refers 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" refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains as defined under Section 3

(8) "Moro" refers to native peoples who have historically inhabited Mindanao, Palawan, and Sulu and who are large of the Islamic faith;

(9) "Children" refers to those who are below eighteen (18) years of age or 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" refers to those sixty (60) years of age and above;

- (11) "Persons with Disabilities" refers to those who are suffering from restriction or different abilities, as a result of mental, physical, or sensory impairment to perform an activity in the manner or within the range considered normal for a human being; and
- (12) "Solo Parents" refers 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) "Substantive Equality" refers to the full and equal enjoyment of rights and freedoms contemplated under this Act. It encompasses de jure and de facto equality and also equality in outcomes.
- (f) "Gender Equality" refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.
- (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 equality of opportunity and treatment objectives have been achieved.
- (h) "Gender and Development (GAD)" refers to the development perspective and process that is 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" refers to 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) "Temporary Special Measures" refers to a variety of legislative, executive, administrative, and regulatory instruments, policies, and practices aimed at accelerating this de facto equality of women in specific areas. These measures shall not be considered discriminatory but shall in no way entail, as a consequence, the maintenance of unequal or separate standards. They shall be discontinued when their objectives have been achieved.
- (k) "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 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; and
  - (3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.
- It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.
- (l) "Women in the Military" refers to women employed in the military, both in the major and technical services, who are performing combat and/or non-combat functions, providing security to the State, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions.
- (m) "Social Protection" refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized, by promoting and protecting livelihood and employment, protecting

against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets

### **3.4 Rights and Empowerment**

**SECTION 8. Human Rights of Women.** — All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of women under this Act to be enjoyed without discrimination.

**SECTION 9. Protection from Violence.** — The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Government agencies shall prioritise the defence and protection of women against gender-based offences 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, legal services, and social work services availed of by women who are victims of gender-related offences until fifty percent (50%) of the personnel thereof shall be women.

(b) Women shall have the right to protection and security in armed conflict and militarization situations. 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 for the protection of the 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 centres for military purposes under any discriminatory condition.

(c) All government personnel involved in the protection and defence of women against gender-based violence shall undergo mandatory training on human rights and gender sensitivity pursuant to this Act.

(d) All local government units shall establish a Violence Against Women's Desk in every barangay to ensure that violence against women cases is fully addressed in a gender-responsive manner.

**SECTION 10. 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, livelihood support, education, psychological health, and comprehensive health services, including protection during pregnancy.

**SECTION 12. 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 the effectiveness of this Act.

**SECTION 13. Equal Access and Elimination of Discrimination in Education, Scholarships, and Training.** —

(a) The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised. The gender-sensitive language shall be used at all times. Capacity-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 education sector players, including the private sector, churches, and faith groups, shall be encouraged.

(b) Enrollment of women in nontraditional skills training in vocational and tertiary levels shall be encouraged.

(c) Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely because she has contracted pregnancy outside of marriage during her term in school.

**SECTION 14. 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.



**SECTION 15. Women in the Military.** — The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and non-combat training that are open to men or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations. Women in the military shall be accorded the same promotional privileges and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. Towards this end, the State shall ensure that the personal dignity of women shall always be respected.

Women in the military, police and other similar services shall be provided with the same right to employment as men on equal conditions. Equally, they shall be accorded the same capacity as men to act in and enter into contracts, including marriage. Further, women in the military, police and other similar services shall be entitled to leave benefits such as maternity leave, as provided for by existing laws.

**SECTION 16. Nondiscriminatory 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 government and nongovernment media-related organizations. It shall likewise endeavor to raise the general public's consciousness in recognizing the dignity of women and the role and contribution of women in the family, community, and society through the strategic use of mass media.

**SECTION 18. Special Leave Benefits for Women.** — A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders.

**SECTION 19. 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:

- (a) The same rights to enter into and leave marriages or common-law relationships referred to under the Family Code without prejudice to personal or religious beliefs;
- (b) the same rights to choose a spouse freely 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;
- (c) 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;
- (d) The same personal rights between spouses or common-law spouses, including the right to choose a profession and an occupation freely;
- (e) The same rights for both spouses or common-law spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property;
- (f) The same rights to properties and resources, whether titled or not and inheritance, whether formal or customary; and
- (g) Women shall have equal rights with men to acquire, change, or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered. Customary laws shall be respected: Provided, however, that they do not discriminate against women.

**SECTION 31. 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; and
- (k) Transportation assistance.

**SECTION 32. 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.

(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 schools of living culture and traditions 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.

**SECTION 33. Protection of Senior Citizens.** — The State shall protect women senior citizens 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.

**SECTION 35. Discrimination Against Women is Prohibited.** — Public and private entities and individuals found to have committed discrimination against women shall be subject to the sanctions provided in Section 41 hereof. Violations of other rights of women shall be subject to sanctions under pertinent laws and regulations.

**3.5 REPUBLIC ACT NO. 7192**

**SECTION 1. Title.** — This Act shall be cited as the “Women in Development and Nation Building Act.”

**SEC. 2. Declaration of Policy.** — The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men. The State shall provide women rights and opportunities equal to that of men. To attain the foregoing policy:

- (1) A substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women;
- (2) All government departments shall ensure that women benefit equally and participate directly in the development programs and projects of said department, specifically those funded under official foreign development assistance, to ensure the full participation and involvement of women in the development process; and
- (3) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.

**SEC. 5. Equality in Capacity to Act.** — Women of legal age, regardless of civil status, shall have the capacity to act and enter into contracts which shall in every respect be equal to that of men under similar circumstances.

In all contractual situations where married men have the capacity to act, married women shall have equal rights. To this end:

- (1) Women shall have the capacity to borrow and obtain loans and execute security and credit arrangements under the same conditions as men;
- (2) Women shall have equal access to all government and private sector programs granting agricultural credit, loans and nonmaterial resources and shall enjoy equal treatment in agrarian reform and land resettlement programs;

**3.6 REPUBLIC ACT NO. 9262**

**SECTION. 1. Short Title.** — This Act shall be known as the “Anti-Violence Against Women and Their Children Act of 2004”.

**SEC. 3. Definition of Terms.** — As used in this Act,

(a) "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

A. "Physical violence" refers to acts that include bodily or physical harm;

B. "Sexual violence" refers to an act that is sexual in nature committed against a woman or her child. It includes, but is not limited to:

a) rape, sexual harassment, acts of lasciviousness, treating a 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 her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;

b) acts causing or attempting to cause the victim to engage in any sexual activity by force, the threat of force, physical or other harm or threat of physical or other harm or coercion;

c) Prostituting the woman or her child.

C. "Psychological violence" refers to acts or omissions causing or likely to cause 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 and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

D. "Economic abuse" refers to acts that make or attempt to make a woman financially dependent, which includes but is not limited to the following:

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

4. controlling the victim's own money or properties or solely controlling the conjugal money or properties.

(b) "Battery" refers to an act of inflicting physical harm upon the woman or her child, resulting in physical and psychological or emotional distress.

(c) "Battered Woman Syndrome" refers to a scientifically defined pattern of psychological and behavioural symptoms found in women living in battering relationships as a result of cumulative abuse.

(d) "Stalking" refers to an intentional act committed by a person who, knowingly and without lawful justification, follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.

(e) "Dating relationship" refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.

(f) "Sexual relations" refers to a single sexual act that may or may not result in the bearing of a common child.

(h) "Children" refer to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.

**SEC. 5. Acts of Violence Against Women and Their Children.** — The crime of violence against women and their children is committed through any of the following acts:

(a) Causing physical harm to the woman or her child;

(b) Threatening to cause the woman or her child physical harm;

(c) Attempting to cause the woman or her child physical harm;

(d) Placing the woman or her child in fear of imminent physical harm;

(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or to desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat

of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

- (1) Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
- (2) Depriving or threatening to deprive the woman or her children of financial support legally due to her or her family, or deliberately providing the woman's children insufficient financial support;
- (3) Depriving or threatening to deprive the woman or her child of a legal right;
- (4) Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties;
- (f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- (g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- (h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:
  - (1) Stalking or following the woman or her child in public or private places;
  - (2) Peering in the window or lingering outside the residence of the woman or her child;
  - (3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
  - (4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
  - (5) Engaging in any form of harassment or violence;
- (i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

**SEC. 8. Protection Orders.** — A protection order is an order issued under this Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

- (a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 5 of this Act;
- (b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;
- (c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of the ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and, if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until the respondent has gathered his things and escort respondent from the residence;
- (d) Directing the respondent to stay away from the petitioner and any designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;
- (e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;
- (f) Granting temporary or permanent custody of a child/children to the petitioner;
- (g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;
- (h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any

license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate the offender and take appropriate action on the matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;

(j) Directing the DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need; and

The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for or the court from granting a TPO or PPO.

**SEC. 9. Who may File Petition for Protection Orders?** — A petition for a protection order may be filed by any of the following:

(a) the offended party;

(b) parents or guardians of the offended party;

(c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;

(d) officers or social workers of the DSWD or social workers of local government units (LGUs);

(e) police officers, preferably those in charge of women and children's desks;

(f) *Punong Barangay* or *Barangay Kagawad*;

(g) lawyer, counsellor, therapist or healthcare provider of the petitioner;

(h) at least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offence committed.

**SEC. 14. Barangay Protection Orders (BPOs); Who May Issue and How.** — Barangay Protection Orders (BPOs) refer to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under Section 5(a) and (b) of this Act. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay Kagawad*. If the BPO is issued by a *Barangay Kagawad*, the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Barangay Kagawad* shall personally serve a copy of the same on the respondent or direct any barangay official to effect its personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the *Punong Barangay*.

**SEC. 15. Temporary Protection Orders.** — Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff, who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

**SEC. 16. Permanent Protection Orders.** — Permanent Protection Order (PPO) refers to a protection order issued by the court after notice and hearing.

**SEC. 35. Rights of Victims.** — In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

(a) to be treated with respect and dignity;

(b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;

(c) to be entitled to support services from the DSWD and LGUs;

(d) to be entitled to all legal remedies and support as provided for under the Family Code; and

(e) to be informed of their rights and the services available to them, including their right to apply for a protection order.

### **3.7 REPUBLIC ACT NO. 10398**

**SECTION 1.** In recognition of the need to establish a comprehensive and structured campaign for national consciousness on anti-violence against women, November 25 of every year is hereby declared as the "National Consciousness Day for the Elimination of Violence Against Women and Children".

### **3.8 REPUBLIC ACT No. 7877**

**Section 1. Title.** - This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

**Section 3. Work, Education or Training -Related, Sexual Harassment Defined.** - Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who has authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favour from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

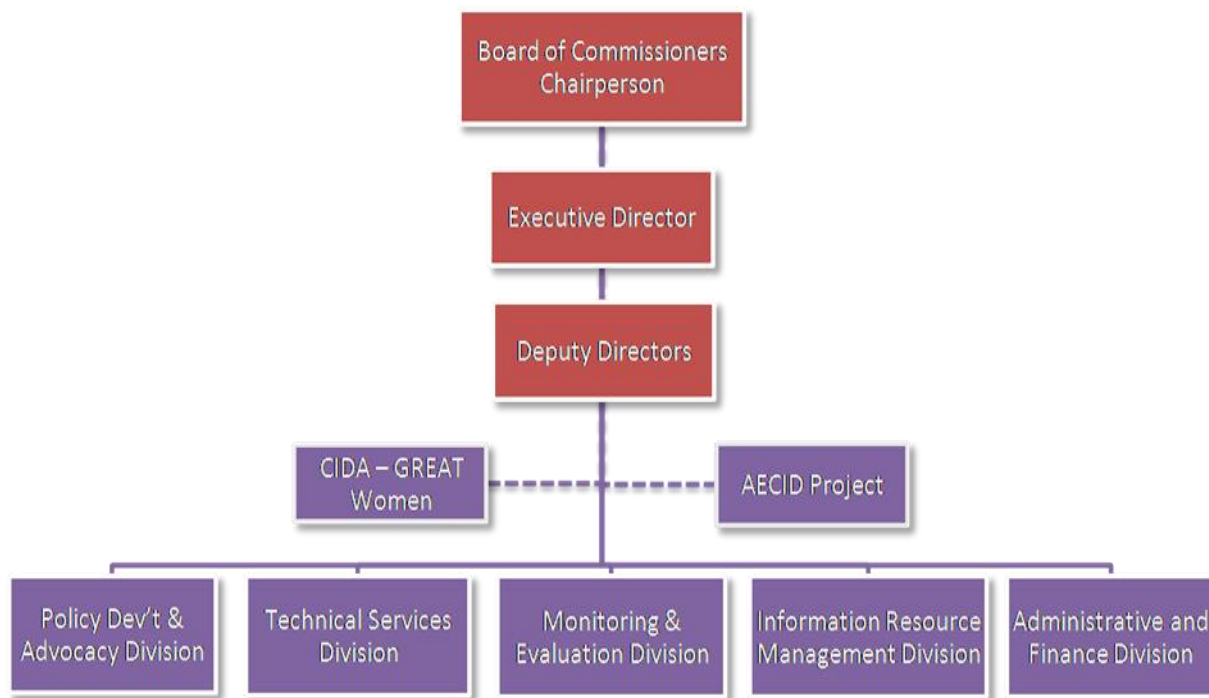
- (1) The sexual favour is made as a condition in the hiring or in the employment, re-employment, or continued employment of the said individual, or in granting said individual favourable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favour results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely effect said employee;
- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favour is made a condition to the giving of a passing grade, or the granting of honours and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

**3.9 Philippine Commission on Women**

National Machinery for Gender Equality and Women's Empowerment  
Organizational Structure



The Philippine Commission on Women (PCW) is a government agency under the Office of the President. The Board of Commissioners, headed by the Chairperson, sets the policies, programs/thrusts and rules towards the achievement of the vision and mission of the Commission, while the Executive Director oversees planning and implementation of PCW operations. She is assisted by two (2) Deputy Executive Directors and five (5) Division Chiefs.

**4. Conclusion**

This paper aims to revisit and be reminded about the roles of women in society and how it may even further encourage professional treatment in the workplace and in society; specifically, it will look into: What is the meaning of gender and development? What

are the legal bases that support the program of government for gender and development programs? How may the government protect the rights of women? The findings of the study: The government must monitor the implementations of the laws. The government and civil society must make collaborate for the further promotion of women's rights. The government must make sure that the distribution of positions in the government is through merit and fitness. The government must be vigilant for female overseas workers and should see to it that they are not being exploited or their rights are violated by foreign employers. The government should invite the participation of all sectors in the proper observance and implementation of the laws, rules and regulations that promote Gender equality

The study presented the legal bases through the available data, primarily government documents. The scope and delimitations of the research concentrate on the policies affecting the rights and interests of women by comparing and analyzing through the records and media interviews.

In spite of its patriarchal nature, the Philippine society allows and respects women's rights to be equal with men as far as opportunity, rights and privileges accorded to the men. The State, through the government, enact and implement laws for the proper implementation and provides penalties and sanctions for non-compliance. This move is also a show of respect to the women by recognizing their efforts in not just keeping the family as the mainstream of Philippine society but also a partner in the national development. Our country had the opportunity to be led by two women in the persons of the late President Corazon C. Aquino and President Gloria Macapagal Arroyo; it is evidence that we are now accepting the fact that women have the same capabilities and competence as their male counterparts. A society that respects the rights of individual males or females constitutes a society with a deep-rooted respect for mankind.

Attention may also be invited to the researchers and scholars of public administration, political science and management to conduct a parallel study that supports and enhance the assumption about the need to study gender equality.

## 5. Recommendations.

1. The government must monitor the implementation of the laws.
2. The government and civil society must make a collaborate for the further promotion of women's rights.
3. The government must make sure that the distribution of positions in the government is through merit and fitness.
4. The government must be vigilant for female overseas workers and should see to it that they are not being exploited or their rights are violated by foreign employers.
5. The government should invite the participation of all sectors in the proper observance and implementation of the laws, rules and regulations that promote Gender equality.

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- [5] REPUBLIC ACT NO. 9262 AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES
- [6] REPUBLIC ACT NO. 9710 AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN
- [7] REPUBLIC ACT NO. 10398 AN ACT DECLARING NOVEMBER TWENTY-FIVE OF EVERY YEAR AS "NATIONAL CONSCIOUSNESS DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN AND CHILDREN"
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