

**PHILIPPINE NGO NETWORK SUBMISSION TO THE PRE-SESSIONAL WORKING GROUP
ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS FOR THE FIFTH AND SIXTH PERIODIC REPORT TO
THE UN COMMITTEE ON ECONOMIC SOCIAL AND CULTURAL RIGHTS**

This submission is prepared by a coalition of NGOs and POs in the Philippines and covers the 5th and 6th periodic reports on the State's progress in implementing the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The aim of this submission is to provide the Pre-Sessional Working Group of the UN Committee on Economic, Social and Cultural Rights with information relevant to the composition of the List of Issues.

1. Poverty continues to be the biggest problem in the Philippines. In 2009, poverty incidence in percentage of families and population were 20.5% and 26.3%, respectively. This was minimally reduced in 2012 to 19.7% and 25.2%. Given the increasing population, however, this actually translates to an increase in the number of poor Filipino families – from 4.04 million families (equivalent to 23.30 million Filipinos) in 2009, there are now 4.21 million families (or 23.75 million Filipinos) living in poverty in 2012.
2. The UN Human Development Report 2013 ranked the Philippines 144 out of 186 countries in the Human Development Index, and emphasized the need for “pro-poor policies and significant investments in people’s capabilities – through a focus on education, nutrition and health, and employment skills” so as to “expand access to decent work and provide for sustained progress”.
3. The State has attempted to address these issues by implementing poverty alleviation policies. But based on the experience of the past few decades, these are mere stop-gap measures that fail to provide effective solutions to deeply embedded structural problems. These issues require a complete re-evaluation of all government policies, not just in terms of social development and poverty alleviation, but also in terms of economic development policies.
4. The Philippine experience illustrates how decades of economic development policies that focuses on free trade and liberalization has negatively affected the local industry and agricultural sectors. Small producers and local farmers were left to battle it out with heavily subsidized imported products that flooded the Philippine market. Consequently, rural regions are where we see the highest rates of hunger and food insecurity.
5. On the other hand, the government’s privatization policies, adopted on the assumption that they would provide greater efficiency in social services delivery, has penetrated the social goods domain such as water, housing, education, and electricity, and transformed these services into commodities rather than entitlements.
6. The inability of the State to consider the particularities of how socio-political and economic vulnerabilities affect different members of communities living on the margins of society further compound their experiences of multiple forms of oppression and deprivations.

7. We highlight three (3) main rights that we have identified as priority issues that greatly affect the ESC rights in the country. These three main rights were given priority because, despite the fact that they affect all vulnerable groups in Philippine society, violation of these rights continues to be systemic and continuous. Furthermore, the State has not taken timely and appropriate action to ensure the progressive realization of these rights since the Committee on Economic Social and Cultural Rights issued the previous Concluding Observations.

Right to Livelihood

8. The most widespread form of violation to the right to livelihood is the ongoing trend in the labor sector of replacing regular employees with contractual workers, either directly or through employment agencies. The “contractualization” trend came about as a result of the State’s misguided policy of trying to spur economic growth by exempting businesses, particularly those in the fast growing service industry, from having to comply with the basic labor benefits generally granted to permanent employees.
9. Another issue that greatly affects the majority of working Filipinos is low wages. There is a significant discrepancy between the minimum wage rate and the amount needed to sustain a family daily.
10. The State’s legal framework exempts many business establishments from complying with the minimum wage by hiring apprentices, learners, disabled workers, or those establishments regularly employing less than 10 workers. Additionally, the State’s weak labor regulatory inspectorate system has also allowed many establishments who do not fall under the exemption to get away with non-compliance of minimum wage laws.
11. Intrinsic in the right to work is the right to equal access to productive resources, including land, credit and technology. The inability of the State to effectively implement the constitutionally mandated land reform agenda further constitutes a grave violation of the right of Filipinos to livelihood.
12. The State’s policy of stimulating economic growth by encouraging foreign investments, particularly in the extractive industries has resulted in massive environmental damage and destruction. This in turn has directly caused the physical and economic dislocation of peoples and communities in the rural areas, particularly in indigenous peoples’ communities whose livelihoods are highly dependent on natural resources found on the lands they live on.
13. As farmers, rural workers, urban poor, indigenous peoples, fisherfolks, and factory workers try to defend or improve their sources of livelihood – their lands, jobs and wages – by exercising their political rights, their human rights are violated by government and non-government forces, which range from landowners, mining companies, and other local and foreign companies.
14. Many labor, urban poor, indigenous peoples, peasant and fisherfolk leaders have been arrested, charged in criminal cases, abducted or summarily killed. This illustrates once again the interdependent and indivisible nature of political and economic and social rights.

Right to Food

15. The State’s primary responsibility from its obligation to respect, protect, and fulfill the right of all Filipinos to food is to acknowledge the existence of this right. The lack of any comprehensive

policy, legal framework, or enabling law that seeks to address this right lies at the heart of the State's inability to comply with its obligations. The existing laws governing food prices do not contribute significantly to hunger mitigation.

16. This right is closely linked to the right to livelihoods as access and availability of sufficient food to meet dietary needs is intrinsically founded on the ability of people to earn sufficient incomes from their livelihoods. Despite this, laws governing wages and employment are generally unfavorable to workers, and other laws relating to income generating opportunities are generally flawed.
17. The State's inability to comply with the constitutionally mandated obligation to effectively redistribute land under the agrarian reform program further affects the availability of food of 400,000 landless farmers and their families, as well as greatly affects their capacity to earn incomes, address rural poverty, and allow farmers access to food resources.
18. The link between landlessness and poverty is not hard to show. Government data show that the top fifteen provinces with the highest land redistribution backlog have also had high poverty incidences. Thirteen of these provinces have had poverty incidences above the national average of 26.5 percent while two provinces, Masbate and Maguindanao, have had averages more than twice the national.
19. This has manifested itself in the significant rise in the number of Filipino families who rated themselves hungry. In 1999, 8.3% families said they experienced involuntary hunger at least once in the past three months. In 2013, this had gone up to 18.1%, or an estimated 3.90 million families.
20. This has greatly affected children as well. As the 8th National Nutrition Survey 2013 shows, there are 3.6 million stunted children, and 769,000 children suffering from moderate to severe wasting. The number of children aged 0-5 who are wasted increased from 6.9% in 2008 to 7.9% in 2013.

Right to Education

21. The right to education has not been fulfilled for a large number of Filipinos particularly the poorest and most excluded groups. This is clearly evident in the persisting Education for All (EFA) gaps; the huge number of out-of-school children and youth; and the State policies and budgets that discriminate against the poor and disadvantaged, resulting to widening inequality and segregation based on socio-economic status.
22. The Philippine EFA Review 2015 Report acknowledged the significant gaps to fully achieve the EFA targets with only 75% of the relevant age group completing basic education. Millions of children drop out of school every year and only 75.3% survive to complete six years of primary education. Those who drop out will most likely end up with low-skill jobs or unemployed, not having acquired the necessary skills for jobs in a modern middle-income economy.
23. A typical progression reported by the Department of Education show that for every 100 pupils that starts in Grade 1, only 68 reach Grade 6, and less than half or 47 reach 4th Year High School or Grade 10. Some 10% or 6.9 Filipinos 10-64 years old were functionally illiterate in 2013. The Philippines still ranks high among countries having the biggest number of out-of-school children.

The Philippine Statistics Authority (PSA) reported that in 2013, an estimated 4 million Filipinos 6-24 years were not in school.

Overall Recommendations

(a) The State should strengthen all its institutions at the national, regional, and local levels to make them more transparent, effective, independent, and responsive to the needs of the Filipino people. The State needs to strengthen the protection mandates of these institutions, including consistent monitoring of human rights.

(b) The State should formulate policies and programs that reflect the different realities of people, especially of those on the margins of society. The State needs to promote a more consultative approach with those directly impacted by poverty and marginalization. Solutions need to be driven by and generated from communities who directly experience the indignities of living in poverty.

(c) Policies and programs to increase people's access to employment, livelihood and social services must be made inclusive for all, and must positively promote the well-being and mental health of all persons. Discriminatory restrictions against different marginalized groups must be eliminated.

(d) The State should prioritize the generation of decent livelihood and income opportunities that provide just wages so that Filipino people can adequately provide for their basic needs and those of their families with dignity and self-respect.

Proposed List of Issues

- 1) The State has yet to ratify the Optional Protocol to the ICESCR.
- 2) The State has not put in place a National Human Rights Action Plan.
- 3) The State has yet to pass the long-overdue Charter Bill on the Philippine Commission on Human Rights.
- 4) Government spending on social services (education, health, socialized housing) remains inadequate.
- 5) The Philippine government must support the push for a legally binding treaty for Transnational Corporations accountability.
- 6) The State should ensure that existing criminal laws that are discriminatory to women and girls, and which are harmful to their overall well-being, are amended or repealed without further delay.
- 7) The State should develop employment programs that specifically target and provide better employment opportunities to young, unskilled, and inexperienced workers.
- 8) The State needs to review the provisions of the Philippine Labor Code as well as Department of Labor Orders to protect workers from contractualization practices.
- 9) The State should reexamine the current legal framework on minimum wages.

- 10) The State needs to improve efforts in monitoring the employment conditions of OFWs and ensuring that their rights are protected.
- 11) The State should ratify **ILO Convention No. 187** on Promotional Framework for Occupational Safety and Health Convention (2006), and **ILO Convention No. 155** on Occupational Safety and Health Convention (1981) and its **Protocol of 2012**
- 12) The State should immediately pass legislation that allows married couples to divorce, fully severing legal marital ties, and allowing for the possibility of remarriage.
- 13) The State should invest in a more comprehensive and sustainable social protection program that directly benefits children and which considers children's best interests. It should review and improve its flagship anti-poverty program, the Pantawid Pamilyang Pilipino conditional cash transfer program, so that it becomes truly rights-based and not just end up as a dole-out program.
- 14) The State should adopt appropriate measures to address the rising cases of HIV-AIDS infections in the country.
- 15) The State should heed the recommendation of the Special Rapporteur on the Right to Food and facilitate the passage the Zero-Hunger Bill (Right to Adequate Food Framework Bill), including the Agrarian Reform House Bill 4296 and HB 2016, and the Land Use Act. The President should certify these bills as urgent and House and Senate leaders should take positive steps to ensure their immediate passage.

APPENDIX: LIST OF PARTICIPATING NON-GOVERNMENT ORGANIZATIONS AND PEOPLE'S ORGANIZATIONS

The preparation of the entire report was facilitated by the Philippine Human Rights Information Center (PhilRights). Participating NGOs and POs included:

1. Legal Rights and Natural Resources Center (LRC-KsK/FoE)
2. NGO Coalition CRC
3. Coalition of Services for the Elderly (COSE)
4. Freedom from Debt Coalition (FDC)
5. Focus on the Global South
6. Philippine Coalition on the UNCRPD
7. Task Force Detainees of the Philippines (TFDP)
8. Philippine Alliance of Human Rights Advocates (PAHRA)
9. Education Network (E-Net Philippines)
10. Alyansa Tigil Mina (ATM)
11. Woman Health
12. Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)
13. Sarilaya
14. Women's Legal and Human Rights Bureau (WLB)

Participating NGOs and POs for the Right to Work Cluster

1. Sentro ng Alternatibong Lingap Panligal (SALIGAN)
2. Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)
3. National Union of Building and Construction Workers-Building and Wood Worker's International (NUBCW-BWI)
4. Alliance of Progressive Labor - SENTRO (APL- SENTRO)
5. Federation of Free Workers (FFW)
6. Center for Migrant Advocacy (CMA)
7. Pagkakaisa ng Manggagawa sa Konstruksyon (PAMAKO)

Participating NGOs and POs for the Right to Food Cluster

1. Foodfirst Information and Action Network (FIAN Philippines)
2. Peoples Development Institute (PDI)
3. Economic, Social and Cultural Rights Asia (ESCR-Asia)
4. Kaybanban Farmer's Association, Inc. (KFAI)
5. Pasig Libre
6. Samahan ng Nakatatanda sa Payatas, Inc. (SNAPI)
7. Samahang Magsasaka at Mangingisda ng Kahawangan at Balaganon (SAMMAKAB)
8. ChildFund Philippines
9. PLAN Philippines

Participating NGOs and POs for the Right to Health Cluster

1. Medical Action Group (MAG)
2. Hope for the Youth
3. HealthActivist.PH
4. Coalition of Services of the Elderly, Inc. (COSE)

5. Public Services Labor Independent Confederation (PSLINK)
6. Integrative Medicine for Alternative Healthcare Systems (INAM)
7. Health Justice
8. Catholics for RH (C4RH)
9. Katipunan ng Mamamayan ng Bagong Pilipinas (KMBPI)
10. Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)
11. Alternative Health Foundation (Alt*Health)
12. Philippine Rural Reconstruction Movement (PRRM)
13. Kongreso ng Pagkakaisa ng Maralita ng Lungsod (KPML)
14. Ang NARS