

PHILIPPINES

**Consideration of the Consolidated 5th and 6th Periodic Reports
International Covenant on Economic, Social and Cultural Rights (ICESCR)
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Opening Statement

Dr. ROSEMARIE G. EDILLON
Head of Delegation

Chairman Waleed Sadi;

Members of the Committee on Economic, Social and Cultural Rights;

Observers from the non-government organizations, representatives from the Commission on Human Rights of the Philippines, national human rights who are present here today; Distinguished guests, ladies and gentlemen:

Good afternoon!

I am Dr. Rosemarie G. Edillon, Deputy Director General (or, Deputy Minister) of the National Economic and Development Authority (NEDA)– the premier socio-economic development and planning agency of the Republic of the Philippines. I head the Philippine delegation to this constructive dialogue with the Committee on Economic, Social and Cultural Rights.

At the outset, we wish to emphasize that the Philippine government highly regards this constructive dialogue as an important exercise in advancing human rights advocacy among Philippines parties. It is a privilege to dialogue with human rights experts who we expect can provide further guidance into what we are doing to promote the cause in our domestic affairs, amidst the constraints that continue to confront developing countries such as ours.

In our desire to have a productive dialogue with this Committee, we have constituted a delegation composed of representatives from concerned agencies namely: National Economic and Development Authority; Departments of Foreign Affairs,

Justice; Health, Labor and Employment, Agriculture, and Education; Philippine Health Insurance Corporation; and the National Housing Authority.

Mr. Chairman,

The Philippine delegation is appreciative of the List of Issues, which affirms our own desire to address the same concerns. We agree that the only way is to go forward in the promotion, protection, and fulfillment of human rights.

Mr. Chairman,

The Philippines takes pride in a Constitution that enshrines human rights in its Declaration of Principles and State Policies. Section 11, Article II of the 1987 Philippine Constitution provides that “The State values the dignity of every human person and guarantees full respect for human rights.” Likewise, the Constitution adheres to the “doctrine of incorporation” wherein the generally accepted principles of international law form part of the laws of the land. In fact, relevant provisions of the Covenant have found a place within the legal environment of the Philippines.

We are one with the Committee’s concern as regards the adverse effects of irresponsible mining to the upkeep of our environment. On this aspect, the Philippines is pursuing a two-track strategy:

First – As of 27 September 2016, 116 operating mines were subjected to a comprehensive audit; of this number, 41 were metallic mines, 65 non-metallic and 10 under care and maintenance. Initial audit report of the 41 metallic mines conducted in August 2016 indicated that existing suspension orders for 7 of the mines would continue; 23 were recommended for suspension of operations; and 11 could continue operations. The 65 non-metallic mines and 10 under care and maintenance were included in Phase 2 and have ongoing audits in September 2016.

Second - A review of the Philippine Mining Act of 1995 covers:

- Revenue-sharing to favor the people and communities affected by mining operations;
- Restoration or rehabilitation of areas affected by disasters due to mining operations;
- Clear identification and delineation of “No-Go Zones” where mining operations are not allowed; and,
- The perpetual liability insurance to cover damages in mined-out and identified impact areas.

The Philippines also accords special attention to the plight of its indigenous peoples – the sector that is most affected by the mining industry. We continually seeks for more effective ways of empowering its indigenous peoples and communities through a series of consultation processes, in the exercise of the principle of free, prior and informed consent. By engaging its indigenous peoples and communities, we hope to strengthen the implementation of the Indigenous Peoples Rights Act, which also mandates the continuing capacitation of the National Commission on Indigenous Peoples (or, NCIP) to act on cases involving the violation of the rights of indigenous peoples.

Mr. Chairman,

The Philippines enacted a law in 2015 to strengthen the Fisheries Code to preserve the marine environment, to uphold the Filipinos’ right to freely dispose of natural resources and to pursue Philippine commitment relevant to international agreements. On access to fisheries resources, the law mandates that “preference shall be given to users in the local communities adjacent to or nearest to the municipal waters”.

Mr. Chairman,

The Philippines is aware that the misuse and abuse of public funds and resources have an adverse impact in advancing development programs for the people and their full enjoyment of economic, social and cultural rights. Several graft and corruption

cases have been filed with the Ombudsman against public officials for violations of the Philippines' Anti-Graft and Corrupt Practices Act.

For the period covering 2015 to May 2016, the Philippine Ombudsman has managed to obtain 75 convictions involving 124 individuals for graft and corruption, and 47 individuals for malversation of public funds. Seventeen (17) cases of direct and indirect bribery, punishable under the Philippine Revised Penal Code, were filed in the Office of the Ombudsman, resulting in 15 prosecutions. Thus far, there have been three (3) convictions.

Complementing these efforts are on-going measures to strengthen the enforcement of anti-corruption legislations, such as the Anti-Red Tape Act of 2007 and the *Sandiganbayan* Reform Act of 2015. The *Sandiganbayan* is a special court which has jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses, committed by Philippine public officials, officers and employees, including those in government-owned or controlled corporations, in relation to their office.

To encourage a more active engagement and participation by the general public in the anti-corruption drive of the government, and on instructions of the new Philippine President, Rodrigo Roa Duterte, the Philippines launched a **hotline service "8888"** through which citizens may report abuses and anomalous practices of erring public officials and employees. Moreover, President Duterte, on July 23, 2016, issued Executive Order No. 2 "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to Full Disclosure and Transparency in the Public Service."

These efforts to stringently monitor the use of public funds and resources have resulted in more prudent and streamlined public spending. The additional fiscal space has increased social sector spending from Php411.78 billion or approximately US\$ 8.65 billion, or 5.1% of the gross domestic product (GDP) in 2009 to a high of Php1.12 trillion or approximately US\$ 24.09 billion or 7.2% of the GDP in 2016.

Mr. Chairman,

On the issue of discrimination, we continually address cultural prejudices borne out of mis-education and under-education. The Integrated History Act of 2016 mandates the integration of the history, culture and identity of Filipino Muslims and indigenous peoples in the school curricula at all levels.

Even if we have laws that clearly prohibit discriminatory acts and practices, we continue to review pertinent provisions in our laws that may invariably result in discrimination against certain sectors, such as foreign migrant workers and LGBTI persons.

The new administration has vowed to protect women's rights, calling abuses against women unacceptable. He also called for the full implementation of the Philippines' Magna Carta of Women down to the barangay (village) level.

Mr. Chairman,

The Philippines highly values decent work as a means to spur collective development and progress. In order to address the concerns of unemployment and underemployment, such as skills shortages and job mismatch, we completed the Human Resource Roadmap for 2016-2022, which contains labor supply and demand information and responsive, timely and critical strategies to improve human resource competitiveness. We also advance programs that allow our citizens, particularly the youth and persons with disabilities (PWDs), to increase their chances of employment.

The Philippines strongly adheres to the policy of "equal pay for equal work." The Philippine Constitution and other laws respect the fundamental equality of women and men, especially in the area of employment protection and guarantees the protection of workers' right to redress of grievances.

Mr. Chairman,

On the protection of Filipino migrant workers, it is the policy of the Philippine Government to provide decent employment at home so that working abroad will be a matter of choice, rather than a necessity. But when they do opt to work abroad, their protection becomes our primordial obligation.

Under the amended Migrant Workers Act, a package of integrated support services from various government agencies are provided to prepare Overseas Filipino Workers (OFWs) prior to their departure from the country; a 24/7 assistance facility during their stay in their host countries; and a reintegration program once they opt to return to the Philippines. To make the processing of documents faster for OFWs, a one stop shop manned by 14 government agencies was launched in August 2016.

The protective mantle of the Philippine Government for its citizens abroad is provided by a network of Philippine Foreign Service Posts (FSPs), comprising of 82 embassies and consulates, and 166 honorary consulates, manned by over 1,295 personnel from foreign affairs, labor and social protection agencies, among others, all guided by the Joint Manual of Operations in Providing Assistance to Migrant Workers and Other Filipinos Overseas.

Mr. Chairman,

The Philippines recognizes that social security is the backbone of our social protection agenda. Our social security institutions ensure that retired members or in their senior years, and members who are, or have become, physically infirmed or disabled can afford to live with dignity.

Meanwhile, social welfare services are available for marginalized sectors not covered by our social security agencies, including those who have been adversely affected by disasters. The flagship programs include:

- a. The Pantawid Pamilyang Pilipino Program (Conditional Cash Transfer) is a rights based program that focuses on human capital investment through the

provision of health and education cash grants to eligible poor households conditional to children's attendance to school, pregnant women availing of pre-natal check up, and attendance to family development sessions. As of December 2015, the program covers about 4.4 million household beneficiaries nationwide, of which 89.21% or almost 4 million are women.

- b. The Supplemental Feeding Program provides public school children with one hot meal for 120 days from produce grown in local school vegetable gardens in order to achieve the health and nutrition-related SDGs.

Mr. Chairman,

The Philippines cannot overemphasize its commitment to the protection and strengthening of its basic unit – the family, with special attention to women and children.

Positive actions are being taken on bills that aim to amend the Family Code, underscoring the need for more equality in the family decision-making process. Likewise, the Anti-Rape Law of 1997 is undergoing legislative scrutiny to render the same more responsive to the realities that confront rape and would-be rape victims.

The Philippines has taken a very proactive role against human trafficking.

For the last six years (2010-2016), the number of convictions in trafficking in persons (TIP) increased by eight times from the 6 years prior. Further, the average trial duration of TIP cases has been significantly reduced from 5 to 2 years.

In the ASEAN region, the Philippines shepherded the negotiations towards the adoption in November 2015 of the ASEAN Convention in Trafficking in Persons (ACTIP) and its accompanying Regional Plan of Action for the year 2016-2020.

In June 2016, the Global Trafficking-in-Persons (TIP) Report prepared by the US State Department classified the Philippines under Tier 1, which means that the

country "fully meets" the minimum standards "for the elimination of human trafficking".

The ILO Global Child Labor Report has included the Philippines for the last three years in the top ten countries with significant progress in implementing measures towards the elimination of the worst forms of child labor.

Mr. Chairman,

Eradicating poverty remains a challenge in the Philippines. In addressing this, we continue to be guided by our commitment to human rights, social justice and rule of law. This was affirmed by President Duterte during his State of the Nation address on 25 July 2016.

We allocate funds to municipalities with the most number of the poor, with the highest incidence of poverty, and those that are vulnerable to multiple hazards.

Pursuant to the Agriculture and Fisheries Modernization Act, the Philippines implements a balanced local production and international trade strategy to increase food availability and to ensure that consumers, especially the poorest, have access to adequate, nutritious and safe food at all times.

Other measures are aimed at improving the security of housing tenure of informal settlers. The President himself has declared a stop to all demolition of illegal settlements in the absence of suitable relocation sites.

The physical health and mental well-being of its people is a priority of the Philippine Government. The current Philippine Health Agenda is anchored on Health for All Filipinos. The health care system should be equitable and inclusive to all; transparent and accountable; chooses resources efficiently; and provides high quality services in areas such as:

- universal health insurance coverage;

- maternal and children under five years of age mortality and preventable morbidity; and
- the reproductive healthcare.

Mr. Chairman,

On education, the Philippine Constitution guarantees that education receives the highest budgetary priority. We continue to implement measures that advance our people's right to education, including for vulnerable sectors such as indigenous peoples (IP).

Over the years, the Philippines has improved its learning efficiency. From 2010 to 2015, the cohort survival rates in elementary education increased from 74.2% to 87.5% and completion rates improved from 72.1% to 86.7%.

The Philippines has embarked on the biggest reform in the history of Philippine education with the shift from a 10-year to 12-year basic education cycle. As mandated by the Enhanced Basic Education Act of 2013, the K to 12 Basic Education Program seeks to make education learner-centered and responsive to the diverse context of our learners and communities and provide every learner with quality education that is at par with international standards.

This year, a total of 1,517,610 learners enrolled as the first batch of Grade 11. This is more than the total number of Grade 10 completers in SY 2015-2016, as it includes learners who have previously completed basic education under the 10-year cycle and decided to enroll in the Senior High School Program.

The National Indigenous Peoples Education (IPEd) Program, launched in 2013, continues to strengthen the enabling conditions for culture-based education, i.e., capacity building for teaching and non-teaching personnel at all levels of governance, contextualization of the curriculum, development of culturally appropriate learning resources and increase in budget allocation and education infrastructure.

From 2013 to 2016, a total of Php972.4 million or approximately US\$21.75million was allocated to new initiatives under the National IPEd Program. This is in addition to the regular budget allocated for IP students enrolled in public schools.

For this school year, the Philippines is completing the establishment of 251 new schools with 605 classrooms and the deployment of an additional 583 teachers to serve more than 18,000 students from IP communities in Mindanao alone. In the last six years, there has been a dramatic increase in IP enrolment by 206% from 798,878 in SY 2010-2011 to 2,445,256 in SY 2015-2016.

Mr. Chairman,

The Philippines continues to nurture its cultural heritage and respect and protect its cultural diversity. We established the National Endowment Fund for Culture and the Arts (NEFCA) and allocated a budget of US\$6 million in 2014 and US\$19 million in 2015. This Fund support projects such as arts festivals, publication/documentation, research and development, restoration and preservation of cultural heritage, among others. To date, it has benefited 1,187 individuals, non-government organizations (NGOs), people's organizations, academic institutions, and local government units.

Finally Mr. Chairman,

Let me share President Duterte's statement that sums up our country's direction to promote, protect and fulfill our people's economic, social, and cultural rights.

"There can never be real, tangible and felt development without making our people feel secure and it is our duty to uplift the people's welfare."

"With this, my administration shall be sensitive to the Philippines's obligations to promote, and protect, fulfill the human rights of our citizens, especially the poor, the marginalized and the vulnerable and social justice will be pursued, even as the rule of law shall at all times prevail."

“My administration shall implement a human approach to development and governance, as we improve our people’s welfare in the areas of health, education, adequate food and housing, environmental preservation, and respect for culture.

“Human rights must work to uplift human dignity.”

I wish to thank the Committee for this opportunity to dialogue. I am confident that our sharing of experiences and expertise on the matter of the Philippines’ implementation of the ICESCR will redound to the benefit of the Filipino people.

