



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **Seventh periodic report submitted by the Philippines under articles 16 and 17 of the Covenant, due in 2021\***

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\* The present document is being issued without formal editing.



## A. Overall assessment

1. In adherence to the Philippines' commitments under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the government has implemented various initiatives in accordance with human rights principles, towards empowering every Filipino to achieve a strongly rooted, comfortable, and secure life.<sup>1</sup>
2. As a result of these measures, the Human Development Index (HDI) increased from 0.701 in 2015 to 0.718 in 2019, marking the first time that the Philippines joins the category of high-level HDI.
3. The State also achieved, four years ahead of schedule, a significant decline in poverty incidence beyond the targets set by the government. Overall poverty incidence declined from 23.5 percent in 2015 to 16.7 percent in 2018, while rural poverty incidence declined from 34.0 percent in 2015 to 24.5 percent in 2018. While the COVID-19 pandemic reversed some of these gains, the State continues to implement measures to cushion the socioeconomic impact of the crisis on Filipinos and persons residing in the Philippines.
4. Measures that contributed to these achievements include the creation of a higher number of paid jobs, provision of cash transfers to an estimated 10 million low-income families, and enactment and implementation of various laws that provide economic, social, and cultural security to all residents. With reference to the specific recommendations of the UN Committee on Economic, Social and Cultural Rights (UN CESCR) on the Philippines' 2016 Combined Fifth and Sixth Periodic Reports on the implementation of the ICESCR, the State deems that it has sufficiently complied and addressed majority of the Committee's observations. The State also commits to continue its efforts towards complying with all recommendations to promote and protect the rights of all its citizens.
5. The State likewise ensures its adherence to the PANTHER principles of human rights and governance – Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment, and the Rule of Law – in the formulation and implementation of its policies.
6. In its various programs and projects, the State adhered to fair and just legal frameworks, foremost of which is the 1987 Philippine Constitution and international human rights standards. Relevant stakeholders and individuals are encouraged to participate in decision-making processes through multi-stakeholder consultations and dialogues. Mechanisms are in place to ensure accountability by providing timely response to concerns and complaints of affected individuals. To ensure non-discrimination, the State gave special attention to the interests of marginalized and vulnerable groups, such as through the mandatory representation of indigenous peoples in local legislative councils and inclusive education for children with disabilities.
7. For transparency in governance, the State made information on matters of public concern, such as the preparation of the national budget and provision of social benefits, freely available and directly accessible through publication in various platforms. Through information dissemination, education and communications materials, advocacy campaigns, multi-stakeholder dialogues, and seminars, the State made its citizens – especially the most vulnerable and marginalized – aware and empowered to claim their rights and entitlements.
8. The State likewise ensured a wide range of participation in the formulation of this report. Fifty government agencies and instrumentalities from the judiciary, legislative, and executive branches contributed to its drafting. It also consulted non-government organizations (NGOs) to validate and enhance the report. *Annex A* provides a list of all government agencies and NGOs that participated in its preparation.

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<sup>1</sup> This is the collective long-term aspiration of the Filipino people, articulated under the Filipino Long-term Vision or "AmBisyon Natin 2040". This AmBisyon was the result of a long-term visioning process that began in 2015. More than 300 citizens participated in focus group discussions and close to 10,000 answered the survey, with technical studies conducted to identify strategic options for realizing the vision.

## B. Specific measures and accomplishments

9. The measures undertaken by government agencies and instrumentalities as duty bearers, in response to the concluding observations and recommendations of the UN CESCR on the Philippines' Combined Fifth and Sixth Report, are included in this report. These are organized according to the subjects of concern from the UN CESCR's concluding observations and recommendations.

### 1. Domestic application of the Covenant

10. The Philippine Constitution upholds and protects the economic, social, and cultural rights of every Filipino citizen and persons residing in the Philippines. Pursuant to Section 5, paragraph 5, Article VIII of the 1987 Constitution, the Supreme Court (SC) has the power to "promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged." As such, the SC promulgated the following rules and guidelines to ensure the just and speedy disposition of cases and the protection of rights:

- (a) Rules on the Use of Body-Worn Cameras in the Execution of Warrants (June 29, 2021);
- (b) Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support (May 31, 2021);
- (c) Rule on Asset Preservation, Seizure, and Forfeiture in Criminal Cases Under Republic Act No. 9160 as Amended (May 31, 2021);
- (d) The Court of Appeals Rule of Procedure in Cases of Bank Inquiry into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or a Money Laundering Offense Under RA 9160, as Amended (May 31, 2021);
- (e) 2020 Guidelines for the Conduct of the Court-Annexed Mediation and Judicial Dispute Resolution in Civil Cases (March 1, 2021);
- (f) 2020 Revised Rules of Procedure for Intellectual Property Rights Cases (November 16, 2020);
- (g) Guidelines in the Imposition of Community Service as Penalty in Lieu of Imprisonment (November 2, 2020);
- (h) 2019 SC Revised Rule on Children in Conflict with the Law (January 22, 2019);
- (i) 2019 Proposed Amendments to the 1997 Revised Rules of Civil Procedure (May 1, 2020);
- (j) 2019 Proposed Amendments to the Revised Rules on Evidence (May 1, 2020);
- (k) Rule on Cybercrime Warrants (August 15, 2018);
- (l) Plea Bargaining Framework in Drugs Cases (April 10, 2018 and June 4, 2019); and
- (m) Revised Guidelines for Continuous Trial of Criminal Cases (September 1, 2017).

11. Through the promulgation of the 'Rule on the Writ of *Amparo*' on September 25, 2007, the writ of *amparo* is offered as a remedy to any person whose right to life, liberty, and security is violated or threatened by an unlawful act or omission of a public official or employee, or of a private individual or entity. Responding police officers are reminded to uphold the rights of Filipinos and persons residing in the Philippines in accordance with the Constitution, and to conduct investigations following their promulgated manuals including the Ethical Doctrine Manual.

12. Initiatives to enhance the public sector's capacity in promoting and protecting the citizens' economic, social, and cultural rights have also been undertaken. In accordance with

Article 6(2) of the Covenant, the Local Government Academy (LGA) implements the ‘Building Safe and Peaceful Communities’ Program which localizes the Sustainable Development Goals (SDGs) through Family-based Actions for Children and Their Environs in the Slums (FACES). In the first quarter of 2021, the LGA trained 113 members of the local governments’ Regional FACES Team on establishing effective family-based social service delivery in conflict-affected areas. Recognizing the risks and vulnerabilities arising from factors such as conflict, this Program seeks to empower citizens and ensure they are able to enjoy their rights to a healthy and safe environment and to participate in political and socioeconomic activities.

## 2. Data collection

13. The State has made great strides in improving data collection, including specific data on marginalized groups such as people living in poverty, persons with disabilities, and indigenous peoples (IPs).

14. RA 11055 or the Philippine Identification System (PhilSys) Act was signed into law on August 6, 2018. The PhilSys Act aims to provide citizens and resident aliens with a valid proof of identity and serve as the social and economic platform through which all transactions and services can be availed. Ultimately, PhilSys will improve access to better services, particularly on social welfare, by simplifying public and private transactions.

15. To prioritize low-income households that likely do not have reliable internet access, the government conducted house-to-house registrations to collect demographic data even during the COVID-19 pandemic. Through these efforts, there are roughly 37 million individuals registered in the PhilSys as of August 2021. The Philippine government aims to register 50 to 70 million Filipinos and achieve 100 percent financial inclusion at the family level by the end of 2021. This will help ensure the speedy and efficient delivery of government assistance to unbanked beneficiaries, which is crucial especially in times of crises such as the COVID-19 pandemic.

16. Through the 2020 Census of Population and Housing (CPH) conducted in September 2020, the Philippine Statistics Authority (PSA) collected data on ethnicity and functional difficulty. The results will be available by the second semester of 2022.

17. The Philippines generates poverty estimates at the national, regional, and provincial levels through the Family Income and Expenditure Survey (FIES) conducted every three years. Municipal- and city-level poverty estimates for 2009, 2012, and 2015 were generated through the Small Area Estimates Project implemented by PSA.

18. In 2019, two major laws were passed entailing data collection on persons with disabilities. RA 11228 provided for the mandatory coverage of persons with disabilities under the Philippine Health Insurance Corporation (PhilHealth) and mandated the Department of Health (DOH) to maintain and update a database on persons with disabilities and their health and development needs. Meanwhile, RA 11315 established the Community-Based Monitoring System (CBMS), aimed at generating updated and disaggregated data for identifying beneficiaries, conducting more comprehensive poverty analysis and needs prioritization, and designing and monitoring appropriate policies and interventions.

19. Through the CBMS, local government units (LGUs) are now collecting and maintaining data on persons with disabilities and can analyze the poverty situation in their own localities.

20. Prior to the enactment of these laws, a National Disability Prevalence Survey was conducted from November 21 to December 31, 2016. As a general population survey, this allowed for a direct comparison of the needs and barriers faced by groups with differing levels of disability. Around 11,000 households were surveyed. Respondents provided inputs on policy and decision-making on the special needs of persons with disabilities. Results of the survey are publicly available through the PSA website.

21. Since 2017, the National Commission on Indigenous Peoples (NCIP) has been implementing the Philippine Indigenous Peoples Ethnography (PIPE) Program, which aims

to develop a comprehensive ethnography of all the Indigenous Cultural Communities (ICCs)/IPs in the country. As of December 2018, the government documented 51 indigenous knowledge systems and practices from 25 IP groups, 18 customary laws, and 25 indigenous political structures. This initiative was geared towards understanding the specific cultural and organizational systems, institutions, relationships, rules, patterns, and processes of IP groups. Meanwhile, the Philippine Statistical Research and Training Institute (PSRTI) has ongoing studies on establishing a registration system for IPs to augment the data collected through the national census and the PIPE Program.

### 3. Commission on Human Rights of the Philippines

22. Specific legislation passed by Congress from 2018 to 2020 reinforced the mandate of the Commission on Human Rights (CHR) to monitor all human rights, which include economic, social, and cultural rights, and to investigate human rights violations:

(a) RA 11036 or the Mental Health Act (June 20, 2018) – In line with Article 12(1) of the Covenant, this law ensures that the State would fulfill the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services. It designates the CHR as a member of the Internal Review Board and directs it to appoint a focal commissioner for mental health to undertake the tasks necessary under the law;

(b) RA 11106 or the Filipino Sign Language Act (October 30, 2018) – The law declares the Filipino Sign Language as the national sign language in the Philippines, mandating its use in schools, broadcast media, and workplaces. In line with Article 6(2) of the Covenant, it ensures inclusion and access of the Filipino deaf to services and socioeconomic opportunities. It also designates the CHR as member of the Inter-Agency Council that shall monitor and implement this Act;

(c) RA 11166 or the Philippine HIV and AIDS Policy Act (December 20, 2018) – In line with Articles 2(2) and 12(2) of the Covenant, this law ensures that persons affected by human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) are able to access services without fear of stigma. The CHR is one of the agencies mandated to ensure the delivery of non-discriminatory HIV and AIDS services and to develop redress mechanisms for people living with HIV and key affected populations to ensure the protection of their civil, political, economic, and social rights;

(d) RA 11188 or the Special Protection of Children in Situations of Armed Conflict Act (January 10, 2019) – In accordance with Article 10(3) of the Covenant, the law protects children in situations of armed conflict from abuse, violence, neglect, cruelty, discrimination, and other conditions prejudicial to their development. It directs CHR to serve as member of the Inter-Agency Committee and the Congressional Oversight Committee on Children in Situations of Armed Conflict. It also mandates CHR to designate prosecutors or investigators, as the case may be, for cases involving crimes punishable under the Act;

(e) RA 11210 or the 105-Day Expanded Maternity Leave Law (February 20, 2019) – In accordance with Article 10(2) of the Covenant, the law provides an expanded maternity leave period of 105 days, from the previous 60 days, for women workers to allow mothers ample transition time before resuming paid work. The CHR is one of the agencies tasked to conduct a periodic review of the maternity leave benefits of female workers, in view of meeting the needs of pregnant women and newly born infants and improving their welfare;

(f) RA 11313 or the Safe Spaces Act (April 17, 2019) – In line with Article 7(b) of the Covenant, the law ensures that both men and women have equality, security and safety not only in private, but also in the streets, public spaces, online, workplaces, and educational and training institutions. It designates CHR as one of the agencies tasked to formulate the implementing rules and regulations of the Act; and

(g) RA 11479 or the Anti-Terrorism Act (July 3, 2020) – Section 47 of the law mandates CHR to give the highest priority to the investigation and prosecution of violations of civil and political rights of persons.

23. Meanwhile, four bills are pending in Congress since 2019 on strengthening the functional and structural organization of the Commission (or the CHR Charter Bill). This aims to strengthen the Commission's functions as a National Human Rights Institution (NHRI), and to enhance its mandate on economic, social, cultural, civil, and political rights. The Commission continues to advocate for the passage of this bill, as it will provide the CHR a broad mandate and competence, autonomy from the government, independence, pluralism, adequate resources, and adequate investigative powers consistent with the Paris Principles.

#### **4. Human rights defenders**

24. The State takes cases of human rights violations seriously and values the work and cooperation of human rights defenders. Since 2019, House Bill Nos. 15, 161, and 240 on the protection of human rights defenders have been filed and are pending for deliberation in the House of Representatives' Committee on Human Rights.

25. The CHR has strengthened the investigation and resolution of human rights violations cases by building their capacities in investigation strategies and case-build up.

26. In September 2019, the Commission conducted an inquiry on the situation of human rights defenders in the country to determine the veracity of the contentions against State organs and dispose of issues regarding alleged human rights violations. The proceedings were open to the public through livestreaming over the internet, thus facilitating the participation of a significant number of human rights defenders, foreign and domestic civic organizations, government officials, and other stakeholders.

27. At the end of the inquiry, the CHR provided recommendations for the executive, legislative, and judiciary branches to address rights violations, which the State commits to fulfil. The full report is available to the public through the Commission's website.

28. Meanwhile, the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty, and Security of Persons<sup>2</sup> undertakes measures to ensure the investigation and resolution of violations against human rights defenders and against citizens in general. The Committee entered into a data-sharing agreement with CHR in September 2020 to facilitate exchange of information during the conduct of investigations and to protect the interest of witnesses. It likewise engages in dialogue with families of victims and with human rights defenders, including trade unions, to address issues and challenges in the investigation of cases and to promote access to justice. The Committee organized the Human Rights Summit in 2020 to engage different stakeholders in meaningful dialogue towards preventing occurrence of human rights violations and creating a safer environment for all.

29. The Committee enhances its capacity to fulfill its mandate by collaborating with various agencies of government, conducting trainings for AO 35, s. 2012 prosecutors and investigators, and increasing the number of Special Investigation Teams to address case build-up. Revision of the Operational Guidelines of AO 35 s. 2012 is also underway to make it more responsive to the current demands in the field.

#### **5. Indigenous Peoples**

30. The State continues to undertake measures towards fully implementing the 1997 Indigenous Peoples' Rights Act, especially with regard to their rights to ancestral lands, territories, and resources. As of 2019, the NCIP has registered 244 Certificates of Ancestral Domain Titles, covering more than 5.7 million hectares that benefit 1,314,419 IP rights holders. This is in accordance with the NCIP's AO 4, s. 2012 or the Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands.

31. In August 2018, the NCIP issued Resolution No. 07-134.2018 providing revised guidelines on the formulation of Ancestral Domain Sustainable Development and Protection

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<sup>2</sup> Created under Department of Justice (DOJ) Administrative Order No. 35, s. 2012.

Plans (ADSDPP). As of 2019, 175 ADSDPPs have been formulated and are being implemented, benefiting roughly 700,000 ICCs/IPs nationwide.

32. A bill on the National Land Use Act (NaLUA) is still pending in Congress at the Committee level. Meanwhile, an Executive Order (EO), which aims to expedite land use-related activities including the delineation and mapping of ancestral domains as an interim measure, is in the final stages of review by the Office of the President (OP).

33. In November of 2018, NCIP issued AO 03, s. 2018 providing revised national guidelines for the mandatory representation of IPs in local legislative councils and policy-making bodies. This empowers indigenous leaders to participate and raise their communities' concerns in policymaking. Currently, there are 4,014 IP Mandatory Representatives in local decision-making bodies, selected by their own groups.

34. The NCIP is assessing the International Labour Organization's (ILO) Indigenous and Tribal Peoples Convention No. 169 of 1989 for ratification. It has conducted regional assemblies, roundtable discussions with ICCs/IPs, stakeholders, and civil society to ensure wide participation of groups in the decision-making process. However, it stalled the consultation process due to the COVID-19 pandemic.

35. The representation of the Commission and of IPs was broadened in recent years through participation in nine UN conferences and other fora such as the Expert Mechanism on the Rights of Indigenous Peoples, UN Human Rights Council, and UN Forum on Business and Human Rights, among others.

36. To ensure protection of IP rights in the government's operations against armed communist conflict, EO 70, s. 2018 mandated the membership of NCIP in the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). The Commission has designated representatives to the regional, provincial, and *barangay* ("village")-level counterparts of the Task Force.

#### **On mitigating the impact of conflicts and disasters on Indigenous Peoples**

37. The Commission, along with the IP Mandatory Representatives, were actively involved in the planning and implementation of *Barangay* Development Plans for *barangays* within ancestral domains to ensure that ICCs/IPs residing therein would be protected against recruitment to terrorist armed groups. At the regional level, the Commission developed 12 Regional Implementation Plans for the National Peace Framework to support the NTF-ELCAC. The whole-of-nation approach, adopted under EO 70, s. 2018, likewise saw the cooperation of ICCs/IPs with the NCIP in addressing issues of burning properties in ancestral domains due to inter-tribal conflicts and in assisting IP victims of calamities. The latter includes assistance to 2,713 victims from the Cordillera Administrative Region (CAR) and Regions 1 and 2 during Typhoon Ompong in September 2018 as well as the release of PHP56 million to IP communities in Regions 4, 6, and 7 for post-Typhoon Yolanda recovery and rehabilitation.

#### **On full access of Indigenous Peoples to social services**

38. The State continues to undertake activities to ensure IP's access to health care through IP health caravans; documentation of indigenous health knowledge systems and practices (KSPs); and conduct of culture sensitivity trainings on IP Health for medical frontliners and other service providers.

Table 1  
**2020 Accomplishments of Activities on IP Health**

<i>Activity</i>	<i>2020 Accomplishments</i>
Culture sensitivity trainings for IP Health	119 trainings conducted, with a total of 3,710 participants

<i>Activity</i>	<i>2020 Accomplishments</i>
National training/capacity building on the formulation of Ancestral Domain Investment Plan for Health	2 national trainings conducted 59 Ancestral Domain IP Health Plans formulated
Health Promotion and Disease Prevention	92 IP Health caravans conducted, with 26,312 IPs served
Research and Documentation on Indigenous Health KSPs	5 IP Health KSPs documented

*Source:* NCIP

39. The administration of scholarship programs and other educational rights intended for IPs is one of the priority development interventions of the Commission. Through its IP Education and Advocacy Services, the Committee provides scholarships, educational assistance, and advocacy activities to IP students.

Table 2  
**Accomplishments of the IP Education and Advocacy Services**

<i>Component</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Educational Assistance Program (EAP)	9,387 grantees	6,781 grantees	6,137 grantees
Merit-based Scholarship Program	113 scholars	123 scholars	110 scholars
Support and Advocacy Program	Workshops and trainings 716 EAP graduates and IP youths were accorded financial assistance for Professional Board Review 29,792 IP students provided school supplies and materials	2,725 students from IP community schools accorded financial assistance 156 IP students supported in Professional Board Review 26 IP honor students granted incentives 1,185 IP graduates provided capacity building for work	5,988 students from IP community schools accorded financial assistance 117 IP students supported in Professional Board Review 26 IP honor students granted incentives 12 IP students under supplemental feeding program

*Source:* NCIP

## 6. Maximum available resources

40. Through the implementation of the State's banner programs on poverty alleviation and social protection, public spending on social services has increased in recent years and is on track to meet the target set in the 3rd Philippine Human Rights Plan (PHRP) of 9.1 percent of gross domestic product (GDP) by 2022.



Table 3  
**Spending for social services as percent of GDP (2017–2021)\***

<i>PHRP Target by 2022</i>	<i>Baseline</i>	<i>Accomplishment</i>
Spending for social services expanded to 9.1 percent of GDP	6.4 (2016)	7.3 (2017)
		6.8 (2018)
		6.9 (2019)
		8.3 (2020)
		8.5 (2021)

\* Includes budget for health, housing, education, social welfare and employment, and social infrastructure

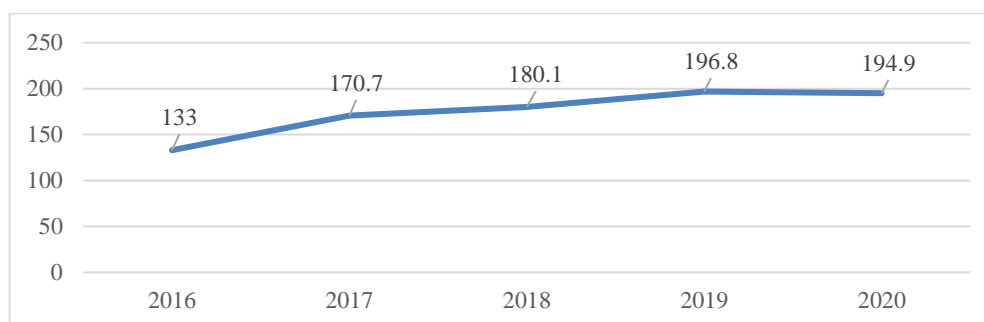
Source: Department of Budget and Management

41. The annual budget preparation process is participative and involves consultations with the Regional Development Councils (RDCs), civil society, student and faculty associations, and other stakeholders under the Assistance to Disadvantaged Municipalities Program. To promote transparency, accountability, and awareness in the adoption of the national budget, the Department of Budget and Management (DBM) has been publishing since 2021 the *Budget ng Bayan* (“People’s Budget”) – a laymanized and graphics-driven summary of the budget that allows ordinary citizens to understand the relevant fiscal information. The DBM publishes this budget annually in English and Filipino, and translates it into other dialects to reach a wider audience.

#### **On social security**

42. The amount of social security benefits disbursed to beneficiaries showed increasing trend in the past five years. Congress passed into law the Social Security Act on February 7, 2019 to rationalize and expand the powers and duties of the Social Security Commission to ensure the long-term viability of the country’s Social Security System (SSS). This is also to afford meaningful social security protection to Filipino workers, both local and overseas, and their beneficiaries.

Figure 1  
**Amount of SSS benefits disbursed to beneficiaries (in PHP billion)\***



\* Disaggregated data based on regional distribution, type of benefit/claim, sex, and age are collected and available upon request

Source: SSS

43. To enhance transparency in claiming of benefits, SSS actively utilizes various platforms such as the SSS website, text blasts, regular e-mails, and social media sites to share relevant information to members. The SSS also offers various options for lodging concerns or complaints regarding the claim process or erring officers to empower members to claim their rights and exact accountability.

44. The SSS’s Small Business Wage Subsidy (SBWS) program also provided wage subsidies of PHP5,000 to PHP8,000 per month for up to two months to eligible employees

of small businesses affected by the enhanced community quarantine (ECQ) imposed during the COVID-19 pandemic. The program provided wage subsidies to over three million employees nationwide in 2020.

### On housing

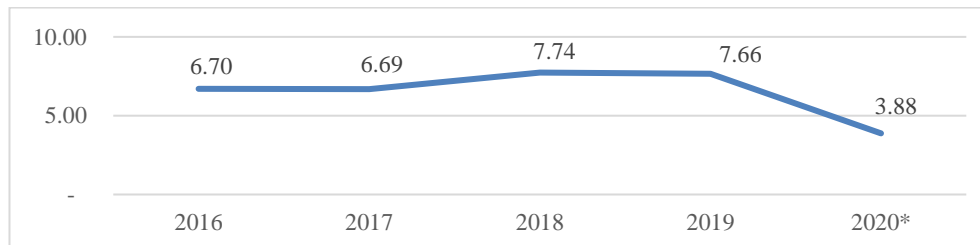
45. RA 11201 created the Department of Human Settlements and Urban Development (DHSUD) on February 24, 2019. The DHSUD performs the consolidated functions of the defunct Housing and Urban Development Coordinating Council (HUDCC) and the Housing and Land Use Regulatory Board (HLURB). It primarily focuses on providing access to decent, affordable, resilient, and sustainable housing communities to all Filipinos, particularly the underprivileged and those in the low-income bracket.

46. A National Housing Development Bill, which aims to reduce the country's housing backlog through continuous funding support for the National Development and Housing Program, is currently pending in both chambers of Congress. The proposed measure seeks to develop and implement various types of housing programs intended for the bottom 30 percent of the income population, which includes resettlement, housing programs for low-salaried government employees, settlements upgrading, and housing programs of calamity victims, among others.

47. The State's capacity to guarantee housing loans increased from 2019 onwards due to higher capitalization resulting from the merger of the Home Guaranty Corporation and the Philippine Export-Import Credit Agency into the Philippine Guarantee Corporation (PhilGuarantee). Under the new body, three programs cover guarantee for socialized housing: Retail Guarantee Program, Cash flow Guarantee of *Abot Kaya Pabahay* ("Affordable Housing") Fund, and Guarantee Program for Small Housing Loans. Figure 2 below provides the guarantees granted for socialized housing from 2016 to 2020.

Figure 2

#### Guarantees to Socialized Housing Loans (in PHP billion)



\* Drop in 2020 may be attributed to lower housing loan uptake during COVID-19 pandemic.

Source: PhilGuarantee

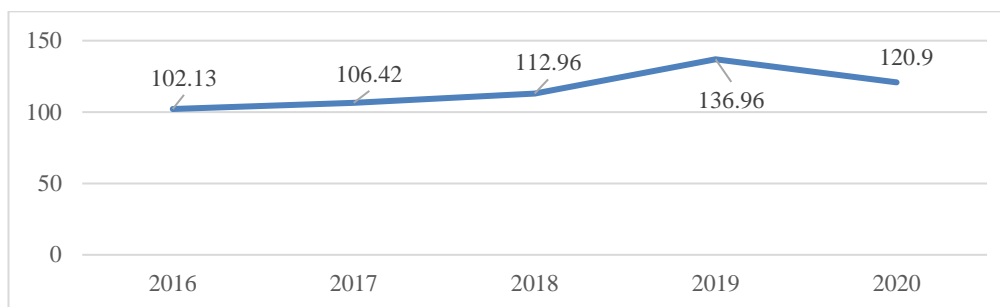
48. From 2016 to 2020, the Social Housing Finance Corporation was able to provide security of tenure for 112,304 Informal Settler Families through its community-driven shelter programs, with roughly PHP11 billion worth of loans released to finance their housing.

### On healthcare

49. Pursuant to the Universal Health Care (UHC) Act of 2019 that provides for immediate eligibility, 100 percent of Filipinos are now empowered to access quality healthcare. Cognizant of the differences in culture, values, and beliefs, the system employs a people-oriented approach centered on their needs and well-being. Strengthening the health sector continues to be a top priority of the State, as evidenced by the increasing health budget throughout the years (from PHP24.7 billion in 2010 to PHP134.4 billion in 2021).

50. The upward trend in claims of healthcare benefits under the UHC is evident in the benefit expenses of PhilHealth in 2019, as compared to pre-UHC from 2016 to 2018. However, there is a slight decline in 2020 due to the change in health seeking behavior owing to the COVID-19 pandemic.

Figure 3  
Annual benefit expense of the PhilHealth (in PHP billion)



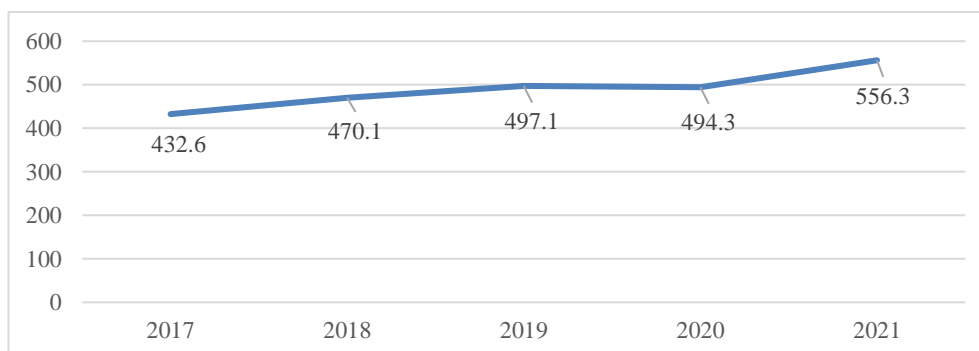
Source: PhilHealth

51. During the COVID-19 pandemic, healthcare provision became even more critical. Enacted on 24 March 2020, RA 11469 or the *Bayanihan* to Heal as One Act provides additional funds to address requirements for contact tracing, testing, and treatment and to assist low-income families and economically displaced returning overseas Filipinos. This was followed by the enactment of RA 11494 or the *Bayanihan* to Recover as One Act on September 11, 2020 to sustain efforts in improving health system capacity during the COVID-19 crisis.

#### On education

52. Article XIV, Section 5 of the 1987 Philippine Constitution provides that “the State shall assign the highest budgetary priority to education.” For 2021, the budget of the Department of Education (DepEd) – Office of the Secretary, representing the allocation for Central and Regional Offices, is equivalent to 12.35 percent of the national budget, which is 6.94 percent higher than the 2020 budget. The budget allocation for pre-primary, primary, and secondary education has likewise been increasing in the past five years.

Figure 4  
Budget allocation for pre-primary, primary and secondary education (In PHP billion)



Source: DBM

53. Continued investments of the government in basic education, including the sustained implementation of the K to 12 Basic Education Program institutionalized through RA 10533, contributed to keeping more young learners in school. DepEd has been providing education services to more students in recent years, with the increasing trend in net enrolment rate from 2015 to 2019 in the elementary and junior high school levels. The senior high school level, introduced in schools in 2016, has also seen increased net enrolment rate from 46.12 percent in 2017 to 48 percent in 2018. The DepEd has likewise increased its number of schools from 2018 to 2020 through continued implementation of its School Building Program.

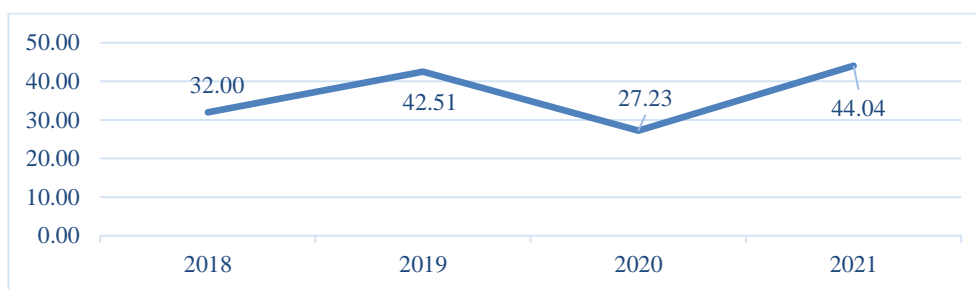
54. To support the Basic Education Learning Continuity Plan, DepEd allocated PHP16.62 billion for Flexible Learning Options in response to the ongoing COVID-19 pandemic – more than 2,000 percent increase from the 2020 budget.

55. DepEd also prioritized major education programs for 2021, such as the Government Assistance and Subsidies Program (PHP26.83 billion), School-Based Feeding Program (PHP6.04 billion), Last Mile Schools Program (PHP1.50 billion), Madrasah Education (PHP346.83 million), and Indigenous Peoples Education (PHP159.08 million).

56. The passage of RA 10931 or the Universal Access to Quality Tertiary Education Act (UAQTEA) on August 3, 2017 has secured increased state funding for tertiary education. More students are now able to access tertiary education through financial assistance under the Tertiary Education Subsidy (TES) and the Free Higher Education (FHE) Program. The budgetary allocation for each fiscal year under these programs is approximately divided as follows: (a) 60 percent for TES, which will support the full or partial cost of tertiary education of poor students identified by the National Household Targeting System for Poverty Reduction; and (b) 40 percent for the FHE Program, which subsidizes the tuition and other school fees of students in State Universities and Colleges (SUCs) and Local Universities and Colleges (LUCs) recognized by the Commission on Higher Education (CHED).

Figure 5

**Budget allocation for UAQTEA (Higher Education) from 2018–2021(In PHP billion)**



Source: CHED

57. With the increase in budget from 2019 to 2021, more beneficiaries received support under the FHE and TES programs between Academic Years 2019–2020 and 2020–2021.

Table 4

**Financial Assistance Programs under UAQTEA (2019–2021)\***

Program	Academic Year	
	2019–2020 (1st Semester)	2020–2021 (1st Semester)
FHE	1,331,178 beneficiaries (from 114 SUCs and 103 LUCs)	1,623,628 beneficiaries (from 114 SUCs and 105 LUCs)
TES	412,958 total grantees	435,364 grantees
Public Institutions	159,182 grantees	138,227 grantees
	111 SUCs: 140,650 grantees	112 SUCs: 121,410 grantees
	97 LUCs: 18,532 grantees	99 LUCs: 16,817 grantees
Private Institutions	253,776 grantees	297,137 grantees
	(1,247 Institutions)	(1,219 Institutions)

\*Disaggregated data based on regional distribution and sex are collected and available upon request  
Source: CHED

58. To ensure that the views of vulnerable and marginalized sectors are properly addressed, the Unified Student Financial Assistance System for Tertiary Education has conducted the following activities in the past three years: (a) public consultations on the law; (b) executive meetings and dialogues with SUCs, LUCs, and Private Higher Education Institutions; (c) nationwide assessment activities on implementation of the TES; (d) general coordination meetings on subsidy disbursement; (e) mid-year assessment and planning workshops; and (f) year-end assessments.

## 7. Corruption

59. The Philippine government has been implementing various initiatives to improve governance mechanisms towards the control of graft and corruption.

60. With the passage and implementation of RA 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act on May 28, 2018, government agencies began simplifying reporting tools, utilizing digital platforms for complaints filing and evaluation, case management, case inventory, and establishing quick response systems.

61. On April 30, 2021, the Presidential Anti-Corruption Commission (PACC) launched Project *Kasangga: Aksyon Laban sa Korapsyon* (“Action against Corruption”), which coordinates government initiatives towards the reduction of corruption incidence, cascading of anti-corruption advocacy to the lowest unit, and cooperation for the speedy detection, prosecution, and resolution of graft and corruption cases within their own agency or department.

62. The Project *Kasangga* will establish anti-corruption committees at the local government level and deputize barangay officials, civil society, media, and private organizations as anti-corruption partner-watchers to monitor government activities, projects, and services.

63. During the COVID-19 pandemic, the PACC also established an online monitoring system using Facebook Messenger, e-mail, and SMS platforms through which the public can report any allegation of corruption in the distribution of the national government’s financial assistance. Reports received were immediately processed and referred to concerned government offices for action.

64. The Department of the Interior and Local Government’s (DILG) *Bantay Korapsyon* (“Corruption Watch”) Program mobilizes citizens in holding erring local officials accountable for committing corrupt practices and for failure to perform their duties. Through its *Sumbungan* Online (“Online Complaint System”), individuals, people’s organizations, and NGOs may file their complaints through email. Of the 846 corruption-related complaints received under this program in 2020, the DILG endorsed 47 complaints to the Office of the Ombudsman for further evaluation, 13 complaints for the conduct of lifestyle check, and 33 complaints to the Commission on Audit (COA) for further inquiry and/or action.

65. From January to June 2021, the *Bantay Korapsyon* Central Office received 74 complaints consisting of 49 corruption-related complaints, 14 COVID-19 related complaints, and 11 requests for assistance. The DILG acted on these complaints as follows: (a) endorsed to the appropriate agencies for review and appropriate action, (b) recommended for issuance of show-cause orders, (c) transmitted to the office of the Ombudsman, or (d) disposed after thorough review.

66. The Office of the Ombudsman has likewise been entertaining anonymous complaints with sufficient investigative leads. It refers such complaints to field investigators who will verify the information, gather documentary evidence, interview possible witnesses, and eventually act as the nominal complainants in the administrative, criminal, or forfeiture cases filed against erring public officers and employees. Entertaining anonymous reports ensures the safety of complainants and encourages more report filing.

67. The enactment of RA 11521 on January 29, 2021 amending the Anti-Money Laundering Act (AMLA) of 2001 provides another layer of protection for those who report suspicious transactions to the Anti-Money Laundering Council (AMLC). Under Section 8-A thereof, AMLC and its Secretariat “shall securely protect information received or processed and shall not reveal, in any manner, any information known to them by reason of their office. This prohibition shall apply even after their separation from the AMLC.”

68. The law further strengthened the investigative powers of the Council, expressly allowing it to apply for the issuance of a search and seizure order or a *subpoena ad testificandum* and/or *duces tecum* with any competent court. Moreover, AMLC has taken steps to deprive criminals of their proceeds using provisional measures pursuant to possible civil forfeiture, with particular focus on drugs, fraud, corruption, cybercrime, and human

trafficking. The Council also reorganized and created an investigation team focused on corruption.

69. Within the public service itself, corrupt practices may be reported to the Civil Service Commission (CSC) pursuant to RA 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees. From 2016 to 2020, CSC received more than 6,000 cases on violation of the code. The CSC reviews and transmits these cases to the proper authority for prosecution, as warranted.

70. To institutionalize a culture of professionalism, integrity, and excellence within the public service, CSC has been conducting the Public Service Values Program (PSVP) since 2016 with modules for public officials and employees. From April 2016 to February 2020, 2,493 government personnel from 22 agencies underwent the values seminar. During the COVID-19 pandemic, CSC migrated the PSVP to an online platform and conducted the values seminar for 975 government employees.

71. In the judiciary, the SC approved the Internal Rules of the Judicial Integrity Board (JIB) on 15 December 2020. The JIB evaluates administrative complaints and referrals, and submits its report and recommendations to the SC for appropriate action or resolution. The establishment of the Board is a positive step towards strengthening integrity and accountability, preventing corruption, and increasing public trust and confidence in the Philippine judicial system. Initiatives to raise public awareness about the Board is vital to mobilize support for its mandate on preventing and investigating corruption.

72. The SC conducted a seminar for justices of the Court of Appeals, *Sandiganbayan*, and Court of Tax Appeals on the JIB's organizational structure and rules on February 24, 2021. It will continuously conduct further trainings on judicial integrity for officials and personnel of the judiciary on corruption and on the JIB's functions.

## 8. Non-discrimination

73. RA 10911 was enacted in 2016, prohibiting discrimination in employment on account of age. The Department of Labor and Employment (DOLE) issued the law's implementing rules and regulations (IRR), and regularly issues other guidelines on upholding non-discrimination in labor.

74. In the past two years, the House of Representatives approved three anti-discrimination bills on third reading, namely:

(a) HB 6817 – prohibits discrimination against persons who are declared as confirmed, suspect, probable, and recovered cases of COVID-19, repatriated Filipinos, healthcare workers, responders, and service workers;

(b) HB 7722 – expands the prohibited acts of discrimination against women on account of sex, amending for the purpose Presidential Decree No. 442, s. 1974;<sup>3</sup>

(c) HB 8243 – ensures equality and non-discrimination on the basis of race, ethnicity, and religion.

75. The House Committee on Human Rights approved on May 20, 2021 the consolidated version of the Comprehensive Anti-Discrimination bill, while the Senate version is pending at the committee level.

76. In line with the principles of transparency and participation, the Technical Education and Skills Development Authority (TESDA) conducts regular consultations with stakeholders in the industry, labor, and academe on their program offerings. To ensure non-discrimination in access to livelihood training, it offers scholarships to different groups especially the vulnerable and marginalized groups who cannot afford to pay for their skilling, upskilling, or reskilling. To ensure accountability in the use of public funds, the TESDA created the National Inspectorate for Scholarship Programs in 2017 to monitor whether funds

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<sup>3</sup> House Bill Nos. 8220 and 8590.

for the scholarship program, channeled through private vocational training centers, are utilized in accordance with the rules of the agency.

77. On non-discrimination on the basis of sex, RA 9710 or the Magna Carta of Women (MCW) specifically provides that the “State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women.” Thus, the Philippine Commission on Women (PCW) launched the Women’s Priority Legislative Agenda (WPLA). It proposes the amendment or repeal of discriminatory provisions of existing laws, and advocates for the formulation and passage of new laws that promote women’s empowerment and gender equality. One of its major accomplishments was the passage of RA 11210 on February 21, 2019 that granted mothers working in the public and private sectors an expanded 105-day maternity leave.

## 9. Persons with disabilities

78. As discussed in the section on data collection of this report, the State has taken various initiatives to improve data collection on marginalized groups. To ensure inclusion of persons with disabilities in the largest-scale data collection effort of the government for the PhilSys, PSA implements a special registration process for applicants who are physically incapable of going to PhilSys registration centers.

79. Given the availability of more robust and disaggregated data, the National Commission on Disability Affairs (NCDA) submitted a recommendation to the Department of Social Welfare and Development (DSWD) and DOLE to incorporate the data in their existing programs and services for persons with disabilities. This includes the cash-for-work and livelihood programs, among others, to better target and empower beneficiaries to realize their rights.

80. The Magna Carta for Persons with Disabilities has undergone several amendments in the last 10 years to ensure responsiveness and alignment with the Convention on the Rights of Persons with Disabilities. The NCDA, with the participation of persons with disabilities in policy forums and consultation meetings, submitted position papers and participated in deliberation meetings for the passage of RA 10754, which expands the benefits and privileges of persons with disabilities, and RA 11228 and its IRR for mandatory PhilHealth coverage for all persons with disabilities.

81. Various pieces of legislation and issuances also came into effect in recent years, expanding the provision of reasonable accommodation to persons with disabilities, as follows:

(a) RA 11106 or the Filipino Sign Language Act (October 30, 2018) – previously discussed in Section B.3.;

(b) RA 10905 or the Closed Captions Options Act (July 21, 2016) – requires closed captions options in television programs including newscast and weather forecasts for persons with disabilities; and

(c) Department of Information and Communications Technology (DICT) Memorandum Circular No. 004, s. 2017 (May 12, 2017) – sets the Philippine standard for making web content more accessible to a wider range of persons with disabilities.

82. To ensure that sufficient public funding is allocated to disability-related programs and services, the guidelines for preparation of the annual national budget provides emphasis on ensuring accessibility, mobility, safety, and welfare of persons with disabilities in compliance with *Batas Pambansa* 344<sup>4</sup> and RA 7277.<sup>5</sup> The NCDA likewise monitors the allocation of

<sup>4</sup> ‘An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments, and Public Utilities to install Facilities and Other Devices.’ It was signed into law on 25 February 1983.

<sup>5</sup> ‘An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Person and their Integration into the Mainstream of Society and for Other Purposes.’ It was signed into law on 24 March 1992.

budget and implementation of programs and services for persons with disabilities at the local government level.

83. Every year, the State celebrates the National Disability Prevention and Rehabilitation Week pursuant to Presidential Proclamation No. 1870, s. 1979 as a way of raising awareness throughout the country on the challenges faced by persons with disabilities, and on how the whole-of-society approach can work to address them.

## 10. Equality between men and women

84. The State has taken active steps towards ensuring gender equality. The PCW has led information campaigns to raise awareness on the MCW, particularly on key provisions on gynecological leave and special leave benefits for women. The Commission also regularly publishes and distributes brochures and creates digital materials, such as online frequently asked questions and YouTube videos on women's rights, Gender and Development (GAD), salient provisions of the MCW, the Anti-Sexual Harassment Act (RA 7877), the Anti-Violence Against Women and Children Law (RA No. 9262), the Anti-Rape Law (RA No. 8353), and the Gender-Fair Media Guidebook.

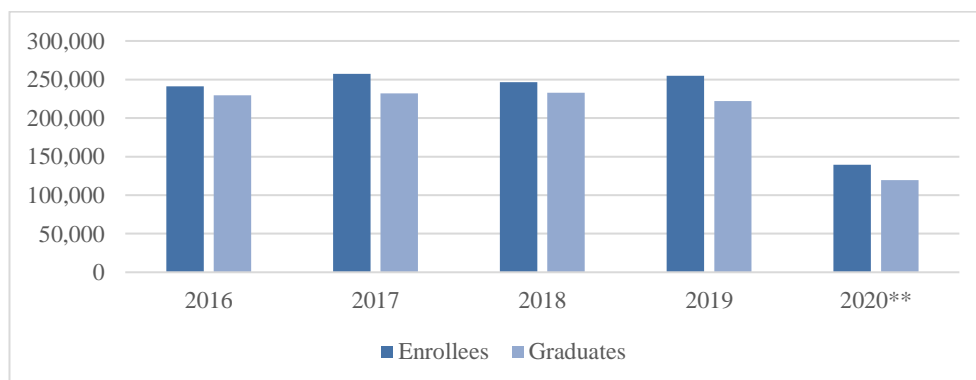
85. The PCW also relaunched its website during the COVID-19 pandemic given the shift to digital platforms as primary source of communication.

86. To help raise awareness on gender equality and to change gender role stereotypes, the TESDA uses gender-fair instructional materials and provides all of its trainees with gender sensitivity training as part of the basic competencies they should develop. These basic competency trainings, which include work ethics and values development, basic computer literacy, and entrepreneurship appreciation course, are required for all trainees regardless of gender. Moreover, the TESDA accepts women in their vocational training programs for livelihood. While graduates of the TESDA Women Center reported high certification rates in traditionally-female courses such as dressmaking, bread and pastry production, and food processing, the number of women enrollees and graduates in traditionally-male programs and sectors<sup>6</sup> has been significant from 2016–2021, though not yet equal to male enrollees (i.e., roughly 60% male, 40% female from 2015–2019).

87. Overall, based on the 2020 Study on the Employment of Technical Vocational Education and Training (TVET) Graduates conducted by TESDA, the level of certification of female TVET graduates (49.83%) in 2019 was almost equal to male TVET graduates (50.17%).

Figure 6

### Women enrollees and graduates in traditionally-male programs of TESDA \*



\* Disaggregated data by program taken is available upon request

\*\* Enrollees and graduates in 2020 decreased due to onset of COVID-19 pandemic

Source: TESDA

<sup>6</sup> Agriculture, Forestry and Fishery; Automotive and Land Transportation; Construction; Electrical and Electronics; Heating, Ventilation, Air-conditioning and Refrigeration; Information and Communication Technology; and Metals and Engineering.



## 11. Unemployment and underemployment

88. Prior to the onset of the COVID-19 pandemic, employment numbers already improved due to the implementation of data-driven policies and strategies outlined in the Philippine Development Plan (PDP) 2017–2022.

89. To provide timely data on employment, unemployment, and underemployment, PSA conducts the nationwide Labor Force Survey (LFS) on a quarterly basis as the primary source of data on the country's labor and employment statistics. During the COVID-19 pandemic, PSA heightened operations by conducting the LFS on a monthly basis since February 2021 in response to the immediate need to obtain critical data on the labor market and for more informed response and recovery interventions.

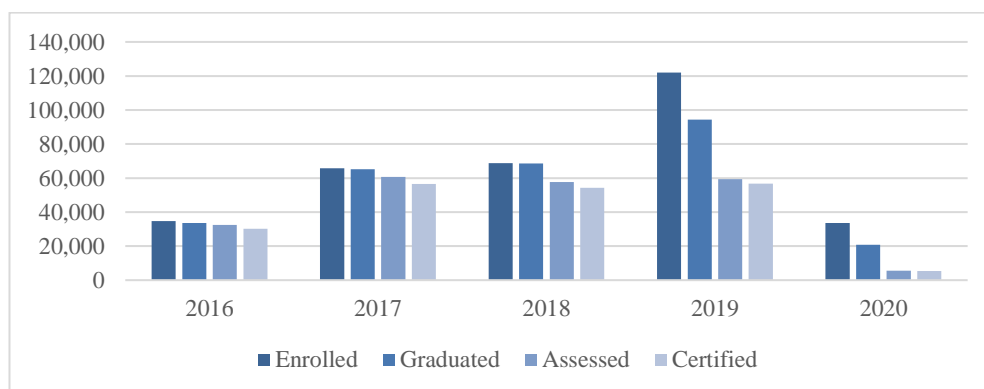
90. To provide timely, relevant, and accurate labor market information (LMI), the DOLE published the JobsFit COVID-19 LMI Report in November 2020. This is to assess the impact of the pandemic to the labor market landscape and enumerate the industries that will create jobs and skills needed for the future. The report serves as a tool for stakeholders to make informed career decisions.

91. To gauge the level of competitiveness of the youth and to prepare them for work, the State participates in international student assessments such as the Trends in International Mathematics and Science Study (TIMSS)<sup>7</sup> and the Program for International Student Assessment (PISA).

92. To ensure that learners are workforce-ready and globally competitive, TESDA conducts Skills Standardization, Testing, and Certification in the Technical Education and Skills Development Sector. TESDA likewise implements the community-based Special Training for Employment Program (STEP), which aims to address the specific skills needs of the community and to promote employment particularly through entrepreneurial, self-employment, and service-oriented activities. The number of graduates and those certified after graduation from the program has increased over the years except in 2020 due to the pandemic. Meanwhile, the TESDA Online Program served as an alternative means for people to gain knowledge and skills during the pandemic.

Figure 7

### Number of enrollees, graduates, assessed, and certified under STEP (2016–2020)\*



\* Disaggregated data by sex and by client type are collected and available upon request

Source: TESDA

93. To facilitate youth employment, RA 11261 or the First Time Jobseekers Assistance Act was signed into law on April 10, 2019. It provides assistance to first time jobseekers in securing documents required for employment, free of charge. There are 37,284 individuals who have benefitted from the law as of June 30, 2021.

94. To ensure employment for persons with disabilities, the CSC issued the following:

<sup>7</sup> Philippines' participation to the TIMSS 2019 was limited to Grade 4 students.

(a) MC 07, s. 2017 – encourages government agencies to hire persons with disabilities pursuant to RA 10524, which expanded positions reserved for persons with disabilities;

(b) MC 31, s. 2017 – provides reasonable accommodation for persons with disabilities through a one-hour extension in the time limit for both professional and sub-professional civil service eligibility examinations; and

(c) MC 07, s. 2018 – provides for the Qualification Standards for Disability Affairs Officer Positions in the Persons with Disability Affairs Office in the LGUs.

95. To empower persons with disabilities to claim and exercise their labor rights, the NCDA conducts continuous advocacy and support services for them to raise their awareness on provisions of law that protect and promote their rights.

## **12. Right to just and favorable conditions of work**

### **(a) On employment in the formal and informal economy**

96. Given precarious conditions in the informal sector, the State has undertaken various initiatives to increase employment opportunities in and transition workers to the formal sector.

97. The DOLE’s Integrated Livelihood and Emergency Employment Program seeks to provide employment opportunities to vulnerable workers through transitional or emergency employment or entrepreneurship development in case of displacement or sudden loss of income.

98. Its first component, the DOLE Integrated Livelihood Program (DILP), provides grant assistance for capacity building on livelihood and entrepreneurial ventures for either individual or group undertaking. The assistance package includes training on business planning or basic entrepreneurship; working capital in the form of raw materials, equipment, jigs, and tools; enrolment to micro-insurance; and continuing business advisory services. The DILP assisted 56,866 beneficiaries in 2020.

99. Its second component, the *Tulong Panghanapbuhay sa Ating* (“Employment Assistance”) Disadvantaged/Displaced Workers (TUPAD), provides community-based package of assistance for displaced workers, the underemployed, and the unemployed poor. It includes payment of salaries based on the prevailing regional minimum wage, provision of personal protective equipment, and micro-insurance under the Government Service Insurance System. Both implemented in response to the COVID-19 pandemic, the TUPAD had 423,511 beneficiaries and the Enhanced TUPAD had 540,175 beneficiaries in 2020.

100. Meanwhile, pending in Congress are Senate Bill No. 1746 and HB 00029 on a Magna Carta for Workers in the Informal Economy that target social protection and empowerment of the informal sector. They aim to provide access to social protection benefits, setting appropriate regulation, due representation in local government agencies, and meaningful planning that will harness their full potentials to become effective economic actors.

101. On providing safe and healthy workplaces, RA 11058 was signed into law on August 17, 2018 to strengthen compliance of all workplaces with the Occupational Safety and Health (OSH) Standards. It empowers inspectors by mandating the conduct of OSH trainings to enhance their knowledge and toolsets for inspection. It provides for the yearly issuance of a general authority from the DOLE Secretary to qualified labor inspectors, and empowers safety officers to issue work stoppage orders when necessary. From 2016 to 2020, the OSH Center (OSHC) was able to train 256,269 workers/safety officers on OSH standards and other provisions of RA 11058. All the OSHC trainings use gender-fair modules and emphasize the workers’ basic rights to safe working conditions as an integral aspect of their human dignity.

102. Currently pending in Congress are several proposed measures on security of tenure and on ending the contractualization practice.

**(b) On just wages**

103. On the UN CESCR recommendation to reinstate a national minimum wage, the State deems that this is not applicable to the Philippine context given the country's archipelagic geography and the differing standards of living and levels of socioeconomic development across regions. Instead of a national minimum wage, regional minimum wages are determined through the National Wages and Productivity Commission (NWPC) and the Regional Tripartite Wages and Productivity Boards (RTWPBs) to ensure that minimum wages are set in a fair and equitable manner, taking into account regional disparities in the cost of living and other socio economic factors.

104. The legal framework of the Philippine minimum wage policy is consistent with the ILO's Convention 131 that considers the minimum wage as the floor wage to protect workers from undue low wages.

105. In accordance with the provisions of the Wage Rationalization Act of 1989, daily minimum wage for male and female workers in the private sector increased by roughly 10 percent from 2016 to 2020 in the National Capital Region (NCR), and by a range of roughly 6 to 32 percent in regions outside NCR.

Table 5

**Daily Minimum Non-Agricultural Wage in 2016 and 2020 (in current prices)**

Area	Minimum Wage (in PHP)	
	2016	2020
NCR	491	537
Outside NCR	235 – 378.50	282 – 420

Source: NWPC

106. The Domestic Workers Act (RA 10361), enacted in 2013, provide for the minimum monthly wage of domestic workers, taking into consideration their in-work benefits subject to periodic review and adjustment of the RTWPB.

107. To ensure full compliance of enterprises and employers with general labor standards, including wage laws, DOLE implements an inspection program and issues a Compliance Order directing the non-compliant establishment or employer to pay affected workers.

108. Meanwhile, RA 114661 or the Salary Standardization Law was approved on January 8, 2020, increasing the standard salary table for civil service workers and granting them additional benefits.

109. The State likewise ensures the genuine participation of workers in tripartite bodies, pursuant to RA 10395 that amended the Labor Code of the Philippines. To strengthen tripartism, the law institutionalizes tripartite councils at the provincial, municipal, city, regional, national, and industry level for tripartite consultation and formulation and review of labor, employment, and social policies. Tripartite Industrial Peace Councils at various levels have evolved and expanded to include migrants, youths, women, public, and informal workers.

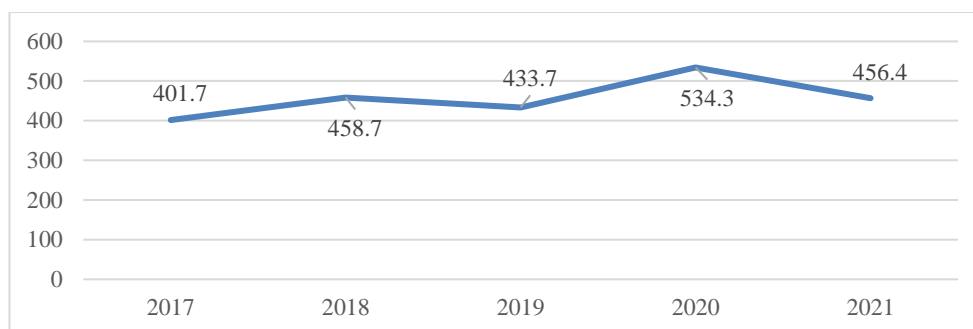
110. The labor and employment crisis resulting from the COVID-19 pandemic highlighted the need for continuous social dialogue and strengthened operationalization of tripartite councils. The Bureau of Labor Relations has been constantly processing and/or evaluating nominations to tripartite bodies. To improve participation and to continue operations during the pandemic, the Bureau provided members of these bodies with smart tablets with post-paid subscription for unlimited mobile data. It also provided premium subscriptions to videoconferencing applications, online survey tools, and platforms for digitally signing documents, among others, to facilitate online consultation and communication among tripartite members in view of restrictions in mass gatherings.

### 13. Right to social security

111. The State's social protection programs have contributed considerably to reducing the vulnerability of Filipinos. As a result, poverty incidence declined from 23.5 percent in 2015 to 16.7 percent in 2018. The ratio of total government spending in social protection to the national budget has increased from 9.4 percent in 2016 to 14.8 percent in 2020. This includes expenditures on conditional cash transfer, assistance provided to senior citizens, unemployment benefits, and assistance for sickness and disability, assistance in conflict-affected areas, and to survivors of disaster and gender-based violence.

Figure 8

#### Budget allocation for social protection from 2017–2021 (in PHP billion)



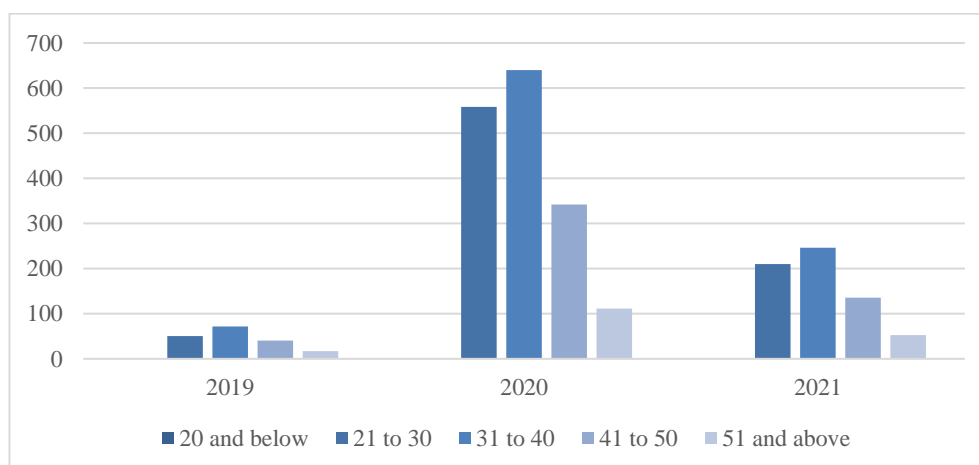
Source: DBM

112. The SSS is the only public insurance in the Philippines that offers benefits to private sector employees for contingencies such as Temporary and Permanent Disability, Sickness, Funeral, Death, Maternity, Retirement and now the newly implemented Unemployment Insurance Benefits. As shown in Figure 1 under Section B.6 of this report, the amount of social security benefits disbursed to beneficiaries has been on an increasing trend in the past five years.

113. Established in August 2019, the SSS unemployment insurance benefits program is a breakthrough initiative. It recognizes that persons who become unemployed need financial aid to support their family while they are looking for a new job. From 2019 to June 2021, the SSS approved 192,773 claims, amounting to PHP2.475 billion in disbursements. As shown in Figure 9, individuals aged 31 to 40 claimed the bulk of the unemployment insurance benefits.<sup>8</sup>

Figure 9

#### Approved Unemployment Insurance Benefits (in PHP million; by age)



Source: SSS

<sup>8</sup> Disaggregation by sex: 81,274 females and 111,495 males.

114. During the COVID-19 pandemic, the Employees' Compensation Commission issued Board Resolution No. 21-04-14 on April 6, 2021, specifying the conditions for compensation for Filipino workers infected with COVID-19 in the performance of their tasks.

115. To establish a nationally defined social protection floor (SPF) for all the people in the country, the Philippine government initiated the assessment-based national dialogue (ABND) in 2015. The ABND exercise, conducted with technical assistance from the ILO and financial support from ILO/Korea Partnership Programme, assessed social protection, employment promotion, and disaster management schemes in the country; identified gaps in design and coverage according to the vulnerabilities of the people; explored recommendations to establish the SPF in the Philippines; and estimated the cost of the SPF. Currently, the exercise is at the last stage that entails finalization of the elements of the SPF and recommendations towards its progressive realization.

#### **14. Protection of family, mothers and children**

116. In line with international human rights standards, the State has been undertaking initiatives to prohibit early marriage and polygamy towards the protection of mothers and children.

117. The Bangsamoro Women Commission is preparing a resolution calling for a review and amendment of PD 1083, s. 1977 or the Code of Muslim Personal Laws to prohibit the said acts, and to bring the Code in line with the MCW. The Commission also drafted a Bangsamoro GAD Code that discourages child, early, and forced marriage, citing the *fatwa* of the Regional *Darul Ifta* on Model Family in Islam.

118. To ensure that the welfare and interests of women, men, and the Lesbian, Gay, Bisexual, Transgender, and Queer Plus (LGBTQ+) community are promoted and protected, the drafting of the GAD Code was a participatory process that included consultations with different sectors – youth, women, religious leaders, local officials, local communities, and grassroots women. The Regional Sub-Committee on GAD and the GAD Focal Point System of each department, office and LGUs were also involved in the drafting process.

119. On November 9, 2020, the Senate approved on third reading a bill declaring child marriage as illegal. In the House of Representatives, there are at least four counterpart bills filed since March 2021. Likewise, four House bills are pending at the committee level that seek to amend the scope and definition of marital infidelity, adultery, and concubinage under the Revised Penal Code.

120. Bills which seek to institute absolute divorce in the Philippines have been filed and are pending for approval at the committee level in both chambers of Congress.

#### **15. Birth registration**

121. The State has made significant progress in ensuring that all Filipino children are registered in the national database. About eight million minor registrants or those belonging to the 0–18 age group have been registered in Step 1 or demographic data collection of PhilSys. Under the Policies and Guidelines Manual for the PhilSys, persons with no primary and/or secondary acceptable documents required for registration, including minors aged 0 to 17 years old and children who are part of an institutional population, can register with the PhilSys through a Qualified Introducer. This is beneficial for children from recognized indigenous tribes, Muslim tribes, institutional facilities, and those whose indigency have previously prevented them from obtaining valid and acceptable supporting documents.

122. Prior to the implementation of PhilSys, from 2016 to 2020, a total of 5,272 indigenous birth registrations and 2,080 indigenous child births registrations were recorded by the NCIP.

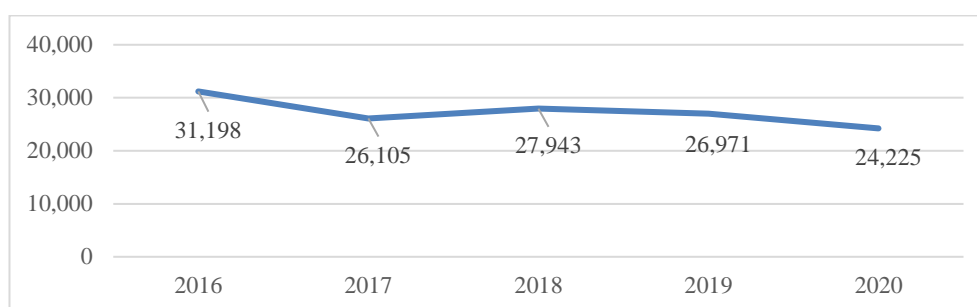
123. The Philippine government has also registered consistently and dutifully the vital events of Filipinos abroad, including reports of birth or birth registration. In line with the Department of Foreign Affairs' (DFA) goal of continuous improvements of consular services rendered to Filipinos abroad, Foreign Service Posts were instructed in April 2016 to ensure

that the births of children abroad were duly reported through the filing of ‘Reports of Birth at Post’ for onward transmittal to the PSA. This requirement applies to the registration of Filipino children under ‘Assistance-to-Nationals’ situations that require immediate repatriation.

124. In July 2017, PSA issued a memorandum circular entitled “Requirements for the Preparation of Report of Birth of a Child Born Abroad of Filipino Parents without Foreign Documents” in line with the Philippines’ obligation as State Party to the Convention of the Rights of a Child. The circular advocated that facts of birth of all children must be registered, especially when the parents have no foreign documents or the parents are unknown or missing. The PSA issued this circular to promote and uphold the rights of the child to have a name, a nationality, and be cared for. Statistics in the past six years show that registration of birth abroad has been fairly consistent, with 2020 registering the lowest number of registrants likely due to the COVID-19 pandemic.

Figure 10

**Report of births received from service posts (2016–2020)**



Source: DFA

## 16. Economic exploitation of children

125. In the past five years, the State has enforced laws and issuances to further prevent and prohibit child labor and socioeconomic abuse of children:

(a) RA 10821 or the Children’s Emergency Relief and Protection Act (May 18, 2016) – provides for the protection of the fundamental rights of children before, during, and after disasters and other emergency situations, particularly on the immediate heightening of comprehensive measures and monitoring to prevent child trafficking, labor, and prostitution in areas declared under a state of calamity;

(b) DOLE Order No. 149, s. 2016 (Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons below 18 Years of Age) – strengthens measures to prevent and eliminate child labor by enumerating the different work and activities declared hazardous for persons below 18 years of age;

(c) RA 11188 or the Special Protection of Children in Situations of Armed Conflict Act (January 10, 2019) – provides special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background; and

(d) EO 92, s. 2019 (September 17, 2019) – institutionalizes the National Council Against Child Labor (NCACL) to upscale the implementation of the Philippine Program Against Child Labor (PPACL)<sup>9</sup>.

<sup>9</sup> The PPACL is the national program for the prevention and elimination of child labor, which provides strategies and lays out interventions towards the expanded access of child laborers and their families to social protection, including health, education, child protection and decent work.

126. To deter further the illegal child labor practices, legislative measures<sup>10</sup> were filed to impose greater penalties for violations of RA 7610, as amended by RA 9231.<sup>11</sup> The Senate has also approved a bill to strengthen protection against online sexual abuse and exploitation of children, and transmitted the same to the House of Representatives on 27 May 2021.

127. From 2016 to 2020, the DOLE permanently closed 19 establishments that engaged 37 minors in obscene or lewd shows. Since the enactment of RA 9231 in 2003, it has closed 69 establishments for violation of the law.

128. Recovery of children from child labor is also a priority of the State. To this end, DOLE started profiling child laborers in 2018, taking off from the data collected through the 2011 Survey on Children, which gave an estimate number of child laborers in the country.

129. From 2018 to 2020, the DOLE has profiled 266,873 child laborers; referred 261,132 child laborers for the provision of necessary services; provided 59,635 child laborers with necessary services; and removed 56,276 child laborers from child labor.

130. DOLE implements the *Sagip Batang Manggagawa* (“Save the Child Laborer”) (SBM) mechanism, which employs an inter-agency quick action team composed of DOLE, DSWD, and law enforcement agencies to detect, monitor and rescue child laborers in hazardous and exploitative working conditions. From 2016 to 2020, the SBM Quick Action Teams conducted 69 rescue operations, which removed 173 child laborers from hazardous and exploitative working conditions. This brings the numbers up to 3,621 child laborers already rescued through the SBM since its inception in 1993.

131. The provision of livelihood assistance to parents of child laborers is also a strategic response to prevent and eliminate child labor. The assistance, provided under the DOLE Integrated Livelihood and Emergency Employment Program, requires that beneficiaries no longer allow their children to be engaged in child labor. From 2016 to 2020, the DOLE has assisted 23,342 parents. Since 2008, the program has benefitted 42,672 parents of child laborers.

132. The DSWD also launched the Strategic Helpdesks for Information, Education, Livelihood, and other Developmental Interventions (SHIELD) Against Child Labor in 2017. The SHIELD project aims to strengthen the capacity of LGUs in the prevention and elimination of the worst forms of child labor. The DSWD identified regions with high-risk areas for deep-sea fishing, mining, quarrying, agriculture, and major sources of child domestic workers to which they conducted the pilot testing of the said project.

133. To facilitate the profiling and recovery of child laborers, the DILG issued MC 2019-73 on the roles of LGUs in profiling and provision of necessary assistance to identified child laborers in each locality. MC 2019-73 encourages LGUs to assist the DOLE Regional Offices in the identification and profiling of child laborers and their families, needs assessment, conduct of referrals, provision of necessary services, and monitoring of status of child laborers until their removal from child labor.

134. The Council on the Welfare of Children (CWC) released “Quick Facts on Children” containing disaggregated statistical data on the state of children in 2017 and 2018, including data on child labor sourced from DOLE and DSWD. Table 6 provides key figures from the CWC publication.

<sup>10</sup> Senate Bill No. 711 and House Bill No. 137; HB 137 was approved on third reading and transmitted to the Senate on February 18, 2020, where it remains pending at the Committee level.

<sup>11</sup> An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child.

Table 6  
**Figures on child labor from the CWC’s Quick Facts on Children (2017–2018)**

<i>Indicator</i>	<i>2017</i>	<i>2018</i>
Number of children removed from hazardous activities through DOLE’s SBM	56	25
Number of child laborers and those at risk provided with support to educational services	3,856	7,000
Number of families of child laborers provided with DOLE livelihood assistance	3,430	4,054

*Source:* CWC

135. The 2019 data could not be collected due to the onset of the COVID-19 pandemic in early 2020. In 2021, CWC will be conducting a rapid survey entitled “Children and Adolescents in the Face of COVID-19” in line with the crafting of the next State of Filipino Children Report.

## 17. Violence against women and girls

136. To strengthen the protection of women and children against violence and other forms of abuse, several legislative measures are being proposed in Congress to amend RA 9262, or the Violence Against Women and Children (VAWC) Act of 2004, and RA 8353, or the Anti-Rape Law of 1997. Amendments to RA 9262 seek to expand the definition of VAWC to include electronic violence.<sup>12</sup> Meanwhile, amendments to RA 8353 seek to increase the age for determining statutory rape to provide stronger protection for children. The amendments will also repeal Article 266-C of the Revised Penal Code that pardons the rapist if he subsequently marries the victim or if the wife pardons the rapist-husband.<sup>13</sup> In terms of commensurate penalty, under RA 9262, the impossible penalty for the most severe VAWC is *reclusion perpetua*.

137. LGUs have set up Local Committees on Anti-Trafficking in Persons and VAWC in cities and *barangays* around the country to act as first responder for incidents of VAWC. The LGUs have also established Local Councils for the Protection of Children (LCPCs), and Local VAW Desks. To ensure the functionality of LCPCs, the DILG issued Comprehensive Guidelines for the Establishment, Strengthening, and Monitoring of LCPC on April 7, 2021.

138. Meanwhile, the Philippine National Police (PNP) continues to direct all of its units to undertake the following: (a) maximize the use of social media for posting and sharing gender-sensitive and child-friendly information on COVID-19-related risks and protection; (b) ensure that personnel of Women and Children Protection Desks are available to receive complaints and incident reports through the use of internet and text messaging, and to provide assistance to victims; (c) intensify the investigation and awareness campaign against online sexual exploitation of women and children; (d) create Anti-Cybercrime Group and Women Children Protection Center social media teams which aim to enhance online media presence; and (e) establish 24/7 hotline numbers nationwide.

139. In 2019, RA 11313, or the Safe Spaces Act, was signed into law to penalize gender-based sexual harassment committed in cyberspace, streets, and other public spaces. The law also mandates the DICT-Cybersecurity Bureau and the Cybercrime Investigation and Coordinating Center to provide assistance to the PNP in the development of online mechanisms for reporting real-time gender-based sexual harassment acts and to apprehend perpetrators. The PNP is also implementing interventions to inform the public of these mechanisms and to improve its internal capacity.

<sup>12</sup> House Bill No. 5869 on expanding the definition of VAWC was already approved on third reading by the House of Representatives in December 2020, and transmitted to the Senate where it remains pending for deliberation.

<sup>13</sup> Senate and House Bills on this remain pending at the Committee level in both chambers.



140. Considering the specific needs of women and girls with disabilities, the PCW included strategies in the Women’s Empowerment, Development, and Gender Equality (WEDGE) Plan 2019–2025 to address the lack of access to justice among women and girls with disabilities. These strategies include advocacy on the integration of gender-disaggregated statistics on disability in regular data collection activities of national and local government agencies; push for administrative issuances on the key pillars of justice and the judiciary to assign and allocate budget for court interpreters; and advocacy on the institutionalization of women and girls with disabilities’ representation to the NCDA.

141. To facilitate the assessment, monitoring, and evaluation of GAD efforts, the PCW Compendium of Indicators includes specific indicators such as incidence of women and girls with disabilities who are victims of gender-based violence and sexual violence; number of gender-responsive and culturally sensitive programs, projects, and services implemented in support of women and girls in vulnerable groups; and government agencies and the Judiciary with sufficient women and girls with disabilities-sensitive services. The latter services cover women interpreters in investigative agencies, hospitals, and courts who can assist women and girls with disabilities who are victims of sexual abuse and violence.

142. RA 11106 or The Filipino Sign Language Act provided the legal basis for setting-up legal interpreting services for the deaf, including women and girls with disabilities, to improve access to justice in all public hearings, proceedings, and transactions of the courts, quasi-judicial agencies, and other tribunals.

143. The PNP – WCPC developed a training module in 2019 for officers and staff on access to justice for women and girls with disabilities to ensure the promotion and protection of their rights. Government agencies, including the NCDA, were involved in the formulation of the modules.

## 18. Trafficking in human beings

144. To further eliminate the anti-trafficking especially involving women and children, the Philippines continues to implement strictly the provisions of RA 9208 as amended by RA 10364 or the Expanded Anti-Trafficking in Persons (TIP) Act. As a result, there has been a notable decrease in trafficking nationwide from 2017 to the first semester of 2021, as indicated in Table 7.

Table 7

### PNP report on cases of trafficking nationwide (2017–July 2021)

<i>Purpose</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021(Jan–July)</i>
Sexual Exploitation	132	223	116	152	39
Forced Labor	58	39	6	9	0
Engaging in armed activities	3	4	0	0	0
Slavery	0	8	1	0	0
Others (Qualified TIP)	41	26	28	0	0
<b>Total</b>	<b>234</b>	<b>300</b>	<b>151</b>	<b>161</b>	<b>39</b>

*Source:* PNP

145. To promote closer cooperation and collaboration among the ASEAN Member States in the fight against trafficking, the Philippines signed the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) in 2015. Entered into force on March 8, 2017, the ACTIP aims to increase and support prevention efforts by focusing on discouraging both the demand and supply that fosters the exploitation of persons, especially women and children, that leads to trafficking. Table 8 shows that while women and young girls are disproportionately affected by trafficking in persons, there is an overall decrease in the number of victims, consistent with the decrease in the number of trafficking cases between 2017 and 2021.

Table 8  
**PNP report on rescued victims nationwide (2017–July 2021)**

<i>Category</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021 (Jan–July)</i>	<i>Total</i>
Male adult	104	102	53	30	3	292
Female adult	310	460	372	400	55	1,597
Male minor	78	107	47	50	39	321
Female minor	278	370	257	187	90	1,182
<b>Total</b>	<b>770</b>	<b>1,039</b>	<b>729</b>	<b>667</b>	<b>187</b>	<b>3,392</b>

*Source:* PNP

146. The State recognizes that armed conflict and displacements due to natural disasters are root causes of women and children’s vulnerability to trafficking. It is implementing various policies to address these causes.

147. Whenever there is a declaration of national or local state of calamity, RA 10821 directs concerned national agencies and LGUs to heighten comprehensive measures and monitoring in order to prevent child trafficking, labor, and prostitution, including domestic violence.

148. RA 11188 or the Special Protection of Children in Situations of Armed Conflict Act of 2019 provides for the punishment of grave child’s rights violations in armed conflict situations, including acts of gender-based violence against children. The CWC, as chair of the Inter-Agency Committee on Children in Situations of Armed Conflict (IAC-CSAC), conducted a nationwide caravan and consultation on the CSAC IRRs and Handling Protocols. It also conducted advocacy and information dissemination activities and created a Compendium of Materials on CSAC in 2020. The IAC-CSAC is currently developing agency-specific CSAC protocols.

149. In terms of empowering women and girls on their rights, advocacy activities such as the PCW’s 18-Day Campaign to End Violence against Women serve as platform to discuss the different laws protecting women and children from violence. In 2020, part of the Commission’s advocacy activities was on informing stakeholders about the current situation on TIP in the Philippines and the salient provisions of anti-TIP laws.

150. To better monitor and investigate cases of trafficking, the DICT-Cybersecurity Bureau has been assisting law enforcement authorities by providing technical support to track perpetrators liable under RA 9775 (Anti-Child Pornography Act), and RA 10175 (Cybercrime Prevention Act).

151. To enhance the law enforcers’ appreciation and understanding on TIP, various anti-trafficking trainings, meetings, and seminars were conducted in recent years. These include (a) Inter-agency Council Against Child Pornography Meeting with a focus on strengthening implementation of RA 10929 or the Child Online Safeguarding Policy; (b) Safer Internet Day for Children 2021 Kick-Off Activity; *Boses ng Kababaihan Laban sa Pang-aabuso sa Pangisdaan* (“Women’s Voices Against Abuse”) where policy and advocacy work on combating TIP using a gender lens was discussed among government and law enforcement agencies; and (c) the 47th UN Human Rights Council Meeting on Non-Punishment of TIP Victims.

## 19. Poverty

152. The significant reduction in poverty incidence in the country prior to the COVID-19 pandemic resulted from the implementation of the State’s banner programs that aim for poverty eradication.

**(a) On reducing overall poverty**

153. In 2019, RA 11291 or the ‘Magna Carta of the Poor’ was enacted. It mandated the adoption of an area-based, sectoral, and focused intervention to poverty alleviation where every poor Filipino must be empowered to meet the minimum basic needs through partnership of the government and basic sectors. In the same year, the DSWD conducted the third-round survey for the National Household Targeting System for Poverty Reduction or *Listahanan 3*. As of May 2021, the National Household Targeting Office (NHTO) assessed and encoded 14,468,133 households, or 92 percent of the targeted households.

154. The DSWD likewise implements the *Pantawid Pamilyang Pilipino Program* (4Ps), a rights-based program that focuses on human capital development through provision of cash grants to eligible poor households upon compliance with health and education conditions. In 2019, the 4Ps allowed for replacing households that exited the program to cover more poor Filipinos. Once launched, the *Listahanan 3* – having wider coverage of households assessed compared to previous surveys conducted – will enable the 4Ps to increase their coverage among qualified household beneficiaries.

155. An impact evaluation study<sup>14</sup> on the 4Ps found that prenatal behavior, child school enrollment outcomes, and the children’s socioemotional skills are significantly improved for children of 4Ps households. Household consumption is also significantly increased, especially on food, and reported hunger is reduced. As of June 2020, the program covers 4,295,738 active household beneficiaries, representing 97 percent of the target households. About PHP37 billion have been paid to 4Ps households. Of this amount, 24.5 percent are education grants, 41.8 percent are health grants, and 33.8 percent are rice subsidies.

156. Pursuant to the amended Magna Carta for Persons with Disabilities, the government covers, through the provision of discounts and tax exemptions on basic necessities, the disability-related additional costs shouldered by persons with disabilities who are vulnerable to poverty.

157. To address misuse and abuse of the privilege and ensure that only qualified persons with disabilities can enjoy the benefits and privileges accorded by law, improving the implementation of the disability ID is in the pipeline. The NCDA also issued updated guidelines on the issuance of the ID Cards to include cancer and rare diseases and to improve the mechanism towards increasing the number of beneficiaries registered in the Philippine Registry of Persons with Disabilities, in compliance with RA 11228 or the mandatory PhilHealth coverage for persons with disabilities.

**(b) On challenges faced by small-scale fishers and landless farmers**

158. Three major programs of the Department of Agriculture (DA) seek to address the challenges facing farmers in securing their livelihoods.

159. The Special Area for Agricultural Development (SAAD) is a locally funded project of DA on the provision of livelihood and enterprise development support to farmers and fishers in 30 provinces in the country with high poverty incidence. From 2017 to June 2021, SAAD provided 2,722 livelihood projects to 136,811 farmers/fishers and 4,292 associations with 117,833 members.

160. Under the Rice Competitiveness Enhancement Fund (RCEF), rice farmers and farmers’ cooperatives and associations in priority provinces are provided with farm machineries and equipment, rice seeds, extension services, and credit assistance to help them become competitive in the free trade regime. Since its rollout in 2019, the RCEF accomplished the following (as of June 30, 2021):

- (a) Seeds provided to 2,460,108 rice farmers from 57 provinces;
- (b) Machineries and equipment provided to 3,555 Farmer’s Cooperatives and Associations in 57 provinces;

<sup>14</sup> Expanded Social Assistance Project: Impact Evaluation of the Pantawid Pamilyang Pilipino Program by the Asian Development Bank, published on May 2020.

(c) Zero interest and non-collateral loans granted to 113 borrower organizations/cooperatives and 6,840 individuals farmers amounting to PHP2.18 billion; and

(d) Extension activities conducted to capacitate 80,591 farmers and 1,259 seed growers, inspectors, and analysts, among others. In addition, 54,867 farmers graduated under various technical and vocational courses offered.

161. Moreover, the Agrobiodiversity Project seeks to empower farmers and communities to become advocates and vanguards of their rights to enjoy food security and live sustainably in harmony with nature, for generations to come. All capacity-building activities are geared towards community empowerment, enabling the indigenous farmers and communities to chart their own plans and aspirations, organize themselves for collective decision-making, and articulate their common sentiments for the common good. To date, 2,497 IPs have been trained on product development/processing of agrobiodiversity crops and provision of simple processing tools to farmer-processors.

162. The Department of Agrarian Reform (DAR) assists awardees of certificates of land ownership and emancipation patents in filing cases before the regional and provincial agrarian reform adjudicator. Provincial and municipal agrarian reform program officers monitor the land distributed together with the delivery of support services in the field.

163. To ensure non-discrimination of women in land distribution under the Comprehensive Agrarian Reform Law, a woman who is an actual tiller/lessee is qualified to be a farmer beneficiary who will undergo the qualifying process. Other laws related to agrarian reform recognize the wife as a next re-allocatee if the husband does not qualify.

164. On land security and tenure, bills are pending in Congress to extend the authority of DAR to issue Notices of Coverage of private agricultural land to continue with the land distribution under the agrarian reform program.

165. Meanwhile, recognizing the vulnerability of small-scale fishers to poverty, the Targeted Actions to Reduce Poverty and Generate Economic Transformation in the Fishery Sector Program (TARGET) of the Bureau of Fisheries and Aquatic Resources (BFAR) aims to provide appropriate livelihood opportunities for fisherfolk. These include Municipal Fisherfolk Registration or FishR, Registration of Municipal Fishing Vessels and Gears or BoatR, establishment of Community Fish Landing Centers (CFLCs), and provision of livelihood inputs such as fiberglass boats, fishing gears and paraphernalia.

Table 9

**2021 Accomplishments of BFAR interventions for fisherfolk**

<i>Intervention</i>	<i>2021 Accomplishment</i>
BoatR	268,742 boats registered
FishR	2,171,705 fisherfolk registered
CFLC	680 CFLCs constructed; 424 CLFCs operational

*Source:* DA-BFAR

166. The National Fisheries and Aquatic Resources Management Council, the highest policy-making/advisory/recommendatory body in Philippine fisheries, includes representatives from the fisheries industry, including fisherfolk. The BFAR's projects also encourage the participation and involvement of the fisherfolk's wives, IPs, persons with disabilities, and senior citizens.

167. To protect the rights of the people, especially the local communities prioritizing the marginal fisherfolk in the preferential use of the municipal waters, BFAR issued a Special Order creating a new technical working group in the formulation of the guidelines on the delineation of municipal waters for municipalities with offshore islands in June 2021. It also invited representatives from various government agencies, League of Municipalities of the Philippines, academe, commercial fishing sector, and other civil society organizations (CSOs) as volunteer members to the group.

168. Under RA 8550, as amended by RA 10654 or the Philippines Fishery Code of 1998, the National Mapping and Resource Information Authority (NAMRIA) is mandated to delineate municipal waters. While NAMRIA provides technical assistance to LGUs on this matter, it has yet to delineate fully the municipal water boundaries as majority of LGUs have ongoing border disputes.

## 20. Right to adequate food and nutrition

169. From 2017 to 2021, the State has put in place several programs to address persistent hunger and malnutrition.

170. The National Nutrition Council (NNC) Governing Board approved in 2017 the Implementing Guidelines of the Early Childhood Care and Development or the ‘First 1000 Days Program’ to guide national and local implementers in pursuing efficient and effective strategies, focusing on provinces with highest rates of malnutrition. It consulted various stakeholders and implementers from different sectors of society to identify strategies in implementing and monitoring the program and determining actions for a scaled-up nationwide implementation.<sup>15</sup>

171. Moreover, the NNC conducted Infant and Young Child Feeding Trainings to capacitate the members of the local nutrition committee and *barangay* level volunteers. The training enhanced their skills in counselling pregnant and lactating mothers on pre-natal checkups, training on breastfeeding, giving birth at birthing facilities, required immunization shots for children below 24 months old or 2 years old, and preparation of complementary food. In addition, health officials coordinate with the elderly of the indigenous community to ensure that women receive the services needed for a healthy pregnancy and lactation. The NNC also conducted information campaigns that utilize multimedia platforms to disseminate key nutrition messages about healthy living in terms of food choices and physical activity.

172. Under the *Sagana at Ligtas na Tubig Para sa Lahat* (“Abundant and Safe Water for All”) Program, the DILG provided roughly one million households with new access to safe water sources. It rehabilitated or improved existing safe water sources through the implementation of 2,160 sub-projects from July 2016 to May 2021. Under the Assistance to Municipalities Program on Potable Water Supply, it also completed 3,814 sub-projects within the period July 2016 to May 2021, benefiting almost two million households.

173. RA 11037 or the *Masustansyang Pagkain Para Sa Batang Pilipino* (“Nutritious Food for the Filipino Children”) Act was enacted in 2018 to institutionalize a National Feeding Program for undernourished children in public day care, kindergarten, and elementary schools.

174. In March 2020, Nutrition Cluster Advisory No. 1, s. 2020 was issued to guide LGUs in planning and implementation of nutrition and health related programs and projects during the COVID-19 pandemic. All health and nutrition services were made available to everyone in the LGUs, with special consideration for the identified malnourished and 0–24 month’s old children, pregnant, lactating mothers, and elderly. Under the *Tutok Kainan* Supplementation Program, 18,428 nutritionally-at-risk pregnant women received dietary supplementation under Phase 1 as of July 2021.<sup>16</sup> Preparations are being conducted in areas covered by Phases 2 to 4, with Phase 2 expected to start in September 2021, and Phases 3 and 4 expected to start in October 2021.

175. To formalize its commitment to end hunger and malnutrition, the Philippine Government launched the National Food Policy (NFP) on October 16, 2020, with the

<sup>15</sup> The First 1000 Days Program was institutionalized in national and local development plans through enactment of RA 11148 or the ‘Kalusugan at Nutrisyon ng Magnanay Act’ (or Health and Nutrition of Mother and Child Act).

<sup>16</sup> Phase 1 is for nutritionally-at-risk pregnant women in select Human Development and Poverty Reduction Cluster (HDPRC) priority areas, provinces hit by Typhoons Rolly and Ulysses, and LGUs with high COVID-19 cases. Phase 2 is for 6-23 months old children in select HDPRC priority areas, Phase 3 is for 6-23 months old children in select provinces, and Phase 4 is for 6-23 months old children.

following key result areas: review and rationalize existing policies related to zero hunger; ensure available and affordable food; and secure nutrition adequacy.

176. House and Senate bills on the Right to Adequate Food Framework Act were refiled in the 18th Congress. Pending passage of the bills, the OP issued EO 101, s. 2020 creating the Interagency Task Force on Zero Hunger to ensure a whole-of-government approach in eradicating hunger, malnutrition, and achieving food security. The Task Force conducted consultation meetings from August to December 2020 with national government agencies, non-government organizations (NGOs), the private sector, and the academe to formulate and refine the National Food Policy.

#### **On implementing the Philippine Plan of Action for Nutrition (PPAN)**

177. The formulation of PPAN 2017–2022 was participatory, inter-sectoral, and multi-level. The PPAN 2017–2022 is an integral component of the PDP 2017–2022. It is aligned with the current administration’s 0 to 10-point Socioeconomic Agenda, the Philippine Health Agenda, and the country’s long-term vision or *Ambisyon Natin* 2040. It likewise incorporates country commitments as embodied in the 2030 SDGs, the 2025 Global Targets for Maternal, Infant, and Young Child Nutrition, and the 2014 International Conference on Nutrition.

178. It comes with a results framework, which details the specific activities, physical targets, and budgetary allocation of nutrition-specific and sensitive programs. As part of its operationalization at the local government level, local nutrition action planning workshops were held in 32 priority provinces identified by the Human Development and Poverty Reduction Cabinet Cluster. The workshops guided LGUs in formulating their Local Nutrition Action Plans and integrating nutrition in local development plans. The table below shows the PPAN 2017–2022 sub-outcome indicators, targets, and the 2018 Expanded National Nutrition Survey (ENNS) results.

Table 10

#### **2018 ENNS results against PPAN 2017–2022 sub-outcome indicators targets**

<i>Indicator</i>	<i>Baseline</i>	<i>2018 Target</i>	<i>2018 ENNS Results</i>	<i>PPAN 2022 Target</i>
Proportion of nutritionally-at-risk pregnant women	24.8	22.7	20.1	20
Percentage of infants 5 months old who are exclusively breastfed	24.7	28.4	29	33.3
Percentage of children 6–23 months old meeting the minimum acceptable diet	18.6	20.3	13.4	22.5

*Source:* NNC

179. The implementation of the PPAN 2017–2022 faced challenges that led to the non-attainment of the third indicator. These challenges are: (a) limited coverage of the programs due to limited resources and operational capacity; (b) gaps in program management, which include weaknesses in logistics, supply chain management, and the LGUs’ capacity to deliver nutrition programs; and (c) the beneficiaries’ traditional beliefs and misconceptions about modern health and nutrition practices. The latter affected the acceptance or level of compliance with nutrition services as well as the adoption of optimum nutrition behaviors and caring practices.

180. The top priorities for updating the PPAN towards meeting the goals until 2022 include strengthening focus and convergence on priority provinces; bannerizing the First 1000 Days as a holistic program for LGU mobilization; establishing long-term support for LGU capacity in nutrition program management; and further strengthening the policy environment and management support systems at the national and regional levels.

## 21. Right to housing

181. Provision of housing remains one of the biggest challenges of the State. One of the steps taken to address this was the creation of the DHSUD. Section B.6 of this report provides the Department's mandate, along with a report on public funding allocated to housing.

182. Annual housing production has been averaging around 196,000 housing units, with 926,077 units constructed from July 2016 to March 2021. The annual production addresses only about 20–25 percent of the total housing need. RA 10884 amended RA 7279 or the Urban Development and Housing Act in 2016 to further increase the low-cost housing stock available to underprivileged families and homebuyers. The law mandates the inclusion of residential condominium projects in assessing compliance with the balanced housing requirement. As amended, Section 18 of RA 7279 requires that owners and/or developers of proposed subdivision and condominium projects develop an area for socialized housing, at the option of the developer, equivalent to: (a) at least 15 percent of the total subdivision area or subdivision project; or (b) at least 5 percent of the condominium area or project cost.

183. Meanwhile, a Rental Housing Subsidy bill is currently proposed to sustain the livelihoods of displaced families by offering them various options during the interim process of construction and relocation. It also seeks to protect the urban poor from the impact of immediate dislocation due to eviction and demolition arising from government projects. The House of Representatives approved the bill in March 2021 and submitted it to the Senate for further deliberation.

184. With the increased costs of land and construction materials, the Social Housing Finance Corporation increased its maximum loan amount based on prevailing loan ceilings as promulgated by the DHSUD.

185. Recognizing the financial constraints of the beneficiaries under its Community Mortgage Program, SHFC reduced its interest rates to 2 percent per annum for members that belong to the lowest income decile. It is also undertaking securitization for a portion of its loan portfolio to finance housing projects for low-income families.

186. On improving living conditions in informal settlements for internally displaced persons, the State formulated the National Resettlement Policy Framework, which requires that development of resettlement areas take into consideration the overall improvement of life of informal settler beneficiaries.

187. From 2017 to 2020, the budget of the DILG includes a Resettlement Governance Assistance Fund (RGAF) to support LGUs in putting up facilities and addressing the immediate needs of relocated families during their adjustment stage in their new communities. In partnership with the LGUs, active involvement of all relocatees in community development projects of resettlement sites is encouraged. These activities cater to the needs of relocatees regardless of age, sex, gender, cultural ethnicity, or status. Partners at the local level are regularly consulted, and the accomplishments of RGAF Projects are presented in Local Inter-Agency Committee Meetings.

Table 11  
**Budget utilization of the RGAF (2017–2020)**

<i>Year</i>	<i>Total Funding (in PHP million)</i>	<i>Utilization Rate (percent)</i>
2017	275.605	97
2018		No funding for RGAF in FY 2018
2019	128.100	74
2020	66.549	22

*Source:* DILG

188. Moreover, the RGAF provided 18 LGUs with business development trainings to support the development of sustainable livelihood and employment programs, and financial assistance to augment support funds for the provision of facilities to resettlement sites. For 2021, the funding for RGAF was transferred to the DHSUD, pursuant to RA 11201, which

designated it as the primary agency for the management of housing and settlements-related development in the Philippines. Despite this, the DILG continues to support LGUs by providing technical assistance and capacity-building activities on Resettlement Governance.

189. The DHSUD is in the process of establishing a geographic information system-based urban development and housing database-monitoring system to consolidate all relevant information needed for housing policy. This will include protected areas, public and private lands, a complete database on informal settler families with beneficiary profiles, and socialized housing projects and subdivisions, among others. It aims to facilitate data sharing and knowledge generation, with the end goal of creating more sustainable settlements through evidence-based planning and development.

190. The PSA has collected data on the extent of homelessness based on the 2020 CPH. The Population and Housing characteristics based on the results of the 2020 CPH will be made available in July 2022.

## **22. Sexual and reproductive health**

191. Section 12 of Article II of the 1987 Philippine Constitution says in part that “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.” In light thereof and in consideration of Philippine culture as a predominantly Catholic country, the State deems that strengthening measures on providing reproductive health services instead of legalizing abortion is the more appropriate recourse towards preventing unsafe abortion and maternal mortality in the Philippines.

192. From 2016 to 2021, the DOH undertook initiatives to reduce the incidence of unsafe abortion and maternal mortality, such as provision of family planning commodities to women of reproductive age, conduct of maternal death review, and integration of family planning in other health programs.

193. In partnership with key stakeholders in the government and non-government sectors, DOH developed the Costed Implementation Plan of the National Family Planning Program as the basis for determining the country's budget requirement for contraceptives.<sup>17</sup> The program ensures the provision of postpartum family planning in health facilities to avoid missed opportunities and prevent rapid repeat pregnancies, especially among adolescents. It also conducts outreach services in areas with limited access to family planning services. Multi-stakeholder consultations are conducted to ensure consistency of content discussion on curriculum development for age-appropriate sexual and reproductive health information, referral, and service provision.

194. On an annual basis, the DOH prepares a report on the implementation of RA 10354 otherwise known as the Responsible Parenthood and Reproductive Health Act of 2012. The report contains disaggregated details of reproductive health outcome indicators (i.e., maternal, child and adolescent health; family planning; HIV/AIDS; and gender-based violence), program accomplishments and challenges, budget allotment and expenditure, and recommendations for administrative and legislative actions. The DOH submits this report to the OP and Congress, and posts it on the DOH website for the public's information. RA 10354 empowers couples and individuals to decide freely and responsibly on the number and spacing of their children and to have the information and means to help them do so.

## **23. Policy towards drug users**

195. The State is firmly against extrajudicial killings and all forms of violence against drug users and upholds the rule of law and human rights in anti-drug operations.

196. The government institutionalized the Philippine Anti-Illegal Drugs Strategy (PADS) through EO 66, s. 2018, which adheres to a holistic and human rights-based approach against

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<sup>17</sup> Contraceptive security is based on the demand of women of reproductive age (15-49 y/o) for family planning regardless of their marital, socioeconomic status, religion, ethnicity, etc.



illegal drugs and the abuse of dangerous drugs. The PADS outlines strategies to suppress the flow of illegal drugs supply through sustained law enforcement operations and to reduce consumer demand for drugs and other substances through drug rehabilitation and massive preventive education and awareness programs.

197. To mitigate the risk for drug-related violence, the Dangerous Drugs Board (DDB) issued the following regulations after holding consultative meetings and public hearings with NGOs, civil society, the religious sector, and other concerned stakeholders: Board Regulation Nos. 3 and 4, s. 2016 on the guidelines and protocols in handling drug-related offenses; Board Reg. 6, s. 2019 on the guidelines and procedures to safeguard the handling of children involved in dangerous drugs; and Board Reg. 7, s. 2019 consolidating and updating existing policies and procedures in handling persons who use drugs (PWUDs).

198. Adhering to human rights principles and the proper procedures provided by law, the Philippine Drug Enforcement Agency (PDEA) ensures proper and uniform treatment of arrested users and offenders regardless of socioeconomic status. Section 2 of Board Reg. 3, s. 2016 provides that individuals who surrender are informed of their human rights prior to interview. Meanwhile, Board Reg. 7, s. 2019 requires adherence to the Data Privacy Act, particularly in dealing with the records of the users and offenders and confidentiality of information and records.

199. Drug users are encouraged to undergo Community-Based Drug Rehabilitation Program (CBDRP), including the availment of healthcare treatment. All individuals, regardless of gender, religious affiliation, and all other demographic variables that characterize groups, can access available drug prevention and education services as well as treatment and rehabilitation interventions such as the CBDRP.

200. In 2020, the Department of Science and Technology-Food and Nutrition Research Institute (DOST-FNRI) developed a nutritional manual for PWUDs for implementation of drug abuse treatment and rehabilitation centers.

201. The ‘Guidance for Community-Based Treatment and Care services for People Affected by Drug Use and Dependence in the Philippines’ Manual was formulated with the United Nations (UN) Office on Drugs and Crime to mitigate drug use and ensure that a ready-made intervention is available in their respective communities. It will guide health professionals and other key stakeholders, such as LGUs, who are involved in the response to drug use and dependence in the Philippines.

202. To strengthen the judicial system’s capacity in handling drug-related cases, trainings for judges, prosecutors, and law enforcers were conducted on dealing with decisions and implementing existing rules in drug-related cases. This initiative, through a partnership between the DDB and the Philippine Judicial Academy, aimed to further streamline and integrate the efforts of the criminal justice system, especially in the field of prosecution and investigation, and to address the problems on dismissal of drug cases and operational lapses.

203. The PNP, as the country’s primary law enforcement agency, strictly adheres to the provisions of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002. The Police Regional Offices nationwide reported 140,480 cases involving drug use from 2016 to 2020, with 150,000 individuals arrested. The PNP referred 34,513 cases to the Prosecutor’s Office and filed 105,859 cases in various courts. The remaining 108 cases are still under investigation.

204. As discussed under Section B.4. of this report, the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons also undertakes measures to ensure that extra-legal killings and other violations against human rights are duly investigated and resolved.

## **24. Right to education**

205. In accordance with the 1987 Philippine Constitution, the State continues to give topmost priority to the education sector and to ensuring that all of its citizens, especially the youth and marginalized sectors, have access to education.

206. As mentioned under Section B.6. of this report, the budget allocated to primary and secondary education has been increasing in the past five years. In response to the schooling challenges during the COVID-19 pandemic, budget was also secured to implement the Basic Education Learning Continuity Plan.

207. On ensuring that all schools are compliant with the IRR of the Enhanced Basic Education Act of 2013, the DepEd is currently reviewing proposed amendments to DepEd Order No. 88, s. 2010, or the Revised Manual of Regulations for Private Schools in Basic Education, to widen registration and strengthen compliance with rules. The amended order is scheduled for final approval and issuance within 2021. The DepEd is also currently finalizing the Basic Education Development Plan 2030, the country's first long-term plan for the basic education sector, for completion in 2021. To realize fully the right to education, the Plan includes strategies to improve education access and quality.

208. The Department issued DO 21, s. 2019 or the Policy Guidelines on the K to 12 Basic Education Program to provide the context, features, and programs to aid in its full implementation. The policy, which applies to public and private basic education institutions, unifies understanding of the K to 12 Basic Education Program, as part of the effort to improve the implementation of each component, project, and activity under it.

209. The Education Service Contracting (ESC) Program aims to democratize and improve access to quality education by extending financial assistance (in the form of a tuition subsidy) to qualified elementary school graduates who wish to pursue secondary education in a private school, together with the Senior High School Voucher Program and the Joint Delivery Voucher Program. DepEd has issued several rules and guidelines relative to the ESC program to facilitate its implementation:

(a) DO 16, s. 2021 – creates the Government Assistance and Subsidies (GAS) Program Management Office to support the different GAS programs and the officials, offices, and personnel designated to manage them;

(b) DO 39, s. 2020 – acknowledges the effects of the pandemic on the operations of private schools and provides special provisions to extend assistance to beneficiaries of the GAS program for School Year (SY) 2020–2021;

(c) DO 20, s. 2017 – Guidelines on the Implementation of the Educational Service Contracting and Teachers' Salary Subsidy Programs in Junior High School Effective SY 2017–2018;

(d) DO 18, s. 2016 – Policies and Guidelines on the Implementation of the Government Assistance to Students and Teachers in Private Education (GASTPE) Program Effective SY 2016–2017; and

(e) DO 16, s. 2016 – Creation of the Interim Project Management Office for the GASTPE Effective SY 2015–2016.

210. To ensure access to basic education, DepEd has continuously implemented programs that foster inclusive education such as the Special Education (SPED) Program, Indigenous Peoples Education Program (IPEd), and Madrasah Education Program. For learners with disabilities, DepEd issued the following policies:

(a) DO 21, s. 2019 – provides a comprehensive policy on the K to 12 Basic Education Program that includes the Inclusive Education Policy Framework for Basic Education. Additionally, DepEd observes the National Celebrations on Advocacy Programs in support of Inclusive Education through DepEd Memo 22, s. 2021;

(b) DO 21, s. 2020 – articulates the principles, features and standards that will establish common understanding on the transition of learners with disabilities in all public and private schools nationwide, emphasizing what can be offered to learners with disabilities in terms of their life pathway;

(c) DO 29, s. 2018 – provides a multi-factored tool to assess Grade 1 learners enrolled in regular schools who may exhibit developmental advancement or delays or have manifestations of learning disability, for easier administration and effective identification of learners with disabilities;

(d) DO 6, s. 2017 – Multi-Year Implementing Guidelines in Early Registration providing for the registration of children and youth with special needs; and

(e) Five-Year Development Plan for Education for Children and Youth Disabilities (2014–2019).

211. The DepEd established a centralized system for the identification of vulnerable learners for proper referral and support, and provided Program Support Fund to implementers of the SPED and the Muslim Education Program. It utilized student governments and learner support system, including peer support youth groups and trainings/webinars, to facilitate provision of psychosocial support, health and safety measures, and remediation and enhancement for all types of learners.

212. To articulate the legal standards for child rights and to monitor compliance with international human rights obligations, the Department created the Child Rights in Education Desk and the Child Protection Unit, which became functional in April 2021. The Department also established the National Policy Framework on Learners and Schools as Zones of Peace, which primarily covers learners and schools in situations of armed conflict.

## 25. Internet access

213. The State recognizes that internet access is a key enabler of economic growth and competitiveness that can contribute to social and cultural development. To this end, it is fast-tracking the government’s digital connectivity program, as provided in the Updated PDP 2017–2022 and the DICT’s Digital Infrastructure Plan,<sup>18</sup> to expand internet access and to ensure connectivity for all Filipinos.

214. In a report published by the Ookla Speedtest Global Index in 2021, the Philippines moved up to the 72nd spot on the global mobile internet speed rankings with an average download speed of 33.69 Mbps as of July 2021. On the other hand, the country ranked 63rd on the global fixed broadband internet speed rankings with an average download speed of 71.17 Mbps in the same month. Overall, this is an improvement from the previous year’s rankings.

215. According to the result of the 2019 National ICT Household Survey, only about 17.7 percent of more than 43,838 sample Filipino households have their own internet access at home. As such, while internet speed is improving in the country, the State is determined to improve connectivity as well.

216. The government’s digital connectivity program comprises primarily of the Free Public Internet Access Program and the National Broadband Program, which are directed towards creating an information and communication technology (ICT)-based knowledge base and extending social services to far-flung or last-mile areas. These programs aim to provide internet connection in public hospitals, rural health units, public schools, state universities and colleges, and other public places.

217. Enacted on August 2, 2017, RA 10929 created the Free Public Internet Access Program. As of July 2021, the DICT has established 7,274 live sites in public places and 1,577 live sites in state universities and colleges and in technical and vocational education and training Institutions.

218. In 2017, the government institutionalized the National Broadband Program and included this in the list of priority initiatives under the present administration’s “Build, Build, Build” Infrastructure Program. As of July 2021, the National Broadband Program has accomplished the following:

(a) Awarding of contract to a winning bidder for the operationalization of Phase 1 of the National Fiber Backbone (i.e., activating 28 nodes);

(b) Turnover of the Luzon Bypass Infrastructure from the Bases Conversion Development Authority (developer) to the DICT (operations/ implementation);

<sup>18</sup> The DICT is a relatively new department created under RA 10844, enacted on May 23, 2016.

(c) Connection of 820 government agencies through fiber optic cable under the GovNet project.

219. The long-term focus of the Digital Infrastructure Plan is to lay down a robust fiber network that connects the whole country to the National Fiber Backbone. Its short-term goal is maximizing impact by connecting metro cities and economic corridors that shall spur growth to its locality and contribute to the total economic growth of the Philippines.

## **26. Other recommendations**

### **(a) On ratification of the Optional Protocol to the ICESCR**

220. While the Optional Protocol to the ICESCR is well-intentioned to provide redress to those whose economic, social, and cultural rights have been violated, the Philippines is of the view that it must be accorded the chance to fully implement the various laws it has enacted for the same purpose in recent years, as discussed in previous sections. The application of these laws enhances the right of all individuals to human dignity by providing full access to services offered by the various instrumentalities of government.

221. Under the ICESCR Optional Protocol, the UN CESCR deems admissible any complaint directly submitted by non-State actors who deem that domestic remedies to said complaints are unreasonably delayed. The State agrees that justice must be administered with dispatch and acknowledges the judicial delays. This is why the SC has launched the Judicial Affidavit Rule, and implemented the Guidelines for Decongesting Holding Jails by Enforcing the Right of the Accused to Bail and Speedy Trial, and the Revised Guidelines for Continuous Trial to remedy such delays. However, in determining whether the delay was inordinate and unreasonable, the State deems that the same should not be through mere mathematical reckoning alone but also through an examination of the attendant facts and circumstances.

222. In addition, the exception under item 2(a) of Article 3 of the Optional Protocol that allows complainant/s to submit a communication to the UN CESCR beyond the 1-year requirement “in cases where...it had not been possible to submit the communication within that time limit”, could be subject to abuse because there are no qualifiers.

223. The State also expresses its reservation on the matter of “inter-State communication” under Article 10.1 of the Optional Protocol, considering that the communication filed by a State might not be framed in such a way that truly represents the interests of alleged victims, and that the filing of the same could be a politically motivated attack on another State.

### **(b) On ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED)**

224. RA 10353 or the Anti-Enforced or Involuntary Disappearance (EID) Act criminalized EID and provided restitution, compensation, and rehabilitation for victims and their families in relation to incidence or commission of torture, force, violence, threat, intimidation or any other means which vitiate the free will of persons abducted, arrested, detained, disappeared, or otherwise removed from the effective protection of the law. It also provides that the State, through its appropriate agencies, shall ensure the safety of all persons involved in the search, investigation and prosecution of enforced or involuntary disappearance, including, but not limited to the victims, their families, complainants, witnesses, legal counsel, representatives of human rights organizations, and media) Moreover, it shall be the absolute right of any person deprived of liberty to have immediate access to any form of communication available to them to inform their family, relative, friend, or lawyer or any human rights organization on their whereabouts and condition.

225. Consistent with the PANTHER principles on accountability and rule of law, the Anti-EID Act holds the immediate commanding officer of the concerned Armed Forces of the Philippines unit or the immediate senior official of the PNP and other law enforcement agencies, liable as principals to the crime of enforced or involuntary disappearance for acts committed under their command. Likewise, the law holds liable those who fail to take preventive or coercive action either before, during, or immediately after the commission of enforced or involuntary disappearance.

226. The Anti-EID Act is the first of its kind in Asia and has previously been cited as a best practice by the UN Working Group on Enforced and Involuntary Disappearance (UN WGEID). The Act explicitly requires the active involvement of the CHR, which is given the mandate and authority to conduct regular, independent, unannounced, and unrestricted visits to or inspection of all places of detention and confinement in order to further safeguard the fundamental rights of persons deprived of liberty.

227. Other State mechanisms providing redress to victims and holding human rights violators accountable are:

(a) DOJ AO 35 (discussed under Sections B.4 and B.23 of this report);

(b) Human Rights Victims' Claims Board – an independent quasi-judicial body created pursuant to the Human Rights Victims Reparation and Recognition Act of 2013. It is empowered to receive, evaluate, process, investigate, and resolve applications for claims for human rights violations committed by State agents during the Marcos regime from September 21, 1972 to February 25, 1986;

(c) Board of Claims (BOC) under the DOJ – grants monetary compensation, rehabilitation, and restitution of honor and reputation for victims of unjust imprisonment or detention and victims of violent crimes who surface alive. The immediate relatives of a victim of EID within the fourth civil degree of consanguinity or affinity may also claim compensation.

228. Under the force of the aforementioned mechanisms, the Philippine government reinvestigated, examined, and compensated 625 cases referred by the UN WGEID. The State reported the results of the investigations during its engagement with the UN WGEID in the Working Group's 117th Session in Sarajevo on February 14, 2019 and in the 119th Session in Geneva on September 17, 2020. The Philippines formally submitted its analysis during the UN WGEID's 119th session in Geneva, Switzerland on September 17, 2019.

229. Considering that domestic mechanisms take precedence over international instruments, we deem the ratification of the ICPAPED redundant as its aim is already fulfilled by existing legislations. The current status of the Philippines regarding the ICPAPED has not hindered it from constructively engaging with the UN WGEID, guided by the latter's Methods of Work.

**(c) On implementation of Agenda 2030**

230. In its participation in various bilateral and multilateral engagements, the Philippines consistently expresses the country's firm commitment to the 2030 Sustainable Development Agenda.

231. The Philippines was one of the first 22 countries that submitted their Voluntary National Review (VNR) to the UN High-Level Political Forum in July 2016. The country's first VNR report referred to the current administration's 0 to 10-point socio-economic agenda, the PDP 2017–2022, and the long-term vision dubbed as *AmBisyon Natin 2040* as being in full support of the 2030 Agenda and aligned with the SDGs. The 0 to 10-point agenda “emphasizes the need to maintain accelerated economic growth while ensuring that gains are broadly shared by the Filipino people.” It prioritizes the agriculture and manufacturing sectors of the economy, which many vulnerable sectors depend on for livelihood.

232. In July 2019, the Philippines presented its second VNR report, which highlighted sustainability and inclusivity as guiding principles for national development strategies. The report also emphasized synergies between government and non-government actions required to ensure inclusiveness and equality. The reporting period saw the strengthening of the engagement of non-government stakeholders based on a whole-of-society approach to SDG implementation, coordination of cross-sectoral actions through institutional mechanisms, engagement of stakeholders in discussions, and the launch of the SDG website to provide a platform for broader public engagement on the nation's SDG agenda, including with the youth and the Filipino diaspora.

233. The VNR is a transparent and participatory process for the follow-up and adoption of the SDGs. In the drafting of both VNRs of the Philippines, a whole-of-society approach was

applied wherein inputs from national agencies and LGUs, the academe, CSOs/NGOs, and the private sector were duly sought and considered.

**(d) On developing indicators on the implementation of economic, social and cultural rights**

234. The Updated PDP 2017–2022 and its accompanying results indicators, serves as the country’s development blueprint. Aligned with the SDGs in ensuring that no one is left behind, it pays special attention to the vulnerable and most disadvantaged sectors of society. All economic, social, and cultural rights are espoused in the Plan, and related strategies are being pursued to ensure that the indicator targets are met and that these rights are protected and promoted.

235. The Third Philippine Human Rights Plan (PHRP III) 2018–2022 adopts a culture-sensitive, gender-responsive, and human rights-based approach to public service and aims to mainstream the human rights agenda in development to protect all citizens, especially the poorest and most vulnerable. The PHRP III likewise contains strategies and indicators that are being monitored to track the State’s progress in terms of the promotion and protection of economic, social, and cultural rights.

236. Completed in 2016, NEDA’s Good Governance Toolkit incorporates the Human Rights-Based Approach and facilitates the promotion and effective mainstreaming of good governance principles in NEDA’s key technical processes and practices related to development planning, policy review, legislation or bill review, investment programming, and project appraisal and evaluation.

**(e) On dissemination of the UN CESCR’s concluding observations on the combined fifth and sixth period report of the Philippines**

237. The PHRP III serves as an important tool in facilitating the dissemination and implementation of the concluding observations and recommendations made by the different treaty bodies in a holistic and transparent manner. This has led to greater understanding of the State’s human rights obligations under the different treaties.

238. As the State’s lead agency in the monitoring and reporting on the ICESCR implementation, NEDA conducted a dissemination forum in 2017 to present the UN CESCR 2016 concluding observations and recommendations on the Philippines’ combined fifth and sixth periodic reports. Concerned executive agencies attended the forum, along with representatives from the judiciary and legislative branches of the government.

239. The State, through the DFA and the Presidential Human Rights Committee Secretariat (PHRCS), conducted workshops on Agenda 2030, the SDGs, and economic, social, and cultural rights in 2019 and 2020. Attended by mid-level and technical officers from agencies under the economic development cluster, the workshop aimed to increase their appreciation of the nexus between the SDGs and human rights, and how these align with *AmBisyon Natin* 2040 and the PDP. The workshops aimed to assist agencies in incorporating human rights-based approach in development planning, in line with the principle of Leaving No One Behind. The workshop also included dissemination of concluding observations from treaty bodies in order for participants to better link their respective agencies’ programs and initiatives with relevant recommendations by treaty bodies.

240. Finally, the State, through the PHRCS and concerned executive agencies, conducted the *Ugnayang Bayan* (“Community Engagement”) 2020, a series of online web forums, to present to the public the Philippine government’s accomplishments in the implementation of the different human rights treaties, including the ICESCR. The PHRP III and the series of *Ugnayang Bayan* web fora empowered CSOs to represent and speak on behalf of members of disadvantaged and marginalized groups in society.

## C. Next steps

241. The Philippines recognizes that protecting and promoting its citizens' economic, social, and cultural rights, along with all human rights, is a continuous endeavor, and that there is much room for improving its programs and services to this end.

242. As such, the State will take the following steps moving forward:

(a) Formulate and implement strategies for the education and vocational training sector to match labor demand and cultivate higher-order critical and innovative thinking in students and trainees to facilitate adaptability to changing times, in consideration of the skills and competencies needed for its citizens to continue having economic opportunities in the Fourth Industrial Revolution;

(b) Maximize the use of technology in data gathering and information management for more efficient targeting and implementation of services, and for resilience of public services in various forms of crises in a volatile, uncertain, complex, and ambiguous world;

(c) Ensure alignment of planning, budgeting, monitoring and evaluation of government programs and projects to ensure coherence and sustainability of interventions on the promotion and protections of human rights;

(d) Enhance coordination with Congress for the passage of pending bills (*Annex B*) that seek to promote economic, social, and cultural rights, in alignment with the State's commitments under the Covenant;

(e) Encourage co-creation of programs and projects to ensure adherence to the rights of both duty bearers and claim holders to participate in the development process;

(f) Conduct regular trainings and orientations for officials and employees in the judiciary, legislative, and executive branches on the various international covenants and treaties that the Philippines is party to, towards raising awareness and advocating the implementation of measures towards complying with the State's commitments therein.

## **Annex A. List of government and non-government organizations that contributed to the Philippines' 7th Periodic Report**

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*List of government and non-government organizations*

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*Executive Branch*

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1. Anti-Money Laundering Council (AMLC)
2. Bangsamoro Women Commission (BWC)
3. Civil Aviation Authority of the Philippines (CAAP)
4. Commission on Higher Education (CHED)
5. Council for the Welfare of Children (CWC)
6. Dangerous Drugs Board (DDB)
7. Department of Agrarian Reform (DAR)
8. Department of Agriculture (DA)
9. Department of Budget and Management (DBM)
10. Department of Education (DepEd)
11. Department of Environment and Natural Resources (DENR)
12. Department of Foreign Affairs (DFA)
13. Department of Health (DOH)
14. Department of Human Settlements and Urban Development (DHSUD)
15. Department of Information and Communications Technology (DICT)
16. Department of the Interior and Local Government (DILG)
17. Department of Justice (DOJ)
18. Department of Labor and Employment (DOLE)
19. Department of Social Welfare and Development (DSWD)
20. Development Academy of the Philippines (DAP)
21. Local Government Academy (LGA)
22. National Anti-Poverty Commission (NAPC)
23. National Council on Disability Affairs (NCDA)
24. National Commission on Indigenous Peoples (NCIP)
25. National Commission on Muslim Filipinos (NCMF)
26. National Economic and Development Authority (NEDA)
27. National Housing Authority (NHA)
28. National Nutrition Council (NNC)
29. National Wages Productivity Commission (NWPC)
30. Occupational Safety and Health Center (OSHC)
31. Philippine Center on Transnational Crime (PCTC)
32. Philippine Commission on Women (PCW)



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*List of government and non-government organizations*


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33. Philippine Drug Enforcement Agency (PDEA)
  34. Philippine Guarantee Corporation (PhilGuarantee)
  35. Philippine Health Insurance Corporation (PhilHealth)
  36. Philippine National Police (PNP)
  37. Philippine Statistics Authority (PSA)
  38. Presidential Anti-Corruption Commission (PACC)
  39. Presidential Human Rights Committee (PHRC)
  40. Presidential Legislative Liaison Office (PLLO)
  41. Social Housing Finance Corporation (SHFC)
  42. Social Security System (SSS)
  43. Technical Education and Skills Development Authority (TESDA)
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*Legislative Branch*

44. House of Representatives of the Philippines
  45. Senate of the Philippines
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*Judicial Branch*

46. Supreme Court of the Philippines (SC)
  47. Supreme Court – Philippine Judicial Academy (PhilJA)
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*Constitutional Commissions*

48. Civil Service Commission
  49. Commission on Human Rights
  50. Office of the Ombudsman
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*Civil Society and Non-Government Organizations*

51. Caucus of Development NGO Networks (CODE-NGO)
  52. Coalition of Services of the Elderly, Inc. (COSE)
  53. Employers Confederation of the Philippines (ECOP)
  54. Hanns Seidel Foundation (HSF)
  55. The Asia Foundation
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## **Annex B. List of proposed legislation addressing economic, social and cultural rights that have yet to be passed**

*List of proposed legislation addressing economic, social and cultural rights that have*

*Commission on Human Rights (CHR) of the Philippines*

1. CHR Charter Bill

*Human rights defenders*

2. Bill on the protection of human rights defenders

*Indigenous Peoples*

3. National Land Use Bill

4. Ratification of ILO Indigenous and Tribal Peoples Convention 1989

*Non-discrimination*

5. Comprehensive anti-discrimination bill (on the basis of sex, religion, ethnicity, health status, etc.)

*Right to just and favorable conditions of work*

6. Bill establishing Magna Carta for Workers in the Informal Economy

7. Bill to address “endo” or contractualization

*Protection of family, mothers and children*

8. Bill to amend the Code of Muslim Personal Laws to prohibit polygamy and child marriage

9. Bill declaring child marriage as illegal

10. Bill to amend the Revised Penal Code to penalize marital infidelity, adultery and concubinage

11. Divorce bill

*Economic exploitation of children*

12. Bill imposing greater penalties for violations of the law prohibiting the worse forms of child labor (RA 7610, as amended by RA 9231)

13. Bill to strengthen protections against online sexual abuse and exploitation of children

*Violence against women and girls*

14. Bill to amend Violence Against Women and Children (VAWC) Act, to expand definition of VAWC

15. Bill to amend Anti-Rape Law, to increase the age for determining statutory rape and repeal Article 266-C of Revised Penal Code on conditions for pardon of rapist

*Right to adequate food and nutrition*

16. Bill to establish the ‘Right to Adequate Food Framework Act’

*Right to housing*

17. National Housing Development Bill

18. Rental Housing Subsidy Bill