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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

### Replies of the Philippines to the list of issues in relation to its seventh periodic report\*

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



## I. Introduction

1. The preparation of written responses was led by the National Economic and Development Authority (NEDA), summarizing inputs from 60 government agencies, 24 civil society organizations (CSOs), seven business groups, and three academic institutions. The State's independent national human rights institution (NHRI), the Commission on Human Rights of the Philippines (CHR), provided independent views to enhance the written responses, further refined by a technical working group (TWG) composed of NEDA, Department of Foreign Affairs - United Nations and International Organizations Office, and the Presidential Human Rights Committee Secretariat (PHRCS).

## II. Replies to the list of issues (E/C.12/PHL/Q/7)

### A. General Information

#### Measures ensuring the protection of economic, social, and cultural rights (ESCR) at the constitutional level

2. The 1987 Philippine Constitution guarantees protection of ESCR through Articles II (Declaration of Principles and State Policies), III (Bill of Rights), XII (National Economy and Patrimony), XIII (Social Justice and Human Rights), and XIV (Education, Science and Technology, Arts, Culture and Sports).

3. ESCR are further protected and promoted through recently enacted legislative measures and policy interventions:

- Republic Act (RA) 11469 (*Bayanihan* (Communal Cooperation) to Heal as One Act);
- RA 11494 (*Bayanihan* to Recover as One Act);
- RA 11713 (Excellence in Teacher Education Act);
- RA 11650 (Instituting a Policy of Inclusion and Services for Learners with Disabilities in Support of Inclusive Education Act);
- RA 11953 (New Agrarian Emancipation Act);
- Executive Order (EO) No. 141, s. 2021 on teenage pregnancy;
- EO No. 163, s. 2022 on institutionalizing access to protection services for refugees, stateless persons, and asylum seekers;
- Gender mainstreaming in the security and law enforcement sector;
- Complementary Pathways Program for Rohingya refugees.

4. The Supreme Court (SC) cited ICESCR in the following cases:

- *Reyes v. Director or Whoever is In-Charge of Camp Bagong Diwa, Taguig, Metro Manila* [General Register (G.R.) 254838, 17 January 2023];
- *Abines v. Duque III* (G.R. 235891, 20 September 2022);
- *Calleja v. Executive Secretary* (G.R. 252578 and other consolidated cases, 12 July 2021);
- *Pangilinan, et al. v. Cayetano, et al.* (G.R. 238875, 239483 & 240954, 16 March 2021);
- *Pimentel v. Legal Education Board* (G.R. 230642 & 242954, 10 September 2019);
- *COTESCUP v. Secretary of Education* (G.R. Nos. 216930 and other consolidated cases, 9 October 2018).

5. Efforts promoting ICESCR in the law enforcement sector have been actively pursued, such as delivering lectures on protecting and promoting human rights within the Philippine National Police. From 2017 – 2022, the Civil Service Commission (CSC) conducted 197 training programs on administrative justice, focusing on the 2017 Rules on

Administrative Cases in the Civil Service, and the Omnibus Rules on Appointments and Other Human Resource Actions.

6. Writs of Amparo were invoked in the following cases:
  - Vivian A. Sanchez v. PSupt. Darroca, et al. (G.R. 242257, 15 June 2021);
  - Tabian, et al. v. Gonzales (G.R. 247211, 1 August 2022);
  - In the Matter of the Petition for Writ of Amparo and Writ of Habeas Corpus in Favor of Lucena, et al. (G.R. 252120, 15 September 2020);
  - Mamba v. Bueno (G.R. 191416, 7 February 2017).
7. The Supreme Court (SC) reminded judges that in granting a Writ of Amparo, “judges, as impartial inquisitors, must assure themselves that there is no actual or future threat to the petitioner’s life, security, or liberty. Indeed, pursuing rebels is a legitimate law enforcement objective, but the zeal with which our law enforcement officers clamp down on persons of interest or their loved ones must be bound by the fundamental rights of persons.”
8. Drawing on relevant SC decisions, bills have been filed in Congress promoting equality and non-discrimination, and strengthening the protection of children against abuse.

#### **Assessing ESCR enjoyment through the 2020 Census of Population and Housing (CPH)**

9. In the 2020 CPH, the highest educational attainment was asked for all persons aged five years and over. Out of the 97.96 million population, 8.61 million persons (8.8%) were Indigenous Peoples (IP). About two-fifths (40.4%) of the IPs reached/completed primary education while 31.9% secondary education; and 15.5% tertiary education.
10. Meanwhile, 12.97 million (13.2%) were persons with functional difficulty. Of this number, 41.4% completed primary education, 28.74% attained secondary education, and 20.0% achieved tertiary education.
11. Out of 26.39 million total households, 2.11 million (8.0%) are headed by IPs. Of these, 62.7% owned or had owner-like possession of the house and lot they occupied.
12. Persons with functional disability headed 4.28 million households (16.2%), of which 64.1% owned or had owner-like possession of the house and lot they occupied.

#### **Mandating the CHR to promote and protect ESCR**

13. Bills concerning the CHR charter have been filed in the legislature.
14. CHR established the Human Rights Institute (HRI) on 10 December 2021 and continuously champions its improvement, engaging in dialogues with the Department of Budget and Management (DBM) for funding support.
15. The Professional Regulation Commission accredited the HRI program as a Continuing Professional Development Provider in February 2023. The program provides free and accessible online certificate courses on general and specific human rights; as well as professional and executive courses for duty-bearers and human rights defenders (HRDs).

#### **Prevention of intimidation, harassment, red-tagging, enforced disappearance and killing of HRDs**

16. The State has accountability mechanisms through its Judiciary and Executive branches, including the CHR, specifically on cases of alleged human rights violations and abuses. These procedures and mechanisms include:
  - Initiating criminal proceedings in courts for threats and coercion;
  - Seeking legal protection through a Writ of Amparo;
  - Requesting assistance from the Presidential Task Force of Media Security; and
  - Utilizing the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearance, Torture and other grave violations of the right to life, liberty, and

security of persons, established by Administrative Order (AO) No. 35 (s. 2012), to address specific human rights concerns.

17. The Philippines values the contributions of HRDs who advocate peacefully and uphold the principles of non-violent human rights promotion.

(a) The State fosters a vibrant and inclusive civic space where HRDs and civil society can freely engage with the government and with each other. This commitment extends to safeguarding workers' rights to organize and associate, as enshrined in international human rights instruments.

(b) Bills aimed at protecting HRDs have been filed in the legislature.

(c) The State remains committed to ensuring the independence and effectiveness of the IAC on Extra-Legal Killings, Enforced Disappearances, Torture, and other grave violations of the rights to life, liberty, and security of persons. To this end, on September 2020, the CHR and the AO 35 Secretariat, executed a Data Sharing Agreement, facilitating the exchange of information for investigating grave human rights violations while ensuring the protection of victims and witnesses. A TWG was also created for the effective and efficient implementation, and periodic evaluation of AO 35.

(d) In order to address concerns regarding the potential misuse of the Anti-Terrorism Act (ATA), the Anti-Terrorism Council - Program Management Center conducts an ATA Caravan to raise awareness of law enforcement agents and operational units on the law's salient provisions. It also promotes SC's declaration that (a) advocacy, protest, dissent, (b) stoppage of work, industrial or mass action, and (c) other similar exercises of civil and political rights are not acts of terrorism under Section 4 of the ATA 2020. The law holds public officers accountable for certain human rights violations and directs the CHR to give the highest priority to investigating and prosecuting violations of civil and political rights of persons.

#### **Mitigating climate change and progress on the reduction of per capita greenhouse gas (GHG) emissions**

18. In 2010, the country's carbon dioxide equivalent (CO<sub>2</sub>e) emissions per capita were ~1.56 metric tons CO<sub>2</sub>e. Under the country's Nationally Determined Contribution, the Philippines commits to projected GHG emissions reduction and avoidance of 75%. This consists of 2.71% unconditional and 72.29% conditional commitment. The 2.71% unconditional commitment is projected to reduce and avoid 365.2 MtCO<sub>2</sub>e for 2020–2030. This will be partially achieved through government initiatives such as the National Energy Efficiency and Conservation Program; Public Utility Vehicle Modernization Projects; rail projects under the Build, Build, Build program; and implementation of the Mandamus Ruling on the Manila Bay Rehabilitation.

19. The Philippines participated in the Clean Development Mechanism (CDM) under the Kyoto Protocol. As of 31 December 2019, the country registered 72 CDM projects with ~57.4 million tCO<sub>2</sub>e total accumulated emission reduction potential by 2030. Of this, ~3.3 million Certified Emission Reductions have been issued. To further monitor the country's emission reduction and avoidance actions, the 2015 and 2020 National GHG Inventories, and the data related to progress made in reducing per capita GHG emissions will be available within 2023.

(a) The Philippines adopts the Climate Disaster Risk Assessment (CDRA) and the Post-Disaster Needs Assessment (PDNA) to assess climate change effects on ESCR. Local government units (LGUs) use the CDRA to determine vulnerable areas and identify appropriate disaster risk reduction (DRR) and climate change adaptation measures (CCAM). Meanwhile, the Office of Civil Defense (OCD) and other relevant agencies use the PDNA to assess the economic and social losses and damage associated with disasters, including climate-related hazards. The CHR initiated a National Inquiry on Climate Change to determine the effects of climate change on the fundamental human rights of Filipinos and to develop policy recommendations. The Climate Change Commission (CCC) co-published the Philippine Climate Change Assessment (PhilCCA) reports with the Oscar M. Lopez Center. PhilCCA synthesizes scientific information from international and local literature to assess climate change for the Philippines and to guide strategic decision-making. The Department of Science and Technology (DOST) - Philippine Atmospheric, Geophysical, and

Astronomical Services Administration produces the Philippine Climate Extremes Report, containing the projected impacts of climate change based on projected GHG emission trajectory. Based on the review of CCA Plan implementation for 2011–2016, CCC found the government’s gender mainstreaming in climate action still foundational.

(b) The Philippines is currently developing the National Adaptation Plan (NAP), including risk assessment; planning and development; implementation; and monitoring, evaluation, and learning, among others. The NAP will be based on the National Climate Change Action Plan 2011–2028.

(c) The Philippines formulated the National Disaster Preparedness Plan (NDPP) in 2015 and updated the National Disaster Risk Reduction and Management Plan (NDRRMP) in 2020. The country’s Continuity of Government Plan ensures that the government functions continuously, make decisions, and authorize expenditures during and post disruptive events. Government entities prepare their respective Public Service Continuity Plans to address disruptions in operations and processes. At the LGU level, the Department of the Interior and Local Government’s (DILG) Operation *LISTO* (Alert) institutionalized local protocols for disaster preparedness, response, and monitoring. DOST also actively promotes climate and disaster data governance using GeoRisk Philippines, including the HazardHunterPH (hazard and risk assessment); and PlanSmart (recovery planning). From July 2016–December 2022, OCD trained 83,401 personnel from DRRM member -agencies and stakeholders. The DILG enhances LGUs’ resiliency through risk-informed planning under the program Harmonizing Actions in Local Planning for Disaster and Climate Adaptation (HANDA) of the Support to Environmental Protection and Disaster Resiliency program. The HANDA developed guidelines on mainstreaming DRR and CCA in the Comprehensive Development Plan (CDP+), and Standardized Training Modules on CDP+. DILG also provided technical assistance (TA) to LGUs without risk-informed CDPs, assisting 97 cities and municipalities in 2022. As of March 2023, 1,125 (69.0%) of cities/municipalities have updated and risk-informed CDPs. The State also institutionalized the Climate Change Expenditure Tagging program that monitors, tracks, and reports appropriation of public resources for CCAM and DRR. Resources for climate change significantly increased by 147.4% (PHP187.73 billion in 2017 vs. PHP464.50 billion in 2023). At the sub-national level, LGUs are mandated to develop Local Climate Change Action Plans (LCCAPs). As of 2022, 84.0% of LGUs have LCCAPs.

(d) CCC is the lead policy-making body tasked to coordinate, monitor, and evaluate government programs and action plans to ensure mainstreaming of climate change into national, sectoral, and local development plans and programs. Aside from CCC, several agencies [i.e., Department of Agriculture (DA), Department of Human Settlements and Urban Development (DHSUD), and Department of Health (DOH)] are mandated to promote and implement CCA measures and policies for agriculture, housing, and health, respectively. DILG is also responsible for local climate change action planning with convergence across these sectors. As the government’s multi-sector body on DRRM, the NDRRM Council (NDRRMC) regularly convenes to facilitate implementation, evaluate disaster preparedness and response status, and co-develop strategies/measures to improve DRRM efforts. To achieve its mandate, the NDRRMC has four pillars: (1) Disaster Prevention and Mitigation, headed by the DOST; (2) Disaster Preparedness, headed by DILG; (3) Disaster Response, headed by DSWD; and (4) Disaster Rehabilitation and Recovery, headed by NEDA. Aside from the NDRRMC, there are also *Barangay* (“Village”) DRRM Committees and DRRM Councils at the regional, provincial, city, and municipal levels. During emergencies, the city/municipal council takes charge when two or more *barangays* are affected; the provincial council when two or more cities are affected, and the regional council when two or more provinces are affected.

### **National action plan on business and human rights**

20. The State remains committed to fostering a business environment that upholds and respects human rights, even as a National Action Plan on Business and Human Rights is under development. In a statement, President Marcos Jr. emphasized the indispensable role of workers in the economy, highlighting the necessity of providing them with opportunities to fully realize their potential as contributors in nation-building.

### **Implementing Indigenous People's (IPs) rights**

21. In its continuing commitment to uphold IP rights, the State has undertaken initiatives to promote, protect, and fulfill these rights:

(a) The IP Education Program, established in 2011, builds upon the framework of the IP Rights Act of 1997. The Program recognizes, promotes, and protects the cultural integrity of IP learners and communities within the national basic education system. The Program is implemented in 16 regional offices, including the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), and in 121 division offices. The Department of Education (DepEd) addresses difficulties in access to basic education by geographically disadvantaged IPs by utilizing modules and radio-based instruction, among others.

(b) The National Commission on Indigenous Peoples (NCIP) is reviewing the Revised Guidelines on the Exercise of Free, Prior, and Informed Consent (FPIC) to tighten safeguards.

(c) The National Land Use Bill and the Indigenous Communities Conserved Areas Bill are currently pending in the legislature.

(d) The acquittal of the defendants in the case of Diosdado Sama and Bady Masanglay shows the reshaping of SC's mindset and a more active promotion of IPs' rights within the bounds of its mandate.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Article 2 (1)**

#### **Maximum available resources**

##### **Evolution of the economy (2012–2022)**

22. The Philippines responds as follows:

(a) The estimated proportion of the population living below the poverty line is declining – from 23.5% in 2015 to 16.7% in 2018, and 18.1% in 2021.

(b) Levels of inequality are decreasing from 1.60 in 2015, 1.39 in 2018, and 1.26 in 2021.

(c) The Philippines sustained a robust expansion of gross domestic product (GDP), posting an average growth of 6.6% from 2012–2019. However, the COVID-19 pandemic caused the economy to decline by 9.5% in 2020. Growth gradually rose to 5.7% in 2021 and 7.6% in 2022. For Q1 2023, the Philippines grew by 6.4%, well - within the government's target of 6.0–7.0%. Per capita GDP grew by an average of 5.0% in 2012–2019. Growth in per capita output declined by 10.8% in 2020 due to the pandemic but has since rebounded to 4.3% in 2021 and 6.2% in 2022. For Q1 2023, GDP per capita grew by 5.2%. National Government (NG) debt and Outstanding Public Sector Debt (OPSD)-to-GDP ratios followed a downward trend from 2013–2019, reflecting the government's efforts to reduce the country's debt burden. This was reversed in 2020 due to higher financing requirements to address the pandemic, alongside muted economic activities, and a slowdown in government revenues. The NG debt-to-GDP ratio significantly increased from 39.6% in 2019 to 54.6% in 2020 and remained above 60% until 2022. Meanwhile, OPSD-to-GDP ratio expanded from 47.5% in 2019 to 56.4% in 2020. Despite the recent increase in debt level, the debt ratios are expected to gradually decline over the medium term, driven mainly by the government's fiscal consolidation strategies.

(d) NG revenues as % of GDP steadily increased due to tax reforms:

- RA 10351 (Sin Tax Law of 2012);
- RA 10963 (Tax Reform for Acceleration and Inclusion Law 1A);
- RA 11213 (Tax Amnesty Act);
- RA 11346 and RA 11467 (Sin Tax Laws of 2019);

- RA 11534 (Corporate Recovery and Tax Incentives for Enterprises Law).

While the pandemic impacted tax revenues with a dip from 16.1% in 2019 to 15.9% in 2020, and 15.5% in 2021, the government has rebounded achieving a return to 16.1% in 2022. Similarly, tax effort increased from 11.8% in 2011 to 14.5% in 2019 but declined in 2020 and recovered to 14.6% in 2022. BIR collections as % of GDP were also increasing but declined in 2020 as the government provided tax reliefs during the pandemic and the demand shifted from domestically produced goods to imported commodities. Consequently, Bureau of Customs (BOC) collections as % of GDP reached 3.9% in 2022 – the highest in 26 years. Indirect taxes, on average, account for ~56.0% of total NG tax revenues. Indirect taxes mainly come from sales taxes, value-added tax (VAT), and licenses for internal revenue taxes and import duties and taxes for international trade and transaction taxes. Conversely, direct taxes comprise 44.0% of total taxes, with income taxes accounting for ~98.0% of total direct NG tax revenues. RA 11534 lowered the corporate income tax rate from 30% to 20% for domestic micro small and medium enterprises (MSMEs) and from 30 to 25% for large domestic corporations and foreign corporations. The tax break was given to incentivize countryside investments. The percentage of personal income tax revenues collected from the richest 10% of taxpayers from 2017–2022 is ~3.5%–3.9% of the total BIR collection. The estimated tax liability of Run after Tax Evaders cases filed from 2013–2022 ranges from PHP3.5 billion to PHP41.0 billion. For 2022, the tax liability was ~PHP5.1 billion. On average, the government granted ~PHP381.47 billion for its main tax benefits from 2011–2020. Tax incentives on import VAT, on average, account for 59.4% of the total tax incentives, income tax incentives at 25.8%, and customs duties at 14.7%.

(e) Social services (38.0%), education (16.3%), and health (6.1%) received the bulk of FY 2023 National Budget totaling PHP5.268 trillion:

- Social services sector – PHP 2.004 trillion (38.0%) (8.3% of GDP);
  - Social security, welfare and employment – PHP 430.7 billion (8.2%)(1.8% of GDP);
- Education sector – PHP857.0 billion (16.3%) (3.5% of GDP);
- Health sector – PHP320.9 billion (6.1%) (1.3% of GDP);
- Water resources development and flood control – PHP116.6 billion (2.2%) (0.5% of GDP);
- Agriculture, forestry, fishing, and hunting sector – PHP149.1 billion (2.8%) (0.6% of GDP);
- Housing and community amenities – PHP18.9 billion (0.4%) (0.1% of the GDP);

From 2017–2023, allocations increased significantly for the health sector at 108.9% (PHP167.3 billion), followed by water resources development and flood control at 84.49% (PHP53.3 billion):

- Social services sector – PHP653.0 billion (48.3%);
  - Social security, welfare and employment – PHP141.8 billion (49.1%);
- Education sector – PHP208.8 billion (32.2%);
- Health sector – PHP167.3 billion (108.9%);
- Water resources development and flood control – PHP53.3 billion (84.49%);
- Agriculture, forestry, fishing, and hunting sector – PHP40.7 billion (37.6%);
- Housing and community amenities – PHP7.2 billion (61.3%).

(f) DBM issued National Budget Circular No. 580 to respond to RA Nos. 11469 and 11494 supporting emergency measures for the pandemic. Other laws include the General Appropriations Act of FY 2021 and FY 2020. As of 31 December 2021, DBM released PHP716.9 billion to support various pandemic response and recovery measures, of which PHP658.3 billion (91.8%) was obligated, and PHP616.0 billion (93.6%) was disbursed. Tax

policies under RA 11534 were also implemented such as reducing the rate of percentage tax for non-VAT taxpayers, and exempting from VAT the sale/importation of COVID-19 vaccines.

(g) The defense sector received PHP210.0 billion (4.0%) of FY 2023 National Budget (0.9% of GDP). This budget increased by PHP92.2 billion (78.2%) from 2017–2023. Majority went to military defense at PHP207.2 billion (98.7%) (0.8% of GDP). Military defense budget increased by PHP91.1 billion (78.5%) from 2017–2023.

### **Project Kasangga (“Partner”) and other anti-corruption initiatives**

23. Project Kasangga (“Partner”), an initiative facilitated by the now - defunct Presidential Anti-Corruption Commission, oversaw the signing of the Memorandum of Agreement (MOA) between partner agencies. The Office of the Deputy Executive Secretary for Legal Affairs proposed sustaining the Integrity Management Program to improve governance mechanisms against graft and corruption.

24. Since 2011, the Philippines, as a founding country, has advanced combatting corruption through the global Open Government Partnership (OGP). The Philippines committed in its National Action Plans initiatives on access to information, fiscal transparency, participatory audit, and the Extractives Industry Transparency Initiative. Further, EO 31, s. 2023 institutionalized the Philippine OGP (PH-OGP), ensuring that open government reformers can effectively leverage the PH-OGP to strengthen the integrity of public institutions towards a more open government.

25. On Bantay-Korapsyon (“Corruption Watch”) (BK) Program, the BK-Project Management Office (BK-PMO) received 846 complaints. While not all these were endorsed to the Office of the Ombudsman, Commission on Audit (COA), or CSC, the BK-PMO ensures a thorough verification process focusing only on complaints related to corruption. In a positive move towards enhanced collaboration, the BK-PMO initiated a MOA on BK Inter-Agency cooperation involving DILG, CSC, and COA.

## **Article 2 (2)**

### **Non-discrimination**

#### **Status of the anti-discrimination bill and other related matters**

26. The Philippines responds as follows:

(a) Bills proposing a comprehensive anti-discrimination law are pending in the legislature.

(b) The Philippines enacted the following measures against discrimination in employment:

- RA 10911 (Anti-Age Discrimination in Employment Act);
- RA 7877 (Anti-Sexual Harassment Act);
- RA 11313 (Safe Spaces Act);
- RA 11210 (105-Day Expanded Maternity Leave Law);
- RA 11036 (Mental Health Act);
- RA 11166 (Philippine HIV and AIDS Policy Act);
- RA 7277 (Magna Carta for Persons with Disabilities);
- RA 8371 (IPs Rights Act).

(c) The Philippines adheres to the UN Convention on the Rights of Persons with Disabilities and Incheon Strategy (Disability-Inclusive Development Goals). These are further reinforced by the following:

- Batas Pambansa (“National Law”) 344 (Accessibility Law);
- RA 9442 (Amendment to RA 7277);



- RA 11650.

DSWD's Auxiliary Social Services for Persons with Disabilities provide restorative, self-development, and rehabilitative services. From 2017–2022, they provided financial and medical assistance, and assistive devices worth PHP48.11 million to 18,577 beneficiaries. In 2018, they pilot-tested the Community Action and Resources for Accessible and Better Living Environment in Ligao City (Albay) and Zamboanga City.

(d) DOJ received 2,199 complaints on discrimination for 2017–2022. Of this number, 45.1% were filed in court. Most complaints were violations of RA Nos. 11313, 7877, and 7277.

### **Article 3**

#### **Equal rights of men and women**

##### **Increasing the participation of women in the labor market**

27. The Philippines undertook the following measures:
  - Implementation of a Labor Laws Compliance System;
  - Adoption of the Equal Remuneration Convention (No. 100);
  - Adoption of the ILO Convention against Violence and Harassment (No. 190);
  - Inclusion of women as eligible beneficiaries in the Registry System for Basic Sectors in Agriculture; and the Department of Labor and Employment's (DOLE) Integrated Livelihood Program. The latter program provided 35,274 women with livelihood assistance in 2022;
  - Organization of DOLE job fairs that recorded 106,379 female jobseekers in the first half of 2023;
  - Implementation of the Government Internship Program empowered 290,794 females over the last five years, while the JobStart Philippines Program secured employment for 64.1% of 696 trainees who underwent life skills training; and
  - Implementation of the National Skills Registration Program documented 4,810,923 registered female applicants over the past five years.
28. The Philippines pursued the following measures:
  - RA 11165 (Telecommuting Act);
  - RA 11861 (Expanded Solo Parents Welfare Act);
  - RA 11210 (105-Day Expanded Maternity Leave Act);
  - RA 11908 (The Parent Effectiveness Service Program Act);
  - CSC Resolution No. 2200209 (Policies on flexible Work Arrangement in Government).
29. Conducted by the Philippine Commission on Women (PCW), Oxfam *Pilipinas* ("Philippines"), and UN Women, the 2021 National Household Care Survey revealed that:
  - Women spend an average of 6.5 hours daily on primary care activities – nearly three times more than men;
  - Girls dedicate more time to care work than boys in the same age group;
  - On supervising dependents and secondary care activities, women's care responsibility increases to 13 hours daily, while eight hours for men;
  - Women engage in multi-tasking care for almost seven hours daily, managing at least two care activities simultaneously;
  - Women invest more time to caregiving tasks; and
  - Approximately one-third of women have experienced harm due to care work in the past six months.

**Closing the gender pay gap and enhancing vocational training programmes for women**

30. Compliant with the Minimum Wage Fixing Convention 131, the Philippines treats the minimum wage as a floor wage to protect vulnerable workers and uphold equal remuneration for work. The Wage Rationalization Act (RA 6727) boosted daily minimum wages for non-agricultural and private sector workers by 11.3% in the National Capital Region (NCR) and 23.7% outside NCR since 2017. Under RA 10361 (Domestic Workers Act), the monthly minimum wage for male and female domestic workers increased by 71.4% in NCR and 37.5% in areas outside NCR, from 2017 onwards.

31. The regional wage board regularly applies policies and guidelines for salary adjustments, ensuring equal pay between men and women across industries.

32. The Technical Education and Skills Development Authority (TESDA) promotes women's training in STEM, technical and vocational education and training (TVET)-related courses, and nontraditional trades through its programs like Women in STEM (Science, Technology, Engineering and Math) Workforce Readiness Programme and Skills for Prosperity Project Philippines. The TESDA Online Program also benefits women in fields like agriculture, automotive, electrical, and electronics, and ICT fields, with 389,852 enrollees in 2020 and 115,355 in 2021.

33. TESDA Women's Center (TWC) added gender sensitivity and empowerment courses into their Competency-Based Training Program alongside existing ones like Work Ethics and Values Development, Basic Computer Literacy, and Entrepreneurship Appreciation Course.

34. The TWC also certified women graduates in the Non-Traditional Sectors of Barista NCII, Bartending NCII, Electronic Products Assembly and Servicing NCII, Gas Metal Arc Welding NCII, and Shielded Metal Arc Welding NCI and II. Women graduates also reported high certification rates in Dressmaking NCII at 100.0%, and Bread and Pastry Production NCII and Food Processing NCII at 76.0%.

35. Women's access to TVET Programs also yielded 306,391 women graduates in 2022.

**Increasing women's representation in political and public decision-making positions over the past decade (2012–2022)**

36. As mandated by RA 9710 [Magna Carta of Women (MCW)], the Philippines is making significant progress toward achieving the 50% benchmark for third-level positions, as highlighted in the 2022 MCW Impact Assessment Report. Although the 30% critical mass representation in elective positions has not been reached, there is an increasing percentage of women running for elective positions compared to men (20.57% in the 2022 elections; 20.25% in 2019; vs. 17.91% in 2013).

37. The Commission on Elections' (COMELEC) promotes women's political participation by conducting capacity-building programs and publishing gender-sensitive information and education campaign materials.

38. Women's representation in public positions increased by 70.4% for 2012–2022 (1,015,389 in 2022 vs. 595,887 in 2012). According to the CSC's June 2022 Inventory of Government Human Resources, women occupy 55.8% of 1,820,457 positions from national government agencies to LGUs.

39. National parliament's female representation remained steady at 28.7% for both 2016 and 2019.

40. RA 8371 also mandates the inclusion of IPs in policy-making bodies and local legislative councils. There are 1,252 Women IP Mandatory Representatives (IPMRs) nationwide, comprising 23.2% of all seated IPMRs. Region 5 has the higher number, with 129 representatives.

41. The CSC upholds the Equal Opportunity Principle (EEOP) in recruitment, selection, learning and development, performance management, rewards and recognition. The EEOP also promotes a safe and inclusive workplace for various groups. Initiatives include implementing workplace anti-discrimination policies, crafting action/training plans addressing biases, among others.

42. In BARMM, RA 11054 (Bangsamoro Organic Law) ensures at least one seat for women in the (a) Council of Elders and in the (b) Bangsamoro Parliament for women and marginalized groups. The Bangsamoro Autonomy Act No. 35 of 2023 also mandates that at least 30% of party nominees of regional political parties in the region are women, while RA 11054 allocates at least 5% of each government unit's budget for gender and development programs.

## C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

### Article 6

#### Right to work

##### Creating high-skill job opportunities and addressing job shortage and skill mismatch

43. DOLE's Bureau of Local Employment maintains a public Labor Market Index to improve efficiency of labor markets by translating economic activity into current labor trends.

44. In 2022, TESDA implemented several programs and initiatives improving vocational training and increasing job opportunities:

- Skills Standardization, Testing and Certification in the TESD Sector - 93.0% received certification out of 808,227 individuals assessed;
- Training for Work Scholarship Program - 93.9% received certification out of 78,027 individuals assessed;
- Tulong Trabaho ("Job Assistance") Scholarship Program - 94.5% were granted certification out of 25,564 individuals assessed;
- Special Training for Employment Program - 78.4% graduated out of 53,461 enrollees; 95.4% were certified out of 19,736 assessed;
- Universal Access to Quality Tertiary Education (TVET Component) - 49.5% graduated out of 40,425 enrollees; 82.9% were certified out of 661 assessed;
- TESDA Online Program - 66.0% completed the program out of 1,557,094 enrolled users.

45. The Department of Trade and Industry's (DTI) Philippine Skills Framework (PSF) developed five sectoral PSFs to guide workers in job skills enhancement: (1) Supply chain and logistics; (2) Digital arts and animation; (3) Game development; (4) Business development; and (5) Human capital development.

46. DOLE revised the guidelines of their Integrated Livelihood and Emergency Employment Program to provide income relief to pandemic-hit workers. Other programs are:

- Tulong Panghanapbuhay sa Ating ("Livelihood Assistance to Our") Disadvantaged/Displaced Workers (TUPAD) Program #Barangay Ko, Bahay Ko ("#My Barangay, My Home");
- TUPAD as post-enhanced community quarantine intervention;
- Enhanced TUPAD Program under RA 11494;
- Contact Tracers under TUPAD Program;
- Free Bisekletang Panghanapbuhay ("Bicycle for Livelihood") Project;
- BikeCINATION Project (a portmanteau of Bicycle and Vaccination); and
- Public Employment Services (PES), referring 2.39 million jobseekers for placement wherein 2.2 million (92.0%) were placed.

47. The Philippine Statistics Authority's (PSA) IAC on Labor and Productivity Statistics established a TWG to develop an operational framework, and official concepts and definitions on informal employment. These will be completed by 2024 and used by 2025.

48. In the legislature, House Bill (HB) 7370 was filed to establish a Tripartite Council formulating policies and programs to address job - skill mismatch.

49. Preliminary results of the June 2023 Labor Force Survey show slightly lower employment rate vis-à-vis higher unemployment, labor force participation rate (LFPR), and underemployment rates.

- Employment rate: 95.5% (vs. 95.7% in May 2023);
- Unemployment rate: 4.5% (vs. 4.3%);
- LFPR: 66.1% (vs. 65.3%);
- Underemployment rate: 12.0% (vs. 11.7%).

50. Recognizing the need for more disaggregated data, PSA began releasing annual provincial - level indicators in 2019. It now incorporates questions from the Washington Group Question Sets to generate labor and employment statistics among persons with disabilities.

## **Article 7**

### **Right to just and favourable conditions of work**

#### **Measures for the informal sector and other relevant issues**

51. The Philippines responds as follows:

(a) The Bureau of Workers with Special Concerns (BWSC) conducts surveys assessing the status of beneficiaries under DOLE's Integrated Livelihood Program (DILP). As of May 2023, the survey received 9,083 responses from beneficiaries of individual and group projects. Findings show that:

- 74.1% of the projects are still operational, while 25.86% have closed;
- Among individual beneficiaries, 42.64% are self-employed with insufficient income, while 32.03% of group beneficiaries are farmers;
- Agriculture-related projects comprised 27.68% of the established projects, followed by Retail at 25.41% and Manufacturing at 23.08%;
- Bills on formalizing informal work/economy remain pending in Congress.

(b) DOLE actively participates in committee hearings to support enacting laws protecting and assisting workers in the informal economy. Said bills are pending in Congress. The Regional Tripartite Industrial Peace Councils, as well as representatives from the informal sector, migrant workers, women, and youth representatives, are regularly invited to social dialogues and consultations on relevant topics and policies. Workers in the informal economy and non-standard forms of employment can voluntarily become members of social protection agencies such as Social Security System (SSS), Home Development Mutual Fund, and Philippine Health Insurance Corporation (PhilHealth). To protect self-employed workers and those in the informal economy, the SSS implemented coverage and collection partnerships, flexible payment schedules, online platforms for registration and transactions, outreach campaigns, and branch networks for assistance. As of 2022, the SSS established 3,293 partnerships resulting in social security registration of 898,783 individuals. Of this number, 211,766 (23.6%) are regularly paying contributions. The SSS also has 282 branches nationwide serving all workers and assisting them.

(c) Proposed measures to address the issue of contractualization are pending in the legislature.

(d) RA 11058 [Strengthening Occupational Safety and Health Standards (OSHS)] applies to all workplaces. Since its implementation, DOLE observed high compliance rates with OSH facilities, such as emergency medicines and treatment rooms indicating preparedness for first aid. Compliance with safety officer and first aider requirements decreased due to employee turnover, but replacement personnel were trained to improve compliance. OSHS compliance data reached its lowest point in 2020 during the pandemic but has been steadily increasing and approaching pre-pandemic levels. DOLE's current system lacks specific monitoring of OSHS compliance in sweatshops. However, June 2023 data on major sectors within sweatshops (i.e., manufacturing and garment industry) show

higher overall compliance of the industry at 52.6% vs. 46.2% in 2022. Subsector compliance is as follows:

- 53.9% - manufacture of wearing apparel (except fur apparel);
- 31.6% - wholesale of textiles, clothing, and footwear;
- 64.6% - retail sale of clothing, footwear, and leather articles in specialized stores; and
- 68.7% - retail sale via stalls and markets of textiles, clothing, and footwear.

(e) As of 2022, DOLE disposed of 89.86% (22,173) of 24,674 cases handled. Pending cases either required compliance with deficiencies/violation remediation, or were appealed to the Office of the Secretary. While DOLE has a quasi-judicial function, it encourages amicable settlements to save litigants from costs and inconvenience and promote industrial peace.

(f) As the oversight body for managing government response to the pandemic, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases set comprehensive health and safety measures. Various agencies including CSC, DOH, and DOLE, implemented similar workplace measures such as observing minimum public health standards, quarantine, vaccination, and alternative working arrangements, among others.

#### **Effective and genuine participation of workers in tripartite bodies**

52. The Philippine tripartite system ensures broad consultation and fosters a culture of social dialogue among workers, employers, and the government. Tripartite bodies like the National Wages and Productivity Commission (NWPC) and Regional Tripartite Wages and Productivity Boards (RTWPBs) were established to facilitate democratic consultation in minimum wage policy implementation, promoting cooperation and participation of social partners. Appointed by labor organizations and unions, worker representatives participate in RTWPBs and the wage determination process.

53. The minimum wage applies to workers in the formal sector with an employer - employee relationship. Based on the February 2023 LFS, 3.8 million (16.74%) of 22.7 million workers in private establishments are minimum wage earners. RTWPBs consider factors in determining minimum wages such as cost of living, regional poverty threshold, consumer price index, inflation rate, capacity to pay of employers/industries, and economic and social development. DOLE-Regional Offices enforce labor standards, including minimum wages, through TA, advice, and inspections. Compliance with the minimum wage policy has increased from 85.2% in 2017 to 94.4% in 2022. Regional Boards likewise conduct information and education campaigns to promote awareness and compliance.

54. The two-tiered wage system includes a mandatory minimum wage (Tier 1) and voluntary productivity-based incentive schemes (Tier 2) to link wages and productivity. As of May 2023, the current minimum wage rates in non-agriculture sector are PHP610 in NCR, and PHP 329 – 470 outside NCR. In agriculture, this is PHP573 in NCR, and PHP 329 - 438 outside NCR. There are also 46 minimum wage rates (MWRs) in the country, with 43 MWRS (93.5%) above the 2018 poverty threshold.

55. RTWPBs issue advisories on productivity incentive pay schemes to guide workers and enterprises in implementing productivity improvement and gain-sharing programs. As of May 2023, 25 advisories were issued covering industries such as agriculture (plantation), manufacturing, and tourism among others.

56. TA is also provided to MSMEs for Tier 2 implementation. From 2017 to April 2023, the government assisted 6,443 MSMEs.

#### **Protection for Filipino overseas workers (OFWs) during the pandemic and the pandemic's impact on remittances**

57. RA 11862 (Expanded Anti-Trafficking in Persons Act of 2022) amended RA 9208 (Anti-Trafficking in Persons Act of 2003), empowering law enforcement with supplementary measures to combat human trafficking, especially cases involving internet and digital media violations.

58. The government also implemented the following measures for OFWs:
- As of June 2023, the One Repatriation Command Center received 17,509 assistance requests where 64.4% were resolved. Over 911,000 returning OFWs were also aided at international airports upon arrival.
  - Through the Strengthened Anti-Illegal Recruitment and Trafficking In-Persons (AIR-TIP) Campaign, 24,233 individuals received legal assistance from July 2022 to June 2023. DOLE conducted 44 AIR-TIP seminars involving 20,110 participants. The 4<sup>th</sup> National Strategic Action Plan against TIP 2023–2027 was also launched in April 2023.
  - The Department of Migrant Workers (DMW) formulated the Five-Year Reintegration Roadmap. DMW also provided PHP320 million-worth of livelihood support to 20,791 distressed OFWs.
  - 103,013 OFWs benefitted from the various services offered by the OFW hospital, as of June 2023.
  - DMW pursued labor diplomacy for workers' protection and decent employment opportunities abroad, e.g., strengthened relations with the Kingdom of Saudi Arabia and Singapore.
59. The pandemic dampened remittances in 2020, with average remittance declining to PHP87,000 (-18.69% from 2019) and total remittance to PHP134.765 billion (-35.95% from 2019).

## **Article 8**

### **Trade union rights**

#### **Preventing violence against trade union members**

60. The Philippines, through DOLE, undertook the following:
- Created national and regional mechanisms to monitor compliance with Conventions 87 and 98;
  - Issued operational guidelines of tripartite monitoring bodies;
  - Designated focal persons to facilitate reporting of, and immediate intervention on violations;
  - Adopted and reviewed two guidelines governing stakeholders' conduct in exercising workers' rights and concerted activities;
  - Included DOLE as observer in the IAC of AO No. 35, s. 2012;
  - Conducted dialogue with the SC in issuing Administrative Matter No. 21-06-08-SC;
  - Issued EO No. 23, s. 2023, establishing an IAC to investigate and resolve cases violating freedom of association and the right to organize. The IAC prioritized processing pending cases and developing a roadmap consistent with the High-Level Tripartite Mission recommendations;
  - Initiated consultation with labor and employer representatives on developing a tripartite time-bound roadmap and plan of action;
  - Conducted sharing sessions and capacity-building activities for Regional Tripartite Monitoring Bodies and partner agencies; and
  - Signed MOAs with DTI and the Philippine Economic Zone Authority to promote industrial peace in special economic zones.
61. The IAC under AO No. 35, s. 2012 is monitoring 54 cases involving trade union members, officers, or labor rights advocates. Two cases of extra-legal killings are undergoing trial.
62. DOJ also conducts human rights training for prosecutors, law enforcement, and CHR personnel. From 2017 – 2022, DOJ has trained 1,114 personnel.

63. Bills that guarantee trade union rights are under consideration by the legislature.

## **Article 9**

### **Right to social security**

#### **Unemployment Insurance Benefits Programme**

64. SSS provides unemployment insurance to covered employees, including domestic workers, and OFWs, experiencing involuntary separation from employment. In 2022, they approved 51,736 claims worth PHP683.45 million and denied/rejected 40,039 claims due to discrepancies/deficiencies. About 70.0% of rejected claims were eventually approved after addressing these. SSS also provides cash payments to qualified members under RA 11199 (Social Security Act of 2018):

(a) RA 11350 (National Commission of Senior Citizens [NCSC] Act) created the NCSC to handle and implement national programs and policies for older persons. The NCSC launched the Philippine Plan of Action for Senior Citizens 2023–2028 on 02 October 2023. The social pension for indigent senior citizens was implemented in 2011 at an initial monthly rate of PHP500.00 per senior citizen. As of 2022, the pension served 3,609,153 senior citizens, obligating PHP24.63 billion. RA 11916 increased the social pension to at least PHP1,000.00 monthly. The government is exploring a Universal Social Pension aiding all senior citizens, regardless of socioeconomic status.

(b) The NEDA Board approved the Social Protection Floor (SPF) Recommendations on 20 April 2023. The SPF Recommendations detail guarantees for healthcare, children, active (working) age individuals (including those in the informal economy), and older persons. Measures proposed were emergency employment, social insurance coverage, savings mobilization, employees' compensation benefits and programs for OFWs.

## **Article 10**

### **Protection of the family and children**

#### **Aligning the Code of Muslim Personal Laws (MPL) with the MCW and other related issues**

65. RA 11596 (Anti-Child Marriage Act) prohibits child marriage in the country and has repealed the MPL section stipulating the valid contraction of marriage for Muslim males and females aged <12 - 15.

66. The Women's Priority Legislative Agenda for the 19<sup>th</sup> Congress includes a proposed bill for reinstating divorce in the Philippines along with several proposals for amending the Family Code of the Philippines.

(a) In compliance with RA 11188 [Special Protection of Children in Situations of Armed Conflict (CSAC) Act], the Armed Forces of the Philippines (AFP) issued the Protocol on CSAC to address grave child rights violations, which includes preventing use, recruitment, and exploitation of children in armed conflict (CIAC), children affected by armed conflict, and internally displaced children. Said Protocol adopted a monitoring, reporting, and response system similar to the UN's. This operationalizes investigative and prosecutorial mechanisms through its IAC created under the said law. Based on CHR and DOJ reports, the Communist-Terrorist New People's Army (CT-NPA) committed 578 incidents of grave violations to CIAC from 2010–2022:

- 12 criminal complaints were filed before the Prosecutor's Office;
- 92 were dismissed for lack of probable cause;
- 68 are undergoing trial before the designated courts;
- 2 were dismissed due to lack of evidence;
- 12 were archived; and

- 392 are undergoing investigation before case filing.

(b) DOLE and the National Council against Child Labor developed the Philippine Program against Child Labor Strategic Framework 2020–2022. They also facilitated approval of major resolutions accelerating services to profiled child laborers, and supporting the Durban Call to Action on the Elimination of Child Labor. Through the Philippines’ Child Labor Prevention and Elimination Program, 620,556 child laborers were profiled while 138,460 were provided with necessary services from 2018–2022. In 2022 alone, 160,288 child laborers were profiled, 6,919 were provided with necessary services, and 57,787 were withdrawn from child labor. Under the *Sagip Batang Manggagawa* (“Rescue Child Laborers”) Program, DOLE conducted 7 rescue operations in 2022, removing 99 child laborers from hazardous work. Consequently, 4,811 parents of child laborers were provided with livelihood assistance in 2022. Through Project Angel Tree, 19,144 beneficiaries received social services, bringing the total number of beneficiaries to 114,722 from 2006–2022. The State also implements Strategic Help Desks for Information, Education, Livelihood, and other Developmental Interventions Program against Child Labor, wherein 1,400 child laborers received assistance for 2022.

(c) RA 11930 [Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act] protects children from an extensive range of sexual acts, both online and/or offline, including inducing/coercing a child to engage/ be involved in child sexual abuse/exploitation materials through any means. The IAC against Trafficking signed its implementing rules and regulations (IRR) in May 2023. Currently, the DSWD and DOJ are transitioning their initiatives from the IAC against Child Pornography to the National Coordinating Center on OSAEC and CSAEM. RA 11862 establishes institutional mechanisms for the protection and support of trafficked persons. On cases involving sexual exploitation of children, there were 6,081 decided cases from 2019–2022: 910 prostitution cases, 39 pornography cases, 1,943 physical/psychological abuse cases and other forms of exploitation, and 3,189 sexual abuse/exploitation cases.

(d) RA 11648 increased the age of sexual consent to 16 years old; and changed the definition of simple seduction in the Revised Penal Code to include minors under 18, regardless of gender.

(e) RA 11930 ensures the right of children to useful, meaningful, and safe access to digital technologies while protecting them from online violence. RA 11313 expands the scope of sexual harassment to include online platforms, widening the definition of perpetrators to include peers.

(f) The Philippines ratified the 1961 Convention on Reduction of Statelessness in 2022. PSA relaxed birth registration requirements through Memorandum Circular (MC) No. 2017-12 and guided Foreign Service Posts (FSPs) on registration procedures for undocumented children’s Reports of Birth. Further, FSPs work with host governments to process birth registration of Filipino children abroad when required for an exit visa. DFA’s Legal Assistance Fund is used to pay for any fees. In 2022, FSPs transmitted 31,180 reports to PSA, a 10.4% increase vs. 2021, and a 28% increase vs. 2020. In 2023, two Special Consular Missions also went to Indonesia facilitating birth registration of 2,713 undocumented Filipinos. The Philippine Identification System (PhilSys) Birth Registration Assistance Project ensures that all births of Filipinos are registered in the Local Civil Registry Offices and enrolled with the PhilSys for issuance of PhilSys identification cards. The Birth Registration Project also facilitates registering unregistered births of IPs and the poorest sectors of society. For 2023, 11,590 birth records were verified in Aklan, while 6,122 birth records in Oriental Mindoro. BARMM’s Ministry of Social Services and Development and other priority LGUs also undertake birth registration initiatives to protect populations at risk of statelessness since 2019, assisting >2,000 individuals. Barriers to birth registration include understanding of civil registry, language barriers, armed conflicts, cultural/religious beliefs, and accessibility/costs of application/processing (especially for IPs and Muslim populations). Domestic laws of other countries also prohibit registering children born out of wedlock, or require the father’s name in the child’s birth certificate.



(g) The Philippines piloted the community - based program Reporting System and Prevention Program for Elderly Abuse Cases (ReSPPEC), amounting to PHP 10,949,100 from 2015 - 2019. Four LGUs also mainstreamed ReSPPEC projects and activities in their annual investment plans wherein substantial budget was allocated. Interventions were introduced to victims and their families such as referrals, livelihood skills training, and psychosocial debriefing/counseling.

## **Article 11**

### **Protection to an adequate standard of living**

#### **Reducing poverty and other related issues**

67. The Philippines responds as follows:

(a) RA 11310 [Pantawid Pamilyang Pilipino (“Conditional Cash Transfer”) Program (4Ps) Act] institutionalized the 4Ps, as a human capital development program and the government’s national poverty reduction strategy. As of 1 February 2023, 4Ps is implemented in 146 cities and 1,481 municipalities in 80 provinces, with 5,544,832 registered households. Of this number, 75.4% are active households, reaching 95.0% of this year’s target 4.4 million households. Geographically, 41.7% of active households are from Luzon, 37.0% from Mindanao, and 21.3% from Visayas. As of 2022 Q4, the program is de-listing beneficiaries found to be self-sufficient to accommodate new, eligible beneficiaries.

(b) The DA - Bureau of Fisheries and Aquatic Resources (BFAR) provides livelihood interventions and programs such as the Fisheries Development Program. To prevent illegal fishing activities, the BFAR implements the Fisheries Regulatory and Law Enforcement Program, Integrated Marine Environment Monitoring System, and the Malinis at Masaganang Karagatan (“Clean and Healthy Oceans”) Search. Fisheries AO No. 263, was also issued in 2019, establishing 12 Fisheries Management Areas. The BFAR, USAID through its Fish Right program, and the Marine Environment and Resources Foundation launched the Philippine Illegal, Unreported, Unregulated (IUU) Fishing Index and Threat Assessment Tool in June 2021 to measure the IUU Fishing risk in municipal waters. BFAR also facilitates registration of fisherfolk and fishing vessels under the Municipal Fisherfolk Registration System and Boat Registration System. As of July 2023, 2.47 million fisherfolk, and 411,598 boats and gears are registered. To help fisherfolk affected by the reclamation projects, BFAR implements Fisheries Office Order No. 106, s. 2022 governing all applications for coastal and marine development projects.

(c) In 2022, the Department of Agrarian Reform (DAR) completed documenting claimholders for 3,459 landholdings covering 35,709.23 hectares. DAR also identified 23,444 agrarian reform beneficiaries (ARBs), and distributed Certificate of Land Ownership Awards covering 39,574.16 hectares to 33,248 ARBs. RA 11953 condones all loans, including interests, penalties, and surcharges incurred by ARBs from land awarded to them under PD 27 (Emancipation of Tenants), RA 6657 [Comprehensive Agrarian Reform (CAR) Law of 1988], and RA 9700 (Strengthening the CAR Program).

(d) DSWD and LGUs implement the Supplementary Feeding Program to all children enrolled in Child Development Centers/Supervised Neighborhood Playgroups. From 2017–2022, the program served 11,142,420 beneficiaries. Consequently, children improved their nutritional status by an average of 75.0% every school year since 2016. RA 11037 [Masustansyang Pagkain para sa Batang Pilipino (“Nutritious Food for Filipino Children”) Act] supports implementing and providing milk/milk-based products, especially for undernourished children. As of 2022, the Philippine Multisectoral Nutrition Project is implemented nationwide in 26 provinces, 12 regions, 135 municipalities, and 5,936 *barangays* - benefiting ~977,626 children <5 years old and pregnant and lactating women. In BARMM, DSWD implements the Bangsamoro Umpungan Sa Nutrisyon (“Coalition on Nutrition”) Project, serving 106,010 children <12 years old and pregnant and lactating women from 2018–2022. Measures protecting adequate standard of living await Congressional action.

### **Provision of social housing for the disadvantaged and marginalized**

68. The Philippines accomplished ~66% of the 1.6 million direct housing assistance targets for 2017–2022. Unaffordable social housing options are still a challenge.

69. DHSUD adopted the National Resettlement Policy Framework (NPF) to institutionalize resettlement and relocation policies while protecting human rights through humane relocation of ISFs. The ISF Rental Subsidy Program will cushion the impact of dislocation, and broaden the housing options for ISFs through financial assistance.

70. DHSUD continues to pursue policy initiatives and strategies to make housing affordable and accessible through the Pambansang Pabahay Para sa Pamilyang Pilipino (“National Housing for Filipino Households”) (4PH) program. The 4PH program will build six million houses from 2023–2028 to uplift the lives of 3.7 million ISFs and low-income families, and transform blighted settlements into better residential development.

71. Rental housing subsidy and urban poor protection bills await legislative action.

## **Article 12**

### **Right to physical and mental health**

#### **Harm reduction services and treatment and rehabilitation of people who use drugs (PWUDs)**

72. The Philippine Anti-Illegal Drugs Strategy (PADS) excludes harm reduction services. Instead, PADS highlights drug demand-and-supply reduction towards a drug-resistant and, eventually, a drug-free Philippines. The State adopts a compassionate approach by providing voluntary treatment, rehabilitation, aftercare, and reintegration to PWUDs. It prioritizes drug abuse prevention programs and services, and employs a community-based approach.

73. The Philippines conducts trainings and seminars on RA 9165 (Comprehensive Dangerous Drugs Act of 2002) for drug prevention and control. For those requiring interventions, there is an established referral system anchored on the WHO and UNODC’s approach. As of 31 December 2022, the Philippines has accredited 81 public and private drug rehabilitation centers nationwide, along with five specialized reformation centers in closed-setting facilities, and 62 community-based drug rehabilitation centers.

(a) Bills proposing the decriminalization of drug use and possession for personal use, and the implementation of alternative measures to incarceration and other human rights-based approaches, are pending in the legislature. The Dangerous Drugs Board (DDB) submitted to Congress a concept note providing a pathway for PWUDs and those involved in low-level possession/minor drug transactions to rehabilitation and treatment with the corresponding livelihood support.

(b) Under RA 9165, DSWD developed the *Yakap Bayan* (“Nation’s Embrace”) Program (YBP) as a holistic intervention assisting Recovering PWUDs (RPWUDs) in their recovery journey and social reintegration. The YBP engages families and communities in relationship restoration sessions, community reconciliation sessions, and reintegration planning alongside RPWUDs. The State also provided TA to LGUs for local replication. Family Development Sessions discussed the drug prevention campaign, reaching 4,164,153 beneficiaries. For Children Who Use Drugs (CWUDs), case management is guided by a multi-dimensional reintegration tool, with treatment and care programs customized based on the child’s needs. Aftercare and reintegration services are provided to CWUDs who have successfully completed a center-based treatment program and care.

(c) Since 2020, law enforcement agencies have adhered to DDB’s “Unified Manual in the Investigation and Prosecution of Dangerous Drugs Cases” in the conduct of anti-illegal drug operations. Aligned with the PADS, this Manual outlines the balanced efforts of the government to strengthen the campaign against illegal drugs, ensure accountability among duty-bearers, and provide maximum tolerance during arrest operations. The sector likewise heightened its efforts to apprehend High Value Targets while making available to street-level drug pushers the plea bargaining to charges punishable under RA 9165.

(d) While harm reduction services are unavailable, PWUDs may access the full continuum of care from outreach to social reintegration. There is also an “any-door-policy” for entry into the system of various treatment and rehabilitation programs and services. As of 2022, the Philippines has 583 government- and non-government owned facilities offering the needed treatment and interventions for PWUDs:

- 26 government-owned residential drug abuse treatment and rehabilitation centers (DATRCs);
- 6 non-residential government owned DATRCs;
- 47 non-government owned residential DATRCs
- 2 non-residential private-owned DATRCs;
- 62 community based TRCs;
- 5 closed-setting reformatory facilities;
- 5 recovery clinics and
- 430 *Balay Silangan* (“Oriental Shelter”) Reformation Centers.

#### **Access for IPs to health care, including during the COVID-19 pandemic**

74. With other healthcare organizations and key agencies like NCIP, DOH developed policies, issuances, and standards of care providing healthcare services for all while addressing specific challenges faced by the indigenous communities. Priority is given to these population groups by integrating key policy provisions governing various health programs and integrating various standards of care, anchored with the implementation of the Universal Health Care Act.

75. The same interventions were done during the pandemic.

76. As of July 2022, primary vaccine coverage for IPs is 2,299,104.

#### **Eliminate the practice of shackling people with psychosocial disabilities**

77. Section 8 of RA11036 states that service users must provide informed consent in writing before implementation by mental health professionals, workers, and other service providers of any plan/program of therapy/treatment, including physical/chemical restraint. Section 13 of the same law provides the Exceptions to Informed Consent such as during psychiatric/neurologic emergencies, or when there is impairment/temporary loss of decision-making capacity.

78. The 2016 National Disability Prevalence Survey estimates the prevalence of severe disability among >15 years old is 12%; moderate at 47% and mild at 22%. Hindering factors are the following:

- Environmental accessibility: The lack of accessible spaces in the general environment presents a significant barrier for persons with disabilities. 45% of persons with disabilities struggle to find places for socializing/community activities; while 24% with moderate disabilities face challenges in workplaces/ schools; and individuals with mild disabilities (22%) report difficulties with transportation.
- Attitudinal barriers: Problematic attitudes of others affected 22% of individuals with severe disability; 19% with moderate disabilities; and 17% with mild disabilities.
- Need for modifications: Respondents highlighted the need for community modifications to assist functioning, particularly those with severe (30%), moderate (18%); and mild (10%) disabilities.
- Educational barriers: Getting an education remains a key hurdle, with 25% of individuals with severe disabilities; 13% with moderate disabilities; and 8% with mild disabilities; and
- Employment access: Access to work remains a significant hurdle for individuals with disabilities, 4% of those with severe disabilities; 13% with moderate disabilities; and 5% with mild disabilities.

**Unsafe abortion, maternal deaths, and relisting of emergency contraceptives**

79. Family planning (FP) is among DOH’s strategies to reduce unintended pregnancies, reducing unsafe abortions and maternal deaths. Around 8 million women in the Philippines are using modern FP methods. Contraceptive use prevents ~3 million unintended pregnancies, 774,000 unsafe abortions, and 1,400 maternal deaths.

80. Through the Universal Health Care Law, the DOH provides the following:

- Automatic inclusion of every Filipino to PhilHealth including FP services;
- More sustainable financing options for FP services;
- Connecting women with unmet needs to accredited service providers; and
- More effective health promotion approaches on FP.

81. The DOH also developed the National Strategic Communication Plan on Adolescent Health and National Strategic Communication Action Plan to Address Adolescent/Early Pregnancy.

82. Addressing teenage pregnancies became a national priority with the implementation of EO 141, s. 2021.

83. IPs also benefit from the government’s reproductive healthcare programs. Within the 15-49 age group, 2.2% of indigenous women use contraceptives such as oral pills (0.8%), withdrawal (0.5%), and female sterilization (0.3%). For indigenous pregnancies in the past 3 years, ~6% resulted in live births, whereas <1% were recorded as miscarriages.

84. To address the stigma surrounding abortion, Section 3 of RA 10354 (Responsible Parenthood and Reproductive Health Act of 2012) mandates providing legally and medically “humane, nonjudgmental and compassionate” post-abortion care.

85. The DOH has also issued the National Policy on the Prevention of Illegal and Unsafe Abortion Complications to promote family planning and provide guidelines on post-abortion care. Key components of this policy include:

- Counseling on effective family planning methods;
- Educating the public on the legal status of abortion in the Philippines, its complications, and its impacts on family life;
- Integrating post-abortion care into the basic and comprehensive emergency obstetric and newborn care;
- Providing support counseling to respond to women’s physical, mental, and emotional health needs; and
- Incorporating indicators for quality post-abortion care in the National Safe Motherhood Program.

**Articles 13–14****Right to education****Enrolment of students in primary and secondary education, basic education development plan (BEDP) 2030 and other related issues**

86. The Philippines responds as follows:

(a) Enrollment in basic education declined in 2020, losing almost one million learners to the pandemic. Nonetheless, enrollment recovered by 4.31% for SY 2021–2022 (28.03 million), surpassing pre-pandemic figures (SY 2017–2018: 26.95 million; and SY 2018–2019: 27.84 million). This trend continued in SY 2022–2023 with 28.5 million enrollees. Their profile is as follows:

- Most are boys than girls (51.3% vs. 48.8%);
- Region IV-A has the highest number of enrollees at 3,994,312 million (14.4%);
- Learners with disabilities comprise ~1% of the population;

- 2,760,114 learners are IPs (9.9%).

(b) Operationalizing the BEDP is still in Phase 1, i.e., developing/revising plans, policies, and initiatives to align programs/projects/activities with the BEDP and priorities under DepEd's new MATATAG ("Strong") agenda. MATATAG is an acronym of the components: MAke the curriculum relevant to produce competent and job-ready, active, and responsible citizens; TAke steps to accelerate delivery of basic education facilities and services; TAke good care of learners by promoting learner well-being, inclusive education, and a positive learning environment; and Give support to teachers to teach better. The IPs Education Office (IPSEO) also monitors the quality of and access to education through the following indicators: (i) % of IP learners who continue to participate in culturally responsive basic education, and (ii) IP learners attained key stage standards and cultural competencies.

(c) DepEd Order No. 44, s. 2021 provides overall direction and guidance in organizing, managing, and implementing appropriate programs, services, and interventions for learners with disabilities. Given its issuance date, the policy is too new to evaluate; however, DepEd's Bureau of Learning Delivery - Student Inclusion Division regularly monitors the initial gains and progress of implementing Special Education programs in the regions, divisions, and schools through online meetings with the Regional and Division Focal Persons, and School Heads.

(d) DepEd Order 32, s. 2019 provides an overall framework in promoting safe, inclusive, and conflict-sensitive learning environments. It states that "schools...should be free from the presence of armed combatants [-] whether... government forces/armed groups". The DepEd provides Education in Emergency responses, including mental health interventions, when schools are affected by conflicts. Reports on ongoing/imminent violence-related situations on teachers, learners, and schools are immediately reported to the Council for the Welfare of Children. The AFP Protocol on CSAC further outlines measures to guarantee access to education, particularly on the prohibition of establishing detachments/patrol bases inside/within the premises of a school/hospital; and measures to prevent harassment of teachers and students even in indigenous communities. AFP also conducts information dissemination and advocacy campaigns on the AFP Protocol; RA 11188 and its IRR; and the Strategic Plan the AFP entered with the UN-CTFMR. The agency collaborates with all stakeholders such as UNICEF and the local CSO *Sulong* ("Advance") Peace Incorporated to fully promote the rights of children.

(e) DepEd initiated the crafting of the Learning Recovery Continuity Plan to reverse learning loss. Among its strategies are developing learning remediation and intervention programs; engaging parents/legal guardians in facilitating learning; and conducting regular home visitation and follow ups. DepEd hired more than 10,000 teachers in 2022 and is hiring 5,000 Administrative Officer II positions to support teachers. DepEd is also undertaking the upskilling and reskilling of nearly one million teachers to address learning loss. The Department also issued policy guidelines on remedial and advancement classes, and full in-person classes to maximize instructional time. The DepEd likewise supported teachers by developing lesson exemplars, instructional strategy guides, classroom assessment tools and other teaching resources.

## **Article 15**

### **Cultural rights**

#### **Increasing Internet access and closing the digital divide**

87. The Department of Information and Communications Technology (DICT) implemented the Managed Internet Service (MIS) in geographically isolated and disadvantaged areas. Using satellite technology (VSAT), MIS reached 871 locations nationwide, particularly health facilities. DICT's partnership with UNDP also identified 150 locations with IP communities for VSAT provision and solar power source.

88. DICT is also implementing the National Broadband Program (NBP) to close the digital divide and elevate Filipinos' living standards. DICT will deploy broadband capacity, especially in areas that are remote, inaccessible, and considered unprofitable by the private sector. Key components of the NBP are the National Fiber Backbone Project, International

Cable Landing Stations, Accelerated Tower Build, Accelerated Fiber Build, and Satellite Overlay.

89. Likewise, the Government Network Project connected 1,119 agencies and public facilities in 13 provinces in the country.

**Promotion of culture, traditions, and knowledge of the diverse IPs**

90. The State ensures the promotion of culture, traditions, and knowledge through Schools/Institutes of Living Traditions (SLT/ILT), aiming to transmit traditional skills and knowledge from the older to younger generations. ILTs are open to teaching these art forms within and outside their community.

91. Currently, there are 29 SLTs wherein 8 are in Luzon, 10 in Visayas, and 11 in Mindanao. There are also two ILTs: one in Zamboanga del Sur and another one in Capiz.

92. In 2018, the National Commission for Culture and the Arts (NCCA) initiated the Assistance Program for Cultural Communities (APCC) for immediate assistance to vulnerable sectors, especially cultural communities who cannot avail of NCCA assistance through competitive grants. The APCC covers assistance to community-driven projects such as, among others, cultural community organizing, planning workshop for cultural advocacy projects, specialized workshops for IPs, engagement in social enterprise development, and crafting LGU heritage development plans.

93. For 2023, the APCC allotted six slots for each of the National Committees on Northern, Central and Southern Cultural Communities, accommodating 18 different cultural communities. Each slot has a budget of PHP50,000 to cover activities such as, but not limited to, training/workshops, cultural community activities; and Intangible Cultural Heritage safeguarding activities.

94. NCIP collaborated with other government agencies and engaged in various initiatives, such as enhancement of the legislation on Community Intellectual Rights (CIR) and cultural activities, to preserve and promote customs and traditions of ICCs/IPs. Notable measures include:

- Proposed HB 3340 (CIR of Indigenous Cultural Communities/IPs Protection Act);
- DOH-DILG-NCIP Joint MC No. 2013-01;
- Cultural celebrations such as Cultural Week (July), International Day of World of Indigenous Peoples and National Indigenous Peoples Day (August), and Cultural Month and IPRA Anniversary Celebration (October); and
- Inter-agency visitations, Regional IP and Youth assemblies, and healing and reconciliation activities.

95. IPs can avail existing judicial remedies for violation of their rights under RA 8371, among other laws. NCIP is also granted quasi-judicial powers by RA 8371. They may file complaints before appropriate judicial and quasi-judicial bodies with the assistance and/or representation of public prosecutors/ attorneys. There are also IP desks in police stations to ensure IP concerns are properly addressed.

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