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Department of Environment and Natural Resources
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MEMORANDUM

FOR : **The Directors**
Environmental Management Bureau
Land Management Bureau
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Mines and Geosciences Bureau
Forest Management Bureau

FROM : **The OIC-Director,**
Policy and Planning Service

SUBJECT : **REQUEST FOR COMMENTS/INPUTS/RECOMMENDATIONS
RE DRAFT 7TH PERIODIC REPORT ON THE
IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(ICESCR)**

DATE : **27 SEP 2021**

This has reference to the memorandum dated 17 August 2021 from Undersecretary Rosemarie G. Edillon, National Economic and Development Authority, requesting for inputs to the attached draft Philippine 7th Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

In adherence to the Philippines' commitments under the ICESCR, the government has implemented various initiatives in accordance with human rights principles, towards empowering every Filipino to achieve a strongly-rooted, comfortable, and secured life.

In this regard, we would like to request for your comments/ inputs/recommendations on the abovestated report on ICESCR. Please submit your inputs at psddivision@gmail.com on or before **30 September 2021**. For further queries/clarifications, please coordinate with ICESCR Secretariat through email address: icescr@neda.gov.ph and contact numbers (02) 8631-3733 and (02) 8631-0945 loc 12, 113.

For your appropriate action.


MELINDA C. CAPISTRANO

Fwd: [FOLLOW-UP] Agency Inputs to the Philippines' 7th Periodic Report on the ICESCR Implementation

OUEIEA Secretariat <oueiea.denr@gmail.com>

Fri, Jul 30, 2021 at 10:02 PM

To: Od Pps <odpps@yahoo.com>, odpps405@gmail.com, PPSO Program Monitoring and Evaluation

Division <ppso.pmed@denr.gov.ph>

Cc: cherry requina <ohea.denr@gmail.com>

Sir/Madam:

This is to respectfully transmit the herein email from ICESCR NEDA requesting inputs to the ICESCR 7th periodic report. Please note that the same concern was forwarded to PPS with HWI of Usec Leones, "Dir. Mely, pls provide inputs. Ty."

We will appreciate keeping this office and the NEDA Secretariat duly informed of any actions taken on the matter.

Thank you and stay safe 😊

Office of the Undersecretary

Policy, Planning and International Affairs

Department of Environment & Natural Resources


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3 attachments **072221_Letter to DENR on ICESCR 7th State Report_GLE KMR TCM.pdf**
328K **DENR_Annexes Inputs Request ICESCR 7th State Report.xlsx**
52K **OHEA-2021-000687 ROSEMARIE G. EDILLON PHILIPPINES 7TH PERIODIC REPORT ON THE ICESCR IMPLEMENTATION.pdf**
223K



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM

FOR : **The Directors**
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Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Mines and Geosciences Bureau
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FROM : **The OIC-Director**
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DATE :

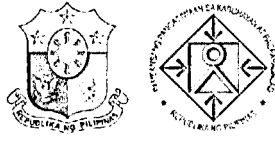
This has reference to the memorandum dated 17 August 2021 from Undersecretary Rosemarie G. Edillon, National Economic and Development Authority, requesting for inputs to the attached draft Philippine 7th Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

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For your appropriate action.

MELINDA C. CAPISTRANO



REPUBLIC OF THE PHILIPPINES

NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

FOR: **Chief Justice Alexander G. Gesmundo, SCP**
Speaker Lord Allan Jay Q. Velasco, HoR
Senate President Vicente C. Sotto III, Philippine Senate
Ombudsman Samuel R. Martires, OMB
Secretary William D. Dar, DA
Secretary John R. Castriciones, DAR
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President Arnolfo Ricardo B. Cabling, SHFC
President Aurora C. Ignacio, SSS

**Draft 7th Periodic Report on the Implementation of the International Covenant on
Economic, Social and Cultural Rights (ICESCR)**

Page 1 of 3

Director General Jim C. Sydiongco, CAAP
Director General Wilkins M. Villanueva, PDEA
Director General Isidro S. Lapeña, TESDA
National Statistician Claire Dennis S. Mapa, PSA
Executive Director Mel Georgie B. Racela, AMLC
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General Manager Marcelino P. Escalada, Jr., NHA
OIC Director Eric B. Distor, NBI
OIC Head Luzverfeda E. Pascual, PLLO

FROM: USec. ROSEMARIE G. EDILLON
Policy and Planning Group

SUBJECT: Draft 7th Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

DATE: August 17, 2021

Action Requested. Review and vetting of the attached draft of the Philippines' 7th Periodic Report on the Implementation of the ICESCR.

Background. The National Economic and Development Authority requested for inputs for the 7th Periodic Report on the Implementation of the ICESCR from over 50 agencies and instrumentalities from the executive, legislative and judicial branches of government as well as from civil society and non-government organizations. As discussed during the inter-agency meeting held on July 22, 2021, we incorporated these inputs in the attached draft report.

Draft 7th Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

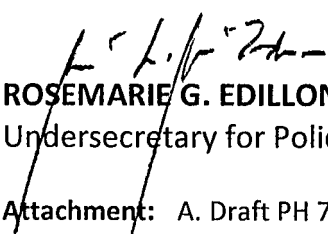
Page 2 of 3

Containing 21,146 words, the draft report follows the formatting rules provided by the United Nations Committee on ESCR.¹ We request that agencies consider the strict 21,200 word limit when providing additional comments/inputs, if any.

We would appreciate receiving your comments~~s~~ and/or confirmation of the draft report on or before **August 27, 2021 (Friday)**. For queries and other concerns, please email our Governance Staff at icescr@neda.gov.ph.

Thank you.

Very truly yours,


ROSEMARIE G. EDILLON
Undersecretary for Policy and Planning

Attachment: A. Draft PH 7th Periodic Report on the Implementation of the ICESCR
B. Concluding observations of the UNCESCR on the 5th and 6th Periodic Report

¹ The word limit includes the cover page, table of contents, main body, tables and graphs, footnotes, and annexes.

**7th periodic report of the Republic of the Philippines
on the implementation of the
International Covenant on Economic, Social and Cultural Rights
(ICESCR)**

(draft as of August 6, 2021)

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A. Overall assessment

In adherence to the Philippines' commitments under the International Covenant on Economic, Social and Cultural Rights (ICECSR), 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.¹

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.

In addition, there was 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 23.5 percent in 2018. While some of the gains were reversed with the onset of the COVID-19 pandemic in early 2020, the State continues to implement measures to cushion the socioeconomic impact of the crisis on the Filipino people.

Measures that contributed to these achievements include the generation of a higher number of paid jobs, provision of transfers to an estimated 10 million low-income families, and the enactment and implementation of various laws that provide economic, social, and cultural security to all citizens. With reference to the specific recommendations of the UN Committee on Economic, Social and Cultural Rights (UN CESCR) on the 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, and commits to continuing its efforts towards complying with all recommendations and ultimately, the promotion and protection of the rights of all its citizens.

¹ 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.

The State likewise ensures its adherence to the PANTHER principles of human rights and governance – Participation, Accountability, Transparency, Non-discrimination, Human Rights, Empowerment, and the Rule of Law – in the formulation and implementation of its policies.

In the various programs and projects of the State, relevant stakeholders and individuals are encouraged to actively participate in decision-making processes through multi-stakeholder consultation meetings and roundtable discussions, among others. Mechanisms are also in place to ensure accountability by providing timely response to concerns and complaints of affected individuals. To ensure non-discrimination, special attention is given towards the interests of marginalized and vulnerable groups, examples of which are the mandatory representation of indigenous peoples in local legislative councils, and inclusive education for children with disabilities.

For transparency in governance, information on matters of public concern, such as the preparation of the national budget and provision of social benefits is made freely available and directly accessible through publication in various platforms. Through initiatives such as dissemination of information, education and communications materials, advocacy campaigns, multi-stakeholder dialogues, and seminars, citizens – especially the most vulnerable and marginalized – are made aware of their rights and entitlements and are empowered to claim them. Likewise, fair and just legal frameworks, foremost of which is the 1987 Philippine Constitution, as well as international human rights standards, were adhered to in the implementation of the State's programs and projects.

The State likewise ensured that a wide range of participation was observed in the formulation of this report. Almost 50 government agencies and instrumentalities from the judiciary, legislative, and executive branches made their contributions, and a consultation and validation meeting was conducted with civil society organizations and non-government organizations to enhance the report. A list of all government and non-government organizations that participated in the preparation of this report is provided in *Annex A*.

B. Specific measures and accomplishments

In response to the concluding observations and recommendations of the UN CESCR on the Philippines' Combined Fifth and Sixth Report, the State wishes to report the measures undertaken by government agencies and instrumentalities as duty bearers. The report is organized according to the subjects of concern from the UN CESCR's concluding observations.

1. Domestic application of the Covenant

The Philippine Constitution upholds and protects the economic, social and cultural rights of every Filipino citizen. Section 5, paragraph 5, Article VIII of the Constitution vests in the Supreme Court (SC) 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." Pursuant to this, the SC promulgated the following rules and guidelines in recent years 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 Republic Act No. 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 Supreme Court 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)
- m. Revised Guidelines for Continuous Trial of Criminal Cases (September 1, 2017)

The writ of *amparo*, institutionalized through the promulgation of the ‘Rule on the Writ of *Amparo*’ on September 25, 2007, is likewise 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 citizens as contained in the Constitution as well as to conduct investigations in accordance with their promulgated manuals, including the Ethical Doctrine Manual.

Initiatives to enhance the public sector’s capacity in promoting and protecting the economic, social, and cultural rights of citizens have also been undertaken. The Local Government Academy, for instance, implements the ‘Building Safe and Peaceful Communities’ Program which localizes the Sustainable Development Goals through effective social service delivery using ‘Family-based Actions for Children and Their Environs in the Slums’ or FACES. This is in accordance with Article 6(2) of the Covenant. In the first quarter of 2021, 113 members of local governments’ Regional FACES Team were trained on establishing effective family-based social service delivery in conflict-affected areas. Recognizing the risks and vulnerabilities arising from different factors such as conflict, this Program seeks to empower citizens and ensure that they are able to enjoy their rights to a healthy and safe environment and to participate in political and socioeconomic activities.

2. Data collection

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 (PWDs), and Indigenous Peoples (IPs).

Republic Act No. 11055, or the Philippine Identification System (PhilSys) Act, was signed into law on August 6, 2018. The PhilSys aims to provide all citizens with a national ID, and this will serve as the national socioeconomic platform through which all transactions, including public and private services, can be availed. Ultimately, PhilSys will empower Filipino citizens and resident aliens to avail of their rights and to better access social welfare services.

To fulfil its commitment 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 now roughly 16 million individuals registered in PhilSys as of June 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 programs to unbanked beneficiaries, which is crucial especially in times of crises such as the COVID-19 pandemic.

Through the 2020 Census of Population and Housing conducted in September 2020, the Philippine Statistics Authority (PSA) was also able to collect data on ethnicity and functional difficulty. The data will be processed and made available by the second semester of 2022.

In 2019, two major policies which entailed data collection on PWDs were passed. First, Republic Act (RA) No. 11228, signed into law on February 22, 2019, provided for the mandatory coverage of PWDs under the Philippine Health Insurance Corporation or PhilHealth. Towards this end, the Department of Health was mandated to maintain and update a database on PWDs and their health and development needs. Second, RA No. 11315 established the Community-Based Monitoring System (CBMS) in 2019, which aims to generate updated and disaggregated data for targeting beneficiaries, conducting more comprehensive poverty analysis and needs prioritization, and designing and monitoring appropriate policies and interventions. Through the CBMS, local government units are now likewise collecting and maintaining data on PWDs.

Prior to the enactment of these laws, a National Disability Prevalence Survey was conducted from November 21 to December 31, 2016. This was a general population survey that allowed for a direct comparison of the needs and barriers faced by groups with differing levels of disability. Around 11,000 households were surveyed, and respondents were able to provide

inputs to policy and decision-making on the special needs of PWDs. Results of the survey are publicly available through the PSA website.

Since 2017, the National Commission on Indigenous Peoples has been implementing the ‘Philippine Indigenous Peoples Ethnography’ or PIPE Program to develop a comprehensive ethnography of all the Indigenous Cultural Communities/Indigenous Peoples in the country. As of December 2018, the government was able to document 51 indigenous knowledge systems and practices from 25 Indigenous Peoples groups. Eighteen customary laws and 25 indigenous political structures were also documented towards understanding the specific cultural and organizational systems, institutions, relationships, rules, patterns, and processes of Indigenous Peoples groups. The Philippine Statistical Research and Training Institute likewise has ongoing studies on establishing a registration system for Indigenous Peoples to augment the data collected through the national census and the PIPE Program.

3. Commission on Human Rights of the Philippines

The mandate of the Commission on Human Rights (CHR) to cover economic, social and cultural rights concerns has been expanded through the following legislation passed by Congress from 2018 to 2020:

- 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 Commission 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, this law ensures inclusion and access of the Filipino deaf to services and socioeconomic opportunities. The CHR is designated 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 HIV and AIDS are able to access services without fear of stigma. Under the law, 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 that their civil, political, economic, and social rights are protected.
- 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. The law directs the Commission to serve as member of the Inter-Agency Committee and the Congressional Oversight Committee on Children in Situations of Armed Conflict. It also mandates the Commission 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 for women workers, from the previous 60 days, to allow mothers ample transition time before resuming paid work. The CHR is one of the agencies tasked conduct a periodic review of the maternity leave benefits of female workers with the end 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 the CHR as one of the agencies tasked to formulate the implementing rules and regulations of the Act.
- g. **RA 11479 or the ‘Anti-Terrorism Act’** (July 3, 2020) – Section 55 of the law mandates the CHR to give the highest priority to the investigation and prosecution of violations of civil and political rights of persons, in relation to the implementation of the Act.

Meanwhile, there are currently four bills pending in Congress since 2019 on strengthening the functional and structural organization of the Commission (or the CHR Charter Bill). The Charter Bill aims to strengthen the Commission's functions as a National Human Rights Institution (NHRI), and to ensure that its mandate on economic, social and cultural rights is amplified. The Commission continues to advocate with lawmakers on the passage of the Bill as it will espouse the Paris Principles that set the minimum requirements necessary for the efficient and effective functioning of NHRIs, including the provision of sufficient budget for the CHR to perform its expanded mandate.

4. Human rights defenders

The State takes cases of human rights violations seriously, and values the work and cooperation of human rights defenders.

Bills have been filed since 2019 in the House of Representatives on protection of human rights defenders (House Bills Nos. 15, 161, 24). These are pending for deliberation by the House Committee on Human Rights.

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 undertakes measures to ensure that violations against human rights defenders and against citizens in general are duly investigated and resolved. The Committee entered into a data-sharing agreement with the Commission on Human Rights 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 as a venue to gather different stakeholders and to engage them in meaningful dialogue towards preventing occurrence of human rights violations and creating a safer environment for all.

Internally, the Committee enhances its capacity to fulfill its mandate through collaboration with various agencies of government, conduct of trainings for AO35 prosecutors and investigators, and increasing the number of Special Investigation Teams to address case build-up. Revising

the Operational Guidelines of AO35 is also underway to make it more responsive to the demands of the situation in the field.

5. Indigenous Peoples

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.

To date, 54 Certificates of Ancestral Domain Titles have been registered, covering more than 1.5 million hectares that benefit 297,362 Indigenous Peoples rights holders. This is in accordance with the National Commission on Indigenous Peoples' (NCIP) Administrative Order (AO) No. 4, s. 2012 or the Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands.

In August 2018, the NCIP issued Resolution No. 07-134.2018 providing revised guidelines on the formulation of Ancestral Domain Sustainable Development and Protection Plans (ADSDPP). To date, 137 ADSDPPs have been formulated and are being implemented, benefiting roughly 700,000 Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs) nationwide. Sixty-four Certificates Precondition, which attest to the grant of free, prior and informed consent (FPIC) by the concerned IP group after sufficient compliance with requirements in the FPIC Guidelines, have also been issued to Large Scale Programs and Projects.

Meanwhile, the National Land Use Bill is still pending in Congress at the Committee level, despite pronouncements by the present administration since 2016 that it is among the President's priority bills.

In November of 2018, the NCIP also issued AO No. 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.

The International Labour Organization's Indigenous and Tribal Peoples Convention of 1989 is likewise being assessed by the NCIP for ratification. Regional assemblies, roundtable discussions with ICCs/IPs, stakeholders, and civil society have been conducted, but the Commission is looking to further expand consultation to other stakeholders to ensure sufficient participation of a wide range of groups in the decision-making process. The process has been stalled, however, given the onset of the COVID-19 pandemic.

It is also worth noting that 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. This and other initiatives are made possible through a strengthened NCIP, which was granted two new units in 2020, namely the External Affairs and Communication Division, and the Project Monitoring, Management and Evaluation Division. The former is responsible for all matters and concerns involving international bodies and interventions from foreign countries that affect the enjoyment and realization of the rights of Indigenous Peoples, while the latter is responsible for determining the progress and effectiveness of its policies and interventions. To ensure protection of IP rights in the government's operations against armed communist conflict, Executive Order No. 70, s. 2018 also mandated the NCIP to be a member of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). To this end, the Commission has designated representatives to the regional, provincial, and *barangay*-level counterparts of the Task Force.

On mitigating the impact of conflicts and disasters on Indigenous Peoples

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 that are residing therein would be protected against recruitment to terrorist armed groups. At the regional level, the Commission also developed 12 Regional Implementation Plans for the National Peace Framework in support to the NTF-ELCAC. The whole-of-nation approach, adopted under EO No. 70, 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 providing assistance to IP victims of calamities. The latter includes assistance to 2,713 victims from the Cordillera Administrative Region, and

Regions 1 and 2, during Typhoon Ompong in September 2018, and 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

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

Activity	2020 Accomplishment
Culture sensitivity trainings for IP Health	119 trainings conducted, with a total of 3,710 participants
National training/capacity building on the formulation of Ancestral Domain Investment Plan for Health	<ul style="list-style-type: none"> • 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

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

Table 2. Accomplishments of the IP Education and Advocacy Services (2018-2020)

Component	2018	2019	2020
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	<ul style="list-style-type: none"> • Workshops and trainings; • 716 EAP graduates and IP youths were accorded financial assistance for 	<ul style="list-style-type: none"> • 2,725 students from IP community schools accorded financial assistance 	<ul style="list-style-type: none"> • 5,988 students from IP community schools accorded financial assistance

Component	2018	2019	2020
	Professional Board Review; <ul style="list-style-type: none"> 29,792 IP students provided school supplies and materials 	<ul style="list-style-type: none"> 156 IP students supported in Professional Board Review 26 IP honor students granted incentives 1,185 IP graduates provided capacity building for work 	<ul style="list-style-type: none"> 117 IP students supported in Professional Board Review 26 IP honor students granted incentives 12 IP students under supplemental feeding program

6. Maximum available resources

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 GDP by 2022.

Table 3. Spending for social services as percent of GDP (2017-2021)

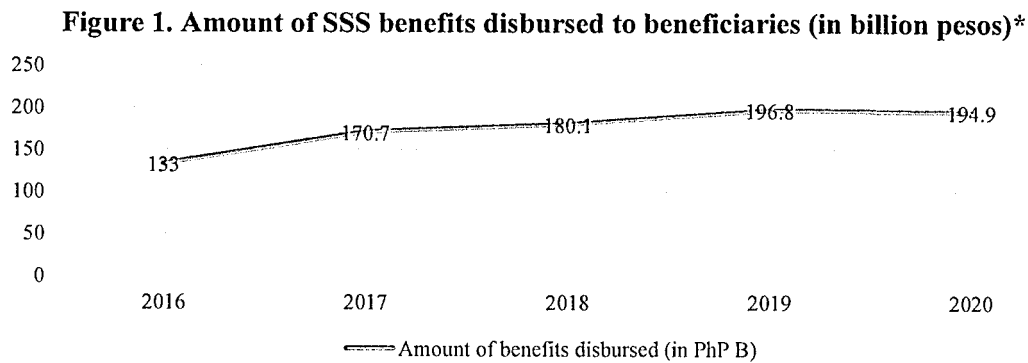
PHRP Target by 2022	Baseline	Accomplishment
Spending for social services expanded to 9.1 percent of GDP	6.4 percent of GDP (2016)	2017: 7.3 percent 2018: 6.8 percent 2019: 6.9 percent 2020: 8.3 percent 2021: 8.5 percent

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

The annual budget preparation process is participative and involves consultations with the Regional Development Councils, civil society, student and faculty associations, and other stakeholders under the Assistance to Municipalities Program. To promote transparency, accountability, and awareness in the adoption of the national budget, the Department of Budget and Management publishes the *Budget ng Bayan* (“People’s Budget”) – a laymanized and graphics-driven summary of the budget, which allows ordinary citizens to understand the relevant fiscal information. The Department has been publishing this document annually since 2012 in English and Tagalog, and has translated this to other dialects to reach a wider audience.

On social security

The amount of social security benefits disbursed to beneficiaries has been on an increasing trend in the past five years. Congress passed into law the Social Security Act of 2018 on February 7, 2019 to develop a Social Security System (SSS) that ensures meaningful social security protection to Filipino workers, both local and overseas, and their beneficiaries.



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

To enhance transparency in claiming of benefits, the 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.

The SSS' Small Business Wage Subsidy program also provided wage subsidies of 5,000 to 8,000 pesos per month for up to two months to eligible employees of small businesses affected by the enhanced community quarantine imposed during the COVID-19 pandemic. Over three million employees nationwide were provided wage subsidies in 2020.

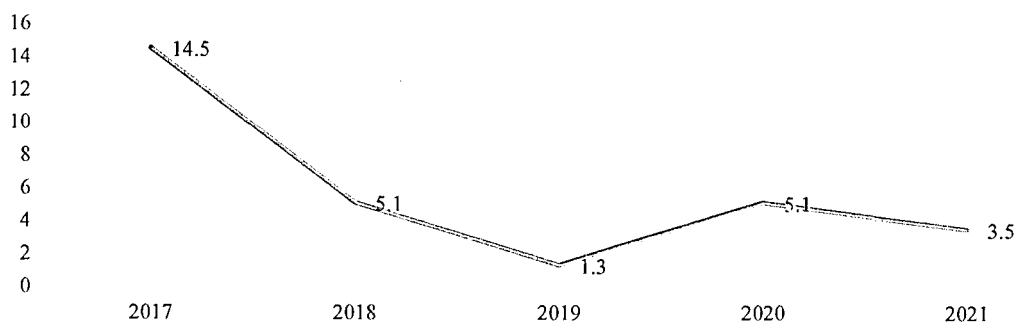
On housing

Republic Act (RA) No. 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 and the Housing and Land Use Regulatory Board, and 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.

Despite the creation of the DHSUD, however, the budget allocated to social housing has been decreasing in the past five years. Annual budget allocation for the housing sector has been less than 1 percent of the total national budget, and this allocation can only address 20 percent of the total housing needs in the country. The National Housing Authority likewise reported that the subsidy provided to the agency, which is mostly spent on implementing housing programs for displaced families or victims of calamity, has been on a decreasing trend from 2017 to 2021. This is primarily because big-budget resettlement projects for the Supreme Court’s Mandamus to Clean-up Manila Bay Area, and the assistance for victims of Typhoon Yolanda were already completed prior to 2021.

Figure 2. Budget allocation for housing (in billion pesos)

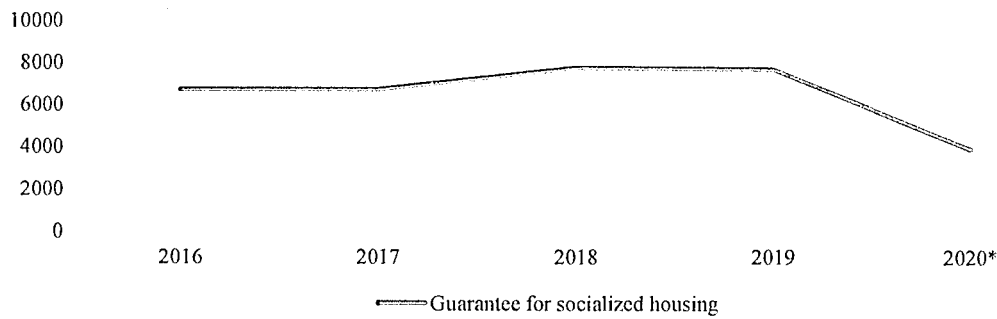


A National Housing Development Bill, which aims to reduce the country's housing backlog through continuous funding support for the National Development and Housing Program, is currently pending in both chambers of Congress. The proposed measure seeks to develop and implement various types of housing 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.

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, there are three programs covering guarantee for socialized housing: Retail Guarantee Program; Cashflow Guarantee of *Abot Kaya Pabahay* Fund; and Guarantee Program

for Small Housing Loans. Table 4 below provides the guarantees granted for socialized housing from 2016 to 2020.

Table 4. Guarantees to Socialized Housing Loans (in million pesos)



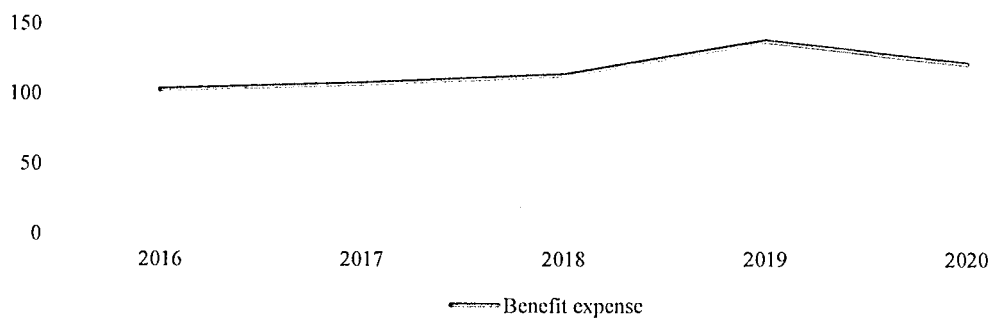
**Drop in 2020 may be attributed to lower housing loan uptake during COVID-19 pandemic*

From 2016 to 2020, the Social Housing Finance Corporation was also 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

With the passage of the Universal Health Care (UHC) Act of 2019 which provides for immediate eligibility, 100 percent of Filipinos are now empowered to access quality healthcare, with a system that employs a people-oriented approach centered on people’s needs and well-being, and cognizant of the differences in culture, values, and beliefs. The increase in claiming of healthcare benefits under the UHC is evident in the benefit expenses of the Philippine Health Insurance Corporation (PhilHealth) from 2019-2020, as compared to pre-UHC from 2016-2018.

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

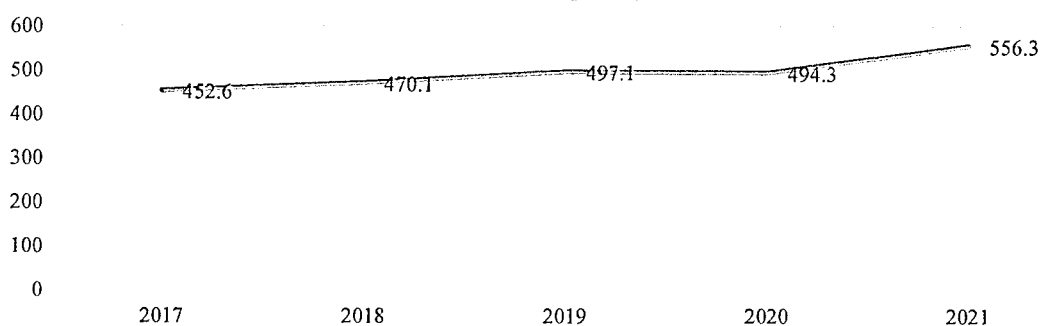


During the COVID-19 pandemic, healthcare provision became even more critical. RA No. 11469 or the ‘*Bayanihan To Heal As One Act*’ was enacted in March 2020 to provide additional funds to address requirements for contact tracing, testing, and treatment; and assisting low-income families and returning overseas Filipinos who were economically displaced due to the pandemic. This was followed by the enactment of RA No. 11494 in September 2020 to sustain efforts in improving health system capacity during the COVID-19 crisis.

On education

The budget allocated to pre-primary, primary and secondary education has likewise been increasing in the past five years. Article XIV, Section 5 of the 1987 Philippine Constitution provides that “[t]he State shall assign the highest budgetary priority to education.” As such, the highest portion of the national budget consistently goes to the Department of Education (DepEd). For 2021, the DepEd-Office of the Secretary covers 13.18 percent of the national budget, which is a 7.44 percent increase from the 2020 budget.

Figure 4. Budget allocation for pre-primary, primary and secondary education (in billion pesos)



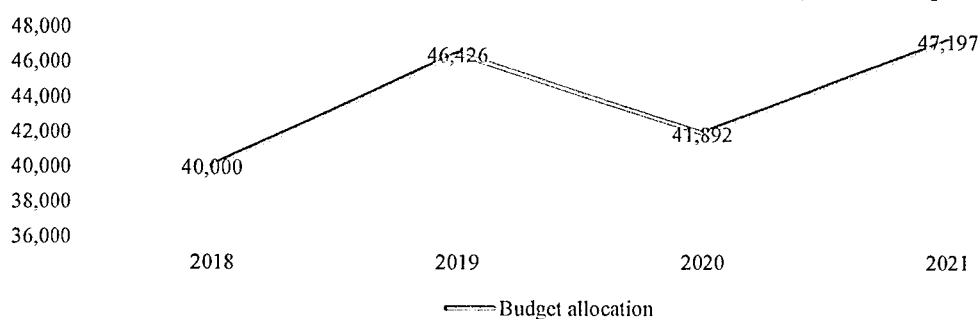
Continued investments of the government in basic education, including the sustained implementation of the K to 12 Basic Education Program institutionalized through RA No. 10533, contributed to keeping more young learners in school. The DepEd has been providing education services to more students in recent 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 as mandated by RA No. 10533, 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.

To provide support to the Basic Education Learning Continuity Plan in response to the ongoing COVID-19 pandemic, PhP16.62 billion was allocated for Flexible Learning Options, a more than 2,000 percent increase from the 2020 budget. Priority was also provided to 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).

Increased State funding for tertiary education has also been secured with the passage and implementation of the Universal Access to Quality Tertiary Education Act (UAQTEA) or RA No. 10931 in 2017. Through this law, more students are now able to access tertiary education through financial assistance under the Free Higher Education (FHE) Program and the Tertiary Education Subsidy (TES). The budgetary allocation for each fiscal year under these programs is divided as follows: (a) 60 percent for the 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).

Table 5. Budget allocation for UAQTEA from 2018-2021 (in million pesos)



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 6. Financial Assistance Programs under UAQTEA (2019-2021)*

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

*Disaggregated data based on regional distribution and sex are collected and available upon request

To ensure that the views of vulnerable and marginalized sectors are properly addressed relative to the implementation of RA No. 10931, the Unified Student Financial Assistance System for Tertiary Education has conducted the following for 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) midyear assessment and planning workshops; and (f) year-end assessments.

7. Corruption

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

With the passage and implementation of Republic Act (RA) No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act in 2018, government agencies began simplifying reporting tools, utilizing digital platforms for complaints filing and evaluation, case management, and case inventory, and establishing quick response systems.

On April 30, 2021, the Presidential Anti-Corruption Commission launched the Project *Kasangga: Aksyon Laban sa Korapsyon*, which coordinates initiatives of various government agencies 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. To ensure participation of the whole-of-government in this effort, participating agencies will enter into inter-agency memoranda of agreement under the Project. It will also 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.

A notable anti-corruption mechanism is the Department of the Interior and Local Government's *Bantay Korapsyon* Program that mobilizes citizens in holding erring local officials accountable for committing corrupt practices and for failure to perform their duties. With the *Sumbungan Online* initiative under the Program, individuals, people's organizations, and non-governmental organizations may also file their complaints through email.

In 2020, the Program received 846 corruption-related complaints— 47 of which were already endorsed for further evaluation by the Office of the Ombudsman; 13 were endorsed for the conduct of lifestyle check; and 33 were endorsed to the Commission on Audit for further inquiry and/or action.

From January to June 2021, the *Bantay Korapsyon* Central Office received 74 complaints broken down into 49 corruption-related complaints, 14 COVID-19 related complaints and 11 requests for assistance. These complaints were either endorsed to the appropriate agencies for review and appropriate action, recommended for issuance of show-cause orders, transmitted to the office of the Ombudsman, or disposed after thorough review.

The Office of the Ombudsman has likewise been entertaining anonymous complaints with sufficient investigative leads. Such complaints are referred 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 to be filed against erring public officers and employees. Entertaining anonymous reports allows safety of complainants and opens the government's doors to more reports.

Those who report suspicious transactions to the Anti-Money Laundering Council (AMLC) are afforded another layer of protection through the enactment of RA No. 11521 on January 29, 2021, which is the latest amendment to the Anti-Money Laundering Act. Under Section 8-A of

RA No. 11521, the 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 new provision on information security and confidentiality shall apply even after their separation from the AMLC.

The law also 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, the AMLC has taken steps to deprive criminals of their proceeds using provisional measures pursuant to possible civil forfeiture, with a particular focus on drugs, fraud, corruption, cybercrime and human trafficking. The Council also reorganized and created an investigation team focused on corruption.

Within the public service itself, corrupt practices may be reported to the Civil Service Commission (CSC), pursuant to its mandate under RA No. 6713 that establishes the ‘Code of Conduct and Ethical Standards for Public Officials and Employees’. From 2016 to 2020, the CSC received more than 6,000 cases filed in violation of the code of conduct. These cases are reviewed and transmitted by the CSC to the proper authority for prosecution, as warranted.

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

In the judiciary, the Supreme Court (SC) approved the Internal Rules of the Judicial Integrity Board (JIB) on December 15, 2020. The JIB is tasked to evaluate administrative complaints and referrals, and to submit 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. A seminar for justices of the Court of Appeals, *Sandiganbayan*, and Court of Tax Appeals on the organizational structure and rules of the JIB was conducted on February 24, 2021. Initiatives to raise public awareness about the Board is vital for mobilizing support for its mandate on preventing and investigating corruption. Further trainings on judicial

integrity for judiciary officials and personnel on corruption and on the functions of the JIB are going to be conducted within 2021 and in subsequent years.

8. Non-discrimination

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

- a. **House Bill (HB) No. 6817**, prohibiting discrimination against persons who are declared as confirmed, suspect, probable, and recovered cases of COVID-19, repatriated Filipinos, healthcare workers, responders, and service workers – transmitted to the Senate on June 3, 2020;
- b. **HB No. 7722**, expanding the prohibited acts of discrimination against women on account of sex, amending for the purpose Presidential Decree No. 442² – transmitted to the Senate on November 24, 2020; and
- c. **HB No. 8243**, ensuring equality and non-discrimination on the basis of race, ethnicity, and religion – transmitted to the Senate on February 3, 2021.

The bills are pending at the Committee level in the Senate. Comprehensive anti-discrimination bills are likewise pending at the Committee level in both chambers of Congress.

On non-discrimination on the basis of sex, Republic Act (RA) No. 9710 or ‘The Magna Carta of Women’ 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 launched the Women’s Priority Legislative Agenda (WPLA), which is a set of proposed subjects of bills that seek to amend or repeal discriminatory provisions of existing laws and advocate for the formulation and passage of new laws that promote women’s empowerment and gender equality. One of the major accomplishments of lobbying efforts under the WPLA was the passage of RA No. 11210 on February 21, 2019 that gives mothers

² *The Labor Code of the Philippines, as amended.*

in the public and private sectors an expanded 105-day maternity leave. Lobbying efforts to push for the amendment of existing laws are continuously undertaken.

9. Persons with disabilities

As discussed in Section B.2. of this report, the State has taken various initiatives to improve data collection on marginalized groups. To ensure inclusion of PWDs in the largest-scale data collection effort of the government for the Philippine Identification System (PhilSys), the Philippine Statistics Authority implements a special registration process for applicants who are physically incapable of going to PhilSys registration centers.

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 and the Department of Labor and Employment to incorporate the data in their existing programs and services for PWDs. This includes the cash-for-work and Sustainable Livelihood Program, among others, to better target and empower beneficiaries to realize their rights.

The Magna Carta for Persons with Disabilities has likewise 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 PWDs in policy forums and consultation meetings, prepared and submitted position papers and participated in deliberation meetings for the passage of Republic Act (RA) No. 10754 (expanding the benefits and privileges of PWDs), and RA No. 11228 and its Implementing Rules and Regulations (mandatory PhilHealth coverage for all PWDs). Various pieces of legislation and issuances also came in effect in recent years to expand the provision of reasonable accommodation to PWDs, as follows:

- a. **RA 11106 or the ‘Filipino Sign Language Act’** - previously discussed in Section B.3.;
- b. **RA 10905 or the ‘Closed Captions Options Act’** (July 21, 2016) - The law required closed captions options in television programs including newscast and weather forecasts for PWDs; and

- c. **Department of Information and Communications Technology Memorandum Circular No. 004, s. 2017** (May 12, 2017) - The Circular sets the Philippine standard for making web content more accessible to a wider range of PWDs.

Legislative measures on the provision of universal disability support allowance, and granting of lifetime validity of the PWD ID card, are already filed in Congress.³

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 PWDs in compliance with *Batas Pambansa 344*⁴ and RA No. 7277⁵. The NCDA likewise monitors the allocation of budget and implementation of programs and services for PWDs at the local government level.

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 PWDs, and how the whole-of-society can work to address them.

10. Equality between men and women

The State has taken active steps towards ensuring gender equality. With the Philippine Commission on Women (PCW) as lead, public advocacies and events to popularize the Magna Carta of Women (MCW) have been regularly conducted especially to raise awareness on the MCW's key provisions particularly on the gynecological leave and the special leave benefits for women. Physical and digital material on important policies and documents on women's rights and Gender and Development are regularly published and distributed by the Commission. These include brochures, online FAQs, and YouTube videos on salient provisions of the MCW, the Anti-Sexual Harassment Act (Republic Act No. 7877), the Anti-

³ *House Bills 08220 and 8590, respectively.*

⁴ *'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 February 25, 1983.*

⁵ *'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 March 24, 1992.*

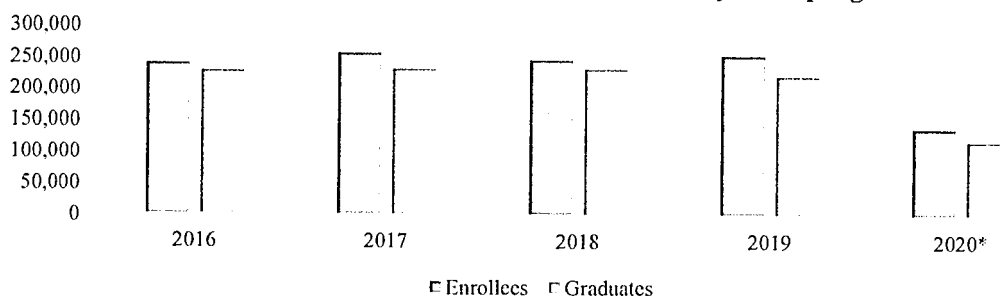
Violence Against Women and Children Law (RA No. 9262), the Anti-Rape Law (RA No. 8353), and the Gender-Fair Media Guidebook, among others.

The PCW also relaunched its website during the COVID-19 pandemic given the shift to digital platforms as primary source of communication in adherence with public health protocols. The website was given a new look, was made more user- and mobile-friendly, and was filled with added features on the 11th anniversary of the issuance of the MCW celebrated on August 14, 2020.

Vocational training programs for livelihood are also made available to women. To help raise awareness on gender equality and to change gender role stereotypes, the Technical Education and Skills Development Authority (TESDA) uses gender-fair instructional materials and provides all of its trainees with gender sensitivity training as part of the basic competencies that 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.

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 in traditionally-male programs and sectors⁶ has also been significant from 2016-2021, though not yet equal to male enrollees (i.e., roughly 60% male, 40% female from 2015-2019).

Figure 5. Women enrollees and graduates in traditionally male programs of TESDA



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

**Disaggregated data by program taken is available upon request

⁶ 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.

To ensure transparency and participation, the TESDA also conducts regular consultations with stakeholders in the industry, labor, and academe sectors on their program offerings. To ensure non-discrimination in access to livelihood training, scholarships are offered to different groups with special emphasis on 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 also created the National Inspectorate for Scholarship Programs in 2017 tasked to monitor whether funds for the scholarship program, channeled through private vocational training centers, are being utilized in accordance with the rules of the agency.

11. Unemployment and underemployment

Prior to the onset of the COVID-19 pandemic, the State had already improved its employment numbers. This is due to the implementation of data-driven policies and strategies as outlined in the Philippine Development Plan 2017-2022.

To provide timely data on employment, unemployment, and underemployment, the Philippine Statistics Authority (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, obtaining immediate data on the labor market became even more crucial towards informing immediate response and recovery interventions. Thus, the PSA heightened its operations and began conducting the LFS on a monthly basis since January 2021.

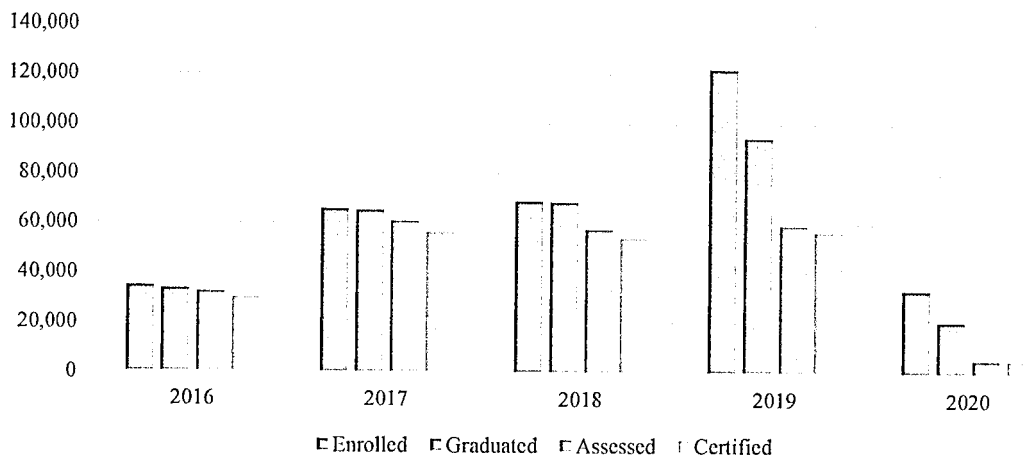
To gauge the level of competitiveness of the youth and to prepare them for work, the State also participates in international student assessments such as the Trends in International Mathematics and Science Study (TIMSS) and the Program for International Student Assessment (PISA).

To provide timely, relevant, and accurate labor market information (LMI), the Department of Labor and Employment (DOLE) published the JobsFit LMI Report: 2013-2020, which enumerates the industries that will create jobs in and skills need for the future. The report was used in the development of the Industry Career Guides and Career Information Pamphlets, which serve as tools in helping students and jobseekers make informed education, training and

career choices. The report was updated in 2017 to consider major changes in the current labor market trends.

The Technical Education and Skills Development Authority (TESDA) likewise conducts Skills Standardization, Testing and Certification in the Technical Education and Skills Development Sector to ensure that learners are workforce-ready and globally competitive. TESDA also implements the Special Training for Employment Program (STEP), which is a community-based specialty training program that aims to address the specific skills needs of the community, and 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.

Figure 6. 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*

To facilitate youth employment, Republic Act No. 11261 or the ‘First Time Jobseekers Assistance Act’ was signed into law on April 10, 2019. Through this law, first time jobseekers are assisted in securing documents required for employment, free of charge. As of December 31, 2020, 14,075 individuals have benefitted from the law.⁷ Capacity building activities on the implementation of RA No. 11261 are also regularly conducted by the Department of Labor and Employment for its regional offices and for Public Employment Services Offices.

To ensure employment for PWDs, the Civil Service Commission (CSC) issued Memorandum Circular (MC) No. 07, series of 2017 encouraging government agencies to hire persons with

disabilities pursuant to RA No. 10524 (expanding positions reserved for PWDs). The Commission issued MC No. 31series of 2017 and MC No. 07 Series of 2018. The former provides reasonable accommodation for PWDs through a one-hour extension in the time limit for both professional and sub-professional civil service eligibility examinations; the latter provides for the Qualification Standards for Disability Affairs Officer Positions in the Persons with Disability Affairs Office in the local government units. To empower PWDs to claim and exercise their labor rights, the National Commission on Disability Affairs conducts continuous advocacy and support services for PWDs especially to raise their awareness on provisions of law that protect and promote their rights.

12. Right to just and favorable conditions of work

12.1. On employment in the formal and informal economy

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.

Of note is the Department of Labor and Employment's (DOLE) Integrated Livelihood and Emergency Employment Program, which 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. It has two main components, namely the DOLE Integrated Livelihood Program (DILP) and the *Tulong Panghanapbuhay Para sa mga Disadvantaged/Displaced Workers* (TUPAD).

The DILP provides grant assistance for capacity building on livelihood and entrepreneurial ventures for either individual or group undertaking. The package of assistance includes provision of training on business planning or basic entrepreneurship; provision of working capital in the form of raw materials, equipment, jigs, and tools; enrolment to micro-insurance; and continuing business advisory services. In 2020, a total of 56,866 beneficiaries were assisted under DILP.

The TUPAD, on the other hand, provides community-based package of assistance for displaced workers, the underemployed, and the unemployed poor. The assistance package 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. In 2020, there were 423,511 beneficiaries under TUPAD, and 540,175 beneficiaries under the Enhanced TUPAD, which was implemented in response to the COVID-19 pandemic.

To protect workers who remain in the informal sector, bills were filed in Congress (Senate Bill No. 1746 and House Bill No. 00029) on a Magna Carta for Workers in the Informal Economy. These bills targets social protection and empowerment of the informal sector by providing 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. SB No. 1746 has been read on first reading and was referred to the Senate Committee on Labor, Employment and Human Resources Development on August 4, 2020. HB No. 00029 was referred to the House Committee on Labor and Employment on July 23, 2019 and has been pending since.

On providing safe and healthy workplaces, Republic Act (RA) No. 11058, which aims to strengthen compliance of all workplaces with Occupational Safety and Health (OSH) Standards, was signed into law on August 17, 2018. The law empowers inspectors by mandating the enhancement of their knowledge and toolsets for inspection through the conduct of Basic OSH and Construction OSH trainings. It provides for the yearly issuance of a general authority from the DOLE Secretary to qualified labor inspectors to conduct inspections; and gives safety officers the power to issue work stoppage orders when necessary. From 2016 to 2020, the Occupational Safety and Health Center was able to train a total of 256,269 workers/safety officers on OSH standards and other provisions of RA No. 11058. All trainings conducted by the OSHC use gender-fair modules and provide emphasis on workers' basic rights to safe working conditions as an integral aspect of their human dignity.

There has been no progress on the proposed passage of a bill on ending the contractualization practice, more commonly known in the country as “endo”, which deprives workers of stable employment and benefits.

12.2. On just wages

On the UN CESCR recommendation to reinstate a national minimum wage, the Philippine government deems that this is not appropriate for the Philippine context given its archipelagic

geography and the differing standards of living and levels of socioeconomic development across regions. Implementing a national minimum wage would negatively impact investments and economic activity in various areas of the country.

The legal framework of the Philippine minimum wage policy is consistent with the International Labour Organization’s Convention 131 that considers the minimum wage as the floor wage to protect workers from undue low wages.

The State continues to implement policies towards the protection of workers and ensuring decent standard of living. 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.

Table 7. Daily Minimum Wage in 2016 and 2020

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

Meanwhile, Republic Act (RA) No. 114661 or the Salary Standardization Law was approved on January 8, 2020 towards increasing the standard salary table for civil service workers and granting them additional benefits. The Domestic Workers Act (RA No. 10361) was also signed into law back in 2013 to provide for the minimum monthly wage of domestic workers, taking into consideration their in-work benefits, subject to periodic review and adjustment of the Regional Tripartite and Productivity Wage Boards.

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

The State likewise ensures the genuine participation of workers in tripartite bodies, pursuant to RA No. 10395 that amended the Labor Code of the Philippines, specifically 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

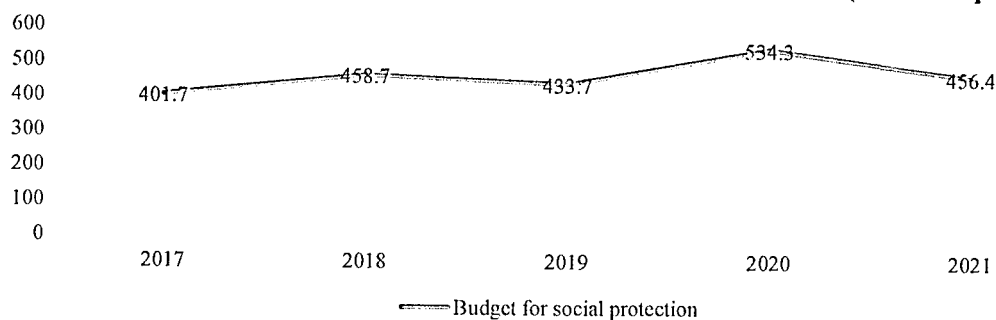
labor, employment, and social policies. Tripartite Industrial Peace Councils at various levels have evolved and expanded to include migrants, youths, women, public, and informal workers.

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, and has provided members of these bodies with a smart tablet with post-paid subscription for unlimited mobile data to continue operations during the pandemic. Premium subscriptions to videoconferencing applications, online survey tools, and platforms for digitally signing documents, among others, also facilitated online consultation and communication with tripartite members despite restrictions in mass gathering.

13. Right to social security

The State's social protection programs have contributed considerably to reducing the vulnerability of Filipinos. As a result, poverty incidence was reduced from 23.5 percent in 2015 to 16.7 percent in 2018. From 2017 to 2021, budget allocation for social protection was consistently at roughly 0.03 percent of the national budget.⁷ This includes expenditures on conditional cash transfer, assistance provided to senior citizens, unemployment benefits, assistance for sickness and disability, assistance in conflict-affected areas, and survivors of disaster and gender-based violence.

Figure 7. Budget allocation for social protection from 2017-2021 (in billion pesos)

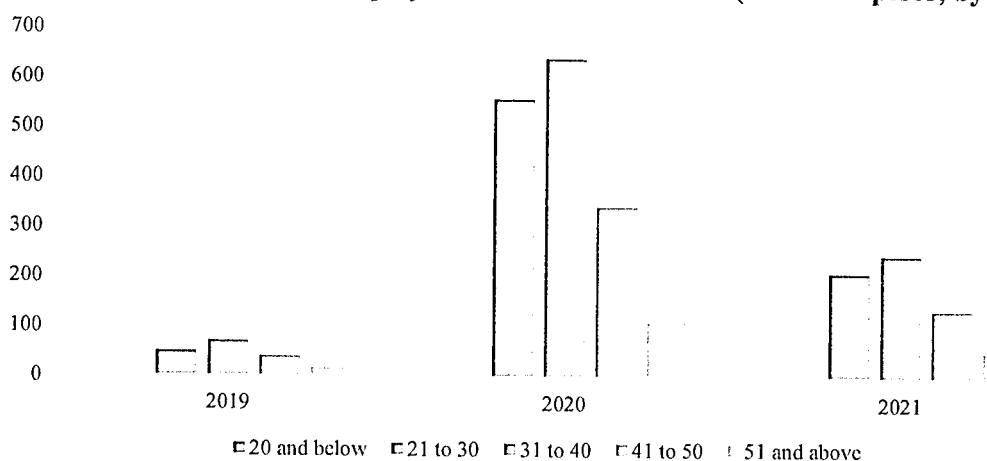


⁷ It should be noted that the 2017-2018 budget was obligation-based (prone to underspending due to extended validity of the budget), whereas the 2019-2021 budget adopted a cash-based budgeting which compels government agencies to spend the allocation within the fiscal year.

The Social Security System (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.

The SSS established unemployment benefits in August 2019. The newly implemented program is a breakthrough initiative, which recognizes that a person who becomes unemployed needs financial aid not only while looking for a new job but also to support their family while unemployed. From 2019 to June 2021, 192,773 claims were approved, amounting to Php2.475 million in disbursements. As shown in Figure 8, a bulk of the unemployment insurance benefits were claimed by individuals aged 31 to 40.⁸

Figure 8. Approved Unemployment Insurance Benefits (in million pesos; by age)



In 2015, the Philippine government initiated the assessment-based national dialogue (ABND) to establish a nationally defined social protection floor (SPF) for all the people in the country, especially the poor and vulnerable. The ABND exercise, which was conducted with technical assistance from the International Labour Organization (ILO) with 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

⁸ Disaggregation by sex: 81,274 females and 111,485 males

to the vulnerabilities of the people; explored recommendations to establish and 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 of the Philippines, and guidelines towards implementing it.

14. Protection of family, mothers and children

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.

The Bangsamoro Women Commission is preparing to file a resolution calling for a review and amendment of Presidential Decree No. 1083, series of 1977 or the Code of Muslim Personal Laws to prohibit the two acts mentioned, and to bring the Code in line with the Magna Carta of Women. The Commission has also drafted a Bangsamoro Gender and Development (GAD) Code that discourages child, early, and forced marriage, citing the *fatwa* of the Regional *Darul Ifta* on Model Family in Islam.

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 as well as the GAD Focal Point System of each department, office, and local government unit were also involved in the drafting process. These mechanisms ensure that the welfare and interests of women, men, and the LGBTQ+ community are promoted and protected.

Meanwhile, a Senate bill declaring child marriage as illegal was approved by the chamber on third reading on November 9, 2020. At least four counterpart bills were filed in the House of Representatives since March 2021. Likewise, four House bills are pending at the committee level that seek to amend the Revised Penal Code to penalize marital infidelity, adultery, and concubinage.

Bills which seek to institute absolute divorce in the Philippines towards providing Filipinos, especially women and children, the opportunity to rebuild their lives outside of broken or abusive marriages or relationships, have also been pending for approval at the committee level in both chambers of Congress since July 2019.

15. Birth registration

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 are already registered in Step 1 of the Philippine Identification System (PhilSys). In addition, through a provision for introducer-based registration in the Policies and Guidelines Manual for the National ID System, 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 to the PhilSys through a Qualified Introducer. This is especially 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.

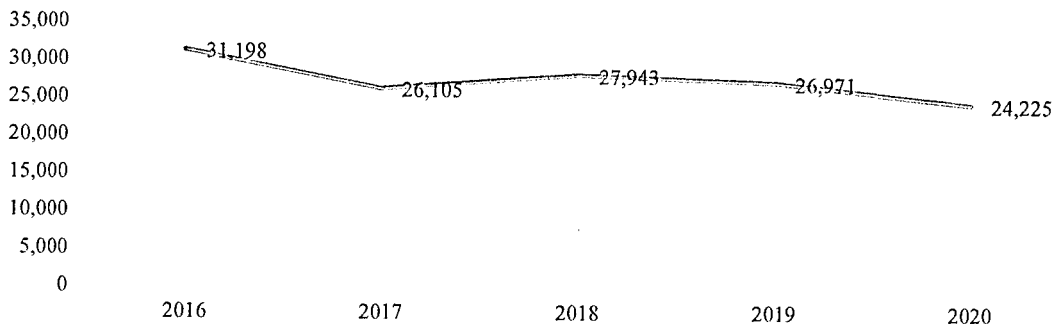
Prior to the implementation of PhilSys, from 2016 to 2020, a total of 5,272 indigenous birth registrations and 2,080 indigenous child births registrations were already recorded by the National Commission on Indigenous Peoples.

The Philippine government has also consistently and dutifully registered the vital events of Filipinos abroad, including reports of birth or birth registration. In line with the Department of Foreign Affairs' 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 Philippine Statistics Authority (PSA). This requirement applies to the registration of Filipino children under 'Assistance-to-Nationals' situations that require immediate repatriation.

In addition, in July 2017, the 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. This circular was issued to promote and uphold the rights of the child to have a name, a nationality, and be cared for by their parents. Statistics in the past six years show that

registration of birth abroad has been fairly consistent, with 2020 registering the lowest number of registrants most likely due to the COVID-19 pandemic.

Figure 9. Report of births received from service posts (2016-2020)



16. Economic exploitation of children

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

- a. **Republic Act (RA) No. 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. **Department of Labor and Employment 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 the worst forms of child labor;
- c. **RA No. 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. **Executive Order No. 92, s. 2019** (September 17, 2019) – institutionalizes the National Council Against Child Labor (NCAACL) to upscale the implementation of the Philippine Program Against Child Labor (PPACL)⁹.

To further deter illegal child labor practices, legislative measures¹⁰ have been filed to impose greater penalties for violations of RA No. 7610, as amended by RA No. 9231¹¹. The Senate has also filed and approved a bill to strengthen protections against online sexual abuse and exploitation of children. This was transmitted to the House of Representatives on May 27, 2021, where it remains pending at the Committee level.

From 2016 to 2020, 19 establishments that engaged the labor of 37 minors in obscene or lewd shows were permanently closed by the Department of Labor and Employment (DOLE). Since RA No. 9231 was enacted in 2003, 69 establishments have already been closed by the DOLE for violations.

Recovery of children from child labor is also a priority of the State. To this end, the 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. From 2018 to 2020, the DOLE has profiled 266,873 child laborers; 261,132 child laborers have been referred for the provision of necessary services; 59,635 child laborers have been provided with necessary services; and 56,276 child laborers have been removed from child labor.

The DOLE also implements the *Sagip Batang Manggagawa* (SBM) mechanism, which employs an inter-agency quick action team composed of DOLE, the Department of Social Welfare and Development (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, through which 173 child laborers were removed from hazardous and exploitative working conditions. This brings to 3,621 child laborers already rescued through the SBM since its inception in 1993.

⁹ *The PPACL 2018-2022 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.*

¹⁰ *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.*

¹¹ *An Act Providing for the Elimination of the Worst Forms of Child Labor*

The provision of livelihood assistance to parents of child laborers is also a strategic response of government to prevent and eliminate child labor. The assistance, provided under DOLE’s Integrated Livelihood and Emergency Employment Program, requires that beneficiaries no longer allow their children to be engaged in child labor. From 2016 to 2020, said assistance – in the form of equipment, starter kits, or materials needed to start a livelihood undertaking – was provided to 23,342 parents. Since 2008, the total number of parents of child laborers who have benefited from the program has reached 42,672.

The Department of Social Welfare and Development (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 local government units 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.

To further facilitate the profiling and recovery of child laborers, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2019-73 on the roles of local government units (LGUs) in profiling and provision of necessary assistance to identified child laborers in each locality. LGUs are encouraged to assist and provide assistance to the DOLE Regional Offices, particularly on 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 they are removed from child labor.

The Council on the Welfare of Children (CWC) also 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 the DOLE and DSWD. Table 8 provides key figures from the CWC publication.

Table 8. Figures on child labor from the CWC’s Quick Facts on Children (2017-2018)

Indicator	2017	2018
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

Indicator	2017	2018
Number of families of child laborers provided with DOLE livelihood assistance	3,430	4,054
Number of children aged below 15 issued Working Child Permits*	5,106	6,375

**This permit is secured by the employer, parent or guardian from the DOLE for any child below 15 years of age in any work allowed under RA No. 9231.*

The 2019 data could not be collected due to the onset of the COVID-19 pandemic in early 2020. In 2021, the 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

In order 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 Republic Act (RA) No. 9262 or the Violence Against Women and Children (VAWC) Act of 2004, and RA No. 8353 or the Anti-Rape Law of 1997. Amendments to the former mostly seek to expand the definition of VAWC to include electronic violence¹², while amendments to the latter seek to increase the age for determining statutory rape to provide stronger protection for children, and repeal Article 266-C of the Revised Penal Code that pardons the rapist if he subsequently marries the victim or if the rapist-husband is pardoned by the wife¹³.

Meanwhile, the Philippine National Police (PNP) continues to direct all of its units to: (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 the Women and Children Protection Desk (WCPD) 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.

¹² 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.

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

As mandated by RA No. 11313 or the Safe Spaces Act, the Department of Information and Communications Technology – Cybersecurity Bureau and the Cybercrime Investigation and Coordinating Center also provide assistance to the PNP in the development of online mechanisms for reporting real-time gender-based sexual harassment acts and to apprehend perpetrators. Interventions are likewise being conducted by the PNP to improve its internal capacity as well as knowledge of the general public on these mechanisms.

Considering the specific needs of women and girls with disabilities (WGWD), the Philippine Commission on Women (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 WGWD. 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 WGWD representation to the National Council on Disability Affairs (NCDA).

To facilitate the assessment, monitoring, and evaluation of Gender and Development efforts including those for WGWD, the PCW Compendium of Indicators also identifies specific indicators such as incidence of WGWD 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 WGWD-sensitive services, particularly women interpreters in investigative agencies, hospitals and courts who can assist WGWD victims of sexual abuse and violence.

RA No. 11106 or The Filipino Sign Language Act provided the legal basis for setting-up legal interpreting service for the deaf, including WGWD, to access justice in all public hearings, proceedings, and transactions of the courts, quasi-judicial agencies, and other tribunals.

The PNP – Women and Children Protection Center also developed a training module in 2019 for officers and staff on access to justice for WGWD, to ensure that the rights of WGWD are promoted and protected. Government agencies, including the NCDA, were involved in the formulation of the modules.

18. Trafficking in human beings

The Philippines continues to strictly implement Republic Act (RA) No. 9208 as amended by RA No. 10364, or the Expanded Anti-Trafficking in Persons (TIP) Act to further eliminate TIP, especially involving women and children. As a result, there has been a noted decrease in trafficking nationwide from 2017 to the first semester of 2021, as indicated in Table 9.

Table 9. PNP report on cases of trafficking nationwide (2017-July 2021)

Purpose	2017	2018	2019	2020	2021 (Jan-July)
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
Total	234	300	153	161	39

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, which entered into force on March 8, 2017. The ACTIP, among others, 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 10 shows that women and young girls are disproportionately affected by trafficking in persons, but that there is an overall decrease in the number of victims, consistent with the decrease in the number of cases on trafficking between 2017 to 2021.

Table 10. PNP report on rescued victims nationwide (2017-July 2021)

Category	2017	2018	2019	2020	2021 (Jan-July)	Total
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
Total	770	1,039	729	667	187	3,392

The State recognizes that armed conflict and displacements due to natural disasters are root causes of women and children's vulnerability to trafficking. Various policies are being implemented to address these causes.

RA No. 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 Council for the Welfare of Children (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 Implementing Rules and Regulations and on CSAC Handling Protocols, and the eventual adoption of said protocols. Advocacy and information dissemination activities and the creation of a Compendium of Materials on CSAC were also undertaken in 2020. Moving forward, the IAC-CSAC is working on the development of agency-specific CSAC protocols.

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

To better monitor and investigate cases of trafficking, the Department of Information and Communications Technology – Cybersecurity Bureau has been assisting law enforcement authorities by providing technical support to track perpetrators liable under RA No. 9775 (Anti-Child Pornography Act), and RA No. 10175 (Cybercrime Prevention Act).

To enhance the appreciation and understanding of law enforcement officers on TIP, various anti-trafficking trainings, meetings, and seminars were conducted in recent years, including: Inter-agency Council Against Child Pornography Meeting with a focus on strengthening implementation of RA No. 10929 or the Child Online Safeguarding Policy; 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 the 47th UN Human Rights Council Meeting on Non-Punishment of TIP Victims.

19. Poverty

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.

19.1. On reducing overall poverty

In 2019, the Department of Social Welfare and Development (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) was able to assess and encode 14,468,133 households, or 92 percent of the targeted households.

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 further increase their coverage among qualified household beneficiaries. Database launching and commencement of data sharing activities are targeted to be done by December 2021.

An impact evaluation study¹⁴ on the 4Ps found that prenatal behavior, child school enrollment outcomes, and socioemotional skills of children 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 a total of 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.

¹⁴ *Expanded Social Assistance Project: Impact Evaluation of the Pantawid Pamilyang Pilipino Program by the Asian Development Bank, published on May 2020*

Added costs of PWDs, as marginalized sectors vulnerable to poverty, are also covered by the government through provision of discounts and tax exemptions on basic necessities through the amended Magna Carta for Persons with Disabilities. An improvement on the implementation of the disability ID is in the pipeline to address misuse and abuse of the privilege, and at the same time ensure that only qualified PWDs can enjoy the benefits and privileges accorded to them by law. The National Council on Disability Affairs 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 Republic Act No. 11228 or the mandatory PhilHealth Coverage for PWDs.

19.2. On challenges faced by small-scale fishers and landless farmers

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

The Special Area for Agricultural Development (SAAD) Program is a locally-funded project of DA that aims to alleviate poverty incidence in its covered 30 priority provinces. The program provides policy directions including gender-sensitive considerations from various sectors on the provision of livelihood projects. From 2017 to 2020, the SAAD Program provided a total of 580 livelihood projects for 10,025 individual beneficiaries and 704 groups.

Meanwhile, under the Rice Competitiveness Enhancement Fund (RCEF), farmer beneficiaries are provided with rice farm machinery and equipment, rice seeds, training activities and extension services, and expanded rice credit assistance. Five percent of the fund is allocated to enhance social responsiveness services towards vulnerable sectors. The program also provides scholarship grants to eligible beneficiaries including farm workers or landless farmers, and youth farmers. Strategic communications services are also provided which seek to enhance the knowledge and access to information services on high-yielding and cost reducing technologies as well as other skills and opportunities to improve the competitiveness of the farmers.

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 more 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, a total of 2,497 indigenous peoples have been trained on product development/processing of agrobiodiversity crops and provision of simple processing tools to farmer-processors.

On land security and tenure, bills extending the authority of the Department of Agrarian Reform (DAR) to issue Notices of Coverage of private agricultural land to continue with the land distribution under the agrarian reform program have been filed before Congress and are awaiting approval. Meanwhile, certificate of land ownership and emancipation patent awardees are assisted by DAR to file cases before the regional and provincial agrarian reform adjudicator. Provincial and municipal agrarian reform program officers are also instructed to monitor the land distributed together with the delivery of support services in the field.

On ensuring that women are not discriminated against 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.

In addition to landless farmers, the State also recognizes the vulnerability of small-scale fishers to poverty. Thus, 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) provides a comprehensive framework to address poverty through the provision of appropriate livelihood opportunities, including Municipal Fisherfolk Registration or FishR, Registration of Municipal Fishing Vessels and Gears or BoatR, the establishment of Community Fish Landing Centers (CFLCs), and provision of livelihood inputs.

Table 11. 2021 Accomplishments of BFAR interventions for fisherfolk

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

The National Fisheries and Aquatic Resources Management Council, the highest policy-making/advisory/recommendatory body in Philippine fisheries, includes representatives from the fisherfolk. The projects also encourage the participation and involvement of the fisherfolk's wives, indigenous peoples, PWDs, and senior citizens. All data and information on the fisheries programs are freely available and directly accessible in the Bureau's website.

In June 2021, BFAR issued a Special Order creating a new technical working group (TWG) for the formulation of guidelines on the delineation of municipal waters for municipalities with offshore islands. Representatives from various government agencies, from the League of Municipalities of the Philippines (LMP), the academe, the commercial fishing sector, and other civil society organizations were invited as volunteer members to the TWG. BFAR is in the process of finalizing the timelines for approval of the guidelines.

20. Right to adequate food and nutrition

From 2017 to 2021, the State has put in place several programs to address persistent hunger and malnutrition. The Implementing Guidelines of the Early Childhood Care and Development or the 'First 1000 Days Program' were approved by the National Nutrition Council (NNC) Governing Board in 2017 to guide national and local implementers in pursuing efficient and effective strategies, focusing on provinces with highest rates of malnutrition. Sessions were held with various stakeholders and implementers from national government agencies, NGOs, development partners, and the academe, among others, to share challenges, innovations, and strategies in the implementation and monitoring of the program, as well as identify actions for moving towards a scaled-up nationwide First 1000 Days Program.¹⁵

Infant and Young Child Feeding Trainings were also conducted to capacitate the members of the local nutrition committee and *barangay* level volunteers by enhancing their skills in counselling for pregnant and lactating mothers. Pregnant and lactating women are familiarized with 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

¹⁵ *The First 1000 Days Program was institutionalized in national and local development plans through enactment of Republic Act No. 11148 or the 'Kalusugan at Nutrisyon ng Magnanay Act' (or Health and Nutrition of Mother and Child Act)*

community to ensure that they receive the services needed for a healthy pregnancy and lactation. Information campaigns that utilize multimedia platforms were also conducted to disseminate key nutrition messages about healthy living in terms of food choices and physical activity.

Under the Department of Interior and Local Government's (DILG) *Sagana at Ligtas na Tubig Para sa Lahat*, roughly one million households have been provided new access to safe water sources, while the other existing safe water sources were rehabilitated or improved from July 2016 to May 2021. Meanwhile, under the Assistance to Municipalities Program on Potable Water Supply, a total of 3,787 sub-projects have been completed within the period July 2016 to May 2021, which benefited almost 2 million households.

In March 2020, Nutrition Cluster Advisory No. 1, s. 2020 was released to guide local government units (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 among the identified malnourished and 0-24 months old children, pregnant, lactating and elderly. Under the *Tutok Kainan Supplementation Program*, the NNC's response to the pandemic, a total of 18,428 nutritionally-at-risk pregnant women received dietary supplementation under Phase 1 as of July 2021.¹⁶ 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.

Meanwhile, the Right to Adequate Food Framework Act was refiled in 2018 and 2019 as House Bills Nos. 7193 and 1532. In 2021, a counterpart bill was filed as Senate Bill No. 2126. Pending the passage of the bills in the legislature, Executive Order No. 101 was issued by the Office of the President in 2020 which created 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

¹⁶ 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; while Phase 4 is for 6-23 months old children.

national government agencies, non-government organizations, the private sector, and the academe to formulate and refine the National Food Policy.

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

The PPAN 2017-2022 is an integral component of the Philippine Development Plan 2017-2022. It is aligned with the current administration’s 10-point Socioeconomic Agenda, the Philippine Health Agenda, and the development pillars of *malasakit* (protective concern), *pagbabago* (change or transformation), and *kaunlaran* (development), and the vision of *Ambisyon Natin 2040*. It likewise incorporates country commitments to the global community as embodied in the 2030 Sustainable Development Goals, the 2025 Global Targets for Maternal, Infant and Young Child Nutrition, and the 2014 International Conference on Nutrition.

The formulation of PPAN 2017-2022 was participatory, inter-sectoral, and multi-level. 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 the operationalization of Plan 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 local government units (LGUs) in the formulation of Local Nutrition Action Plans, and how to integrate 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 12. 2018 ENNS results against PPAN 2017-2022 sub-outcome indicators targets

Indicator	Baseline	2018 Target	2018 ENNS Results	PPAN 2022 Target
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

Challenges encountered in implementing PPAN 2017-2022 which led to non-attainment of the third indicator include: limited coverage of the programs due to limited resources and operational capacity; gaps in program management; weaknesses in logistics and supply chain management; weaknesses in LGU capacity to deliver nutrition programs; and beneficiaries' beliefs, misconceptions, and negative behaviors related to health and nutrition that impacted acceptance or compliance with nutrition services or adoption of optimum nutrition behaviors and caring practices.

The top priorities for updating the PPAN towards meeting the goals for the remaining years 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

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 Department of Human Settlements and Urban Development (DHSUD). Various steps still need to be taken, however, for the Department to fully be able to fulfil its mandate and address the housing backlog. The Department's mandate along with a report on public funding allocated to housing is provided under Section B.6. of this report.

Annual housing production has been averaging around 196,000 housing units, with a total of 926,077 units constructed from July 2016 to March 2021. The annual production addresses only about 20-25 percent of the total housing need. To further increase the low-cost housing stock available to underprivileged families and homebuyers, Republic Act (RA) No. 7279 or the Urban Development and Housing Act was amended by the enactment of RA No. 10884 in 2016. The law mandates the inclusion of residential condominium projects in assessing compliance with the balanced housing requirement. As amended, Section 18 of RA No. 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.

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 bill was approved in the House of Representatives in March 2021 and is currently pending in the Senate for committee consideration.

With the increased costs of land and construction materials, the Social Housing Finance Corporation likewise increased its maximum loan amount based on prevailing loan ceilings as promulgated by the DHSUD. In recognition of financial constraints of the beneficiaries of its Community Mortgage Program, the SHFC also 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.

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

From 2017 to 2020, a Resettlement Governance Assistance Fund (RGAF) was allocated in the budget of the Department of Interior and Local Government (DILG) to put up facilities and address the immediate needs of relocated families during their adjustment stage in their new communities. In partnership with the Local Housing Offices of partner local government units (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. Likewise, partners at the local level are regularly consulted, and the accomplishments of RGAF Projects are presented in Local Inter-Agency Committee Meetings.

Table 13. Budget utilization of the RGAF (2017-2020)

Year	Total Funding	Utilization Rate
2017	PhP 275.60 million	100%
2018	<i>No funding for RGAF in FY 2018</i>	
2019	PhP 128.10 million	74%
2020	PhP 66.55 million	22%

In addition to the 2017-2020 RGAF accomplishments, 18 LGUs were provided with business development trainings as support to the development of sustainable livelihood and employment programs, and were also provided with 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 No. 11201 which designated it as the primary agency in charge of the management of housing and settlements-related development in the Philippines. Despite this, the DILG continues to support LGUs through the provision of technical assistance and capacity-building activities on Resettlement Governance.

Data on the extent of homelessness based on the 2020 Census of Population and Housing (CPH) has been collected by the Philippines Statistics Authority. The Population and Housing characteristics based on the results of the 2020 CPH will be made available in July 2022.

The DHSUD is likewise 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.

22. Sexual and reproductive health

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." While the Committee's recommendation to legalize abortion is well-intentioned, the State is of the view that in light of the aforementioned constitutional provision

and in consideration of Philippine culture as a predominantly Catholic country, strengthening measures on providing reproductive health services is the more appropriate recourse towards preventing unsafe abortion and maternal mortality in the Philippines.

There are no pending bills in both the Senate and House of Representatives relative to the legalization of abortion.

From 2016 to 2021, the Department of Health (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, among others.

The Costed Implementation Plan of the National Family Planning Program was developed by the DOH in partnership with various key stakeholders (i.e., government and non-government agencies working in different sectors), and is the basis for determining the country's budget requirement for contraceptives.¹⁷ Outreach services are conducted in areas with limited access to family planning services. The program ensures the provision of postpartum family planning in health facilities to avoid missed opportunities and prevent rapid repeat pregnancies, especially among adolescents. Multi-stakeholder consultations are likewise conducted to ensure consistency of content discussion on curriculum development for age-appropriate sexual and reproductive health information, referral, and service provision.

On an annual basis, the DOH prepares a report on the implementation of Republic Act (RA) No. 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 report is submitted to the Office of the President and Congress, and is posted on the DOH website for the public's information. The implementation of RA No. 10354 also empowers couples and individuals to

¹⁷ *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.*

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

While the Philippine government has declared a war on drugs under the Duterte administration, it ensures that the rule of law and human rights is upheld in anti-drug operations, and is firmly against extrajudicial killings and all forms of violence against drug users.

To mitigate the risk for drug-related violence, the Dangerous Drugs Board (DDB) issued Board Regulation No. 3 and Board Regulation 4, s. 2016 on the guidelines and protocols in handling drug-related offenses. Board Regulation No. 4, s. 2016 was further enhanced through the issuance of Board Regulation No. 7, s. 2019 intended to consolidate and update the existing policies and procedures in handling persons who use drugs (PWUDS). Meanwhile, Board Regulation No. 6, s. 2019 provides guidelines and procedures to safeguard the handling of children involved in dangerous drugs.

Consultative meetings and public hearings were conducted with non-government organizations, civil society, the religious sector, and other concerned stakeholders prior to the issuance of these Board Regulations. The Philippine Drug Enforcement Agency (PDEA) also ensures proper and uniform treatment of arrested users and offenders, regardless of socioeconomic status, and adheres with human rights principles and the proper procedures as provided by law. Section 2 of Board Regulation No. 3, s. 2016 also provides that prior to interview, individuals who surrender are informed of their human rights. Adherence to the Data Privacy Act, particularly in dealing with the records of the users and offenders, and confidentiality of information and records, is observed pursuant to Board Regulation No. 7, s. 2019.

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.

Moreover, a nutritional manual for PWUDs was developed by the Department of Science and Technology-Food and Nutrition Research Institute in 2020 and implemented by drug abuse treatment and rehabilitation centers to ensure that proper nutrition is given to the PWUDs.

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 UN Office on Drugs and Crime to mitigate drug use and ensure that a ready-made intervention is available in their respective communities. It is intended to guide health professionals and other key stakeholders, such as local government units, who are involved in the response to drug use and dependence in the Philippines.

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 on 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 operations lapse.

The Philippine National Police, as the country's primary law enforcement agency, strictly adheres to the provisions of RA No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. From 2016 to 2020, a total of 140,480 cases with 150,000 individuals arrested involving drug use were reported by the Police Regional Offices nationwide. Of this figure, 34,513 cases were referred to the Prosecutor's Office, 105,859 cases were filed in various courts, and 108 cases are under investigation.

Likewise, and 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 undertakes measures to ensure that extra-legal killings and other violations against human rights are duly investigated and resolved.

24. Right to education

In accordance with the 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.

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.

On ensuring that all schools are compliant with the Implementing Rules and Regulations of the Enhanced Basic Education Act of 2013, the Department of Education (DepEd) is currently reviewing the proposed amendments to DepEd Order (DO) 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 the year 2021.

The Department also issued DO No. 21, s. 2019 or the Policy Guidelines on the K to 12 Basic Education Program to provide and articulate the context, features and programs of the said program and 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.

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 No. 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 No. 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 No. 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 No. 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 No. 16, s. 2016 – Creation of the Interim Project Management Office for the GASTPE Effective SY 2015-2016.

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 No. 21, s. 2019 – provided 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 No. 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 No. 29, s. 2018 – provided 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 No. 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).

In addition, DepEd established a centralized system for the identification of vulnerable learners for proper referral and support; provided Program Support Fund to implementers of the SPED and the Muslim Education Program; and 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.

To flesh out and articulate the legal standards for child rights and to monitor DepEd's compliance with its 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

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, strategies to fast-track the government's digital connectivity program, as provided in the Updated Philippine Development Plan 2017-2022 and the Digital Infrastructure Plan of the Department of Information and Communications Technology (DICT)¹⁸, are being implemented to expand internet access and to ensure connectivity for all Filipinos.

¹⁸ *The DICT is a relatively new department created under Republic Act No. 10844, enacted on May 23, 2016.*

In a report published by the Ookla Speedtest Global Index in 2021, the Philippines moved up to the 86th spot on the global mobile internet speed rankings with an average download speed of 25.43 Mbps as of March 2021. On the other hand, the country ranked 81st on the global fixed broadband internet speed rankings with an average download speed of 46.25 Mbps in the same month. Overall, this is an improvement from the previous year's rankings.

On the other hand, according to the result of the 2019 National ICT Household Survey, only about 17.7 percent of more than 40,000 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.

The digital connectivity program of the government is comprised primarily of the Free Public Internet Access Program and the National Broadband Program which aim to provide internet connection in public hospitals, rural health units, public schools, state universities and colleges, and other public places towards developing an ICT-based knowledge base and extending social services to far-flung or last-mile areas.

The Free Public Internet Access Program was created by virtue of Republic Act No. 10929, enacted on August 2, 2017. Under the program, 7,274 live sites have been established in public places, and 1,577 live sites have been established in state universities and colleges and in Technical and Vocational Education and Training Institutions as of July 2021.

In 2020, the government also institutionalized the National Broadband Program and included this on the list of priority initiatives under the present administration's "Build, Build, Build" Infrastructure Program. As of July 2021, the National Broadband Program was able to accomplish 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); and
- c. Connection of 820 government agencies through fiber optic cable under the GovNet project.

The long-term focus of the Digital Infrastructure Plan is to lay down a robust fiber network that connects every region, province, city, municipality, and barangay to the National Fiber Backbone; while its short-term goal is maximizing the 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

26.1. On ratification of the Optional Protocol to the ICESCR

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 still in view of fully implementing various laws to ensure effective domestic protection and promotion of these rights.

The State must be given a chance to fully implement the various laws it has enacted for the protection and promotion of economic, social, and cultural rights in recent years, as discussed in the previous sections. The application of these laws enhances the right of all individuals to human dignity by providing full access to government services offered by the various instrumentalities of government. Furthermore, these laws are firmly anchored on strong respect for human dignity and human rights.

Moreover, we note that under the Optional Protocol to the ICESCR, a communication may be considered admissible by the UN Committee on Economic, Social and Cultural Rights (UN CESCR) when resort to domestic remedies has been allegedly prolonged unreasonably. We find the same to be a disregard of and an undue interference in our domestic mechanisms. While indeed justice must be administered with dispatch, the reality is that there are judicial delays that should not be taken against the State. To remedy such delays, the Supreme Court has launched programs, such as 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. Further, in determining whether the delay was inordinate and unreasonable, the State deems that the same should not be through mere mathematical reckoning but through an examination of the facts and circumstances of the case.

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 due to lack of qualifications. This would give the complainant/s leeway to circumvent the required period of filing the communication.

We also express our reservation on the matter of “inter-State communication” under Article 10.1 of the Optional Protocol, considering that the communication filed by a State may 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.

26.2. On ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED)

The State enacted Republic Act No. 10353 or the Anti-Enforced or Involuntary Disappearance (EID) Act, which not only criminalizes EID, but also provides restitution, compensation, and rehabilitation for victims and their families, particularly 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 is also provided under the said law 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 and representatives of human rights organizations and media”. The law further provides that it shall be the absolute right of any person deprived of liberty to have immediate access to any form of communication available for them to inform their family, relative, friend or lawyer or any human rights organization on their whereabouts and condition.

Moreover, consistent with the PANTHER principles on accountability and rule on law, the Anti-EID Act holds the immediate commanding officer of the Armed Forces of the Philippines unit concerned, or the immediate senior official of the Philippine National Police 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.

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 implementation of the Act explicitly requires the active involvement of the Commission on Human Rights of the Philippines, 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.

In addition to the Anti-EID Act, the State also has mechanisms providing redress to victims and holding human rights violators accountable, such as:

- a. **Administrative Order 35** (discussed under Sections B.4 and B.23 of this report);
- b. **Human Rights Victims Reparation and Recognition Act of 2013**, which established the Human Rights Victims' Claims Board, an independent quasi-judicial body 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; and
- c. **Board of Claims (BOC) under the Department of Justice**. The BOC 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 4th civil decree of consanguinity or affinity may also claim compensation.

Under the force of the aforementioned mechanisms, 625 cases referred by the UN WGEID were reinvestigated, examined, and compensated by the Philippine government. Results of the investigations reflected that the fate of several victims was known and/or that they were located and confronted alive. This was reported by the State during its engagement with the UN WGEID during the Working Group's 117th Session in Sarajevo on February 14, 2019 and 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.

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. Furthermore, 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.

26.3. On implementation of Agenda 2030

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

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 Duterte administration's 10-point socio-economic agenda, the Philippine Development Plan, and the long-term vision dubbed as *AmBisyon Natin 2040* as being in full support of the 2030 Agenda and aligned with the Sustainable Development Goals (SDGs). The ten-point agenda of President Duterte "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.

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.

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 and local government units, the academe, CSOs, NGOs, and the private sector were duly sought and considered.

26.4. On developing indicators on the implementation of economic, social and cultural rights

The Updated Philippine Development plan 2017-2022 and its accompanying results indicators, which serve as the country's development blueprint, are aligned with the SDGs in ensuring that no one is left behind, by paying 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.

Further, 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 likewise contains strategies and indicators that are being monitored to track the progress of the country in terms of the promotion and protection of economic, social, and cultural rights.

Completed in 2016, the National Economic and Development Authority's (NEDA) 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.

26.5. On dissemination of the UN CESCR's concluding observations on the combined fifth and sixth period report of the Philippines

The Third Philippine Human Rights Plan (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.

The National Economic and Development Authority (NEDA), as the State's lead agency in the monitoring and reporting on the ICESCR implementation, 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. Executive agencies concerned were in attendance along with representatives from the judiciary and legislative branch of the government.

Workshops on Agenda 2030, the SDGs, and economic, social, and cultural rights, were also conducted by the Department of Foreign Affairs and the Presidential Human Rights Committee Secretariat (PHRCS) in 2019 and 2020. The workshop gathered mid-level and technical officers from agencies under the cabinet economic cluster, towards increasing their understanding of the nexus between the SDGs and human rights, and how these align with *AmBisyon Natin 2040* and the Philippine Development Plan. 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.

Finally, the *Ugnayang Bayan 2020*, a series of online web forums, was conducted by PHRCS, together with executive agencies concerned, 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

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.

As such, the following steps will be taken by the State moving forward:

- a. Taking into consideration the skills and competencies needed for its citizens to continue having economic opportunities in the Fourth Industrial Revolution, formulate and implement strategies for the education and vocational training sector towards matching labor demand, and cultivate higher-order critical, and innovative thinking in students and trainees towards facilitating their adaptability to changing times;
- 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 (VUCA) 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 that seek to promote economic, social, and cultural rights, in alignment with the State's commitments under the ICESCR (list of proposed legislation yet to be passed are provided in *Annex B*);
- e. Encourage co-creation of programs and projects ensuring that the rights of both duty bearers and claim holders to participate in the development process is adhered to; and
- 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

Executive Branch
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 Foreign Affairs (DFA)
12. Department of Health (DOH)
13. Department of Human Settlements and Urban Development (DHSUD)
14. Department of Information and Communications Technology (DICT)
15. Department of the Interior and Local Government (DILG)
16. Department of Justice (DOJ)
17. Department of Labor and Employment (DOLE)
18. Department of Social Welfare and Development (DSWD)
19. Development Academy of the Philippines (DAP)
20. Local Government Academy (LGA)
21. National Anti-Poverty Commission (NAPC)
22. National Council on Disability Affairs (NCDA)
23. National Commission on Indigenous Peoples (NCIP)
24. National Commission on Muslim Filipinos (NCMF)
25. National Economic and Development Authority (NEDA)
26. National Housing Authority (NHA)
27. National Nutrition Council (NNC)
28. National Wages Productivity Commission (NWPC)
29. Office of the Ombudsman

30. Occupational Safety and Health Center (OSHC)
31. Philippine Center on Transnational Crime (PCTC)
32. Philippine Commission on Women (PCW)
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)
Legislative Branch
44. House of Representatives of the Philippines
45. Senate of the Philippines
Judicial Branch
46. Supreme Court of the Philippines (SC)
47. Supreme Court – Philippine Judicial Academy (PhilJA)
Constitutional Commissions
48. Civil Service Commission
49. Commission on Human Rights
Civil Society and Non-Government Organizations
50. Caucus of Development NGO Networks (CODE-NGO)
51. Coalition of Services of the Elderly, Inc. (COSE)
52. Employers Confederation of the Philippines (ECOP)
53. Hanns Seidel Foundation (HSF)
54. The Asia Foundation

Annex B. List of proposed legislation addressing economic, social and cultural rights that have yet to be passed

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 No. 7610, as amended by RA No. 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

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Committee on Economic, Social and Cultural Rights**Concluding observations on the combined fifth and sixth periodic reports of the Philippines***

1. The Committee on Economic, Social and Cultural Rights considered the combined fifth and sixth periodic reports of the Philippines on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/PHL/5-6) at its 65th and 66th meetings (E/C.12/2016/SR.65 and 66), held on 28 and 29 September 2016, and adopted the following concluding observations at its 78th meeting, held on 7 October 2016.

A. Introduction

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the supplementary information provided in the replies to the list of issues (E/C.12/PHL/Q/5-6/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level interministerial delegation.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of:
- (a) The Responsible Parenthood and Reproductive Health Act of 2012 (No. 10354);
 - (b) The Anti-Enforced Disappearances Act (No. 10353), in 2012;
 - (c) The Act amending the Migrant Workers and Overseas Filipinos Act of 1995 (No. 10022), in 2010;
 - (d) The Magna Carta of Women (No. 9710), in 2009.
4. The Committee also welcomes the ratification by the State party of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2012.

* Adopted by the Committee at its fifty-ninth session (19 September-7 October 2016).

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C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee notes with concern that the Bill of Rights contained in the Constitution does not fully or explicitly recognize economic, social and cultural rights. While noting some judgments of the Supreme Court in which reference was made to the Covenant, the Committee regrets that the direct application of the Covenant by domestic courts, particularly lower courts, remains rare.

6. **The Committee recommends that the State party take all appropriate measures to ensure the protection of economic, social and cultural rights at the constitutional level, to institutionalize writs of *amparo* concerning the Covenant rights, and to ensure that those rights are protected by the domestic courts at all levels. It also recommends that the State party enhance training for judges, lawyers and public officials on the Covenant. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Data collection

7. The Committee is concerned at the lack of reliable data, including in the national census, particularly data relating to indigenous peoples, persons with disabilities and people living in poverty.

8. **The Committee recommends that the State party take all measures necessary to review and improve its data-collection system, including its national census, with a view to collecting comprehensive, reliable and disaggregated data. That will enable the assessment of the level of enjoyment of Covenant rights, particularly by disadvantaged and marginalized individuals and groups, including indigenous peoples, persons with disabilities and people living in poverty. Such data are required in order to track progress in the realization of those rights and to design effective and targeted measures to increase enjoyment of them.**

Commission on Human Rights of the Philippines

9. The Committee appreciates the efforts of the Commission on Human Rights of the Philippines to promote and protect human rights. It is concerned, however, that the Commission is not explicitly mandated to deal with economic, social and cultural rights and is not provided with sufficient financial and human resources.

10. **The Committee recommends that the State party take all measures necessary to ensure that the Commission is explicitly provided with the mandate to deal with economic, social and cultural rights and that it is allocated sufficient resources, with the autonomy to plan and manage its own budget. The Committee urges the State party to expedite the discussion and adoption of the Commission on Human Rights Charter (Senate bill No. 2818 on an act strengthening the functional and structural organization of the Commission on Human Rights, and for other purposes) to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Human rights defenders

11. The Committee is deeply concerned at the continuing cases of harassment, disappearance, threats of killing and killing of human rights defenders, despite the adoption in 2012 of Administrative Order No. 35 to address extrajudicial killings. It is also concerned at the low level of investigation, prosecution and conviction in such cases.

12. **The Committee urges the State party to take all measures necessary to protect human rights defenders, including trade union activists, defenders of the urban poor, indigenous activists and peasant activists, from killing and all forms of violence. It also urges the State party to ensure a safe and favourable environment supportive of those defenders' work to promote and protect economic, social and cultural rights. It recommends that the State party step up its efforts to promptly and thoroughly investigate all reported cases of harassment, disappearance and killing of human rights defenders and bring the perpetrators to justice.**

Indigenous peoples

13. While noting the efforts made by the State party to protect the rights of indigenous peoples, the Committee is concerned at:

(a) The conflicts between the protection of indigenous peoples' ancestral lands under sections 5 and 56 of the 1997 Indigenous Peoples' Rights Act and the provisions of the 1995 Mining Act and the 1974 Forestry Reform Code of the Philippines, as well as the delay in adopting the National Land Use Bill;

(b) The unsatisfactory implementation of the Indigenous Peoples' Rights Act as regards the demarcation and registration of indigenous peoples' territories;

(c) The limited mandate and capacity of the National Commission on Indigenous Peoples and the doubts that have been expressed concerning its ability to function as a truly independent body for the promotion and protection of the rights of indigenous cultural communities and indigenous peoples;

(d) The failure of the State party to uphold the right to free, prior and informed consent of indigenous peoples for any change to the use of their lands and territories and to implement the mandatory representation of indigenous peoples in local decision-making bodies;

(e) The displacement of indigenous peoples, particularly those in Mindanao, owing to the armed conflict and intertribal conflicts, as well as extractive and logging operations;

(f) The limited access of indigenous peoples to health care, education and other basic services.

14. **The Committee recommends that the State party:**

(a) **Fully implement the 1997 Indigenous Peoples' Rights Act to ensure that, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples' rights to their lands, territories and resources are fully recognized and protected and that their free, prior and informed consent is obtained in respect of the adoption of any legislation, policy or project affecting their lands or territories and other resources;**

(b) **Prioritize the adoption of the National Land Use Bill and ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);**

(c) **Strengthen the mandate and the capacity of the National Commission on Indigenous Peoples and take all measures necessary to enhance its independence and effectiveness, with a view to restoring its credibility among indigenous peoples;**

(d) **Take the steps necessary to ensure the registration of indigenous lands, including through improving the collective land title claim process;**

(e) **Ensure that the free, prior and informed consent of the indigenous peoples concerned is obtained before granting licences to private companies; and that indigenous peoples are represented by their own chosen representatives on local decision-making bodies, such as local mining boards and development units;**

(f) **Adopt appropriate measures to mitigate the impact of armed conflicts, including intertribal conflicts, and natural disasters on indigenous peoples;**

(g) **Take all measures necessary to ensure the full access of indigenous peoples to health care, education and other basic services.**

Maximum available resources

15. While noting the continuing economic growth of the State party in recent years, the Committee is concerned at the overall low level of public expenditure on social services, including housing, social security, health care and education, despite increases in some areas (art. 2 (1)).

16. **The Committee recommends that the State party intensify its efforts to increase public spending on social services, particularly in the areas of housing, social security, health care and education, and take effective measures to secure a sufficient level of public funding in those areas.**

Corruption

17. While noting the efforts made by the State party to combat corruption, including the adoption of Executive Order No. 2 of 2016 on the right to information, the adoption of the Sandiganbayan Reform Act of 2015 and the important role played in that regard by the Philippine Ombudsman in the enforcement of the Anti-Graft and Corrupt Practices Act, the Committee is concerned that corruption remains pervasive in all branches of Government (art. 2 (1)).

18. **The Committee recommends that the State party:**

(a) **Enhance transparency, accountability and participation in the conduct of public affairs through the full implementation of the Good Governance and Anti-Corruption Plan for 2012-2016 and beyond;**

(b) **Take steps to protect those who report cases of corruption and to effectively combat impunity through the strict application of anti-corruption laws, including Acts No. 3019 of 1960, No. 10167 of 2012 and No. 10365 of 2013;**

(c) **Strengthen mechanisms and procedures entrusted with the task of combating corruption;**

(d) **Strengthen the responsiveness of the judiciary to corruption and ensure the effective protection of victims of corruption, their lawyers, anti-corruption activists, whistle-blowers and witnesses.**

Non-discrimination

19. The Committee is concerned at the delay in adopting a comprehensive anti-discrimination law, as proposed in Senate bill No. 2475, which has been awaiting adoption since 2014. It is also concerned at the discriminatory provisions in the existing laws, including section 29 (a) of the Immigration Act and sections 269 and 272 (b) of the Labour Code, as well as at the discriminatory application of law, such as article 200 of the Revised Penal Code, against lesbian, gay, bisexual, transgender and intersex persons (art. 2 (2)).

20. **The Committee recommends that the State party review its legislation with a view to removing all discriminatory provisions and take the measures necessary to ensure that laws are not applied in a discriminatory manner. It urges the State party, in line with the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, to expedite the adoption of a comprehensive anti-discrimination law prohibiting all direct, indirect and multiple forms of discrimination on any grounds and providing for effective remedies for victims of discrimination, including within judicial and administrative proceedings.**

Persons with disabilities

21. The Committee notes that, according to the 2010 national census, persons with disabilities comprise only 1.57 per cent of the total population, which is very low in comparison with the World Health Organization international average of 15 per cent. The Committee is concerned that persons with disabilities continue to face discrimination in their enjoyment of the Covenant rights owing to a lack of reasonable accommodation and personal assistance services, and that the accessibility provided for in domestic laws is limited to physical accessibility. Public spending for persons with disabilities appears insufficient and that situation is bound to worsen with the removal from the most recent budget, under the General Appropriations Act 2016, of the 1 per cent budget allocation of all governmental agencies for disability-related programmes and services, granted under Presidential Proclamation No. 240 of 2004 (art. 2 (2)).

22. **The Committee recommends that the State party take all measures necessary to review its data collection on disability and reformulate disability-related policies and programmes accordingly. It also recommends that the State party review the Magna Carta for Persons with Disabilities (Act No. 7277) and other existing laws on disability, expand the provision of reasonable accommodation and provide personal assistance services, including sign language and interpretation, to persons with disabilities. It further recommends that the State party ensure that a sufficient level of public funding is allocated to disability-related programmes and services, including through reintroducing the budget set aside for disability-related programmes and services introduced under Presidential Proclamation No. 240 of 2004.**

Equality between men and women

23. The Committee is concerned that, in spite of the adoption of the Magna Carta of Women and educational achievements by girls and women, there continues to be a large gender disparity in labour market participation, mainly owing to persistent gender role stereotypes and the unequal sharing of family responsibilities between women and men. The Committee is also concerned at the large gender pay gap owing to the predominance of women in low-level and low-paid jobs (arts. 3, 6 and 7).

24. **The Committee recommends that the State party promote the wide dissemination and implementation of the Magna Carta of Women so that women, including indigenous and Muslim women, can take full advantage of the opportunities it provides, including maternity leave. It also recommends that the State party take all measures necessary to increase the level of participation of women in the labour market, including through the promotion of awareness-raising campaigns and good practices to change gender role stereotypes, as well as through an extension of the public network of childcare services and other services for dependent children and other dependents. It further recommends that the State party combat professional segregation by enhancing vocational training programmes for women and take effective measures to close the pay gap between men and women.**

Unemployment and underemployment

25. The Committee is concerned that although the State party's data-collection system does not allow for a clear assessment of the levels of labour market participation, unemployment and underemployment, all the available information indicates that the unemployment rate is high, particularly among young people. It is also concerned that, despite the provision for reasonable accommodation in relation to employment in the Magna Carta for Persons with Disabilities, there is a high level of unemployment among persons with disabilities. It is further concerned at the high incidence of underemployment in the labour market mainly owing to the shortage of decent job opportunities and a mismatch between supply and demand (art. 6).

26. **The Committee recommends that, in order to reduce unemployment, particularly among young people and persons with disabilities, and to address the high level of underemployment, the State party intensify its efforts to:**

(a) **Improve its data-collection system on employment, underemployment and unemployment;**

(b) **Continue to improve vocational training and the educational curriculum and programmes, particularly for young people and underemployed workers, tailoring them to their experience and level of job skills to meet current labour market demands;**

(c) **Continue to develop effective school-to-work transition programmes for young graduates and adopt other youth employment policies to respond to the fast-growing youth population;**

(d) **Fully implement the measures provided for in the Magna Carta for Persons with Disabilities to promote the employment of persons with disabilities;**

(e) **Ensure that the current Human Resources Development Road Map and Philippine Labour and Employment Plan are effectively implemented, and design the 2016-2022 road map and plan based on an assessment of the implementation of the current versions.**

Right to just and favourable conditions of work

27. The Committee is concerned that about 75 per cent of the workforce, for the most part women, are working in the informal economy or in non-standard forms of employment without legal protection, support and safeguards. It is particularly concerned that the contracting out of workers for periods of five months, a practice called "contractualization" that was legitimized by the 1989 "Herrera Law" (Act No. 6715) under the so-called "endo" scheme, is rampant across all economic sectors in the State party, increasing the number of workers under short-term contracts and with lower levels of protection. The Committee is also concerned about the precarious working conditions in sweatshops, which are often excluded and hidden from labour inspections, where workers, mostly women, are subjected to exploitation with pay below the minimum wage, long working hours, and unsafe and unhealthy working conditions, and where they are exposed to occupational accidents, abuse and extra demands (arts. 6 and 7).

28. **The Committee recommends that the State party:**

(a) **Increase employment opportunities in the formal economy and facilitate the transition of workers and economic units from the informal to the formal economy;**

(b) **Ensure, in accordance with the provisions in paragraph 47 (d) of general comment No. 23 (2016) on the right to just and favourable conditions of work, and paragraph 9 of ILO Recommendation No. 204 concerning the Transition from the**

Informal to the Formal Economy (2015), that workers in the informal economy and non-standard forms of employment are covered by labour legislation and entitled to adequate social protection, and expedite the adoption of the Magna Carta for Workers in the Informal Economy;

(c) **Put an end to the “endo” scheme and strengthen the monitoring of employers regarding the abusive practice of “casualization”;**

(d) **Ensure that labour legislation is strictly applied to sweatshop workers and that all workers enjoy safe and healthy working conditions and are protected from occupational accidents, exploitation and abuse;**

(e) **Strengthen the mandate and resources of labour inspectorates to enable them to effectively monitor working conditions in all work settings.**

29. The Committee notes that the Wage Rationalization Act of 1989 abolished the national minimum wage and transferred the wage fixing mandate from the Philippine Congress to a tripartite body. The Committee is concerned at the lack of genuine and effective participation of workers in the wage-setting process. It is also concerned that the two-tier wage system bases the so-called “floor wage” on the poverty threshold, which is much lower than the minimum wages, and that the level of wages set through the system is generally low, particularly in the agricultural and fishery sectors. It is further concerned that the minimum wages cover only 13 per cent of the workforce and that a number of sectors are exempt from minimum wages. In addition, the Committee is concerned at the insufficient level of the minimum wages, the large number of complaints concerning non-compliance with the minimum wages, and the lenient and non-dissuasive punishment given to employers found to be in breach of the minimum wage rules (arts. 7 and 8).

30. **Drawing the State party’s attention to the Committee’s general comment No. 23 (2016) on the right to just and favourable conditions of work, the Committee recommends that the State party:**

(a) **Review the Wage Rationalization Act of 1989 with a view to reinstating the national minimum wage;**

(b) **Take all measures necessary to ensure the genuine and effective participation of workers in tripartite bodies;**

(c) **Take the steps necessary to ensure that all workers are covered by minimum wages, that minimum wages are regularly adjusted to the cost of living, and to reinforce employers’ compliance with the minimum wages through labour inspections and complaint mechanisms, ensuring that those who fail to pay minimum wages are sanctioned with penalties commensurate with the offence;**

(d) **Review the two-tiered wage system with a view to ensuring that the floor wage is no lower than the minimum wage, which should ensure that workers and their families have an adequate standard of living.**

Right to social security

31. The Committee is concerned that, despite the increase in recent years, the level of public spending on social protection remains low. It is also concerned that the Social Pension for Indigent Senior Citizens covers only 28.5 per cent of the statutory pension age population and that the amount of the benefit is insufficient (500 pesos or about US\$ 10 per month) to ensure an adequate standard of living for the beneficiaries and their families. It is further concerned at the absence of unemployment benefits (arts. 9 and 11).

32. **The Committee recommends that the State party:**

- (a) **Increase the budget allocation for social protection;**
- (b) **Expand the coverage of the Social Pension for Indigent Senior Citizens to all those of statutory pension age, increase the amount of the benefit and regularly review and adjust it with a view to ensuring an adequate standard of living for the beneficiaries and their families;**
- (c) **Establish unemployment benefits;**
- (d) **Establish a nationally defined social protection floor with a view to providing a basic set of universal essential social guarantees, taking into account the Committee's general comment No. 19 (2007) on the right to social security, as well as its statement on social protection floors: an essential element of the right to social security and of the sustainable development goals (2015).**

Protection of family, mothers and children

33. The Committee reiterates its concern that certain provisions of the Revised Penal Code and the Code of Muslim Personal Laws are in violation of the Covenant and that they are in conflict with the Magna Carta of Women, particularly concerning early marriage, polygamy and divorce. It is also concerned at the absence of legislation providing for divorce and the delay in adopting legislation to amend the Family Code (arts. 3 and 10).

34. **The Committee recommends that the State party review the Revised Penal Code and the Code of Muslim Personal Laws with a view to prohibiting early marriage and polygamy and to bringing the two Codes in line with the Magna Carta of Women and international human rights standards. It also recommends that the State party expedite the adoption of legislation that provides for divorce.**

Birth registration

35. While welcoming Presidential Proclamation No. 1106 of 2015, the Committee remains concerned at the low level of birth registration among indigenous children, Muslim children and children of overseas Filipino workers, which has a direct impact on their enjoyment of economic, social and cultural rights (art. 10).

36. **The Committee recommends that the State party take all steps necessary to ensure that all children, including indigenous children, Muslim children and children of overseas Filipino workers, are registered, including through the implementation of Presidential Proclamation No. 1106 of 2015 and through diplomatic relations with countries of destination of overseas Filipino workers.**

Economic exploitation of children

37. The Committee reiterates its concerns that an estimated 1.5 million children between the ages of 5 and 14 are engaged in child labour and that half of them are working in hazardous or dangerous conditions and are exposed to various forms of sexual and economic exploitation. It is also concerned that most of those children are out of school and are engaged in the mining and agricultural sectors, putting their lives and health at great risk (arts. 7, 10, 13 and 14).

38. **The Committee recommends that the State party:**

- (a) **Strengthen its national legislation prohibiting child labour and its enforcement including though enhancing labour inspections on child labour;**
- (b) **Ensure that persons who make use of child labour are prosecuted and punished;**

(c) **Adopt all appropriate measures to facilitate the recovery of children from child labour and to ensure that they are given access to educational opportunities;**

(d) **Undertake a national survey on the nature and extent of child labour.**

Violence against women and girls

39. The Committee is concerned that, despite progress in recent years, domestic violence against women remains prevalent in the State party and continues to be underreported owing to stigmatization and discrimination against victims. It is also concerned at the gaps in the legislation: the Anti-Violence against Women and Their Children Act of 2004 (Act No. 9262) has limited scope and the Anti-Rape Law of 1997 (Act No. 8353) limits statutory rape to cases where the victim is under the age of 12. Women and girls with disabilities are particularly vulnerable to such violence and are not provided with the necessary support (arts. 3 and 10).

40. **The Committee recommends that the State party expedite the amendment of the Anti-Violence against Women and Their Children Act and of the Anti-Rape Law. It also recommends that the State party take effective measures to encourage the reporting of domestic violence, to ensure that all reported cases are promptly and thoroughly investigated, that the perpetrators are punished with penalties commensurate with the gravity of the offences and that victims receive adequate support, including temporary shelter, legal assistance and psychological treatment. It further recommends that the State party pay particular attention to women and girls with disabilities who experience such violence and take into account their specific needs as regards their access to justice throughout the judicial process and their use of shelters.**

Trafficking in human beings

41. The Committee is concerned at:

(a) The persistently high incidence of trafficking in women and children, which is exacerbated by natural disasters and armed conflicts;

(b) The very small number of prosecutions and convictions of traffickers;

(c) The insufficient level of specialized services, including health services and long-term care provided to victims of trafficking;

(d) The insufficient level of understanding of trafficking and the anti-trafficking legal framework among law enforcement officials, particularly at the local level;

(e) Allegations of complicity of law enforcement officials in the cases of trafficking (art 10).

42. **The Committee recommends that the State party:**

(a) **Address the root causes of and women's vulnerability to trafficking, in particular in the context of displacements related to natural disasters or armed conflict;**

(b) **Ensure that all acts of trafficking are effectively investigated and sanctioned;**

(c) **Provide shelters to victims of trafficking and ensure victims' access to assistance, recovery and reintegration programmes;**

(d) **Enhance law enforcement officials' understanding of the issues relating to trafficking and the anti-trafficking legal framework;**

(e) **Take all measures necessary to eradicate the complicity of law enforcement officials in human trafficking and the impunity afforded to those involved.**

Poverty

43. The Committee remains concerned at the high number of persons living in poverty and the significant regional disparities, despite the economic growth and the efforts made by the State party to eradicate poverty. While welcoming the expansion of the Pantawid Pamilyang Pilipino Programme (the conditional cash transfer programme) and its gender-sensitive dimension, the Committee is also concerned at the insufficient level of coverage of the Programme owing to the ineffective targeting mechanism and strict eligibility criteria, which cannot always be met. The Committee notes that the level of benefits remains insufficient to ensure an adequate standard of living, and that the specific needs of families with persons with disabilities are not taken into account (arts. 9 and 11).

44. **The Committee recommends that the State party step up its efforts to eradicate poverty and in particular:**

(a) **Take all steps necessary to ensure that the Pantawid Pamilyang Pilipino Programme is rights-based, clearly inform potential beneficiaries about their right to claim benefits and to challenge instances of exclusion, and expand its coverage to all persons living in poverty, including through improving the National Household Targeting System for Poverty Reduction with a view to correctly identifying and reaching out to all persons living in poverty;**

(b) **Increase the amount of the benefits to ensure an adequate standard of living to the beneficiaries;**

(c) **Provide for increased benefits for persons with disabilities so as to enable them to enjoy the Covenant rights;**

(d) **Take all measures necessary to make sure that beneficiaries are able to fulfil the criteria required under the Programme, including by increasing access to schools, health services and other facilities and providing transportation.**

45. The Committee is concerned at the high incidence of absolute poverty among small-scale fishers and landless farmers. It is particularly concerned that the livelihood of small-scale fishers has been under threat owing to declining fish stocks in coastal areas as a result of climate change and the encroachment of commercial fishing vessels on fishing zones. It does, however, welcome the amendments to the Fisheries Code of 1998 under Act No. 10654 of 2015, which should bring about improvements in that regard by requiring that preference be given to users in the local communities adjacent or nearest to municipal waters. The Committee is concerned that land-grabbing continues and that the Comprehensive Agrarian Reform Program Extension with Reforms has now been phased out, despite having been only partly implemented, leaving many farmers landless. Moreover, women farmers were a small minority among the beneficiaries of the agrarian reform owing to their subordinate status within the household (arts. 10 and 11).

46. **The Committee urges the State party to take effective measures to address the challenges facing small-scale fishers and landless farmers in securing their livelihoods. The Committee recommends that the State party take all measures necessary to delineate municipal waters and coastal zoning and to improve fishers' income, guided by the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. It also recommends that the State**

party take the measures necessary to stop land-grabbing, to facilitate the distribution of land to landless farmers, including by further extending the agrarian reform process launched with the Comprehensive Agrarian Reform Law of 1988, and to ensure that women are not discriminated against in land distribution.

Right to adequate food and nutrition

47. While welcoming the Supplementary Feeding Programme and other measures aimed at reducing malnutrition in the State party, the Committee is concerned that between 13.7 and 15.6 million persons are still undernourished in the Philippines, most of whom live in rural, conflict-affected and disaster-affected areas. Moreover, almost one fifth of children under 5 years of age are underweight and more than 30 per cent suffer from stunting. Almost one quarter of pregnant women, lactating mothers and infants suffer from micronutrient deficiencies. The number of persons who are overweight and obese is increasing (arts. 11 and 12).

48. **The Committee recommends that the State party take the steps necessary to address persistent hunger and malnutrition, particularly the critical nutritional needs of children, pregnant women and lactating mothers. Referring to its general comment No. 12 (1999) on the right to adequate food, it also recommends that the State party adopt the legislative framework protecting the right to adequate food and nutrition and enact the bill providing a framework for the right to adequate food, known as the “zero hunger bill”. It further recommends that the State party fully implement the Philippine Plan of Action for Nutrition for 2011-2016 and develop a national food and nutrition security strategy, taking into account the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, agreed on by the Member States of the Food and Agriculture Organization of the United Nations.**

Right to housing

49. The Committee remains concerned that public funding allocated to social housing remains low and that the provision of social housing remains insufficient. Persons with disabilities experience particular difficulties in gaining access to social housing. The Committee is also concerned at the large proportion of the population living in informal settlements in poor living conditions with limited access to basic services and infrastructure, health care and education and under constant threat of eviction. It is further concerned at the substandard living conditions in collective bunkhouses for persons who are internally displaced as a result of natural disasters and armed conflict. Furthermore, it is concerned that the Urban Development and Housing Act legalizes forced evictions and demolitions and that a large number of forced evictions are carried out in the name of urban development. In addition, the Committee is concerned at the inadequate measures taken to provide appropriate relocation sites or adequate compensation to families who are forcibly evicted, who currently have to live in substandard living conditions without infrastructure and basic amenities, health care, education or transport facilities (art. 11).

50. **The Committee recommends that the State party take all the measures necessary to increase the public funding allocated to social housing and to provide affordable social housing units for disadvantaged and marginalized individuals and families, including persons with disabilities, and to improve living conditions in informal settlements and collective bunkhouses for internally displaced persons. The Committee urges the State party to amend the Urban Development and Housing Act and to adopt a legal framework establishing procedures to be followed in the case of evictions in line with international standards, including the Committee’s general comment No. 7 (1997) on forced evictions. The Committee requests the State party to**

indicate, in its next periodic report, the scope and the extent of homelessness in the State party, using data disaggregated by gender, race and other relevant criteria, and to establish an effective means of monitoring the progress achieved in reducing the number of homeless persons.

Sexual and reproductive health

51. The Committee is concerned that abortion is criminalized under any circumstance in the State party. That results in a growing number of unsafe abortions and very high maternal mortality rates, including among adolescents. The Committee is also concerned at the amendment to the Penal Code that provides for increased penalties for those practising abortions. It is further concerned at the high level of unwanted pregnancies and at the limited access to reproductive health information and services, including contraceptives, particularly among adolescents and women in rural areas, despite the Responsible Parenthood and Reproductive Health Act of 2012. Those limitations have been exacerbated by judicial decisions and local laws such as Executive Orders Nos. 003 (2000) and 030 (2011) of Manila City and Executive Order No. 3 (2015) of Sorsogon City, and by the delisting of emergency contraception (arts. 3 and 12).

52. The Committee recommends that the State party take all measures necessary to reduce the incidence of unsafe abortion and maternal mortality, including by amending its legislation on the prohibition of abortion to legalize abortion in certain circumstances. It also recommends that the State party improve access to sexual and reproductive health information and services, including contraceptives, and relist emergency contraceptives. The judicial and executive orders adopted in that regard should be lifted, since they are incompatible with the requirements of the Covenant and other international obligations undertaken by the State party. The Committee further recommends that the State party expand and strengthen comprehensive, age-appropriate sexual and reproductive health education for both sexes, taking note of the recommendations issued by the Committee on the Elimination of Discrimination against Women in 2015 in its inquiry report (CEDAW/C/OP.8/PHL/1, paras. 49-52). The Committee draws the attention of the State party to its general comment No. 22 (2016) on the right to sexual and reproductive health.

Policy towards drug users

53. The Committee is deeply concerned that declarations made by high-ranking officials in the context of the so-called “war on drugs” may be seen as encouraging and legitimizing violence against drug users, including extrajudicial killings. Indeed, the number of extrajudicial killings of drug suspects has drastically increased in recent months and a large number of people have been arrested and detained in already overcrowded prisons. Poor neighbourhoods and individuals have been disproportionately affected in that process. The Committee is also concerned that the criminalization of the possession and use of drugs hinders persons in need of treatment from receiving such treatment, and the Committee regrets the shortage of treatment centres that provide evidence-based health services, such as opioid substitution therapies. Moreover, the Committee is concerned at the high prevalence of HIV/AIDS and hepatitis C among people who inject drugs (art. 12).

54. The Committee urges the State party to put a stop to extrajudicial killings and all forms of violence against drug users; to promptly and thoroughly investigate all reported cases and punish the perpetrators with sanctions commensurate with the gravity of the crime; and to take all measures necessary to ensure that the fight against drug trafficking does not have a discriminatory impact on the poor and marginalized. The Committee recommends that the State party reconsider the criminalization of the possession and use of drugs; adopt a right-to-health approach to

drug abuse with harm reduction strategies, such as syringe exchange programmes; and increase the availability of treatment services that are evidence-based and respectful of the rights of drug users.

Right to education

55. While welcoming the important step achieved by the Enhanced Basic Education Act of 2013, the Committee is concerned at:

(a) The insufficient level of resources allocated by the State party to financing school facilities and qualified teachers, and to ensuring the effective enjoyment of the right to free primary and secondary education for all;

(b) The proliferation of so-called “low-cost private schools” at the primary and secondary levels owing to inadequacies in the public school system, which have extended to the senior high school level through the Senior High School Voucher Programme;

(c) The low quality of education provided by those private schools, the top-up fees to cover the full cost of private education imposed on parents, and the lack of State regulation of those schools, which have led to segregation and discriminatory access to education, particularly for disadvantaged and marginalized children, including children living in rural areas;

(d) The high percentage of children with disabilities who are not fully included in the education system (arts. 13 and 14).

56. **Recalling that the State has the primary responsibility in ensuring the right to education, the Committee recommends that the State party take all the measures necessary to:**

(a) **Strengthen its public education sector, including by increasing the budget allocated to primary and secondary education with a view to improving access to, and the quality of, primary and secondary education for all, without hidden costs, particularly for children of low-income families and children living in rural areas;**

(b) **Ensure that all schools, including low-cost private schools, are registered and monitor their compliance with the Implementing Rules and Regulations of the Enhanced Basic Education Act of 2013 and other relevant guidelines;**

(c) **Review the Education Service Contracting scheme to address its adverse impacts on the right to education of disadvantaged and marginalized children and their parents;**

(d) **Improve access to inclusive education for children with disabilities.**

Internet access

57. While noting that over 40 per cent of the population has access to the Internet, the Committee expresses its concern that such access is limited among disadvantaged and marginalized individuals and groups and in rural areas (art. 15).

58. **The Committee recommends that the State party continue working to narrow the digital divide by expanding Internet access, in particular for disadvantaged and marginalized individuals and groups.**

D. Other recommendations

59. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

60. The Committee recommends that the State party consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

61. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Sustainable Development Agenda at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

62. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, *inter alia*, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner on Human Rights (see HRI/MC/2008/3).

63. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, municipal and territorial levels, particularly among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

64. The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (see E/C.12/2008/2), by 31 October 2021. In addition, it invites the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).