

Issues / Questions raised during the UNCESCR 41st session

November 11-12, 2008

Issues / Questions	Government response
<p>Did the government consulted civil society groups while drafting the ESC report?</p>	
<p>How did the government implemented or complied with the 1995 Concluding Observations of the Committee.</p>	
<p>Only .5% of GDP is devoted to housing while 9% goes to the military</p> <p>Only 20% of the housing budget goes to socialized housing while the rest is devoted to housing projects for higher income groups</p>	<p>*housing budget is low because it is being funded by GOCCs (?)</p> <p>*housing is private sector-led, government's role is to create an enabling environment</p> <p>*500 million increase in housing budget</p>
<p>Forced evictions have been constantly recurring victimizing more than 500,000 people from 1996-2008</p> <p>Clearing house function for demolitions has been transferred from the PCUP to local government units.</p> <p>Forced evictions have to be stopped until proper guidelines have been devised.</p>	<p>*acknowledged some violations during evictions, partnering with the CHR to investigate these violations</p> <p>*transfer of clearing house function due to devolution</p> <p>*No eviction or demolition is implemented until social preparation is implemented. regarding inadequate relocation – PCUP has boosted its social preparation programme, success story: NorthRail project relocation</p> <p>*EO 708 transferred the clearing house function from the PCUP to LGUs but the conduct of evictions conform to UN guidelines. The local housing boards of cities and municipalities would also be involved.</p> <p>*Professional squatters</p>
<p>30% of the population live in informal settlement</p>	<p>In the pipeline – a more effective shelter programme to be implemented by the Metro Manila Inter-Agency Committee</p>

<p>What is the situation of internally displaced persons (IDPs) in Mindanao in terms of housing and education? What were the assistance provided to them?</p>	<p>*The government allocated 132 million pesos for IDPs in the South. There is no humanitarian crisis in areas affected by recent fightings in Mindanao according to the World Food Program. *433 evacuations centers in Mindanao have been closed and only 140 are existing housing 63,000 families mostly in Lanao del Norte.</p>
<p>Clarify mandate of the Commission on Human Rights (CHR) over ESC rights.</p>	<p>CHR came up with Reso A-9568 allowing it to investigate ESCR violations.</p>
<p>Mining concessions in ancestral domains. What is the system for getting the consent of the indigenous peoples? Does mining prohibit ancestral rights?</p>	<p>The Free, Prior and Informed Consent (FPIC) guidelines for getting the consent of indigenous communities has been revised in 2006 in consultation with IPs.</p>
<p>Regarding Sabah deportees who were detained, what are the steps taken to improve their situation?</p>	<p>The DFA has not found maltreatment of deportees from Sabah. DSWD is in-charge of protecting, documenting and reintegrating deportees. The government's consular team has already checked the situation of the detainees. Only those who are able-bodied and no children unless accompanied are being deported.</p>
<p>Disappearance of human rights defenders, what has been done to prosecute perpetrators? Is there a reigning culture of impunity favoring perpetrators?</p>	<p>* Based on government investigation, the reported 836 cases of EJKs and disappearances were mostly misreported or non-existent. * The government already formed the Task Force on Political Violence under DOJ. It will conduct monitoring and set-up a database. * The government allotted P25 million to address EJKs and this was given to CHR.</p>
<p>Please assess the Universal Periodic Review (UPR) and what has been done to implement the recommendations?</p>	
<p>"We are very much interested with the</p>	<p>Philippines would likely achieve most</p>

<p>national indicators and benchmarks not your standing on the region or the world on various issues.”</p>	<p>MDG targets but most probably not on education and poverty (?).</p>
<p>“Why it took so long to submit the report? And combined 2nd, 3rd, 4th from 1995 Concluding Observations?”</p>	<p>Financial crisis and changes in government leadership were the reasons why ESC reports were not submitted on time.</p>
<p>What is the extent of IPRA’s definition of self-determination? Is there a limitation in the exercise of this right?</p>	<p>Right to self-determination is being recognized by the government. The Philippines is a signatory to the UN Declaration on the Rights of Indigenous Peoples.</p>
<p>Why Philippines has not yet signed the ILO Convention 169? Is there opposition to this?</p>	<p>According to ILO, 169 still needs amendments and besides, IPRA is much superior than ILO Convention 169.</p>
<p>How does the government tackles corruption? It seems that the government has no political commitment to combat corruption.</p>	<p>The government adopted a three- pronged approach to combat corruption – punitive measures, morality / lifestyle checks, and public participation. * EO 12 established the Presidential Anti-Graft Commission. There is a P1 billion anti-graft fund. * From 2001-2007, 875 administrative cases were filed out of which 126 officials were penalized.</p>
<p>In 1995, the Committee already pointed out that debt servicing has been constraining resources for ESC rights but why in 2005, you still allocate 10% of your budget for this? There is something fundamentally wrong in this policy.</p>	<p>In terms of budgetary allocation for social services, it’s true that it declined in early 2000 but it started to increase in 2007 (21.9%) to 23.75% in 2008, while debt servicing decreased from 21.6% in 2006 to 15.35% in 2007.</p>
<p>There are no judicial remedies for violations of ESCR, will the State expand the mandate of the CHR?</p>	<p>Even in other countries, the justiciability of ESC rights is yet to be tested before the courts. According to the 1987 Constitution, international laws which the government ratified are considered part of the law of the land.</p>

<p>What is the place of ESCR in the Philippine Medium Term Development Plan 2010?</p>	<p>HR is at the heart of Philippine governance. RBA is evident in the government's social reform agenda.</p>
<p>Severe cutback in budget for social services Is the poverty situation in Mindanao double the rate in the National Capital Region?</p>	
<p>What are the impact of the mining act and IPRA on the indigenous peoples? Does the Mining Act contradicts ESC rights? What is the impact of mining on ESC rights?</p>	<p>IPRA is not being undermined by the 1995 mining act. IPRA ensures the participation of indigenous communities and the benefits of mining are being shared to the indigenous peoples.</p> <ul style="list-style-type: none"> * EO 270 ensures responsible mining through safe technology and environmental protection while facilitating the entry of investments. This directive also mandates consultation with affected communities and sharing of mining benefits. * Mining does not compromise the rights of the indigenous peoples. NCIP is a member of the Minerals Development Council to represent IPs. *Mining Act conflict with IPRA, the latter's provisions were upheld but MPSAs before IPRA should be recognized.
<p>What are the steps taken to address domestic violence?</p>	<p>The law criminalizing violence against women and children has been enacted and inter-agency councils down to the local level are being formed. One-stop crisis centers are also being set-up and so far, three (3) have been established.</p> <ul style="list-style-type: none"> * Barangay officials, police, and the DSWD could issue protection orders to prevent domestic abuse. NSO also included in its surveys the issue of personal safety. A database to monitor responses of government agencies to cases of domestic abuse is also being pilot tested.

<p>Who will be the hardest hit by the financial crisis? Are there mechanisms being put in place to cushion the effects of the crisis on the poor?</p>	<p>The financial crisis will have minimal impact on the Philippine economy because necessary adjustments were made much earlier.</p> <p>* More investment will come from the Middle East. The government is also planning to impose excise tax on sin products, fast-track infrastructure projects. There are also existing social protection programs like the AHMP, Tindahan ni Gloria, and Gulayan ng Masa.</p> <p>* Displacement of OFWs will also be minimal. There are 2 million secured jobs in the Middle East. Most of the OFWs are in the “strategic” sectors like health and education.</p> <p>*But the government will still monitor OFWs who will be displaced and provide repatriation assistance. It will also provide counselling and provide livelihood assistance to those who will be out of jobs. It will seek new markets and secure new job orders from abroad.</p>
<p>Are there farmers being deprived of land? Is there a mechanism to protect farmers? The judicial procedure is very slow. Is there an independent body to mediate between farmers and landowners?</p>	
<p>How about the HR training for police officers? How many hours or how long is the course?</p>	
<p>How many cases were resolved for HR abuses like during forced evictions?</p>	
<p>Is the judiciary independent and free from corruption?</p>	
<p>Teaching seems to be a problem area in education, the skills and qualifications of teachers are questionable.</p>	

On higher education, can the Commission achieve its four objectives? What are the results from 2001 up to the present?	
There are no information provided on private educational institutions.	
What are the reasons behind the high drop-out rate?	

On Art. 6-9

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EJKs – are there killings related to land?	EJKs are not related to agrarian issues
Has the ombudsman prosecuted corrupt public officials(?)	
What are the programs to address the high underemployment rate?	(NEDA) In 2008, underemployment is at 21%, unemployment at 8%, hunger incidence at 18.4%.
Trade liberalization has caused displacement of local industries. Job stimulation seems to be a low priority of the government. Lack of local jobs drives workers, increasingly women, abroad.	Migration management system – to protect migrants
What is the status of bilateral agreements with countries receiving OFWs?	Bilateral agreements – favorable for employers because there is exchange of expertise (?).
Labor flexibility – increasing contractualization.	
The informal sector is also growing, what labor regulations are being promulgated for them?	The Magna Carta for Informal workers is also pending in Congress.
The amount of minimum wage is not	

equivalent to living wage. Tri-partite board exempting many firms from paying minimum wage.	
Workers are not protected in Special Economic Zones. No labor inspection being done.	Firms in economic zones enjoy some privileges as incentives but not to the point that workers' rights are undermined. Most of these zones are not visited by labor inspectors because they have their own administrative bodies that are expected to enforce labor standards.
Formal workers have access to social security but how about informal workers?	There are 2.5 million informal workers who are members of PhilHealth (?). * The Magna Carta for Informal workers is also pending in Congress.
Access of women to social security?	
Is the government planning to ratify ILO 102?	
Philippines observe 8 weeks maternal leave but the world standard is 12 weeks.	There is a pending bill regarding maternity leave that conforms to CEDAW standards.
Are young workers being justly compensated from job training?	
In 2006, registered trade unions decreased, what are the reasons behind this? Are the workers afraid to organize or are there other reasons?	(DOLE) Decreasing unions – workers and owners prefer legal / management councils instead. *Expeditious settlement of conflicts
Liberal economic model – export of products / labor and decrease in social expenditure.	It is not the policy of the government to promote jobs abroad.
Are there specific schemes to encourage employers to hire persons with disabilities?	
The information provided on occupational health in the government report is not	

disaggregated.	
Please provide data on labor inspectors. Companies with 200 or more workers.	
How many enjoy old-age benefits?	
What measures are being taken to protect trade union rights and union leaders from harassment?	

On Art.10-12

In 2003, the poverty rate was at 11% (less than a dollar a day) but presently poverty rate is at 36%. Give specific data on this.	
What are the steps taken to ensure that free trade policies do not undermine small farmers?	*Trade liberalization has no great effect on small farmers.
Are ESC rights integrated in the plan of action to combat poverty?	
Why poverty is increasing? Because the government is not providing enough resources?	
Please provide disaggregated information on homeless people and on forced evictions.	
What are the programs for family protection, violence against women and children?	
Data on access to contraceptives and other family planning services.	
Is there divorce? How is the division of property if there is separation?	

Are illegitimate children recognized?	
Data on trafficking in persons.	
3.6 million are experiencing hunger due to bad implementation of agrarian reform and agriculture. What are the steps being done to improve this situation?	Reasons for hunger: increasing prices, insufficient income, high oil prices, inflation due to VAT, and population growth. The government has the Accelerated Hunger Mitigation Program to address this problem.
The decline in maternal mortality rate, is this also true for indigenous peoples?	
Data on access to water of National Capital Region residents.	* 14.3% of the population has no access to safe water. Private sector or public investment. The government is promoting private investment in water.
Data on child labor.	
What is the impact of land reform in improving standard of living? We need more data to assess this program.	
Based on the report, 2.3 million people have no access to sanitary toilet, how is the situation now?	
Good details / information on industrial hygiene.	
Why is maternity leave granted only up to four pregnancies?	There is a pending bill regarding maternity leave that conforms to CEDAW standards.
Regional disparity in poverty rate – high in ARMM.	

On Art. 13-15

Low education expenses (par. 876 of government report), has this improved?	
No information on intellectual property rights for IPs.	