



Economic and Social Council

Distr.: General
16 November 2022

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the seventh periodic report of the Philippines*

1. The State party is requested to submit in writing the information requested below (preferably not exceeding 10,700 words) by 27 October 2023.

A. General information

2. Please provide information on measures taken to ensure the protection of economic, social and cultural rights at the constitutional level. Please also provide information on cases in which Covenant rights have been invoked or applied by courts, at all levels, including examples thereof, and on training for judges, lawyers and public officials on the Covenant. Please further provide information on measures taken to institutionalize *writs of amparo* concerning Covenant rights. Please provide information on how the legislature was involved in the implementation of the recommendations contained in the Committee's concluding observations on the combined fifth and sixth periodic reports of the State party, and the follow-up thereto, and in the development of the seventh periodic report.

3. Please provide information on data collected through the Census of Population and Housing conducted in 2020, in particular data that allows for the assessment of the level of enjoyment of Covenant rights, including those related to housing and education, by disadvantaged and marginalized individuals and groups, including indigenous peoples, persons with disabilities and people living in poverty, and on measures taken to ensure that such groups are not excluded from registration in the Philippine Identification System.

4. Please provide information on measures taken to explicitly provide the Commission on Human Rights with the mandate to promote and protect economic, social and cultural rights and to ensure that it is allocated sufficient resources, with the autonomy to plan and manage its own budget. Please provide the Committee with an update on the status of the adoption of the Commission on Human Rights charter bill, and on the establishment of the Human Rights Institute of the Commission.

5. Please provide information on measures taken to prevent the intimidation, harassment, red-tagging, enforced disappearance and killing of human rights defenders, in particular those working to defend economic, social and cultural rights, and information and statistics on reported cases, investigations, prosecutions, convictions, the sanctions imposed on perpetrators and on the reparations provided to victims. Please also provide information on measures taken to:

(a) Implement the recommendations of the Commission on Human Rights emanating from its national inquiry on the situation of human rights defenders, conducted in 2019;

(b) Adopt the human rights defenders protection bill;

* Adopted by the pre-sessional working group at its seventy-first session (17–21 October 2022).



(c) Ensure the independence and effectiveness of 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' and information on its activities;

(d) Ensure that the overly broad definition of terrorism in the Anti-terrorism Act of 2020 is not used to target civil society organizations, human rights defenders, journalists, minority groups, labour activities, indigenous peoples or critics of the Government.

6. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further emissions reductions. With respect to climate change adaptation policies and measures, please provide information on the following:

(a) How the State party assesses the effects of climate change on the enjoyment of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or envisages developing a national adaptation plan, with adequate allocation of all resources required to address the effects of climate change, including on economic, social and cultural rights;

(c) Measures taken to strengthen preparedness for, and the response to, natural disasters and disaster risk reduction measures and measures taken to adopt a strategy to that end, with the adequate allocation of financial resources;

(d) The institutions tasked with the elaboration and implementation of climate change adaptation measures and policies for slow onset effects, in areas such as agriculture, housing and health, and how the coordination among institutions responsible for disaster preparedness and management is ensured.

7. Please provide information on the legislative and policy framework in place or envisaged to ensure that business entities exercise human rights due diligence throughout their operations and that they are held accountable for violations of Covenant rights. Please indicate the progress made on the development of the national action plan on business and human rights in accordance with the Guiding Principles on Business and Human Rights.

8. Please provide information on measures taken by the State party to:

(a) Fully and effectively implement the Indigenous Peoples' Rights Act of 1997, including with regard to the demarcation and registration of indigenous peoples' territories;

(b) Obtain indigenous peoples' free, prior and informed consent with respect to the adoption of any legislation, policy or project affecting their lands or territories and other natural resources, and on steps taken to ensure that such a process is also respected by business entities and that it is not compromised by bribery and intimidation;

(c) Enact the national land use bill and the indigenous communities conserved areas bill;

(d) Give effect in its policy framework and legislation to the Supreme Court decision in *Diosdado Sama and Bandy Masanglay v. People of the Philippines*.

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

Maximum available resources (art. 2 (1))

9. Please provide updated information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) The levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent, and as the ratio between the assets owned by the richest decile of the population and the assets owned by the poorest 50 per cent;

(c) The economy, especially through the annual variations in gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue that is generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate, the percentage of total revenue that is generated from personal tax from all incomes collected from the richest 10 per cent of the population, an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget that is allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Any fiscal policy adopted to respond to the coronavirus disease (COVID-19) pandemic;

(g) Military expenses as a percentage of GDP and of the public budget.

10. Please provide information on measures implemented under Project Kasangga, aimed at taking action against corruption, on the project's impact to date and on the remaining obstacles to combating corruption and nepotism. Please also provide information on measures taken to protect those who report cases of corruption and to effectively combat impunity, including steps to effectively apply anti-corruption laws. Please further provide an explanation for the low number of follow-up actions taken in response to the 846 corruption-related complaints received under the Corruption Watch Programme, in 2020, information on follow-up actions taken in response to complaints received in 2021 and further information on corruption complaints received by the Office of the Ombudsman and the Civil Services Commission.

Non-discrimination (art. 2 (2))

11. Please provide information on the following:

(a) Steps taken 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;

(b) Measures taken to add explicit guarantees against discrimination in employment on the basis of all Covenant groups and statuses and steps taken towards the passage of bill HB 8243;

(c) Measures taken to ensure that persons with disabilities have access, without discrimination, to economic, social and cultural rights, and information on whether denial of reasonable accommodation is recognized as a form of discrimination;

(d) The number of complaints of discrimination received with regard to Covenant rights, the investigations carried out, the decision rendered and the remedies provided to victims.

Equal rights of men and women (art. 3)

12. Please provide information on measures taken to increase the participation of women in the labour market, including by combating the stereotypes associated with the roles of women and men in the family and in society which perpetuate gender inequality, including in the informal sector. Please also provide information on measures taken to make it easier for parents to reconcile family responsibilities with their professional lives, such as by extending the public network of childcare services. Please further provide information on

policies on maternity, paternity and parental leaves, and the result of a time-use survey, if any.

13. Please provide information on measures taken to close the gender pay gap between men and women and to combat de facto professional segregation by enhancing vocational training programmes for women for the high-income sectors in which they are underrepresented.

14. Please provide information on the progress made in increasing the representation of women in political and public decision-making positions over the past 10 years, as well as whether any temporary special measures are legally available and have been taken.

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

Right to work (art. 6)

15. Please provide information on measures taken to create decent and high-skill job opportunities, to expand, improve and upgrade vocational training, in particular for young people, and to address the shortage of job opportunities and the skills mismatch in the labour market. Please also provide information on measures taken to alleviate the impact of the COVID-19 pandemic on the unemployment rate and on measures taken to increase the employment rate among persons with disabilities. Please further provide information on measures taken to ensure that the Labour Force Survey provides a clear picture of informal employment in the State party and on measures taken to improve the system of data collection on employment, underemployment and unemployment, and provide the most recent statistics thereon, disaggregated by sex, age, disability and other relevant factors.

Right to just and favourable conditions of work (art. 7)

16. Please provide information on the following:

(a) The impact of the livelihood and emergency employment programme of the Department of Labour and Employment on the overall percentage of the workforce working in the informal sector, and on further efforts to accelerate the formalization of workers in the informal sector;

(b) Measures taken to expedite the adoption of the bill including the magna carta for workers in the informal economy and any measures taken in the interim to ensure that workers in the informal economy and non-standard forms of employment are covered by labour legislation and are entitled to adequate social protection;

(c) The proposed measures currently pending in Congress to end the practice of contractualization and any progress achieved to that end;

(d) The impact of the adoption of Act No.11058 on Occupational Safety and Health Standards, including with regard to sweatshops, and any other measures taken to ensure that labour legislation is strictly applied to sweatshop workers;

(e) Activities carried out through the inspection programme of the Department of Labour and Employment, including compliance orders issued, and statistics on the number of establishments or employers that do not comply with general labour standards, including wage laws;

(f) Information on comprehensive health and safety measures taken to protect all persons in the workplace in the context of the COVID-19 pandemic.

17. With reference to the Committee's concluding observations on the combined fifth and sixth periodic reports of the State party,¹ please provide details on how the State party ensures that the participation of workers in tripartite bodies is effective and genuine. Please also provide information on measures taken to ensure that all workers are covered by minimum wages and that minimum wages are regularly adjusted to account for increases in the cost of living. Please further provide information on measures taken to reinforce employers'

¹ E/C.12/PHL/CO/5-6, paras. 29–30.

compliance with the minimum wages, through labour inspections and complaint mechanisms, ensuring that those who fail to pay minimum wages are sanctioned with a penalties commensurate with their offences. Please provide information on steps taken to 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.

18. Please provide information on measures and mechanisms adopted to protect Filipino overseas workers, in particular during the COVID-19 pandemic, including with respect to labour rights, access to vaccines and social services, as well as with regard to their ability to return to the Philippines in the face of restrictions on travel and freedom of movement. Please also provide information on the impact of the COVID-19 pandemic on remittances.

Trade union rights (art. 8)

19. Please provide information on measures taken to prevent persecution, harassment, killings and other violence against trade union members, and information on measures taken to effectively investigate and prosecute those responsible for such acts, as well as information of alleged government and police inaction in that regard. Please also provide information on measures taken to prevent corporate repression against trade unions and anti-union discrimination, including union busting and violations of the right to strike. Please further provide information on measures taken to increase the effectiveness of mechanisms mandated to monitor violations of freedom of association and union rights and to expedite the prosecution of such cases. Please provide information on measures taken to ensure that the legislation in the State party guarantees trade union rights, including the right to strike.

Right to social security (art. 9)

20. Please provide details on the unemployment insurance benefits programme, established in 2019 under the Social Security System, including on the number of claims that were not approved and on the number of unemployed persons not covered by the programme, and information on any support provided to unemployed persons. Please provide information on measures taken to:

(a) 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;

(b) Establish a framework for the social protection floor to ensure that there is a nationally defined set of basic social security guarantees for all workers, including those in the informal economy, aimed at preventing or alleviating poverty, vulnerability and social exclusion.

Protection of the family and children (art. 10)

21. Please provide information on measures taken to expedite the process of adopting legislation and bringing the Revised Penal Code and the Code of Muslim Personal Laws into line with the Magna Carta of Women and international human rights standards, in particular with a view to prohibiting child marriage and polygamy and providing for divorce. Please also provide information on measures taken to:

(a) Prevent the recruitment of children in armed conflict, and please also provide information on investigations and prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict, as well as on measures taken to follow-up on the recommendations of the Committee on the Rights of the Child to ensure that the armed and security forces fully respect the rights of children;

(b) Prevent and combat child labour, in particular in hazardous conditions, and ensure that persons who engage in the economic exploitation of children are prosecuted and the perpetrators punished;

(c) Combat the commercial sexual exploitation of children and increase prosecutions and convictions in that area;

(d) Expedite the amendment to the Anti-Violence against Women and Their Children Act and of the Anti-Rape Law in order to, among other things, increase the age for determining statutory rape and the amendment to repeal the Penal Code provision that pardons the rapist in cases where the rapist subsequently marries the victim or where a wife pardons her the rapist-husband;

(e) Increase efforts to address and penalize acts of violence against women and girls, including those perpetrated online, to address violence against women and girls with disabilities to provide support to victims;

(f) Ensure that children of Filipino overseas workers and all children born in the State party are registered at birth, including indigenous, ethnic minority and Muslim children, and provide information on remaining barriers to birth registration;

(g) Address discrimination and abuse of older persons, encourage the reporting of such abuse and conduct a national survey on the extent of elder abuse, public campaigns, or professional awareness-raising programs on the issue.

Right to an adequate standard of living (art. 11)

22. Please provide information on the following:

(a) Measures taken to reduce further the high number of persons living in poverty and ensure that government services to them are delivered more effectively, including by ensuring that the Pantawid Pamilyang Pilipino Programme covers all persons living in poverty, that its targeting is improved and that its overly strict eligibility criteria are relaxed;

(b) The impact of the programmes to support farmers and small-scale fishers in securing their livelihoods, on measures taken to prevent illegal fishing activities among commercial fishing vessels in municipal waters and to address the negative effects of reclamation projects in municipal waters on small scale fishers and their communities and on progress made towards delineating municipal waters and coastal zoning;

(c) Further measures taken to facilitate the distribution of land to landless farmers, including by continuing land distribution under the agrarian reform programme;

(d) The impact of the measures taken to address malnourishment, including among children, pregnant women and lactating mothers, on progress made towards adopting a legislative framework protecting the right to adequate food and nutrition and towards enacting the bill providing a framework for the right to adequate food and on measures taken to overcome the challenges faced regarding implementation of the plan of action for nutrition.

23. Please provide information on the impact of measures taken to increase the provision of social housing for disadvantaged and marginalized individuals and families. Please also provide information on the extent of homelessness in the State party, using data disaggregated by sex, race, disability and other relevant criteria. Please provide details as to how the national resettlement policy framework aims to improve the living conditions of internally displaced persons in informal settlements and information on any specific impact of that policy framework to date and on measures to provide durable solutions for internally displaced persons in areas of return. Please also provide information on any progress made with regard to the adoption of the rental housing subsidy bill and the protection of the urban poor from the impact of immediate dislocation due to eviction and demolition arising from government projects.

Right to physical and mental health (art. 12)

24. With reference to the Committee's previous recommendations,² please provide information on measures taken to ensure the availability of, and access to, harm reduction services and to ensure that the treatment and rehabilitation of people who use drugs are voluntary. Please also provide information on the following:

² Ibid., para. 54.

(a) Any discussion on the decriminalization of drug use and possession for personal use and on implementing alternative measures to incarceration and other human rights-based approaches;

(b) Measures taken to address stigma and discrimination, both by authorities and in society, against people who use drugs;

(c) Measures taken to effectively put a stop to extrajudicial killings in the context of the campaign against illegal drugs, to promptly and thoroughly investigate all reported cases and punish the perpetrators with sanctions commensurate with the gravity of the crime and to ensure the protection of the economic, social and cultural rights of the families of those who have been killed;

(d) Measures taken to ensure that the United Nations joint programme on human rights in the Philippines is implemented effectively with the meaningful involvement of civil society organizations and that it is expanded to cover access to harm reduction services for people who use drugs in the Philippines.

25. Please provide information, including statistics disaggregated by age and sex, on access for indigenous peoples to health care, including in the context of the COVID-19 pandemic.

26. Please provide statistics on the number of people who are currently or who have been subjected to shackling and on measures taken to eliminate the practice of shackling people with psychosocial disabilities, as well as information on measures taken to develop adequate, high-quality and voluntary community-based support and mental health services. Please also provide the results of the National Disability Prevalence Survey conducted in 2016, in particular the results regarding the needs of, and barriers faced by, groups with differing levels of disability.

27. Please provide information, including statistics, on the impact of the measures taken to reduce the incidence of unsafe abortion and the high number of maternal deaths arising from abortion complications. Please also provide information on measures taken to relist emergency contraceptives and to improve access to the full range of sexual and reproductive health care, including access to contraceptives, including for Moro and indigenous women, women living in geographically isolated and disadvantaged areas, women with disabilities and adolescents. Please further provide information on measures taken to address the stigma surrounding abortion and to provide adequate legal protection and redress to women who face abuse and ill-treatment when seeking post-abortion care.

Right to education (arts. 13–14)

28. Please provide information on the following:

(a) The enrolment of students in primary and secondary education, disaggregated by sex, region, disability, income, ethnicity and other relevant factors;

(b) The status of the basic education development plan, 2030, and in particular on measures envisaged to improve access to and the quality of primary and secondary education, including for indigenous children in remote and mountainous areas, and how such measures will be evaluated;

(c) Measures taken to evaluate the various policies for learners with disabilities, including on the impact that they have had to date and on the challenges that remain;

(d) Measures taken to address the negative impact of the violence of conflict on access to education, including for children of indigenous communities, and measures taken to prevent the harassment of teachers and students of indigenous communities, including by the armed forces of the Philippines;

(e) Measures taken to address the negative impact that the COVID-19 pandemic has had on education of children.

Cultural rights (art. 15)

29. Please provide information on measures taken to increase Internet access, specifically for disadvantaged and marginalized individuals and groups and in rural areas, and to close the digital divide. Please also provide information on progress made in providing Internet connections in public hospitals, rural health units, public schools, State-funded universities and colleges and other public places.

30. Please provide information on measures taken to promote the culture, traditions and knowledge of the diverse indigenous peoples in the State party and on measures taken to ensure that those groups have access to remedies for violations of their cultural rights.
