



Parallel Report

**On the Occasion of the Review of the
Philippines Combined 5th and 6th Periodic Reports
to the UN CESCR at the 59th Session**

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Cover photo: Beringer, Astrud. "Hacienda Matias peasants finally harvesting peacefully". July 2015.

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ACRONYMS

| | |
|---------|---|
| 4Ps | Pantawid Pamilyang Pilipino Program |
| A&F | Agriculture and Fisheries |
| AFMA | Agriculture and Fisheries Modernization Act |
| A.O. | Administrative Order |
| ARBO | Agrarian reform Beneficiaries Organizations |
| ARMM | Autonomous Region in Muslim Mindanao |
| CADT | Certificate of Ancestral Domain Title |
| CARL | Comprehensive Agrarian Reform Law |
| CARP | Comprehensive Agrarian Reform Program |
| CARPER | Comprehensive Agrarian Reform Program Extension with Reform |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CCT | Conditional Cash Transfer |
| CEDAW | Convention on the Elimination of Discrimination Against Women |
| CEO | Chief Executive Officer |
| CHR | Commission on Human Rights |
| CLOA | Certificate of Land Ownership Award |
| CRAF | Commission on the Right to Adequate Food |
| CRC | Convention on the Rights of the Child |
| CRPD | Convention on the Rights of Persons with Disabilities |
| CSOs | Civil Society Organizations |
| DAR | Department of Agrarian Reform |
| DARAB | DAR Adjudication Board |
| DBM | Department of Budget and Management |
| DENR | Department of Environment and Natural Resources |
| DSWD | Department of Social Welfare and Development |
| ESCR | Economic, Social and Cultural Rights |
| FAO | Food and Agriculture Organization |
| FARM | Farm Workers Agrarian Reform Movement |
| FESIFFA | Federation of Sicozon Island Farmers and Fisherfolk Association |
| FNRI | Food and Nutrition Research Institute |
| GATT | General Agreement on Tariffs and Trade |
| GDP | Gross Domestic Product |
| GSIS | Government Service Insurance System |
| HB | House Bill |
| HCHR | House Committee on Human Rights |
| HLI | Hacienda Luisita Incorporated |
| HRBA | Human Rights Based Approach |
| IP | Indigenous People |
| IPRA | Indigenous Peoples' Rights Act |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| KMBP | Kilusang Magbubukid ng Bondoc Peninsula |
| KMP | Kilusang Magbubukid ng Pilipinas |

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|------|---|
| LAD | Land Acquisition and Distribution |
| LGU | Local Government Unit |
| MCW | Magna Carta of Women |
| MDG | Millennium Development Goal |
| NAPC | National Anti-Poverty Commission |
| NCIP | National Commission on Indigenous Peoples |
| NCR | National Capital Region |
| NFC | National Food Coalition |
| NGO | Non-Government Organization |
| NLUA | National Land Use Act |
| NOC | Notice of Coverage |
| NPA | New People's Army |
| NNS | National Nutrition Survey |
| NSCB | National Statistics Coordination Board |
| OFW | Overseas Filipino Workers |
| PARC | Presidential Agrarian Reform Council |
| PDAF | Priority Development Assistance Fund |
| PDI | Peoples Development Institute |
| PDP | Philippine Development Plan |
| PSA | Philippine Statistics Authority |
| PWD | Persons with Disabilities |
| RA | Republic Act |
| RTFN | Right to Food and Nutrition |
| SARA | Save Agrarian Reform Alliance |
| SB | Senate Bill |
| SDO | Stock Distribution Option |
| SOFI | The State of Food Insecurity in the World 2015 (FAO, WFP and IFAD Report) |
| SSS | Social Security System |
| SWS | Social Weather Stations |

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Annex FIAN’s submission to the 64th session of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

1. Introduction

This parallel report is submitted by FIAN Philippines, in cooperation with FIAN International Secretariat. Founded in 1999, FIAN Philippines is a national section of FIAN International in the Philippines.¹ FIAN is an international human rights organization advocating for the realization of the right to food and nutrition world-wide.

The parallel report attempts to highlight the status of Philippines' compliance with the International Covenant on Economic, Social, and Cultural Rights (ICESCR), specifically the human right to food and nutrition enshrined in Art. 11. The report is structured as follows: First, the current hunger and poverty situation of the Philippines is narrated, followed by the present relevant social, economic, and political conditions which impact the realization of the right to food of the Philippine population. The report then presents the current legal framework of the right to food and nutrition and concludes that an enactment of the right to food framework bill currently pending can contribute to progressive realization of this human right. Drawing from its extensive experience on the ground collaborating with communities, CSOs and national government authorities, the report then presents three emblematic cases of violations of the right to food and nutrition in the Philippines. The report concludes with a set of recommendations to the State Party.

Today, women and children in the Philippines are among those who suffer most from hunger and poverty. In this regard, FIAN Philippines would like to call the attention of the Committee on Economic, Social and Cultural Rights (CESCR) to its recent submission to the 64th session of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This report highlights the importance of achieving women's right to food and nutrition towards the full realization and enjoyment of women's rights and life with dignity and is annexed to this parallel report.

In concluding, FIAN Philippines and FIAN International would like to thank the members of the CESCR Committee for considering this report during the interactive dialogue with the state and in its concluding observations.

¹ See <http://www.fianphilippines.org/> and www.fian.org

2. The Right to Food and the Nutrition (RTFN) in the Philippines

2.1. Hunger and Malnutrition

Despite being one of the world's potentially fastest growing economies, hunger and poverty persist in the Philippines today. There are 13.7 million people (13.5 percent of the total population) in the Philippines who are undernourished at present.² According to SOFI, the Philippines is among the 31 countries that have achieved the UN Millennium Development Goal (MDG) Target 1c to halve the proportion of hungry people, or to bring it under 5 percent by 2015.³ Nonetheless, a closer look at the indicators for monitoring progress (the prevalence of underweight children under-five years of age and the proportion of population below minimum level of dietary energy consumption) reveals a picture of concern. According to the Food and Nutrition Research Institute (FNRI), the principal government agency monitoring food and nutrition, 19.9 percent or almost one in every five Filipino children below five years old are underweight. Similarly, the proportion of households with per capita energy less than 100 percent adequacy – or the proportion of undernourished people⁴ is 65.2%⁵ These figures indicate the prevalence of undernutrition, and hunger is still a major issue of public concern.

There is a substantial regional disparity in the nutritional well-being of the population. For example, while stunting among children below five was 22.4 percent in the National Capital Region (NCR – Metro Manila) and lower than the national average of 30.3 percent, the highest rates were in the Bicol region (39.8 percent) and the Autonomous Region in Muslim Mindanao (ARMM) (39 percent). The Mindanao region has suffered from over four decades of armed conflict, resulting in internal displacements and overall deterioration of living standards. The people of the Central Mindanao region are the country's poorest.⁶ The average self-rated hunger in the Philippines in 2015 was 13.4 percent, according to a series of quarterly surveys conducted by the Social Weather Stations (SWS).⁷ The SWS surveys also found that hunger was more prevalent in Mindanao than in the rest of the country⁸

² FAO, IFAD and WFP. 2015. The State of Food Insecurity in the World 2015. Meeting the 2015 international hunger targets: taking stock of uneven progress. Rome, FAO. p. 46.

³ Ibid, p. 12.

⁴ Indicators for Monitoring the Millennium Development Goals. Definitions, Rationale, Concepts and Sources. <http://mdgs.un.org/unsd/mi/wiki/1-9-Proportion-of-population-below-minimum-level-of-dietary-energy-consumption.ashx>

⁵ Philippine Statistics Authority (2015): MDG Watch. Statistics at a glance of the Philippines' Progress based on the MDG indicators. http://www.nscb.gov.ph/stats/mdg/mdg_watch.asp

⁶ Although national levels of poverty have been decreasing since 2006, decades of armed conflict have left the Mindanao region with some of the country's poorest people. This is seen in significantly lower rates of primary-school completion and stunted growth (caused by chronic malnutrition) among children aged under five in this region, compared with the rest of the Philippines.

⁷ Social Weather Station (2016): Second Quarter 2016 Social Weather Survey: Net satisfaction with National Administration rises to "Very Good" +35. <http://www.sws.org.phhttp://www.sws.org.ph/>

⁸ Gavilan, Jodesz (2015): SWS: More Filipino Families suffer from hunger in Q3 2015. In: Rappler, <http://www.rappler.com/move-ph/issues/hunger/111470-social-weather-stations-hunger-survey-3rd-quarter-2015>

The National Nutrition Survey conducted by FNRI in 2013 revealed that the most alarming levels of micronutrient deficiencies are among pregnant women and lactating mothers (moderate) and infants (highest).⁹ Due to poor maternal health, 24.8 percent of pregnant women are nutritionally at-risk. Also, the rate of underweight lactating mothers increased slightly from 11.9 percent in 2011 to 12.5 percent in 2013,¹⁰ showing retrogression in this aspect of the realization of the right to food and nutrition (RTFN). Women and children suffer most from hunger and malnutrition.¹¹

The encouraging economic growth witnessed in recent years has not made a dent on poverty as a significant number of Filipinos still suffer from hunger and cannot meet their basic food needs and are thus malnourished. Due to low rural incomes, lack of access to productive resources and vulnerability of the countryside to various shocks related to climate change and diseases, hunger is more prevalent in rural areas.¹²

2.2. Poverty Amidst Economic Growth

Despite its strongest successive years of gross domestic product (GDP) growth since the 1960s in 2012 and 2013, poverty has persisted in the Philippines. The poverty incidence among Filipinos in the first semester of 2015 was estimated at 26.3 percent. It was 27.9 percent during the same period in 2012. Subsistence incidence among Filipinos, or the proportion of Filipinos whose income fall below the food threshold, was estimated at 12.1 percent in the first semester of 2015.¹³ Poverty incidence has declined marginally from 2009 to 2012 with about a quarter of the population considered poor.¹⁴

In the Philippines, majority of the poor people (77.4 percent) live in rural areas and a disproportionate number of them live in the least developed regions – Bicol, Central Mindanao and the ARMM. About 70 percent of the rural poor depend on agriculture for their income. The severity of rural poverty is greatest among the landless workers and small farmers who make up a large portion of the rural population.¹⁵ The latest report released by the Philippines

⁹ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, <http://www.fnri.dost.gov.ph/images/sources/preglactating.pdf>

¹⁰ Ibid., p. 8

¹¹ According to the latest (2010) official Census of Population and Housing (CPH), women constitute 49.6% of the total individual population. See Philippine Commission on Women (2014): Factsheet Women and Men, 3, http://pcw.gov.ph/sites/default/files/documents/resources/factsheets_filipino_women_men_201402.pdf

¹² FOCUS (2015): Right to Food and Food Sovereignty in the Philippines: What the Numbers Say, Briefing, 23 February, <http://focusweb.org/content/right-food-and-food-security-philippines-what-numbers-say>

¹³ Philippine Statistics Authority (2016): Poverty incidence among Filipinos registered at 26.3%, as of first semester of 2015. <http://psa.gov.ph/poverty-press-releases>; <http://psa.gov.ph/poverty-press-releases>

¹⁴ Ibid.

¹⁵ ILO (No year): Action Programme for Decent Work: Philippines “Promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity”. http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-manila/documents/publication/wcms_125285.pdf, p. 3 pdf

Statistic Authority (PSA) in July 2014 concludes that five of the nine basic sectors – fishermen, farmers, children, self-employed, unpaid family workers and women – have higher poverty incidence than the general population (25.2 percent). Among these five sectors, fishermen, farmers and children consistently posted the highest poverty incidence in 2012 at 39.2 percent, 38.3 percent, and 35.2 percent, respectively.¹⁶

2.3. Socio-Economic Situation: The Philippines Development Plan (2011-2016)

Described by the former President Benigno Aquino III as a comprehensive blueprint for the efforts to reduce poverty and to promote inclusive development, the Philippine Development Plan 2011-2016 (PDP) attempts to address poverty, create massive employment opportunities and achieve inclusive growth. Anchored on a social contract and 10 agenda points, which include a competitive and sustainable agriculture and fisheries sector, good governance and the rule of law, and social development,¹⁷ the plan translates into specific goals, objectives, strategies, programs, and projects to accomplish development. While there has been some progress, the implementation of the PDP still faces challenges as highlighted in the following.

2.3.1. Unemployment and Underemployment

The PDP seeks to champion inclusive growth based on massive quality employment creation in selected key sectors (e.g. agro-industry, manufacturing, and tourism) as a way toward attaining rapid and sustained growth.¹⁸

By the end of the PDP in 2016, the government aims to lower the unemployment rate from 7 percent in 2012 to 6.7 percent. Notwithstanding, the unemployment rate cited by the government has remained steady at around 7 percent during the last few years.¹⁹ Compared to its five major Southeast Asian neighbors – Indonesia, Malaysia, Singapore, Thailand and Vietnam – the Philippines has the highest official unemployment rate of around 7 percent from 2010 to 2013 despite having one of the highest growth rates during the same period.²⁰ According to the SWS survey of joblessness among adults (18 years old and above), unemployment had risen to 23.2 percent (or about 10.5 million adults) in June 2015, more than

¹⁶ Philippines Statistics Authority (2016): Fishermen, Farmers and Children remain the poorest basic sectors, <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>

¹⁷ National Economic and Development Authority (no year): Philippine Development Plan 2011-2016, <http://www.neda.gov.ph/2013/10/21/philippine-development-plan-2011-2016/>

¹⁸ The Philippine Development Plan (PDP) 2011-2016 Midterm Update seeks “to ensure that economic growth will be sustained, and that, moreover, it is inclusive; that is, it will result in greater job creation of the productive and remunerative kind and lead to the reduction of poverty in its multiple dimensions”. National Economic and Development Authority (NEDA): Philippine Development Plan 2011-2016 Midterm Update (Pasig City, 2014), p. 5.

¹⁹ UN Department of Economic and Social Affairs (2014): World Economic Situation and Prospects Weekly Highlight, http://www.un.org/en/development/desa/policy/wesp/wesp_wh/wesp_wh49.pdf

Santos, Matikas (2014): PH has highest Asean unemployment rate —ILO report. Inquirer, <http://globalnation.inquirer.net/103286/ph-has-highest-asean-unemployment-rate-ilo-report#ixzz4IS313lpt>

²⁰ Ibid.

the 19.1 percent reported in its survey three months earlier, but below the 25.4 percent four-quarter average in 2014.²¹ This figure is much higher than the rate presented by the government. This disparity is largely due to different definitions of unemployment used by the government and the SWS. While the SWS applies the traditional definition of joblessness, the government figures are based on a labor force aged 15 years-old and up, and also counting those who do any work for at least one hour a week and those who have a job but not at work due to reasons such as illness/injury or being on vacation.

Similarly, the government has also not yet reached the goal to reduce the underemployment rate from 20 percent to 17 percent. The underemployment rate in July 2015 (according to the latest data) was 21 percent.²² Underemployment still poses a major concern. Most of the labor force registered under unemployed has higher education degrees and thus can better cope with interim unemployment. The underemployed, however, are mostly those who are poor and from the agricultural sector who cannot afford to be without work.²³ Also, rising unemployment has pushed jobseekers to take up jobs that pay lower wages and give paltry benefits. The “contractualization” is rampant in the Philippines and cuts across various industries and economic sectors. According to the Philippines Labor Code, employees working for 6 months should become regular workers. This prompts industries to hire workers for five months, then remove them to avoid having to regularize them. “End of contract” or “Endo” has become a synonym for such workers who are in endless chain of being hired and fired every five months. This phenomenon of labor contract under 5 months is called “contractualization” in the Philippines. According to Ecumenical Institute for Labor Education and Research (Eiler), Endo workers are paid very low wages, oftentimes even below the prevailing minimum wage rates and are compelled to do overtime.²⁴ Efforts were made to address the “contractualization”, however till date, amendments proposed have not been adopted by Congress.²⁵

As Philippines population suffers from unemployment/underemployment, lack of access to productive resources, and scarcity of decent employment opportunities, especially for the youth and women, their capacity to meet their own needs in dignity and enjoy their human rights, among others their RTFN, is severely jeopardized.

²¹ Social Weather Station (2015): Second Quarter 2015 Social Weather Survey: Adult joblessness rises to 23.2%; 10% lost their jobs involuntarily, 11% resigned; www.sws.org.ph/pr20150910.htm

²² Philippine Statistics Authority (2015): Employment Rate Estimated at 93.5 Percent in July 2015. <https://psa.gov.ph/content/employment-rate-estimated-935-percent-july-2015>.

²³ Manila Times (2013): World Bank: Unemployment is not the problem, underemployment is, In: Manila Times, <http://www.manilatimes.net/world-bank-unemployment-is-not-the-problem-underemployment-is/39421/>

²⁴ Bernabe, Kirstin, Endozo, Penelope P., and Pacia, Sara Isabelle Pacia (2014): Worker hired, fired every 5 months, In: Philippine Daily Inquirer, <http://newsinfo.inquirer.net/598582/worker-hired-fired-every-5-months#ixzz4IKd2y4wD>

²⁵ Mely Ann Emerie A. Cristobal and Efren II R. Resurreccion (2014): De-Confusing Contractualization: Defining Employees Engaged in Precarious Work in the Philippines, Philippines Law Journal Online. Volume 88 (2014), No. 2, <http://plj.upd.edu.ph/wp-content/uploads/2015/03/88-02-J-88B14-De-Confusing-Contractualization-v1.pdf>, p. 345.

2.3.2. Agriculture and Fisheries Sector

Due to the country's natural endowment, the agricultural and fisheries (A&F) sector in the Philippines plays an important role for the majority of people who depend on access to natural resources to sustain their livelihoods and ensure their RTFN. The A&F sector also employs one third of the total labor force.²⁶ The PDP aims to reduce poverty by generating quality employment in this sector and to fast-track agrarian reform, with a particular focus on the distribution of individual land titles and access to finance for agrarian reform beneficiaries.²⁷

A mid-term assessment of the PDP conducted by the government in 2014 indicates, however, a reduction in employment in the A&F sector due to extreme weather conditions (e.g. typhoons and drought) among farmers who practice monoculture farming. In addition, inadequate irrigation, among other factors, constrains the sector's flexibility to shift to other crops when their primary crop fails. Meanwhile, the number of underemployed agricultural workers increased by about 2.3 percent on average attributed to the seasonal nature of agriculture work, low wage rates and limited opportunities for livelihood diversification.²⁸ The basic pay in the A&F sector is lower than that of non-agricultural sector: for example, an average pay for an agricultural worker is PhP 165 (around USD 3.55) per day, while a non-agricultural worker receives PhP 365 (around USD 4.30).

Due to inadequate pay, overfishing and ocean pollution that result in dwindling fish catch, small fisherfolk – the majority in the fishery sector – are the poorest in the Philippines with a high poverty incidence (39.2 percent in 2012).²⁹ Illegal and destructive fishing, the degradation of marine habitats, pollution, weak enforcement of fishing laws, rising fuel prices, and the low awareness of the implications of overfishing on food security are among the problems that small fishermen have to contend with to sustain their livelihood on a daily basis. Imposed fishing ban known as closed fishing season which prohibits sardine-fishing for several months within specific waters has further reduced employment opportunities for fishermen.³⁰

With respect to land distribution, the mid-term assessment refers to the fact that the Departments of Agrarian Reform (DAR) and Environment and Natural Resources (DENR) acquired and distributed 422,743 hectares, or about 66 percent of their combined targets under the Comprehensive Agrarian Reform Program (CARP) in 2011 and 2012.³¹ As of

²⁶ National Economic Development Authority: Philippine Development Plan 2011-2016. Midterm Update. Pasig City: NEDA, <http://faolex.fao.org/docs/pdf/phi140998.pdf>, p. 79.

²⁷ Ibid, p. 11-12.

²⁸ Ibid, p. 80.

²⁹ Rappler (2014): PH oceans in crisis: The sad state of small fisherfolk, In: Rappler, <http://www.rappler.com/science-nature/environment/59228-philippine-oceans-crisis-small-fisherfolk>; Philippines: Statistics Authority (2016): Fishermen, Farmers and Children remain the poorest basic sectors, <https://psa.gov.ph/content/fishermen-farmers-and-children-remain-poorest-basic-sectors-0>

³⁰ National Economic Development Authority: Philippine Development Plan 2011-2016. Midterm Update. Pasig City: NEDA, <http://faolex.fao.org/docs/pdf/phi140998.pdf>, p. 79/p.286.

³¹ Ibid, p.83.

December 2013, the DAR has yet to distribute one million hectares of the most difficult and contentious lands which are mostly private lands.³² It is worth noting that CARP often discriminates against women in land distribution because wives are “subordinated” to their husbands who may be agrarian reform beneficiaries. Also, women are regarded as seasonal farm workers who are ranked third in priority in land distribution.³³ The government also faces difficulties in providing agricultural extension services, credit and insurance to agrarian reform beneficiaries.³⁴ (For more on CARP, please see chapters 3.1. and 4.2)

2.3.3. Good Governance and the Rule of Law

The strategy outlined in the PDP is aimed at increasing the responsiveness of the government, strengthening its institutions, and essentially rebuilding people’s trust in it. Thus the government is shown as committed to fight corruption and rebuild public institutions capable of serving the majority. The government’s assessment in 2014 refers to improvements in governance from 2010 to 2012, especially in the areas of corruption control, political stability and regulatory quality, as well as a slight improvement in rule of law and government effectiveness.³⁵

However, the realization of the economic, social, and cultural rights (ESCR) in the Philippines is negatively affected by the lack of compliance with the rule of law, inequality, massive impunity, lack of transparency and corruption. An analysis of the media news reveals that there have been a number of corruption, plunder and graft cases involving the three branches of the government. The Executive Branch of the past administration got entangled in cases involving billions of pesos of state funds for pro-poor projects that were pocketed for personal and political interests.³⁶ Some members of the Legislative Branch were exposed to have plundered the people’s treasury, including budget allotments meant to augment food production and raise the standard of living of the farmers.³⁷ There are persistent reports that judges and judiciary personnel have been colluding with, among others, landlords, urban and real estate

³² Tadem, Eduardo Climaco. (2015): Philippine Agrarian Reform in the 21st Century, Land Grabbing, Conflict and Agrarian-environmental Transformations: Perspectives from East and Southeast Asia, An International Academic Conference, Chiang Mai, 5-6 June 2015. BOCAS/Mosaic Research Project/LDPI/RCS D Chiang Mai University/TNI. p. 3

³³ PKKK (2011): Thematic Papers_1. Agrarian Reform. Rural Women Status Report on CEDAW 2011. “Rural Women, Food Security and the Right to the Land”. https://www.scribd.com/document/259389464/Agrarian-Reform;_Property_Rights_and_Resource_Governance in http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Philippines_Profile.pdf

³⁴ National Economic Development Authority: Philippine Development Plan 2011-2016. Midterm Update. Pasig City: NEDA, <http://faolex.fao.org/docs/pdf/phi140998.pdf>, p. 82ff

³⁵ Ibid, p. 3ff., p. 150ff.

³⁶ Teves, Oliver (2015): Philippine leader's corruption fight marks modest progress. In: cnsnews.com, <http://www.cnsnews.com/news/article/philippine-leaders-corruption-fight-marks-modest-progress>

³⁷ Bueza, Michael (2014): Plunder in the Philippines. In: Rappler, <http://www.rappler.com/newsbreak/60139-plunder-philippines-history>

developers, corporations of extractive industries for personal enrichment and career advancement.³⁸ Chief Justice Lourdes Sereno has acknowledged corruption in the judiciary, promising to root it out and calling on the public for support to this campaign.³⁹

It should also be pointed out that the two chambers of the Philippine Congress – the House of Representatives and the Senate – are dominated and/or influenced by landlords, warlords, political dynasties, big corporations and real estate developers whose interests inevitably find expression in legislations involving use of natural resources and sources of subsistence, particularly land meant for food production. A very good example is House Bill 4296 which members of Congress refused to pass. HB 4296 is a one liner amendment bill that will extend the issuance of Notice of Coverage (NOC) on agricultural lands that are covered by the CARP until June 30, 2016. Filed by Representatives Cresente Paez and Teddy Baguilat, the bill was blocked by the Visayan bloc composed of landlords in congress demanding amendments in HB 4296 that will essentially negate the intent of the proposed extension of CARP coverage.⁴⁰

2.3.4. Social Development

In the area of social development, the PDP takes a two-track approach: 1) “improve human capabilities through better health and nutrition and through enhancement of knowledge and skills; and 2) reduce people’s vulnerability by expanding social protection services and providing more secure shelter.”⁴¹

While considerable headway has been made in some areas related to health/nutrition, education and vocational training, social protection and housing, there are still some gaps in implementation as well as challenges ahead. An increase in the number of pregnancy-related deaths (from 162 per 100,000 live births in 2006 to 221 in 2011) and large regional and socioeconomic inequalities in access to health care are still of concern.⁴² The low share of GDP spent for social protection (2.5 percent)⁴³ explains its low coverage. In addition, due to the fact

³⁸ Hon. Sereno, Maria Lourdes P.A. Chief Justice of the Republic of the Philippines: The Bargain for Truth. Message delivered during the Awarding Ceremonies of the Search for Journalists of the Year (JOY) organized by the Metrobank Foundation and the Probe Media Foundation Inc.; 23 October 2013, <http://sc.judiciary.gov.ph/aboutsc/justices/cj-sereno/10-23-13-speech.pdf>; Rappler (2013): “SC creates body to probe 'Ma'am Arlene' SC Associate Justice Marvic Leonen leads the committee that will investigate so-called influence peddlers in the judiciary”, In: rappler.com, <http://www.rappler.com/nation/41586-sc-creates-body-probe-corruption>

³⁹ Reformina, Ina (2016): Sereno assures Duterte on anti-corruption drive. In: ABS-CBN News, <http://news.abs-cbn.com/nation/06/10/16/sereno-assures-duterte-on-anti-corruption-drive>

⁴⁰ Land Watch Asia (2015): Religious leaders and farmers declare ‘no-vote’ for the Visayan landlord-politicians in the Congress in 2016, <https://landwatchasia.wordpress.com/2015/09/29/religious-leaders-and-farmers-declare-no-vote-for-the-visayan-landlord-politicians-in-the-congress-in-2016/>

⁴¹ National Economic Development Authority: Philippine Development Plan 2011-2016. Midterm Update. Pasig City: NEDA, <http://faolex.fao.org/docs/pdf/phi140998.pdf>, p. 120.

⁴² Ibid, p. 124-125.

⁴³ Asian Development Bank (2013):The Social Protection Index. Assessing Results for Asia and the Pacific. In: <http://www.adb.org/sites/default/files/publication/30293/social-protection-index.pdf>, p. 14.

that social protection is largely insurance-based, the informal sector is barely covered, and several other sectors (e.g. the displaced and the IPs) have also received limited social protection measures in comparison to others. Likewise, the current targeting system does not capture who are just above the poverty line and who are most vulnerable to risks.⁴⁴ In housing, for example, there were similar leakages in beneficiary selection and thus some did not avail of housing schemes. There were difficulties related to the provision of housing and land to families affected by disasters as well as lack of participation of beneficiaries in planning for the resettlement projects for disaster-affected families.⁴⁵

2.4. Political Condition

In the following, some current political issues that have detrimental impact on the RTFN of the Filipinos will be assessed.

2.4.1. Corruption

One major problem that has persisted over the generations is corruption. According to Transparency International, the Philippines ranked 95th out of 168 countries (No. 1 being the least corrupt) in its 2015 corruption index, which is based on perception of public sector corruption.⁴⁶ Corruption can gravely undermine the realization of the RTFN because it diverts essential resources from public spending as has been shown by the grand scheme to redirect congressional funds for private gain. Midway through the Aquino administration, the misuse of the Priority Development Assistance Fund (PDAF),⁴⁷ which was intended for pro-poor projects of legislators, was found to have been occurring during his predecessor's time and continued through his administration. According to official investigations,⁴⁸ hundreds of millions of pesos in PDAF funds were transferred to bogus non-governmental organizations which then gave some of the funds back as kickbacks to the same legislators and also to the alleged mastermind

⁴⁴ National Economic Development Authority: Philippine Development Plan 2011-2016. Midterm Update. Pasig City: NEDA, <http://faolex.fao.org/docs/pdf/phi140998.pdf>, p. 137

⁴⁵ Caucus of Development NGOs Networks (CODE-NGO) (no year): Civil Society Assessment of the Philippine Development Plan (PDP) for 2011-2016. Quezon City: CODE-NGO, p.19, http://code-ngo.org/dev/wp-content/uploads/2016/04/PDP_Summary.pdf. p. 19.

⁴⁶ Transparency International (no year): Corruption Perception Index 2015, <http://www.transparency.org/cpi2015>

⁴⁷ Philippine news (2014): Priority Development Assistance Fund (PDAF) or Pork Barrel. In: Philippine news, http://www.philippinecountry.com/philippine_news/2014/PDAF_pork_barrel.html

Priority Development Assistance Fund (PDAF) or Pork Barrel is a yearly lump sum or discretionary fund or regular allocation of public funds for the members of Congress (Senate and House of Representative – district representatives and party representatives) in the Philippines. The congress then uses this fund for government programs that can benefit the people (fund the priority development programs and government projects) without going through the normal budgetary process or the Executive branch. Its main purpose is to give legislators easy access to capital supposedly for projects that benefit their constituents. PDAF involves people's Money, which means that it should be used to improve the lives of the people.

⁴⁸ Office of the Ombudsman (2014): Ombudsman resolves first batch of PDAF criminal cases (Press Statement), <http://www.ombudsman.gov.ph/docs/pressreleases/PDAFResolutions.pdf>

of this scheme. Three senators, among others, have already been charged with plunder before the anti-graft court Sandiganbayan.⁴⁹

PDAF and other variants of pork barrel are among the main pillars of political patronage that have sustained political dynasties and worsened corruption. The abolition of the pork barrel therefore is a major step towards democratizing the political system and making the budget process truly transparent, accountable and attuned to the real needs of the people such as ensuring their RTFN.

2.4.2. Extrajudicial killings and criminalization of human rights defenders

Another major concern that relates directly to the RTFN are the extrajudicial killings of human rights defenders. Under the previous Aquino Administration, military operations against the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), continued. The collateral damage has been the rural communities and the human rights: peasant leaders, members of ethnic communities and activists have been targets of extrajudicial killings and abductions by suspected military and para-military elements and state-sponsored anti-communist armed groups based on suspicion that they are members or supporters of the communist rebels.⁵⁰ The Committee on Economic Social and Cultural Rights (CESCR) has thus urged the Philippines in its Concluding Observations issued in December 2008 to "take all necessary measures for the protection of (...) human rights defenders (...) against any intimidation, threat and violence (...)." It also called on the Philippines to "ensure that all alleged cases of forced disappearances and extrajudicial killings are promptly and thoroughly investigated, and that alleged perpetrators are prosecuted and appropriately punished, if found guilty".⁵¹

Extrajudicial killings of human rights defenders continue to occur.⁵² In June 2014, a farmer's organization, the Kilusang Magbubukid ng Pilipinas (KMP), reported that during the last 26 years of the CARP implementation, 664 farmers have died in the name of agrarian reform. According to the said report, in just four years of the Aquino administration, 96 farmers had been killed compared to nine during the Arroyo administration; 568 others were victims of agrarian reform-related extra-judicial killings. While farmers who assert their right to land are

⁴⁹ Bernal, Buena (2014): 3 PH senators charged with plunder over PDAF scam. In: Rappler, <http://www.rappler.com/nation/59826-enrile-jpe-jinggoy-charged-plunder-pdaf-scam>

⁵⁰ Conde, Carlos H (2015): Dispatches: Killings of Philippines Tribal Members Spark Public furor. In: Human Rights Watch, <https://www.hrw.org/news/2015/09/08/dispatches-killings-philippine-tribal-members-spark-public-furor>

⁵¹ UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations of the Committee on Economic, Social, and Cultural Rights : The Philippines, 1 December 2008, E/C.12/PHL/CO/4.1, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPHL%2fCO%2f4&Lang=en

⁵² Front Line Defenders (2015): Annual Report 2016, <https://www.frontlinedefenders.org/en/resource-publication/2016-annual-report>. 14

subjected to human rights abuses, peasant leaders are treated as criminals, incarcerated and worse, killed.⁵³

Box 1: Extrajudicial Killings – Surigao del Sur

In 2015, in Lianga municipality in Surigao del Sur province, a paramilitary group allegedly killed Emerito Samarca, executive director of the Alternative Learning Center for Agricultural and Livelihood Development; Datu Juvello Sinzo, a village chieftain; and Dionel Campos, head of the group called MAPASU, which opposes mining operations, land conversions and plantations in indigenous communities. Furthermore, soldiers allegedly also killed five members of a Lumad family, including two teenagers aged 13 and 17 in Bukidnon province near Surigao del Sur. The military claimed they were NPA members killed in a gun battle, but their relatives and villagers have refuted the military's claim. They said there was indeed an armed clash between the rebels and the soldiers, but it happened far away from where the five were killed. Meanwhile, thousands of Lumads have fled their villages for fear of more attacks by the paramilitary group allegedly involved in the killings. According to one report published by Human Rights Watch, encroachments upon the Lumad's ancestral domain by mining companies, plantations, and other large business operations are backed by the military and government-armed paramilitaries.⁵⁴

Alarmed by the reported killings, the UN Special Rapporteurs on Indigenous Peoples Rights and on Human Rights Defenders issued a statement on September 2015, calling on the Philippines Government to launch a full and independent investigation into the killings of these human rights defenders. Their call has been endorsed by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions.⁵⁵

⁵³ Cervantes, Ding (2014): After 26 years, CARP ends; lin:Philstar, <http://www.philstar.com/headlines/2014/06/30/1340617/after-26-years-carp-ends>

⁵⁴ Lim, Janina C. (2016): Ancestral land occupied by mining, logging to return to lumad: DENR, <http://www.bworldonline.com/content.php?section=Nation&title=ancestral-land-occupied-by-mining-logging-to-return-to-ilumadi-denr&id=131572>

⁵⁵ United Nations, Office of the High Commissioner, Philippines: UN experts urge probe into killings of three Indigenous peoples' rights defenders, 22 September 2015, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16481&LangID=E#sthash.XpqggroX.dpuf>

3. The Legal Framework Governing the Right to Food and Nutrition in the Philippines

3.1. Current legal framework

The Philippines is a signatory to major international human rights treaties which enshrine the RTFN. Among them are the International Covenant on Economic, Social and Cultural Rights (ICESCR; 1976), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW; 1981), Convention on the Rights of the Child (CRC; 1990), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW; 2003), and Convention on the Rights of Persons with Disabilities (CRPD; 2008). As a state party, the Philippines is obliged under international law to respect, protect, and fulfil the RTFN of its people.

The RTFN, however, is not explicitly recognized in the Philippine Constitution, nor does a specific law on the RTFN exist. The Constitution only implicitly recognizes RTFN, although several articles therein are essential for the realization of this fundamental right. For example, the right to life (Article III, Section I), fostering of social justice (Article II, Section 10), and the promotion of agrarian reform to guarantee land rights and peasants' access to natural resources (Article II, Section 26 and Article XIII, Sections 4, 5 and 6). The Magna Carta of Women (MCW), or Republic Act (RA) 9710 enacted in 2009, explicitly guarantees women's right to food and the right to food production resources (Chapter V, Section 20). In addition, there is a vast array of laws purportedly to ensure the normative contents of the RTFN:

- a. Availability – Republic Act No. 3844, the Agricultural Land Reform Code, October 1963; RA 8550, Philippine Fisheries Code, February 1998
- b. Accessibility – RA 6727, Wage Rationalization Act, June 1989; PD 442, as amended, The Labor Code of the Philippines, February 1976
- c. Adequacy – RA 7600, Rooming-In and Breastfeeding Act, June 1992; RA 8976, Philippine Food Fortification Act of 2000, November 2000
- d. Sustainability – RA 3720, An Act Creating the Food and Drug Administration, June 1963.⁵⁶

Despite the legal framework, a closer assessment of the above laws and programs reveal inadequate and improper implementation. A good example is the implementation of the Comprehensive Agrarian Reform Program (CARP) which shows that weak governance and political will to implement the CARP has led to the snail-paced distribution of lands to the peasants, and those who were given lands cannot raise production due to a lack of economic support services that leave the peasants and their families still hungry and impoverished. Rural

⁵⁶ National Food Coalition (2015): Compendium of RTAF Laws in the Philippines, <http://righttoadequatefood.ph/content/docs/Compendium%20I>.

women also own less land in their own name than men.⁵⁷ Furthermore, strong landlord resistance and impunity have resulted in human rights violations that are met by inaction of responsible authorities, plus irresponsible investments by corporations heighten the violence against and the criminalization of peasants.⁵⁸

Despite the MCW, rural women are disproportionately affected by poverty and thus become food and water insecure due to the discrimination they face in relation to income, access to land, and extension services.⁵⁹ Concerned over this situation, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in its recent Concluding Observations recommended that the Philippines should “ensure that rural women have access to adequate food and nutrition as well as water and sanitation, taking into account international human rights standards on the rights to adequate food, water and sanitation.”⁶⁰

Aside from non-implementation of the above mentioned laws and programs, certain provisions of various laws are flawed, not coherent, not complementary, and at times, even in conflict with each other. A very good example of laws that are non-complementary and in conflict with each other are RA 8371, the Indigenous Peoples’ Rights Act (IPRA) of 1997, and RA 7942, the Mining Act of 1995. The IP’s right to ownership of their lands and natural resources within their ancestral domains is guaranteed under Section 5 of the IPRA, which states that all such resources belong to all generations of the IP communities and, therefore, cannot be sold, disposed of or destroyed. The concept of IP ownership of ancestral domains runs counter to Section 16 of the Mining Act, which states that only the national government has an exclusive right to approve permits and agreements – even over ancestral domains. Under Section 62 of the IPRA, conflict or adverse claims over ancestral domains shall be resolved by the National Commission on Indigenous Peoples (NCIP). However, Sections 77 and 78 of the Mining Act vest upon a panel of arbitrators of the DENR and the Mines Adjudication Board jurisdiction over disputes involving rights to mining areas – including those in ancestral domains of IPs.

⁵⁷ Figures from the DAR in 2012 show that out of a total of 2.3 million agrarian reform beneficiaries (ARB), only 29% are women. See Corral, Violeta P. (2015): Analysis of Land Tools in the Philippines Using Gender Evaluation Criteria (GEC), http://asianfarmers.org/wp-content/uploads/2015/06/Corral_289-mar2015.pdf

⁵⁸ Miclat-Teves, Aurea G. (2015): “The Demise of the Comprehensive Agrarian Reform Program”, September 4, 2015, Berlin Conference.

⁵⁹ Committee on Elimination of Discrimination against Women (CEDAW) (2016): Concluding observations on the combined seventh and eighth periodic reports of the Philippines, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPHL%2fCO%2f7-8&Lang=en

⁶⁰ Ibid.

Box 2: The Aetas of Zambales – An Example of Conflict of Laws

The Aetas' struggles in Zambales to protect their ancestral right to land from the incursions of mining companies are exemplary of the conflict and non-complementation of the IPRA and the Mining Act.⁶¹ The Aetas are the indigenous inhabitants of Mount Pinatubo, located at the boundary of three provinces – Pampanga, Tarlac and Zambales. They became the prime victims of the Mount Pinatubo eruption on June 16, 1991, displaced and forced to move from one evacuation center to another. The eruption destroyed their livelihood and created turmoil in their psychological and socio-cultural universe. The Aetas suffered hunger and impoverishment in the lowlands and reeled from the effects of the eruption as they lost control over their means of production in their ancestral domain. Later the Aetas returned to their homeland despite threats of flooding and pyroclastic flows (lahar) rushing down the slopes during the rainy season, which occasionally isolate them from the rest of the world.⁶²

Since 2004, the natural resources and biodiversity of their communities have been rapidly deteriorating, especially due to rampant mining that has encroached into their ancestral lands. There have been more than 70 mining companies operating in Zambales. The mining operations have changed the biophysical and economic conditions of the area and damaged the ecosystem: The Aetas have been suffering drops in agricultural productivity, loss of biodiversity, soil erosion and sedimentation that pollute rivers and kill fish, and the damming of rivers to build water reservoirs needed by the mines. Their RTFN is severely impacted.⁶³

In addition, the Commission on Human Rights and the Office of the Ombudsman – two institutions concerned with good governance – contribute very little to address the situation of the RTFN in the country. This is due to their limited mandates⁶⁴ and a lack of integration of their mandates to the RTFN. Also, in general, the law making process fails to satisfy human rights principles as the RTFN gets low priority in national spending. A study conducted by the

⁶¹ Peoples Development Institute (PDI) (2012): Asserting the Human Right to Adequate Food: Local Initiatives to Access Land and Natural Resources for Sustainable Food Security, March 2012. See <http://www.peoplesdevelopmentinstitute.org/resources/asserting-the-human-right-to-food/>

⁶² Miclat-Teves, Aurea (ed) (2004): The Aetas Land and Life, Peoples Development Institute, Quezon City, Philippines; <https://www.scribd.com/doc/6084039>.

⁶³ Ibid.

⁶⁴ The mandate of the Commission on Human Rights is to investigate cases involving violations of civil and political rights (Section 18, Article XIII, 1987 Constitution). It is, however, vested with power to make recommendations and conduct research in relation to other human rights. The primary function of the Office of the Ombudsman is to investigate all kinds of malfeasance (wrongful or unlawful act) and nonfeasance (failure to act when a duty to act existed) committed by any public officer or employee during his/her tenure of office (including acts that appear illegal, unjust, improper or inefficient, non-performance of any act or duty required by law, abuse or impropriety in the performance of official duties) and determine causes of inefficiency, red tape, mismanagement, fraud, and corruption in government mandates, and punish breaches of the RTFN.

Commission on Human Rights revealed that government agencies concerned with the RTFN were largely unaware of this human right and their obligations related to it.⁶⁵

In short, the RTFN recognition is inferred from various provisions and constitutional intent to improve quality of life for all, social justice, agrarian reform, and rights of subsistence. Despite being a signatory to several international human rights conventions, the Philippines has no instruments to ensure that the state effectively implements the people's RTFN, particularly that of protecting and respecting the vulnerable sectors – farmers, fisherfolks, indigenous peoples, and urban poor. Conflicts over access to and control over land and other natural resources often result in food insecurity, environmental degradation, loss of livelihood, and threats to housing and employment of urban and rural workers, often leading to human rights violations. The government employs a vast array of laws purportedly to guarantee the RTFN, yet it fails to institutionalize the right. This is due to certain provisions of various laws that are not coherent, complementary and even in conflict with each other. The Philippine legal framework falls short of the imperatives for realizing the RTFN. It does not sufficiently incorporate the State's human rights obligations to respect, protect and fulfill the RTFN, including the State's obligations to provide these or request international cooperation to do so.

Box 3: FAO Right to Adequate Food Legal Framework Study

The extensive study⁶⁶ conducted by FAO under the authorship of Maria Socorro Diokno and Virgilio de los Reyes in assessing the Philippine legal framework governing the right to food and nutrition reveal that the country's national legal framework does not enhance physical access to food, especially by those most vulnerable to hunger, while the laws on availability need to be harmonized. Special laws and regulations for those most vulnerable to hunger or in special situations both positively and negatively influence the hunger situation of these special groups. The laws governing food prices do not significantly contribute to hunger mitigation, while laws governing wages and employment are generally unfavorable to workers, and other laws relating to income generating opportunities are generally flawed. The laws governing access to credit influences the hunger situation in limited ways, as these do not actually enlarge access to credit. The food safety laws fully recognize the notion of safe food that meets dietary needs. While these laws may not directly contribute to alleviating hunger, these laws nonetheless ensure that food available for consumption contains enough nutrition and is free from contaminants and harmful microorganisms. It does not sufficiently address human rights obligations arising from the right to food which reflect on the Philippine government falling short of the Voluntary Guidelines to Support the Realization of the Right to Adequate Food in the Context of Food Security.

⁶⁵ Reyes, Virgilio de los; Diokno, Maria Socorro I. (2010): Right to Food Assessment Philippines – The Filipinos' Right to Food. Food and Agriculture Organization, <http://www.fao.org/docrep/016/ap598e/ap598e.pdf> [Accessed: 01.08.2016].<http://www.fao.org/docrep/016/ap598e/ap598e.pdf>

⁶⁶ Ibid.

3.2 Need for the RTFN Framework Law – Laying the Ground for the Food Framework Law in the Philippines

As mentioned above, the Philippines has no comprehensive law on food, or more specifically a National Food Framework Law. What is most needed in the Philippines is a strong RTFN approach in order to straighten out the current legal framework, which, through inefficient and unproductive measures, undermines the efforts of civil society to claim their rights and monitor State actions. Various civil society organizations (CSOs) nationwide have identified the urgent need to have clear and comprehensive policies that promote the RTFN in the Philippines. Toward this end, FIAN Philippines spearheaded the formation of the National Food Coalition (NFC) – a broad coalition of peasants, farmers, fisherfolks, urban poor, indigenous peoples, women, and the elderly. With the wide support and collaboration of NFC members, particularly representatives of the sectors that suffer most from RTFN violations, it crafted the Right to Adequate Food Framework Bill, also known as the Zero Hunger Bill. The Zero Hunger Bill makes food a matter of legal right and creates a legal framework within which hunger may be addressed progressively and the RTFN realized.

Box 4: The National Food Coalition – Broad Campaign to Support the RTFN

The NFC has taken crucial steps in creating a nationwide constituency to push for the adoption of a national food policy with the full and active participation of all stakeholders, particularly those who are most vulnerable to hunger. It has prepared the ground for a broad campaign to support the RTFN: research, wide information dissemination, and public interest and discussion around the RTFN and related issues. The rights holders, particularly peasants, farmers, indigenous groups and the urban poor, are at the forefront of the campaign and capacity building initiatives. Workshops on lobbying methods and negotiations are being conducted to strengthen their capacities. The NFC is building a network of supporters from CSOs and also reaching out to allies in local governments in demanding that legislators treat the Bill as a national priority.⁶⁷

3.2.1 The Zero Hunger Bill⁶⁸

The draft Bill adopts a rights-based approach and is founded upon human rights principles. It provides a comprehensive framework to harmonize provisions of laws related to the right to adequate food and shall also: (a) clarify the scope and content of the right to adequate food; (b) establish standards for compliance; (c) cite principles that will guide the process of realizing the right; and (d) penalize violations of the right to adequate food.

There are several salient provisions in the Bill. Section 3 defines the right to adequate food, while Section 10 targets achieving zero hunger in 10 years and increasing the area devoted to

⁶⁷ National Food Coalition (NFC). <http://righttoadequatefood.ph/>

⁶⁸ For the Senate and House versions of the Zero Hunger Bill, see <http://righttoadequatefood.ph/resources/e>

food production to 50 percent of all prime agricultural lands in every region. Section 4 stipulates that the right to adequate food shall be realized progressively and Section 6 provides for freedom from hunger, whereby every person suffering from hunger or malnutrition, or at risk of suffering from these, would be entitled to a minimum amount of food. There should also be regular, reliable and timely delivery of the minimum amount of food as stipulated in Section 15. All proposed government actions, plans and projects, including any development plan, will take into account the right to adequate food and will undergo objective impact assessments prior to their adoption and implementation in accordance with Section 11. Section 26 directs the harmonization of existing policies concerning food. The proposed law will create a Commission on the right to adequate food with an Inter-Agency Council (Sections 13–14). An Integrated Monitoring System in all government agencies at all levels will be established (Section 10). Criminal, civil and administrative penalties will be imposed on violators of the law (Sections 22–23). The proper implementation of the proposed Food Framework Law will make a major impact on poverty reduction by directly addressing hunger and extreme poverty in the country.

3.2.2 Legislative Process - Current Status of the Bill

The Zero Hunger Bill as drafted by the NFC was filed as House Bill No. 3795 at the House of Representatives and as Senate Bill No. 2137 at the Senate last year. The House and Senate bills were referred to the House Committee on Human Rights (CHR) and the Senate Committee on Justice and Human Rights, respectively.

Despite broad and persistent efforts of the NFC, the Philippine government failed to pass the proposed legislation. The first House Committee hearing on the bill was held on 27 May 2014 and the second hearing on February 17, 2015. More than 20 representatives have endorsed the bill, which has been refiled in the new Congress. The representatives of government line agencies have also indicated support while expressing some reservations about several of its provisions.

The Department of Budget and Management (DBM) has refused to support the bill, reasoning that the government is already providing funds for the poor under the 4Ps/CCT,⁶⁹ sustainable livelihood, and supplemental feeding programs. In addition, it said that there is a micronutrient supplementation program for children under five years old while food safety and quality are being ensured by the Food and Drug Administration. Furthermore, according to the DBM, creating the Commission on the Right to Adequate Food (CRAF) under the proposed law will only expand the bureaucracy and duplicate functions of the Commission on Human Rights (CHR). It also cautioned against providing the benefits envisioned by the bill because these may

⁶⁹ The Pantwid Pamilyang Pilipino Program (4Ps/CCT) is the conditional cash grants to the poorest of the poor with an aim to improve the health, nutrition, and the education of children aged 0-18. For more information, see <http://www.gov.ph/programs/conditional-cash-transfer/>

breed dependency among the people and give a disincentive for hard work which will undermine productivity.⁷⁰

The NFC has countered the DBM's opposition. The DBM views food as a resource and an object of charity, not a fundamental human right. For the NFC, the government programs cited by the DBM only mitigate and do not eradicate poverty, benefit only a certain section of the population, and their implementation depends on the goodwill and priorities of whoever is in the administration. A law, on the other hand, applies to everyone and ensures justiciability and fulfillment of the right to adequate food for all time, regardless of who is in power. Rather than being a disincentive and creating dependency, the proposed law will encourage the work force to increase productivity when they see government's determination to address the long-festered social problem of hunger and poverty. The NFC said the CRAF will not be a redundant agency because – unlike the CHR, which is focused on protection of civil and political rights – it will be concerned with the social and economic rights of citizens.⁷¹

The NFC has issued an urgent call for the immediate adoption by the Philippines of a right to adequate food framework law. On October 16, 2013, the NFC called on then President Aquino and Congress to immediately pass an right to adequate food framework law. Recognizing several implementation gaps in almost all policies pertaining to the RTFN. The United Nations Special Rapporteur on the Right to Food also recommended that the Philippines should pass the Bill.⁷²

The Senate committees that took charge of the bill – Committee on Justice and Human Rights and Committee on Finance – in the previous Congress submitted a joint report signed by 16 of the 24 senators on Sept. 15, 2015, recommending the bill's approval "without amendment."⁷³ It was ready to be signed by the other senators, but the legislators' focus had shifted to the May 9 elections and the bill was left untouched.⁷⁴

⁷⁰ Letter from Budget Secretary Florencio Abad to Rep. Guillermo A. Romarate Jr., Chairperson, House Committee on Human Rights, 14 Dec. 2015 in <https://www.facebook.com/nationalfoodcoalition/>

⁷¹ FIAN Philippines (2016). Written contribution by FIAN International – FIAN Philippines to the List of Issues for the Philippines, Committee on Economic, Social and Cultural Rights, PreSessional working group – 57 Session, Geneva March 2016, http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/PHL/INT_CESCR_ICO_PHL_23033_E.pdf; <https://www.facebook.com/nationalfoodcoalition/>

⁷² UN Human Rights Council. Report of the Special Rapporteur on the right to food on her mission to Philippines. A/HRC/31/51/Add.1. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/293/32/PDF/G1529332.pdf?OpenElement,%20p.%2017>, p. 17.

⁷³ See <http://righttoadequatefood.ph/docs/e-12>

⁷⁴ If the House and the Senate versions of the bill are passed, a conference committee composed of representatives of the two chambers will work on a final version, which will then be sent back to the congressmen and senators for final approval. Once passed, the bill goes to the president for signing into law. The president, however, can still veto the bill. If he doesn't act on it within 30 days, it will pass into law.

In conclusion, despite having some constitutional basis for the RTFN and an array of laws that cover specific aspects of this human right, the adoption of a framework law would contribute to a more effective implementation, including justiciability, and would help to solve conflicts between contradictory laws by affirming the superiority of the RTFN.

4. Assessment of the State Party's Report

On November 24, 2014, the Philippines submitted its combined fifth and sixth period reports of State parties due in 2013 to the CESCR. The State Party's report fails to provide details that relate to its compliance with its Covenant obligations under the RTFN. FIAN Philippines identified the following failures of the State Party in referencing to the lack of explicit laws on the RTFN, the inadequate implementation of the Comprehensive Agrarian Reform Law, and the assessment of the extent of social security measure implementation in contributing to the RTFN.

4.1. Failure to Mention Lack of Explicit Law on the RTFN

Despite the persistent hunger among a large number of Filipinos, the government report fails to mention that there is no Philippine statute that expressly guarantees the right to adequate food. The inclusion of the RTFN in the constitution would have given the strongest possible legal basis for the RTFN due to the superiority of a national charter. The legal basis for the right to adequate food can be found in the right to life in Article III, Section 1, of the 1987 Philippine Constitution. The Magna Carta of Women guarantees the right to food, but only for women. (See above.)

4.2. Failure to Highlight the Inadequate Implementation of the Comprehensive Agrarian Reform Law

When the landless have no alternative means to guarantee their RTFN, just and equitable land distribution becomes imperative since it ensures their access to and control over land. States shall take into account that equitable land distribution is an international human rights obligation derived from the RTFN.

The Comprehensive Agrarian Reform Law (CARL, also known as RA 6657) took effect on June 15, 1988.⁷⁵ In the CARL's Declaration of Policies and Principles, the Philippines emphasized the importance of pursuing a Comprehensive Agrarian Reform Program (CARP) to ensure the welfare of landless farmers and farmworkers so that they "will receive the highest consideration to promote social justice and to move the nation toward sound rural development and industrialization, and the establishment of owner cultivatorship of economic-size farms as the basis of Philippine agriculture."⁷⁶ As a way forward, equitable distribution of land ownership was to be undertaken to provide an opportunity for farmers and farmworkers

⁷⁵ DOJ Opinion No. 044, s.1990, see also *Junio v. Garilao*, G.R. No. 147146. July 29, 2005, wherein the court declared: "Lands already classified and identified as commercial, industrial or residential before June 15, 1988 -- the date of effectivity of the Comprehensive Agrarian Reform Law (CARL) -- are outside the coverage of this law. Therefore, they no longer need any conversion clearance from the Department of Agrarian Reform (DAR).", <http://www.lis.dar.gov.ph/documents/5445>

⁷⁶ RA 6657, Section 2; <http://www.gov.ph/downloads/1988/06jun/19880610-RA-6657-CCA.pdf>.

to enhance their quality of living, taking into consideration “just compensation for landowners and the ecological needs of the nation.”⁷⁷

The State Party’s report fails to mention that after more than two decades of implementing the CARP, land reform remains an unfulfilled promise. The deadline set by CARPER (the amendatory law that extends again the deadline of distributing agricultural lands to farmers for five years) to complete one of its key components – Land Acquisition and Distribution (LAD) – was June 30, 2014. Unfortunately, the DAR failed to meet the LAD completion target, leaving more than a million farmers still landless and impoverished. Meanwhile, farmers who have received lands still live in poverty, unable to feed themselves and their families sufficiently due to the lack of government support services to make their lands fully productive. While the State Report mentions the decision of the Supreme Court to redistribute Hacienda Luisita, the 6,000-hectare sugar plantation owned by the President Aquino’s family to sugar plantation workers and farmers, it does not report on the actual status of its land distribution. The case is exemplary of how, despite land distribution, farmers still are not “real” owners of their land and are still suffering from hunger and poverty. (For the case description of Hacienda Luisita, see pages 28-31).

Philippine agricultural policy is enunciated in RA 8435, the Agriculture and Fisheries Modernization Act (AFMA), which aims to promote industrialization and full employment based on agricultural development and agrarian reform. The AFMA also clearly provided for self-sufficiency in food staples like rice and white corn and committed state support for these objectives. However, the State Party’s report has no details on how far the AFMA has been implemented. According to FIAN’s assessment, the government is relegating the agricultural sector to the background and has forgotten the twin goals of achieving equity and agricultural productivity, leaving the marginalized sectors still hungry and impoverished.

4.3. Failure to Assess the Extent of the Implementation of Social Security Measures

The State Party’s report provides a lengthy update on wages and employment, on income generating opportunities and social protection, which are all under the food accessibility laws under the Philippine legal framework. However, there is no in-depth analysis of how these measures have had direct impact on people’s ability to feed themselves and it does not elaborate on the extent of the implementation.

The State Party’s report also incorporates the IPRA (Indigenous Peoples’ Rights Act) under this category, but it also falls short in providing the details, especially the status, effects and impact of the IPRA implementation as it does not quantify the distribution of the ancestral domains among indigenous peoples who are totally dependent on their land for food and sustenance. The IPRA recognizes the rights of indigenous peoples to their ancestral domain, water, basic services, health and infrastructure, and their rights to full ownership and control over

⁷⁷ Ibid.

indigenous seeds and other plant genetic resources.⁷⁸ As seen in the cases of the mining operations in Zambales (Box 2), mining operations “destroy the agricultural areas as well as dislocate indigenous peoples in the province”, said Elsa Novo, president of PASAMAK-L, local a people’s organization..⁷⁹

Similarly, the State Party’s report does not refer to the proposed National Land Use Act (NLUA), which is a critical avenue for food accessibility. The NLUA which attempts to address allocation of scarce land to “meet the requirements of Filipinos for food, housing, employment, and the need to protect the environment in general in view of the requirements of future generations”⁸⁰ has yet to be passed and signed into law. The State should not just recognize the existence of this law, but adopt all needed measures to ensure its implementation, giving priority to the most disadvantaged and marginalized groups, including small food producers.

⁷⁸ For the entire document of the IPRA, see <http://www.gov.ph/1997/10/29/republic-act-no-8371/>

⁷⁹ Personal interview with Elsa Novo.

⁸⁰ Senate Economic Planning Office (2013): Breaking New Ground: Enacting a National Land Use Policy (Policy Brief), <https://www.senate.gov.ph/publications/PB%202013-01%20-%20NaLUA.pdf>

5. Emblematic Cases of the Right to Food and Nutrition Violations in the Philippines

The marginalized sectors in the Philippines – peasants,⁸¹ farmers, rural workers, urban poor, indigenous peoples, fisherfolks, and factory workers – have always asserted their economic, social and cultural rights (ESCR) to be able to feed their families, send their children to school, and live in decent homes. FIAN has observed that while they try to defend or improve their sources of livelihood – their lands, fishing grounds, jobs and wages – their human rights are violated by the government and abused by non-government forces and other third parties, including landowners, mining companies, and local and foreign companies. Many leaders of labor groups, urban poor communities, indigenous peoples, peasants and fisherfolk have been arrested, charged in criminal cases, abducted or summarily killed. FIAN Philippines with the support of FIAN International has documented several cases of violations of the RTFN, and has been closely following two controversial agrarian reform cases which are highlighted below. The following cases are exemplary of how the RTFN of the marginalized groups – landless peasants and indigenous peoples are violated in the Philippines.

5.1. Hacienda Luisita

Hacienda Luisita is a 6,500-hectare sugarcane plantation formally owned by the maternal side of former President Aquino's family.⁸² It was one of the mass landholdings to be redistributed under the CARP. But instead of compulsory land acquisition, the landowner opted for the Stock Distribution Option (SDO) mode.⁸³ Under the SDO, agrarian reform beneficiaries⁸⁴ who are landless and have worked as farmworkers received shares of stock – in lieu of land – which were computed based on their number of work days.⁸⁵ Gradual conversion of large areas of the

⁸¹ FIAN's understanding of peasant is in line with the Draft UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, which defines a peasant as "(...) any woman or man who engages in—or who seeks to engage in—small-scale agricultural production for subsistence and/or for the market and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour." UN Human Rights Council. A/HRC/WG.15/3/2. Draft declaration on the rights of peasants and other people working in rural areas presented by the Chair-Rapporteur of the working group. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/046/42/PDF/G1604642.pdf?OpenElement>

⁸² FIAN International: Urgent Action - Philippines, Hacienda Luisita, available at <http://www.fian.org/get-involved/take-action/urgent-actions/urgent-action-philippines-hacienda-luisita/#c1585>

⁸³ Section 31 of the CARL gave corporate landowners the option to voluntarily transfer ownership over its agricultural landholdings either to the Republic pursuant to Section 20, or to qualified beneficiaries under terms and conditions they may agree upon, provided that it is consistent with the CARP and approved by the Department of Agrarian Reform. See. see also RA 6657, Section 31. Relevant to the discussion is: "...Upon certification by the DAR, corporations owning agricultural lands the agricultural land, actually devoted to agricultural activities, bears in relation to the company's total assets, under such terms and conditions as may be agreed upon by them. In no case shall the compensation received by the workers at the time the shares of stocks are distributed be reduced..."

⁸⁴ According to CARL, agrarian reform beneficiaries are those farmers and farmworkers who are landless irrespective of tenure arrangement.

⁸⁵ GMA News Online (2011): Supreme Court orders Hacienda Luisita to distribute land to farmers, in [gmanetwork.com, http://www.gmanetwork.com/news/story/239494/news/nation/supreme-court-orders-hacienda-luisita-to-distribute-land-to-farmers](http://www.gmanetwork.com/news/story/239494/news/nation/supreme-court-orders-hacienda-luisita-to-distribute-land-to-farmers)

hacienda for residential, commercial, and other purposes, however, reduced the size of the agricultural land. This further led to less production and person-days, lower take-home pay and eventually resulted in the retrenchment of the farmworkers.⁸⁶ The dismissed farmworkers were then removed from the payroll, and subsequently did not receive any shares of stock.⁸⁷ In December 2005 the SDO was revoked by the Presidential Agrarian Reform Council (PARC) through Resolution No. 2005-32-02. The PARC directed the DAR to redistribute the land under the compulsory acquisition scheme of the CARP. The landowner filed a petition questioning the PARC resolution in January 2006. The Supreme Court finally ruled on April 24, 2012 against Hacienda Luisita, revoking the SDO and ordering the distribution of 4,102 hectares of farmland to the farmworkers.⁸⁸ It was a landmark victory for the farmworkers and agrarian reform advocates. On February 27, 2013, the Department of Agrarian Reform (DAR) released the list of the beneficiaries and reaffirmed land distribution to 6,212 farmworkers, each to acquire a 6,600 square-meter lot. As of May 2014, 5,990 (or 96 percent) of the beneficiaries were officially installed onto the land.⁸⁹

While the majority of the farmworkers have received their land titles called Certificate of Land Ownership Award (CLOA), they are not yet in actual physical possession of the land awarded to them and thus cannot till the land and exercise their right to land and grow food to eat or to sell. There are two reasons: First, awarding land must be accompanied by adequate and timely support and extension services because agrarian reform beneficiaries often lack access to basic inputs and services, as well as skills to manage their farms and market their produce. In order to provide support services to agrarian reform beneficiaries, the DAR founded 10 Agrarian Reform Beneficiaries Organisations (ARBO) in March 2014 to serve as a recipient and channeling agent of services to the agrarian reform beneficiaries. However, the majority of farmer beneficiaries who were now legal landowners did not receive prompt and adequate extension services (e.g. credit) and infrastructure support (e.g. irrigation facilities, farming machineries/tractors) that were urgently needed. Second, without any alternative sources of livelihood and left without any options, the farmworkers rented out their lands to middlemen known as “ariendadors” and entered into informal contracts.⁹⁰ Very often “ariendadors” are influential and powerful persons (e.g. a congressman, a former high ranking government official, among others). Under this “ariendo” system, farmers rent out land for two to three years for a maximum of PhP7,000 (USD 150.54) per year as loans. The system is unjust because it takes away farmers’ control over the entire awarded landholding. The “ariendo’s” existence is tantamount to the failure of land reform since there is no real transfer of control over the land. Now, as much as 80 percent

⁸⁶ Carranza, Danilo (2004): Hacienda Luisita Massacre: A Tragedy Waiting to Happen. Agrarian Notes. 2005, Quezon City: PEACE Foundation. www.peace.net.ph. downloaded 18 May 2006.

⁸⁷ Interview, Danny Carranza. May 5, 2016.

⁸⁸ *Id.*, see generally HLI and Luisita Industrial Park vs. PARC, G.R. 171101, promulgated April 24, 2012. The decision also fixed the amount of just compensation for HLI.

⁸⁹ <http://www.dar.gov.ph/national-news/738-dar-installs-96-of-farmworker-beneficiaries-in-hacienda-luisita>

⁹⁰ CBCP News (2014): Hacienda Luisita farmers: ‘Help us resist reversal of agrarian reform’. CBCP News, <http://www.cbcnews.com/cbcnews/?p=34750>

of Hacienda Luisita lands are under the control of “ariendadors.”⁹¹ Hacienda Luisita peasants have no real access and control over their land. Their right to land is yet to be complied, thus affecting also the realization of other ESCR.

Furthermore, the Hacienda Luisita peasants cannot exercise their food sovereignty and their RTFN has not yet been realized. Lack of financial support from the government has prompted the farmers to turn to money lenders who charge high interest rates (up to 20 percent in three months).⁹² A significant portion of farmers’ earnings from their land goes to paying off their loans and interest, instead of using them as capital for the next cropping cycle. Many peasants search for additional means of livelihood – vending, driving tricycles and finding work outside the hacienda in order to provide food and other basic needs for their families. Food production for consumption is not enough and food and nutritional diversity, which determines food adequacy is thus not fulfilled. Notwithstanding this situation, the realization of the RTFN of Hacienda Luisita is nevertheless possible. One remarkable experience is the cultivation of “palay” (rice) and vegetables by some beneficiaries who belong to a farmers’ organization FARM. These peasants did not enter into the “ariendo” system. Supported by a national network of grassroots-based organization, RIGHTS Network, these farmers were provided with a loan and assisted in acquiring the means to start cultivation.⁹³ Unlike the preferred sugarcane production of the “ariendadors,” which can only be harvested once a year, rice can be grown up to two times annually. Moreover, computations using figures from the Food and Agriculture Organization,⁹⁴ farmers who have been awarded an average farm size of 6,000 square meters (0.6 hectare) could generate a net income for two crops a year of PhP 80,520 (approximately USD 1,732) instead of the PhP 7,000 (about USD 150) the “ariendadors” are paying as land rent.⁹⁵

⁹¹ Ibid.

⁹² Ibid.

⁹³ RIGHTS Network is a network of grassroots-based organizations which are located in major agrarian reform hotspots in the Philippines. Aside from playing a significant role in shaping and implementing important agrarian reform policies, its network members operate in 16 provinces where landownership concentration is most pronounced. For more information, see <http://www.rightsnetphils.org/home.htm>

⁹⁴ FAO Corporate Document Repository (No year): The Rice Business, <http://www.fao.org/docrep/x5427e/x5427e0i.htm#TopOfPage>; <http://www.cbcnews.com/cbcnews/?p=34750>

⁹⁵ CBCP News (2014): Hacienda Luisita farmers: ‘Help us resist reversal of agrarian reform’. CBCP News, <http://www.cbcnews.com/cbcnews/?p=34750>

Box 5: Hacienda Luisita peasant – Voices from the Ground

Rodger Amurao is Vice President of FARM. His family plants rice and vegetables such as eggplants, corn and ladyfingers on a rotational basis every three months. His family sells the rice – depending on the quality – to a trader for PhP 12 to PhP 14 per kilo (USD 0.25 to USD 0.30). With the support of a network of grassroots-based organizations, they apply organic fertilizers and insect repellents – made from a mix of molasses, vinegar and alcohol, or organic compost and worms. They plan to establish a piggery in the middle of the farm. Further support services are necessary, such as a tractor, to speed up and facilitate the harvesting of rice. Compared to the many farmer beneficiaries who entered the “ariendo” system, Rodger Amurao experienced a positive change since the distribution of the CLOAs in December 2013. He is able to secure food for his family and pay for the education of his children.

By guaranteeing similar support to other peasants, the government will not only comply with its obligation to fulfill the RTFN of the Hacienda Luisita beneficiaries, it will also contribute to the other peasants in making their land productive in a meaningful way to ensure their RTFN.

For landless peasants, recovering their lands and their food sovereignty is a *condition sine qua non* for the realisation of the RTFN and related rights. Genuine agrarian reform in the framework of food sovereignty must – aside from guaranteeing security of land and resource tenure – ensure full access to and control over land, as well as provide agricultural extension services and means of production (financing and training), distribution and marketing that prioritize local food production based on sustainable and culturally adequate production practices and local knowledge. In addition, agrarian reform must promote access to land for productive purposes and stop the re-concentration of land to a few people. Such a reform must take place in Hacienda Luisita. In order to fulfill the RTFN of the Hacienda Luisita peasants and their families, the Philippines government must go beyond mere land distribution, considering that the process entails a transition phase that will prepare the farmworkers to take up the challenges of land ownership and develop their newly acquired land into productive small farm holdings. Adequate and timely provision of extension services are indispensable during this transitional phase and even beyond the land redistribution phase to enable Hacienda Luisita peasants to cultivate their land in a sustainable manner and in a method that they decide in order to provide their families with adequate food and income, ultimately guaranteeing their RTFN now and in future.

5.2. Hacienda Matias

Hacienda Matias is a large estate in the town of San Francisco in the Bondoc Peninsula in Quezon province. Bondoc is a strip of land that extends from the southern part of Luzon, the main northern Philippine island. Due to inadequate government services and lack of infrastructure, many areas in Bondoc remain poor and isolated. Poverty is pervasive, especially among the landless peasants as they continue to endure long years of exploitative share tenancy system – despite its abolition under the Agricultural Land Reform Code of 1963⁹⁶ – wherein they get only 30 percent to 40 percent of the produce from the land.

Since 2004, more than 500 farmers have been petitioning for CARP coverage of 1,176 hectares of coconut farmland in Hacienda Matias.⁹⁷ The landowner retaliated by charging peasants with criminal offenses and using various forms of harassment.⁹⁸ The hacienda finally fell under CARP coverage in 2014. The landowner of the Hacienda at first filed a protest against land reform coverage, then a Petition for Exclusion of the coconut lands from the CARP, arguing that the land is devoted to livestock production and thus should be exempted from CARP coverage. Both petitions were denied by the Department of Agrarian Reform.⁹⁹ Undeterred, the landowner elevated the case to the Office of the President, which also denied the same and reaffirmed the previous decisions of the DAR.¹⁰⁰ In response, a Motion for Reconsideration was filed by the landowner in the regular court and the resolution has dragged on for years. DAR's Administration Order 7 also prevented the Department from "taking possession of the land unless the protest or exemption application has become final and executory."¹⁰¹ Adding to the troubles of the farmers, the landowner has made ingress and egress to the farmlands difficult by constructing barricades around the property. Hacienda Matias peasants and their children were forced to walk considerable distances just to go in and out of the hacienda, squeeze through holes in the wired fence, or take a hazardous boat rides to reach home.¹⁰²

⁹⁶ Republic of the Philippines (1963): Republic Act No. 3844, http://www.lawphil.net/statutes/repacts/ra1963/ra_3844_1963.html [Accessed: 01.08.2016].

⁹⁷ Republic of the Philippines (1988): Comprehensive Agrarian Reform Program, Republic Act No. 6657, Section 7. <http://www.gov.ph/downloads/1988/06jun/19880610-RA-6657-CCA.pdf> <http://www.dar.gov.ph/ra-6657-what-is-carp-comprehensive-agrarian-reform-program>. To wit: "The Department of Agrarian Reform (DAR) in coordination with the Presidential Agrarian Reform Council (PARC) shall plan and program the acquisition and distribution of all agricultural lands through a period of ten (10) years from the effectivity of this Act. Lands shall be acquired and distributed as follows: all private agricultural lands in excess of fifty (50) hectares, insofar as the excess hectareage is concerned, to implement principally the rights of farmers and regular farmworkers, who are the landless, to own directly or collectively the lands they till, which shall be distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four (4) years."

⁹⁸ RIGHTS Inc. (2014): 1,829-Hectare Hacienda Matias: Legal victory brings Land Ownership of 600 landless farmers closer to reality. Press Release, <http://www.rightsnetphils.org/matias.htm>

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Beringer, Astrud Lea; Atienza, Catherine (2015): Hacienda Matias: Taking steps towards the right to adequate food. In: Rappler, <http://www.rappler.com/move-ph/issues/hunger/100157-hacienda-matias-right-food>.

In 2014, DAR ordered the distribution of Hacienda Mathias lands to the petitioners. Of the more than 500 claimants, only 283 beneficiaries were given CLOAs covering 639 hectares; 68 of the 283 agrarian reform beneficiaries were met with landowners' harassment and needed to be formally installed on their lands. They were also prevented from bringing copra (dried coconut meat) out of hacienda and from entering the land by armed guards and other farmers who remained loyal to the hacienda owners.¹⁰³

The DAR attempted to install these 68 farmworkers twice. On May 15, 2015, with the support of more than 100 police officers and soldiers as well as personnel from several government agencies (DAR, the Department of Justice, the Department of Social Welfare and Development, among others), the installation was conducted. The resistance of goons hired by the landowner and pro-landowner farmers was so strong that they prevented the officials and Hacienda Matias peasants from entering the hacienda for several hours. Although the DAR managed to break the fence, enter a few meters into the hacienda, and install the peasants with CLOAs, it was a failed attempt to establish peace on the ground and the peasants were deeply disappointed. The manner the authorities tried to install the beneficiaries showed a lack of political will to implement the CARP and the rule of law. After a four-week protest camp in front of the DAR head office in Manila to push the fulfillment of their RTFN, the remaining 68 farmer beneficiaries who were awarded land titles in December 2014 were successfully installed in the land on July 2, 2015. The only entrance by land, a steel gate that was established by the former landowner many years ago and turned into a wall after the first failed installation attempt by the DAR on May 15, 2015, was finally dismantled. It was a historic moment for the farmer beneficiaries in Hacienda Matias.¹⁰⁴

While CLOAs were awarded to a total of 283 agrarian reform beneficiaries covering 639 hectares, there are, as of today, still four remaining lots for which the CLOAs are yet to be distributed to the outstanding farmer beneficiaries (around 340 to 400 farmer beneficiaries). Aside from the fast tracking of CLOA distribution, the peasants are demanding more security protection in the face harassment some of them are facing. Another legal battle for land ownership has also erupted: In January 2016, one of the former landowners filed a petition for cancellation of CLOAs awarded to 50 ARBs in a 101-hectare lot before the DAR Adjudication Board (DARAB) in Gumaca, Quezon. The petitioners argued they had the right to retain five hectares under Section 6 of RA 6657. The petitioners said that they were deprived of their right to choose the five hectares guaranteed to each landowner when their landholding was placed under CARP coverage. The agrarian reform beneficiaries now face the prospect of losing their CLOAs. The DAR Provincial Office, being the main respondent, has opposed the petition. It maintained that it observed the process in the implementation of CARP.¹⁰⁵ The petition was still pending as of mid-August 2016.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Case document. Petition for cancellation of CLOA.

The four remaining lots mentioned above are now officially government property as titles have been transferred to the Republic of the Philippines. Farmers on these lots are no longer obliged to pay the share they used to give to the former landowner. The DAR has explicitly reaffirmed their right to land, including harvesting of coconuts and planting of crops. The agrarian reform beneficiaries have been identified and awaiting their CLOAs. The main problems, aside from the pending decision, are continuing harassment by the former landowner against the peasants on a portion of the distributed lands and in the area for which CLOAs still have to be issued.¹⁰⁶ The peasants face the seizure of their harvest and the destruction of their crops – corn, banana, coconut seedlings, root crops and vegetables – by a few heads of cattle belonging to the former landowner.¹⁰⁷ The peasants have requested funds to buy barbed wire to protect their crops. DAR explained it is not allowed to purchase construction materials under government procurement rules. It, however, promised to send a warning letter to the former landowner and encouraged the peasants to document the incidents and file a legal complaint.¹⁰⁸ The peasants also need support services such as start-up loans to establish cooperatives and purchase livestock, seeds and farming implements (e.g. tractor).

Box 6: Hacienda Matias – Voices from the Ground

As a result of the lack of timely provision of support services, the peasants who already obtained CLOAs were forced to use their own small savings to establish a cooperative that would allow them to trade their produce for just and fair prices. They founded a cooperative through their organization, the Kilusang Magbubukid ng Bondoc Peninsula (KMBP), with the support and guidance of a network of grassroots organisations in 2015. This cooperative had 200 members as of October 2015. With a PhP 250 membership fee (USD 5.37), PhP 500 (USD 10.75) share capital and a one-time contribution of PhP 2 per kilo of harvest, the cooperative is building up its capital for trading and to establish a storage house for their harvest. The cooperative had already made several collective harvests and sold copra and whole nuts directly to oil mills in Lucena, Quezon province, and San Pablo City, in nearby Laguna province. At the same time, the peasants also initiated collectively a self-financed demonstration farm in mountainous areas to cultivate vegetables through inter-cropping. This is an attempt by the peasants to generate a fair income and to secure their livelihood. However, it is fragile and risky as it is based on their own small savings. Further support services from the government are needed in the form of start-up capital to build a storage house and acquire transportation to bring their produce to buyers, as well as farming implements and livestock.¹⁰⁹

While some have yet to receive their CLOAs and be officially installed on their land, the peasants' main means of livelihood is the collective harvesting and selling of copra. In the past, however, due to the enduring tenancy system, harassment and incomplete land distribution

¹⁰⁶ Interview, Maribel Luzara, leader of Hacienda Matias farmers, June 18, 2016.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid

process, the peasants were unable to constantly and regularly pursue their work and could not generate decent income to feed themselves and their families. During those years when they were unable to harvest their produce, peasants relied on fishing as their main source of livelihood during the fishing season. Men usually go fishing from December to March. Fish are consumed domestically or sold to traders or neighbors. Women are also involved in drying fish, which they sometimes exchange with sweet potatoes or vegetables at the closest local market in San Francisco, or save them for those days when there is no catch. Fishing, however, is not a long-term solution; during rainy seasons, the sea is too rough.¹¹⁰

The options to secure their food are limited for many of them during the rainy season. Some peasants produce charcoal (uling) or broom (walis tingting) – acquiring only a petty amount in additional income (PhP 70-80 (USD 1.5-1.7) per sack of charcoal, or PhP 21-25 (USD 0.45-0.53) for three brooms), while some go to Manila or other cities to look for jobs as domestic workers. Those who live in the mountains are able to plant some vegetables (e.g., corn, eggplant, string beans, etc.) in their backyard gardens. However, as mentioned above, the cattle of the former landlord often destroy their crops. Those who live in coastal communities can only plant moringa (malunggay). Others depend on money borrowed from loan sharks or relatives who work outside the hacienda.¹¹¹

The nutritional intake of the peasants and their families in Hacienda Matias is insufficient due to their meagre income. They eat mainly rice (mixed with corn) with soy sauce or fish (dried), bananas, canned sardines, instant noodles, and very occasionally eggs. Diversified food intake which contains necessary vitamins and minerals is not possible, and due to lack of money, a meat dish is extremely rare. Also, since the closest market is located 15 kms. away from the hacienda, many do not have money to regularly go to the market.¹¹² The only social protection scheme the peasants avail of is the feeding program at day-care centers in each sitio (a smaller part of a barangay or village). Some children receive feeding every day, while others only two to three times a week. Some peasants are also recipients of the Conditional Cash Transfer (CCT) program.¹¹³

The recognition and realization of peasants' right to land, including access to and control over land is crucial in ensuring the RTFN of rural population. By delaying the implementation of CARP due to negligence of the DAR in the past and by inaction against the prevalent share tenancy system, which was supposed to have been long abolished, the Philippine government has failed to respect, protect, and fulfill the RTFN of the Hacienda Matias peasants. This is also contrary to CARL and CARP/ER. In accordance with its human rights obligations, the government of the Philippines must immediately issue a decision denying the petition for cancellation of CLOAs in Lot 101 and fast-track CLOA distribution and installment of the farmers.

¹¹⁰ op. cit. Beringer, Astrud Lea.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

Reaffirming the fact that utilization of land is part of a peasant's identity, and thus an inalienable right of peasants, this case also exemplifies that land distribution alone cannot and does not guarantee farmers' RTFN. In order for land reform to truly bring social justice and enable landless tenant farmers to be able to feed themselves and their families adequately, accompanying support services that are provided in sufficient amounts and in a timely manner are pivotal. Non-provision of adequate and swift support services equally contributes to the violation by the Philippines Government of its obligation to fulfil the peasants' RTFN. Both access to and control over land and extension services are essential for the peasants to exercise their food sovereignty, which is also a *condition sine qua non* for the realization of their RTFN and finally for their human dignity.

In addition, by failing to protect the farmers and their families from harassment, criminalization and violence by non-state actors, the Philippine Government has violated its protect-bound obligation under the RTFN. Not only is this a violation under international law, it is also contrary to the DAR A.O. No. 7, Series 2011, Chapter 11 ("Installation of Agrarian Reform Beneficiaries on Awarded Lands"). Violent acts of the former landowner have hindered regular farm activities, thus impacting on the amount of their harvest, thereby forcing the farmers to borrow money from private money lenders who charge extremely high rate of interests, which affects their capacity to exercise food sovereignty and therefore impacts the realization of their RTFN. Furthermore, the DAR's inaction to take measures to stop the former landowner from allowing his cattle to destroy the produce of the farmers constitute likewise a breach of its protect-bound obligation under the RTFN.

5.3. Typhoon Yolanda

5.3.1. Slow provision of emergency aid

The Philippine archipelago lies in the path of destructive typhoons and sits in the Pacific Ring of Fire where earthquakes and volcanic eruptions are common, resulting in periodic disasters that cost numerous lives and exacerbate existing hunger and poverty. This was tragically dramatized in the aftermath of the November 2013 Super Typhoon Yolanda (known internationally as Haiyan), which killed more than 6,000 people, displaced over 4 million others and caused PhP 89.6 billion (USD 1.93 billion) in damages, including PhP 31.4 billion (USD 675.3 million)¹¹⁴ in infrastructure and production as well as social and cross-sectoral losses, resulting in widespread hunger and malnutrition in the affected areas. Typhoon Yolanda destroyed landholdings, killed title-holders, erased property boundaries and displaced survivors in areas where land provided not only shelter, but also livelihood. Nearly every head of family who survived has lost his/her

¹¹⁴ National Disaster Risk Reduction and Management Council (2013): NDRRMC Update. Final Report regarding effects of Typhoon "Yolanda" (Haiyan), [http://ndrrmc.gov.ph/attachments/article/1329/FINAL_REPORT_re_Effects_of_Typhoon_YOLANDA_\(HAIYAN\)_06-09NOV2013.pdf](http://ndrrmc.gov.ph/attachments/article/1329/FINAL_REPORT_re_Effects_of_Typhoon_YOLANDA_(HAIYAN)_06-09NOV2013.pdf)

means of livelihood. Thousands of people still live in temporary shelters years after the typhoon struck.¹¹⁵

On November 20, 2013, more than a week after Yolanda struck, former Social Welfare Secretary announced that relief distribution in Tacloban for the typhoon victims had been turned over to local government units. After a week, there were reports of hoarding of relief goods by several mayors and officials in different parts of Eastern Visayas, mostly in Leyte.¹¹⁶ Worse, local officials reportedly have been selectively distributing food to their political allies instead of giving it to all their constituents, denying other hungry people access to much needed food.¹¹⁷ There were also reports that some food had been thrown away at a barangay (village) garbage dumpsite because they were already spoiled or rotten.¹¹⁸ The Commission on Audit reported that “7,527 family food packs worth P2.7 million; 95,472 assorted canned goods; 81 packs of noodles; and, 21 sacks of rice went to waste due to improper handling in Yolanda devastated areas, particularly in Central and Eastern Visayas.”¹¹⁹ Food that was supposed to be distributed to victims of the typhoon was instead left to rot.

The government said about PhP 168 billion (USD 3.61 billion) will be needed to rehabilitate devastated areas. Aid also came pouring in for the survivors from local and international donors. However, the delivery of the promised help and relief seemed to move slowly. By December 2015, two years after the super typhoon hit the Philippines, the Aquino government had only completed 30.3 percent of projects and activities to rebuild affected communities.¹²⁰

¹¹⁵ Official Gazette (2015): Rehabilitation for Yolanda survivors continues, <http://www.gov.ph/2015/11/06/yolanda-rehabilitation-continues/>

¹¹⁶ Layne, Nathan and Mogato, Manuel (2013): Small-town squabbles blamed for stalling Yolanda aid, In: GMA News, <http://www.gmanetwork.com/news/story/341742/news/regions/small-town-squabbles-blamed-for-stalling-yolanda-aid#sthash.X6k5wP33.dpuf>; Dinglasan, Rouchelle R.(2013): DSWD ‘powerless’ over politicking in Yolanda relief ops, In: GMA News, <http://www.gmanetwork.com/news/story/341804/news/regions/dswd-powerless-over-politicking-in-yolanda-relief-ops#sthash.KPin91rJ.dpuf>

¹¹⁷ According to accounts of residents in Coron in northern Palawan, which was also devastated by Yolanda, the mayor allegedly set aside relief supplies for selected allies or supporters.

¹¹⁸ Hegina, Aries Josef (2014): DSWD admits P2.8M worth of relief goods for ‘Yolanda’ survivors spoiled, In: Inquirer, <http://newsinfo.inquirer.net/636419/dswd-admits-p2-8m-worth-of-relief-goods-for-yolanda-survivors-spoiled>

¹¹⁹ Layne, Nathan and Mogato, Manuel (2015): Small-town squabbles blamed for stalling Yolanda aid. In: GMA News, <http://www.gmanetwork.com/news/story/341742/news/regions/small-town-squabbles-blamed-for-stalling-yolanda-aid>; Dinglasan, Rouchelle (2015): Thousands of DSWD food packs for Yolanda relief lost to spoilage – COA. In: GMA News, <http://www.gmanetwork.com/news/story/378162/news/nation/thousands-of-dswd-food-packs-for-yolanda-relief-lost-to-spoilage-coa>

¹²⁰ Rappler (2015): Yolanda rehab: Only 30% complete as 2016 begins, In: Rappler, <http://www.rappler.com/nation/117585-yolanda-haiyan-rehabilitation-update-2015>

5.3.2. Sicogon and the Victims of Typhoon Yolanda

The confusion over land tenure following Typhoon Yolanda illustrates one of the most significant factors that turns a short-term humanitarian problem into a long-term economic plague in the affected areas. As a natural disaster inevitably changes the land and destroys documentation, there will be much confusion as to who owns what, and disputes erupt over the location of both public and private lands. This situation opens up the opportunity for land grabbing. In cases where corruption is rampant, there will be unscrupulous efforts to take advantages of the situation. From recent natural disasters are emerging signs of an age-old problem, which is fundamental to many disaster-ridden areas: lack of access to land. The typhoon providentially brought to light a simmering land dispute on Sicogon, an island in the Visayas, between residents and the family who claims ownership of most of the island.

According to the Commission of Human Rights Philippines, “Sicogon Island is being claimed by Sicogon Development Corporation (SIDEKO), and further asserted that it has title over the island. SIDEKO intends to develop the island into a tourist destination, and have initially gained support from government agencies. In order to implement their development plans, SIDEKO displaced residents from the island and deployed fully armed security group under EJS Security Agency. The residents complained that these armed men inflict human rights violations to those who would claim for tenurial security on the bases of the Comprehensive Agrarian Reform Program and free patents. The Writ of Amparo that was issued by the Court of Appeals on October 31, 2013, through the Commission’s assistance, has remained to be a valid, effective, and existing remedy in favor of the residents of Sicogon Island. Through this Writ, the government, particularly the local government officials and police in Iloilo, is mandated to observe extraordinary diligence in ensuring that the residents’ rights to life, liberty, and security are protected. With this context, the government should not wait for extralegal killings and enforced disappearances to occur.”¹²¹

Local media have reported that the above referenced corporation has been grabbing land abandoned by residents who fled in the wake of the disaster. Allegedly, the corporation had blocked about 1,300 families or about 6,000 residents from returning to their homes after the typhoon, claiming it owns the land.¹²² Sicogon residents under the Federation of Sicogon Island Farmers and Fisherfolk Association (FESIFFA), and the Save Agrarian Reform Alliance (SARA), a network of national farmers’ organizations, rural women, non-government organizations (NGOs) and agrarian reform beneficiaries, have reported the failure of the government to protect their right to land from the corporation. The family that owns the corporation said they bought 809 hectares or about 70 percent of the 1,160-hectare island in 1972 from its former

¹²¹ Commission on Human Rights (2014): Annual Report. <http://www.chr.gov.ph/MAIN%20PAGES/about%20us/PDF/2015/SDPO/2014%20Annual%20Report.pdf>. P. 19.

¹²² <http://interaksyon.com/article/101580/big-corporations-take-advantage-of-post-yolanda-rehab-harass-disaster-victims---church-official>

owners.¹²³ The residents of Sicogon complained that they were prevented by the corporation's security guards from rebuilding their houses on the land they have been living on for decades.¹²⁴ According to one online article, the family owning the corporation is denying the land grabbing charges.¹²⁵

The shelter situation was exacerbated by the post-typhoon no-dwelling/no-build zone policy of the government, which practically rendered more than 1,000 families homeless as they have been eased out of their former communities. This policy disallows residents in coastal villages, even fisherfolks, from building their homes within 40 meters from the edge of the water. In many poor, rural areas, dwellings are built close to their sources of livelihood. With no additional options, FESIFFA members established a residential camp on public forest lands in March 2014 without any support and approval from authorities.¹²⁶ The National Secretariat for Social Action, the social service arm of the Catholic Bishops Conference of the Philippines, tried to provide temporary shelter to the Yolanda/Haiyan victims, but its staff were allegedly harassed by company guards.¹²⁷ Local environment officials have also tried to stop those building their houses in the forest, saying they were violating forestry laws, but they were ignored by the people.¹²⁸

The residents say that the devastation of their homes by Typhoon Yolanda has been used by the concerned corporation as an opportunity to keep them away from their former communities.¹²⁹ A week after the typhoon, an NGO working for one of the country's biggest property developers and the corporation's partner allegedly offered two choices to the displaced peasants and fisherfolks: (a) PhP 150,000.00 (USD 3,2321) for each family that voluntarily leaves the island; or (b) move to a relocation site in Barangay Jolog, part of Estancia town in Iloilo province.¹³⁰ According to the residents, those who took the offers would be selected for employment in the resort but those who refuse to take either of the offer and decide to stay on the island would be litigated in court and receive neither cash nor lots from the property developer.¹³¹ By early May 2014, about 100 families had already accepted either

¹²³ Phil Star Global (2009): Trouble Paradise Island. In: philstarcom, <http://www.philstar.com/nation/440645/trouble-paradise-island>

¹²⁴ Focus on the Global South (2014): "Yolanda-displaced Families in Philippines Forced to Occupy Forests, Harassed by Land Developers", in <http://focusweb.org/content/yolanda-displaced-families-philippines-forced-occupy-forests-harassed-land-developers>.

¹²⁵ Trouble in Paradise, op. cit.

¹²⁶ Focus on the Global South (2014), op.ct.

¹²⁷ CBCP News (2014): NASSA exec shocked over 'disaster capitalism' in Yolanda-hit areas, In: CBCP News, <http://www.cbcnews.com/cbcnews/?p=47769>

¹²⁸ Maria Angelina M. Uson, "GRABBING THE 'CLEAN SLATE': The politics of the intersection of land grabbing, disasters and climate change – insights from a local Philippine community in the aftermath of super typhoon Haiyan," (Research Paper) Retrieved from [Erasmus University Thesis Repository, <https://thesis.eur.nl/pub/17342/> p. 29

¹²⁹ Ibid. p.24-25

¹³⁰ Ibid. p. 26-27

¹³¹ Ibid.

of the offers,¹³² but according to Commission of Human Rights Investigator Leo Sapana, there was no free, prior, and informed consent from the affected, and thus the offer was “not appropriate.”¹³³ To compound the problem, the company and several officials from the DENR have allegedly threatened to file cases against the Federation for the illegal occupation of public forest lands.¹³⁴

In June 2014, the property developer, which is also one of the governments’ corporate partners of the Yolanda rehabilitation agency, announced it had built houses for those who lost their homes at a different site.¹³⁵ Early in 2014,¹³⁶ there have been reports that this property developer was planning to redevelop the island for tourism, better than what it was in the 1970s to the 1980s. It was clear that the assistance was not intended to secure the livelihood or ensure the RTFN of the farmers, but to make headway in transforming the island into a tourist haven.¹³⁷ In fact, the property developer later confirmed that it had entered into a joint venture with the corporation.¹³⁸ The former said it is committed to the sustainable tourism development of the island and provide as many as 20,000 jobs.¹³⁹ On November 8, 2014, the National Anti-Poverty Commission (NAPC) brokered a compromise agreement between FESIFFA on one hand and the joint venture companies on the other.¹⁴⁰ Under the agreement, the joint venture will build resettlement sites for residents and provide livelihood and training projects so that the Sicogon residents could be hired in the new tourism haven. In exchange, 784 families belonging to FESIFFA will drop their agrarian reform claims to 334 hectares of agricultural land they had been seeking to acquire under CARP, part of the 809-hectare corporation property.

¹³² Panay News (2014): Sicogon Island Folks Harassed, In: Panay News, <http://www.panaynewsphilippines.com/archives/2014/05/03/sicogon-island-folks-harassed/>

¹³³ Ibid.

¹³⁴ Yolanda-Focus, supra note 120. DENR representative Salvador Manglinog Jr. stated that “Under the law, their entry there is illegal. ... Just because it's classified as public land doesn't mean they can occupy it. They cannot just occupy the area without any authority or if they did not ask permission.” The Daily Guardian (2014): Ayala to bankroll Sicogon Island Project, In: The Daily guardian, <http://www.thedailyguardian.net/local-news/39934-ayala-to-bankroll-sicogon-project>

¹³⁵ The Daily Guardian (2014): New Houses for Yolanda Victims, In: The Daily Guardian, <http://www.thedailyguardian.net/local-news/42043-new-houses-for-yolanda-victims>

¹³⁶ Ayala to bankroll, supra note 134

¹³⁷ op. cit. Maria Angelina M. Uson

¹³⁸ Agustin, Victor C (2016): COCKTALES. Ayala set to transform Sicogon island into another Boracay, In: Interaksyon, <http://interaksyon.com/business/126596/cocktales--ayala-set-to-transform-sicogon-island-into-another-boracay>

¹³⁹ Ayala (no year): Ayala Land to launch Sicogon Island tourism estate development, In <http://www.ayalaland.com.ph/2016/03/04/sicogon-island/>

¹⁴⁰ National Anti-Poverty Commission (2014): SICOGON FRAMEWORK AGREEMENT FORGED, <http://www.napc.gov.ph/articles/sicogon-framework-agreement-forged>; Business World Online (2014): Ayala-Sarrosa joint venture commits P114M for Sicogon farmers, In: Business World Online, November 19, 2014, <http://www.bworldonline.com/content.php?section=Economy&title=ayala-sarrosa-joint-venture-commits-p114m-for-sicogon-farmers&id=98132>

According to the Commission on Human Rights (CHR), a meeting was held on November 26th, 2014, between the Chairperson of the CHR, the NAPC, FESCIFFA, and the family who submitted the petition to the CHR. The developer was invited to participate, but did not send a representative. The CHR reiterated during the meeting its non-involvement in the process leading to the signing of the framework agreement. The NAPC representative acknowledged that the framework was not “perfect” and was “a work in progress.” It was also mentioned that cases and incidents that occurred prior to the formation of the joint venture are to be handled separately. No provisions were included in the framework agreement to resolve those previous incidents, especially with respect to compensation to be provided to the victims of human rights abuses by the corporation and its armed goons. The president of FESIFFA said he signed the document “due to the pressures of the moment” and without a special power of attorney executed by his members. According to him, some members have “reservations” about the agreement.¹⁴¹

The conversion of the 334 hectares from agricultural to commercial or tourism use was approved by the DAR on March 3, 2016, thus paving the way for the full implementation of the joint venture’s tourism project.¹⁴² According to onsite-investigation conducted by FIAN, basic amenities such as water supply, electricity and sanitation have not yet been finished at the relocation site in Jolog, Estancia, as of mid-August 2016. The market buildings have not yet been constructed. A school and training centers have been built but not yet functional. Most of those who opted to move to Jolog have not been completely relocated and partly reside in Sicogon continuing their fishing livelihood. They say they are being allowed by the partner developer of the corporation to stay on the island because the facilities at the relocation site are not yet finished, but they have to move out once these are completed.¹⁴³

The experience of the residents of Sicogon demonstrates the failure of the Philippine government to comply with its human rights obligations under international law “to mitigate and alleviate hunger, even in times of natural or other disasters.” [ICESCR, General Comment 12, Sec. 11 (2)]. By failing to provide immediate and sustained aid to the victims of typhoon Yolanda, to mediate and support in a timely manner to settle land disputes, and to protect them from displacement and human rights abuses, the Philippines has violated its protect and fulfillment-bound obligations under the RTFN. It has also failed to respect the Guideline 16 of the FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, which states that States should “provide food assistance to those in need” in case of natural disasters.¹⁴⁴ In this regard, however, the efforts

¹⁴¹ Commission on Human Rights, *supra* note 121, p. 19-20

¹⁴² Province of Iloilo (2016): DAR approves Sicogon conversion, <http://www.iloilo.gov.ph/dar-approves-sicogon-conversion>; Sunstar (2006): DAR approves Sicogon Island conversion, In: Sunstar, <http://www.sunstar.com.ph/iloilo/local-news/2016/03/03/dar-approves-sicogon-island-conversion-460513>

¹⁴³ According to information collected by FIAN Philippines member Lyndon Pajaro who visited the island on Aug. 6-7, 2016 and interviewed some residents.

¹⁴⁴ FAO (2005): Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, <http://www.fao.org/3/a-y7937e.pdf>, p. 29.

of the Commission on Human Rights to comply with its mandate to protect the RTFN of the Sicogon residents should be noted.

Furthermore, threatening the residents who sought refuge in public forest land with legal action by the DENR, and converting 334 hectares of land from agricultural to commercial/tourism by the DAR are clear breaches of the Philippines' respect-bound obligation under the RTFN. According to Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (the FAO Tenure Guidelines), the Guideline 24 (24.4 and 24.5) calls on States to address tenure in the emergency response phase and reaffirms that, "Legitimate tenure rights of displaced persons should also be recognized, respected and protected. Information on tenure rights and unauthorized use should be disseminated to all affected persons."¹⁴⁵ The Guideline 24.5 further mentions the need to address tenure during the reconstruction phase. It states that, "Persons who are temporarily displaced should be assisted in voluntarily, safely and with dignity returning to their place of origin. Means to resolve disputes over tenure rights should be provided. Where boundaries of parcels and other spatial units are to be re-established, this should be done consistent with the principles of consultation and participation of these Guidelines. Where people are unable to return to their place of origin, they should be permanently resettled elsewhere. Such resettlement should be negotiated with host communities to ensure that the people who are displaced are provided with secure access to alternative land, fisheries, forests and livelihoods in ways that do not jeopardize the rights and livelihoods of others."¹⁴⁶ Not only has the Philippines not respected, protected, nor fulfilled the RTFN of the Sicogon residents, it also did not act in accordance with the FAO Tenure Guidelines when it failed to recognize legitimate tenure rights of the displaced persons on Sicogon, to ensure their safe return to their places of origin, and to provide them with secure access to alternative land and livelihoods upon resettlement to Jolog, Estancia.

This national calamity has demonstrated the need for protecting the people's livelihood from such shocks and to strengthen their capacity to recover from natural or man-made catastrophes and prevent opportunists working for big landlords or land grabbers from taking advantage of disasters to advance their economic or business agenda. But more important in the long-term is for the Philippine to align its disaster response programs not just for immediate relief and rehabilitation but also to climate change mitigation policies that ensure adequate food and nutrition at all times from a human rights perspective. Super typhoons – either climate change induced or not – and other similar events highlight the degree to which food production and nutrition are compromised and undermine people's RTFN. In the Philippines, those that have been food insecure before a disaster strikes are the same ones who suffer the most from hunger and deprivation after a catastrophe. Concrete and meaningful steps must be

¹⁴⁵FAO (2012): Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>, p. 36.

¹⁴⁶ Ibid

taken early on to prevent similar crises from happening again, or at least to soften their impact, in order to save precious lives as part of the state's obligation to fulfill the RTFN.

In embarking on disaster risk reduction, the Philippine government should consider climate change mitigation from an RTFN perspective, to be more comprehensive and paying specific attention to the needs of the most marginalized sector of the population, especially landless peasants and poverty-stricken fisherfolks.¹⁴⁷ Furthermore, in accordance with FAO Tenure Guidelines, Article 24.3, the Philippines should address tenure in disaster prevention and preparedness programs by collecting information on legitimate tenure rights for areas that could be affected, and by recording legitimate tenure rights resilient to natural disasters (e.g. off-site storage of records) thus allowing rights-holders to prove their right to land. Also, the Philippines should strive to identify areas for temporary resettlement of those who could be displaced by natural disasters.

¹⁴⁷ In the sense of the term included in the draft Declaration on The Rights of Peasants and other people Working in Rural Areas. See: http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGPleasants/A-HRC-WG-15-1-2_En.pdf

6. Recommendations

Based on the above considerations, FIAN Philippines kindly requests the Committee to take into account the following recommendations during its interactive dialogue with the State and in the formulation of its Concluding Observations:

6.1. Overall Recommendation

- The State Party should make efforts to ensure the passing of the Right to Adequate Food Framework Bill commonly known as the Zero Hunger Bill now pending in Congress in line with the recommendation of the Special Rapporteur on the Right to Food and in the application of the existing international standards on this human right.
- The State Party should adopt and promptly implement a new agrarian reform law and all other essential effective administrative and judicial measures (for example enactment of House Bill 4926 and the Land Use Act) to fully complete the distribution of the lands not yet covered in the CARP, to qualified agrarian reform beneficiaries.
- In order to ensure the peasants' rights to land, the State Party should condone all the loans of the CLOA holders. Furthermore, social protection measures and support services complementary and crucial for land distribution should be provided to all agrarian reform beneficiaries to facilitate the realization of their RTFN.
- The State Party should adopt necessary measures to stop land grabbing and protect the right to land of peasants and other people working in rural areas, giving priority to the most marginalized and disadvantaged communities and persons, and ensuring women's access to and control over land. Special attention should be given to victims of crises (e.g. those in conflict areas, disasters due to typhoons and other calamities).
- The State Party must fully implement the Indigenous Peoples' Rights Act (IPRA) in recognition of the indigenous peoples' right to their ancestral domain by issuing the CADTs (Certificate of Ancestral Domain Titles) to all IP communities in the Philippines, and by enforcing these CADTs. Also, the government should review gaps, weaknesses and issues in the Guidelines on Free Prior Informed Consent (FPIC) and revise it in favor of the indigenous peoples' right to their ancestral domain.
- The State Party should implement the FAO Right to Food Guidelines, Voluntary Guidelines on the Responsible Tenure of Land, Fisheries and Forests and the Voluntary Guidelines for Securing Small-Scale Fisheries, the Agricultural Fisheries Modernization Act and the Magna Carta for Small Farmers which contribute to RTFN of peasants and fisherfolks. The State Party should make efforts to pass the proposed Land Use Act, which should be promptly implemented in line with the existing international human rights standards. The State Party should strive for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- The State Party should guarantee better coordination among different agencies of the executive branch, in line with the FAO Guidelines on the realization of the Right to Food in the context of national food security, especially those whose work relates to agriculture, food, nutrition, health, mining, water, etc. toward guaranteeing the RTFN

6.2. Specific Recommendations

6.2.1. Socio-Economic and Political Condition

- Workers should receive living wages sufficient to realize the minimum essential levels of their economic, social and cultural rights (food, water, health, housing, education) without people having to sacrifice the RTFN. Also, the living wages must be enough to cover rising prices of food that is of adequate quantity and quality. Affirmative measures should be adopted in order to eliminate gender discrimination at work and to ensure compliance with women workers' rights.
- The State Party should adopt as soon as possible policies and strategies, which ensure the access of peasants and other people working in rural areas to adequate extension services, new technologies and production practices, and access to markets. Such a policy should be adopted in consultation with peasants' movements, respect diverse food systems and be framed under the principles of agro-ecological production and food sovereignty. Womens' rights and gender balance should be reflected along the policy adoption process and in its outcome.
- The State Party should carry out human rights assessments of the efficacy of insurance-based systems and corrective measures should be adopted to ensure progressive coverage and to eliminate discriminatory practices.
- Measures should be adopted to improve regularization of informal workers, recognize labour rights of all workers and disband contractualization and penalize third parties who infringe on workers' RTFN.
- The State Party should adopt as soon as possible all measures needed to ensure that the benefits of economic growth reach the most disadvantaged and marginalized. In this sense, tax, transferences and other policies should be designed in such a way that they close social inequalities.
- The State Party should establish an effective human rights monitoring system in the implementation of the Conditional Cash Transfer (CCT) and other social transfer programs in order to ensure their coherence with the State's human rights obligations and principles. In cases in which corruption is identified, the state should investigate, judge and impose due punishments to stop corruption and impunity and ensure that the realization of the RTFN is not undermined.
- The State Party should adopt effective measures to stop extrajudicial killings of human rights defenders. Should they occur, there must be a full, independent and timely investigation and the perpetrators must be duly sanctioned. The State Party should consider adopting all needed measures for the criminalization of human rights violations and the impunity of the perpetrators.

6.2.2. The right to Land and the Agrarian Reform Cases: Hacienda Luisita and Hacienda Matias

- In the cases of Hacienda Luisita and Hacienda Matias, the State Party should fulfill the right to land and the RTFN through fast-track CLOA distribution and CARP coverage if there are remaining lands yet to be distributed. In addition, the required support (agricultural extension, credit, transfer of technology, market linkage, etc.) must be provided equally and without any delay to all the ARBs.
- In the case of Hacienda Luisita, the State Party should furthermore take all possible measures to invalidate the prevailing “ariendo” system and punish non-state actors infringing upon peasants’ rights through this and similar mechanisms. This can be done by retaking the lands and re-awarding the same to the ARBs, without affecting those ARBs who have maintained the awarded land. The State Party must equally guarantee that ARBs have sufficient and essential support to be organized.
- In the case of Hacienda Matias, the State Party should take all possible measures to deny the cancellation of the CLOAs for Lot 101. In addition, the State Party should also provide adequate measures to ensure security of the peasants and to put a stop to their harassment. The cattle of the former landowner must also be removed.

6.2.3. Effects of Climate Change: Typhoon Yolanda Case

- The State Party should adopt all needed measures to protect people’s livelihood from natural catastrophes, including those caused by the impact of climate change, in order to ensure the realization of their RTFN. In complying with its obligation to fulfill, the State Party should adopt as soon as possible all effective measures to increase people’s capacity to recover from natural or man-made catastrophes, and to adapt to and mitigate climate change. Existing adaptation and mitigation practices developed by the affected communities should be supported and taken as an example on how to face the impacts of climate change. Priority should be given to the protection of the human rights of the most disadvantaged and marginalized groups – peasants and other people working in rural areas, indigenous peoples, women, children, the elderly, and persons with disabilities.
- In the case of the Sicogon, the State Party must comply with its obligation to protect the victims of the catastrophe from the abuses of big landlords and/or land grabbers. Regulation, monitoring, investigation, sanction and remedies should be guaranteed by the State Party in this specific case, in order to protect the RTFN, right to land and other related rights of the affected peasants’ and fisherfolks’ communities. The State Party should apply the Voluntary Guidelines on the Responsible Governance of Land, Forests and Fisheries and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, which include proper guidance on how states could react in such cases, in compliance with its obligations under the RTFN.



Annex

THE RIGHT TO FOOD AND NUTRITION IN THE PHILIPPINES **Submitted by FIAN Philippines, June 2016**

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

List of Acronyms

| | |
|--------|--|
| ADB | Asian Development Bank |
| ARB | Agrarian Reform Beneficiary |
| CADC/T | Certificate of Ancestral Domain Claim/Title |
| CARL | Comprehensive Agrarian Reform Law |
| CARP | Comprehensive Agrarian Reform Program |
| CARPER | Comprehensive Agrarian Reform Program Extension with Reforms |
| CED | Chronic Energy Deficiency |
| CEDAW | Convention on the Elimination of All forms of Discrimination against Women |
| CLOA | Certificate of Land Ownership Award |
| CRC | Convention on the Rights of the Child |
| DAR | Department of Agrarian Reform |
| DENR | Department of Environment and Natural Resources |
| EP | Emancipation Patent |
| FNRI | Food and Nutrition Research Institute |
| GAA | General Appropriations Act |
| ICESCR | International Covenant on Economic, Social, and Cultural Rights |
| ILO | International Labour Organization |
| IP | Indigenous Peoples |
| IPRA | Indigenous Peoples Rights Act |
| KMBP | Kilusang Magbubukid of Bondoc Peninsula |
| KP | Kalusugan Pangkalahatan |
| MCW | Magna Carta of Women |
| MDG | Millennium Development Goal |
| NDHS | National Demographic and Health Survey |
| RPRH | Reproductive Health and Responsible Parenthood Act |
| RTAF | Right to Adequate Food |
| RTFN | Right to Food and Nutrition |
| SWS | Social Weather Station |
| VAD | Vitamin A Deficiency |

Established in 1999, FIAN Philippines is a section of FIAN International, a human rights organization that works for the world-wide implementation of the right to food and nutrition (RTFN). Aside from playing a major role in spearheading the national campaign for the Right to Adequate Food Bill, rural woman, women's rights and agrarian reform have been FIAN Philippines' major foci during the last decade. Drawing on extensive studies on women's RTFN, secondary data, official statistics, interviews, experiences and case stories collected by FIAN Philippines, this report highlights the importance of achieving women's RTFN towards the full realization and enjoyment of women's rights and a life with dignity.

1. HUNGER AND MALNUTRITION AMONG WOMEN IN THE PHILIPPINES

Hunger continues to persist in the Philippines despite claims by the government that over the past 15 years (1990-2015) it had met the Millennium Development Goal (MDG) 1 target of halving the proportion of undernourished population¹. The fact remains that many Filipinos still lack enough food to eat. An estimated 2.6 million families (or 13 million individuals) experienced hunger in the last quarter of 2015, half of them women.² Ironically, while women struggle daily to feed their families, they are the most vulnerable to hunger. In 2015, the monthly food threshold, or the amount needed to buy the basic food necessities, was 6,365 PHP (equivalent to about 136 USD) for a family of five, but one out of 10 Filipino families had an income lower than the food threshold.³ The Social Weather Stations (SWS) found in the Fourth Quarter 2015 Survey that 11.7% or an estimated 2.6 million families experience involuntary hunger at least once in the past three months.⁴

According to the latest (2013) National Nutrition Survey of the Food and Nutrition Research Institute (FNRI), 10% of Filipino adults have Chronic Energy Deficiency (CED). CED is the most widespread nutritional deficiency and it is said to be more prevalent among women.⁵ Although the survey showed a decreasing trend in iron deficiency disorder, or anemia prevalence among Filipinos, the most alarming of the micronutrient deficiencies is still ubiquitous among pregnant and lactating mothers (moderate) and infants (highest).⁶ The survey also reported that due to poor maternal health, 24.8% of pregnant women are nutritionally-at-risk, particularly underweight lactating mothers with a minor increase from 11.9% in 2011 to 12.5% in 2013.⁷ The 8th National Nutrition Survey (2013) recorded 30.3% of children between 0 to 5 years old are stunted, while two out of 10 children in the same age group are underweight.⁸ In Southeast Asia, the Philippines and Lao PDR have the highest prevalence of Vitamin A Deficiency (VAD) among children.⁹

Women and children suffer most from hunger and malnutrition in the Philippines. However, women are more likely to go hungry due to unequal access to education, employment, resources and social services. Women are often relegated to domestic roles and sacrifice their food intake for the sake of the well-being of other family members. Furthermore, hunger is more prevalent in rural areas due to low rural incomes (regardless of whether a farmer or farm worker), lack of access to productive resources and vulnerability of the sector to various shocks related to climate and

¹ FAO (2015): Regional Overview of Food Insecurity in Asia and the Pacific. Towards a Food Secure Asia and the Pacific. Bangkok: FAO, <http://www.fao.org/3/a-i4624e.pdf> [Accessed: 14.05.2016].

² See Social Weather Survey (2015): Fourth Quarter 2015 Social Weather Survey: Hunger falls to 11.7% of families; Moderate Hunger 8.9%, Severe Hunger 2.8%, [https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20\(media%20release\).pdf](https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20(media%20release).pdf) [Accessed: 12.05.2016]. According to the latest (2010) official Census of Population and Housing (CPH), women constitute 49.6% of the total individual population. See Philippine Commission on Women (2014): Factsheet Women and Men, 3, http://pcw.gov.ph/sites/default/files/documents/resources/factsheets_filipino_women_men_201402.pdf [Accessed: 12.05.2016].

³ National Anti-Poverty Commission (2015), <http://www.napc.gov.ph/tags/food-threshold> [Accessed: 12.05.2016].

⁴ See Social Weather Survey (2015): Fourth Quarter 2015 Social Weather Survey: Hunger falls to 11.7% of families; Moderate Hunger 8.9%, Severe Hunger 2.8%, [https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20\(media%20release\).pdf](https://www.sws.org.ph/pr20160113%20-%20Hunger%20in%20families%20(media%20release).pdf) [Accessed: 12.05.2016].

⁵ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 14.05.2016].

⁶ Ibid.

⁷ Ibid.

⁸ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, 11-15 <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 15.05.2016].

⁹ FAO (2015): Regional Overview of Food Insecurity in Asia and the Pacific. Towards a Food Secure Asia and the Pacific. Bangkok: FAO, 26, <http://www.fao.org/3/a-i4624e.pdf> [Accessed: 15.05.2016].

diseases.¹⁰ As women make up half of the rural population, poverty among women is increasing and their vulnerability to hunger and health risks rises.¹¹

2. LEGAL FRAMEWORK OF THE RIGHT TO FOOD AND NUTRITION (RTFN)

The right to food and nutrition (hereafter RTFN) acknowledged in Article 24 and its accompanying General Recommendation 24, as well as in the General Recommendation 34 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) is a basic human right of both men and women. This fundamental human right is also recognized in an array of several international human rights laws, as follows- Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 12 of the CEDAW, as well as Article 24 of the Convention on the Rights of the Child (CRC). The Philippines is a state party to all these human rights instruments and is thus obliged under international law to respect, protect, and fulfill the RTFN of women in the Philippines.

The General Recommendation 34 on the Rights of Rural Women defines the RTFN in a holistic manner, in line with the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Paragraph 65) and within the framework of food sovereignty (Paragraph 64). The full realization of the RTFN within the framework of food sovereignty – as referred to in the General Recommendation 34 on the Rights of Rural Women – can only be achieved when the highest possible level of nutritional well-being is attained, when women's rights and their rights to sovereignty over natural resources, development and food are fully respected, and when indivisibility, interdependency, and interrelatedness of the RTFN and related human rights are ensured. It is a right to be able to feed oneself in dignity, to decide what to produce, when and how. Food must be available, adequate, accessible, and sustainable; it must be diversified, safe, contribute to balanced diets, based on local fresh produce which is agro-ecologically produced, and prepared according to cultural practices. Structural causes of hunger and malnutrition must be addressed throughout the entire food systems – from food production (access, control, management and ownership of land, seeds, forests, and water bodies), food processing, food distribution, to food consumption. Breastfeeding that is essential for the RTFN of infants and small children must equally be guaranteed. The RTFN is intrinsically linked to a number of other human rights, such as the human right to work, the human right to health, and the human right to land. The full implementation of the RTFN goes hand in hand with guaranteeing access and control over productive resources, living wages, social protection, and respect for human rights principles such as participation, accountability, non-discrimination, transparency, and human dignity.

While the RTFN is not explicitly recognized in the 1987 Constitution of the Philippines (hereafter Constitution), several provisions of the Constitution contribute to the realization of the RTF. Article III, Section 1, on the right to life implicitly recognize the RTFN, and Article XIII, Sections 4-6, which promotes agrarian reform¹² guarantees the land rights and access to resources of the peasants implicitly recognize the right to adequate food and nutrition. Currently, a right to food bill – which guarantees the RTFN of all Filipinos and aims to achieve zero-hunger in 10 years – is pending in Congress.¹³ The Magna Carta of Women (MCW), or Republic Act 9710, enacted in 2009 explicitly guarantees women's right to food and the right to food production resources. It recognizes the contribution of women to food production and the importance of the active participation of women in ensuring food sustainability and sufficiency (Sec. 20).¹⁴ The MCW further calls for equal status to be given to women and men – regardless of marital status – in land titling and in the issuance of stewardship contracts. It guarantees equal rights and access in availing support services as provided for in agrarian reform laws. It also guarantees related rights such as the women's

¹⁰ FOCUS (2015): Right to Food and Food Sovereignty in the Philippines: What the Numbers Say, Briefing, 23 February, <http://focusweb.org/content/right-food-and-food-security-philippines-what-numbers-say> [Accessed: 04.06.2016].

¹¹ See ADB (2013): Gender Equality and Food Security, Women's Empowerment as a Tool against Hunger. Mandaluyong City: Asian Development Bank, <http://www.fao.org/wairdocs/ar259e/ar259e.pdf> [Accessed: 03.06.2016].

¹² The 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

¹³ Senate Bill 2137. An Act Providing a Framework for the Right to Adequate Food, http://www.senate.gov.ph/lis/bill_res.aspx?congress=16&q=SBN-2137 [Accessed: 15.05.2016].

¹⁴ Republic Act No. 9710. An Act Providing for the Magna Carta of Women, http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html [Accessed: 15.05.2016].

right to health (Sec. 17), thereby ensuring comprehensive health services covering all stages of women's life cycle, as well as the right to decent work (Sec. 22).

3. SITUATION OF WOMEN IN THE PHILIPPINES IN THE CONTEXT OF THE RIGHT TO ADEQUATE FOOD AND NUTRITION

3.1 CEDAW ARTICLE 11 – Right to Work

The right to decent work and wages is fundamental for the realization of the RTFN and forms an inseparable and inherent part of human dignity. Women in the Philippines play an important role in ensuring food for their families. Any gender-based discrimination in relation to the right to work has considerable consequences on asserting women's rights in general, and their RTFN in particular.

3.1.1. Legal framework

In the Philippines, the right to employment and livelihood is guaranteed through the ratification of a number of international conventions (e.g. ILO conventions on the Equal Remuneration [C100] and Discrimination [Employment and Occupation] C111).¹⁵ The Constitution affirms equality between men and women¹⁶ and the full assertion of the right to work for women is guaranteed in Sec. 22, the Right to Decent Work in the MCW, and the Act Instituting Policies for the Protection and Welfare of Domestic Workers 2013 (known as Batas Kasambahay). Batas Kasambahay safeguards the working conditions of household domestic workers, most of whom are women, and ensures they are paid at least the minimum wage.

Despite existence of the afore-mentioned gender-sensitive laws, operationalization through concrete actions that result in actual gender equality is yet to be seen.¹⁷ In wage employment in the non-agricultural sector, despite women outnumbering men at the tertiary level¹⁸, women earn only 60% of what their male counterparts are paid and the employment rate for women (46.7%)¹⁹ is significantly lower than men. Gender discrimination is prevalent in many institutions as men are often still preferred for hiring, particularly for higher paying jobs. Apart from this, cultural and social pressures prevent educated women from prioritizing a professional career over the family.

3.1.2. Urban sector

Women also make up most of the urban informal sector²⁰. In order to stretch the family income, women look for every possible means to earn and contribute to the nutritional well-being of their families. They work as sidewalk vendors, peddlers, sari-sari store operators, launderers/pressers, and domestic helpers, or workers in small-scale industries. These female workers are not accounted for in labor force statistics and are largely unrecognized, unprotected and underpaid.²¹ Women in the informal sector are also at high risk in times of illness, disability, work injury, maternity, unemployment and old age.²²

¹⁵ See ILO (1951; 1958), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102970 [Accessed: 11.05.2016].

¹⁶ The 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

¹⁷ See ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> [Accessed: 17.05.2016].

¹⁸ Philippine Commission on Women (2014): Statistics on Filipino women and men's labor and employment, <http://www.pcw.gov.ph/statistics/201405/statistics-filipino-women-and-mens-labor-and-employment> [Accessed: 12.05.2016].

¹⁹ ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, 9, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> [Accessed: 17.05.2016].

²⁰ The Philippine informal sector accounted for 61 percent of the country's Gross Domestic Product (GDP) in 2006, representing almost 4 billion PHP income: Philippine Commission on Women (2013): Magna Carta of Workers in the Informal Economy. Policy Brief, No. 1, August, http://pcw.gov.ph/sites/default/files/documents/laws/wpla/2013/October/webmaster/magna_carta_workers_informal_economy.pdf [Accessed 03.06.2016].

²¹ Miclat-Teves, Aurea G. (2011): Introduction: Overview of the Philippine Women's Movement. In: Voices of Women on the Right to Adequate Food in the Philippines. Quezon City: FIAN Philippines, 9.

²² See Philippine Commission on Women (2013): Magna Carta of Workers in the Informal Economy. Policy Brief, No. 1, August, http://pcw.gov.ph/sites/default/files/documents/laws/wpla/2013/October/webmaster/magna_carta_workers_informal_economy.pdf [Accessed 03.06.2016].

CASE STUDY I

Urban Poor Women's Access to Livelihoods and their Right to Food and Nutrition: The case of women in North Bay Boulevard South in the City of Navotas²³

Having adequate income to sustain the families' well-being and ensure their RTFN are prerequisites for many urban poor families, also for women. Navotas is a highly urbanized city in Metro Manila. It is also home to many informal settlers, most of whom reside near the Navotas fish port, which provides their primary source of daily income. Women and girls of the surrounding communities, particularly in North Bay, are mostly wives and children of fish port workers or "batilyos". A batilyo is a seasonal worker who usually earns about PHP100 to 300 (equivalent to about USD 2.15 to 6.45) for six hours of work at the fish port. If there are no fish landings, batilyos have no work and receive no pay. The income of the batilyos is too meagre to cover the families' food requirements, children's education and other basic needs.

Most of the women are plain housewives. In order to support and contribute to their family's income, some engage in a variety of livelihood activities, such as maintaining neighborhood variety stores, working as ambulant vendors at the fish port, part-time worker at local sardine factories or hire themselves out as household helpers or baby sitters at the adjacent barangay or well-off families within the barangay. However, their work only provides irregular income with daily or weekly wages. In sardine factories, for example, the average wage of women is PHP 400 (USD 8) a day, depending on the amount of fish available. This is below the national wage for workers in the non-agricultural sector in Metro Manila (National Capital Region).²⁴

Aside from engaging in irregular jobs, women also need to attend to unpaid reproductive work. Women carry a heavier burden and oftentimes work night shifts at the port or at sardine factories and take care of the household and children during the day. The absence of child care services as well as the lack of access to education, training and credit limits the job opportunities for women. Most of the women in the community only finished secondary education.

During lean months, men look for alternative jobs. If they are unable to do so, it is usually the women who become responsible for the family's survival. This affects food consumption. Instead of three meals a day, they are compelled to eat only once or twice a day. In the worst situations, some wives resort to occasional prostitution just to earn money to provide for their families' needs, mostly food. Lack of adequate income results in lack of food for women because they often reduce their food intake in favor of other family members. This affects their mental and physical health, and undermines their RTFN. Moreover, several incidents of domestic violence have been reported against women due to poverty and connected emotional frustration of men.

3.1.3. Agricultural sector

In the agricultural sector, although it is the second largest sector which employs around one third of women (28, 16 %), women have been historically underrepresented; they are underrepresented among wage and salary workers, but overrepresented in the unpaid family worker category. Even among paid workers, women earn less than men.²⁵ Women are more often responsible for subsistence crops and lack access to cash crops, leading to lower income. Also, only a few female farmers have access to high-quality inputs, credit, or information on farming techniques and markets. In addition, women in the Philippines – both urban and rural – have primary responsibility for household and child care – unpaid domestic labor – which has a higher total work burden when compared to men.²⁶ This arrangement constrains women's participation in paid work. Isolating women to domestic roles not only compromises their economic independence, but also their autonomy over deciding for their lives – decisions such as what to eat and when, and when to have children and how many. High fertility rates also push the higher demand for women's unpaid labor, particularly due to poor provision concerning child care services. According to the Philippines Commission on Women, over half of unpaid family members (account for 2.4 million) were women in 2014.²⁷

²³ Briola, Catherine A. (2011): Case Study III: Urban Poor Women and the Right to Adequate Food. In: Voices of Women on the Right to Adequate Food in the Philippines. Quezon City: FIAN Philippines, 38-49.

²⁴ Tubadeza, Kathryn Mae; Rosero, Earl Victor (2015): New Metro Manila P481 minimum pay far from P1,088 family living wage – IBON Foundation. In: GMA News Online, March 19, <http://www.gmanetwork.com/news/story/455590/money/new-metro-manila-p481-minimum-pay-far-from-p1-088-family-living-wage-ibon-foundation#sthash.ji3h9qN6.dpuf> [Accessed: 01.06.2016].

²⁵ Valientes, R. M. (2007): Sectoral and occupational sex segregation in the Philippine labor market 2001-2005. In: Journal of Global Business & Trade, 3:2, 101 – 134.

²⁶ Women spend 84% of their total household time on child care. See ADB (2013): Gender Equality in the Labor Market in the Philippines. Mandaluyong City: Asian Development Bank, <http://www.adb.org/sites/default/files/publication/31194/gender-equality-labor-market-philippines.pdf> p. 11 [Accessed: 17.05.2016].

²⁷ Ibid.

Overall, women in the Philippines are subject to less paid work or unpaid domestic work; their work is often unprotected and women carry the additional burden of household and child care. In addition, they are exposed to pervasive discrimination which includes lack of social protection simply due to less access and opportunities to take on formal wage employment.²⁸

3.2 CEDAW ARTICLE 12 – Access to Health Care and Nutrition

The right to health is intrinsically linked to RTFN. The right to health is not only confined to access to adequate and affordable health care, but to a wide range of socioeconomic factors that promote conditions for people to lead a healthy life. This extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment. These determinants are as essential to the realization of the RTFN as nutrition. Women who suffer unequal access to basic health facilities and reproductive health services are often also those who are deprived of nutritious diets, denied clean drinking water and sanitation, and also face deplorable living and working conditions.

3.2.1. *Legal framework*

Several provisions of the Constitution (e.g. Article II/Section 15 and Article XIII/Sections 11 to 14) guarantee the right to health and the welfare of women. The National Objectives for Health (2011-2016) set all the health program goals toward the achievement of universal health care (“Kalusugan Pangkalahatan”- KP) and Reproductive Health and Responsible Parenthood Act (RPRH Law) enacted in 2013 integrates sexual and reproductive health and rights education in the primary and secondary school curricula, as well as in courses offered in higher educational institutions.²⁹ Despite such efforts, a holistic understanding of the intrinsic links between health, nutrition, food, socio-economic status and gender is missing. This situation will impact upon the RTFN of women in the Philippines.

3.2.2. *Access to health care*

Access to modern health care is denied to many rural women and Indigenous Peoples (IP) living in remote areas due to lack of available health personnel, services and facilities, lack of financial means to pay for treatment and transportation to health centers, and also due to prevailing social norms and patriarchal attitudes³⁰. These health centers are more easily found in urban than rural areas and often expensive as they are private³¹, forcing people to rely on local or traditional healers, thereby exposing mothers and children to increased infant and maternal health risks. In general, IPs have high infant and maternal mortality rates, for example, the Aetas of Mount Pinatubo and the Lumads of Mindanao.³²

3.2.3. *Access to sexual and reproductive health*

An additional concern that impacts women’s rights and their RTFN relates to abortion. The National Demographic and Health Survey (NDHS) reports that 25% of Filipino women start to engage in sex before 18. Lack of access to comprehensive sex education and contraceptive supplies increases the risk of unintended teen pregnancy. This situation exacerbates the already precarious situation of these pregnant women as the young women’s growing bodies compete with their fetus’ development with dire results for both. About 2 million Filipino girls and women had unintended pregnancy in 2008.³³ This was primarily due to women’s limited access to reproductive health services, supported by the strong opposition of various powerful segments of Filipino society, in particular, the Catholic Church.

²⁸ Ibid.

²⁹ CEDAW (2016): List of issues and questions in relation to the combined seventh and eighth periodic reports of the Philippines, 16, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1019&Lang=en [Accessed 13.05.2016].

³⁰ CEDAW (2016): General recommendation No. 34 on the rights of rural women, 10, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

³¹ Cariño, Joji (2005): Indigenous Peoples, Human Rights and Poverty. In: Indigenous Perspectives, No. 3:1, 36-39.

³² Cariño, Jacqueline K (2012): Country Technical Note of Indigenous Peoples’ Issues. Republic of the Philippines. IFAD/AIPP, 8, <https://www.ifad.org/documents/10180/0c348367-f9e9-42ec-89e9-3ddb5a14ac> [Accessed: 15.05.2016].

³³ Hussain, Rubina; Finer, Lawrence B. (2013): Unintended Pregnancy and Abortion in the Philippines: context and consequences, In Brief, No.3. New York: Guttmacher Institute, <http://www.guttmacher.org/pubs/IB-unintendedpregnancy-philippines.pdf> [Accessed: 12.05.2016].

Although contraception is legal in the Philippines, the state's support to make modern contraceptives accessible to women is weak, leading to illegal abortions which are often performed in unsanitary conditions and using outdated techniques.³⁴ As a result, women undergo unsafe abortions, putting their health and lives at high risk. Around 1,000 women and girls die from illegal abortion complications, contributing to the national high maternal mortality ratio, while annually tens of thousands of women are hospitalized for complications from unsafe abortion.³⁵ Unsafe abortions do not only incur significant direct costs to women and girls. During recovery, women and girls are unable to attend school, sustain their livelihood, and care for their families, impairing their and their families' ability to feed themselves.

3.2.4. Malnutrition among pregnant women

In 2013, the FNRI reported that one out of four pregnant women (24.8%) was nutritionally at risk³⁶. This has an implication on mothers as well as the fetus since many determinants of fetal growth are set before conception. The poor nutritional state of a woman at the start of her pregnancy diminishes her ability to meet the demands of her fetus and her baby because of inadequate dietary intake and nutrient reserves. Since malnourished mothers have little reserves in storage, they are not able to supply a range of nutrients necessary for fetus. While the importance of maternal health has gained more attention, women are often prevented from accessing health care not only due to the lack of information and their distance from health facilities, but also because of social norms and patriarchal practices.

CASE STUDY II

Indigenous Women's Access to Health and Nutrition and their Right to Food and Nutrition: The case of Aeta Women of Belbel, Eastern Barangay, Botolan, Zambales

Belbel, Eastern Barangay, is a remote Indigenous Peoples' community with about 55 households. Aside from attending to household chores and taking care of the family, women help their husbands harvest crops for sustenance. Sometimes traders buy their products at very low prices, for example PHP 50 (USD 1.08) for one sack (around 30 pieces) of banana blossoms ("puso ng saging"). Often, they walk for eight hours from Belbel to the neighboring town of Botolan where they can sell their products, like banana blossoms, at a higher price – PHP 10 to 15 (USD 0.22 to 0.32) per kilo and PHP 10 (USD 0.22) per kilo of sweet potato. For transportation, they pay PHP 150 (USD 3.24) per sack to bring their produce to town on "kariton" (water buffalo led carriage).

Aside from the economic burden, women are especially affected by health problems. There is no health center available, so pregnant women cannot regularly avail of pre- and post-natal check-ups unless they go to the town center or when there are medical missions by civic groups. Children do not get regular immunization, resulting in a high rate of child mortality. For treatment of common illnesses they often rely on traditional healers and herbal medicines. Illiteracy and lack of awareness and information about family planning and contraceptives are the reasons why there is a high fertility rate, with families having 5 to 10 children. Moreover, women have a weak voice in decision-making concerning reproductive health, and men often decides on the use of contraceptives. Limited food supply, especially for a big family, leaves women hungry. In most cases, men eat first, then then children, and the women last, oftentimes only the very small amount of whatever that is left.

Lack of access to adequate health care, compounded by gender discrimination, lack of adequate income and high fertility rate and the related burden of time indigenous women spend for production, leave the Aeta women suffering from malnutrition.

3.3 CEDAW ARTICLE 14 – Access to Productive Resources (Rural Women)

Rural women who account for around 60% of total female population in the Philippines play a vital role in securing their own and their families' food and nutritional well-being. For the rural population and Indigenous Peoples, fulfillment of their RTFN (both physical and economic access) depends essentially on their access to and control over

³⁴ Abortion is illegal in the Philippines and is a criminal offense punishable up to 6 years in prison for doctors and midwives who perform abortions.

³⁵ Hussain, Rubina; Finer, Lawrence B. (2013): Unintended Pregnancy and Abortion in the Philippines: context and consequences, In Brief, No.3. New York: Guttmacher Institute, <http://www.guttmacher.org/pubs/IB-unintendedpregnancy-philippines.pdf> [Accessed: 12.05.2016].

³⁶ FNRI-DOST (2013): 2nd National Nutrition Summit. 8th National Nutrition Survey. Food and Nutrition Research Institute, Department of Health, 5, <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey> [Accessed: 15.05.2016].

natural resources such as land, water, forests, pasture, and fish ponds. It should also be highlighted that the right of rural women to decent work as well as their right to social protection are equally crucial in the fulfillment of their human rights, especially in light of their RTFN and therefore must be guaranteed. These rights are emphasized in General Recommendation 34 (for ex. paragraphs 50 and 52 (d, e, f, h)), which call on state parties to fully incorporate the right to decent working conditions, to guarantee equal pay for equal work, to protect occupational health and safety of rural women, and to provide social security to women as well as child care.

3.3.1. Legal framework

Several acts and laws guarantee equal rights of women and men in land ownership, land transactions, equal rights to legally married and common law spouses, and gender-sensitive alternative dispute resolution mechanism. These are the Constitution³⁷, the MCW³⁸ and the Comprehensive Agrarian Reform Law/Program (CARL/CARP of 1988) and CARP Extension with Reforms (CARPER of 2009).³⁹ CARP promotes equal opportunities for women and men to become agrarian reform beneficiaries (ARB) and guarantee equal right to ownership of land, and equal share of the farm's produce to all qualified women members of the agricultural labor force.⁴⁰ In addition, for married and common law spouses, Certificate of Land Ownership Award (CLOA) and Emancipation Patent (EP) are placed in the names of both spouses.⁴¹ Also, gender bias that discriminated woman in land rights was virtually removed by the enactment of the Department of Environment and Natural Resources (DENR) Administrative Order 2002-13, ending the previous law which allowed women to apply for a homestead patent only if her husband passed away, or has suffered from disease or mental illness, or was imprisoned. The Indigenous Peoples Rights Act of 1997 (IPRA) – although not fully elaborated – also specifically mentions women's land rights.

CEDAW's General Recommendation 34 on the Rights of Rural Women explicitly recognizes "rural women's rights to land, natural resources, including water, seeds, forestry, as well as fisheries, as fundamental human rights" (paragraph 56) and calls on State parties to ensure that "disadvantaged and marginalized groups of rural women (...) are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation, health care, etc. (...)" (paragraph 15). Similarly, paragraph 59 also calls on state parties to protect rural women's rights to natural resources under customary institutions and more explicitly, to ensure indigenous women's equal access.

3.3.2. Access to natural resources

Notwithstanding these statutes, rural women are still discriminated against and denied access to natural resources essential for guaranteeing their RTFN. The national agrarian reform program (CARP – later CARPER) has been male-biased⁴², making men the primary owners of land. In fact, many argue that the CARP itself disadvantaged women as they are mostly seasonal farm workers and are hence ranked third in the prioritization for land distribution.⁴³ Statistics on agrarian reform implementation show that rural women in the Philippines own less land in their own name than men. Figures from the Department of Agrarian Reform (DAR) in 2012 show that out of a total 2.3 million agrarian

³⁷ The Philippine Constitution recognizes fundamental equality before the law of women and men. Furthermore, it does not explicitly recognize the right to food but may be inferred from Section 9, Article II in relation to Section 1, Article XII, which mandates policies focused on improving the quality of life for all: see the 1987 Constitution of the Republic of the Philippines, <http://www.gov.ph/constitutions/1987-constitution/> [Accessed: 11.05.2016].

³⁸ The MCW promotes equal status of women and men, whether married or not, in land titling and their equal rights to use and manage land, water and other natural resources, in particular in Chapter V, Section 20: See Republic Act No. 9710. An Act Providing for the Magna Carta of Women, http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html [Accessed: 15.05.2016].

³⁹ Key related provisions include: RA 6657, Chapter X, Section 40; RA 9700, Section 1, amending Section 2 of RA 6657; RA 9700, Section 2 amending Section 3 of RA 6657; RA 9700, SEC. 37-A; RA 9700 Section 17, amending Section 41 of RA 6657: See Republic Act No. 6657, <http://www.dar.gov.ph/ra-6657-what-is-carp-comprehensive-agrarian-reform-program> [Accessed: 16.05.2016]; see Republic Act No. 9700, <http://www.dar.gov.ph/ra-9700-carper-comprehensive-agrarian-reform-program-extension> [Accessed: 16.05.2016].

⁴⁰ See Republic Act No. 6657, <http://www.dar.gov.ph/ra-6657-what-is-carp-comprehensive-agrarian-reform-program> [Accessed: 16.05.2016]

⁴¹ DAO 01, Series of 2011: See ADB (2013): RETA 6143: Technical Assistance for Promoting Gender Equality and Women Empowerment, Consultant's Report, 18-19, <http://www.adb.org/sites/default/files/project-document/153354/37402-012-tacr-24.pdf> [Accessed: 13.05.2016].

⁴² CEDAW (2016): General recommendation No. 34 on the rights of rural women, 20, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

⁴³ USAID (2011): USAID Country Profile. Property Rights and Resource Governance. Philippines, 7, http://www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Philippines_Profile.pdf [Accessed: 17.05.2016].

reform beneficiaries (ARBs), only 29% are women.⁴⁴ In 2013, the DAR counted 622,674 female holders of land certificates (CLOA) which is far below the number of male (1,281,125) CLOA holders.⁴⁵ The 2013 figure for female CLOA holders increased by only 2% from 2010⁴⁶. As a result, gender-related policies of the DAR find only limited implementation on the ground.

Denial of access to land can have an implication on the RTFN of women and their families since access to land can help women diversify their families' means of livelihood. They can use their land to cultivate home gardens, raise livestock or use it for income-generating activities. Placing productive assets such as land under the control of women can contribute substantially to the realization of the RTFN, especially because women in poor households tend to spend most of their earnings on basic household needs while men spend a significant amount of their earnings for personal purposes⁴⁷. There is clear link between poverty among rural women and the failure of the CARP/CARPER to deliver on its gender provisions in the Philippines. For the IPs, situation seems to be more complicated due to persistent problem of non-issuance of ancestral domain claims and the tedious process of securing the Certificate of Ancestral Domain Claims/Titles (CADC/Ts.), disadvantaging many indigenous and tribal groups, especially their women.⁴⁸

3.3.3. Access to extension services

Additional gender-specific constraints in agriculture include less access to agriculture extension training and services, and credits. As emphasized in Article 14, paragraph 2 (d) of the CEDAW, these support services are crucial for farmers to be able to cultivate their land. The awarding of a land title alone may guarantee access to land but does not ensure that the farmers can make full use of the land. Discrimination against women in accessing support services emphasizes the small importance that is given to women's role in agriculture. Also, most agricultural policies and plans do not address the situation of women in the sector, despite several references to gender-related issues in a number of plans and strategies.⁴⁹

3.3.4. Discrimination in relation to other pertinent rights of rural women

Furthermore, as already briefly mentioned above, rural women face discriminatory barriers in relation to their right to work, as their wages as rural workers are lower compared to men; or they are not paid at all since they are considered family workers; or they have less access to agricultural extension services as well as social protection/security programs such as health and child care. These discriminatory practices influence rural women's ability to feed themselves and their families.

Under the CARP, fewer female farmers received land titles than the male farmers, and their key role in securing their families' food intake is often overlooked. Rural women are disadvantaged by discriminatory stereotypes and related practices which prevent them from taking control over land, water and natural resources⁵⁰. Equal access to agricultural support services and access to health care is often denied to rural women. They are also victims of non-equal pay as rural agricultural workers. Policies and initiatives are not always gender-responsive and rural women do not benefit from the enabled legal frameworks.⁵¹ In addition to securing access to natural resources, legal security of

⁴⁴ Corral, Violeta P. (2015): Analysis of Land Tools in the Philippines Using Gender Evaluation Criteria (GEC), http://asianfarmers.org/wp-content/uploads/2015/06/Corral_289-mar2015.pdf [Accessed: 03.06.2016].

⁴⁵ Philippine Statistics Authority (2016): Fact Sheet on Women and Men in the Philippines, <http://www.census.gov.ph/gender-stat> [Accessed: 13.05.2016].

⁴⁶ See CEDAW (2016): List of issues and questions in relation to the combined seventh and eighth periodic reports of the Philippines, 25, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1019&Lang=en [Accessed 13.05.2016].

⁴⁷ Jude L. Fernando (2006 [ed.]): Microfinance. Perils and prospects. Rutledge Studies in Development Economics. London/New York: Routledge.

⁴⁸ Liamzone, C.; Arevalo, A; Naungayan, M. (2015): Women's land rights in Asia, 79-87, <http://www.angoc.org/wp-content/uploads/2016/01/Lok-Niti-Women.pdf> [Accessed: 16.05.2016].

⁴⁹ Ibid, xii.

⁵⁰ CEDAW (2016): General recommendation No. 34 on the rights of rural women, 7,

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/I_Global/INT_CEDAW_GEC_7933_E.pdf [Accessed: 17.05.2016].

⁵¹ Ibid.

tenure must also be granted to rural women, to guarantee not only their legal protection against forced eviction and other related threats, but also to empower them to achieve equal land rights with men.⁵²

CASE STUDY III

Rural Women Access to Land and the Right to Food and Nutrition: The case of Kilusang Magbubukid of Bondoc Peninsula in Hacienda Matias at Barangay Don Juan Verceles, San Francisco, Quezon Province

In 2004, farmer-members of the Kilusang Magbubukid of Bondoc Peninsula (KMBP) who were tenants of Hacienda Matias, a 1,716-hectare coconut plantation, filed a claim over the land they have been tilling pursuant to the national agrarian reform program. In 2014, almost a decade later, the primary government agency in-charge of the CARP implementation ordered the distribution of Hacienda Matias to the petitioners. Of 253 farmer-beneficiaries who were awarded Certificates of Land Ownership Award (CLOAs) covering 639 hectares whereby only 24.5% or 62 CLOA holders were women⁵³. Over 300 farmer-beneficiaries are yet to receive their CLOAs.

Women from Hacienda Matias are engaged in both productive and unpaid domestic work. While they support their husbands in the harvesting and selling of copra (dried coconut meat), which is also the main source of subsistence of Hacienda Matias farmers, they also take care of house chores and child care. To meet daily food and other basic needs, farmers have to find alternative sources of food and either plant crops or catch fish. These sources are, however, not available regularly. As the hacienda is located in a very remote area, alternative work opportunities are rather limited. More often, women are the ones who bear the burden of finding ways to feed their families, such as making charcoal that can be sold for PHP 70 to 80 (USD 1.51 to 1.73) per sack, or selling brooms made of coconut midribs for PHP 21 to 25 (USD 0.45 to 0.54) per 1.7 kg. In one day, women can earn around PHP 70 (USD 1.51) by selling these brooms. To augment family income, children help occasionally as laborers who carry bags and cargoes of boat passengers at the community port. Due to a lack of income, the families often subsist only on rice or rice congee, root crops and fish sauce.⁵⁴

4. CONCLUSION AND RECOMMENDATIONS

We kindly request the CEDAW committee to recommend to the Philippines State to adopt all necessary measures to ensure women's equal rights with respect to access to employment and livelihood, access to health and nutrition, and access to productive resources. Toward this end, we outline our specific recommendations below:

Access to Employment and Livelihood

- To effectively improve and implement the MCW, in particular Section 22 and 23 that guarantee women's right to decent work, livelihood, credit, capital and technology.
- Ensure "equal remuneration for work of equal value" in order to reduce the wage gap between women and men; this will develop and implement an independent and transparent minimum-wage setting process which sets a wage basis and can be extended to certain categories of work. This process is crucial for women's wages as they tend to be largely disadvantaged in free income distribution. For workers in the informal sector, the State must ensure that all provisions in Batas Kasambahay are followed. Monitoring and redress mechanisms must be in place and must be known to all women.
- Reduce women's unpaid domestic and care work as a strategy to facilitate an equal participation of women and men in the labor market, including the development of a child care service framework policy.
- Set gender-equitable targets and macroeconomic responses with proper monitoring in order to expand equal and decent working opportunities for women and men. This will also require policies and legislation to improve social protection and active labor market support.

⁵² ADB (2013): RETA 6143: Technical Assistance for Promoting Gender Equality and Women Empowerment, Consultant's Report, 10, <http://www.adb.org/sites/default/files/project-document/153354/37402-012-tacr-24.pdf> [Accessed: 13.05.2016].

⁵³ Data provided by RIGHTS Inc. Network, a local NGO that is working closely with the farmers in Hacienda Matias.

⁵⁴ See Beringer, Astrud Lea; Briola, Catherine A. (2015): Hacienda Matias: Taking steps towards the right to adequate food. In: Rappler, July 24, <http://www.rappler.com/move-ph/issues/hunger/100157-hacienda-matias-right-food> [Accessed: 03.06.2016].

- Increase the engagement of women in relevant technical and vocational education and training (TVET) programs as well as non-traditional fields, to ensure their integration into the labor market.

Access to Health Care and Nutrition

- Guarantee equal and improve access to quality health services, including prenatal and postnatal care for all Filipino women. Specifically, adequate financial resources in the annual General Appropriations Act (GAA)⁵⁵ for the implementation of the RPRH Law must be allocated.
- Improve the quality and quantity of health services, i.e. medical doctors, health centers, medicines, medical equipment, particularly for indigenous women living in remote rural areas and improve women's access to these facilities.
- Adopt appropriate measures to protect the sexual and reproductive rights of women and girls, focusing especially on measures to reduce maternal and infant mortality among indigenous populations which is higher compared to other social and ethnic groups.
- Adopt appropriate measures to facilitate access to sexual and reproductive health services, including access to family planning, and information.
- Address, as a matter of priority, the problem of maternal deaths as a result of clandestine abortions.

Access to Natural Resources and Support Services for Rural Women

- The national agrarian reform program of the government – CARPER –will expire this month, June 2016, yet thousands of farmers, including rural women remain landless. The lack of access by women to natural resources denies their RTFN. In line with the Philippine Constitution's mandate, the Government should effectively implement a land reform program that will guarantee rural women's equal access to land as well as accompanying support services, such as trainings, seeds, farming implements and credits, which will empower women to also be able to make their awarded land productive.
- Improve agrarian reform policies and guidelines to ensure access to and control over land by women, as well as the collection of official sex-disaggregated data of CLOA holders.
- Condonation of all unpaid past loans of agrarian reform beneficiaries for the lands awarded to them.
- Fully implement the IPRA by ensuring the effective enjoyment by indigenous peoples' rights to ancestral domains, lands and natural resources particularly with respect to provisions for women's land rights which are only subsumed in certain sections and not fully elaborated.
- Effectively implement Section 20 of MCW which guarantees women's right to land and related support services which are necessary to ensure women's RTFN and food security.

Finally, we request the Committee to ask the Philippine Government to decisively act on the people's call to immediately pass the Right to Adequate Food (RTAF) Framework Bill commonly known as the Zero Hunger Bill which was filed in the Philippine Congress in February 2014. The RTAF Bill is a comprehensive measure that provides for an explicit guarantee of the right to adequate food and creates a legal framework based on human rights principles for addressing hunger. The RTAF bill guarantees women's right to adequate food and nutrition especially during pregnancy and lactation. The bill also prohibits all forms of discrimination against women with regards to the right to adequate food and the promotion of equal of opportunities between men and women.

⁵⁵ GAA refers to the national budget of the Philippines.