



Written contribution by FIAN International – FIAN Philippines to the List of Issues for the Philippines, Committee on Economic, Social and Cultural Rights, Pre-Sessional working group – 57 Session, Geneva March 2016

In this occasion FIAN wishes to contribute to the pre-sessional working group on the Philippines. FIAN Philippines has been a national section of FIAN International since 1999. Joining hands with all FIAN sections and coordinations in different parts of the world, FIAN Philippines works towards the realization of the right to adequate food and nutrition in the Philippines, especially to prevent violation of this fundamental human right.

Hunger remains one of the continuing problems that plague the Philippines. In compliance with its mandate, FIAN Philippines has been undertaking two major campaigns: First, a campaign to adopt through legislation a national framework law on the right to adequate food in the Philippines, and second, a campaign for thorough-going agrarian reform and peasant/farmers' access to land and land rights, in recognition of land as essential element to guarantee the right to food and nutrition.

In this regard, FIAN wishes to propose the attached list of issues to be considered during the pre-sessional working group in March 2016. This will be followed by the submission of the full parallel report by August 2016.

1. Absence of a national policy framework on the right to adequate food

Background

Hunger and poverty are twin chronic problems that continue to plague our country. According to the 2015 Global Hunger Index, the Philippines, with a score of 20.1 is facing a “serious” hunger problem. The country ranked 51st among the 117 countries. According to the Social Weather Stations' self-rated hunger survey, in the last quarter of 2015, an estimated 11.7% or 2.6 million Filipino families experienced involuntary hunger. While 8.9% or 2 million families have undergone moderate hunger, severe hunger afflicted 2.8% or 621,000 families. The latest National Nutrition Survey of 2013 of the Food and Nutrition Research Institute (FNRI) stated that 3 out of 10 or 30.3% children aged 0-5 years old were stunted. FNRI study also revealed that prevalence of nutritionally at-risk pregnant women remained high at 24.8% while 12.5% of lactating mothers are underweight¹.

These problems, which predominantly affect women and children that comprise more than 50% of the population,² provide the breeding ground for violations of people's civil, political, economic, social and cultural rights, which include the right to adequate food and nutrition. Oftentimes, marginalized and disadvantaged groups, especially women, are among those in the

¹ Sources documents: Global Hunger Index: <http://ghi.ifpri.org/>
SWS Hunger Survey: <http://www.sws.org.ph/>
National Nutrition Survey 2013 (FNRI): <http://www.fnri.dost.gov.ph/index.php/nutrition-statistic/19-nutrition-statistic/118-8th-national-nutrition-survey>

² Philippine Statistics Authority, www.psa.gov.ph



front rows of victims as can be seen in the continuing problem of trafficking of women, prostitution and migration driven by poverty and hunger. The vulnerability of the poor and hungry Filipinos, especially women and children, is further exacerbated by climate change and ongoing-armed conflicts. Typhoons entering the country are getting stronger, destroying homes, livelihoods and farmlands and killing thousands. Decades-long armed conflicts in the southern Mindanao region have repeatedly dislocated hundreds of thousands of civilians and wasted thousands of lives. Livelihoods and farmlands have been destroyed or abandoned, depriving victims of their much-needed food. During these difficult situations, the burden of caring for the victims largely falls on women.

Despite the above, there is no Philippine law that explicitly guarantees people's human right to adequate food and nutrition. The 1987 Philippines Constitution does not mention it, although Article III, Section I, upholds the right to life from which the right to adequate food and nutrition is implied. Different aspects of the right to adequate food and nutrition are scattered in various existing laws such as RA 6657 or Comprehensive Agrarian Reform Law, RA 8435 or Agriculture and Fisheries Modernization Act, RA 8550 or Philippine Fisheries Code, RA 7607 or Magna Carta of Small Farmers, RA 7884 or National Dairy Act, RA 7900 or High Value Crops Act, RA 8178 or Agricultural Tariffication Act, RA 7308 Seed Industry Development Act, RA 9168 or Plant Variety Protection Act, RA 7581 or Price Act, RA 71 or Price Tag Law, EO 51 or Milk Code and RA 8976 or Philippine Food Fortification Act of 2000. The guarantee of the right to adequate food is explicitly cited in the Section 20 of the Magna Carta of Women. However, it only concerns women.

The lack of a national framework policy governing the right to food and nutrition often leads to State's non-fulfillment, neglect, contradiction³ and/or violation of this fundamental right, including those of women and children. In order to rationalize and harmonize existing legislation a Right to Adequate Food Framework Bill was filed in the Philippine Congress in February 2014. Commonly called the "Zero Hunger Bill", the Right to Adequate Food Bill (RTAF Bill) is a comprehensive measure that provides an explicit guarantee of the right to adequate food and creates a legal framework based on human rights principles for addressing hunger. The bill makes clear that the right to adequate food is not a matter of charity, but a human right of all Filipinos and a legal duty of the State to respect, protect and fulfill, as a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴. Furthermore, the proposed legislation lays down a whole-of-government approach to address hunger and its chief target is to end hunger in 10 years. However, the RTAF Bill is still pending for deliberation⁵. With the impending start of the 2016 national election campaign in February 2016, the passage of the bill into a law now becomes more uncertain. If passed into law, the RTAF bill could be

³ An example is the Mining Act of 1995 that renders the law on Forest Protected Areas and Indigenous Peoples Rights Act (IPRA) ineffective, compromising the rights of rural folks, especially the Indigenous Peoples' (IP) sustainable use of land and forest resources for food production. In the process of the dispossession of their resources for food production, the women suffer most since they are mainly involved in food gathering and preparation.

⁴ In its General Comment No. 12, the United Nations Committee on Economic, Social and Cultural Rights said States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food.

⁵ Other pending bills that supports the right to adequate food include the Land Use and Management Act (House Bill 4382) and the National Food Security Act of 2015 (House Bill 6062).



one of the legacies of the current administration and would clearly show the State's commitment to uphold the rights of the Filipino people.

However, the Department of Budget and Management (DBM), responsible to approve bills that require budget appropriation, has expressed unfavorable recommendation to the "Zero Hunger Bill" in a letter by Sec. Florencio Abad dated December 14, 2015 to Hon. Guillermo A. Romarate Jr., Chairman of the Committee on Human Rights, which has deliberated and approved the bill. The DBM's views on the RTAF Bill overlook crucial aspects of the proposed legislation and, more seriously, belittles the timely and historic task that can be performed only by the Congressional representatives – to embed into our legal system once and for all the long-ignored fundamental human right – the right to adequate food.

The DBM response fails to fully appreciate the fundamental importance of enacting the bill. Instead, it merely raises ordinary administrative and financial concerns.

The DBM touts the Pantawid Pamilyang Pilipino Program (4Ps) and similar programs.⁶ However, these programs are narrow in their scope, whereas the RTAF Bill is a comprehensive measure and timeless in that it may be applied whether the country is prosperous or not. The 4Ps, in principle and by its operation, targets only at a special section of the population, while the RTAF Bill is universal in its coverage and application and should ensure interinstitutional coordination. The 4Ps and similar programs depend on the whims or subjective judgment of whoever may be at the helm of the administration, whereas the proposed law will take effect regardless of who is in power.

Finally, we would like to inform the Committee in the context of her official mission to the Philippines last February 20-27, 2015, the UN Special Rapporteur on the Right to Food, Dr. Hilal Elver, recommended to the government in her mission's statement the immediate passage of the Right to Adequate Food Framework Bill or the Zero Hunger Bill.

Proposed questions:

1. What is the status of the RTAF Bill currently pending in Congress? What are the measures taken and to be taken to ensure its passage? Will the Philippine government commit itself to the passage of this proposed legislation measure?
2. What are the measures taken to ensure the right to adequate food and nutrition of Filipinos in the most difficult situations, [like disaster or armed conflict, (example, in the transitory site of the Zamboanga where women and children are forced to prostitute themselves due to hunger and abject poverty)] is guaranteed? What is the status of the implementation of these measures?

⁶ 4Ps and similar programs are projects initiated by the administration of President Aquino III. However, these projects are not universal and does not guarantee the RTAF of all Filipinos.



2. Women’s lack of access to land denies their right to food and nutrition

Background

The CEDAW Convention, which the Philippines signed (July 15, 1980) and ratified (August 5, 1981), recognizes that “in situations of poverty women have the least access to food.” Lack of food hampers women’s participation in development and denies their full enjoyment of their human rights. In the context of rural women, lack of access to food and nutrition is often the result of lack of access to productive and financial resources such as land and other natural resources, incomes and livelihoods, and credit, among others. Access to these resources are vital to guarantee women’s right to food and nutrition and consequently to address hunger and rural poverty.

Efforts have been taken by the Philippine government to close the gaps in relation to women’s lack of access to land and the attainment of full equality of men and women. One of these efforts is the launching of the Comprehensive Agrarian Reform Program (CARP) or Republic Act 6657, a social justice measure, which seeks to address landlessness and rural poverty through land distribution to landless farmers and farm workers. CARP should have been completed in 10 years after it was established by law in 1988. However, because of the huge backlog in land distribution, it was extended for another 10 years through the enactment of RA 8532. Still, with the vast size of land that needs to be acquired and distributed, comprised mostly of big and private landholdings, CARPER or RA 9700 gave CARP another five-year extension to fully implement the program beginning 2009 until 2014. CARPER introduced some reforms, which aim to address the gaps in the program’s implementation in the previous years. The new law also ensures more provisions specifically pertaining to rural women while it upholds rural women’s rights to land, women’s participation in decision-making processes, and equal access to support services⁷.

It has been more than two decades of implementing the agrarian reform program, yet, thousands of farmers and farm workers have yet to own land. As of 30 June 2014, the deadline set to complete agrarian reform, the government is left with a huge backlog of lands to be distributed, mostly private lands - total of 835, 228 hectares of lands. Women, particularly those who have not yet received land, have again been put in a disadvantageous position because of the non-completion of the agrarian reform.

Another policy measure that has been put in place was the Magna Carta of Women or RA 9710 was signed into law in August 2009. Section 20 of the law “recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency with the active

⁷ Section 1, Declaration of Principles of the CARPER Law states that “the States shall recognize and enforce, consistent with existing laws, the rights of women to own and control land, taking into consideration the substantive equality between men and women as qualified beneficiaries, to receive a just share of fruits thereof, and to be represented in advisory or appropriate decision-making bodies...”.



participation of women.” It further guarantees women’s right to food, and the right to resources for food production. Despite the partial implementation of these two policy measures, much still has to be done. Securing women’s access to and control over land is not only important in establishing the equal right of men and women over productive resources in law but also ensuring that their contribution (both productive and reproductive) is recognized in the practice.

Proposed questions related to women:

1. What is the Philippines Government’s impact assessment on the implementation of the CARP/CARPER Law and the Magna Carta of Women since the enactment of both domestic laws pertain to women’s access to land?
2. Which other steps/measures has the Philippine government taken to ensure women’s access to land?
3. Has the Philippine government allocated its maximum available resources to ensure women’s participation in development and full enjoyment of their rights?

3. Case of Hacienda Luisita⁸

Hacienda Luisita is a 6,453 hectare sugarcane plantation owned by the Cojuangco family, to which both – the former and the current presidents belong. Though the plantation was supposed to be distributed to 6,296 landless farmers under the national agrarian reform program known as the Comprehensive Agrarian Reform Program (CARP) in 1988, a stock distribution option (SDO) was implemented in 1989, giving the farm workers corporate stocks as an alternative to land distribution. In December 2005, the Presidential Agrarian Reform Council (PARC) issued a resolution which revoked the SDO and directed the Department of Agrarian Reform (DAR) to redistribute the land under the CARP. Nevertheless, the land redistribution process was stalled by the Temporary Restraining Order issued by the Supreme Court in August 2006. Finally in November 2011, the Supreme Court ordered the immediate distribution of the farmlands of Hacienda Luisita to 6,296 farm worker-beneficiaries.

Today, after five years since the Supreme Court Order, land reform implementation is yet to be finalized. Even those who now own land continue to live in poverty as there are no support services (e.g. seeds, water pumps, and farming implements - thresher, tiller, corn sheller) provided by the DAR to ensure that distributed land can be utilized for the farm workers and their families to feed themselves. Most Luisita farmers fear further indebtedness due to lack of support and resources. As a result, many farm worker-beneficiaries re-entered into informal leasing contracts for small annual loans with “ariendadors” –middlemen/middle-women who are politically and economically influential – for a period of two to three years, and even borrowed money from them. Only 20 percent of the Luisita farmer worker-beneficiaries did not go back into the “arriendo system” after the land distribution and started to cultivate their own choice of

⁸ Please visit <http://www.fian.org/library/multimedia/hacienda-luisita-timeline/> for the complete timeline of the case.



vegetables and “palay” (rice). Unlike the preferred sugarcane production of the “ariendadors” which can only be harvested once a year, “palay” can do so up to four times annually. If farmers would have direct access to and control over land, they would be able to generate a yearly income of 120,000 pesos (about US\$ 2,700) instead of the 7,000 pesos (about US\$ 160) the “ariendadors” are paying as land rent, thus having better economic access to food.

Proposed questions:

1. What steps were taken by the Philippine government to ensure the realization of the right to food and nutrition of Hacienda Luisita farmer-beneficiaries after the land distribution? What kind of support services were given to the Hacienda Luisita women farmer-beneficiaries to help transform their lives? Which measures will be taken to ensure that the rights holders have access to extension services allowing them the adequate use of the land to feed themselves and their families?
2. What measures were taken by the government to protect the farmer-beneficiaries regain the lands from the ‘arriendadors’?