



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/PHL/Q/4
17 September 2008

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Forty-first session
Geneva, 3 - 21 November 2008

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the combined second, third and fourth periodic reports of the Philippines concerning the rights
covered by articles 1 to 15 of the International Covenant
on Economic, Social and Cultural Rights (E/C.12/PHL/4)**

I. General framework within which the Covenant is implemented

1. Please provide detailed information on the measures adopted to implement the suggestions and recommendations contained in the Committee's concluding observations on the initial report of the State party (E/C.12/1995/7), in particular those included in paragraphs 25 (concerning the situation of street children), 27 (concerning child labour), 28 (concerning overseas Filipino workers), 31 and 32 (concerning forced eviction and the establishment of an independent body responsible for the prevention of illegal forced eviction).
2. Please provide information on whether the Covenant is regarded as a "generally-accepted principle of international law" in accordance to article 2, Section 2 of the Constitution. Please also indicate whether Covenant provisions have been invoked before, or directly enforced by the courts, other tribunals or administrative authorities. (E/C.12/PHL/4, para. 47)
3. In its decision on the case *Simon et. al. v. Commission on Human Rights*, the Supreme Court ruled that according to the Constitution, the mandate of the Philippines Commission on Human Rights (PCHR) to investigate all forms of human rights violations is limited to those "involving civil and political rights". Does the protection and promotion of economic, social and cultural rights fall within

the mandate of the PCHR? Please provide concrete examples of such occurrences, if any. (E/C.12/PHL/4, paras. 31 and 39-40), (see also paragraphs. 625-628).

4. Please provide additional information on measures taken by the State party to increase awareness among the public at large, and in particular among teachers, judges, police officers and other public authorities, of the provisions of the Covenant. Is there any information on the Covenant available in the minority languages and dialects? (E/C.12/PHL/4, paras. 49-53)

5. Please outline in more details the responsibilities of, and the resources allocated to, the local government units (LGUs) in ensuring the implementation of economic, social and cultural rights at the local level. (E/C.12/PHL/4, para. 15)

6. Please provide detailed information on the mandate of, and the resources allocated to, the National Commission on Indigenous Peoples.

7. Please provide information on whether the State party's bilateral and multilateral trade agreements and policies take into account the obligations under the Covenant. In this regard, please provide detailed information on the measures adopted by the State party to assess the impact that the Japan-Philippines Economic Partnership Agreement (JPEPA) may have on the enjoyment of economic, social and cultural rights, especially with regard to small farmers and fishermen.

8. Please indicate whether civil society organisations have been consulted in the preparation of the report of the State party.

9. Please indicate the position of the State party on the draft optional protocol to the International Covenant of Economic, Social and Cultural Rights.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 1: The right of self-determination

10. Please provide detailed information on the Indigenous People's Rights Act (IPRA), enacted by the Congress in 1997, and on the progress made, and difficulties encountered, by the National Commission on Indigenous Peoples in the implementation of the Act. In particular, please provide information on the measures adopted by the State party to ensure that the rights recognized to indigenous peoples by the IPRA are not de facto undermined by the implementation of other laws, such as the 1995 Mining Act.

11. Does the State party envisage ratification of the International Labour Organization Convention (ILO) No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries?

Article 2, paragraph 2: Non-discrimination

12. Please provide detailed information on the measures – legislative or otherwise – adopted by

the State party to implement the Constitutional provisions guaranteeing equal treatment of all persons before the law and to prohibit all forms of discrimination.

13. Please provide detailed information on the measures adopted by the State party to give effect to the provisions of article 2, paragraph 2, of the Covenant, with particular regard to measures undertaken to eliminate de facto discrimination faced by the most vulnerable groups in society, including indigenous peoples and Muslim persons living in the Autonomous Region of Muslim Mindanao, and facilitate their access to equal employment opportunities, clean water and sanitation services, housing, adequate health services, and education. (E/C.12/PHL/4, paras. 58-59)

Article 3: Equal rights of men and women

14. As already requested by the Committee in paragraph 29 of its previous concluding observations, please provide updated information on the measures adopted by the State party to repeal discriminatory provisions in national legislation, such as those contained in the Code of Muslim Personal Laws (concerning inter alia the minimum legal age to marry and polygamy), and enact a comprehensive legal framework on gender equality. (E/C.12/PHL/4, paras. 407, 409, 415 and 428)

15. Please provide further information on the progress made, and difficulties encountered, in the implementation of the development plans for women adopted by the State party since 1989 with a view to eliminating deep-rooted stereotypes regarding the roles and responsibilities of men and women in the family and society. (E/C.12/PHL/4, para. 73)

16. Please provide information on the mandate of, and the resources allocated to, the National Commission on the Role of Filipino Women. (E/C.12/PHL/4, para. 72)

III. Issues relating to the specific provisions of the Covenant (Articles 6-15)

Article 6: The right to work

17. In addition to the information provided in paragraphs 87 to 93 of the report, please provide updated information on the measures adopted by the State party to reduce the unemployment rate in the State party, with a particular regard to measures aimed at increasing employment opportunities for young, unskilled and inexperienced workers and persons living in urban areas. (E/C.12/PHL/4, paras.87-93)

18. In addition to the information provided in paragraphs 94 to 99 of the report, please provide updated information on the measures adopted by the State party to tackle the phenomenon of underemployment, with a particular regard to measures aimed at increasing employment opportunities for persons working in rural areas, and especially in the agricultural sector. (E/C.12/PHL/4, paras. 94-99)

19. Please provide further information on the scale of informal economy, and indicate which policies, programmes and mechanisms the State party has adopted to improve social protection for

those working in the informal economy. (E/C.12/PHL/4, paras. 164 and 233)

20. Please provide detailed information on the efforts undertaken by the State party to create employment opportunities at the national level and reduce the number of undocumented migrant workers, especially women, that leave the country in search of better employment opportunities abroad. Please also provide information on the concrete measures adopted by the State party pursuant to the Migrant Workers Act of 1995 and the various bilateral agreements concluded with countries of destination to protect the rights of overseas Filipino workers. (E/C.12/PHL/4, paras. 125-127)

Article 7: The right to just and favourable conditions of work

21. Please indicate whether the minimum wages fixed in accordance with the procedures described in paragraphs 195 (ff). of the State party report are sufficient to enable workers and their families to enjoy an adequate standard of living, especially those living in the poorest regions of the country. Please also provide information on the measures adopted by the State party to prevent and punish violations of the minimum wage standards. (E/C.12/PHL/4, paras. 195-214)

22. Please provide detailed information on the implementation of the legislation prohibiting discrimination against women and sexual harassment in the workplace, including information on the number of complaints brought before competent authorities (including the Committees on Decorum and Investigation established by the Anti-Sexual Harassment Act) and on the penalties imposed on employers. (E/C.12/PHL/4, paras. 140-145 and 215-225)

23. Please provide detailed information on the extent to which persons employed in the various export processing zones (EPZs) existing in the State party enjoy in practice all of their rights under articles 7 and 8 of the Covenant.

24. Please provide detailed information on the measures the State party has undertaken to enforce its national legislation on health and safety at work, and comment on the compatibility of the Labour Standards Enforcement Framework of 2004, which abandons the principle of government labour inspections for workplaces with more than 200 workers, with the right to safe and healthy work conditions, enshrined in article 7(b) of the Covenant. Please also provide updated statistical data on the number of labour inspections carried out, on the number of work-related accidents and illnesses occurred and on the number of prosecutions launched against perpetrators in recent years. (E/C.12/PHL/4, paras. 228-235)

25. Does the State party envisage ratification of the ILO Convention No. 81 (1947) concerning Labour Inspection in Industry and Commerce.?

Article 8: Trade union rights

26. Please provide detailed information on the measures adopted by the State party to prevent and punish violations of trade union rights, including updated information on the efforts undertaken to investigate the killings, abductions, and other attacks carried out against several labour leaders and

supporters since September 2005.

Article 9: The right to social security

27. Bearing in mind the Committee's general comment No. 19 (2007) on the right to social security, please provide disaggregated data on the number of persons and families entitled to the various social security benefits recognised under the State party's social security system. Please also provide disaggregated data on the number of persons and families who are not covered by the social security system, for example persons working in the informal economy, and on the measures adopted by the State party to ensure, to the maximum of its available resources, an adequate protection from social risks and contingencies. (E/C.12/PHL/4, paras. 312-401)

28. Does the State party envisage ratification of the ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.)?

Article 10: Protection of the family, mothers and children

29. Please provide information on whether the State party has considered introducing legislation concerning the legalisation of divorce [and if not, why].

30. Please provide information on the implementation of the Anti-Rape Law of 1997 and the Anti-Violence against Women and their Children Act of 2004, including information on cases of rape and other forms of violence for which criminal proceedings were instituted and disaggregated data on the number of persons who have been victims of gender-based violence. Please also indicate which measures the State party has adopted to raise awareness among judges, law enforcement agents and other officials on the anti-violence legislation, as well as to provide counselling and temporary shelter to victims of domestic violence. (E/C.12/PHL/4, paras. 432-433)

31. Please provide disaggregated data on the number of street children, as well as information on measures, legislative or otherwise, taken by the State party to protect street children from all forms of violence and sexual and economic exploitation and ensure their access to adequate nutrition, clothing, housing, social and health services and education, as well as to rehabilitation and social reintegration programmes for children victims of violence and abuse. (E/C.12/PHL/4, paras. 450-461)

32. Please provide recent disaggregated data on the number of children working in the State party, as well as on children who have been victims of sexual and economic exploitation. Please also provide information on the implementation of the legislation adopted by the State party to prevent and punish all forms of violence and sexual and economic exploitation against children, including the worst forms of child labour, including detailed information on the number of prosecutions and convictions, and on the sanctions imposed on perpetrators. (E/C.12/PHL/4, paras. 101, 450-461 and 468-473)

33. Please provide updated information on the efforts undertaken by the State party to prohibit corporal punishment in all settings, including in the home.

34. In addition to the information provided in the report, please indicate what effective measures

the State party has adopted and implemented to combat the problem of trafficking in persons. Please provide statistical data, disaggregated on the basis of gender and country of origin, on this phenomenon, as well as information on the number of prosecutions and convictions, and on the sanctions imposed on perpetrators. (E/C.12/PHL/4, para. 462)

Article 11: The right to an adequate standard of living

35. Please provide information on measures taken by the State party to address the high rate of poverty in the State party and to overcome the wide regional disparities between the National Capital Region and the poorest regions of the country, in particular the Autonomous Region of Muslim Mindanao. Does the State party have a plan of action to combat poverty which integrates economic, social and cultural rights, in line with the statement adopted by the Committee on 4 May 2001 on Poverty and the International Covenant on Economic, Social and Cultural Rights? (E/C.12/PHL/4, paras. 492-523)

36. In addition to the information provided in the report, please provide detailed information on the housing situation existing in the State party, including recent statistical data on (a) homeless persons and families; (b) persons and families living in informal settings; (c) persons and families who have benefitted from the various Government programmes aimed at ensuring access to adequate housing for members of the most disadvantaged and marginalized groups.

37. According to information before the Committee, more than 14 thousand families have been subject to large-scale evictions during the period January 2006 to September 2007. Please provide detailed information, including recent disaggregated data on the number of affected persons and families, on the extent of this phenomenon, on whether such evictions were carried out in accordance with the safeguards referred to in the Committee's general comment No. 7 (1997) on forced evictions, and on the measures adopted by the State party to ensure the effective implementation of the Urban Development and Housing Act of 1992. (E/C.12/PHL/4, paras. 608-614)

Article 12: The right to physical and mental health

38. Please provide information on the programmes and health policies in place to ensure access to adequate health services, goods and facilities, in particular in the rural areas of the poorer provinces of the State party, and provide statistical data on trained medical personnel, disaggregated by rural and urban areas, and by disadvantaged or marginalized individuals and groups.

39. In addition to information provided in the State party report, please provide detailed information, including recent statistical data disaggregated by provinces, on the main causes of the high maternal mortality rate existing in the State party, and on measures adopted to improve access to sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to accurate and objective information about contraception and family planning methods. (E/C.12/PHL/4, paras. 705-708 and 772-776)

40. Please provide detailed information on the current legal restrictions on abortion existing in the

State party. What steps have the State party taken to protect women from pregnancy-related death and morbidity due to unsafe abortion and to prevent discrimination and abuse in post-abortion care facilities?

41. Please provide detailed information on the measures adopted and implemented by the State party to combat the main environmental hazards, such as air pollution, pollution of water sources and solid waste generation, particularly in Metro Manila and in other major urban centres. (E/C.12/PHL/4, paras. 705-708 and 848-851)

Articles 13 and 14: The right to education

42. Please provide information on the measures adopted and implemented by the State party to provide primary and secondary education to the most vulnerable and disadvantaged groups, including urban and rural poor and members of indigenous communities, as well as to reduce the high drop-out rates existing in the poorest regions, and especially in rural areas, of the country. (E/C.12/PHL/4, paras. 705-708 and 864-877)

43. Please provide detailed information on whether school curricula and textbooks for primary and secondary schools contain sufficient information on the history and culture of the different ethnic and religious groups present in the territory of the State party. Please provide detailed information on measures taken in the field of education to combat racial prejudices and to promote tolerance and friendship among ethnical and religious groups.

Article 15: The right to take part in cultural life

44. Please provide detailed information on the concrete measures adopted by the State party to promote and protect the right of indigenous peoples to enjoy their cultural rights under article 15, paragraph (1)(a) of the Covenant.

45. Please provide detailed information on the measures adopted by the State party to ensure that Muslim persons living in the Autonomous Region of Muslim Mindanao have the right to enjoy their own culture and to profess and practise their own religion. (E/C.12/PHL/4, paras. 984-985).