

# Second National Human Rights Action Plan of the Philippines **2010-2014**

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Draft as of December 10, 2009

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PRESIDENTIAL HUMAN RIGHTS COMMITTEE

# Second National Human Rights Action Plan of the Philippines **2010-2014**

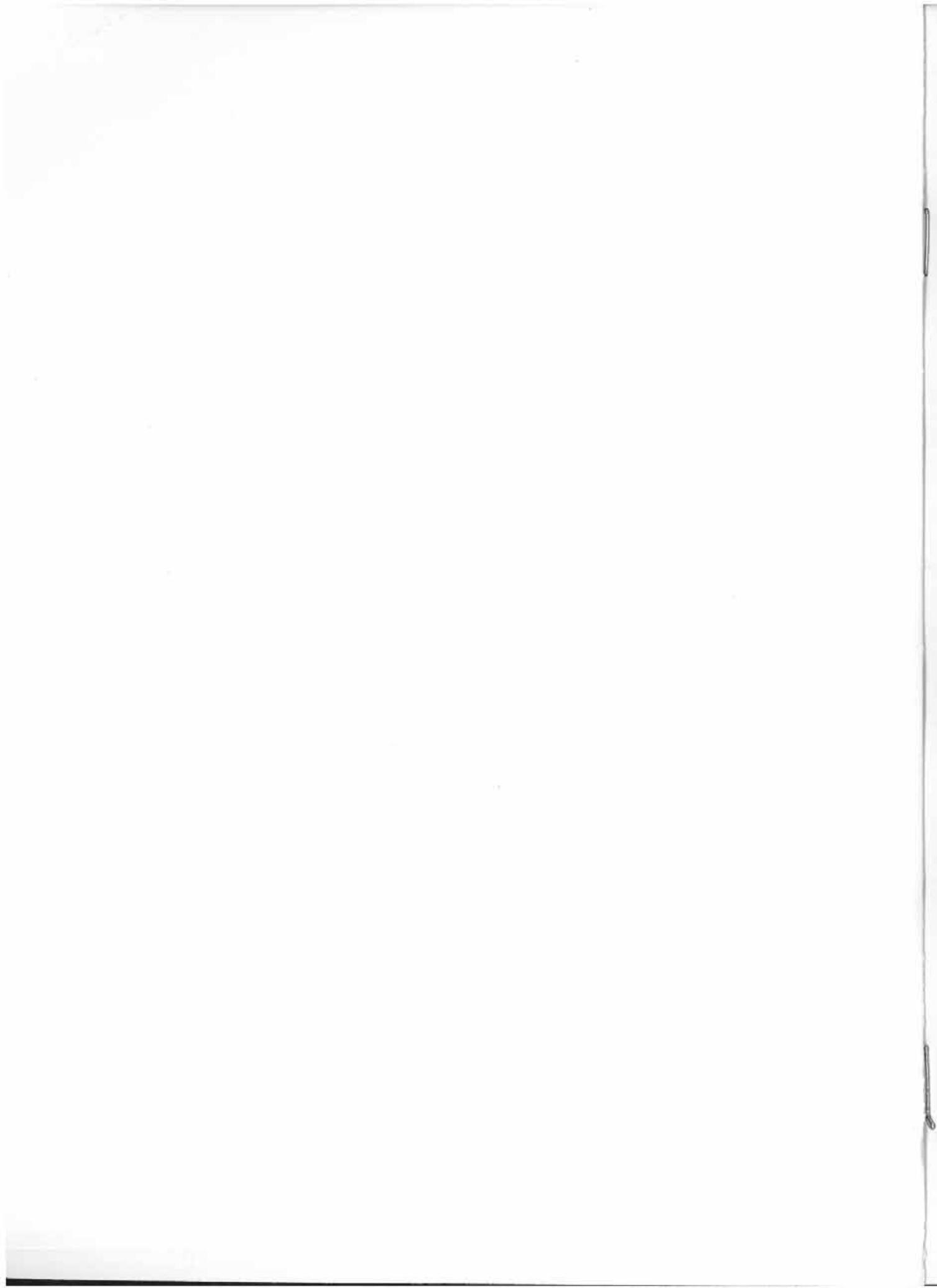
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PRESIDENTIAL HUMAN RIGHTS COMMITTEE



## FOREWORD

This Second National Human Rights Action Plan was formulated pursuant to Administrative Order No. 163 issued by Her Excellency Gloria Macapagal Arroyo in December 2006. The Presidential Human Rights Committee was directed to ensure its formulation and implementation in accordance with international human rights treaty obligations and to adopt a "rights-based approach" in the formulation of said plan.

As a basic principle of the Human Rights-Based Approach to planning, this NHRAP-2 was created after a series of thematic consultations with various stakeholders both at the national and regional level.

The PHRC Secretariat acknowledges the collaborative efforts of all government agencies and other stakeholders from the civil society in the successful crafting of this plan.

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## Chapter 1

### General Framework

#### Introduction

Human rights is a priority common of all countries. Under the leadership of President Gloria Macapagal-Arroyo, the Philippine Government upholds the promotion and protection of human rights as a matter of the highest national policy.

Human rights promotion and protection are vital instruments of good governance, which the Philippine government exercises conscientiously. This is especially imperative now that the government is moving towards the incorporation of a rights-based approach in all of its policies and programs.

The Presidential Human Rights Committee (PHRC), which is the main human rights coordination mechanism in the Executive branch, is now conducting nation-wide consultations for the country's Second National Human Rights Action Plan (NHRAP). The Plan will take into consideration the recommendations stemming from the Philippines' Universal Periodic Review, the recommendations of treaty bodies, special procedures and other international human rights mechanisms, as well as of the broadest of views of civil society groups.

The PHRC was created by virtue of Administrative Order No. 101 on December 13, 1988 by Former President Corazon Aquino, which was then referred to as the Human Rights Committee (HRC). This was amended on October 14, 1992 when former President Fidel Ramos issued Administrative Order No. 15, expanding the HRC's memberships. Then On January 27, 2002, President Gloria Macapagal-Arroyo issued AO 29 renaming, reconstituting, and expanding the functions of the HRC. The HRC was thus renamed the Presidential Human Rights Committee.

On December 8, 2006, Administrative Order No. 163 was issued by President Gloria Macapagal Arroyo further strengthening and expanding the PHRC. In addition to expanding its membership, its functions and duties are further elaborated to include among others, a) to formulate the National Human Rights Action Plan in accordance with international human rights treaty obligations and to adopt a "rights-based approach" in the formulation of such plan; and b) to coordinate compliance with international human rights obligations to which the Philippines is a state party. Basing on this mandate, the national action planning shall be an effective tool to continuously and progressively implement the government's human rights obligations in collaboration with all other sectors of the Philippine society.

The Philippines is a State party to seven (7) core international Human Rights Treaties to include the International Covenant on Civil and Political Rights.(ICCPR) International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention

Against Torture (CAT), Convention on the Rights of the Child (CRC), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Migrant Workers (CMW) and Convention Against Racial Discrimination (CERD).

The Philippines as of July 2008 have updated its periodic reports except for the 3<sup>rd</sup> report for the ICCPR, but this will be submitted by end of year 2009. Also, since the creation of the PHRC, there have been five considerations by the respective committee bodies that the State participated in.

The recently concluded Universal Periodic Review (UPR) on the Philippine Human Rights Situation called by the UN Human Rights Council has brought to fore the various issues and concerns that government must respond to, as a State party, to various international human rights obligations, which it does on its own, and in every way possible in consultation with and cooperation of civil society. This was done through the UPR process, which is an international mechanism to help member-states of the United Nations to respond more effectively with their human rights obligations on human rights. The mechanism works within the context of recent domestic and global developments that point to a changing environment that affect the level of enjoyment of both the civil and political rights and economic, social and cultural rights of the people especially the poor, marginalized and the disadvantaged.

As a next step to the UPR, the PHRC has prioritized the formulation of the National Human Rights Action Plan (NHRAP), which is one of the major mandates of the Committee pursuant to AO 163. In the context of the International Human Rights System, national action planning and implementation is a state mechanism that can help, both government and civil society, to resolve human rights problems in a continuing process, which involves more than identifying alleged wrongdoers and exhorting governments to improve their performance, but also, to capacitate them altogether in bringing about genuine improvements in the domestic scene, that requires resources and long term effort in the areas of education, institutional strengthening and institution-building.<sup>1</sup> The envisioned national action planning shall cover the period 2010-2014. This is a sequel to the first Philippine Human Rights Plan: 1996-2000. As can be noted, there was no updating of the plan for a period of 8 years.

### **The First Philippine Human Rights Action Plan**

The main feature of the plan was the central role given to the Philippines Commission on Human Rights (PCHR) in coordinating its implementation. Another feature was the extensive consultation between the Government and NGOs prior to its adoption. In response to the recommendation of the Vienna World Conference, the PCHR initiated action on its own account in 1994 to propose a national plan. This was subsumed

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<sup>1</sup> UNOHCHR. Handbook on National Human Rights Plan of Action. Professional Training Series No. 10 UN. New York and Geneva. August 29, 2002.

in a Presidential Memorandum issued in early 1995 that established a task force comprising representatives of the Government and NGOs to prepare the plan.

The task force worked to a set of guiding principles that asserted the universality of human rights, the need to focus on vulnerable groups and the importance of broad community support. In developing the plan, it focused on 13 groups (later expanded to 16) that had been officially recognized by the Government as vulnerable and needing special consideration. A structured process of consultation and review was put in place involving the preparation of a range of proposals and regional action plans. The process included meetings and consultations in many areas of the country, which contributed to a national process that also involved public meetings and consultations. Another feature of the Philippines plan was the attention given from the start to budgetary issues. The task force established a special committee to review financing requirements for proposed activities under the plan and to identify sources of funds. All this activity fed into the broad-based presidential task force that produced the plan.

The draft plan was submitted to the President in September 1995 and, after some further revision, was adopted in June 1996. It set itself a five-year time frame, for the period 1996-2000. This was later extended to 2002. The vulnerable groups identified in the plan are women, children, youth, indigenous cultural communities, Muslims, the elderly, persons with disabilities, the mentally disabled, prisoners and detainees, migrant workers, public-sector labour, private sector labour, informal labour, the urban poor and rural workers. A uniform presentation was adopted for each sector. The summary of the plan summarizes the major problems faced. The plan contains a brief discussion of the rights of each sector as well as a summary of current programmes of the Government and NGOs. The plan then proposes measures for legislative, administrative and other actions to address the issues affecting the human rights of people in each sector.

The implementation of the First Philippine Human Rights Action Plan proceeded showing improvements in the conditions of the vulnerable and disadvantaged sectors

The implementation mechanisms for the plan include the creation of inter-agency "Sectoral Working Groups" composed of both government and civil society groups that would operate in conjunction with the PCHR to oversee relevant activities. Another important feature of the Philippines plan is the importance attached to the monitoring and review process, under the oversight of the PCHR.

An evaluation of the plan was conducted by both the Office of the UN High Commissioner for Human Rights (UNOHCHR) and the Development Academy of the Philippines. The common points raised in their evaluation point to the fact that : a) the PHRP served as a comprehensive document on the human rights situation in the Philippines; b) the participatory approach broadened the stakeholders of the human rights agenda in the country; c) the plan promoted greater awareness of human rights issues and concerns among the government agencies, non-government organizations, the private sector and the sixteen (16) vulnerable sectors that have been identified; d) the plan served as an advocacy tool which provided legitimacy to the concerns of the

disadvantaged sectors; e) the PHRP created an awareness of the relationship between human rights and development; and e) the plan served as a catalyst for inter-agency collaboration and multi-stakeholder cooperation towards the promotion and protection of human rights. Further the evaluation results pointed the areas of improvement of the PHRP. These include the need for monitoring indicators and conduct of more systematic baseline study.

### **Overall Direction of the NHRAP**

Since the improvement of human rights conditions in the country is a State obligation and a public policy objective under the UDHR and the eight (8) International Human Rights Treaties, the NHRAP underwent the normal planning and resource allocation process of the government. Following the principle that human rights defines the quality of development desired for the country, the NHRAP integrates its human rights objectives into the development outcome of the Philippines which is that of achieving "*Better quality of life for the greatest number of the Filipinos.*"

Thus, the intended outcomes of the NHRAP are:

- a) An enhanced national and local human rights policy and legal framework mainstreamed in the development and governance of the country; and
- b) A progressive improvement of the human rights situation of the vulnerable and disadvantaged sectors, that is harnessed by political will at various levels of governance and rule of law.

By 2014, the achievement of these outcomes will be measured in terms of the following indicators:

- a) Human rights compliant-public services are available, adaptable, acceptable and accessible to the vulnerable and disadvantaged sectors
- b) Policies & Accountability mechanisms for human rights protection and promotion in place
- c) Existence of public confidence on human rights measures (as indicated by surveys)

The vision of the NHRAP is:

A stronger culture of human rights in the country, characterized by more accountable national and local governments (duty-bearers) adopting progressive implementation of the various State obligations on human rights in the development and governance of the country, empowerment of the broadest composition of the vulnerable and disadvantaged sectors (claimholders) and purposive participation of the private sector, the media, the religious and the entire civil society.

## The Guiding Principles for the NHRAP

All human rights principles will be applied in the formulation and implementation of the NHRAP. However the following principles will have high impact in achieving the NHRAP results both at the output and outcome levels:

a) Commitment to Universality of Human Rights Standards

As reiterated under, under Administrative order No. 249, the NHRAP embraces both sets of rights: civil and political rights and economic, social and cultural rights and serves as a reaffirmation of the Philippines to its solemn commitment to fulfill its obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all. The NHRAP is a national effort by which the Philippines can facilitate and enhance with speed and political will its human rights obligations set out under the various international human rights treaties to which it is a state party.

b) Empowerment of the Vulnerable and Disadvantaged Sectors

The NHRAP is a national undertaking that is designed to truly empower all sectors of the country to engage productively and responsibly in a continuing process of assessment, planning and capacity building towards the resolution of various human rights issues and challenges as part of a long term process. In seeking to achieve real empowerment, the NHRAP will provide all possible opportunities to educate the public, specially the various vulnerable and disadvantaged sectors on their rights entitlements, as well as, capacitate them to exercise their rights responsibly through the effort of the government to bring all of them into meaningful partnership in pursuit of national development goals.

c) Accountability and Transparency

These two principles will guide both the planning and implementation of the NHRAP. Accountability from the different branches of government (duty-bearers) operating both at the national and local levels will be exacted in terms of the various public policies, programs, activities and projects that will provide protection, promotion and fulfillment of human rights of the vulnerable and disadvantaged sectors (claimholders). Likewise, transparency will be observed in the assessment of actual human rights conditions affecting the claimholders in order to discover the roots human rights issues affecting them, and in obtaining the real and actual information in examining the processes and resources of government that will help boost the accountability of the government in the NHRAP.

## The NHRAP Goals

The NHRAP: 2010-2014 seeks to attain the following goals:

- a) To improve the capacities of both the government (duty-bearers) and vulnerable & disadvantaged sectors (claimholders)) and the rest of the civil society in addressing human rights issue and concerns within their respective scope of accountability through the implementation of international human rights standards specific NHRAP- programs, Activities, and Projects within the normal planning and resources allocation processes of the government; and
- b) To promote general public consciousness of human rights towards building a stronger culture of human rights in the country.

### **The NHRAP General Objectives**

In order to achieve the NHRAP goals, the following objectives shall be pursued:

- a) To enact legislations an/or amend existing laws consistent with the provisions of International Human Rights Treaties;
- b) To ratify international human rights instruments;
- c) To mainstream human rights standards in the government's policy, administrative and judicial measures, remedies and actions;
- d) To raise public awareness on the human rights of vulnerable and marginalized sectors of society
- e) To create public awareness on the human rights obligations of the Philippines as state party to various international human rights treaties

### **The Priority Human Rights Agenda of NHRAP**

The priority agenda of the NHRAP are drawn from the following:

- a) The 2007 Universal Periodic Review of the UNHRC that has triggered a multi-sectoral consultation process on the most pressing human rights issues and concerns in the country that demands a comprehensive and thorough process of resolution and healing;
- b) The Concluding Observations of concerned Treaty bodies, which contain the results of the examination and dialogue on the information received from government and other information on the human rights situation in the Philippines from other sources, including non-government organizations, UN agencies, other intergovernmental organizations, academic institutions and the press; and

- c) The consultations done among the members of the thematic clusters, area consultations with representatives of the vulnerable and disadvantaged sectors, government agencies, local officials from provinces across all the regions of the country.

The most critical ones that are included in the NHRAP are those that have not been addressed, need high level support, most pressing in terms of immediacy of the response needed, those that have policy implications and inter-branch consideration both in terms of interventions and resources.

Following human rights based approach, the mandated agencies (duty-bearers) and concerned vulnerable groups (claimholders) will be identified in the crafting of specific solutions and measures that will respond to specific human rights issues and concerns. These human rights agenda are presented by treaty in the following chapters of this plan.

## **Approach to the NHRAP Formulation**

### **Thematic and Sectoral**

The NHRAP is both thematic and sectoral. Its thematic nature refers to the eight treaties, while its sectoral nature refers to the various vulnerable and disadvantaged sectors of society with prevalent concerns under each of the eight treaties. The vulnerable and disadvantaged sectors are: *women, children, youth, indigenous peoples, the elderly, persons with physical and mental disabilities, prisoners and detainees, migrant workers, public-sector labor, private-sector labor, informal labor, the urban poor, rural workers, and other marginalized groups.*

### **Human Rights-Based Approach (HRBA)**

As prescribed under AO 163, the PHRC shall adopt the Human Rights-Based Approach (HRBA) in the formulation and implementation of the NHRAP. It is an approach that will facilitate implementation of various human rights standards under the eight (8) core International Human Rights Treaties on the ground. Also, it is a process that will link human rights and development, which under the 1986 UN Declaration on the Right to Development, states that Right to Development is an inalienable human rights whereby every human person and all peoples are: a) entitled to participate in, contribute to and enjoy economic, political social, cultural development; and b) fulfill state obligations to provide the enabling environment to take steps through appropriate means to the maximum level of its resources. The HRBA operates through a deliberate mainstreaming of human rights principles, norms, standards, practices into the development programming processes of all governance actors.

Therefore, in principle and in practice , the HRBA will engage all sectors of Philippine society covering both national, regional and local areas in a bottom-top and top-bottom consultative governance process of: a) shifting perspective of problems from needs to rights; b) the use of international human rights standards and its harmonization with

domestic laws; c) operationalization of the human rights principles, accompanying obligations and entitlements of the government and the people respectively, in designing programs, activities and projects that will produce human rights legislative, administrative, judicial measures and other remedies, and d) capacitating both duty-bearers (government) and vulnerable and disadvantaged sectors (claimholders) and the rest of civil society on human rights norms, standards and practices in the course of mainstreaming them to both the development and governance processes. In real terms, the HRBA shall:

- a) Redirect the development thinking of the government and its development agencies along international human rights obligations; That the objective of development and aid are defined in terms of particular human rights, legally, enforceable rights with express links to international, regional and national human rights instruments;
- b) Enable government to recognize its obligation to respond to the inalienable rights of individual Filipinos not simply in terms of development needs & requirements; That it is based on norms and standards contained in a number of international treaties and declarations; That benefit is based on moral consensus and legal obligations;
- c) Enable policy makers to evaluate their initiative's impact in terms of enhanced human dignity of people in order to ascertain that benefits are fairly distributed and have express linkage to rights, non-discrimination, attention to vulnerable groups, participation, empowerment and accountability;
- d) Empower people to demand justice as a right, not as charity; and to give communities a moral basis for which to claim international assistance; and also uphold permanent sovereignty over natural resources; self-determination; popular participation; equality of opportunity; and the advancement of adequate conditions for the enjoyment of rights;
- e) Focus on issues of accessibility as people are inherently identified as claimholders. *HRBA seeks to know who is entitled to benefit and who owes the duty; and thus enable government and people to identify the root causes of problems on which the development of public policies, programs and services will be based, using as guide in the process the applicable human rights principles and standards.*

### **Institutional Arrangements Under the NHRAP**

Under Administrative Order No. 163 dated 8<sup>th</sup> December 2006, President Gloria Macapagal Arroyo strengthened the Presidential Human Rights Committee (PHRC). The PHRC was established under Administrative order No. 29 on January 27, 2002. Apart from expanding its membership, its functions and duties are further elaborated to include, among others, a) the formulation of the National Human Rights Action Plan in

accordance with international human rights treaty obligations and in connection to the aim of adopting a “rights-based approach” in the formulation of such a plan, and b) to coordinate compliance with international human rights obligations to which the Philippines is a state party. Based on this mandate, the national action planning shall be an effective tool to continuously and progressively implement the government’s human rights obligations in collaboration with all other sectors of Philippine society.

Office of the President - To provide leadership to the NHRAP process; grant it legal status through presidential directives to all executive agencies and instrumentalities under its supervision; and commit the allocation of resources for the implementation, coordination, management, and capacity-building requirements of the NHRAP.

At the regional and local levels, the Office of the President will be expected to enjoin the Regional Development Councils (RDCs) to spearhead local human rights capacity-building activities, with the participation of the Local Development Councils, the League of Governors, Leagues of Mayors and Vice Mayors, and Associations of Barangay Captains nationwide in order to adopt and implement the NHRAP within their respective areas of jurisdiction.

National Government Agencies - Under the leadership of the designated lead agencies of the eight core International Human Rights Treaties, various agencies will be organized and tapped to constitute the thematic clusters, which will be charged of the formulation and implementation of the NHRAP.

Philippine Congress – To consider the legislative agenda of the NHRAP including its funding enactment towards ensuring its continuity which transcends political administration; and to strengthen its legislative capacity to enact laws proposed under the NHRAP as well as exert continuing efforts to effect a strong legal framework on human rights through the harmonization of domestic laws with international human rights treaties to which the Philippines is a state party;

The local Sanggunians at the provincial, city, and municipal levels will be expected to support the NHRAP through the formulation and enforcement of local resolutions and ordinances that will provide policy support and resources for the NHRAP’s implementation.

Philippine Judiciary – To strengthen the competency and capacity of the lower and higher courts in promoting and advancing the rule of law through its exercise of independence, fairness, and honesty in the resolution of human rights cases; and to institute measures to improve access to justice by the poor, vulnerable, and disadvantaged sectors of society whose human rights are deprived or violated.

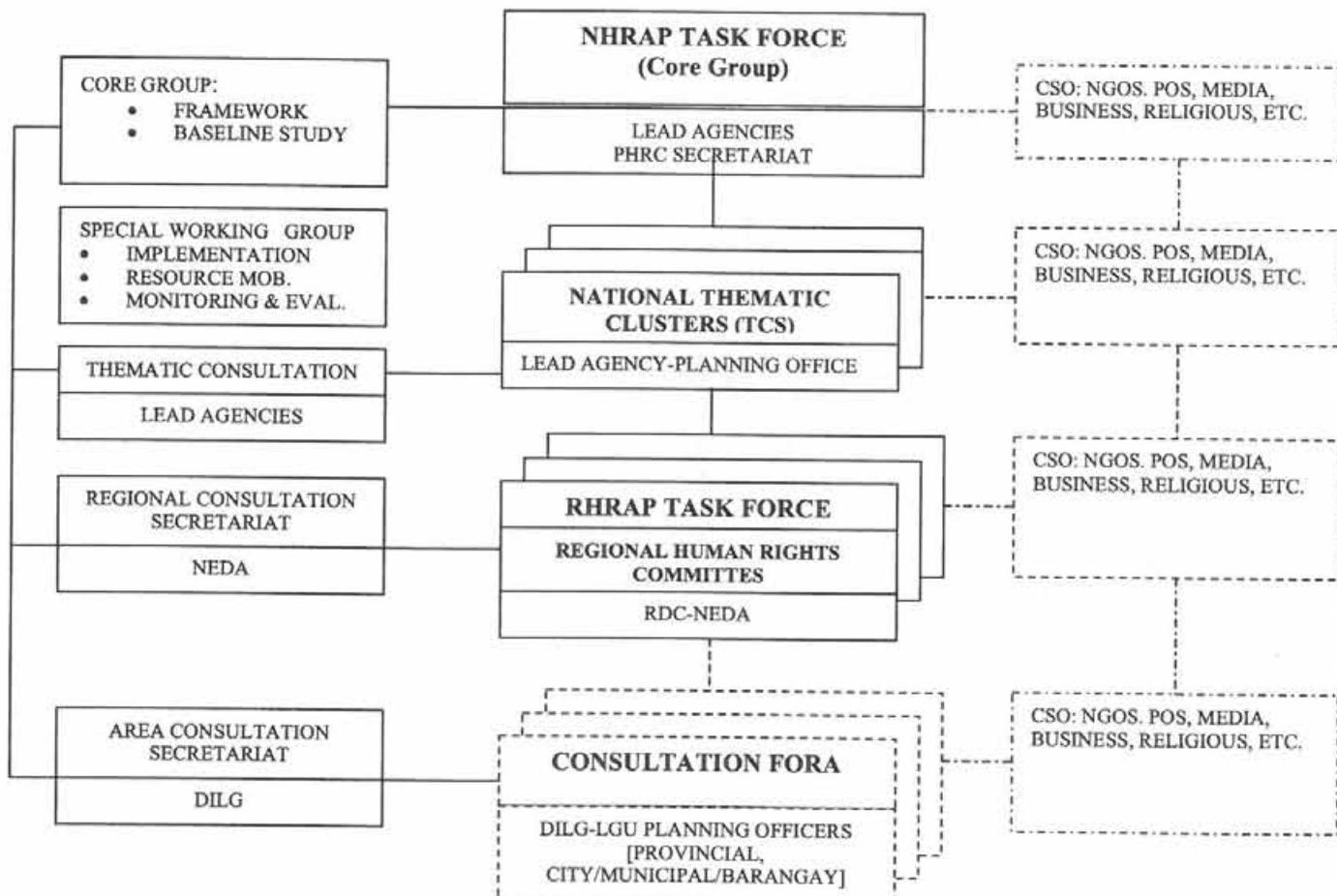
Ombudsman of the Philippines – To serve as protector of the people by prosecuting corrupt government officials and employees; and to institute specific policy measures that are founded upon the obligations of the government and the entitlements of the people in order to foster good governance in the country.

Commission on Human Rights of the Philippines – To undertake oversight monitoring of the implementation of the NHRAP; to provide expert recommendations to the government regarding appropriate actions that must be undertaken; and to assist in capacitating the government and CSOs regarding the resolution of human rights issues.

Civil Society Organizations – To ensure the involvement of various people’s organizations representing the vulnerable and disadvantaged sectors, apart from the human rights NGOs, media, private sector and media in the development and implementation of the NHRAP.

Figure 1

NHRAP Institutional Arrangements  
(Formulation & Development Phase)



**NHRAP Linkage with Other Development Plans**

The NHRAP's overall objectives/thematic objectives and all the programs, projects, and activities identified in the NHRAP are linked to all other development planning and budgeting activities of government agencies that are currently being implemented. Thus, all programs, activities and projects identified in the plan are expected to produce all the necessary legislative, administrative, judicial and other remedies that will render direct contributions to the development outcomes of the country.

The plan has identified specific linkage to the Medium Term Philippine Development Plan (MTPDP); Millennium Development Goals; as well as all Country Plans for the vulnerable and disadvantaged sectors with particular focus on policies, mechanisms, and intervening programs, projects, and activities to enhance the implementation of the development and human rights objectives of these various framework plans.

As an offshoot of consultations at the national, regional and area levels, the provision of reasonable resources by the government and its agencies is properly indicated in the plan. Accountabilities have been set out in each thematic plan. Partnerships for the NHRAP among the Thematic Cluster members, and various agencies responsible for implementing particular programs, projects, and activities under the NHRAP are expected to sustain both the formulation and implementation of the plan.

The NHRAP is assured that in the course of the series of consultations, the accountable and implementing agencies have considered the funding schemes for the identified programs, activities and projects, which expectedly are subsumed under the plan in their respective budgets for the period 2010-2014.

This linkage of the NHRAP with the plans and budgets of national agencies and LGUs is an indication of the plan's success as far as seeking strong political in mainstreaming human rights to the development goals of the country both at the national and local levels.

While the NHRAP is totally a commitment of the Philippine government, it is likewise a window of opportunity to seek external funding for some components of the NHRAP. Recent trends show that the field of human rights is an appropriate area to forge international cooperation.

### **Recent Human Rights Commitments Of Government That Is Linked With the NHRAP**

During the preparatory and development phase of the NHRAP, Administrative Order No. 249 was issued for the further strengthening of government policies, plans and programs for the effective promotion and protection of human rights that was released on the occasion of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights ON December 9, 2008. Under the directive, all concerned departments, agencies, bodies and instrumentalities of the Executive branch of government, including local government units, are directed to strengthen and to ensure

compliance to their existing policies, plans and programs as they would enhance government's overall effort in the promotion and protection of human rights, taking into account the specific applicable rights and freedoms embodied in the UDHR.

The directive promoted better understanding of the human rights commitments of government that coincided with the formulation of the plan. Specific instructions were given to major departments and offices of the government handling dispensation of justice, legal assistance, human rights training of military and police officers, human rights capacity building for LGUs, basic education and higher education, social welfare for the poor, vulnerable sectors and informal sectors, OFWs, information campaign for gender sensitive LGUs, protection of the rights of indigenous peoples, poverty alleviation, protection of children in situations of armed conflict, integration of human rights principles and UDHR into the LGU development plans and programs, and the integration of the human rights-based approach in the formulation of the country's development policies, plans and programs, among others.

In effect A.O. 249 expressly provide the political will of the administration to pursue the human rights agenda of the country in terms of the immediate human rights measures, remedies and actions, which as envisioned could later be sustained through the NHRAP and eventually through the full mainstreaming of the HRBA into the country's development plan in the long run.

## Chapter 2

### International Covenant on Civil and Political Rights

#### Introduction

Human Rights, taken collectively, refer to the supreme, inherent and inalienable rights to life, to dignity and to self development. It is the essence of these that makes man human.<sup>1</sup>

The International Covenant on Civil and Political Rights (ICCPR) is the most important treaty in the field of universal human rights. The covenant covers the civil and political rights of individuals which the states are obliged to guarantee, particularly on the right to life from which no derogation is permitted, even in time of war or public emergency. While the right to life begins at birth according to International Law, it begins at conception in the Philippine Law.

The Philippines signed the Covenant on 19 December 1966, ratified the same on 28 February 1986 and submitted the Instrument of Ratification on 23 October 1986. The treaty entered into force on 23 January 1987, three months after the date of deposit of the Instrument of Ratification. The Philippines submitted its Initial Report to the Committee on 22 March 1989 (CCPR/C/50/Add.1/Rev.1), which was considered by the Committee on 7 April 1989. The combined second and third report was submitted to the Committee on September 18, 2002.

#### Thematic Objective 1

The Philippine government is strongly committed to uphold the universality of human rights standard. In doing so, there is an urgent need to mainstream international human rights standards to domestic norms through the enactment of legislations and other administrative and judicial measures/actions. The laws must reflect the generally accepted principles of human rights and ensure that enacted legislations are consistent with the ICCPR provisions following the observation of the UN Human Rights Committee in its 2003 Concluding Observation.

Also, as a reaffirmation of the government to promote universal respect for and observance and protection of all human rights and fundamental freedoms for all there is a need to support the ratification of international human rights instruments, i.e. OPCAT, among others.

#### Thematic Objective 2

While there are existing remedies and mechanisms in place to address human rights violations such as EJK and enforced disappearances there appears to be a need to enhance the political will to put an end to all these impunities. Corollary, all sectors must

be truly empowered through the continuing process of assessment, planning and capacity building towards the resolution of various human rights issues and challenges as part of a long term process.

In seeking to achieve real empowerment to various vulnerable and disadvantaged sectors, the NHRAP will provide all possible opportunities to educate and capacitate them with regard to the exercise of their rights through the efforts of the government and meaningful partnership with non government organizations towards the achievement of national development goals.

### **Thematic Objective 3**

In order to determine the successful implementation of plans and programs consistent with the provisions under the ICCPR, an institution of coordinated performance accountability and monitoring system following the international standards of fairness should be established and or strengthened.

## **Strategic Treaty Indicators**

### **Thematic Objective 1**

To ensure that legislations enacted are consistent with the ICCPR provisions.

This is in response to the 2003 Concluding Observations of the Human Rights Committee, to quote:

“1. The Committee notes the absence of information regarding the status in domestic law of the Covenant and on whether any Covenant provisions have been invoked in court proceedings to date.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that domestic law is harmonized with the obligations subscribed to under the Covenant

With the separation of powers among the branches of government, namely: legislative, executive and judiciary branch, the indicators are based primarily on the existing bills/legislations pending with the Congress and the Senate on related civil and political rights. For local legislation it will be based on ordinances.

It is noteworthy to mention that while the Philippines is noted for well crafted laws, our laws are always criticized internationally for their non-conformity with the provisions of well settled human rights standards, i.e. Human Security Act. Needless to state, the government is also being criticized for poor implementation of the laws, which sometimes leads to denial of justice to victims and family of victims of social impunity.

Accountable Agencies:

Congress/Senate (Concerned Agencies with Senate Committees and House of Representatives)

Local Government Units

DILG

PNP

**Thematic Objective 2**

To enhance the exercise of political will at various levels of governance in providing effective remedies

The objective is to enhance the existing mechanisms which were created to address the extrajudicial killings, arbitrary detention, harassment, intimidation and abuse committed against human rights defenders, journalists and leaders of indigenous peoples including detainees, many of whom are women and children, allegedly perpetrated by state actors. Unfortunately, these cases have neither been investigated nor prosecuted due to lack of political will.

The 2003 Concluding Observations of the Human Rights Committee that needs to address is herein quoted in part:

“8. The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. Furthermore, the Committee is concerned at reports of intimidation and threats of retaliation impeding the right to an effective remedy for persons whose rights and freedoms have been violated.

(a) The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation.

xxx xxx xxx

11. The Committee expresses concern regarding reported cases of extrajudicial killings, arbitrary detention, harassment, intimidation and abuse, including of detainees, many of whom are women and children, that have neither been investigated nor prosecuted. Such a situation is conducive to perpetration of further violations of human rights and to a culture of impunity.

The State party should adopt and enforce legislative and other measures to prevent such violations, in keeping with articles 6 and

9 of the Covenant and to improve the implementation of relevant laws. The State party should conduct prompt and impartial investigations, and prosecute and punish the perpetrators.

Accountable Agencies:

DOJ  
NBI  
AFP  
DILG/PNP  
CHR  
PCTC (Philippine Center for Transnational Crime )  
LGUs  
PHRC

**Thematic Objective 3**

To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five (5) pillars of the criminal justice system

The Philippines' commitment to address human rights involves serious fight against corruption which is the root of all human rights violations. Unfortunately, recent international report finding the Philippines as the first ranking nation when it comes to corruption practices.

Thus, to ensure that government's plans and programs are carried out accordingly monitoring mechanisms must be established to hold the duty bearers accountable as provided in their mandate.

Accountable Agencies

Judiciary (Supreme Court, SANDIGANBAYAN)  
PAGC, PCGG  
DOJ-Prosecution (DOJ, OMBUDSMAN, DSWD, BJMP)  
Law Enforcement Agencies (PNP, NBI, DILG, PDEA, BI)  
LGUs  
DILG-BJMP  
DOJ-BOC  
DSWD  
LGUs  
Civil Society

## Thematic Situationer

### Existing Legal Framework

The existing legal framework for human rights protection consists of the Constitution, legislation, court decisions or jurisprudence, and customs and traditional practices.

The Constitution is the supreme and basic law of the country and provides the general framework and principles by which the State is run. It is the standard on which national legal instruments, government actions and decisions are based and evaluated. Important elements of the Constitution include the Bill of Rights, the articles on human rights and social justice, accountability of public officers, citizenship, suffrage, national economy and patrimony.

The Constitution provides for the establishment and separation of powers of the three major branches of government – the Executive, Judiciary, and a bi-cameral Legislature. It specifies the mandates and powers of the major institutions responsible for human rights promotion and protection.

The Constitution provides that, *“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. (Article XIII, Section 1)”*

Consequently, the following statutes were enacted to bolster anti-discriminatory measures, viz:

- a) Republic Act 8425, otherwise known as the “Social Reform and Poverty Alleviation Act”;
- b) RA 9257 Expanded Senior Citizen’s Act of 2003 – For Senior citizens;
- c) RA 7877 Declaring Sexual Harassment Unlawful in the Employment, Education, or Training Environment and for Other Purposes (Anti-Sexual Harassment Act of 1995);
- d) RA 6725 An Act Strengthening the Prohibition on Discrimination Against Women with Respect to Terms and Conditions of Employment, Amending for the Purpose Article One Hundred Thirty-Five of the Labor Code , as Amended;
- e) RA 6955 An Act to Declare Unlawful the Practice of Matching for Marriage to Foreign Nationals on a Mail-Order Basis and for Other Similar Practices, Including the Advertisement, Publication, Printing or Distribution of Brochures, Fliers and Other Propaganda Materials in Furtherance Thereof and Providing Penalty Therefor;
- f) RA 7192 An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation- Building and for Other Purposes;

- g) RA 7322 An Act Increasing Maternity Benefits in Favor of Women Workers in the Private Sector, Amending for the Purpose Section 14-A of Republic Act 1161, as Amended, and for Other Purposes;
- h) RA 8353 An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes; RA 9208 Anti-Trafficking in Persons Act of 2003 – For Women and children;
- i) RA 7277 An Act Providing for the Rehabilitation, Self-Development and Self- Reliance of Disabled Persons and their Integration into the Mainstream of Society and for Other Purposes (Magna Carta for Disabled Persons) – for persons with disabilities;
- j) RA 7279 An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establishing the Mechanism for its Implementation and for Other Purposes (Urban Development Housing Act of 1992) — for urban poor;
- k) RA 8042 An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of the Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes – for migrant workers;
- l) RA 9344, An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefore and For Other Purposes, (Juvenile Justice and Welfare Act of 2006) – For children in conflict with the law;
- m) RA 9231 Elimination of the Worst Forms of Child Labor Act of 2003 – For children;
- n) RA 9255 An Act Allowing Illegitimate Children to Use the Surname of their Father – For children;
- o) RA 9262 Anti-Violence Against Women and their Children Act of 2004 – For women and children;
- p) Republic Act No. 7610, or “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes”
- q) RA 7309 An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes -- For victims of unjust imprisonment/ detention and victims of crimes;
- r) RA 7438 Defining Certain Rights of Persons, Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers and Providing Penalties for Violations Thereof – For arrested persons/detainees.

The following are existing institutions created for the protection of human rights across the agenda:

For those who cannot afford legal counsel, the Public Attorney's Office under the DOJ provides free legal assistance and services including prosecution and defense. Prosecution is the responsibility of the prosecution pillar which comprises primarily of two national government agencies, namely, the National Prosecution Service, an organic unit of the Department of Justice (DOJ), and the Office of the Ombudsman.

In 2006, the President of the Philippines established the independent Melo Commission to investigate activist and media killings. The recommendations of the Melo Commission and other measures, were adopted and operationalized by the Executive Branch as well as the Legislature and the Judiciary, notably:

- a) On May 13, 2006, Task Force *Usig* (Task Force Prosecution) was formed under the PNP to immediately investigate unexplained killings. As of October 2009, the PNP has already filed 94 cases against suspects in the killings of 155 political activists and journalists;
- b) On March 27, 2007, Task Force of Prosecutors on Human Rights and Extrajudicial Killings was created to handle the inquest, preliminary investigation and prosecution of cases of alleged political killings under Department of Justice Order No. 257;
- c) Issuance of Administrative Order No. 181 on 03 July 2007 by President Gloria Macapagal-Arroyo directing the coordination between the National Prosecution Service and other concerned agencies of the Government for the successful investigation and prosecution of political and media killings.

In October 2007, the President of the Philippines ordered the PNP and the Armed Forces of the Philippines (AFP) to take active steps to prevent human rights violations by men in uniform. This includes instructions and training designed to reiterate to all PNP and AFP personnel that human rights abuses will not be tolerated.

In November 2007, The President issued A.O. 211 creating a multi-agency Task Force against Political Violence, *Task Force 211* to increase coordination between the Department of Justice, the Department of National Defense, the Presidential Human Rights Committee, investigative and national security agencies, and civil society for speedier solutions to such violence.

In strengthening the witness protection program and creating a team of prosecutors to handle such cases, President Arroyo has certified as urgent before Congress legislation to strengthen the Witness Protection Program. Other legislation that the President has certified as urgent includes the imposition of harsher penalties on persons who commit political killings, and imposing the harshest penalties on persons in uniform who commit such killings.

The judiciary complemented the unwavering commitment of the Executive Branch of government to address this concern. The Supreme Court has instructed all courts to prioritize such cases now pending in Philippine courts. It also convened the *National Consultative Summit on EKJ and Enforced Disappearances (Summit)*, and the recommendations generated during the Summit resulted in proposed legislation in congress and the promulgation of the *Rule on the Writ of Amparo*<sup>30</sup>, and the *Rule on the Writ of Habeas Data*<sup>31</sup>.

### ***Main Problem Areas***

One of the major gaps in dealing with human rights issues is the limited knowledge both of the duty bearers as well as the claimholders on the ICCPR. We cannot ignore the fact that some of the people who are in charge of enforcing and implementing the law are themselves new to this concept. Suffice it to say that their understanding of ICCPR are inadequate at this stage.

Another area of concern is the lack of experience or no experience at all what the RBA is and its application. There is a need to capacitate the duty bearers to apply ICCPR concepts and HR standards and indicators within their agenda.

### ***Situation Matrix***

<b>HUMAN RIGHTS ISSUES</b>	<b>DUTY-BEARERS</b>	<b>CLAIMHOLDERS</b>
Some documented cases of extra-judicial killings and enforced disappearances since martial law up to present	<ul style="list-style-type: none"> <li>• PNP, DOJ, CHR</li> <li>• obligation to protect</li> </ul>	<ul style="list-style-type: none"> <li>• peasants</li> <li>• organized labor</li> <li>• media</li> <li>• members of militant groups</li> </ul>

HUMAN RIGHTS ISSUES	DUTY-BEARERS	CLAIMHOLDERS
Corruption	<ul style="list-style-type: none"> <li>• Every citizen</li> </ul>	<ul style="list-style-type: none"> <li>• Pillars of criminal justice system</li> <li>• Judiciary</li> <li>• Ombudsman</li> </ul>
Ineffective barangay justice system since PD1508 (1976)	<ul style="list-style-type: none"> <li>• Barangay residents with cases filed before the <i>lupon</i></li> </ul>	<ul style="list-style-type: none"> <li>• DILG</li> <li>• LGUs</li> <li>• <i>Lupon</i> members</li> </ul>
Lack of IP representation in local sanggunihan		IPs
Challenges experienced by witnesses in cases	<ul style="list-style-type: none"> <li>• DOJ</li> <li>• NBI</li> <li>• PNP</li> </ul>	<ul style="list-style-type: none"> <li>• Victims and/or their family</li> </ul>
Control of politicians in the conduct of criminal cases	<ul style="list-style-type: none"> <li>• Judiciary</li> <li>• DOJ-NPS</li> </ul>	General public
Deprivation/delay in the delivery of basic services due to institutionalized corruption	<ul style="list-style-type: none"> <li>• Ombudsman</li> <li>• PCGG</li> </ul>	Public, most especially, the marginalized sector

### Thematic Performance Targets

- To ensure that legislations enacted are consistent with the ICCPR provisions.

Consistent with this objective is the enactment of national legislations on/or related to civil and political rights, as well as ordinances at the local level.

The NHRAP targets are the following:

- 1<sup>st</sup> year – Advocacy & lobbying up to 1<sup>st</sup> & 2<sup>nd</sup> reading
- 2<sup>nd</sup> year – Advocacy & lobbying up to deliberation
- 3<sup>rd</sup> year – Advocacy & lobbying up to passage & adoption of  
Implementing Rules and Regulations (IRR)
- 4<sup>th</sup>-5<sup>th</sup> year – Implementation

- To enhance the exercise of political will at various levels of governance in providing effective remedies.

To achieve this, the NHRAP aims to: (1) the institution of effective investigative mechanisms ; (2) increased prosecution of cases involving trafficking and terrorism; and (3) decreased incidents of cases (i.e. EJK and enforced disappearances).

Medium-term targets:

25% decrease in EJK, ED, trafficking and terrorism cases

75% prosecuted cases on EJK, ED, trafficking and terrorism cases

Annual term targets:

10% annual decrease in EJK, ED, trafficking and terrorism cases

15% prosecuted cases per year on EJK, ED, trafficking and terrorism cases

To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five pillars of the criminal justice system.

The NHRAP aims to institutionalize the performance accountability and monitoring system at the intra-pillar and inter-pillars of justice, which would result to decreased incidents of corruption and increased levels of access to justice especially of the poor and the marginalized sectors.

The Medium-term targets:

Measures implemented to address corruption vulnerabilities in all pillars

Improved information sharing in all pillars

Client friendly and human rights compliant systems and procedures in place.

Annual Term Targets:

Identified corruption vulnerabilities within and across the pillars (i.e. personnel system, transaction and adoption of corresponding action plans)

Community-based public information program

Pilot inter-pillar projects on access to justice

Table 1. Performance Targets

Thematic Objectives	Strategic Indicators	Medium-Term Targets	Annual Targets
1. To ensure that legislations enacted are consistent with ICCPR provisions	<ul style="list-style-type: none"> <li>• Enactment of Legislations on/ or related to civil &amp; political rights:</li> <li>• Ordinances</li> </ul>	<ul style="list-style-type: none"> <li>• Enacted &amp; implemented Legislations</li> </ul>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> yr – Advocacy &amp; Lobbying up to 1<sup>st</sup> &amp; 2<sup>nd</sup> reading</li> <li>• 2<sup>nd</sup> yr – Advocacy &amp; Lobbying up to Deliberation</li> <li>• 3<sup>rd</sup> yr. – Advocacy &amp; Lobbying up to passage &amp; adoption of IRR</li> <li>• 4th -5<sup>th</sup> yr - Implementation</li> </ul>
2. To enhance the exercise of political will at various levels of governance in providing effective remedies and mechanisms	<ul style="list-style-type: none"> <li>• Effective investigative mechanism</li> <li>• Standardized the definition of EJK, enforced disappearance agreeable by all stakeholders</li> <li>• Increased Prosecution of Cases involving trafficking &amp; terrorism</li> </ul>	<ul style="list-style-type: none"> <li>• 25% decrease in EJK, ED, trafficking and terrorism cases incidence</li> <li>• 75% prosecuted cases EJK, ED, trafficking and terrorism cases</li> </ul>	<ul style="list-style-type: none"> <li>End of every quarter</li> <li>• 10% annual decrease EJK, ED, trafficking and terrorism cases</li> <li>• 15% prosecuted cases per year EJK, ED, trafficking and terrorism cases</li> </ul>

Thematic Objectives	Strategic Indicators	Medium-Term Targets	Annual Targets
	<ul style="list-style-type: none"> <li>• Decreased incidents of cases, (i.e. EJK and Enforced Disappearances</li> <li>• Institution of mechanism to hold non state actors/rebel groups liable for HR violations</li> </ul>		
<p>3. To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five (5) pillars of the criminal justice system</p>	<ul style="list-style-type: none"> <li>• Performance Accountability &amp; Monitoring System at the intra –pillar &amp; inter- Pillars of CJS involving;</li> <li>• Monitor and Deter Corruption</li> <li>• Speedy disposition of corruption case</li> <li>• Implementation of Integrity development review program</li> <li>• Access to Justice by the Poor</li> </ul>	<ul style="list-style-type: none"> <li>• Measures implemented to address corruption vulnerabilities in ALL pillars</li> <li>• Improved information sharing in ALL pillars</li> <li>• Client friendly &amp; HR compliant systems &amp; procedures in place</li> </ul>	<p>End of every quarter</p> <ul style="list-style-type: none"> <li>• Identified corruption vulnerabilities within &amp; across pillars ( e.g. personnel, system, transaction and adoption of corresponding action plans</li> <li>• Community-Based Public Information Program</li> <li>• Pilot inter-pillar projects on access to justice</li> </ul>

## **Program of Action**

With the implementation of the NHRAP, the Philippine government shall give priority to the enactment of legislations consistent with human rights standards and conventions and to advance human rights protection at all levels. Steps to be taken involves the conduct of sectoral, national and local consultation involving duty bearers and claimholders to define the rights protected under the Convention (ICCPR); to conduct studies to proposed legislations to counter check if there is duplication in laws and to be able to identify the gaps; and to conduct treaty monitoring and report preparation as part of a state obligation.

Another priority is to popularize the Convention (ICCCPR) to duty bearers as well as the claimholders nationwide. As an initial step, several studies, regular dialogues, and workshops on civil and political rights must be conducted nationwide; conduct of Trainers Training on ICCPR & RBA both duty-bearers & claimholders; conduct of Information Dissemination Programs/Projects; Conduct of workshops, symposia, conferences, public hearings, etc.

Table 2. Programs/ Activities/ Projects

Performance Targets	Annual Targets	Programs/ Activities/ Projects	Coverage	Responsible Stakeholders		Target Date/s	Expected Outputs
				Duty-Bearers	Claimholders		
1. Enacted & implemented Legislation	2010 – Advocacy & Lobbying up to 1 <sup>st</sup> & 2 <sup>nd</sup> reading	<ul style="list-style-type: none"> <li>Joint conduct of empirical studies to support proposed legislation\</li> </ul>	National/Local	Congress/Senate	<ul style="list-style-type: none"> <li>women</li> <li>Children</li> <li>Youth</li> <li>Prisoners &amp; detainees</li> <li>Indigenous Peoples</li> <li>Migrant Workers</li> <li>Persons with Disabilities</li> <li>Elderly</li> <li>Public &amp; private Labor</li> <li>Informal Labor</li> <li>Displaced persons</li> <li>Victims of</li> </ul>	<ul style="list-style-type: none"> <li>March 15, 2010-onwards</li> </ul>	<ul style="list-style-type: none"> <li>Study Results to support legislations and compliance with the ICCPR</li> </ul>
	2011 – Advocacy & Lobbying up to Deliberation	<ul style="list-style-type: none"> <li>Establishment of databank containing all human rights law</li> <li>For the local gov't. to exhaust all efforts to stop the killings, (ICESCR/DILG Investment Plan)</li> </ul>	National/Local			<ul style="list-style-type: none"> <li>3<sup>rd</sup> Quarter of 2010, upon the assumption of the newly elected officials</li> </ul>	<ul style="list-style-type: none"> <li>To define extrajudicial killings and provide penal sanctions for its violation</li> </ul>
	2012 – Advocacy & Lobbying up to passage & adoption of IRR	<ul style="list-style-type: none"> <li>to advocate for</li> </ul>					

	<p>2013-2014 - Implementati on e</p>	<p>the passage of a law defining and criminalizing EJ</p> <ul style="list-style-type: none"> <li>• holding accountable the duty bearers for inaction or acquiescenc e; and providing for rehabilitati on of the family of victims</li> <li>• Conduct review of proposed bills as to ICCPR compliance</li> <li>• Organization of relevant Lobby groups of affected/concer</li> </ul>			<p>Disappea rance &amp; their Families • Rural Workers</p>		<p>Comments and endorsements from Concerned Agencies/CSOs</p> <p>Sectoral/lobby groups</p>
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		<p>ned sectors</p>					<p>Solve cases More whistle-blowers and more cases filed in courts</p>
<p>2.To enhance the exercise of political will at various levels of governance in providing effective remedies and mechanisms</p>	<p>10% annual decrease of cases of killings and enforced disappearances.</p>	<ul style="list-style-type: none"> <li>• Conduct of Public awareness through for a/symposia &amp; hearings</li> <li>• Capacity building for law enforcers</li> <li>• Promotion of the culture of peace</li> <li>• Advocacy for the rule of law</li> <li>• Enhance Social Integration Program (SIP) i.e., Balik Baril Program</li> <li>• Establish-ment &amp; enforcement of performance</li> </ul>	<p>National/Local</p>	<p>PNP, DOJ, CHR, NBI, local officials and other concerned Inter-Agency Body/ies</p>	<ul style="list-style-type: none"> <li>• Women</li> <li>• Children</li> <li>• Youth</li> <li>• Prisoners &amp; detainees</li> <li>• Indigenous Peoples</li> <li>• Migrant Workers</li> <li>• Persons with Disabilities</li> <li>• Elderly</li> <li>• Public &amp; private Labor</li> <li>• Informal Labor</li> <li>• Displaced persons</li> <li>• Victims of Disappea</li> </ul>	<p>➤ Quarterly</p>	<p>High performance level of inter-agency bodies</p>

		<p>Account-ability System (sanctions &amp; rewards scheme)</p> <ul style="list-style-type: none"> <li>• Effective and prompt investigation and inter-agency collaboration</li> <li>• Conduct of continuing dialogue between the police &amp; prosecution on case-specific prosecution issues &amp; problems, definition of ejk and ed</li> <li>• Effective prosecution of</li> </ul>	<p>•</p>	<p>-DOJ/DILG</p>	<p>rance &amp; their Families</p> <ul style="list-style-type: none"> <li>• Rural Workers</li> </ul>	<p>A</p>
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		<ul style="list-style-type: none"> <li>perpetrator</li> <li>Rehabilitation of victims and perpetrators/violators</li> </ul>					
<p>➤ 3.To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five (5) pillars of the criminal justice system</p>	<p>➤ Identified corruption vulnerabilities within &amp; across pillars (e.g. personnel, system, transaction and adoption of corresponding action plans</p>	<ul style="list-style-type: none"> <li>Conduct of intra-pillar and inter-pillar study groups, dialogues, fora &amp; workshops</li> <li>Millenium Challenge Account of the Ombudsman</li> <li>Investigation and prosecution of corruption cases</li> </ul>	<p>National</p> <p>National</p> <p>National/Local</p>	<p>Supreme Court</p> <p>DOJ-Prosecution</p> <p>Law Enforcement Agencies</p> <p>LGUs</p> <p>DILG-BJMP</p> <p>DOJ-BOC</p> <p>DSWD</p> <p>COA</p>	<ul style="list-style-type: none"> <li>Women</li> <li>Children</li> <li>Youth</li> <li>Prisoners &amp; detainees</li> <li>Indigenous Peoples</li> <li>Migrant Workers</li> <li>Persons with Disabilities</li> <li>Elderly</li> <li>Public &amp; private Labor</li> <li>Informal</li> </ul>	<p>➤ Quarterly</p>	<p>MOA</p> <p>Studies</p> <p>Action Plans</p> <p>Systems &amp; procedures integrated into the respective agencies' internal rules</p>

	<p>Program Pilot inter-pillar projects on access to justice</p>	<ul style="list-style-type: none"> <li>• Public information</li> <li>• Restitution of victim</li> <li>• Continuing public dialogues &amp; public information &amp; dissemination program</li> </ul>	<p>National/ Local</p>	<p>AMLC House and Senate Committee on Anti-Corruption LGUs Civil Society</p>	<p>Labor</p> <ul style="list-style-type: none"> <li>• Displaced persons</li> <li>• Victims of Disappearance &amp; their Families</li> <li>• Rural Workers</li> </ul>		<p>Information, Education &amp; Communication materials</p> <p>Resolutions for public issues &amp; concerns</p> <p>Creation of website on Access to Justice link to <a href="http://www.dswd.gov.ph">www.dswd.gov.ph</a></p>
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## Linkages with Other Development Initiatives and Plans

The NHRAP can be linked to the different development plans of action of the government particularly the "*Medium Term Philippine Development Plan (MTPDP) 2004-2012*". Both plans have a common goal of ensuring better quality of life of the Filipino people.

This Chapter (ICCPR) of the Plan can be linked to Chapter 16 of the MTPDP pertaining to "Peace and Order", to quote:

"To address the issues affecting peace and order, the government will adopt the following strategies:

--Effective and credible law enforcement jointly executed by a trilateral partnership between the local executive, the police and the community; Professionalization of the PNP; and Continuous and intensified operations to neutralize terrorism and other organized crime groups.

--Effective and credible law enforcement jointly executed by a trilateral partnership between the local executives, the police and the community would greatly help in addressing terrorism, syndicate crimes (i.e. kidnapping, drug trafficking and bank robbery) and common crimes against property.

This Medium-Term Philippine Development Plan 2004-201 will be done through the intensification of the Anti-Illegal Drugs Special Operation Task Force (AID-SOTF), the Anti—Bank Robbery Special Operations Task Force (ABR—SOTF) and the Police Anti-Crime and Emergency Response (PACER) in coordination with the National Anti—Kidnapping TaskForce. To contain street crimes, additional personnel will be deployed to identified hot spots and more auxiliary forces will be enlisted.

The Arroyo Administration is committed to pursue the professionalization of the PNP to make the government more effective in the campaign against criminality. Syndicated crime groups especially kidnapers, bank robbers and drug traffickers will be targeted. Thus, recruitment standards shall be upgraded and annual recruitment of qualified personnel must be increased. A continuous career training and development program, with focus on courses that address identified training needs, shall also be pursued. Moreover, career courses,

specialized courses, foreign and in-country training, in service training will be provided to qualified and deserving PNP personnel.

The government will continue to intensify operations to neutralize terrorism and other organized crime groups. These will entail the acquisition of basic equipment and facilities, specifically, the construction of police stations and police precincts, the upgrading of crime prevention infrastructure, technology and equipment.”

Also, it can be linked to Chapter 17 on “Rule of Law” of the MTPDP, to quote:

“The government shall support the Supreme Court’s vision of quality, ethical, accessible and cost-effective legal service. In particular, the government will

1. Support and complete the ongoing APJR projects on case decongestion, judicial systems and procedure, human resource development (HRD), institutional development, and reform support systems;
2. Improve functional administrative and operating structures in the Judiciary;
3. Provide sufficient public information and collaboration with society;
4. Provide access to justice by the poor through the ongoing institutional development reforms project under the APJR; and
5. PLIISUG an advocacy on Alternative Dispute Resolution (ADR) mechanisms under RA 9285 in the judicial system.

The following reforms in the prosecution system shall also be pursued:

1. Expedite resolution of cases
  - a) Intensify the recruitment of 500 prosecutors needed to address the disparity in the prosecutor-case ratio;
  - b) Establish information technology system for prosecution service; and
  - c) Inventory all cases for preliminary investigations, evaluations, and petitions for review.

2. Improve free legal services

- a) Upgrade the skills of public attorneys;
- b) Regionalize DOJ Action Center to assist walk—in and phone—in clients and letter senders requesting legal assistance/advice/counseling; and
- c) DOJ to conduct lectures/seminars for policemen on legal procedures, law, tactical investigation without violating due process, etc.

Rule of Law

3. Maximize the utilization of the Katarungan Pambarangay

- a) Prosecutors/public attorneys to conduct nationwide trainers' and barangay officials' training; and
- b) Legal education assistance to barangay officials through the Barangay Outreach

Program of the PAO.

For the discussion on law enforcement, see Chapter 16: Basic Need: Peace and Order.

The government shall pursue an effective rehabilitation program in corrections and rehabilitation.

The prisoners' carpets/prison records through a systematic and improved records system will be strictly monitored to avoid any delay in the release of prisoners. The government shall also provide

funding for the improvement of correctional jail facilities, prisoners' food and other equipment.

The DOJ shall issue a directive to all prosecutors to conduct inventory of detention prisoners who might be considered for release.

In the community pillar, linkages and understanding between the community and other pillars of the criminal justice system will be strengthened. Such would improve the administration of and access

to justice. Information on the criminal justice process should also be disseminated to the people.

The Barangay Justice System shall be strengthened to prevent minor disputes to reach the courts. With this, a possibility of declogging the courts by 50 percent would be realized. The Baranga Council shall also employ effective and efficient members of the Lupong Tagapamayapa and conduct regular training to educate them more about the system.

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The government shall also encourage the formulation of mechanisms that will promote partnership and collaboration among the executive, legislative and the judiciary, including the private sector and civil society, in the effort to speed up the administration of justice. The government shall support the National Council on the Administration of Justice (NCAJ) created through a Memorandum of Agreement among the DOJ, Department of the Interior and Local Government, Supreme Court and IBP with the Justice Secretary as Chairman.

The NCAJ seeks to address recurring problems that affect the administration of the five pillar of the criminal justice system.”

## **Human Rights Capacity Building Plan**

The NHRAP process consist of the preparatory stage, development, implementation, up to its stages of monitoring and review, the duty-bearers and the claimholders have their respective responsibilities to bear.

Both the duty-bearers and the claimholders are required to have 1) adequate understanding of the Convention (ICCPR); 2) familiarization with previous ICCPR country reports as well as with other related development plans of the government; 3) knowledge on rights-based approach; and 4) skills on networking with other relevant agencies and organizations. Similar importance would be the duty bearer’s knowledge in 1) rights-based policy formulation; 2) rights-based programs/projects development; 3) human rights indicators setting and monitoring; 4) networking; 5) rights-based monitoring and evaluation system, techniques and Tools; 6) rights-based programs/projects review; and 7) human rights reporting skills.

However, the following are the identified capability gaps and weaknesses: 1) limited knowledge on the Convention (ICCPR); 2)uneven distribution of work due to work attitude problem and staff; 3) lack of time; 4) unfamiliarity with applicable human rights standards and indicators; 5) lack of experience on rights-based approach application; 6) lack of experience and capacity in ICCPR compliance monitoring and

projects/programs monitoring; and inadequate skills in rights-based monitoring & evaluation.

To overcome said weaknesses, programs for capacity building are likewise lined up both for the duty-bearers and the claimholders. These programs, among others, would include 1) series of orientations and study circles; 2) familiarization on UN Self Assessment Study and other initiatives, including millennium challenge; 3) strict implementation of their respective designation orders and commands; 3) trainings and seminars on the Convention (ICCPR) and the rights-based approach; 4) conduct of coaching sessions on the application of human rights and rights-based approach; and 5) setting up of a monitoring and evaluation system for the Convention (ICCPR ) and the NHRAP projects/programs.

Table 3. Human Rights Capacity Building Plan

Thematic Objective/s	Education and Training Activity/ies	Coverage	Target Participants		Responsible Parties	Expected Outputs
			Duty-bearers	Claimholders		
<p>1.To ensure that legislations enacted are consistent with the ICCPR provisions.</p> <p>2.To enhance the exercise of political will at various levels of governance in providing effective remedies and mechanisms</p>	<ul style="list-style-type: none"> <li>• Series of orientation &amp; study circles</li> <li>• Familiarization on UN Self Assessment Study and other initiatives ; millennium challenge</li> <li>• Strict implementation of Designation Orders &amp; commands</li> <li>• three-day Live-in Trainors Training on ICCPR &amp; RBA</li> </ul>	National/ local	<ul style="list-style-type: none"> <li>• DOJ, Concerned Congressional Committees</li> <li>• Judiciary DFA PHRC</li> </ul>	<ul style="list-style-type: none"> <li>• Women</li> <li>• Children</li> <li>• Youth</li> <li>• Prisoners/ Detainees</li> <li>• IPs</li> <li>• Migrant workers</li> <li>• Persons with disabilities</li> <li>• Elderly</li> <li>• Public &amp; private labor</li> <li>• Informal labor</li> <li>• Displaced persons</li> <li>• Victims of disappearance &amp; their families</li> <li>• Rural workers</li> </ul>	DOJ	<ul style="list-style-type: none"> <li>• Adequate understanding of the ICCPR</li> <li>• Familiarization with previous ICCPR country reports</li> <li>• Familiarization with other related development plans</li> <li>• Rights-based monitoring &amp; evaluation system, techniques &amp; tools</li> <li>• HR reporting skills</li> <li>• Skills in consultation &amp; networking</li> </ul>

Thematic	Education and	Coverage	Target Participants	Responsibl	Expected Outputs
<p>3. To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five (5) pillars of the criminal justice system</p>	<ul style="list-style-type: none"> <li>• Conduct of coaching sessions on ICCPR &amp; RBA</li> <li>• Cconduct of program/project specific coaching on application of HR &amp; RBA</li> <li>• Ssetting of monitoring &amp; evaluation system for ICCPR &amp; NAPHR Projects</li> <li>• Two-day live-out skills training on monitoring &amp; evaluation</li> </ul>				

## **Coordination and Management Plan**

To ensure effective and efficient implementation of the Plan, particularly this Chapter, the following different coordinative mechanisms are identified.

First, the Judicial Executive Legislative Advisory and Consultative Council (JELACC) for human rights public policies that would require the cooperation of the representatives of the 3 branches of the government on measures or matters affecting the primacy of the rule of law and strengthening due process and the institutions of justice, and better implementation of the laws.

Second, the Legislative and Executive Development Advisory Council (LEDAC) for human rights public policies and programs requiring consistency in coordinating development planning and congressional budgeting, as well as, effective integration of programs and projects requiring close coordination with relevant other sectors.

Third, the creation of different Inter-Agency Committees to be lead by the accountable agencies in each thematic objectives, but if two or more accountable agencies were identified, any of such agencies or both. The composition or membership of each committee shall be the identified responsible/ coordinating agencies. The representation from the sectors of migrant workers and members of their families shall likewise form part of said committees.

Fourth, the creation of Task Force or a Project Implementing Team, if need arises to implement a particular plan, program, or action, a within a specified period covering the implementation and the completion of each project. Said Task Force or Team shall likewise be headed by the identified accountable agency/ies, if it was likewise identified as one of the responsible/ cooperating agencies in the respective plan/program/action. If not, one agency among the identified responsible/ cooperating agencies. Again, representation from the sectors of migrant workers and members of their families shall likewise form part of said Task Force/Team.

These Committees, Task Force, and/or Project Implementing Team shall be under the close supervision of the lead agency, DOJ for the ICCPR thematic cluster. In effect, regular reporting must be submitted to it relative to the progress of each plans, programs, and actions.

Respective sources of mandates, such as but not limited to, executive orders, administrative orders, memorandum of agreement, and memorandum of understanding shall be issued for the operation of said Committees, Task Force, and/or Project Implementing Team.

**Table 4. Coordination and Management Arrangements**

Thematic Objective	Committees/Task Force/Project Implementing Team	
	Head	Members
1.To ensure that legislations enacted are consistent with the ICCPR provisions	DOJ/DFA/ Joint House and Senate Working group/LGU's	DFA-UNIO/ PHRC/Chief Local Executives
2.To enhance the exercise of political will at various levels of governance in providing effective remedies and mechanisms	DOJ/AFP/DILG/PNP/LGU's	Task Force Usig/Task Force Political Violence/DOJ-NPS/PCTC/ Chief Local Executives/ PAHRA/FIND
3. To institute a coordinated performance accountability and monitoring system following international standards of fairness, among the five (5) pillars of the criminal justice system	DOJ/Ombudsman/Judiciary	Supreme Court/DOJ-NPS/Law Enforcement Agencies/LGUs/COA/AMLC

### Resource Generation and Mobilization Plan

The identified plans, programs, and actions (PPAs) in this ICCPR Chapter shall be incorporated in the usual government agency plans and programs of the concerned agencies, as well as in the next Medium Term Philippine Development Plan. This is to ensure the allocation of necessary funds by the Department of Budget and Management (DBM) and the Congress. Other funds and resources shall be generated from donor agencies such as international, regional, and national institutions.

NHRAP PROCESS	PROGRAMS/PROJECTS ACTIIVITIES  NEEDING FUNDING SUPPORT	AREA COVERAGE	PROJECTED TOTAL FUNDING REQUIREMENTS FOR 5 YEARS	POTENTIAL SOURCES	MOBILIZATIO N ACTIVITES
Preparatory	<ul style="list-style-type: none"> <li>Preliminary Consultations &amp; cluster meetings</li> </ul>	National	P10,000 per meeting, twice a month	PHRC	
Development	<ul style="list-style-type: none"> <li>Conduct of Sectoral, national &amp; local consultations involving duty-bearers and claimholders</li> <li>Conduct of Trainors Training on ICCPR &amp; RBA both duty-bearers &amp; claimholders</li> </ul>		P 5,000,000	<ul style="list-style-type: none"> <li>UNDP</li> <li>Asia Foundation</li> </ul>	Donor's Forum
Implementation	<ul style="list-style-type: none"> <li>Conduct of studies to support proposed legislations</li> <li>Conduct of Treaty Monitoring &amp; Report Preparation</li> <li>Conduct of Information Dissemination Programs/Projects</li> <li>Conduct of workshops, symposia, conferences, public hearings, etc</li> <li>Conduct of Sectoral &amp; local trainings</li> <li>Knowledge Sharing &amp; Management</li> <li>HR Technical Assistance &amp; Support to various programs, projects &amp; implementing mechanism</li> <li>Drafting of legislation</li> <li>Conduct of policy advocacy</li> </ul>	National & local	P 2,000,000 per treaty per year	<ul style="list-style-type: none"> <li>Asia foundation</li> <li>UNDP</li> <li>EU</li> <li>New Zealand</li> <li>British Council</li> <li>Swedish Embassy</li> </ul> GAA LGU funds	<ul style="list-style-type: none"> <li>Multi donor's Forum</li> <li>Bilateral negotiations</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>Conduct of Monitoring &amp; Evaluation</li> </ul>	National & local	1,500,000.00/treaty	<ul style="list-style-type: none"> <li>Asia foundation</li> <li>UNDP</li> <li>EU</li> <li>New Zealand</li> <li>British Council</li> <li>Swedish Embassy</li> </ul>	<ul style="list-style-type: none"> <li>Multi donor's Forum</li> <li>Bilateral negotiations</li> </ul>
Review	<ul style="list-style-type: none"> <li>Conduct of mid &amp; post review</li> </ul>	National & local	1,500,000.00/treaty	<ul style="list-style-type: none"> <li>Asia foundation</li> <li>UNDP</li> <li>EU</li> <li>New Zealand</li> <li>British Council</li> <li>Swedish Embassy</li> </ul>	<ul style="list-style-type: none"> <li>Multi donor's Forum</li> <li>Bilateral negotiation</li> </ul>

## **Monitoring and Evaluation Plan**

Part of the monitoring and evaluation stage is the plan for collecting necessary data and information for the strategic indicators identified which lacks baseline studies.

The identified accountable agency/ies shall collect, compile, and disseminate information pertaining to the progress and development of each plans/ programs/ actions. Any limitations and/or hindrances in the completion of each plans/ programs/ actions shall likewise be identified for proper monitoring.

Quarterly reporting shall be submitted by these accountable agencies to the DOJ, as the head of the ICCPR Thematic Cluster, which in turn collate all said reports and submit the same to the PHRC.

## Chapter 3

### International Covenant on Economic, Social and Cultural Rights (ICESCR)

#### Introduction

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966. Chief among the rights which the ICESCR seeks to guarantee to every individual are the following:

- Right to self-determination;
- Right to non-discrimination;
- Equal rights for men and women;
- Right to just and fair conditions of work, fair wages, safe and healthy work conditions;
- Right to form and join trade unions, which includes the right to strike;
- Right to social security, which includes the provision of social insurance;
- Protection and assistance accorded to the family, with children being protected from economic exploitation;
- Right to an adequate standard of living, including the provision of adequate food, clothing and housing;
- Right to the enjoyment of the highest attainable standard of physical and mental health;
- Right to education, and;
- Right to take part in cultural life, enjoy the benefits of scientific progress, protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author.

Currently, there are 160 State-Parties to the ICESCR, the Philippines being one of them.

In order to ensure the State's conformity to the standards set forth under the ICESCR, the National Economic and Development Authority (NEDA) has been designated as the lead agency in coordinating compliance with the aforesaid international covenant, pursuant to Administrative Order (AO) No. 163. It played a significant role during the Universal Periodic Review and during the Philippine Report before the Committee on Economic, Social and Cultural Rights.

As earlier mentioned, on April 11, 2008, the Philippines presented to the Working Group on the Universal Periodic Review (UPR) its national report on the human rights situation in the country where achievements, best practices and challenges in the implementation of economic, social and cultural rights of Filipinos have been mentioned. The country's commitment to adhere to the guiding principles of the ICESCR has in fact been long enshrined under the Philippine Constitution, where it is mentioned that it is the declared policy of the State to value the dignity of every human person and to guarantee full respect for human rights. It is also the State's

policy to promote social justice in all phases of national development. As defined in the landmark case of *Calalang vs. Williams*, 70 Phil 726, “ Social justice is neither communism, nor despotism, nor anarchy, but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the component elements of the society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex.*” Efforts by the government to link economic, social and cultural rights to various plans and programs of the government, such as the Medium Term Philippine Development Plan (MTPDP), have likewise ensured the observance and implementation of the aforesaid constitutional provisions. In the combined 2<sup>nd</sup> to 4<sup>th</sup> Philippine Periodic Reports before the International Committee on Economic, Social and Cultural Rights, the latter also noted with appreciation the adoption by the Philippines of several measures to prohibit all forms of discrimination against women and promote the equality between men and women, such as:

- the Philippine Plan for Gender-Responsive Development, 1995-2025;
- the Anti-Sexual Harassment Act of 1995 (Republic Act 7877);
- the Anti-Trafficking in Persons Act of 2003 (Republic Act 9208), and;
- the Anti-Violence against Women and their Children Act of 2004 (Republic Act 9262)

Moreover, the Committee recognized the various legislative, administrative and policy measures adopted by the State party to protect and promote the economic, social and cultural rights of Filipinos, such as:

- Anti-Squatting Repeal Act of 1997 (Republic Act 8368);
- the Indigenous Peoples Rights Act of 1997 (Republic Act 8371);
- the Free and Prior Informed Consent Guidelines, adopted by the National Commission on Indigenous Peoples (NCIP) in 2002, allowing indigenous peoples (IPs) to participate in decision-making processes affecting them, and;
- Executive Order 270-A, which aims at safeguarding the ecological integrity of indigenous lands and resources from the negative impact of mining operations.

As part of the responsibilities also given to NEDA under AO 163, the latter has been assigned to draft the ICESCR Chapter of the 2<sup>nd</sup> National Human Rights Action Plan (NHRAP). The National Human Rights Action Plan (NHRAP) in brief, is a state mechanism that can help both government and civil society in resolving human rights problems. Under the ICESCR Chapter, among the economic, social and cultural rights issues or gaps identified during the Universal Periodic Review, to which NEDA and the ICESCR Thematic Cluster Working Group have reflected in the NHRAP are the following:

- Housing
- Forced eviction and demolition activities
- Health concerns
- Migration of health professionals
- Working condition of workers
- Social security benefits for members of the informal sector
- Allocation and utilization of budget for education
- Food
- Poverty
- Graft and Corruption
- Unemployment and Underemployment
- Exploration, development and utilization of mineral resources

Considering the above concerns, the following thematic objectives have thus been formulated, to wit:

1. To effect conscious and deliberate application of the ICESCR standards in development planning and programming of the government agencies and LGUs, as well as policy/program implementation and monitoring;
2. To review all existing legislation relevant to the practice of forced evictions to ensure its compatibility with the provisions of the ICESCR;
3. a) Prioritization of public health concern;  
b) Manage the migration of health workers which pose obstacles to meeting health targets and outcomes;
4. To review all existing legislation enforcing health and safety at work in order to ensure the right of workers to safe and healthy work conditions and social security benefits for the informal economy;
5. Ensure efficient allocation and utilization of budget for education in the national & local budgets that will ensure continuing & fair allocation of resources for the improvement of facilities and services in local areas demanding more interventions;
6. To improve conditions of poverty in hunger stricken areas and areas with armed conflict;
7. To improve policy environment for sustaining economic growth that will ascertain “distributive effects and impact of development to improving quality of life of the poor and marginalized;
8. To undertake multi-sectoral policy review on the implementation of the CARP to highlight corrective interventions to address violations and deviations committed by government authorities and private persons against its fair and lawful implementation; its effects on food production and impact on the lives of concerned farmers and peasants who are reported and unreported victims of harassments, intimidations and killings;
9. To establish national performance accountability of concerned agencies monitoring the implementation of wage standards and employment conditions; measures in improving the unemployment and underemployment conditions and continuing monitoring of the social impact of deviations and violations thereof;

10. To minimize, if not eliminate, conflicts in the implementation of laws affecting the exploration, development and utilization of natural resources, particularly mineral resources;

The first thematic objective aims to mainstream the human rights-based approach in the development planning processes and policy-formulation at all levels of government.

Signifying its commitment to the promotion and protection of human rights, the Philippine government issued in 2006, Administrative Order (AO) No. 163 which required the adoption of the human rights-based approach (HRBA) in the formulation of the 2<sup>nd</sup> National Human Rights Action Plan. Two years after, Administrative Order (AO) No. 249 was issued instructing relevant government agencies and instrumentalities to enhance the government's overall efforts in the promotion and protections of human rights by strengthening and enduring compliance in their existing policies, plans and programs. In particular, the National Economic and Development Authority (NEDA), the country's highest social and economic development planning and policy coordinating body, was instructed to "ensure that the principles of the human rights-based approach are integrated, reflected, and defined in the formulation of the country's development policies, plans, and programs."

The second thematic objective on one hand is based on Article XI of the ICESCR, which discusses the right to an adequate standard of living. It incorporates a broad range of concerns relating to the lives and livelihood of residents of States parties, including housing. The 1987 Philippine Constitution, on the other hand, explicitly provides under Article XIII that urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner. It further states that no resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated. Pursuant to such constitutional mandate, Section 28 of Republic Act No. 7279 or the Urban Development and Housing Act (UDHA) of 1992 prescribes the instances where evictions may be undertaken as well as imposes certain requirements that must be met for an eviction involving homeless and underprivileged citizens to become valid.

The third thematic objective on one hand focuses on the prioritization of public health concerns. The improvement of the population's health status remains a priority of the government. In general, efforts have been geared towards improving access to better health care services, enhancing equity and quality in health care and making health care services more affordable. Specifically, the Fourmula One for Health (F1) was adopted to serve as the implementation framework for health reforms. It was aimed at better health outcomes, more responsive health system and equitable health financing. The thrusts of F1 include the following: higher, better and sustained health financing; assured quality and affordable health care good and

services; ensured access and availability of health care services and improved health sector performance. However, gaps and challenges still remain.

The fourth thematic objective of this chapter is to review all existing legislation enforcing health and safety at work in order to ensure the right of workers to safe and healthy work conditions and social security benefits for the workers of the informal sector.

The fifth thematic objective highlights the importance of education, particularly basic education, as a basic right of all Filipinos. It purports that all citizens have the right to acquire the fundamental skills and knowledge required for future and further learning and for the development of each individual's full potential. The 1987 Philippine Constitution mandates that the State ensure equitable access to quality education by maintaining a system of free public education in both elementary and secondary levels and a system of scholarship and student financial assistance for tertiary education, especially targeting the poor and underprivileged.

The sixth thematic objective aims to address poverty which is highlighted as a global and recurring phenomenon, prevalent not only in developing countries, but also in developed nations. It is considered by the Universal Declaration of Human Rights as a human rights issue as it constitutes a denial of human rights depriving persons of resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.

The seventh thematic objective focuses on corruption being one of the biggest problems of the government. It illustrates how corruption undermines democratic institutions, retards economic development and contributes to economic instability. Economic development is stunted because foreign investment and aid is discouraged and small businesses within the country find it impossible to overcome the "start-up costs" required, due to corruption. Corruption harm the poor by diverting funds intended for development and improvement, consequently it impinges on the government's capacity to deliver basic services such as roads, education, health, housing, social security and etc. It hits hardest the poor - who often depend heavily on public services and are least able to pay bribes for essential services that should be theirs by right. Consequently, prevention of corruption is crucial to improve the quality of life for the poor and marginalized.

For the eighth thematic objective, it finds its basis on the 1987 Constitution, which declared the promotion of comprehensive rural development and agrarian reform as State policy (Art 2, Sec 21; Art 13, Sec 4). On the other hand, RA 6657 Comprehensive Agrarian Reform Law of 1988 declared as State policy the institution of CARP to:

(a) promote social justice; (b) move toward sound rural development and industrialization and; (c) establish owner-cultivatorship of economic-sized farms as the basis of Philippine agriculture (Chapter 1, Section 2).

As defined in said law, agrarian reform is the redistribution of lands, regardless of crops or produce, to farmers and regular farmers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stocks, which will allow beneficiaries to receive a just share of the fruits of the lands they work. The main ingredients of land reform: land reform and the totality of factors of support services designed to lift the economic status of beneficiaries.

The ninth thematic objective is based on the Concluding Observations of the UN Committee on Economic, Social, and Cultural Rights, where levels of minimum wages, particularly in the agricultural sector low has been pointed out. Thus, the same is addressed through the establishment of a national accountability of concerned agencies monitoring the implementation of wage standards and improved employment conditions is recommended under this objective.

The tenth thematic objective focuses on how to utilize the country's natural resources in a sustainable manner and to provide adequate and appropriate basic infrastructure facilities, among others, that may be needed for the purpose. It is emphasized herein that human rights protection and promotion is always a part of these endeavors, particularly indigenous cultural communities or indigenous peoples.

## **Section 1 – Strategic Treaty Indicators**

### **Adoption of an administrative policy that will institutionalize the human rights-based approach (HRBA) in development planning and budgeting**

The intention here is for various government institutions to make use of human rights principles at every stage of their respective development planning processes. As a result, they will be capacitated in undertaking development planning in the context of human rights standards and not only on perceived development needs.

For this particular strategic indicator, the accountable agencies are:

- NEDA
- PHRC
- DBM
- DOF
- DILG
- HLURB and other concerned agencies.

### **Policy on the justiceability of economic, social and cultural rights**

Economic, social and cultural rights violations are said to fall below the justiceable threshold, as compared to civil and political rights violations which are perceived to

be the only ones that could be tried before the courts. This runs counter to the fact that human rights are indivisible, interrelated and interdependent, as has been stressed through several United Nations resolutions and pronouncements. Following this line of argument, in effect, economic, social and cultural rights should be positioned on an equal footing with civil and political rights in terms of their justiceability.

Thus, the acceptance on the justiceability of economic, social and cultural rights in the domestic setting may be made possible through the collective efforts of the following accountable agencies:

- DOJ
- PhilJA
- CHR

**Amenment of the Peal Code for the inclusion of economic, social and cultural rights violations as felonies/passage of a law providing penalties and sanctions for violations involving economic, social and cultural rights**

In order to intensify the acceptance on the justiceability of economic, social and cultural rights, it is deemed appropriate that the Penal Code of the Philippines be amended, in order to include penalties or sanctions against those who violate the aforesaid rights.

Identified as accountable agencies to this specific treaty indicator are the following:

- Congress/Committee on Human Rights
- CHR
- PHRC

**Study on the ICESCR optional protocol**

The practical advantages of ratifying the ICESCR Optional Protocol are as follows:

- It will help set the Philippine Government in standard setting for economic, social and cultural rights;
- It will direct human rights based or an “economic, social and cultural rights” inspired budget planning and monitoring;
- It will encourage the development of domestic jurisprudence on economic, social and cultural rights;
- It will help identify and clarify State-Party obligations;
- Creates an international remedial mechanism, and;
- It will create a more tightened collaboration between the government and the civil society in implementing economic, social and cultural rights

However, due consideration should be made as to the readiness of the government agencies in the observance of the said protocol.

In view thereof, the following have been identified as accountable parties:

- Senate
- Congress/Committee on Human Rights

- DA
- CHR
- PHRC

**Enactment of a law to strengthen the Commission on Human Rights of the Philippines by giving it quasi-judicial power and increasing its jurisdiction by including economic, social and cultural rights violations and the allocation of adequate financial resources for investigation and monitoring functions**

In consonance to the Concluding Observations made by the Committee on Economic, Social and Cultural Rights, efforts should be undertaken to strengthen the effectiveness of the Commission on Human Rights of the Philippines (CHRP) *inter alia* by including the protection and promotion of economic, social and cultural rights in its mandate and by allocating adequate financial resources for the implementation of the Commission's investigative and monitoring functions through the passage of a law. This will expand in clear terms the jurisdiction of the CHRP and at the same time equip it with a significant power to address the spate of human rights violations which shall now also extend to economic, social and cultural rights.

In view of the abovementioned treaty indicator, the following have been identified as accountable agencies:

- Congress/Committee on Human Rights
- CHR
- DBM

**Relevant housing laws revised to enhance the latter's implementing mechanisms and funding schemes**

The international human rights law to adequate housing is transposed into Philippine domestic law, *viz*, Article XIII of the 1987 Philippine Constitution and the Urban Development and Housing Act (UDHA). These provisions provide a basis for the implementation of the right to adequate housing as set out under the ICESCR. In order to sustain efforts to comply with the same, there is therefore a need to review laws on demolition and eviction, and to enhance the implementing and funding mechanisms of housing laws (e.g. UDHA).

The accountable agencies that would lead the initiative for the revision of certain housing laws include the following:

- Congress/Committee on Human Rights
- Local Government Units (LGUs)
- National Housing Authority (NHA)
- Housing and Urban Development Coordinating Council (HUDCC)
- Presidential Commission for the Urban Poor (PCUP)
- Metro Manila Development Authority (MMDA)
- Union of Local Authorities of the Philippines (ULAP)
- Department of Budget and Management (DBM)

**The Presidential Commission for the Urban Poor is an oversight body prior to the conduct of demolition activities**

The Committee on the International Covenant on Economic, Social and Cultural Rights notes the conduct of large-scale forced eviction of urban families being carried out in the Philippines for the purpose of urban renewal and beautification. The Committee is likewise concerned about the lack of effective consultation of and legal redress for persons affected by forced evictions and the inadequate measures to provide compensation or adequate relocation sites to the victims. To address these concerns, it is recommended that the Presidential Commission for the Urban Poor be designated as an oversight body to ensure the proper observance of the requirements prior to the conduct of demolition and eviction activities by the LGUs.

The accountable agencies for this indicator are:

- Congress/Committee on Human Rights
- LGUs
- NHA
- HUDCC
- PCUP
- MMDA
- ULAP

**Enact measures to give access to healthcare, in particular, to sexual and reproductive health care services**

On service delivery, efforts on public health development continue to be geared towards the following: disease free zone initiatives, intensified disease prevention and control, healthy lifestyle and management of risks, and improving reproductive health outcomes. Specifically for improving reproductive health outcomes, the provision of micronutrients, conduct of pre and post natal checkups and skilled birth attendants in health facilities capable of basic emergency obstetric and neonatal care and critical emergency obstetric and neonatal care, family planning and other reproductive health initiatives continue to be pursued. It has to be noted that health services, including reproductive health services have been devolved to the LGUs. In the case of family planning, natural family planning methods are actively promoted at the national level while LGUs and the NGOs are encouraged to ensure the delivery of basic services including family planning. While there have been efforts on reproductive health, these are not enough to achieve the goals that have been set in this area. It may then become necessary to look into possible amendments in the Local Government Code particularly in terms of financing local health services delivery, amendments to RA 7875 (National Health Insurance Act) as well as the adoption of the Health Care Financing Strategy being espoused by the Department of Health and PhilHealth. Moreover, measures to improve access, availability and

affordability of quality health care goods and services (including reproductive health services) have to be instituted.

In consonance to the same, identified as accountable agencies to this particular treaty indicator are the following:

- Department of Health (DOH)
- LGUs

### **Law managing the migration of health professionals/health workers abroad**

The massive migration of health professionals has become inevitable considering the opportunities of working abroad brings. Migration offers the potential for health care workers to receive additional training and specialization to improve their ability to provide quality care. However, migration may result in negative consequences on the quality of health care given, loss of senior and specialized experts, increased workload and patients resorting to traditional practitioners (e.g. arbularyo).

Identified as accountable agencies to this particular treaty indicator are the following:

- Congress/Committee on Human Rights
- DOH
- Department of Labor and Employment (DOLE)
- Professional Regulation Commission (PRC)

### **Magna carta for health workers**

Despite the passage of the Magna Carta for Health Workers fifteen (15) years ago, its declared objective of promoting and improving the social and economic well-being of the health workers, their living and working conditions and terms of employment remains far from being realized and implemented. Thus explains the migration of our health workers.

It has therefore become necessary to assess the strict implementation of the Magna Carta.

For this particular treaty indicator, the following shall be the accountable parties:

- Congress/Committee on Human Rights
- DOH

### **Implementation of enhanced labor laws and social security act to safeguard the health of workers**

In consonance with the ICESCR provision on labor, this recognizes the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:

- Remuneration
- Fair wages and equal remuneration for work of equal value

- Safe and healthy working conditions
- Equal opportunity for everyone to be promoted in his/her employment
- Rest and leisure and reasonable limitation on working hours

In view thereof, it is the obligation of the State-Party to afford its labor force acceptable minimum conditions of occupational health and safety. Relative thereto, concerned agencies, such as the Department of Labor and Employment (DOLE) must establish a baseline or minimum standard, below which the working conditions of any worker should not be allowed.

In the implementation of the aforesaid measures, the following have been identified as accountable agencies, to wit:

- Congress/Committee on Human Rights
- Department of Labor and Employment (DOLE)
- PhilHealth
- SSS

#### **Amendment of the Labor Code and the SSS Law to provide social security benefits for members of the informal sector**

As defined in the Social Reform and Poverty Alleviation Act of 1988 (RA 9485), the informal sector refers to: "Poor individuals who operate businesses that are very small in scale and are not registered with any national government agency and to workers in such enterprises who sell their services in exchange for subsistence level wages or other forms of compensation." In view of this, there is certainly a need to provide mechanisms that will ensure the promotion and protection of their rights, which includes the provision of social security benefits, and ensure their dignified existence.

For the realization of this treaty indicator, identified as accountable agencies are the following:

- Congress/Committee on Human Rights
- DOLE
- PhilHealth
- SSS

#### **Passage of a human rights-based legal and regulatory framework law for the members of the informal sector**

The human rights based approach (HRBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to the promotion and protection of human rights while applying the norms, standards and principles of the international human rights systems into the plans, policies and processes of development. Its integration into the regulatory framework law for the informal sector will enhance the protection

of the rights of the informal sector, expand opportunities for them and improve their quality of life.

The following agencies are identified as accountable parties for this particular treaty indicator:

- Congress/Committee on Human Rights
- DOLE
- PhilHealth
- SSS

### **Increase in budget allocation, in national and local budget, for educational services**

The United Nations Educational, Scientific and Cultural Organization (UNESCO) prescribed that a country's public expenditure for education must at least be six percent of its gross national product<sup>1</sup>. From 2005 to 2008, the Philippines' expenditure for education was at an average 1.19 percent of its gross national product. This is way below the UNESCO standard. Progressive targets shall, therefore, be set to increase investment in education.

Education financing in the Philippines is not confined to the budget of national agencies. LGUs, through their internal revenue allocation and the Special Education Fund (SEF), also contribute significantly to education financing. As such, both the national and local budget allocation shall target a progressive increase in education spending towards a standard (e.g., 6% of GNP). In line with the Philippines' commitment to the Education for All (EFA) and Jomtien Declaration, line (sectoral) agencies also devote some resources to the basic learning needs (BLNs), which form part of the composite resources for basic education.

Identified as accountable agency is the Department of Education (DepEd).

### **Corresponding percent increase in selected education performance indicators (e.g. net enrolment rate) for every percent increase in education**

To gauge effective allocation and utilization of budget for education, increase in expenditure must have a corresponding improvement in education performance. The most fundamental indicators are the net enrolment and the gross enrolment rates which show participation of children, both school-age and beyond school age in our formal and non-school-based learning programs or alternative learning systems (ALS). Other relevant indicators are the cohort survival rate, school leaver rate (or drop-out rate), and achievement rate of students.

Accountable agency for this treaty indicator is the DepEd.

<sup>1</sup> "Learning: the Treasure from Within": Report by the Delors Commission for UNESCO, 1996.

### **Implement programs and projects targeting poverty-stricken areas and areas with armed conflict**

The International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10) identified the core obligation of State parties to ensure the satisfaction of, at the very least, “minimum essential levels” of the rights to food, education and health. The Covenant recognizes the right of everyone to an adequate standard of living for himself and his family, including food, clothing and housing and to continuous improvement of living conditions, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the right of everyone to education.

Programs and projects aimed at reducing poverty focus on capacity-building through livelihood activities, training and microfinance; asset reform through agrarian reform, urban land and asset reform, and ancestral domain reform; provision of essential services such as clean water, power, education, and health care; protection of the vulnerable especially children in need of special protection, youth with special needs, women in difficult circumstances, persons with disabilities, older persons, indigenous peoples, dysfunctional families, and victims of disasters and calamities; and empowerment through government-led (such as KALAHI-CIDSS, Conditional Cash Transfer Program, Local Poverty Reduction Action Planning Process by local government units (LGUs), increased participation and involvement of the youth in the family, school, community and society) and private sector-led (e.g. Gawad Kalinga, Habitat) initiatives.

The National Anti-Poverty Commission’s (NAPC) mandate is to ensure the effective formulation, implementation and evaluation of policies, programs, and resource allocation and management of social reform and poverty alleviation programs.

The Department of Social Welfare and Development (DSWD) have spearheaded community-based services, particularly, special social services for children in armed conflict, community-based and residential-care services to women in difficult circumstances (e.g., Self-Employment Assistance-Kaunlaran (SEA-K), Pantawid Pamilyang Pilipino Program, Family Access Cards and the Tindahan Natin Project). Through the Office of the Presidential Adviser on Peace Process (OPAPP) in coordination with concerned government agencies, areas with armed conflict has been provided with essential services through programs such as the Kalayaan Barangays Program (KBP) and GOP-UNDP CPPB Projects, which includes provision of school building, health centers, water systems, and farm-to-market roads. The Mindanao Economic Development Council (MEDCo) has also been involved in the implementation of the Action for Conflict Transformation (ACT) for Peace Programme in conflict affected areas in Mindanao. The Programme aims to (a) creation and sustaining Peace Development Communities; (b) Building Stakeholders’ Capacity for Conflict Transformation; and (c) building and strengthening critical

partnerships towards sustaining an environment of trust, confidence and collaboration for peace and development.

The National Economic and Development Authority (NEDA) and the OPAPP coordinated the formulation of the Peace chapter in the Medium-Term Philippine Development Plan which envisions the development of conflict-affected areas through peacemaking and peacekeeping, and peacebuilding and conflict prevention programs and projects. The first goal of peacemaking and peacekeeping can be achieved through the resumption of peace talks, conclusion and implementation of peace agreements, and strengthened reintegration, rehabilitation and amnesty program. Peacebuilding and conflict prevention efforts shall focus on the rehabilitation and development of conflict areas, catch-up development program for ARMM, affirmative action agenda for Muslims, and the conduct of healing and reconciliation programs. NEDA has also recently launched the Guidelines for Mainstreaming Disaster Risk Reduction (DRR) in Subnational Development and Land Use/Physical Planning with assistance from the European Commission-Humanitarian Aid Department and the United Nations Development Program. NEDA, together with the National Disaster Coordinating Council, have also initiated efforts to integrate disaster risk reduction and climate change adaptation. In the implementation of programs and projects aimed at reducing poverty in poverty-stricken areas, calamity-prone areas and areas with armed conflict, the following accountable agencies have been identified:

- Office of the President (OP)
- Presidential Human Rights Committee (PHRC)
- Department of Social Welfare and Development (DSWD)
- Office of the Presidential Advisor on Peace Process (OPAPP)
- NEDA
- National Anti-Poverty Commission (NAPC)
- Department of Agriculture (DA)
- Congress/Committee on Human Rights

**Improve the database on poverty at the national and subnational level, disaggregated by sex, rural/urban, ethnic groups, etc.**

The statistical data collection on poverty, through the creation of a database, will help in setting out targets for poverty reduction and milestones needed to monitor the rate at which the targets are being reached. Aside from core poverty statistics, the database shall include key demographic and economic statistics as well as indicators such as sex, ethnicity etc.

Relative to the same, the following are the accountable agencies:

- Technical Committee on Poverty Statistics (TCPS)

The TCPS shall be tasked to review and recommend the methodology for generation, compilation, estimation and maintenance of poverty-related indicators.

TCPS shall also be responsible for harmonizing poverty statistics with other indicators such as income, price and labor statistics;

- National Anti-Poverty Commission (NAPC)

NAPC Secretariat shall assist in developing and maintaining poverty statistics and reference materials, including, but not limited to, the provision of technical inputs on the Official Poverty Statistics of the National Statistical Coordination Board (NSCB).

- Department of Social Welfare and Development (DSWD)

DSWD, in cooperation with the National Statistics Office (NSO) and the National Statistical Coordination Board (NSCB), shall spearhead the preparation of the National Household Targeting System for Poverty Reduction (NHTSPR) to identify who and where the poor are in the country through the creation of a database of households and reduction of leakage of social services to non-poor.

- OP
- PHRC
- OPAPP
- NEDA
- DA
- Congress/Committee on Human Rights

#### **Integrate the human rights-based approach in the development, implementation and monitoring of anti-poverty programs/activities/projects (PAPs)**

HRBA as a framework for poverty reduction is done by applying the intrinsic values and the basic principles of human rights in the planning, implementation, monitoring and evaluation of poverty reduction programs and projects. Likewise, an HRBA to poverty reduction can help the government to investigate and act on the needs of the poor and to create a sense of responsibility of all actors involved in the development process.

In consonance thereto, Administrative Order No. 249 was issued, requiring all concerned departments, agencies, bodies and instrumentalities of the Executive branch to strengthen their policies, plans and programs to promote and protect human rights as embodied in the Universal Declaration of Human Rights (UDHR), through the use of the HRBA. NEDA, as the lead agency with respect to the observance of the ICESCR, has also ensured that human rights based approach is integrated in the formulation of the country's policies, plans and programs, including anti-poverty strategies.

In view of the same, the Department of Interior and Local Governance (DILG) has likewise issued Memorandum Circular 2005-138, which directs the inclusion of Human Rights-Based Approach (HRBA) programs or projects related to governance and development in Provincial, City or Municipal Government Plan of Actions.

Identified as accountable agencies are the following:

- CHR

The Commission on Human Rights of the Philippines (CHRP) initiates and sustains the implementation of the HRBA to governance. Some of their programs include mainstreaming human rights and human rights indicators and providing trainings on the rights-based approach and the right to development. Health care delivery system will also adopt the rights-based and life-cycle approach to respond to the needs of the population, especially the poor.

- Congress/Committee on Human Rights

All matters related to the protection and enhancement of human rights, assistance to victims of human rights violations, prevention of violations and punishment of perpetrators are under the jurisdiction of the Committee on Human Rights of the House of Representatives of the Philippines. The Committee is responsible for passing laws on providing mechanisms for prevention and protection from the adverse effects of internal displacement, strengthening the functional and structural organization of the Commission on Human Rights, and providing for mandatory training on human rights of all officials and employees of government, among others.

- OP
- PHRC
- OPAPP
- NEDA
- DA

#### **Enact the Food Security Act and the Right to Food Framework Law**

The Food Security Act of 2008 (House Bill 3711) seeks to initiate policy and institutional reforms in agriculture to pursue food security in the country. The Act calls for the creation of a Food Security Board and guidelines for the participation of LGUs and top 1000 corporations in food production; enhancement of production of hybrid seed varieties and increase storage facilities; promotion of research and development and production of substitute food products; development, restoration and expansion of second-crop irrigation facilities; provision of integrated food processing centers and food security warehouses in each province; introduction of measures to create food banks; initiation of feasibility and draft proposals for bilateral agreements for the creation of international food reserves; and creation of livelihood opportunities to increase the capability of consumers. Moreover, the Agriculture and Fisheries Modernization Act (RA 8435) is envisaged to strengthen the agriculture and fishery sector through modernization, participation, empowerment, food security, and food self-sufficiency.

According to the Right to Food Framework Law, the government has the obligation to respect, protect, facilitate and provide the right to adequate food and to be free from hunger. Among the guidelines set is a need to appoint a specific institution with the overall responsibility for overseeing and coordinating the

application of the Right to Food Guidelines, and to increase the participation of civil society groups into the Anti-Hunger Task Force.

Pursuant to Executive Order 616, signed on 3 April 2007, the National Nutrition Council of the Department of Health (DOH-NNC) shall act as the lead agency of the Anti-Hunger Task Force, with the Secretary of Health as the lead convenor. The main objective of the Task Force is to meet the Millennium Development Goal, to eradicate extreme poverty and hunger by reducing in half proportion of people whose income is less than \$1 and who suffer from hunger.

The Department of Agriculture created the Ginintuang Masaganang Ani (GMA) as a transitional blueprint for implementing the AFMA. The program covers rice, corn, sugarcane, coconut, fisheries, high-value commercial crops and livestock. Other programs in pursuit of food security are embodied in the Five Pillar Programs of DA, which consists of research, development and extension, market access, irrigation, post harvest and storage facilities, and credit and finance. The Accelerated Hunger-Mitigation Program is the landmark program of the present administration to address hunger on both supply (unavailability or insufficiency of food to eat) and demand (lack of money to buy food) aspect. Among the projects implemented are those initiated by DSWD such as Food for Work Program, Food for School Program, and the 4Ps.

Accountable agencies to this treaty indicator are the following agencies:

- OP
- PHRC
- OPAPP
- NEDA
- DA

### **Strengthen the monitoring/reporting/prosecution of graft and corruption at the national and local levels**

Uprooting corruption will not just improve governance and economic efficiency, it will help reduce poverty and promote human development. Hence, the plan seeks to carry out anti-corruption measures that focus on prevention and punishment. Thus, there is a need to strengthen monitoring, reporting and prosecution of graft and corruption at the national and local level.

The accountable agencies mandated to coordinate the prosecution and prevention of corruption are the following offices:

- Presidential Anti-Graft Commission (PAGC)
- Ombudsman (Omb)
- Sandiganbayan
- Office of the President (OP)
- Department of Justice (DOJ)
- DOH

- Civil Society Organizations (CSOs)

### **Enactment of a law making the Department of Agrarian Reform Adjudication Board (DARAB) as an independent body**

The Department of Agrarian Reform Adjudication Board (DARAB) with its system of Provincial Adjudicators, Regional Adjudicators and the board itself, handles cases involving program implementation outside of coverage issues and the preliminary administrative determination of reasonable and just compensation of lands acquired under PD 27 and the CARP.

The DARAB affords the disadvantaged agrarian reform beneficiaries an expeditious and inexpensive mode of resolving conflict. Its proceedings are summary in nature and non-adversarial in character.

Despite the good intentions behind its creation, the DARAB is beset with serious structural flaws, specifically, with respect to its composition and its capacity to effectively discharge its mandated tasks.

Thus, the passage of a law that would strengthen the DARAB as an independent body is suggested.

In carrying out this strategic treaty indicator, the following are identified as accountable agencies:

- Congress/Committee on Human Rights
- PHRC
- NEDA
- DAR
- DARAB
- CHR
- DOJ
- MARO
- PARO
- DARRO
- RARAD
- PARAD

## **Consideration of recommendations and proposals for the enhancement of the CARP/CARPER**

The CARPER law offers at least 26 reforms in order to address implementation gaps especially with the Land Acquisition and Distribution component of CARP, enough to spur a new vigor and interest in the implementation of a constitutionally mandated agrarian reform. The CARPER law brings government and civil society into closer cooperation for a better implementation of CARP.

It also provides the resources, power and mechanism to accomplish the CARP target. Civil society together with the Congressional Oversight committee will not only monitor DAR but will lend its hand to help the farmers get what is due them within the law.

Thus, serious enforcement is needed given the clear policy on conversion and gender sensitive agrarian reform. At least three (3) provisions in the CARPER law that needs careful attention because they might delay or dilute the running of the CARP namely: a) the prioritization of beneficiaries to tenants and regular farmworkers, b) the attestation requirement, and c) the LGU ownership beyond five (5) hectares.

It is therefore essential that measures be undertaken to ensure the strict observance of the CARPER Law, through recommendations/proposals made in view of the same.

For this particular treaty indicator, the following agencies identified as accountable parties are:

- Congress/Committee on Human Rights
- PHRC
- DAR

### **Monitoring the wage boards and regulatory agencies**

Based on the Concluding Observations of the UN Committee on Economic, Social, and Cultural Rights, the Committee is concerned on the low level of minimum wages, particularly in the agricultural sector, which are notably insufficient to provide an adequate standard of living for workers and their families. The Committee is also concerned that the minimum wage legislation does not apply in some important sectors, such as those employed in the government and those working for export-oriented and labor-intensive manufacturing companies, and that its enforcement is made difficult especially by the shortage of labor inspectors

The Committee recommends that the State party take all appropriate measures to ensure that minimum wages fixed by the Regional Tripartite Wages and Productivity Boards provide workers with an adequate standard of living for themselves and their families, in accordance with Article 7 (a) (ii) of the Covenant.

The Committee also recommends that the State Party extend the applicability of the minimum wage legislation to those sectors where it does not apply, and intensify its efforts to enforce legal minimum wages through increased labor inspection and fines or other appropriate sanctions for employers who fail to comply with the minimum wage legislation.

To address this, government mechanism to enforce compliance with ICESCR needs to be strengthened. The monitoring of wage boards and regulatory agencies will be intensified and sanctions shall be imposed to those found violating labor standards. This will be done with the cooperation of the following agencies:

- PHRC
- DOLE
- OWWA
- POEA
- Wage Boards
- LGUs

### **Providing sanctions to violators of labor standards**

In the updated Medium Term Philippine Development Plan (MTPDP), several goals and strategies have been set in order to ensure the adherence of companies or employers to fair and just labor standards such as the conduct of inspection on enterprises to ensure the latter's compliance to occupational safety and health standards, minimum wage fixing along the "safety net" approach, improve wages and productivity databases, review existing policies/standards to address new and emerging working conditions/environment/arrangements and strengthen protective mechanisms for workers in the informal and other vulnerable specific sectors, etc.

To intensify the abovementioned efforts, it is necessary therefore that sanction be imposed to those who fail to observe the observance of fair labor standards.

In view thereof, the coordination of the following agencies to ensure the realization of this treaty indicator are as follows:

- DOLE
- PHRC
- OWWA
- POEA
- Wage Boards
- LGUs

### **Conflicts in the implementation of the Mining Law and IPRA minimized, if not eliminated**

The IPRA provides for the recognition, protection and promotion of the interests and well-being of IPs with due regard to their ancestral domains and lands,

self governance and empowerment, social justice and human rights, and cultural integrity.

The IPRA was signed into law on October 29, 1997. Hailed as a landmark legislation, the IPRA underwent many years of legislative study and deliberation before it became a law. It is the result of various consultations, consolidated bills related to ancestral domains and lands, and international agreements on the recognition of land/domain rights of the IPs.

The advent of the IPRA Law has overshadowed speculations and unfounded doubts that the tribal peoples and communities in the Philippines are abandoned or neglected and that they are only meant to exist outside the periphery of development, much less a part of the national life. A heavy focus on empowerment and upland development by the Arroyo administration has made the IPs as major players and partners in nation building with the government and international funding institutions promising to provide basic services on a need-driven basis. Locally available indigenous resources have been tapped as the IPs' counterpart to facilitate the implementation of key programs and projects while the LGUs assisted by giving out corresponding resources.

On one hand, the Philippine Mining Act and its Revised Implementing Rules and regulations (RIRR) have specific provisions on the following:

- Local government empowerment
- Equitable sharing of benefits of natural wealth
- Economic demands of present generation while providing the necessary foundation for future generations
- Protection for and wise management of environment

The RIRR (DENR Administrative Order No.96-40) of the Philippine Mining Act of 1995 provides strict adherence to the principle of sustainable development. This strategy mandates that the needs of the present should be met without compromising the ability of the future generations to meet their own needs, with the view of improving the quality of life, both now and in the future. Sustainable development provides that the use of mineral wealth shall be pro-people and pro-environment in sustaining wealth creation to improve quality of life.

The harmonization of the provisions of the Mining Law and the Indigenous Peoples Rights Act (IPRA) therefore is deemed necessary to ensure the effective enjoyment by indigenous peoples of their rights to ancestral domain, lands and natural resources.

In the realization of this treaty indicator, the following have been identified as accountable:

- Minerals Development Council (MDC)
- Congress/Committee on Human Rights
- PHRC
- Department of Environment and Natural Resources (DENR)

## **Benefits derived by the affected communities/families/elderly/individuals from the exploration, development and utilization of natural resources**

In consonance with the Concluding Observations made by the Committee on the ICESCR concerning the adverse effects of mining operations carried out in indigenous territories, it is most appropriate that certain benefits be given to those affected communities from the exploration, development and utilization of natural resources. This would require actual visits to areas where mining activities are made and to conduct interviews with the beneficiaries.

Thus, for this treaty indicator, the accountable agencies are as follows:

- Minerals Development Council (MDC)
- Congress/Committee on Human Rights
- PHRC
- Department of Environment and Natural Resources (DENR)

## **Section 2 – Thematic Situationer**

### **Thematic Objective 1**

The enhancement of existing policies, plans and programs would address the issues on human rights that were raised, such as (a) the Supreme Court decision on *Oposa vs. Factoran*, (b) the complaints involving alleged economic, social and cultural rights for the period 2001-2008, (c) draft Optional Protocol of the ICESCR, and (d) the proposed Senate Bill 2657 (see annex for full details).

**Table 1: Situation Matrix**

Human Rights Issues	Duty- Bearers	Claimholders
Right to a balanced and healthy ecology	Supreme court	Present and future generations
Violation of RA No. 9262	Supreme Court	Women and children
Violations of the right to shelter/illegal demolition/ violation of RA 7279	Supreme Court HUDCC	Squatter dwellers
Violation of RA 6657	DAR	Farmers
Complaints for food blockade		
Protection and promotion of the welfare of migrant workers, their families and Overseas Filipinos (OF)	POEA	Migrant workers, their families, overseas Filipinos
Violation of the right to education	DepEd	Children

## **Thematic Objective 2**

The PCUP reported that for the year 2006, it monitored a total of 95 demolition cases affecting 4,140 families. Of the 95 cases, 36 demolitions affecting 1,688 families were enforced in a just and humane manner while 59 demolitions affecting 2,452 families were done summarily. For the year 2007, the Commission monitored a total of 82 demolitions affecting 8,320 families, 29 of which were effected in a just and humane manner affecting 5,181 while 53 cases affecting 3,139 were imposed summarily. For 2008, PCUP recorded 28 demolition/eviction cases affecting 3,000 families. Of the 28 cases, 19 of which were under administrative demolitions affecting 2,370 families while 9 cases affecting 630 families were through a court order.

Moreover, as reported by the Commission on Human Rights (CHR), demolitions for the period 2001-2008 recorded 230 cases of violation of the Right to Shelter or are considered an illegal demolition, particularly violating RA No. 7279 or the Urban Development and Housing Act (UDHA).

## **Thematic Objective 3a**

Notable improvements in the health outcome indicators have been observed in the last few years. This can be attributed to the reforms in the sector in general, and the higher budget allocation for health-related activities during the period, in particular. The Department of Health's budget reached P27.8 million in 2009, almost three times the department's 2003 budget. As a result, the DOH share in the total national government budget increased to 2.5 per cent in 2009 from 1.5 percent in 2006. On the total expenditure for health, this reached P180.8 billion in 2009 from P165.3 billion in 2005. The national government expenditure in health exhibited a 10.1 percent growth in 2009 while LGU expenditure for health a 6.1 percent decline for the same year.

On health insurance, PhilHealth's set the standard of universal coverage at 85% of the population. It has been observed that PhilHealth's coverage of the total population fluctuated from 84% in 2004, to 64% in 2005, 77% in 2006, and 73% in 2007. As of the 1st quarter of 2009, PhilHealth's coverage is estimated at 82% (77.38 million beneficiaries) Currently, Philhealth members are classified into 5 membership groups namely: the formally employed (private and government), individually paying (IP), non- paying (NP); the sponsored program (SP) and the overseas workers program (OWP). The SP is considered the heart of the NHIP as it provides health insurance coverage to poor families. The Sponsored Program is subsidized both by the national and local government. There is a cost sharing scheme depending on the income status of the LGUs. However, enrolment in the program is dependent on the LGUs willingness and ability to enrol its poor constituents. Due to budgetary constraints and priority setting at the LGU level, program enrolment varies annually.

Given the above, there is a need to strengthen PhilHealth's advocacy campaign for the LGUs to allocate resources for the health insurance premium of their poor constituents. It is also necessary to explore other sources of financing to sustain enrolment in the program as well as to be able to carry out other health activities at the local level.

### **Thematic Objective 3b**

The migration of Filipino health workers for foreign employment has aggravated the problem of uneven distribution and inadequacy of health human resources particularly in hard to reach areas. Higher compensation, better benefits and better working conditions are seen as the major factors that influence the decision to migrate. In a policy brief crafted by the Technical Working Group (TWG) on Workforce of the Human Resources for Health Network, it was indicated that the country is beset by three major policy issues concerning its health workforce, namely: retention, distribution and productivity.

Workforce retention is vital to the adequacy of qualified and competent health workers in the country. The problem of retaining the country's health workforce can be explained by the large salary differences between local and foreign employment. Foreign employment offers higher salary and benefit as compared to local employment. Also, at the local level, monthly wages of health professionals are lower than that of other professionals such as engineers, accountants, etc. Moreover, the practices of contractualization and outsourcing of medical and health services in the private sector have posed work and income instabilities for the health professionals. In addition, the monitoring is on wages and working conditions in health facilities and establishments employing health workers. At the local government units, new positions cannot be created and no additional health workers can be hired unless mandatory positions have been filled up. The political will of elected officials stands as the main factor in the implementation or non- implementation of the Magna Carta for Health Workers.

Managing workforce retention is part of managing migration. The main policy goals are pay equity, job security, private sector social responsibility, rights of labor, adequacy and quality of human resources for health, which are directed at workforce retention in the health service systems and in the end ensure better health outcomes.

### **Thematic Objective 4**

Presidential Decree 442 as amended, otherwise known as the Labor Code of the Philippines governs employment practices and labor relations in the Philippines. It is currently under review to come up with new administrative guidelines and proposed legislative amendments for the promotion of decent work including the informal sector and respect for core labor standards. RA 8282 or the Social Security Act of 1997 amends RA 1161 further strengthening the Social Security System including the compulsory coverage of self-employed workers. The government

facilitated the enrolment of the informal sector workers not only in SSS but also in PhilHealth and Pag-ibig. The new labor standards framework was implemented to promote a culture of self-regulation and voluntary compliance with labor standards. The National Statistical Coordination Board (NSCB) has adopted an official definition of the informal sector to facilitate measurement of contribution of the informal sector to the economy and to guide policies and programs in increasing productivity and promoting and protecting the welfare of the informal sector workers.

### **Thematic Objective 5**

The Constitution mandates that the State shall protect and promote the right of all citizens to quality education at all levels. With the education sector and adhering to the EFA movements, however, priority is given to basic education (formal education and non-school-based learning or ALS) as a fundamental right. The Constitution further enunciates that primary/elementary education is free and compulsory, secondary education is not compulsory but also free in public high schools and those who cannot get accommodated in public schools may attend private schools with government subsidy. While the delivery of basic education services and its management rests in the Department of Education (DepEd), the level of budget allocated to the said agency reflects how basic education is given priority by the government.

Over the past years, the budget of the DepEd has consistently increased from PhP 109.5 billion in 2004 to PhP 174.5 billion in 2009. However, the DepEd's budget as percentage share of the national budget declined over the same period from 13.62 percent to 12.33 percent (Table 1). In the same period, the basic education budget posted an average share of 86 percent of the entire budget for education. This does not include the so-called Basic Learning Needs (BLNs) programs/activities being provided or implemented by many other line agencies.

Within budget constraints, deliberate efforts to improve access and respond to the increasing student population have been pursued by the DepEd through provision of critical resources to needy schools. From 2004 to 2008, a total of 61,834 new classrooms were constructed and 45,054 new teacher items were created. Likewise, to decongest public secondary schools, the DepEd implemented the Government Assistance to Students and Teachers in Private Education (GASTPE) program which is a form of financial assistance to poor but deserving elementary school graduates who wish to pursue secondary education in a private school. At present, the GASTPE comes in two modes, namely: the Education Service Contracting (ESC) scheme, wherein assistance is directed to participating private schools; and the Education Voucher System (EVS), wherein assistance is received by the students in the form of vouchers. As of school year (SY) 2008-2009, a total of 594,628 students have benefitted from the program (Table 2).

**Table 1: Percentage Share of DepEd's Budget to the National Budget (2004-2009)**

Budget	2004	2005	2006	2007	2008	2009
DepEd Budget (in billion Pesos)	109.5	112.0	121.6	137.3	149.2	174.5
Share of DepEd Budget to National Budget	13.62%	12.35%	12.74%	12.19%	12.16%	12.33%

Source: Department of Education

**Table 2: Basic Education Resource Inputs (2004-2009)**

Basic Education Inputs	2004	2005	2006	2007	2008
<b>School Resources</b>					
Classrooms Constructed*	12,490	9,407	14,887	15,215	9,835
Teacher Items Created	7,574	6,475	7,237	16,334	7,434
<b>GASTPE Beneficiaries*</b>					
Education Service Contracting Scheme	316,855	384,186	429,476	477,106	496,672
Education Voucher System	-	-	64,049	90,076	97,956
Tuition Fee Subsidy	43,422	10,617	-	-	-

Source: Department of Education

\* From various funding sources i.e., DepEd school building program, NGO and ODA-assisted project, other government agency programs and private sector

The data on the above basic education inputs provide quick baseline information on how the basic education sub-sector benefits through national government-led efforts. Complementarily, baseline information can be gathered through other development initiatives in the sub-sector such as those related with the DepEd's Basic Education Sector Reform Agenda (BESRA) key reform thrusts, which encompass system-wide initiatives towards improving the administrative, financial, cultural aspects of the Department, among others.

Despite the increasing budget and other government efforts, resource shortages (i.e., classrooms, teachers, textbooks and desks) in many public schools continue to persist. At the start of school year (SY) 2009-2010, the DepEd reported shortages (unfunded) of 4,215 classrooms, 29,762 teachers and 3,021,009 school seats. Likewise, basic education performance based on key indicators (i.e., participation rate, cohort survival rate, school leaver rate and achievement rate) have

either declined or showed very minimal improvement over the period 2004 to 2008 (Table 3).

**Table 3: Basic Education Indicators (public and private)**

Basic Education Indicators	2004	2005	2006	2007	2008
<b>Participation Rate</b>					
Elementary	87.11%	84.44%	83.22%	84.84%	85.12%
Secondary	59.97%	58.54%	58.59%	60.26%	60.74%
<b>Cohort Survival Rate</b>					
Elementary	71.32%	70.02%	73.43%	75.26%	75.39%
Secondary	78.09%	67.32%	77.33%	79.91%	79.73%
<b>School Leaver Rate</b>					
Elementary	6.98%	7.36%	6.37%	5.99%	6.02%
Secondary	7.99%	12.51%	8.55%	7.45%	7.45%
<b>Achievement Rate</b>					
Elementary (Gr. 6)	58.73%	54.66%	59.94%	64.81%	-
Secondary* ('04 to 05- Y4; '06-Y2)	46.80%	44.33%	46.64%	49.26%	-

The declining trend in basic education indicators represent not only the poor performance of the government in providing basic education services but more importantly, it reflects the reality that some children are not in school or are not receiving the quality education they deserve. This impinges on the children's (and some adults alike) right to basic education which needs to be acted upon immediately by the government.

Based on the above, it is apparent that the budget for basic education may not be enough to address the needs of the sub-sector or that funds are not appropriately utilized to make a significant impact. Given the reality that debt servicing receives higher budgetary appropriation than education, deliberate steps toward fiscal discipline especially on efficient utilization of the basic education budget should be taken. It should be well considered that increasing the education budget alone does not necessarily translate to expected outcomes and, thus, necessary reforms should be undertaken.

Given the chronic shortages in the traditional inputs in conventional delivery of basic education, the country has also started exploring and mainstreaming texted educational innovations whose delivery modes cut costs but increases clientele coverage and keep some quality standards.

## Thematic Objective 6

The “Poverty and the International Covenant on Economic, Social and Cultural Rights” (E/C.12/2001/10) identified the core obligation of State parties to ensure the satisfaction of, at the very least, “minimum essential levels” of the rights to food, education and health. The Covenant recognizes the right of everyone to an adequate standard of living for himself and his family, including food, clothing and housing and to continuous improvement of living conditions, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the right of everyone to education.

The Committee on Economic, Social and Cultural Rights expressed its concern on the increase in the percentage of persons living below the official poverty line in 2007 in spite the high rate of economic growth, the wide regional disparities between the National Capital Region and the poorest regions of the country (particularly, the Autonomous Region of Muslim Mindanao), and the significant inequalities in income distribution, especially between urban areas and poor rural areas.

Programs and projects aimed at reducing poverty focus on capacity-building through livelihood activities, training and microfinance; asset reform through agrarian reform, urban land and asset reform, and ancestral domain reform; provision of essential services such as clean water, power, education, and health care; protection of the vulnerable especially children in need of special protection, youth with special needs, women in difficult circumstances, persons with disabilities, older persons, indigenous peoples, dysfunctional families, and victims of disasters and calamities; and empowerment through government-led (such as KALAHI-CIDSS, Conditional Cash Transfer Program, Local Poverty Reduction Action Planning Process by local government units (LGUs), increased participation and involvement of the youth in the family, school, community and society) and private sector-led (e.g., Gawad Kalinga, Habitat) initiatives.

Meanwhile, the Peace Chapter in the MTPDP calls for a two-pronged approach for achieving peace in conflict affected areas. First is peacemaking and peacekeeping through the continuation of peace talks, conclusion and implementation of peace agreements, and strengthened reintegration, rehabilitation and amnesty program. Second is peacebuilding and conflict prevention which shall focus on the rehabilitation and development of conflict areas, particularly the ARMM, and the conduct of reconciliation programs. Through the Office of the Presidential Adviser on Peace Process (OPAPP), the government has provided essential services to areas with armed conflict with the Kalayaan Barangays Program (KBP) and various ODA-funded programs and projects that provide assistance in health, education and other services such as water and farm-to-market roads.

Poverty incidence among the population of ARMM remains at 61.8%, way above NCR’s estimate at 10.4%. Majority of the provinces with high poverty

incidence are in the Mindanao and Cordillera regions. Moreover, four of the nine NDCC-monitored conflict-affected areas are included in the top 20 provinces with the highest poverty incidence in 2006, namely Maguindanao, Lanao del Sur, Saranggani, and Lanao del Norte (*Table 1*). This suggests a correlation between conflict and poverty in the areas. Accordingly, the national government has vigorously pursued social, economic and political reforms to address the root causes of armed conflict, particularly through reconciliation and reintegration of rebel groups, nurturing a positive climate for peace to prevent future hostilities, and pursuing development efforts side by side with peacekeeping endeavors.

**Table 1: Top 20 Highest Poverty Incidence (2006)**

Province	Poverty Incidence (%)	Province	Poverty Incidence (%)
1. Tawi-Tawi	78.9	11. Agusan del Sur	48.7
2. Zamboanga del Norte	63.0	12. Oriental Mindoro	47.1
3. Maguindanao	62.0	13. Occidental Mindoro	46.5
4. Apayao	57.5	14. Sulu	46.5
5. Surigao Del Norte	53.2	15. Kalinga	45.8
6. Lanao Del Sur	52.5	16. Surigao Del Sur	45.4
7. Northern Samar	52.2	17. Mt. Province	45.0
8. Masbate	51.0	18. Saranggani	44.8
9. Abra	50.1	19. Lanao del Norte	44.1
10. Misamis Occidental	48.8	20. Negros Oriental	43.7

Source: National Statistical Coordination Board (NSCB)

Human Rights Issues	Duty Bearers	Claimholders
Implement programs and projects targeting poverty stricken areas and areas with armed conflict	DSWD, NAPC, OPAPP, MEDCo, NEDA, NDCC	Poor in poverty stricken areas and areas with armed conflict
Improved database on poverty at the national and sub-national level, disaggregated by sex, rural, urban, ethnic groups, etc.	Technical Committee on Poverty Statistics and the DSWD	
Integration of the RBA in the development, implementation and monitoring of anti-poverty PAP's	NEDA, DILG, Commission on Human Rights, Committee on Human Rights (House of Representatives)	
Enactment of Food Security Act/Right to Food Framework Law	NNC, DA, DSWD, LGUs, CSOs/BSOs	

### Thematic Objective 7

The legal framework for the prevention of corruption was strengthened with the ratification of the UNCAC by the Senate on November 17, 2006. The UNCAC covers five main areas: (a) prevention (b) criminalization (c) international cooperation (d) asset recovery and (e) technical assistance. It seeks to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption including asset recovery; and promote integrity, accountability and proper management of public affairs and public property.

Moreover, Congress enacted into law Republic Act (RA) No. 9485, otherwise known as the Anti-Red Tape Law. Approved on June 2, 2007, the law seeks to improve efficiency in the delivery of government service to the public by reducing red tape, preventing graft and corruption, and providing penalties. The Act is consistent with the policy of the State to promote transparency regarding public transactions in all government agencies' that shall include a program for the adoption of simplified procedures to reduce red tape and expedite transactions.

The government's efforts to increase prosecution of cases of grant and petty corruption resulted in investigation, dismissal, suspension, prosecution and conviction of government officials. The Ombudsman filed in 2006 before the Sandiganbayan 515 criminal cases involving 158 "big fish" or high-ranking officials, an increase of 89 percent over the previous year. An additional 75 cases were filed with the anti-graft court in 2007 against high-ranking officials. Forfeiture proceedings against corrupt officials involving PhP700 million of ill-gotten wealth were filed before the Sandiganbayan in 2005 and PhP486 million in 2006 (this amount would have been higher if not for the prohibition against the filing of forfeiture petitions within one year before a general election and within three months before a special election under RA 1379).

The Ombudsman's annual conviction rate rose from 23 percent in 2004 to 33 percent in 2005, and from 19 percent in 2006 to 55 percent in 2007. In the exercise of its disciplinary authority, the Ombudsman imposed administrative penalties of reprimand, suspension, and dismissal from the service to 468 respondents in 2004, 454 in 2005, 213 in 2006 and 344 in 2007.

The Sandiganbayan rendered 103 convictions out of 185 cases filed in 2007 for a 55.67% rate of conviction. Likewise, out of 553 decided cases 406 were convicted by the Sandiganbayan or a 73.42% conviction rate last 2008.

In line with the anti-corruption programs the Ombudsman and CESB conducted values-formation seminars. Likewise, the PAGC assisted the Presidential Council on Values Formation (PCVF) in introducing values/ethics related activities to various government agencies. Also, PAGC in partnership with the San Lorenzo Ruiz

Lay Formation Center initiated values formation seminar workshops to various IDAP-covered agencies including the PCUP.

Thereafter, PAGC in cooperation with other agencies facilitated the following activities:

a) Assisted the enforcement of a code of conduct of all government agencies  
 b) Conducted trainings, briefings, seminars and workshops for various government agencies and units as regards the following:

1. Integrity Development Action Plan (IDAP)
2. Moral Renewal Program, pursuant to A.O. 255
3. Anti-Red Tape Act of 2007
4. Development and Enforcement of Agency-specific Code of Conduct
5. Strengthening of Internal Audit Units
6. Values Formation Programs and
7. Whistleblower's Act

c) Development and Implementation of the Anti-Corruption Scorecard and  
 d) Development and Institutionalization of a Graduate Certificate Course in Corruption Prevention in partnership with USAID-ROLE

e) Heavy Advocacy to increase public awareness of corruption through active participation in meetings, seminars and other events organized by different organizations, press releases, interviews, infomercials and a regular segment in the One Morning Show

f) Development and distribution/dissemination of advocacy materials such as calendar, handbooks, etc.

g) Forging of partnerships with private groups, CSOs, other agencies and stakeholders to better implement and advocate its anti-corruption efforts as well to further improve its strategies

**Table 1- Situation Matrix**

Human Rights Issues	Duty Bearers	Claimholders
Improve policy environment for sustaining economic growth through eradication and prevention of corruption	PAGC OMBUDSMAN Sandiganbayan OP DOJ DOF AMLAC COA CSC SC CSO	Basic Society Organizations

## Thematic Objective 8

Achieving broad-based economic growth persists to be a major challenge for the Philippines. Experience of developing countries showed that where growth had been rapid and sustained for a considerably long period, incidence of poverty declined, alongside improvement in the indicators of human development (Chen and Ravallion 2007; Sachs 2005; Cline 2004; Deininger and Squire 1998). Development literature suggests that it is not the inequality in income distribution per se that is systematically related with growth, but rather the inequality in the distribution of physical assets, particularly land. Using land distribution as a proxy for the distribution of physical assets, Deininger and Squire (1998) showed that initial inequality of assets had a significant effect on subsequent growth both in the overall sample (of developed and developing countries).

Further to being a prerequisite to meaningful growth and poverty reduction, recent literature heralds the indirect contribution of agrarian reform in spawning democratic states (Newsweek 2008). “Land reform has often been thought of as a socialist project. But it is really the opposite. Properly done, the process for the first time puts land—the largest asset in most societies—into the marketplace. Most feudal elites acquired their land by dubious—and decidedly nonmarket—means, usually coercion or royal grants. These feudals rarely used their thousands of acres efficiently, often leaving them fallow. Land reform has tended to give ownership of the land to its users, who most often farm it efficiently or sell it to someone who can. The reforms are crucial in converting a backward peasant society into a modern capitalist one, which then creates the basis for civil society and democracy. The eminent economist-activist Hernando de Soto has argued that the chief obstacle to development in the Third World is the unwillingness of feudal elites and governments to give full-fledged property rights to their tenants and farmers.”

The 1987 Constitution declared the promotion of comprehensive rural development and agrarian reform as State policy (Art 2, Sec 21; Art 13, Sec 4). On the other hand, RA 6657 Comprehensive Agrarian Reform Law of 1988 declared as State policy the institution of CARP to: (a) promote social justice, (b) move toward sound rural development and industrialization, and (c) establish owner-cultivatorship of economic-sized farms as the basis of Philippine agriculture (Ch1, Sec2). As defined in said law, AR is the redistribution of lands, regardless of crops or produce, to farmers and regular farmers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stocks, which will allow beneficiaries to receive a just share of the fruits of the lands they work. The main ingredients of land reform: land reform and the totality of factors of support services designed to lift the economic status of beneficiaries.

As of June 2009, the CARP has distributed a total of 7.4 M hectares of land which is 82 percent of the total land to be distributed under the program. The land

distribution under the CARP has benefited 4.6 M agrarian reform beneficiaries (ARBs). With the enactment of Republic Act 9077 or the CARP Extension with Reform (CARPER), around 1.6 M hectares of land are to be distributed to approximately 1.2 M (ARBs).

While the acquisition and distribution of land is considered as the most important concern of the CARPER, equally important to the implementation of the CARPER is the successful and peaceful installation of the beneficiaries and the delivery of agrarian justice. World Bank's recent Technical Paper entitled "Land Reform, Rural Development, and Poverty in the Philippines: Revisiting the Agenda" takes stock on the impact of the CARP implementation as well as the challenges for CARPER. One of the Bank's findings shows that the current system of agrarian conflict resolution is one of the major bottlenecks for CARP completion. It further emphasize that while reforms in the mediation process are proposed, a bolder approach is necessary in order to address the issue.

### Thematic Objective 9

Data from the Department of Labor and Employment (DOLE) showed that while compliance rate on labor standard inspection improved to 63.3 percent in 2007 from 57.2 in 2004 and 58.3 percent in 2005, this is way below the target of 75-85 percent. Also, a total of 2,342 establishments were found to have violated minimum wage standards from 2004 until the first semester of 2008.

**Table 1: Situation Matrix**

Human Rights Issues	Duty- Bearers	Claimholders
Statistics and records of violations of labor standards are not available	DOLE PHRC NLRC POEA OWWA NWPC RTWPB	Employees
Violations of minimum wage standards	DOLE NWPC NEDA RTWPB	Employees

### Thematic Objective 10

The Philippines is rich in natural resources. It has fertile, arable lands, diverse flora and fauna, extensive coastlines, and rich mineral deposits. It boasts of many different kinds of natural water forms, such as bays, rivers, lakes falls, gulfs, straits, and swamps. Because it is made up of islands, the country's coastline, if laid end-to-end, would measure around 17.5 thousand kilometers. Mineral resources abound in Philippine soil with mineral deposits classified into metals and non-metals. Its metal

deposits are estimated at 21.5 billion metric tons, while non-metal deposits are estimated at 19.3 billion metric tons. Nickel ranks first in terms of deposits and size. This can be found in Surigao del Norte, Davao, Palawan, Romblon and Samar. Iron is found in Ilocos Norte, Nueva Ecija, Camarines Norte and Cotabato while copper is found in Zambales, Batangas, Mindoro, Panay and Negros. Among non-metal deposits, the most abundant are cement, lime, and marble. Other non-metals include asbestos, clay, guano, asphalt, feldspar, sulfur, talc, silicon, phosphate, and marble. The mining industry plays a very important role in the country's economic development. For one, the industry provides employment opportunities, directly or indirectly, to a significant portion of the population. The launching of a mining project spurs local and regional economic development as mining firms invest in road infrastructure, utilities, and other facilities within the mine site. Mining, likewise, contributes to the country's foreign-exchange earnings through exports. Furthermore, the industry provides additional revenues for the government through taxes and fees paid on mining and other related activities.

#### Contribution of Mining Industry to the Economy, 2007-2008

	2007	2008
Gross Production Value	PhP97.41 Billion	PhP88.9 Billion
Contribution to GDP, in current prices (% to total GDP)	US\$1.96 Billion (1.4%)	US\$2.01 Billion (1.2%)
Total Exports of Minerals and Mineral Products (% to total exports)	US\$2.548 Billion (5.3%)	US\$2.482 Billion (5.2%)
Taxes, Fees and Royalties	PhP10.4 Billion	PhP4.1 Billion
Employment in Mining and Quarrying	149,000	158,000

Source: Mines and Geosciences Bureau

Nevertheless, mining activities involve operations that have significant impact on the environment. In most facets of the mining activities, there is always the potential for environmental and ecological problems -- from the construction of mining facilities, extraction of ore, and the processing of minerals.

Mineral resources are non-renewable. Once extracted, the ore is gone and may take a very long time to replenish. Mining activity, therefore, is faced with the sustainability issue. Serious implications may arise if this issue is not properly addressed. While the construction of the asset account for the other natural resources is undoubtedly important, it is more crucial for the minerals because of the exhaustibility of these resources.

Most of these mineralized lands are within the ancestral domains of the IPs. Large-scale mining companies are all located within the ancestral domains of the IPs who comprise 17% of the total Philippine population. We need to balance two equally

essential aspects of the national interest: that of economic growth through a revitalized mining industry, given the rich mineral endowment of the country, on one hand; and the protection of indigenous people's rights that are recognized both in the national and international human rights agenda, on the other. Preserving the unique culture of the Philippines' indigenous peoples is crucial to the national interest and to our national heritage.

### **Section 3 – Thematic Performance Targets**

#### **Adoption of an administrative policy that will institutionalize the human rights-based approach (HRBA) in development planning and budgeting**

The integration of the human-rights based approach in our development and planning processes is borne out of the fact that the Philippines is a signatory to various international human rights treaties. Being a state-party to these international human rights instruments, the Philippines has the obligation to adhere to these human rights standards and to mainstream the same in strategic development plans, project and activities. Thus, the following targets have been set:

**Medium-term target:** HRBA mainstreaming in the development and planning processes of NEDA/NROs/other government agencies/LGUs will be pursued.

**Annual targets:** Relative to the abovementioned medium-term target, the following shall be the annual targets:

- Capacity building workshops on HRBA (2010)
- Creation of HRBA tools (2010)
- HRBA Trainors Training (2010)
- Issuance of a circular or memorandum for the integration of HRBA in the development and planning processes of NEDA and the NEDA Regional Offices (NROs) (2010)
- Issuance of a circular/memorandum to the RDCs for the integration of the HRBA into their plans and programs (2010)

#### **Policy on the justiceability of economic, social and cultural rights**

Economic, social and cultural rights are perceived to fall below the justiceable threshold for individual legal enforcement vis-a-vis civil and political rights. One argument against the adjudication of economic, social and cultural rights posits that these rights are vague norms. Hence, efforts should be made to clarify the contents of these rights. Thus, the following medium-term and annual targets have been set:

**Medium-term target:** Bill penalizing violations of economic, social and cultural rights.

**Annual targets:** The annual targets are as follows:

- Policy study on the justiceability of economic, social and cultural rights violations (2010)
- Validation of the outcome of the policy study (1<sup>st</sup> Quarter, 2011)

- Lobbying for the passage of a bill for the justiceability of economic, social and cultural rights (2<sup>nd</sup> Quarter, 2011)
- Identification of advocates for the passage of the bill penalizing economic, social and cultural rights violations (2<sup>nd</sup> Quarter, 2011)
- Law making economic, social and cultural rights violations punishable by law (2012)

**Amendment of the Revised Penal Code of the Philippines for the inclusion of economic, social and cultural rights violations as felonies/passage of special penal laws providing penalties and sanctions for violations involving economic, social and cultural rights**

Article 2, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights, requires all States parties to take measures towards guaranteeing the full enjoyment of all ICESCR rights for all individuals. Here, the adoption of legislation, administrative, economic, financial, educational and social measures, the establishment of action programs, the creation of appropriate bodies and the establishment of judicial procedures may be necessary to secure economic social and cultural rights, such as making ICESCR rights justiceable.

In order to make economic, social and cultural rights justiceable, it is suggested that pertinent provisions of the revised penal code be amended and/or a special penal law be passed. Thus, in order to realize these, the following targets have been identified, to wit:

**Medium-term target:** The advancement of a bill amending pertinent provisions of the revised penal code of the Philippines for the inclusion of economic, social and cultural rights violations as felonies/passage of special penal laws making economic, social and cultural rights violations as punishable.

**Annual targets:** The annual targets shall be:

- Report on the incidence of economic, social and cultural rights violations (1<sup>st</sup> Quarter, 2011)
- Review of related laws related on economic, social and cultural rights (4<sup>th</sup> Quarter, 2011)
- Lobby for the amendment of the Revised Penal Code to make economic, social and cultural rights violations punishable by law (1<sup>st</sup> Quarter, 2012)

**Study on the ICESCR Optional Protocol**

A point of concern over the possible ratification of Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, emanates from the fear that it could lead to an imbalance wherein developing nations such as the Philippines would be singled out for non-fulfilment of economic social and cultural rights or be subject to criticism due to their financial inability to guarantee the full realisation of ICESCR rights.

In response, the following targets have been identified:

**Medium-term target:** Study the advantages and possible disadvantages of the ratification of the ICESCR Optional Protocol

**Annual targets:** The annual targets shall be:

- Validation of the outcome of the study on the advantages/disadvantages of the ratification of the ICESCR Optional Protocol (1<sup>st</sup> Quarter, 2011)
- Lobbying for the ratification of the Optional Protocol to the ICESCR (2<sup>nd</sup> Quarter, 2011)

**Enactment of a law to strengthen the Commission on Human Rights of the Philippines (CHRP) by giving it quasi-judicial power and increasing its jurisdiction by including economic, social and cultural rights violations and the allocation of adequate financial resources for investigation and monitoring functions**

While there is an existing Commission on Human Rights, it is limited to exercise investigative and recommendatory powers. Thus, an increase in its powers is hereby suggested. The following targets have then been identified:

**Medium-term target:** Passage of Senate Bill No. 2657 on Strengthening the Functional and Structural Organization of the Commission on Human Rights.

**Annual targets:** Leading to the abovementioned medium-term target are the following annual targets, to wit:

- Identification of advocates for the approval of SB 2657 (2009)
- Bicameral Conference Committee is called to reconcile conflicts (2010)
- Submission of the final enrolled form to Malacanang for signature of the President (2010)

*NB Senate Bill 2657 has passed the 3<sup>rd</sup> Reading in the House of Representatives but is still in the Committee level in the Senate of the Philippines.*

**Relevant housing laws revised to enhance the latter's implementing mechanisms and funding schemes**

In consonance with the Millennium Development Goal (MDG) on improving the lives of 100 million slum dwellers globally, the housing construction sector is committed to provide security of housing and land tenure to every Filipino family for a better future. To intensify this MDG Goal, the following have to be pursued:

**Medium-term target:** Law providing budget for the provision of resettlement areas and budget for livelihood to those affected by eviction and demolition activities

**Annual targets:** The identified annual targets for this shall be as follows:

- Conduct of consultations (2011)
- Study on the prevalence of eviction cases, taking into account good practices of eviction in neighboring countries (Indonesia) (2<sup>nd</sup> Quarter, 2011)
- Verification of the outcome of the study (3<sup>rd</sup> Quarter, 2011)

- Identification of advocates for the passage of the law increasing budget for the establishment of resettlement areas and budget for the livelihood of those affected by forced eviction and demolition activities (4<sup>th</sup> Quarter, 2011)
- Lobby for the passage of the proposed bill (4<sup>th</sup> Quarter, 2011)

**The Presidential Commission for the Urban Poor (PCUP) as an oversight body prior to the conduct of demolition and eviction activities**

As a measure in ensuring the rights of Filipinos to adequate housing as provided for in Article 11 of the ICESCR, it is important to stress that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law. In ensuring respect for such right, the following have to be pursued:

**Medium-term target:** The issuance of an Executive Order reinforcing PCUP's mandate as an oversight body prior to the conduct of eviction activities with clear guidelines protecting the rights of affected residents and communities.

**Annual targets:** Annual targets shall be as follows:

- Study on the LGUs mandate being the clearing house prior to the conduct of eviction activities (1<sup>st</sup> Quarter, 2012)
- Validation of the results of the aforesaid study (2<sup>nd</sup> Quarter, 2012)
- Lobby for the issuance of an EO (3<sup>rd</sup> Quarter, 2012)

**Enact measures to give access to healthcare, in particular to sexual and reproductive health care services**

In consonance with Article 12 of the ICESCR, it is the State-Party's obligation to recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and in realizing the same, the next set of medium-term and annual targets have been recognized:

**Medium-term target:** Review and strengthening of health programs and projects particularly those on reproductive health to improve access, availability and affordability

**Annual targets:** Annual targets to this treaty indicator shall be as follows:

- Review/assessment of health programs and projects particularly those relating to reproductive health (2010)
- Adopt measures to strengthen health programs and projects based on the assessment (2010)
- Lobby for the passage of the RH bill (2010)

- Improved/strengthened health programs and projects are in place/implemented (2011)

### **Law managing the migration of health professionals/health workers abroad**

In order to stem the tide of migration of our health professionals, which has sparked brain drain and has caused an effect in our worsening health system, the realization of the following targets are deemed to be imperative:

**Medium-term target:** Issuance of an Executive/Administrative Order that will manage the migration of health professionals.

**Annual target:** Annual target to this treaty indicator shall be:

- Conduct of study on the migration of health professionals and its implications in the health industry
- Lobby for the issuance of an EO managing the contract of services of health professionals graduating from subsidized public educational institutions and state universities prescribing the length of services in the country before working (2010)
- Review the Magna Carta of Health Workers (2010)

### **Magna Carta for Health Workers**

In view of the of the exodus of our health professionals to work abroad and the negative consequence it has in the domestic health industry, it is most appropriate that measures be undertaken to forestall their migration. The following medium-term target and its accompanying annual targets should thus be taken into consideration:

**Medium-term target:** Review Magna Carta for Public Health Workers

**Annual target:** Annual target to this treaty shall be:

- Strict implementation of the Magna Carta for Health Workers (2011)

### **Implementation of enhanced labor laws to safeguard the health of workers**

The law provides a comprehensive set of occupational safety and health standards. In order to ensure that the same are afforded to every member of the labor force, it is essential that the following goals are achieved:

**Medium-term targets:**

By the end of 2011, the following should have been attained:

- Amendment of the Labor Code of the Philippines to ensure healthy and safe work conditions of workers
- Amendment of the Social Security Act of 1997

**Annual targets:**

- Conduct of study reviewing current legislation enforcing healthy and safe working conditions (2010)
- Identification of pertinent provisions of the Labor Code of the Philippines relating to safe and healthy working conditions that need to be amended (2010)
- Facilitate the access of workers in the informal sector to occupational safety and health programs (2010)
- Provide education, training and assistance to workers and employers to develop their capability of ensuring health and safety at the workplace (2010)
- Increase compliance to occupational health and safety standards through inspection, self-assessment and technical assistance visits (2010)

**Amendment of the Labor Corde and the SSS Law to provide social security benefits for members of the informal sector**

As a concrete step in providing full protection to members of the informal sector that is through the provision of adequate social benefits to the latter, the following medium-term target and annual targets are proposed:

**Medium-term targets:**

- Amendment of the Labor Code of the Philippines and amendment of the Social Security Act of 1997 to include security benefits for the informal sector

**Annual target:**

- Intensify advocacy on social security schemes for workers in the informal sector (2011)
- Increase SSS coverage among members of the informal sector (2011)
- Lobby for the amendment of pertinent provisions of the Labor Code and the Social Security Act of 1997 (2011)

**Passage of a human rights-based legal and regulatory framework law for the members of the informal sector**

**Medium-term target:** Drafting and passage of a law that will provide human rights-based legal and regulatory framework for the members of Informal Sector

**Annual target:** Development and/or enhancement of two-tiered social protection schemes at the national and local levels for members of the informal economy (2011)

**Increase in budget allocation in national and local budget for educational services**

Towards upholding every Filipino's right to education and fulfilling Constitutional commitments, the government should give utmost priority in improving the delivery of basic education services. Along this line, appropriate level

of budget and efficient use of resources must be ensured. Thus, the following targets are proposed:

**Medium-term target:** As a major step, the enactment of a law imposing a bigger budget allocation for basic education needs to be attained in the medium term.

While the DepEd receives the highest budget level among government agencies, the allocation may not be enough to address resource shortages, respond to increasing student population, and pursue reform programs. It may be recalled that in 2004, a multi-year budget simulation study was undertaken by the DepEd in cooperation with the World Bank to show the budget level required by the DepEd to pursue its various programs under different budget scenarios. Results show that in order to wipe out resource shortages, provide for inflation and enrolment growth, and provide for EFA 2015 reforms, DepEd's budget should be at a level of about PhP 133 billion in FY 2006, and the budget should stabilize at an additional PhP 9 billion outlay yearly from 2007 to 2015. While it is apparent that the findings and recommendations of the said study were not incorporated in subsequent budget cycles (since 2004), such type of study (or its updating) needs to be conducted as basis for the proposed law.

Likewise, the UNESCO recommendation of 15 to 20 percent share of national budget to education (with priority on the basic level) may also be used as a basis. It should be noted that DepEd's share to national budget in 2009 is only 12.33 percent which is below the recommended international standard.

Aside from the national budget, the contributions of the Local Government Units (LGUs) to basic education should also be considered. LGUs are considered key partners of the national government in the delivery of basic education services and its financial contribution, primarily sourced from the SEF, is deemed crucial in achieving the development objectives in the sub-sector. While basic education is given highest budgetary priority at the national level, it should be ensured that LGUs follow the same at the local level.

Aside from increasing the budget, the following broad strategies were outlined in the Updated MTPDP 2004-2010 as effective and creative measures towards improving education access:

- DepEd to effectively and efficiently utilize resources within budget constraints and institutionalize cost-saving measures (such as through scaling-up of the utilization of validated or tested alternative delivery modes), and strengthen its overall accountability system; and
- Instead of solely relying on the government as the provider, government to hasten efforts to expand and institutionalize the contracting or purchasing of basic education services from qualified private providers, which would

comprehensively include elementary education, early childhood education, and ALS on top of the existing one for secondary education.

Consistent with the country's commitment to the EFA which holds that the provision of the BLNs is not a monopoly of the DepEd but a societal responsibility, the EFA Grand Alliance has been forged to enlist and account for the teaching-learning programs that produce functional literacy in the many line agencies of the government and civil society groups. These programs and resources are not captured by the traditional means of accounting for composite resources being devoted by the country to basic education.

**Annual targets :** While the above thematic performance medium- target might take time to be realized, it is crucial that prior and ongoing policy- related efforts should be continued and well supported. These include:

- Amendment of the RA 4670 (The Magna Carta for Public School Teachers)
- Amendment of RA 7160 (The Local Government Code of 1991)
- Amendment of RA 7880 (An Act Providing for the Fair and Equal Distribution of the Department of Education, Culture and Sports' Budget for Capital Outlay) etc.
- Gathering of relevant information on the degree of resource support from non-government entities.

**Corresponding percent increase in selected education performance indicators (e.g. net enrolment rate) for every percent increase in education**

**Medium-term target:** Monitor, evaluate and assess learning outcomes

**Annual target:** Improved database on net enrolment and the gross enrolment rates which show participation of children, both school-age and beyond school age in our formal and non-school-based learning programs or alternative learning systems (ALS). (2011)

**Implement programs and projects targeting poverty-stricken areas and areas with armed conflict**

The eradication of poverty has remained to be the country's biggest challenge in many years. In the current Medium Term Philippine Development Plan, several strategies have been made in order to address the same, such as the promotion of livelihood, strengthening of education, attainment of fiscal stability, decentralized development and achievement of national harmony among others. To realize these, the following targets have been identified, to wit:

**Medium-term targets:**

- Legislation to reduce poverty incidence in hunger stricken areas, calamity-prone areas and areas with armed conflict
- Policy to address micro-financing for the poor in support of livelihood

**Annual targets:** Relative to the abovementioned medium-term target, the following shall be the annual targets:

- Conduct of study on the conditions of poverty in hunger stricken, calamity-prone and areas with armed conflict (2011)
- Executive issuances/local ordinances for the immediate remedies to reduce poverty incidence (2011)

**Improve the database on poverty at the national and subnational level, disaggregated by sex, rural/urban, ethnic groups, etc.**

**Medium-term target:** Enhanced poverty indicators that will facilitate the formulation of measures to address/reduce poverty incidence in areas of concern.

**Annual target:** Establishment of a data gathering and monitoring system on poverty incidence (2011)

**Integrate the human rights-based approach (HRBA) in the development, implementation and monitoring of anti-poverty programs/activities/projects (PAPs)**

The integration of human rights principles in the plans, programs and projects of the government will help expand the choices and opportunities of the vulnerable sectors of our society at the same time this will help them realize their full human development: In consonance to the same, the following are the medium-term and annual targets:

**Medium-term target:**

- Application of human rights norms and standards in the drafting of measures addressing issues on poverty
- Review of existing laws/measures in order to incorporate the HRBA

**Annual target:** Increased level of awareness on the HRBA through the conduct of capacity-building workshops/orientation (2012)

**Enact the Food Security Act and the Right to Food Framework Law**

In support of the progressive realization of the right to adequate food as enunciated in the ICESCR, are the following targets:

**Medium-term target:** Passage of the Food Security Act/ Strictly enforce the Right to Food Framework

**Annual targets:**

- Identify advocates who will move for the passage of the Food Security Act (2010)
- Appoint a specific institution with the overall responsibility for overseeing and coordinating the application of the Right to Food Guidelines, and to increase the participation of civil society groups into the Anti-Hunger Task Force. (2010)

### **Strengthen the monitoring/reporting/prosecution of graft and corruption at the national and local levels**

As part of the efforts of the government in curbing corruption, the following goals have been recognized to be integral to the same, viz:

**Medium-term target:** Increase the rate of prosecution/conviction of graft and corruption cases

**Annual targets:** Relative to the abovementioned medium-term target, the following shall be the annual targets:

- Training and seminar among career executive service professional and other public officials and employees (2<sup>nd</sup> Quarter, 2010)
- Monitoring of the agencies' budgets for transparency (2010)

### **Enactment of a law making the Department of Agrarian Reform Adjudication Board (DARAB) as an independent body**

Being the body that has primary jurisdiction in settling disputes, issues and conflicts arising from the application of the CARP/CARPER, it is essential that the independence of DARAB in rendering its decisions is ensured. Thus, in realizing this, it is essential that the following are pursued:

**Medium-term target:** Passage of a law that would push for the transfer of the Department of Agrarian Reform Adjudication Board (DARAB) under the Supreme Court

**Annual target:** Identification of advocates who will lobby for the passage of the law transferring DARAB from the Department of Agrarian Reform to the Supreme Court (2013)

### **Consideration of recommendations and proposals for the enhancement of the CARP/CARPER**

**Medium-term targets:** Agrarian Reform Offices to submit recommendations based on local/field experiences in order to ensure strict observance of the CARPER

**Annual targets:**

- Reactivate MOA with DOJ, AFP, DND re: security & peace enforcement during farmer's beneficiaries installation (2013)
- Maintenance of land occupancy of installed farmer's beneficiaries (2013)
- Regular monitoring of peace and security in installed areas (2013)

### **Monitoring of wage boards and regulatory agencies**

Pursuant to Article 7 of the ICESCR, which establishes a right to a minimum remuneration for employment, stipulating fair wages sufficient to guarantee a decent

living, it is essential that compliance to the aforesaid standard be made. In consonance thereto, the following targets must be observed:

**Medium-term target:** Strict monitoring of minimum wage compliance by corporations, firms, individuals and entities

**Annual targets:**

- Impositions of sanctions to those found violating the minimum wage set by wage orders (e.g. fine, imprisonment or both) (2011- continuing)
- Increased number of labor inspectors to ensure compliance of companies, firms, individuals and entities of the minimum wage standards (2011 – continuing)

**Providing sanctions to violators of labor standards**

**Medium-term target:** Functional and effective mechanism for stricter implementation of labor standards compliant with the provisions of the ICESCR

**Annual targets:** Relative to the abovementioned medium-term target, the following shall be the annual targets:

- Increased level of prosecution/conviction for violators of labor standards
- Monitoring of establishments to determine whether they are complaint with labor standards in consonance with the ICESCR

**Conflicts in the implementation of the Mining Law and IPRA minimized, if not eliminated**

Articles 1, 11, 12 and 15 of the ICESCR, emphasize on the right of the individual to health, on adequate living conditions, to enjoy culture, to participate in cultural life and to benefit from the scientific and technological progress serve as basis in the formulation of the following medium term and annual targets, viz:

**Medium-term target:** Corporate Social Responsibility institutionalized in mining companies

**Annual target:** Conduct of information and education campaign/training in the implementation of corporate social responsibility (2013)

**Benefits derived by the affected communities/families/elderly individuals from the exploration, development and utilization of natural resources**

**Medium-term target:** Provision of benefits to cover for electrification fund, development and livelihood fund, reforestation, watershed management, health and/or environment enhancement fund

**Annual target:** Actual visits and conduct of interviews to beneficiaries/communities where exploration, development and utilization of natural resources are conducted (2013-continuing)

## Section 4 – Program of Action

### **Adoption of an administrative policy that will institutionalize the human rights-based approach (HRBA) in development planning and budgeting**

To mainstream the HRBA in the development and planning processes, the following programs/projects/activities will be pursued:

- NEDA to complete the formulation and issuance of a policy circular on the use of HRBA in NEDA-CO/NROs and other government agency/LGU Planning by the second quarter of 2010.
- NEDA and concerned CSOs/BSOs, NSCB, DILG, LGUs and ULAP to conduct a series of training for the planning offices of line agencies/LGUs on RBA from 2<sup>nd</sup> quarter of 2010 and onwards.
- CHR, NEDA and NROs to conduct HRBA orientation and workshop at the regional/LGU level from 2010 onwards.
- NSCB, DILG and NEDA to review existing human development indicators vis-à-vis ICESCR standards. Their output, the compendium of proposed Human Development/Human Rights (HD/HR) Indicators, is expected to be completed by the 2<sup>nd</sup> quarter of 2010.
- DILG, PHRC, NEDA and RDCs to issue appropriate resolution/circular/memorandum adopting the additional/revised HD/HR indicators will be completed on 2<sup>nd</sup> quarter of 2010.
- Concerned CSOs/BSOs, NEDA, PhilJA, DOJ, CHR, DILG and LGUs to develop tools/guidelines on the application of the ICESCR standards in development planning and programming of the government agencies, as well as policy/program implementation and monitoring. The completion target date for the developed tools/guidelines on the application of the ICESCR standards in development planning and programming is on the 2<sup>nd</sup> Quarter of 2010.
- CHR, NEDA and CSOs to consult with CSOs/BSOs in the development of the said tools and guidelines on the 2<sup>nd</sup> Quarter of 2010.
- All agencies to mainstream the HRBA through a circular by the 2<sup>nd</sup> Quarter of 2010.
- NEDA to integrate/mainstream the HRBA in all chapters of the Successor Regional Development Plan on the 2<sup>nd</sup> Quarter of 2010.
- NEDA to disseminate/mainstream updated HRBA tools in development planning among national/local agencies in the 2<sup>nd</sup> Quarter of 2010.

### **Policy on the justiceability of economic, social and cultural rights**

To formulate and submit the bill penalizing violations of economic, social and cultural rights to Congress, the following program/projects and activities will be pursued:

- CHR, DOJ, PhilJA, IBP and concerned CSOs/BSOs and Ateneo Human Rights Center to conduct study on the justiceability of economic, social and cultural rights or will identify laws or provisions that can be used in enforcing economic, social and cultural rights by the 3<sup>rd</sup> Quarter of 2010.
- CHR, DOJ, PhilJA, IBP and concerned CSOs/BSOs, DILG, LGUs, ULAP and PHRC to conduct study on additional remedies for economic, social and cultural rights violations on the 3<sup>rd</sup> Quarter of 2010.
- CHR, PHRC, PhilJA, DOJ, IBP and PIDS to conduct training programs for judges, court attorneys, lawyers and public officials on the justiceability of economic, social and cultural rights violations in the 1<sup>st</sup> Quarter of 2011.

### **AMENDMENT OF THE PENAL CODE FOR THE INCLUSION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS VIOLATIONS AS FELONIES/PASSAGE OF A LAW PROVIDING PENALTIES AND SANCTIONS FOR VIOLATIONS INVOLVING ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

- The CHR, PHRC and Congress (Committee on Human Rights) to formulate a bill penalizing violations of economic, social and cultural rights. Passage of the amended Penal Code/Law penalizing economic, social and cultural rights violations is expected in the 2<sup>nd</sup> Quarter of 2011.
- Concerned CSOs/BSOs to organize lobby groups that would support the passage of a bill penalizing the economic, social and cultural rights violations in the 2<sup>nd</sup> Quarter of 2011.

### **Study on the ICESCR Optional Protocol**

The Optional Protocol to the ICESCR is an international mechanism that could provide victims of economic, social and cultural rights violations international redress and proceeds from the view that the enhancement of human rights is necessary for the simultaneous promotion of domestic and international economic development. However, there are still reservations/divergent views on the issue of ratification or signing of the Philippines of the OP-ICESCR. Thus, the following programs, activities and projects are proposed, viz:

- Consultations with concerned agencies, civil society organizations and academe in order to reach a consensus on the propriety of the ratification or signing by the Philippines of the OP-ICESCR, which shall be national in coverage and with the following as responsible parties, to wit:
  - PHRC
  - NEDA
  - DFA

**Enactment of a law to strengthen the Commission on Human Rights of the Philippines (CHRP) by giving it quasi-judicial power and increasing its jurisdiction by including economic, social and cultural rights violations and the allocation of adequate financial resources for investigation and monitoring functions**

Under Senate Bill 2657, it grants the Commission on Human Rights prosecutorial power to expedite cases. Under the same bill, the CHR can order the preventive suspension or removal from office of any government official found to have committed human rights violations. The additional quasi-judicial functions would give them "more teeth" to the institution. The allocation of adequate financial resources for the CHR's functions is thus necessary for the aforementioned to be realized. The following programs, activities and projects are thus proposed, to wit:

- Organization of lobby groups for the passage of SB 2657, with the following as responsible parties, to wit:
  - PHRC
  - CHR
  - DFA
- Concerned civil society organization/basic sector organizations

**Relevant housing laws revised to enhance the latter's implementing mechanisms and funding schemes**

Article 11 of the ICESCR recognizes the right of everyone to an adequate standard of living for himself and his family. Being a state-party to the covenant, the Philippines has to take appropriate steps to ensure the realization of this right.

To achieve the objective and the identified targets, the following programs/projects/activities are to be implemented:

- Conduct of consultations with stakeholders nationwide to validate the demand and determine the scope and considerations for the law providing budget for resettlement areas for those affected by eviction. The agencies and organizations responsible for this activity are the LGUs, ULAP, HUDCC, NHA, NAPC, MMDA, PAHRA, NUPSC, and concerned civil society organizations. This activity is targeted to be completed by 1<sup>st</sup> Quarter of 2010 considering the reports of the consultations as the output indicator.

- Organization of lobby groups nationwide for the passage of a law for the provision of budget for resettlement areas to be headed by concerned civil society organizations. The output indicator is the organization of lobby groups by the end of 2<sup>nd</sup> Quarter of 2010.
- Look into the bills related to forced eviction which are still pending in Congress to ensure harmonization of laws, including the consideration of a law providing funds for relocation sites. The Congress, particularly the Committee on Human Rights, would play a major role in implementing this activity with a target completion date by the end of 3<sup>rd</sup> Quarter of 2010. The output indicator includes reviewed bills on forced eviction.
- Passage of a law by Congress providing budget for resettlement areas for those affected by eviction by the end of 2014.

**The Presidential Commission for the Urban Poor (PCUP) as an oversight body prior to the conduct of demolition and eviction activities**

Specifically for strategic treaty indicator number 2, the programs/projects/activities are:

- Revisit RA No. 7279 (UDHA) and EO 708. The agencies responsible for this activity include the Congress and the Office of the President with a target completion date on the 2<sup>nd</sup> Quarter of 2010. The output indicator for this activity is the reviewed RA No. 7279 and EO 708.
- Strict implementation of legal actions for non-compliance with the checklist requirement prior to the conduct of demolition and eviction cases. The responsible agencies include the LGUs, HUDCC, NHA, PAHRA, NUPSC, NAPC, MMDA, PCUP, and concerned civil society organizations.
- Strict observance nationwide of the required consultations with affected residents and communities before implementing development and urban renewal projects. The responsible agencies are PCUP and the LGUs.

**Enact measures to give access to healthcare, in particular to sexual and reproductive health services**

State-parties to the ICESCR recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Article 12 of the ICESCR reflects the steps that need to be undertaken to achieve the full realization of this right. In consonance to the same, the following program, activities and projects shall be implemented, viz:

- Amendment of the Local Government Code

The Local Government Code (LGC) of 1991 provides for the devolution of health services to the local government units (LGUs). Some LGUs were more prepared than the others in carrying out the task. Specifically, some LGUs do not have the capability to deliver health care services efficiently and others do not have enough financial resources to implement all the need interventions. Thus, a review/assessment of the implementation of the LGC provisions on health care delivery is imperative as basis for drafting the amendments with the end in view of improving the delivery of health care services at the local level. Moreover, the identification of advocates for the passage of the proposed amendments should also be undertaken.

- Provision of Incentive Mechanisms for LGUs which consider health as priority

Given the varying responses of the LGUs in terms of implementing the provisions of the LGC on health, it is necessary to come up with incentive mechanisms for LGUs which give priority to health and health-related concerns.

- Adoption of the Health Care Financing Strategy

The Department of Health is at present reforming the health system, aiming to improve its performance and responsiveness to the population. Health financing is one of the health pillars of DOH reforms. The health care financing strategy paper aims to map the way from now through 2020 towards transforming the country's current health financing towards a more efficient and equitable system. The strategy focuses on the promotion of financial risk protection and fair distribution in the burden of health financing. It is also aimed at addressing the promotion of equitable use and provision of services related to need, efficiency in the administration of the health financing system and quality in the efficiency of service delivery. The adoption/implementation of the HCF is the responsibility of the Department of Health in coordination with the PhilHealth and other involved agencies and stakeholders. It is expected that by early 2010 the HCF would have been finalized, approved and ready for adoption/implementation

- Amendment of RA7875 as amended by RA9241

RA7875 as amended provides a cost sharing arrangement between the national government and the LGUs for the premium payments under the Sponsored Program. However, some LGUs lack the resources to enrol their indigents in the program. Meanwhile, the national government allotment for this purpose will not be released if the LGU counterpart has not been paid. In this regard, the possibility of amending the law to have the national government cover the full premium of the sponsored members and letting the LGUs cover the premium payments of the poorer segment of the informal sector should be looked into.

- Identification/Adoption of Measures to Strengthen NHIP implementation ---

The NHIP can still be further strengthened by expanding enrolment coverage, improving the benefit package and leveraging payments on quality care. The expansion of program coverage is important because it indicates the population's capacity to access health care. In expanding program coverage, it is necessary to identify the legitimate indigent through the National Household Targeting System for Poverty Reduction. Existing issuances regarding mandatory enrolment, e.g. DILG Circular on the mandatory enrolment of \_\_\_\_\_ also have to be reviewed. Studies on how to finance universal health care also need to be undertaken. Moreover, improvements in the benefit packages that are cost-effective and cost-efficient have to be instituted. These benefit packages would be useless if accredited facilities and health professionals are not available. Thus, efforts to upgrade health facilities to meet PhilHealth's accreditation criteria need to be pursued

- Review/ Assessment of Health Programs and Projects particularly on Reproductive Health

There have been significant gains in the health sector for the previous years. However, despite the gains significant efforts need to be exerted to further improve health outcomes. In this regard, a review/assessment of on-going health programs and projects particularly on reproductive health is necessary to determine their effectiveness and efficiency as basis in identifying interventions to improve program implementation or scaling up of interventions. The DOH will take the lead in this undertaking in coordination with the LGUs and other stakeholders. The target completion date is end of 2010.

- Identification/Adoption of Measures to Strengthen Health Programs and Projects

Given the variations in health outcomes, it is necessary to identify and adopt measures to improve the situation. The results of the program review/assessment can serve as basis in coming up with options for improving program implementation particularly in reaching the poor and vulnerable. In addition, the results can guide the adoption of the appropriate policies and other program interventions. The DOH in coordination with the LGUs and other partners will be the lead for this undertaking. It is expected that the appropriate policies, programs and project would be in place by 2011.

- Passage of the RH Bill

The passage of the RH bill which provides for \_\_\_\_\_ has been installed at both at the House of Representatives and the Senate. Thus, identification of advocates to further lobby for the passage of the bill needs to be undertaken.

#### **Law managing the migration of health professionals/health workers abroad**

- Setting up of a national regulating/monitoring mechanism regarding the migration of health professionals

- Issuance of local ordinance regulating/monitoring mechanism for health professionals with human rights dimension.

This shall be institutionalized by the Department of Foreign Affairs (DFA), Philippines Nurses Association, Association of Deans of Nursing Schools in the Philippines, Philippine Medical Association (PMA), Professional Regulation Commission (PRC), and Department of Labor and Employment (DOLE).

- Conduct of advocacy campaign on the critical role of health professionals in improving the quality of life of the people.

Likewise, there is a need to improve quality of health professionals by making health professional education (curriculum and skills) at par with international standards.

- Institutionalize PROJECT NARS (Nurses Assigned in Rural Areas)

The NARS Program, a Training cum Deployment Program, aims to address the (1) glut in inexperienced nurses and the proliferation of "volunteer nurses" working in hospitals without being paid, but instead, they themselves pay the hospitals to obtain Certificate of work experience (The Certificate of Completion shall be issued jointly by the DOLE, DOH and PRC); and (2) to promote health of the people and bring the government closer to them.

- Strengthen and expand the Doctors to the Barrio (DTTB) Program and similar activities

The DTTB Program aims to ensure quality health care service to depressed, marginalized and underserved areas through the deployment of competent and community-oriented doctors; and to effect changes in the approach to health care delivery by the stakeholders in health.

Collaborate with major stakeholders: DOLE, DFA, academe, CHED, health professionals' organizations to address brain drain and future reintegration of returning health workers.

#### **Magra Carta for health workers**

- Conduct policy study to look at/assess the local implementation of the Magna Carta for Public Health Workers. The responsible agencies will be the DOH, through the Centers for Health Development (CHD), and Union of Local Authorities of the Philippines (ULAP).

- Strict implementation of the Magna Carta for Public Health Workers to be monitored by the Department of Labor and Employment and the DOH, through their CHDs.

### **Implementation of enhanced labor laws and Social Security Act to safeguard the health of workers**

Article 7 of the ICESCR recognizes the right of everyone to the enjoyment of just and favorable conditions of work. In consonance to the same, the implementation of enhanced labor laws and social security act to safeguard the health of our workers is one of the treaty indicators in the ICESCR Chapter of the NHRAP. Thus, to achieve the same, the following programs, projects and activities (PPAs) shall be implemented:

- Passage of a law amending certain provisions of the Labor Code of the Philippines

A study will be conducted to review the provisions and implementation thereof of existing legislation enforcing health and safety standards at work. The results of the study will serve as bases for amending provisions in the laws including the Labor Code to improve health and safety work conditions of workers and promote decent work.

- Lobby groups shall be organized/identified to support activities toward the passage of bills amending the Labor Code and the Social Security Act
- Monitoring the implementation of the 2004 Labor Standards Enforcement Framework
- Resource mobilization to increase resources of DOLE for regular and independent inspections to ensure compliance with Occupational Health and Safety Standards
- Strengthen existing network to improve implementation and monitoring of enforcement of labor laws

### **Amendment of the Labor Code and the SSS Law to provide social security benefits for members of the informal sector**

- Passage of a law amending the Social Security Act expanding coverage and improving benefits for the informal sector and domestic helpers. Studies shall be conducted (e.g., collection of SSS premiums in upland and remote areas), the results of which will be the bases for providing benefits to the informal sector and domestic helpers

### **Passage of a human rights-based legal and regulatory framework law for the members of the informal sector**

- Crafting and passage of a law that will provide a rights-based legal and regulatory framework for the informal sector members (Magna Carta for the Members of the Informal Sector)
- Lobby for the passage of the bill defining the legal and regulatory framework for the members of the informal sector

### **Increase in budget allocation, in national and local budgets, for educational services**

Contributory to the enactment of a law imposing a bigger budget allocation for basic education, policy and program-level efforts of national coverage need to be strengthened.

At the policy level, amendments to the following legislations related to educational resource allocations shall be pursued:

- RA 4670 (The Magna Carta for Public School Teachers)

The amendment of RA 4670 is a priority legislative agenda stipulated in the Updated MTPDP (2004-2010). The proposed legislation will promote the balancing of teacher's enjoyment of rights and privileges with responsibility and accountability and address the issues confronting the general welfare of teachers such as the provision of additional compensation, hardship allowance and salary increments. This will also address the perennial problem of teacher deployment.

The amendment of the Magna Carta for Teachers has a special place in BESRA. The old Magna Carta has been seen as a policy barrier to teachers' mobility and the needed developmental interventions of DepEd to bring about quality, efficiency and equity goals. Flexibility in appointment, deployment, utilization and promotion intended to promote better training and development of teachers will work best with a development-oriented Magna Carta that derives many provisions from BESRA.

At least four of BESRA's Technical Working Groups (TWG's) which correspond to three Key Result Thrusts (KRTs) have formulated action plans that require inputs to the amendments of the Teachers Magna Carta. The specific policy provisions propounded by the TWGs are as follows:

- a) Teacher Education and Development Program (TEDP) - the conduct of the induction program within a probationary period of at least one year has to be applied to both public and private basic education teachers. This period should be used as opportunity to assess teachers' competence and serve as a basis for teacher tenure,

aside from providing information on further capacity building needs of new teachers. (Note: if the proposed amendments cannot integrate those that pertain to public and private school teachers, then this policy has to be incorporated in a separate Magna Carta for Private School Teachers.)

- b) School-based Management (SBM) – the rights of teachers to participate, be consulted and/or be represented in the school governance and their role in school-community partnership have to be reflected.
- c) Quality Assurance and Accountability Framework (QAAF) – the Magna Carta has to institutionalize a system of performance contract between the teacher and the school head as basis of reward and promotion. The same system may also govern the accountability and performance relations between and among the education officials above the school head.

- RA 7160 (The Local Government Code of 1991)

Certain provisions of RA 7160, which directly or indirectly affect educational resource allocation at the LGU level need to be amended. In the case of basic education, the impetus for the “one-fell-swoop” amendments of the pertinent provisions was given rise by the trifocalization of the Philippine educational system, the needed changes articulated by two MTPDPs and the many bureaucratic issues and sectoral vision put forward by the ADB-funded Technical Assistance for the

Decentralization of Basic Education Management (TADBEM) undertaken in 2001. More recently, the comprehensive basic education reforms envisioned by the BESRA highlighted the need to make the Code more responsive to and promotive of local policy initiatives and imperatives of local resource mobilization.

Considering research-based data and further consultation among stakeholders, the following aspects should be considered for inclusion in the proposed bill, particularly with regard to the local school board:

- a) Renaming of the Local School Board to “Local Basic Education Board” (LBEB) to subsume formal, non-formal and informal education provisions as per the scope provided by R.A. 9155, and thus operationalizing the constitutional intention of giving priority to basic education as a basic obligation of the State;
- b) Expanding its composition to ensure check-and-balance and a more holistic sub-sectoral perspective, following the concept of “Grand Alliance” under the Education for All (EFA) framework;
- c) Redefining its functions in relation to the delivery of basic education services, which would empower it to establish goals and policy statements through local educational planning, allocate resources, determine expenditure and spending priorities, and monitor progress and educational outcomes;

- d) Mandating the Board to establish a financial and performance audit system through which it can gain access to all needed information from concerned agencies and its constituencies in the pursuit of local education-related accountabilities; and
  - e) Pushing for the recommendation of the ADB-funded study of the TADBEM to convert the local school board into a local education authority that has power on “hiring and firing” on the basis of nationally set teacher standards is meritorious enough for consideration if only to bring about real devolution and decentralization, at the provincial level.
- RA 7880 (An Act Providing for the Fair and Equal Distribution of the Department of Education, Culture and Sports’ Budget for Capital Outlay)

The amendment of RA 7880 is another priority legislative agenda stipulated in the Updated MTPDP (2004-2010). In the proposed legislation, the DepEd shall have the flexibility to periodically adjust or modify the allocation to meet the requirement for the establishment and maintenance of school buildings and facilities based on the most recent school mapping and color-coding of the Basic Education Information System (BEIS). The annual DepEd budget for capital outlay should prioritize schools with acute classroom shortage, thus shall be allocated as follows: (a) 60 percent to be allocated pro-rata among the legislative districts with classroom shortages in relation to the total student population of the country; (b) 30 percent according to the student population; and (c) 10 percent as may be determined by DepEd. The capital outlay shall be released to the DepEd or to the local government unit, as authorized by the DepEd, and not to the Department of Public Works and Highways (DPWH).

- RA 7165 (An Act Creating the Literacy Coordinating Council)

Reforms in the Literacy Coordinating Council (LCC) should be pursued alongside reforms in the Bureau of Alternative Learning System (BALS) of the DepEd. As such, efforts towards developing, strengthening and mandating the two agencies to serve as the government bodies guiding the evolution of the country’s alternative learning system should be put in place.

In the area of organizational management, the goal is to harmonize the respective structures and functions of the LCC and the BALS. This can be pursued either by (1) coming up with an administrative order, as an interim measure, that will provide a mechanism of coordination between the two agencies; (2) amending RA 7165 to modify the mandate of the LCC, thus including the governance of ALS; or (3) repealing Ra 7165 and coming up with a new law creating or establishing an Alternative Learning System Council.

At the program/project/activity level, on-going reforms under BESRA towards the achievement of the EFA and Millennium Development Goals (MDGs) should be continued. Specifically, towards attaining the thematic target, the following should be pursued:

- Institutionalizing the multi-year budgeting approach in DepEd

To support higher budget allocation for basic education, it is important that strategic resource allocation be implemented to convince the Department of Budget Management (DBM) and the Development Budget Coordinating Committee (DBCC) for higher budget ceiling for the subsector. The multi-year or medium-term budgeting approach is seen as a means to more effectively link resource allocation, which is done through annual budget process, to policy and planning, which are medium to long-term processes. At present, the DBM is pursuing the establishment of the Medium-Term Expenditure Framework (MTEF) following the concept of multi-year budgeting or forward estimates. It is hoped that through this process, the DepEd will be able to ensure funding for implementation priorities, and plan and program for the long term focusing on achieving the desired education outcomes.

- Conduct of a study on the utilization of the SEF among LGUs

As complement to the national government budget, LGU contributions to basic education financing through SEF and how it is being spent must be taken into account to determine the overall level of funding to enable a more equitable and fair allocation of resources. At present, the sharing of financial responsibility for basic education between national and local governments is not clearly defined, which hinders proper allocation of funds and appropriate targeting of resources. There is little information that reaches the DepEd Central Office on the amount of SEF that LGUs maintain and how it is spent in their localities, hence, the need for the study to support policy decision.

- Increasing police visibility in critical areas (e.g., Sirawai, Siocon, Sibuco and Balanguian and Manicahan and Sacol Island in Zamboanga City) and in conducting civic relations program. Likewise, military personnel also render civic services such as in the rehabilitation and construction of school building and facilitating literacy sessions (e.g., Army Literacy Patrol System or ALPS), among others.

**Corresponding percent increase in selected education performance indicators (e.g. enrolment rate) for every percent increase in education**

- Creation of a database that will monitor education performance indicators

**Implement programs and projects targeting poverty stricken areas and areas with armed conflict**

To reduce poverty incidence in hunger stricken areas and areas with armed conflict, the following strategies will be taken to achieve the performance targets:

- Expand target areas to include disaster-prone localities calamity-prone regions and low-agricultural production areas and an improved database on areas stricken by hunger and armed conflict by the 1st quarter of 2011 through enacted laws improving conditions of poverty, enforced measures aimed at alleviating hunger, and initiated micro-financing programs in support of the livelihood of the poor.
- Apply targeting mechanisms, including indigenous peoples (IPs), by the 1<sup>st</sup> Quarter of 2011
- Develop and deliver component services by the 1<sup>st</sup> Quarter of 2011
- Mobilize and implement funding by the 1st Quarter of 2011
- Set up accountability and monitoring system by the 1st Quarter of 2011
- Conduct orientation/campaign/training on RBA/Human Rights for duty-bearers & claim holders by the 1st Quarter of 2010
- Implement provision 5.3 of the Right to Food Guidelines initiated by the UN Food and Agriculture Organization for the Philippines by appointing a specific institution with overall responsibility for overseeing and coordinating the application of the said guidelines by the 1st Quarter of 2010
- Implement provision 5.4 of the said Guideline by including into the Anti-Hunger Task Force of the current administration the increased participation of civil society groups for effective right to food policy and planning by the 1st Quarter of 2010
- Improve delivery and accessibility of services by the 2nd Quarter of 2010

**Improve the database on poverty at the national and subnational level, disaggregated by sex, rural/urban, ethnic groups, etc.**

- Creation of an enhanced database, which shall include key demographic and economic statistics that will help in setting out targets for poverty reduction and to monitor the rate at which the targets are being reached.

**Integrate the human rights-based approach (HRBA) in the development, implementation and monitoring of anti-poverty programs/activities/projects (PAPs)**

- Creation of an enhanced database, which shall include key demographic and economic statistics that will help in setting out targets for poverty reduction and to monitor the rate at which the targets are being reached.

**Enact the Food Security Act and the Right to Food Framework Law**

Through the enactment of the Food Security Act policies to ensure sustainable production, food conservation, as well as improve food distribution shall be formulated. Thus, the following programs, activities and projects are proposed:

- To identify advocates and to organize lobby groups to champion the abovementioned bill

**Strengthen the monitoring/reporting/prosecution of graft and corruption at the national and local levels**

- Prioritization and speedy prosecution of pending graft and corruption cases;
- Increase the number of prosecutors in the Office of the Ombudsman to de-clog court dockets;
- Focused training program for local government executives on good governance and integrity development;
- Trainings/seminars/ Advocacy on good governance and integrity development among government agencies;
- Re-examine/amend/revise the provisions of RA 6713 to conform with current situations;
- Monitor the strict enforcement of the RA 6713 (Ethical Standards Law);
- Training and seminar for police and law enforcement officers, court personnel, prosecutors and judges on strict application of anti-corruption laws;
- Implement IDAP (Integrity Development Action Plan) in all government agencies;
- Enhance the “witness protection program” for government employees (Whistleblower Act);
- Strict implementation of Agency’s Citizen Charter providing frontline services; and
- Internalization and assimilation of the “Panunumpa ng Kawani ng Gobyerno” (to be conducted regularly every Monday)

**Enactment of a law making the Department of Agrarian Reform Adjudication Board (DARAB) as an independent body**

To ensure DARAB's independence in rendering decisions in land disputes, the following is hereby proposed:

- Passage of a law that will transfer DARAB from the jurisdiction of the Department of Agrarian Reform to the Supreme Court

### **Consideration of recommendations and proposals for the enhancement of the CARP/CARPER**

The effective enforcement of the CARPER Law shall be realized through the following:

- Monitoring of the strict implementation of the IRR of the CARPER Law by the Congressional Oversight Committee on Agrarian Reform.
- Provide support services to CARPER beneficiaries by the Department of Agrarian Reform
- Strengthen the Land Installation Taskforce through the coordinated efforts of the AFP, PNO-RMG, the Department of Agrarian Reform Regional Offices, Provincial Agrarian Reform Offices and the Municipal Agrarian Reform Offices. The output indicator to this shall be the signing of a joint MOA enhancing the Land Installation Taskforce.

### **Monitoring the wage boards and regulatory agencies**

In order to have a functional and effective mechanism for stricter implementation of labor standards compliant with ICESR, the following programs/project/activities will be pursued:

- PHRCS, DOLE, NEDA, NLRC, POEA, OWWA, NWPC and RTWPB to prepare comprehensive studies on violations of labor standards affecting concerned vulnerable groups. The completion of the MTPDP – Labor chapter is expected on the 4<sup>th</sup> Quarter of 2010.
- DOLE, NWPC, DTI, NEDA and RTWPB to prepare a study pertaining to proper wage standards that is to be completed by the 1<sup>st</sup> Quarter of 2010.
- PHRC, DOLE, NEDA, TUCP, ALU and ECOP to conduct consultations with stakeholders both duty-bearers and claimholders with respect to their respective responsibilities in ensuring fair labor standards in the workplace by the 2<sup>nd</sup> Quarter of 2010.
- DOLE to popularize available remedies to victims of labor standard violations are for the period 2010-2015
- DOST, DT, TESA, DOLE, RTWPB and DA to continuously support the enhancement of productivity of workers and enterprises.

### **Providing sanctions to violators of labor standards**

In order to ensure the strict implementation of labor standards in companies, firms, individuals and entities, sanctions shall be imposed to those found violating the aforesaid standards. Aside from this, the following activities are suggested:

- Establishment of a database on statistics and records of compliance and non-compliance of labor standards with DOLE being the responsible party
- CSOs/BSOs, DOLE, NLRC and PHRC to monitor status of labor cases filed in administrative courts for the period 2010-2015
- DOLE and the POEA to continuously monitor compliance of labor laws

**Conflicts in the implementation of the Mining Law and IPRA minimized, if not eliminated**

The DENR should lead the aggressive monitoring of issues and concerns on the EDU of natural resources, particularly minerals, with the assistance from the concerned national government agencies/local government units. Likewise, support of civil society organizations (CSO) on the matter would be of greater value to the lead/principal agency tasked with overseeing adherence to the law and other related agreements. This effort should be sustained to ensure that human rights and the environment are protected.

Following are the specific actions that will be undertaken:

- Continue to address issues/concerns raised on mining activities. The principal agency will be MDC. This will be a continuing activity. Issues/concerns resolved shall serve as the output indicators.
- Continue efforts to make the Philippines a candidate to Extractive Industries Transparency Initiative (EITI). The principal agencies will include MDC and DFA. This activity is expected to be completed by year 2010. The issuance of an EITI Board circular for this purpose will serve as output indicator.
- Delineate areas open or close to mining. The principal agencies will include the DENR, NCIP and LGUs. This activity is expected to be completed by the year 2010. The output indicators will be maps indicating the areas open or close to mining.
- Monitor compliance of mining firms with existing laws, rules and regulations. The principal agencies will include the DENR, NCIP, DOLE and CHR. This will be a continuing activity. The output indicators will be the compliance monitoring reports.
- Continue linkages with major stakeholders to provide regular avenues for continuing discussions on mining issues. DENR will continue to enter into agreements and develop partnerships with industry, media organizations/institutions for the conduct of discussions, fora, consultations, etc. The principal agencies will include the DENR, PIA, other concerned agencies, industry groups/associations, media organizations/institutions.. This will be a continuing activity. The output indicators will be the number of agreements and partnerships made.

- Promote the Social Development and Management Program (SDMP) of mining projects. The activities will include the implementation of the SDMP requirement for mining projects and conduct of IEC on the SDMP provisions of the Mining Act. The principal agency will be the DENR. This will be a continuing activity. The output indicators will be the implementation of the SDMP requirement for mining projects.
- Promote Corporate Social Responsibility (CSR) within the mining industry. The activity will focus on the conduct of IEC and training in the implementation of CSR. The principal agency will be the DENR. This will be a continuing activity. The output indicators will be the number of IEC and training on CSR conducted and CSR institutionalized.
- Continue to address the lack of transparency in government processes. The activities will include the conduct by the DENR of regular meetings/discussions with other government agencies and all stakeholders; and the development/enhancement and implementation of organizational policies to provide guidance on accountability and management obligations. The areas to be covered will include both the national and local. The principal agency will include the DENR and industry groups/associations. This will be a continuing activity. The output indicators will be the number of policies and programs developed in coordination with stakeholders, and number of organizational policies developed/enhanced/implemented.
- Continue to address the problem of illegal collecting, specimen smuggling and material repatriation. The activities will include the following:
  - a. Vigilant monitoring by law enforcement agencies of collecting efforts particularly those involving foreign scientists and institutions, and tourists. Agencies including local police, wildlife monitoring offices, customs and quarantine offices should be familiar with relevant provisions of various laws.
  - b. Less tedious collecting permit system for projects involving Filipino scientists and institutions or foreign-initiated projects involving Filipino collaborators in order to encourage the research efforts of home-grown scientists which oftentimes are undermined by unscrupulous, competing foreign entities who collect in the country anonymously.
  - c. Repatriation of relevant Philippine materials, especially those obtained illegally, invoking Philippine and international biodiversity laws.

These are continuing activities. The output indicators will be the number of illegal collections and smuggled specimens apprehended, and number of illegally obtained materials repatriated.

**Benefits derived by the affected communities/families/elderly/individuals from the exploration, development and utilization of natural resources**

- Implementation of community development initiatives in host communities by mining companies, with the Minerals Development Council being the responsible party.

## **Section 5 – Linkages with Other Development Initiatives and Plans**

### **Thematic Objective 1**

The activities under this thematic objective are geared towards influencing the formulation of the MTPDP/RDPs, Agency Plans, and LGU Plans through the issuance of HRBA-enhanced guidelines on the formulation and updating of MTPDP/RDPs. Also, policies and programs towards attaining MDG Goal 8 are expected to be consistent with ICESCR.

### **Thematic Objective 2**

The thematic objective under this section should be linked with the country's Medium-Term Philippine Development Plan (MTPDP) 2011-2016. With the current plan (2004-2010), the importance of providing security of housing and land tenure has been highlighted specifically in Chapter 4. It aims to address the housing needs through provision of affordable housing by implementing the socialized housing programs and extending housing guaranties and issuance of licenses to sell. The Plan also calls for a higher budgetary allocation for the housing sector to ensure higher level of achievement in delivering services to the homeless.

The Millennium Development Goals (MDGs) explicitly provides for a goal on improving the lives of 100 million slum dwellers globally. Goal 7 particularly seeks to reduce the number of Filipino families with substandard dwellings and with no access to safe water and basic health services.

The linkages of the objective with other plans such as those of the housing agencies (HUDCC, NHA, etc.) and the LGUs will also be ensured.

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The linkages of the objective with other plans such as those of the housing agencies (HUDCC, NHA, etc.) and the LGUs will also be ensured and strengthened.

**Thematic Objective 3a**

The identified programs/activities would contribute to the achievement of the goals and objectives enunciated in the MTPDP, F1 for Health, National Objectives for Health as well as the country's commitment to work towards achieving the MDGs in health by 2015.

**Thematic Objective 3b**

Managing the migration of public health workers is included in the Human Resources for Health Master Plan. The identified programs/activities would contribute to the achievement of the goals and objectives enunciated in the MTPDP in Improving the Health Care Management System.

**Thematic Objective 4**

This specific thematic objective is consistent with our commitment to the Millennium Declaration which underscores the significance of rights-based approach in attaining the Millennium Development Goals. The Chapter on Labor of the Medium-Term Philippine Development Plan, 2004-2010 provides that labor policies shall be guided by the principle of promoting decent and productive employment which is aligned with the ILO Decent Work Framework. One of the employment-promoting strategies in the Plan which is employment enhancement, involves improving work conditions and occupational safety and health, remuneration and welfare, among others.

**Thematic Objective 5**

Thematic objective number 5 supports the strategies outlined in the education-related sub-sectoral plans, such as the Philippine EFA 2015 Plan of Action, National Technical Education and Skills Development Plan (2005-2009) and the Medium-Term Philippine Development Plan for Higher Education (2005-2015).

**Thematic Objective 6**

Thematic objective 6 shall pursue the country's commitment to the Medium Term Philippine Development Plan's goal to "Respond to the Basic Needs of the Poor". These shall also be incorporated in the development plans of responsible agencies to address the MDG Goal to eradicate extreme poverty and hunger by reducing in half proportion of people whose income is less than \$1 and who suffer from hunger.

**Thematic Objective 7**

Thematic objective 7 is linked with the MTPDP Chapter on Anti-Corruption, Chapter on Rule of Law, Chapter on Responding on the Basic Needs of the Poor and the National Anti-Corruption Program Action (NACPA).

**Thematic Objective 8**

This particular thematic objective is linked on the MTPDP Chapters on Agribusiness and Responding to the Needs of the Poor.

### **Thematic Objective 9**

The activities under this thematic objective are geared towards influencing the formulation of the Labor Chapter of the MTPDP. The studies on labor and wage standards that will be conducted by the agencies mentioned on Table 3 will serve as a guide in formulating the policy and programs of the next Plan.

### **Thematic Objective 10**

Thematic Objective 10 is linked on the MTPDP Chapter on Green Environment, among the major thrusts of which is sustainable mining that adheres to the principles of sustainable development, economic growth, environmental policy and social equity, sustainable and more productive use of natural resources to promote investments and entrepreneurship, protection of vulnerable and ecologically fragile areas, especially watersheds and areas where biodiversity is threatened, creation of a healthier environment for the population, mitigating the occurrence of natural disasters to prevent loss of lives and properties.

## **Section 6 – Human Rights Capacity Building Plan**

The National Human Rights Action Plan (NHRAP) process consists of the following steps: (1) preparatory, (2) development, (3) implementation, (4) monitoring and (5) review stages.

As an initial step to the NHRAP process, the Presidential Human Rights Committee (PHRC) designated lead agencies to formulate their respective chapters in the NHRAP based on the eight (8) core international human rights treaties. Taking into account the insufficient knowledge of the lead agencies on certain basic human rights concepts, international human rights treaties and on the application of the human rights-based approach in the development and planning processes, the PHRC conducted a series of capacity building activities for the lead agencies in February and March 2009. The activities were meant to equip the lead agencies with the necessary understanding, skills, information and knowledge to enable them to effectively formulate their respective chapters of the NHRAP, responsive to pressing human rights issues.

In order to realize the objectives of the NHRAP, NEDA has come up with a series of activities with the goal of mainstreaming human rights in all the development plans, policies and activities of the latter, such as the Medium Term Philippine Development Plan (MTPDP). Through which, standards for human life and dignity will be interwoven with the government's development planning processes. The conduct of the aforesaid activity has the funding support of the United Nations Development Programme (UNDP).

Thematic Objective/s	Education and Training Activities/ies	Coverage	Target Participants		Responsible Parties	Expected Outputs
			Duty-bearers	Claimholders		
<p>1) <b>Thematic Objective No. 1</b> To effect conscious and deliberate application of the ICESCR standards in development planning and programming of the government agencies, as well as policy/program implementation and monitoring</p>	<p>1. Conduct series of HRBA Training of the Planning Offices of Line Agencies/LGUs.</p> <p>2. Conduct of HRBA Orientation/Workshop in the Regional/LGU level.</p> <p>3. Conduct training programs for judges, lawyers, court attorneys and public officials on the justiceability of ECSR violations.</p>	<p>National/ Local</p> <p>Local</p>	<p>NEDA Concerned NSCB DILG LGUs ULAP</p> <p>CHR NEDA Regional Offices (NROs)</p>	<p>CSOs</p> <p>CSOs</p>	<p>PHRC/ CHR/ NEDA</p>	<p>Trainings of the Planning Offices of Line Agencies/ LGUs on HRBA conducted</p> <p>HRBA Orientation Workshop Conducted</p> <p>Training Conducted Specialists/Advocate on HRBA &amp; ICESCR</p>
<p>2) <b>Thematic Objective No. 6</b> To improve conditions of poverty in hunger stricken areas and areas with armed conflict</p>	<p>1. Orientation/campaign/training on HRBA/Human Rights for duty-bearers and claimholders</p>	<p>National</p>	<p>CHR NEDA</p>	<p>CSOs BSOs</p>	<p>PHRC/ CHR/ NEDA</p>	<p>HRBA Workshop/Training/Orientation Conducted</p>

		Target Participants				
<p><b>3) Thematic Objective No. 7</b> To improve policy environment for sustaining economic growth that will ascertain "distributive effects and impact of development to improving quality of life of the poor and marginalized</p>	<p>1. Orientation/campaign/training on RBA/Human Rights for duty-bearers &amp; claimholders</p>	National	CHR NEDA	CSOs BSOs	PHRC/CHR/ NEDA	Orientation/Trainings conducted
	<p>2. Trainings/seminars/Advocacy on good governance and integrity development among government agencies.</p>	National	PAGC PNP Government Agencies	CSOs BSOs	PHRC/CHR/ NEDA	Trainings/Seminars/Advocacy on good governance and integrity development conducted
	<p>3. Training and seminars for police and law enforcement officers, prosecutors and judges on strict application of anti-corruption laws.</p>	National	PNP IBP PhilJA PAGC Ombudsmen/Agencies' resident Ombudsmen Sandiganbayan	CSOs BSOs	PHRC/CHR/ NEDA	

## Section 7 – Coordination and Management Plan

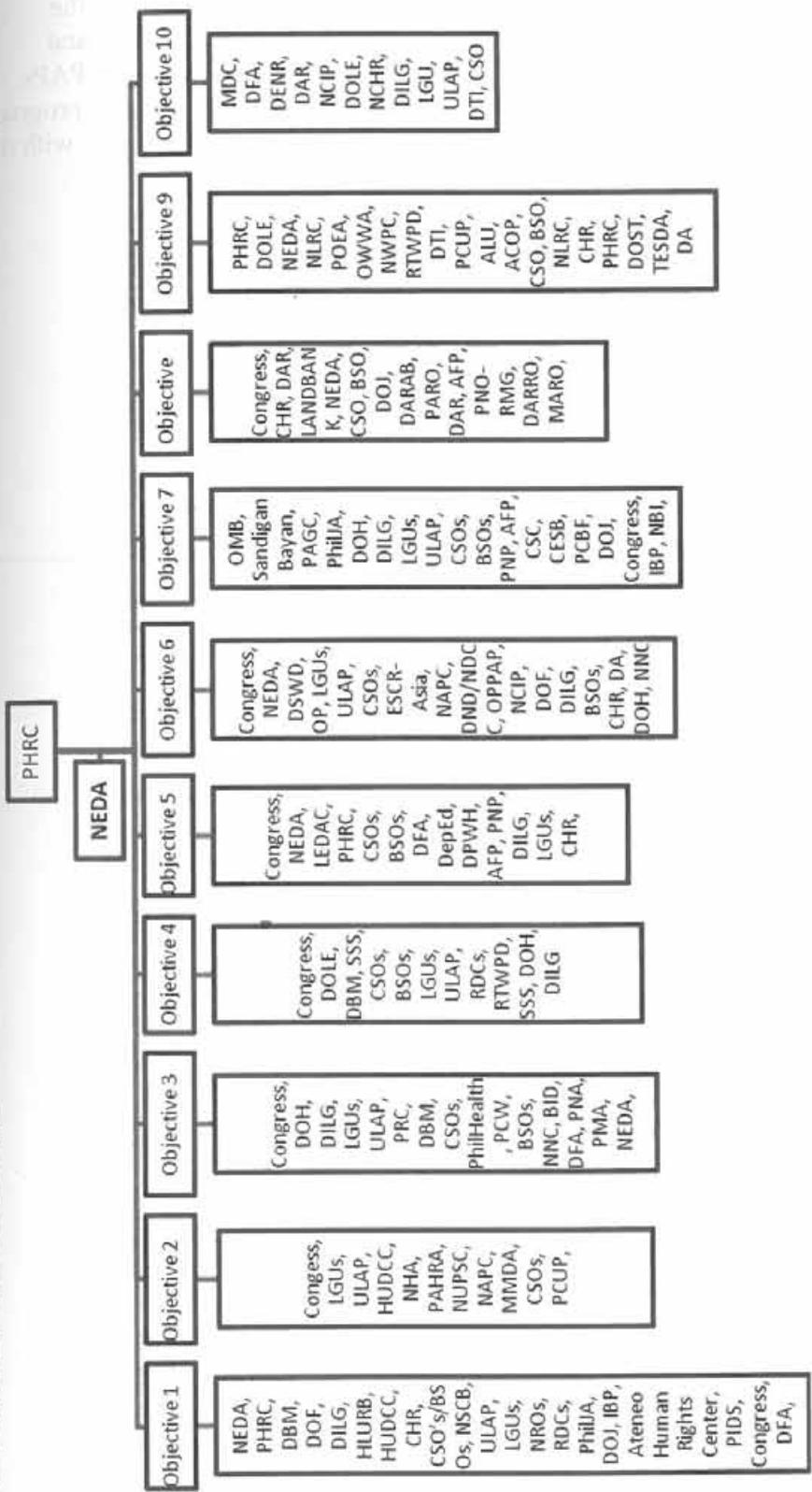
The success of the NHRAP lies ultimately in the full implementation of the PAPs covered under the ICESCR. However, the allocation of budget for the PAPs is dependent on the limited government resources and constraints in addressing the social and economic concerns. Hence, the creation of inter-agency committees is necessary to coordinate and manage the efficient and effective use of government resources in the plans implementation.

The existing inter-agency committees or council shall serve as the technical working groups to coordinate the implementation of specific thematic objectives. The Housing and Urban Development Coordinating Council (HUDCC)-TWG shall serve as a venue to coordinate the implementation of “Thematic Objective No. 2”. Likewise, the Social Development Council (SDC) shall coordinate the implementation of “Thematic Objective No. 3, 4, 5, 6 and 9”.

Inter-agency technical working groups shall be created for thematic objectives without existing committees. The TWGs shall be composed of NGAs identified to implement the PAPs in the NHRAP. These inter-agency committees shall be supported by PHRC and NEDA which shall act as technical secretariat. The TWGs shall be created during the first quarter of 2010, to wit:

Thematic Objective	TWG – Members
Objective 1	NEDA, PHRC, DBM, DOF, DILG, HLURB, HUDCC, CHR, CSO's/BSOs, NSCB, ULAP, LGUs, NROs, RDCs, PhilJA, DOJ, IBP, Ateneo Human Rights Center, PIDS, Congress, DFA,
Objective 2	Congress, LGUs, ULAP, HUDCC, NHA, PAHRA, NUPSC, NAPC, MMDA, CSOs, PCUP,
Objective 3	Congress, DOH, DILG, LGUs, ULAP, PRC, DBM, CSOs, PhilHealth, PCW, BSOs, NNC, BID, DFA, PNA, PMA, NEDA,
Objective 4	Congress, DOLE, DBM, SSS, CSOs, BSOs, LGUs, ULAP, RDCs, RTWPD, SSS, DOH, DILG
Objective 5	Congress, NEDA, LEDAC, PHRC, CSOs, BSOs, DFA, DepEd, DPWH, AFP, PNP, DILG, LGUs, CHR,
Objective 6	Congress, NEDA, DSWD, OP, LGUs, ULAP, CSOs, ESCR-Asia, NAPC, DND/NDCC, OPPAP, NCIP, DOF, DILG, BSOs, CHR, DA, DOH, NNC
Objective 7	OMB, Sandiganbayan, PAGC, PhilJA, DOH, DILG, LGUs, ULAP, CSOs, BSOs, PNP, AFP, CSC, CESB, PCBF, DOJ, Congress, IBP, NBI,
Objective 8	Congress, CHR, DAR, LANDBANK, NEDA, CSO, BSO, DOJ, DARAB, PARO, DAR, AFP, PNO-RMG, DARRO, MARO,
Objective 9	PHRC, DOLE, NEDA, NLRC, POEA, OWWA, NWPC, RTWPD, DTI, PCUP, ALU, ACOP, CSO, BSO, NLRC, CHR, PHRC, DOST, TESDA, DA
Objective 10	MDC, DFA, DENR, DAR, NCIP, DOLE, CHR, DILG, LGU, ULAP, DTI, CSO, ,

Organizational Structure of ICESCR-TWG



## **Section 8 – Monitoring and Evaluation Plan**

The identified PAPs in the ICESCR Chapter shall be incorporated by the NGAs in their regular government agency plan and in the MTPDP for DBM and Congress to allocate the necessary budget for the said PAPs. Funding for the PAPs maybe sourced from ODA donors in accordance with the investment priority program of the government. It is also possible to enter into agreements and partnership with the private sector to ensure alternative sources of funding.

Resources Mobilization Plan

Program/Activity/Project	Resource Requirements by Source			
	Regular Government Budget	Development Partners (*The funds are still to be negotiated with ODA and other development partners)	Other Sources	Total Budget

Thematic Objective 1				
1. Formulation and Issuance of a Policy Circular on the use of the HRBA in Agency/LGU Planning.		N/A		P2
2. Conduct series of HRBA Training of the Planning Offices of Line Agencies/LGUs.		P2,000,000		P2
3. Conduct of HRBA Orientation/Workshop in the Regional/LGU level.		P2,000,000		P2
4. Review of existing Human Development Indicators vis-à-vis ICESCR standards.		P200,000		P2
5. Issuance of appropriate resolution/circular/ memorandum adopting the addition/revised HD/HR Indicators.		N/A		P2
6. Development of tools/guidelines on the application of the ICESCR standards in development planning and programming of the government agencies, LGUs as well as policy/program implementation and monitoring.	P1,000,000	P1,000,000		P2
7. Consultations with CSOs/BSOs in the development of said tools and guidelines.		N/A		P2
8. All agencies to		P50,000		P2

mainstream the HRBA through a circular.		P50,000		P50,000
9. Integrate/mainstream the HRBA in all chapters of the Successor Regional Development Plan.		P50,000		P50,000
10. Integrate Human Rights/Human Development Indicators in sub-national plans.		N/A		
11. Disseminate/Mainstream updated HRBA Tools in development planning among national and regional/local agencies.		P200,000		P200,000
12. Conduct of study on justiceability of ESCR/identify laws or provisions that can be used in enforcing ESC rights.		N/A		
13. Conduct of study on additional remedies for ESCR Violations.		N/A		
14. Conduct training programs for judges, lawyers & public officials on the justiceability of ESCR violation.		P50,000		P50,000
15. Formulation of a bill penalizing violations of ESCR.		P50,000		P50,000
16. Organization of lobby groups that would support the passage of a bill penalizing		P2,000,000		P2,000,000
		N/A		
		P50,000		P50,000

violations of ESCR.			
17. Organization of lobby groups for the ratification of the OP of the ICESCR.		P1,000,000 P200,000	P1,000,000 P200,000
18. Adoption of the OP of the ICESCR.		N/A P200,000	P200,000
19. Organization of lobby groups for the passage of SB 2657.		N/A P50,000 N/A	P50,000
<b>Thematic Objective 2</b>			
1. Conduct of consultations with stakeholders both duty-bearers and claimholders.		N/A N/A	
2. Organization of lobby groups for the passage of a law for the provision budget for resettlement areas.		P500,000 N/A	P500,000
3. Look into pending bills on forced eviction.			
4. Inventory of proclaimed lands and facilitation of administrative process/Coordination with LGUS, NGAs and PAO regarding proclaimed lands.		P50,000 P1,000,000 N/A N/A	P50,000 P1,000,000
5. Look into pending bills on the expanding		P50,000 P200,000	P50,000 P200,000

coverage/parameters of calamity fund to include preventive measures.		N/A		
6. Repeal Executive Order 708 and restore the function of the Presidential Commission for the Urban Poor as the clearing house for the conduct of the demolition and eviction activities.		N/A		
7. Institution of legal actions for non-compliance with the checklist requirement under Sec.6 of E.O.152 (Failure on the part of the proponent of the demolition or		P200,000		P200,000
eviction activities to submit to the PCUP the required checklist or		P50,000		P50,000
submission by the former of a false or fraudulent checklist shall subject the concerned		N/A		
government official or local chief executive to appropriate disciplinary action pursuant to the		N/A		
provisions of RA 7160 of the Local Government Code of 1991 and other relevant laws, rules and		N/A		
regulation without prejudice to the institution of separate criminal or civil actions that may be		P200,000		P200,000
applicable under the circumstances)		N/A		
		N/A		

<p>8. Undertake consultations with affected residents and communities before implementing development and urban renewal projects.</p>		<p>P50,000</p>		<p>P50,000</p>
<p><b>Thematic objective 3a</b></p>		<p>P50,000</p>		<p>P50,000</p>
<p>1. Drafting of a bill that would increase the national budgetary allocation for health.</p>		<p>N/A</p>		
<p>2. Issuance of local ordinances increasing budgetary allocation for health</p>		<p>N/A</p>		
<p>3. Organization of lobby groups for the increase of budgetary allocation for health</p>		<p>P100,000</p>		<p>P100,000</p>
<p>4. Improve/upgrade tertiary hospitals in the regions by equipping them with health facilities comparable to those in Metro Manila.</p>		<p>N/A</p>		
<p>5. Improve the health research in the local level.</p>		<p>P100,000</p>		<p>P100,000</p>
<p>6. Organization of lobby groups for the passage of the bill covering both indigents and those in the informal economy.</p>		<p>P500,000</p>		<p>P500,000</p>
<p>7. Identify the indigents through the use of CBMS or other alternatives methods.</p>		<p>N/A</p>		<p>N/A</p>
		<p>N/A</p>		<p>P500,000</p>

8. Policy study on how to finance universal health care through a) tax financed health system b) social health insurance or c) combination of both.		P500,000 P200,000 N/A		P500,000 P200,000
9. Requiring PhilHealth certification as part of the requirements in application and renewal of business permits.		P500,000 N/A N/A		P500,000
10. Review/Revisit the implementation of DILG Memo Circular No. 2002-66 on the enrolment of Barangay official's personnel and volunteers in the National Health Insurance Program (NHIP).	-	N/A N/A N/A N/A		
11. Mandatory enrolment of contract of service/project-based/contractual personnel in PhilHealth in both government and private sector.		N/A N/A N/A		
12. Advocate for more forceful way for LGUs to respond to health needs; force LGUs to allocate from their IRA on health.		N/A N/A		
13. Passage of Reproductive Health and Population Development Act of 2008 (House Bill 5043)		N/A		
14. To identify champions for		P200,000		P200,000

<p>the passage of the RH Bill 5043.</p> <p>15. Issuance of local ordinances for the issuance of RH supplies/ensure the availability of RH supplies and the promotion of good nutrition.</p>		<p>P200,000</p> <p>P50,000</p> <p>P50,000</p> <p>N/A</p> <p>P1,000,000</p>		<p>P</p> <p>P</p> <p>P</p> <p>P</p>
<b>Thematic Objective 3b</b>				
<p>1. Set up of a national regulating/monitoring mechanism regarding the migration of health professionals/health workers.</p>		<p>N/A</p> <p>N/A</p>		<p>P</p> <p>P</p>
<p>2. Issuance of a local ordinance regulating/monitoring mechanism for health professionals with human rights dimension.</p>		<p>N/A</p> <p>P100,000</p> <p>N/A</p> <p>P200,000</p>		<p>P</p> <p>P</p> <p>P</p>
<p>3. Conduct of advocacy campaign on the critical role of health professionals in improving the quality of life of the people.</p>		<p>P50,000</p> <p>N/A</p> <p>P200,000</p>		<p>P</p> <p>P</p> <p>P</p>
<p>4. Provide a national subsidy to the entire health profession for them to stay in the country.</p>		<p>P200,000</p>		<p>P</p>
<p>5. Institutionalize "Project NARS (Nurses Assigned in Rural Services)".</p>				
<p>6. Strengthen/enhance the Doctors to the Barrio or DTTB</p>				

<p>Program.</p> <p>7. Local advocacy and awareness campaign.</p> <p>8. Conduct policy study to look at/assess the local implementation of Magna Carta.</p> <p>9. Strictly implement of the Magna Carta for Health Workers.</p> <p><b>Thematic Objective 4</b></p> <p>1. Passage of a law for the amendment of the Labor Code of the Philippines and the Social Security Act for the inclusion in their coverage members of the informal economy and domestic helpers.</p> <p>2. Conduct study on the collection of SSS premiums in upland/remote areas.</p> <p>3. Organization of lobby groups for the amendments of the Labor Code of the Philippines and of the Social Security Act of 1997.</p> <p>4. Monitor the implementation of the 2004 Labor Standards Enforcement Framework and to increase the resources of DOLE for regular and independent inspections to</p>				
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<p>ensure compliance with Occupational Health and Safety Standards.</p> <p>5. Establish a network to implement labor laws.</p> <p>6. Monitor local health boards' project and assess the functionality of these local health boards.</p> <p>7. Advocacy for the full implementation of Magna Carta for Health Workers in LGUs.</p> <p><b>Thematic Objective 5</b></p> <p>1. Formulation of draft bill/ordinances pertaining to a bigger budget allocation for education.</p> <p>2. Construction of strong and long lasting type of school building.</p> <p>3. Amend the Roxas Law (RA 7880 An Act Providing for the Fair and Equitable Allocation of the Department of Education, Culture and Sports Budget for Capital Outlay) to base allocation of educational infrastructure on current school mapping.</p> <p>4. Institutionalize Secondary Education Development and</p>				
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<p>Improvement Project (SEDIP).</p> <p>5. Increased police visibility in critical areas (e.g. Sirawi, Siocon, Sibuco and Balinguan and Manicahan and Sacol Island in Zamboanga City) and in conducting civic relations program.</p> <p>6. Conduct study on the utilization of SEF.</p> <p>7. Strengthen and modify the scope and functions of the Literacy Coordinating Council to be the Alternative Learning System Council.</p> <p>8. Increased allocation for teachers training along ICT.</p> <p>9. Organization of lobby groups.</p> <p>10. Conduct of comparative studies on debt-services swap agreements.</p> <p>11. Conduct of consultations and advocacy on freedom from debt.</p>				
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<p><b>Thematic Objective 6</b></p> <p>1. Expansion of target areas to include calamity prone regions and low agricultural production areas and an improved database on areas stricken by hunger and armed conflict.</p> <p>2. Application of targeting mechanisms, which shall include IPs.</p> <p>3. Development of component services.</p> <p>4. Funding mobilization and implementation.</p> <p>5. Setting up of accountability and monitoring system.</p> <p>6. Orientation/campaign/training on RBA/Human Rights for duty-bearers and claimholders.</p> <p>7. Implement provision 5.3 of the Right to Food Guidelines initiated by the UN Food Agriculture Organization for the</p>				

<p>Philippines to appoint a specific institution with overall responsibility for overseeing and coordinating the application of the said guidelines.</p> <p>8. Implement provision 5.4 of the said Guideline by including into the Anti Hunger Task Force of the Current administration the increased participation of civil society groups for effective right to food policy and planning.</p> <p>9. Improvement in the delivery and accessibility of services.</p> <p><b>Thematic Objective 7</b></p> <p>1. Prioritization and speedy prosecution of pending graft and corruption cases.</p> <p>2. Increase the number of prosecutors in the Office of the Ombudsman to de-clog court dockets.</p> <p>3. Focused training program for local government executives on good governance and integrity development.</p> <p>4. Trainings/seminars/Advoc</p>				
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<p>acy on good governance and integrity development among government agencies.</p> <p>5. Re-examine/amend/revise the Provisions of RA 6713 to conform to current situations.</p> <p>6. Monitor the strict enforcement of the RA 6713 (Ethical Standards Law).</p> <p>7. Training and seminars for police and law enforcement officers, prosecutors and judges on strict application of anti-corruption laws.</p> <p>8. Implement IDAP (Integrity Development Action Plan) in all government agencies.</p> <p>9. Enhance the "witness protection program" for government employees (Whistle Blower Act).</p> <p>10. Strict implementation of Agency's Citizen Charter providing frontline services.</p> <p>11. Application for ISO</p>			
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<p>certification by all government agencies.</p> <p>12. Internalization and assimilation of the "Panunumpa ng Kawani ng Gobyerno" (to be conducted regularly every Monday)</p> <p><b>Thematic Objective 8</b></p> <p>1. Monitoring of the Carper Law implementation from 2009-2014.</p> <p>2. Strict implementation of the conversion law and transferability of certificate of land ownership.</p> <p>3. Provide support services for CARP beneficiaries.</p> <p>4. Profiling of 1 Million ARBs by contract with Berckman International Company.</p> <p>5. Strengthen Land Installation Taskforce.</p>				
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6. Strict enforcement of the Supreme Court Circular on the exclusive jurisdiction of DARAB over agrarian reform cases.

**Thematic Objective 9**

1. Conduct of comprehensive studies on violations of labor standards affecting concerned vulnerable groups.
2. Conduct study pertaining to proper wage standards.
3. Conduct consultations with stakeholders both duty-bearer and claimholders with respect to their respective responsibilities in ensuring fair labor standards in the workplace.
4. Monitoring status of labor cases filed in courts.
5. Implementation and enforcement of remedies as well as sanctions for violations of labor standards provisions.
6. Establishment of data base on statistics and records of compliance and non-compliance of labor standards.

<p>7. Continuing support to enhance productivity of workers and enterprises.</p>				
<p><b>Thematic Objective 10</b></p>				
<p>1. Continue to address issues/concerns raised on mining.</p>				
<p>2. Continue efforts to make the Philippines a candidate to Extractive Industries Transparency Initiative (EITI).</p>				
<p>3. Delineate areas open or close to mining.</p>				
<p>4. Monitor compliance of mining firms with existing laws, rules and regulations.</p>				
<p>5. Conduct of policy study on mining activities.</p>				
<p>6. Conduct of fora on laws and regulations on exploration/mining activities.</p>				
<p>7. Review of conflicting laws/issuance/policies on the exploration, development and utilization of natural resources, particularly mineral resources.</p>				
<p>8. Implementation of community development initiatives in host and neighboring communities by mining companies.</p>				

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## Section 9 - Monitoring and Evaluation Plan

The duty bearers, identified NGAs, are mandated to submit semi-annual reports to the NEDA Human Rights -TWG on the status of implementation of their respective PAPs. The reports shall be evaluated to determine the areas requiring immediate action. The recommendations shall then be forwarded to the PHRC for appropriate action.

## Chapter 4

### Convention Against Torture

#### Introduction

##### General description of thematic issues

Upon its consideration of the Philippine implementation report held last April 28 to 29, 2009, the UN Committee on the Convention against Torture “has noted, with satisfaction the ongoing efforts at the State level to reform its legislation, policies and procedures in order to ensure better protection of human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.”

Even without an Anti-Torture Law the Philippines, as a State Party to CAT, has established the mechanisms in keeping with the articles of the Convention and has granted all citizens the protection and rights guaranteed under the Convention, specifically the right to be free from torture and ill-treatment; the right to seek redress, remedies, compensation as well as rehabilitation and witness protection.

Likewise, citizens have always enjoyed the right to monitor and assess government compliance to the Convention, to denounce government impunity and/or inaction, and to call attention to the need for long-term remedies and measures that would ensure enduring protection against torture and ill-treatment.

Over and beyond the structures and processes already established within the country’s Legislative, Judicial, and Administrative systems, the National Human Rights Action Plan thematic chapter seeks to further rationalize the manner by which the remaining issues and concerns brought on by the torture phenomenon in the country can be effectively addressed by the Philippine government using the rights-based approach.

#### Description of Thematic Objectives§

##### Implementation of RA 9475 (Anti-Torture Law of 2009)

§

On November 11, 2009, the President signed into law the Anti-Torture Bill thereby buttressing further the legislative, judicial, and administrative measures that already give effect to the provisions of the Convention. The next critical steps consist of the formulation of corresponding Implementing Rules and Regulations (IRR) and the setting up of appropriate mechanisms and measures that would give substance to the provisions of the new law.

##### Enhanced preventive and protective mechanisms

Torture needs to be addressed on two fronts: to protect the vulnerable groups and to prevent its occurrence on the one hand; and to curb impunity on the other.

### **Heightened awareness of and respect for HR among state agents and the general public**

The citizenry must be made aware of their right to be free from torture and the remedies available for victims. Investigative and custodial personnel must likewise be educated on those rights and be made conscious of their own obligations under the CAT.

### **Enactment of appropriate legislation ( supporting EOs, AOs)**

Certain enactments and decrees must be lobbied for in order to fully implement the provisions of the treaty, especially with respect to the substance and objectives of prospective human rights instruments yet to be ratified such as the Optional Protocol on CAT, International Convention for the Protection of All Persons from Enforced Disappearances, and the Rome Statute.

### **Lobby for the ratification of HR instruments (OPCAT, IED, Rome Statute)**

Civil society groups including the CHRP have long wanted government to accede to and /or ratify the Optional Protocol on CAT, the International Convention for the Protection of All Persons from Enforced Disappearances, and the Rome Statute. These supportive human rights instruments are deemed necessary to ensure prevention of, and protection against, torture and ill-treatment.

## **Section 1**

### **Strategic Treaty Indicators**

#### **Implementation of RA 9475 (Anti-Torture Law of 2009)**

Indicators refer to the IRR and attendant mechanisms and measures.

Accompanying Implementing Rules and Regulations have yet to be formulated to ensure the proper and full implementation of the newly enacted RA 9475. Subsequently, mechanisms and measures relative to the individual provisions of the law must be installed accordingly.

With respect to IRR formulation, accountable agencies are Congress (concerned legislators) and the supporting legal staff and committees.

For the installation of mandated mechanisms and measures, national government agencies such as the CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, and DepEd are the accountable agencies.

### **Creation of enhanced preventive and protective mechanisms**

Indicators refer to more empowered CHR, setting up of the NPM, and other measures.

Along with the strengthening of the CHR is the establishment of a National Preventive Mechanism which shall be empowered to conduct visits to detention facilities.

In order to afford more protection, the following measures will be set up: Unified Penitentiary System, enforcement and operationalization of Command Responsibility in the police, military and custodial services; Release on Recognizance, and such other paralegal measures.

Accountable are the concerned national government agencies, notably the CHR, DILG-PPSC/ BJMP/ PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, DepEd.

### **Heightened awareness of and respect for human rights among state agents and the general public**

A strategic indicator shall be the formation of well-trained and rights-respecting personnel of the police, military and custodial services. Accountable are the concerned national government agencies, notably the CHR, DILG-PPSC/ BJMP/ PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, and DepEd.

### **Enactment of appropriate legislation (and supporting EOs, AOs) to institutionalize the Rights-Based Approach**

A strategic indicator shall be the institution and/or modification of appropriate Legal/ Judicial / Administrative measures and mechanisms compliant with international standards.

The accountable agencies are the Congress (concerned legislators) and supporting legal staff and committees.

### **Lobby for the ratification of HR instruments (OPCAT, IED, Rome Statute)**

One ultimate success indicator would be the accession to and ratification of these treaties. An alternative indicator would be the extent of lobbying accomplished and the measure by which legislators concerned have initiated steps that would pave the way towards ratification.

Accountable agencies are the Office of the President and its legal staff (e.g. PLLO), concerned government agencies, members of the Senate (concerned legislators) and attached legal staff and committees.

## **Section 2**

### **Thematic situationer**

## Main problems

### A. UN CAT Committee Concluding Observations and Recommendations

A fitting starting point would be the UN CAT Committee after its consideration of the Philippine Implementation Report.

To cite directly from the recent Concluding Observations:

The Committee is deeply concerned about the numerous, ongoing, credible and consistent allegations, corroborated by a number of Filipino and international sources, of routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings. There are insufficient legal safeguards for detainees in practice.

The Committee expresses its grave concern at the number of unexplained killings that have occurred in the past years and at reports that, although the total number has declined significantly, such killings as well as enforced disappearances continue.

The Committee notes with concern the numerous documented reports of harassment and violence against human rights defenders that hamper the capacity of civil society monitoring groups to function effectively. The Committee is also concerned at reports that others are also commonly victims of serious human rights violations, including torture, ill-treatment, killings, disappearances and harassment. Among those so affected are indigenous rights defenders, trade union and peasant activists, journalists and reporters, medical personnel, and religious leaders.

The Committee recommends that the State party:

- a) Continue its efforts to alleviate the overcrowding of penitentiary institutions, including through the application of alternative measures to imprisonment and the increase of budgetary allocations to develop and renovate the infrastructure of prisons and other detention facilities;
- b) Adopt the BJMP Modernization Act of 2007 (House Bill No. 00665), filed on 30 July 2007 that seeks to upgrade the physical facilities of jails and detention centers; and
- c) Take effective measures to further improve living conditions in the detention facilities.
- d) Further develop and strengthen educational programmes to ensure that all officials, including law enforcement officials and prison staff are fully aware of the provisions of the Convention that reported breaches will not be tolerated and will be investigated, and that offenders will be prosecuted.
- e) All relevant personnel should receive specific training on how to identify signs of torture and ill-treatment, and such training should also include the use of the Istanbul Protocol which should be provided to physicians and translated into Pilipino and other languages, as appropriate, and utilized effectively.
- f) Assess the effectiveness and impact of such training/educational programmes.

g) Take necessary measures to strengthen the Witness Protection Program under the Witness Protection, Security and Benefit Act (RA 6981) to guarantee the safety of witnesses from torture and other human rights violations. The State must give high priority to the funding and effectiveness of this programme.

h) Strengthen efforts to provide victims of torture and ill-treatment with fair and adequate compensation, redress and full rehabilitation as possible; report information on reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, as well as resource allocation to ensure the effective functioning of such programmes.

It may be also be recalled that upon the consideration of the first country implementation report in 1988, key recommendations from the Committee were the following: (a) the institution /implementation of legal measures prohibiting torture; (b) greater emphasis on training education and information; (c) greater emphasis on the monitoring process; and (d) the non-derogability of the right to be free from torture.

## **B. CAT Optional Protocol**

Although the President has endorsed the OPCAT for Senate ratification, the Executive Branch of government has requested for a deferment in its implementation, invoking Article 24 of the Protocol in order to institute the required jail and penology reforms.

The bases for a request for a deferment of implementation after the ratification of the OPCAT are three main realities in the country's current penal system that must be addressed by its current jail reform program, namely: (a) overcrowding primarily traced to slow processing of cases, (b) outbreak of diseases, and (c) the need for a better jail environment that will allow for the rehabilitation and eventual reintegration of detainees.

This aspect of the jail reform program is in response to assessments done by the International Committee of the Red Cross as a result of their regular jail visitations.

The Bureau of Jail Management and Penology (BJMP), with its limited resources, has strived to meet the standard minimum rules for treatment of prisoners set forth by the United Nations.

Rule 10, Part I of the UN Standard Minimum Rules for the Treatment of Prisoners states that:

*"All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation."*

Accordingly, the BJMP has set an accommodation space of three (3) square meters for each inmate.

With the total cell area of its jails at 56,982 square meters, BJMP should be able to accommodate only 18,944 inmates. As of August 2009, BJMP facilities hold a total of 57,007 inmates nationwide, translating into a 201% congestion level.

Congestion has been the result, among other causes, of more inmates being committed than released, made worse by the minimal improvements in jail space and the slow disposition of cases in our courts. From January to August 2009, a monthly average of 3,411 inmates have been committed as compared to 3,309 released, for a net monthly addition of 102 inmates.

Aside from cramped facilities, the insufficient number of jail personnel further complicates the quality of service extended to inmates. Statistics show that there is only one jail officer for every 48 inmates. The ideal custodial ratio should be one jail officer to 7 inmates.

As for the allowance for an inmate's meals (breakfast, lunch and dinner), the government provides each inmate Php50.00 per day, an amount barely enough to buy a decent meal. Furthermore, the budget for medicines is a measly Php3.00 per day for each inmate.

The BJMP likewise needs to be ever sensitive to the rights and needs of our women and children inmates. At present, BJMP co-administers along with the Department of Social Welfare and Development (DSWD) 50 separate dorms for women and 2 facilities for children.

Similar problems exist in our provincial jails which, pursuant to R.A. 6975, are under the direction, supervision and control of our governors. As of August 2009, there are 75 provincial jails and 27 sub-provincial jails nationwide housing 26,618 inmates. These inmates are under the custody of 2,999 provincial guards. (Custodial ratio for provincial and sub-provincial jails: one jail officer to 9 inmates.)

On the part of the Philippine National Police, more investments have to be made to upgrade PNP lock-up cells to make them fully compliant and at par with international standards. Presently, many police stations, mostly small and cramped for space, still do not have separate cells for male and female detainees.

Likewise, police stations lack the necessary holding rooms for children in conflict with the law (CICL) who are awaiting transfer to the DSWD or to responsible persons and institutions involved in the diversion program as provided for by the Juvenile Justice and Welfare Act. (RA9344).

### Situation Matrix

HR Issues	Duty-bearers	Claim-holders
Congested jails and detention centers; extreme living conditions incl lack of meals, medical, dental allowance; other amenities	DILG-BJMP/ Local Officials in charge of jails/ BuCorr-DOJ/ DBM	Prisoners/ Detainees
Alleged use of torture and ill-treatment of suspects in police or military custody	PNP/ AFP	Suspected criminals and their families
Alleged harassment and violence against human rights defenders	PNP/ AFP/ Local Officials	HR defenders/ HR advocates and their respective families
Unexplained killings and alleged enforced disappearances	PNP/ AFP/ Local Officials	HR defenders/ HR advocates and their respective families
Guaranteed safety for witnesses to torture incidents and other HRVs	PNP/ AFP/ Local Officials NBI-DOJ/ PAO	Victims/ HR defenders/ HR advocates and their respective families
Specific training on how to identify signs of torture and ill-treatment (Istanbul Protocol)§	DILG-PPSC/ BJMP/ PNP/ DND-AFP/ NBI-DOJ / Local Officials/ DOH/ PAO	Personnel of: BJMP/ PNP/ AFP/ NBI/ Local Officials/DOH/ DOJ/ PAO; and HR defenders/ HR advocates/ gen. public
Lack of training on HR of concerned officials, esp. on the provisions of CAT	DILG-PPSC/ BJMP/ PNP/ DND-AFP/ NBI-DOJ / Local Officials/ DOH/ PAO	Personnel of: BJMP/ PNP/ AFP/ NBI/ Local Officials/DOH/ DOJ/ PAO; and HR defenders/ HR advocates/ gen. public
Effectiveness and impact of	DILG-PPSC/ BJMP/	Personnel of: BJMP/

HR training/educational programmes (esp. on CAT)	PNP/ DND-AFP/ NBI-DOJ / Local Officials/ DOH/ PAO	PNP/ AFP/ NBI/ Local Officials/DOH/ DOJ/ PAO; and HR defenders/ HR advocates/ gen. public
Involuntary overstaying and over-served sentences	BJMP/ PNP/ DND-AFP/ DOJ / Local Officials/ PAO	Detainees/ prisoners
Lack of juvenile rehabilitation facilities	BJMP/ DSWD/ Local officials in charge of jails	CICL

### Existing Legal/Judicial/Administrative Framework

On November 11, 2009, the President signed into law the Anti-Torture Bill (RA 9475), thereby buttressing further the legislative, judicial, and administrative measures that already give effect to the provisions of the Convention Against Torture.

#### A. Anti-Torture Law

The newly enacted Anti-Torture Law (RA 9475) expresses the declared policy of the State to:

(1) ensure that the rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority shall be subjected to physical harm, force, violence, threat or intimidation or any act that impairs his/her free will; and

(2) to fully adhere to the principles and standards on the absolute condemnation and prohibition of torture set by the 1987 Philippine Constitution and various international instruments, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the Philippines is a State party.

The law underscores that freedom from torture is a non-derogable right. No exceptional circumstance - be it a state of war or a threat of war, internal political instability, or any other public emergency - may be invoked as a justification for torture. Secret detention places, solitary confinement, incommunicado or other similar forms of detention, where torture may be carried out with impunity, are hereby prohibited. Any confession, admission or statement obtained as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that said confession, admission or statement was made.

It specifically criminalizes torture as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person to obtain from him/her or a third person

information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or within the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from inherent or incidental to lawful sanctions.

Torture as defined in Section 3 of the law provides that any person, who actually participated in the infliction of torture or who is present during the commission of said act shall be liable as principal. Any superior military, police or law enforcement officer or senior government official who issued an order to a lower ranking personnel to torture a victim for whatever purpose shall be held equally liable as principals. An order from a superior officer or from a superior in the office or public authority shall not be invoked as a justification of torture.

The immediate commanding officer of the unit concerned of the Armed Forces of the Philippines (AFP) or the immediate senior public official of the Philippine National Police (PNP) and other law enforcement agencies shall be held liable as accessory to the crime for any act or omission or negligence on his/her part that may have led to the commission of torture by his/her subordinates.

Appropriate penalties are provided for in the law but shall be without prejudice to the prosecution of other crimes and other legal remedies available to the victim under other existing law/s.

The law enumerates the forms of torture and other cruel and degrading forms of punishment or treatment that approximate the forms contained in the Convention.

The law provides that any individual who alleges he/she has been subjected to torture shall have the right to complain to and to have his/her case promptly and impartially examined by any competent authorities. Steps shall be taken to ensure that the complainant is protected against all ill treatment or intimidation as a consequence of his/her complaint or any given evidence. Likewise, the State through its appropriate agencies shall ensure the safety of all other persons involved in the prosecution and investigation of cases of torture such as the legal counsel, witnesses and relatives of the victims of torture. They shall be protected from ill treatment and any act of intimidation or reprisal as a result of the complaint or investigation. Any person committing such acts shall be criminally liable.

The law stipulates that a party who suffered torture and other cruel, inhuman and degrading treatment or punishment, or any interested party on their behalf, may seek legal assistance in the proper handling and filing of the complaint from the regional offices of the Commission on Human Rights (CHR), the *Barangay* ("Village") Human Rights Action Center nearest them, as well as from human rights nongovernment organizations duly recognized by the government and that every person arrested, detained or under custodial investigation shall have the right to be informed of his/her right to demand a physical and psychological examination by an independent and competent doctor of his/her choice before and after interrogation, which shall be conducted outside the influence of the police or security forces. If such person cannot afford the services of his/her own doctor, he/she shall be provided by the State with a competent and

independent doctor. If the person arrested is a female, she shall be provided with a female doctor. Furthermore, every person arrested, detained or under custodial investigation shall have the right to immediate access to quality medical treatment. The medical report shall include in detail the history and the findings of the physical and psychological examination and shall be attached to the custodial investigation report; otherwise, such investigation report shall be deemed null and void and of no effect whatsoever.

Any person who does not wish to avail of the aforementioned rights may knowingly and voluntarily waive such rights in writing.

On *Non-Refouler*, the law provides that no person shall be expelled, returned or extradited to another State where there are substantial grounds for believing that such person would be in danger of being subjected to torture. For the purpose of determining whether there are such grounds, the Secretary of Foreign Affairs and the Secretary of Justice, in coordination with the Chairperson of the CHR, shall take into account all relevant considerations including, where applicable, the existence in the requesting State of a consistent pattern of gross, flagrant or mass violations of human rights.

Any person who has suffered torture shall have the right to claim for compensation as provided for under Republic Act No. 7309: *Provided*, That in no case shall compensation be any lower than ten thousand pesos (PhP 10,000.00). Victims of torture shall also have the right to claim for compensation from other financial relief programs that may be available to him/her.

**Formulation of a Rehabilitation Program** - The formulation of a Rehabilitation Program within one year from the effectivity is stipulated in the law. For this purpose, the Department of Social Welfare and Development (DSWD), together with the Department of Justice (DOJ) and the Department of Health (DOH) and such other concerned government agencies, shall formulate a comprehensive rehabilitation program for victims of torture and their families. The DSWD, the DOJ and the DOH shall also call on human rights non-government organizations duly recognized by the government to actively participate in the formulation of a rehabilitation program that shall provide for the physical, mental, social, psychological and spiritual healing and development of victims of torture and their families.

**Designation of Organizational Responsibility** - The law provides that the AFP, the PNP and other law enforcement and investigative agencies shall ensure that the function of overseeing the implementation of this Act shall be specifically assigned to a particular office or unit of the agency concerned.

**Education and Information Campaign** - The CHR, the DOJ, the Department of National Defense and other concerned parties in the public and private sectors shall ensure that education and information regarding the prohibition against torture shall be included in the training of law enforcement personnel, civil or military, medical personnel, public officials and persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. The Department of Education and the Commission on Higher Education shall also ensure the integration of human rights education in the formal curricula of all primary, secondary and tertiary level academic institutions nationwide.

## B. Revised Penal Code and New Laws

The Revised Penal Code guarantees that all acts of torture are classified as criminal offenses with corresponding penalties under Philippine laws.

New laws have since been passed which have helped to prevent acts which could be considered as torture, or cruel, inhuman and degrading treatment or punishment:

- (a) Republic Act No. 8049, enacted on 7 June 1995, regulates hazing and certain forms of initiation rites.
- (b) Republic Act No. 9344, enacted on 23 April 2006, penalizes certain kinds of treatment of children in conflict with the law.
- (c) Republic Act No. 7877 of 1995 has imposed sanctions against sexual harassment.

The following laws were also passed that improved further the procedure in addressing complaints against public officials including those suspected of committing acts which may constitute torture or cruel, inhuman or degrading punishment:

- (a) Republic Act No. 6770, enacted in 1989, established the Ombudsman as the main agency responsible for investigating offenses committed by public officials and employees. It provides for a Deputy Ombudsman specifically for military and other law enforcement offices (MOLEO).
- (b) Republic Act No. 6975, enacted on December 13, 1990, created the Department of Interior and Local Government and established the Philippine National Police and the Bureau of Jail Management and Penology under this new Department.
- (c) Republic Act No. 8551, enacted on February 25, 1998, established under the Philippine National Police an Internal Affairs Service which is responsible for investigating offenses committed by police personnel.
- (d) Republic Act No. 7055, enacted on June 20, 1991, provides for the trial by civilian courts over military personnel on certain offenses.
- (e) Republic Act No. 8493, Speedy Trial Act of 1998
- (f) Republic Act No. 9372, Human Security Act of 2007
- (g) Republic Act No. 9165, enacted on July 4, 2002, established an Internal Affairs Service in the Philippine Drug Enforcement Agency
- (h) Supreme Court Administrative Memorandum No. 07-9-12SC, Rule on the Writ of Amparo, granting the right to families of victims of access to information pertaining to their cases.

The general administration of justice was further enhanced with three landmark laws:

- (a) Republic Act No. 7438, enacted on April 27, 1992, strengthens the rights of persons arrested, detained or under custodial investigation.
- (b) Republic Act No. 6981, enacted on April 24, 1991, provides for a Witness Protection, Security and Benefit Program.
- (c) Republic Act No. 7309, enacted on March 30, 1992, provides for a Board of Claims for victims of unjust imprisonment or detention, and victims of violent crimes.

## C. Other Preventive Mechanisms

RA 8551 has laid out the processes and procedures by which citizens' complaints against police misconduct can be heard and acted upon appropriately. Significant components of such remedial processes consist of:

### 1. The National Police Commission

"As an attached agency, the NAPOLCOM draws from the DILG policy and program coordination. Chaired by the DILG Secretary, it exercises administrative control and operational supervision over the Philippine National Police (PNP), and performs, among other critical functions, the following:

- a. Monitor and investigate police anomalies and irregularities
- b. Affirm, reverse, or modify the National Appellate Boards' personnel disciplinary actions
- c. Exercise appellate jurisdiction over administrative cases involving policemen

### 2. Participation of local government executives in the operational supervision and control of the PNP

As deputized agents of the NAPOLCOM, they can inspect police forces and units and are empowered to direct, superintend, and oversee the day-to-day functions/activities of the police; and have a hand in directing the employment/deployment of PNP units/elements in order to ensure public safety and maintenance of peace and order.

### 3. Disciplinary mechanisms

- i. Internal Affairs Service (IAS) - The IAS of the PNP pro-actively conducts inspections and audits of PNP personnel and units, investigates complaints and gathers corresponding evidence, conduct summary hearings on PNP elements facing administrative charges and file criminal charges as evidence warrants, provide assistance to the Ombudsman in cases involving PNP personnel.

"Likewise, *motu proprio*, IAS conducts automatic investigation of human rights violations committed in the conduct of police operations, where a suspect is seriously injured while in custody, and where rules of engagement have been violated, etc.

"Forums for Citizens' Complaints - Any complaint by a natural or juridical person against any member of the PNP can be brought before the following: chief of police, mayors, Women's

Desks in all police stations, the People's Law Enforcement Boards (PLEBs).

“Noteworthy to mention at this juncture is the People's Law Enforcement Board (PLEB), which was created in 1991 to serve as an external disciplining mechanism of policemen. Its board members, who have the power to conduct summary hearings of cases of administrative complaints against policemen, are all civilians. The board's composition was deliberately devised to empower civilians to become involved in disciplining members of the police in their community. The board can demote a police officer or even dismiss them from the police force.”

DILG Memorandum Circular No. 2006-059 directed all local officials to establish, reorganize and activate the People's Law Enforcement Boards and to appropriate funds for its maintenance and operation.

#### **4. Hotlines for First Responders**

Any calls for assistance and/or complaints may be easily brought to the attention of the PNP or any of the emergency responders via PATROL 117 and PNP Text 2920.

### **D. Education and Information**

The Constitution mandates the Commission on Human Rights of the Philippines to establish a continuing program of research, education, and information to enhance respect for the primacy of human rights. (Section 18 (5), Article XIII, Constitution)

As far back as 7 February 1995, Memorandum Order No. 258 was issued by then President Fidel V. Ramos, requiring human rights education and training of law enforcement, police, military and prison personnel. With the close collaboration of the Commission on Human Rights of the Philippines, human rights components are included in the training programs for all military and law enforcement units of the government.

Pursuant to its mandate and in compliance with the Convention against Torture, the Commission on Human Rights of the Philippines conducted five Regional Workshops on the role of medical officers and jail personnel on the recognition, documentation and reporting cases of torture from November 2005 to March 2005. (Please check dates)

In the Philippine National Police, the prohibition of torture is included in following subjects in its Revised Police Basic Recruit Course: “Foundations of Human Rights” under Module 2 – General Subjects; “Bill of Rights,” “Social Justice and Human Rights,” “Criminal

Procedure,” and “Rules of Evidence” under Module 4 – Law; and “Interview and Interrogation” under Module 5 – Police Operations.

The chief law enforcement and investigative bodies of government, namely, the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), and the National Bureau of Investigation (NBI) have organized and activated their respective Human Rights Offices. The HROs offer avenues for receiving and litigating complaints of human rights violations against erring personnel, as well as for continuous education and information dissemination programs on human rights.

### **E. Signing of the OPCAT**

The Philippine Senate is on the verge of ratifying the Optional Protocol to the Convention against Torture (OPCAT). After the major line agencies and departments of the Executive Branch comprising the core members of the Presidential Human Rights Committee affixed their signatures to a Resolution: “Recommending the Accession and Concurrence to the Optional Protocol to the U.N. Convention Against Torture” the President signed and referred the OPCAT for Senate ratification.

It is well understood that the OPCAT places emphasis on preventing violations and establishing a system of monitoring compliance to the CAT by employing international and national mechanisms that will conduct regular and periodic visits to places of detention, as well as proposing recommendations and working constructively with State Parties for their implementation.

### **F. De Facto Preventive Measures**

Be that as it may, even prescinding from the many weaknesses in the physical infrastructure in our detention management, there are in place de facto preventive and protective mechanisms that can, for the moment, satisfy the objectives of the OPCAT- mandated National Preventive Mechanism.

Internal Inspections of jails continue to be carried out by the DOJ and the DILG. There are also judicial inspections made by judges and court officials. RA7438 (Law on Custodial Investigation) allows visits by certain accredited civil society organizations.

The BJMP welcomes visits by international bodies, i.e., representatives of the International Committee of the Red Cross (ICRC), who are frequent visitors in city and municipal jails under BJMP supervision. Likewise BJMP’s *Operations Manual* has laid out the guidelines on the commitment and classification of inmates and reception procedures, as well as the institution of classification and disciplinary boards.

On the part of the PNP, last June 23, 2009 a Memorandum of Undertaking was signed with the CHR upholding the latter's visitorial powers over all police lock-up cells and jails.

In 2008, the PNP started to regularize the inspection of some 1,648 lock-up cells all over the country. And as a way to reinforce implementation of RA 7438, 5,000 posters on *Rights of Persons Arrested, Detained, and Under Investigation* were distributed to all police stations.

### **G. Creation of the Philippine OPCAT Working Group (POWG)**

The idea of a working group that would tackle issues regarding the country's eventual adhesion to the OPCAT was solidified during the *National Human Rights Forum* organized by the PHRC in April 2009 in partnership with the United Against Torture Coalition (UATC), Philippine Alliance of Human Rights Advocates (PAHRA) and the Asian Federation Against Involuntary Disappearance (AFAD). A meeting of the minds led to the creation of a Philippine OPCAT Working Group (POWG) composed of government agencies and partners in civil society.

The main mission of the working group is to lay the groundwork for the mandated setting up of the National Preventive Mechanism or NPM.

Among the working group's main functions are to:

- Ascertain the level of improvement, modernization, and acceptability of the country's detention facilities
- Explore the appropriate forms and approaches by which the NPM would be able to effectively operate in accordance with the dictates and provisions of the OPCAT
- Formulate the organization and operational mechanics and guidelines, and should be able to draw on the knowledge, expertise and resources from all sectors of society

The POWG shall likewise be a vehicle to propel discussions and generate inputs on proposed legislations that will positively impact on the implementation of the OPCAT, including the appropriation of funds to upgrade all detention facilities to meet international UN standards.

## **Section 3**

### **Thematic Performance Targets**

Annual targets consist mainly of completed lobbying activities that would hasten the attainment of the Medium-Term targets. These targets include the formulation of the Implementing Rules and Regulations of the Anti-Torture Law, the setting up of the mechanisms mandated by RA 9475, the establishment of the National Preventive Mechanism pursuant to the OPCAT, the realization of the Unified Penitentiary System, and the enforcement and

operationalization of Command Responsibility in the police, military and correctional/ custodial services.

Also targeted within the first year of NHRAP implementation are the accomplished Impact and Evaluation studies of education and training on HR within the security and correctional system and within the Philippine Education system as well. Also to be conducted in the first year are evaluation / assessment studies of certain preventive/ protective mechanisms to ascertain their effectiveness in producing a greater majority of well-trained and rights-respecting personnel among the police, military and correctional/ custodial services.

The institutionalization of proven measures such as Release on Recognizance, and such other paralegal measures that help decongest the jails is likewise targeted during the medium term. Also targeted by the end of the plan period is the ratification of HR instruments (OPCAT, IED, Rome Statute) that are critically supplemental to the Convention against Torture.

Table 1. Performance Targets

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
<p>1. Implementation of RA 9475 (Anti-Torture Law of 2009)</p> <p>2. Enhanced preventive and protective mechanisms.</p> <p>3. Heightened awareness of and respect for HR among state agents and the general public.</p>	<p>IRR crafted, implementation mechanisms installed</p> <p>National Preventive Mechanism set up; Unified Penitentiary System, Command Responsibility in the police, military and custodial services; Release on Recognizance, and such other paralegal measures enforced</p> <p>Well-trained and rights-respecting personnel of the police, military and custodial services</p>	<p>Completed IRR/ Mechanisms mandated by RA 9475 installed</p> <p>National Preventive Mechanism set up; Unified Penitentiary System, Command Responsibility in the police, military and custodial services; Release on Recognizance, and such other paralegal measures enforced and operationalized.</p> <p>Well-trained and rights-respecting personnel of the police, military and custodial services</p>	<p>Lobby for appropriate action</p> <p>Lobby for appropriate action</p> <p>Impact / evaluation studies of education and training on HR within security/ custodial system;</p>

<p><b>4. Enactment of appropriate legislation (&amp; supporting EOs, AOs)</b></p>	<p>Legal/ Judicial / Administrative measures and mechanisms fully attuned to international standards</p>	<p>Completed evaluation / assessment studies of L-J-A</p>	<p>also of HR in Phil. Educ. in system Evaluation / assessment studies of L-J-A</p>
<p><b>5. Ratification of HR instruments (OPCAT, IED, Rome Statute)</b></p>	<p>Accession, and /or ratification of the Optional Protocol on CAT, International Convention for the Protection of All Persons from Enforced Disappearances, and Rome Statute.</p>	<p>Ratification of HR instruments (OPCAT, IED, Rome Statute)</p>	<p>Lobby for appropriate action</p>

## **Section 4**

### **Program of Action**

Table 2. Programs/ Activities/ Projects

PPAs consist mainly of lobbying activities, the conduct of background research studies, and assessment/ evaluation projects. These revolve around the immediate implementation of the newly enacted Anti-Torture Law and supplemental treaties that may be considered for ratification. Suffice it to say that the PPAs serve up the targets both in the immediate and medium-terms.

Performance Targets Medium Targets	Annual Targets	Programs/ Activities/ Projects	Coverage	Responsible Stakeholders		Target Date/s	Expecte Outputs
				Duty- Bearers	Claimholders		
IRR	Completed	Partial	National/ Local	Senate (concerned legislators) and attached legal staff & committees.	Persons temporarily deprived of their liberty thru a legal sentence or procedure; Persons under investigation for a justiciable wrong done; Prisoners/ Detainees in general; other victims of ill- treatment protected under the Convention	2009	Lobby done activities studies completed/ policy statements/ positions publicized
		Partial			- do -		
Mechanisms installed	Partial	Partial	National/ Local	CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD,	- do -	2010- 2014	- do -

Performance Targets			Responsible Stakeholders			
<p>National Preventive Mechanism set up;</p>	<p>Partial</p>	<p>Lobby for appropriate action/ Background studies</p>	<p>National/ Local PDEA, DOH, DepEd CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd; <i>involved NGOs</i></p>	<p>2013</p>	<p>End</p>	<p>- do -</p>
<p>Unified Penitentiary System</p>	<p>Partial</p>	<p>Lobby for appropriate action/ Background studies</p>	<p>National/ Local CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, DepEd;</p>	<p>- do -</p>	<p>2013</p>	<p>End - do -</p>
<p>Enforcement &amp; operationaliz'n of Command Responsibility in the police, military and custodial services</p>	<p>Progressive</p>	<p>Lobby for appropriate action/ Background</p>	<p>National/ Local - do -</p>	<p>- do -</p>	<p>2010</p>	<p>End - do -</p>

Performance Targets	studies	National/ Local	Responsible Stakeholders	2009- 2014	- do -
<p>measures.</p> <p>Majority and well-trained and rights-respecting personnel of the police, military and custodial services</p> <p>Progressive</p>	<p>Lobby for appropriate action/ Background studies</p> <p>Impact / evaluation studies of educ.'n &amp; training on HR within security/ custodial system; also of HR in Phil. Educ.'n system</p>	<p>National/ Local</p> <p>National/ Local</p>	<p>CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, DepEd; <i>involved</i> <i>NGOs</i></p> <p>- do -</p> <p>- do -</p>	<p>2009- 2014</p> <p>End 2012</p>	<p>- do -</p> <p>- do -</p>

Performance Targets		Responsible Stakeholders						
Completed / evaluation assessment studies of LJA	Partial	Evaluation / assessment studies of L-J-A	National/ Local	Cluster Members	- do -	2011	Mid	- do -
Ratification of HR instruments (OPCAT, IED, Rome Statute)	Partial	Lobby for appropriate action	National	Senate (concerned legislators) and attached legal staff and committees concerned.	- do -	2012	Mid	- do -

## Section 5

### Linkages with other development initiatives and plans

Various initiatives have resulted from enthusiastic dialogues and consultations between and among sectors that are one in advocating for the eradication of torture and ill-treatment. One of them is the incipient Inter-Agency Committee on Prison Reforms (IACPR), consisting of agencies and organizations from both government and civil society. The consultative meetings have succeeded to craft a Memorandum of Agreement which already delineates the terms of reference, general activities and commitments from members of the Committee.

There is also the forging of a working group intended to pave the way for the eventual ratification of the Optional Protocol on CAT. This Philippine OPCAT Working Group (POWG) has taken on the task of formulating the mechanics and guidelines of organization and operations of the prospective National Preventive Mechanism mandated to be set up under the Protocol. Quite fortuitously, owing to the composition of its membership, the POWG should be able to draw on the knowledge, expertise and resources from a representative cross section of society.

A couple of experts and specialists from civil society have taken on the task of conducting major research projects in aid of torture prevention. One such research delves on the torture phenomenon, its origins and how to eradicate the so-called 'culture of impunity'. Another is aptly titled *Establishing a National Preventive Mechanism in the Philippines*'

The Balay Rehabilitation Center, in partnership with the Medical Action Group and other NGOs undertake rehabilitation of supposed victims of torture. A group of medical practitioners have banded together into the Philippine Network Against Torture (PNAT) and have been conducting training on the Istanbul Protocol (*On Recognizing, Documenting, and Reporting Incidents of Torture*). Key members of these groups have been absorbed as members of the POWG and have been actively participating and contributing much to the CAT Thematic Cluster.

The fact that the lead agency of the CAT Thematic Cluster, the DILG, is represented in all the other Thematic Clusters endows the CAT Cluster with an advantageous vantage point wherefrom the rights-based approach is more deeply appreciated and implemented.

## **Section 6**

### **Human Rights Capacity Building Plan**

Necessary ingredients for knowledgeable lobbying and successful assessment studies as targeted for within the CAT Thematic Cluster PPAs are the conduct of orientation seminars and training. Subjects include: the new Anti-Torture Law (RA 9475) in its entirety, the Convention against Torture (all provisions/ articles), the prospective HR treaties that would complement CAT (the OPCAT, International Covenant on Enforced or Involuntary Disappearance, and the Rome Statute), and HRBA.

Then, of course, Cluster members concerned need to be well-versed on the principles and techniques of lobbying, and the rudiments of conducting, monitoring, evaluation/ assessment studies. Likewise, they should be trained on how to effectively interact and communicate not only with opinion leaders in the localities but also at the grassroots level.



**Table 3. Human Rights Capacity Building Plan**

Thematic Objective/s	Education and Training Activity/ies	Coverage	Target Participants		Responsible Parties	Expected Outputs
			Duty-bearers	Claimholders		
1. Implementat' n of RA 9475 (Anti-Torture Law of 2009)	series of orientations/ trainings/ seminars on RA 9475	National/ Local	CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd	Citizenry/ community Civil society	Cluster Members	Enhanced awareness/ knowledge Better protection/ prevention
2. Enhanced and preventive protective mechanisms.	series of orientations/ trainings/ seminars on CAT, the rights-based approach & on RA 9475	National/ Local	- do -	Citizenry/ community Civil society	Cluster Members	- do -
3. Heightened awareness of and respect for HR among state agents and the general public.	series of orientations/ trainings/ seminars on CAT, the rights-based approach & on RA 9475	National/ Local	- do -	Citizenry/ community Civil society	Cluster Members	- do -
4. Enactment of appropriate legislation (& supporting EOs,	series of orientations/ trainings/ seminars on	National/ Local	- do -	Citizenry/ community Civil society	Cluster Members	- do -

<p><b>AOs)</b></p>	<p>CAT, the rights-based approach &amp; on RA 9475 &amp; OPCAT, IED, Rome Statute</p>	<p>National/ Local</p>	<p>- do -</p>	<p>Citizenry/ community  Civil society</p>	<p>Cluster Members</p>	<p>- do -</p>
<p><b>5. Ratification of HR instruments (OPCAT, IED, Rome Statute)</b></p>	<p>of series of orientations/ trainings/ seminars on CAT, the rights-based approach &amp; on RA 9475 &amp; OPCAT, IED, Rome Statute</p>					

**Section 7  
Coordination and Management Plan**

All the CAT Cluster member organizations will each have a significant role to play in the plan implementation. DILG as lead agency will take the helm relative to Thematic Objective No. 1 (Implementation of RA 9475, Anti-Torture Law) as well as Thematic Objective No. 3 (Heightened awareness of human rights).

The enactment of new laws, administrative orders or executive orders as well as would-be ratifications belong to the Office of the President that either moves to initiate ratifications or prioritizes prospective pieces of legislation in response to public lobbying.

The CHR will fulfill its proper role as an independent national human rights institution in the monitoring of the impact and effectivity of HR dissemination, training, and education programs for the police, military, custodial/ correctional personnel and the general citizenry.

Table 4. Coordination and Management Arrangements

THEMATIC OBJECTIVE	COMMITTEES/ TASK FORCE/ PROJECT IMPLEMENTING TEAM	
	HEAD	MEMBERS
1. Implementat'n of RA 9475 (Anti-Torture Law of 2009)	D I L G	CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd
2. Enhanced preventive and protective mechanisms.	CHR	- DO -
3. Heightened awareness of and respect for HR among state agents and the general public.	D I L G	-CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd -Plus CAT Cluster Member-Orgs
4. Enactment of appropriate legislation (& supporting EOs, AOs)	O. P.	O.P./ CONGRESS/ SENATE
5. Ratification of HR instruments (OPCAT, IED, Rome Statute)	O. P.	-O.P./ DFA / SENATE -CHR, DILG-PPSC/ BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd

Table 4. Coordination and Management Arrangements

THEMATIC OBJECTIVE	COMMITTEES/ TASK FORCE/ PROJECT IMPLEMENTING TEAM	
	HEAD	MEMBERS
1. Implementat'n of RA 9475 (Anti-Torture Law of 2009)	DILG	CHR, DILG-PPSC/BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd
2. Enhanced preventive and protective mechanisms.	CHR	- DO -
3. Heightened awareness of and respect for HR among state agents and the general public.	DILG	-CHR, DILG-PPSC/BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd -Plus CAT Cluster Member-Orgs
4. Enactment of appropriate legislation (& supporting EOs, AOs)	O. P.	O.P./ CONGRESS/ SENATE
5. Ratification of HR instruments (OPCAT, IED, Rome Statute)	O. P.	-O.P./ DFA / SENATE -CHR, DILG-PPSC/BJMP/PNP, AFP, PNP, NBI, DOJ, DSWD, DOH, PDEA, DepEd

## Chapter 5

### Convention on the Rights of a Child

#### Introduction

Existing and emerging threats to children's rights cannot be separated from social welfare and development issues facing the country today. The macro-level phenomena such as rapid advancement in internet and mobile technology; growth in the tourism industry; massive labor migration; and the increasing poverty incidence rates amidst economic gains have affected children the most. And these macro-level phenomena trends have resulted in emerging threats to children's rights that require not just interventions from the SWD services alone, but convergent action involving government's various social protection programs as well as the assistance from civil society and the private sector.

The Philippines is a signatory to major international instruments on children such as the following:

- a. Convention on the Rights of the Child, ratified on July 26, 1990 thru Senate Resolution 109
- b. Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, ratified 23 April 2002
- c. Optional Protocol to the CRC on Children in Armed Conflict Situations ratified on 23 April 2002
- d. Protocol to the UN Convention Against Transnational Organized Crime to Prevent and Suppress Trafficking in Persons, Especially Women and Children, ratified on May 28, 2002
- e. ILO Convention Nos. 138 and 182 ratified on June 4, 1998 and November 11, 2000 respectively

In relation to these international instruments, the Philippine Congress passed various laws promoting children's rights and welfare, but despite its passage, the issues of implementation and monitoring had been prevalent. It is well noted that the national government has been actively developing programs, projects and activities addressing the needs of children but the development of tools for targeting, data basing, benefit incidence analysis and monitoring & evaluation is now raising to fill-in the gaps of raised in the last Concluding Observations in the Convention on the Rights of a Child (CRC).

The CRC-NHRAP Thematic Plan was developed through series of consultation-meetings with government agencies, non-government organizations and private sectors. The inputs from the thematic clusters meeting are well appreciated for it all answers the Concluding Observations of the CRC. The inputs of the non-government organizations are well recognized for it assist the CRC Cluster in identifying emerging issues at the grass-level.

## Thematic Objectives

The Convention on the Rights of a Child – National Human Rights Action Plan (CRC-NHRAP) covers all the gaps identified by the CRC Thematic Clusters grouped in ten thematic objectives as follows:

### Legislative Agenda

The continuing developments of domestic legislation are prioritized to ensure further protection of the rights of the child under all circumstances

### Database & Monitoring System

Establishment of national and local performance accountability and transparent monitoring of all initiatives are measures being undertaken by both national and local implementation mechanisms that were put in place by the government to effect best protection.

### Protection of CICL and child victims

The need to enhance political will in undertaking measures for the improvement of national and local response mechanisms in order to provide immediate assistance available to children who are unlawfully arrested and detained; protection from police abuses, and particularly in relation to the risk of physical and sexual abuses and separation of adults from children in detention centers.

### Review of Juvenile Justice and Welfare Act

The emerging issues of discernment and use of children in commission of crimes are among the concerns that calls for the review the status of the implementation of the Juvenile Justice and Welfare Act (JJWA) since its enactment in 2006 and government mechanisms that are in place to study its adherence with international human rights standards.

### Ensure Right to child friendly environment

Children's experience of violence in the community can also be associated with parent's lack of parenting skills, preoccupation with economic activities

### Right to freedom and peaceful assembly & association

The role of youth are crucial in our nation building, hence their contribution in voicing out their positions on certain issues calls for the society to ensure their protection and welfare for they are also vulnerable to deceits and abuse. Therefore, to strengthen their protection a call for legislative movement to amend various laws was now at open.

### Protection from crime syndicates & armed groups and to protect them from armed conflict

Child protection covers all children from not only as being used by crime syndicates and armed groups, but also from child labor. In the recent incidents in Mindanao, protection of children from armed-conflict should also be part of the comprehensive plan during emergency situations by the national government.

**Ensure Right to a peaceful community**

In order to uphold the right of children to peaceful community including children with disabilities, the government should place mechanism down to the barangay level to include protection against child abuse cases and increase of social awareness in the community.

**Strengthening regulatory function of DSWD for Standard Setting**

Strengthen regulatory functions of DSWD for the sector to ensure implementation of standards and quality assurance of social protection programs and services

**Strengthening CWC's functional and structural organization**

Strengthening the Council for the Welfare of Children (CWC) as the focal government inter-agency body entails provision of enough powers and influences to perform its functions in coordinating the implementation and enforcement of all laws, formulating, monitoring, and evaluating policies, programs and measures for children. This

## **Section 1**

### **Strategic Treaty Indicator**

#### **Thematic Objective 1:**

##### **Legislative Agenda**

- Child rights and child protection measures enshrined in legislation
- Child's rights fulfilled through an increase in budget expenditure for children services

In the midterm of the plan, the CRC-NHRAP is targeting to pass 70 percent of the proposed bills. The priority bills are the Bill of Statutory Rape, Foster Care, Banning corporal punishment including humiliation and degradation of children in all setting including the home, Amendment to RA 7610, specifically to children as Zones of Peace, Harmonization of inter-country and domestic adoption, Release on Recognizance Bill, and Anti-Prostitution Bill.

By the end of 2014, 25 percent of the priority bills are opt to be passed namely Magna Carta for Day Care Workers, Reproductive Health Bill, and Removing classification of children as legitimate and illegitimate.

In order to measure government spending for children sector, the CRC-NHRAP is targeting to consolidate all government programs, projects and activities for children using a tool similar to the BP 600 of the Philippine Commission for Women or the Agency Performance Measure of Department of Budget and Management.

Accountable Agencies are Congress, CWC and DSWD

**Thematic Objective 2:**

Database & Monitoring System

- Better and responsive agency performance, commitments and action plans on the protection and fulfillment of child's rights (DSWD, CWC)

The CRC-NHRAP is targeting installation of a database monitoring system by midterm of the plan. By 2014, the database monitoring system is ready for functional and ready for replication.

Accountable agencies are the DSWD and CWC

**Thematic Objective 3:**

Protection of CICL and child victims

- Improve implementation of laws protecting children and fulfilling child's rights especially for CICL
- Reduced incidents of child abuse, extrajudicial killings; Informed public on the rights of children and the harm done by abuse of all kinds
- Improve diversion and social integration programs offered to CICL
- Improve handling of CICL cases and cases involving women and children
- All CICL informed of their rights

By midterm of the plan, all stakeholders/ implementing agencies are capacitated in handling CICL programs and services. By the end of 2014, all stakeholders are able to perform their mandate including the Local Council for Protection of Children (LCPCs).

- Accountable agencies in addressing issues in handling CICL are the PNP, BJMP, Provincial jails, and LGUs
- For ensuring the rights of CICL are not violated, the agencies accountable are the DOJ, courts, LGUs, and NAPOLCOM
- Accountable agencies for monitoring implementation of the law are DILG and JJWC

**Thematic Objective 4:**

Review of Juvenile Justice and Welfare Act

- Address gaps in the implementation of JJWA (JJWC)

By midterm of the plan, the review of the gaps in the Juvenile Justice and Welfare Act should already be identified. Focus group discussions, fora and technical working groups are organized to identify said gaps and to formulate action plans and draft bills to amend the Juvenile Justice Welfare Act.

By the end of 2014, the draft revision of the gaps of the JJWA is already filed in the Congress, the adoption of the revised National Juvenile Intervention Program (NJIP) already pilot tested and the monitoring system of the revised JJWA already installed.

Accountable agencies are the members of the Juvenile Justice Welfare Council (JJWC)

**Thematic Objective 5:**

Ensure Right to child friendly environment

- Charges of human rights abuses against the PNP regarding rallies are minimized, if not eliminated
- Ensure access to information
- Strengthening the role of Filipino youth in nation building

By midterm of the plan, all law enforcers should already capacitated in handling rallies and guidelines enumerating the rules of procedure on issuance of permit to rally passed. By the end of the plan, adoption of the plan already passed by the local government units and monitoring system already installed.

Accountable agencies are the PNP, DILG and LGUs

For the right to information, all local government should have established libraries by the end of the plan as per requirements of Republic Act No. 7743 - "An Act providing for the establishment of Congressional/City and Municipal Libraries and Barangay Reading Centers throughout the Philippines, appropriating the necessary funds therefore and for other purposes".

The Accountable agencies are the National Library, Philippine Information Agency (PIA) and DILG)

By the midterm of the plan, amendments of the local government code already identified through series of consultations, focus group discussion on areas strengthening roles of youth at the national and local level of governance. By the end of 2010, the amendments of the Local Government Units are already files in the Congress.

The Accountable agency is the National Youth Commission (NYC)

**Thematic Objective 6:**

Right to freedom and peaceful assembly & association

- All Filipino children are ensured of a right to a name and nationality
- All children are ensured of child-friendly environment
- Right to live in their ancestral lands

By the midterm of the plan all children should be registered including children on indigenous communities and undocumented migrant workers. Cost of access to alternative parental care will also be minimized through conduct of study and focus group discussion on the legal proceedings of alternative parental care. By the end of the plan all IP communities are socially accepting registration as their basic right.

Accountable agencies are the LGU, Local Civil Registrar, NSO and DSWD

By the midterm of the plan, number of child-friendly police stations and cities/municipalities are increasing and by the need of the plan, all LGUs are child friendly and capacitated to handle issues of children including street children.

Accountable agencies are the PNP, LGUs, CWC

By the midterm of the plan, the Department of Environment and Natural Resources (DENR) should Review gaps of the implementation of the 1995 Mining Act and by the end of the plan, a regulatory framework should be established to ensure protection of IP communities.

Accountable agencies are the LGUs, DENR, NCIP and NGOs

**Thematic Objective 7:**

Protection from crime syndicates & armed groups and to protect them from armed conflict

- Inclusion of these issues in the amendment of RA 9344 i.e in providing for protection and security of children from being used by crime syndicates and/or armed groups enacted
- Strengthened mechanism in monitoring child labor issues

By the midterm of the plan, draft amendment of laws against the use of crime syndicates and armed group and aggravate penalty for using thereof and by the end of 2014, said provisions should already passed in the Congress.

Accountable agencies are the PNP, JJWC and DND

By the midterm of the plan, national survey for working children should be published and disseminated for stakeholders. The DOLE and DILG should already established mechanism of early detection of child labor in the local level. The DepEd should increase accessibility of alternative learning mechanism at the local level to minimized number of child labor. By the end of the plan, incidents of child labor should be minimized and increase number of prosecutions

Accountable agencies are the NSO, DOLE, DILG and DepEd

**Thematic Objective 8:**

Ensure Right to a peaceful community

- Children are living and protected in a peaceful community, including children with disabilities

By the midterm of the plan, number of child abuse cases should be addressed by all line agencies and by the end of the plan; children at risk should be ensured with protection and promotion of welfare.

Accountable agencies are the DSWD, CWC, ICAB, NYC  
DOLE, DILG, DepEd, DOJ, OWWA, DFA, POEA, NYC, ICAB,  
NCDA, OMA, PCW, IACAT, IAC-VAWC, IAC-CIAC  
NDCC and Non-Government Organizations

**Thematic Objective 9:**

Strengthening regulatory function of DSWD for Standard Setting

- All service providers catering services for children pass the set standards and regulation

By the midterm of the plan, all Social Welfare Agencies (SWAs) and Social Welfare Development Agencies (SWDAs) are accredited and by the end of the plan, all service providers and institutions catering services for children are accredited by the DSWD.

Accountable agency is DSWD

#### **Thematic Objective 10:**

Strengthening CWC's functional and structural organization

- A strengthened independent focal government inter-agency body for children.

By the midterm of the plan, redefinition of the Council for the Welfare of Children already established and by the end of the plan the Council's role as the inter-agency policy making body established through passage of Magna Carta for Children.

Accountable agencies are Congress, Office of the President and CWC

### **Section 2: Thematic Situationer**

#### **Thematic Objective 1:**

Legislative Agenda

While noting a number of legislative initiatives in the State party, the CRC-NHRA Thematic Cluster remains concerned at the lack of legislation with regard to the prohibition of corporal punishment, the prohibition of torture and the status of children born out of wedlock. The fairly advanced general legal framework adopted by the State party but it remains concerned at the lack of implementation and legal enforcement of legislation pertaining to children especially the 1992 Child Protection Act (Republic Act 7610).

- Inadequate allocation of government budget and expenditure for children services

Most of the non-government organizations and the recent CRC Concluding Observation last September 2009 claim that there are inadequate allocation of government budget and expenditure for children services. However, the need of baseline incidence analysis is crucial at this stage in order for the CRC-NHRAP Thematic Cluster to measure government spending vis-à-vis target beneficiaries. Benefit incidence analysis (BIA) is a tool used to assess how fiscal policy or government subsidy affects the distribution of welfare in the population. In other words, BIA evaluates the distribution of government subsidies among different groups in the population, in particular, among different income groups.

**Thematic Objective 2:**

## Database &amp; Monitoring System

- Absence of systematic methods of assessment, evaluation and monitoring of performance accountability on children initiatives at all levels

The expansion of data collection system is needed to ensure that the data is disaggregated by region, gender and age and that it is updated and includes information on children in need of special protection. The State party should ensure that the Annual State of the Filipino Children Report is widely disseminated and accessible throughout the country and it encourages the State party to use this report as a basis for assessing progress achieved in the realization of the rights of the child and to help design policies to implement the Convention and its two Optional Protocols, ensuring in the process that children are heard and consulted.

**Thematic Objective 3:**

## Protection of CICL and child victims

- Lack of political will in undertaking measures for the improvement of national and local response mechanisms, immediate assistance to CICL experienced abuse and separation of adults from children in detention centers

Violence against children in conflict with the law is often caused by the negative perceptions on CICL held by law enforcers and the public. They are stigmatized and discriminated, and treated like common adult criminals. Children in detention are frequently subjected to violence by the staff, adult-detainees, police or security forces as a form of control or punishment, and often for minor infractions; they may also receive harsh sentences as a judgment from the courts.

**Thematic Objective 4:**

## Review of Juvenile Justice and Welfare Act

- Implementation gaps of Juvenile Justice Welfare Act (RA 9344)
  - Confusion on age of criminal liability
  - Non-establishment of youth homes / bahay pag-asa
  - Dysfunctional structure/ mechanism at the local level to conduct diversion program (LCPC/BCPC)
  - Lack of capacity of other stakeholders especially in local level
  - Lack of monitoring system of CICL given diversion program
  - Lack of availability of interpreters/ aide for children with disabilities testifying in courts

After the passage of the Juvenile Justice Welfare Act, several issues arise in its implementation stage. Hence, the call to review the provisions of the law was now recommended especially on the interpretation of provision of the law in discernment, confusion on age of criminal liability and the big responsibilities lodged at the local government units.

**Thematic Objective 5:**

Ensure Right to child friendly environment

- There are children brought by parents in rally vulnerable to abuse
- There are student conducting rally for a cause also vulnerable to abuse

Thousands of youth organizations joined rallies and demonstrations yearly to stage the dismay to national issues against the different administration of the government. Most of the are vulnerable to abuse and physical mishandling of law enforcers during rallies. Some of the children are recruited only by some organizations while some parents are exposing their children in harm by bringing them in the rallies.

**Thematic Objective 6:**

Right to freedom and peaceful assembly & association

- Lack of awareness of indigenous people of the need for birth registration

About 10 percent to 15 percent of the total population or about 12 million comprises indigenous peoples representing 110 ethno linguistic groups, 5.1 million of whom are ages 3 years old and below. Though exact figures are not available, infant mortality rates, child mortality rates and maternal mortality rates among IPs are higher than the majority of the population. Birth registration is also lower and availability and access to health, nutrition, water and sanitation services remain to be a concern. For the school year 2003-2004, the National Commission on Indigenous Peoples (NCIP) records show that only 5,252 children 18 years and below were in school, which is less than one percent of the total population of IP children.

- Children of undocumented migrant workers are at risk due to unregistered birth

In DSWD experience in Malaysia noted a number of undocumented migrant workers have stateless children due to unregistered birth. In the data of Processing Center for Displaced Persons (PCDP) of DSWD, there are 5,919 children served for year 2008 and 2,350 in 1<sup>st</sup> Semester of CY 2009 alone.

- Cost of adoption proceedings might result to simulation of birth or fraudulent registration of birth carried out by non-biological parents to avoid adoption process

Through the passage of RA 9253, the declaration of abandonment of a child was transferred to Department of Social Welfare (DSWD) through an administrative proceeding. However, the cost of adoption after the declaration of abandonment was still expensive due to docket fees, attorney's fee and other related expenses.

- A number of police stations are not child-friendly
- Not all cities/ municipalities are aware of the Presidential Award for Child-Friendly Cities/Municipalities

The local government units should be the first safe and secured mechanism the State should have because they provide the immediate need to their constituents. The call for them to be the friendliest mechanism at the local level is to ensure that they are the primary providers of protection in the communities.

- Mishandling of street children during rescue operation violates their rights and runs counter against their best interest
- Increasing number of street children and their special vulnerability to various forms of violence and abuse, including sexual and economic exploitation

Street children in the Philippines are estimated to be 246,000 according to a UNICEF study in 2001. About 50,000 of who are considered "highly visible street children," who are mostly on the streets, with little or no family contacts, and are highly vulnerable to risks. More than 67% of these kids are male, averaging 14.6 years old. All are living in poverty, malnourished, with little education and high drop-out rates. Survival strategies of these children include: begging, selling newspapers, cigarettes, flowers and chewing gums, washing and watching cars, shining shoes, carrying baggage for grocery and market goers, scavenging for recyclable materials, and even pick pocketing, snatching and involvement in drug pushing and prostitution.

- Families are removed from mining areas, indigenous people are being deprived of their ancestral lands and highly polluting technology is being utilized

The Committee notes with concern that the Philippines, being one of the most highly mineralized countries in the world and a middle income economy in search of foreign investment, has not yet addressed the social and environmental impact, in particular on the situation of children, of its 1995 Mining Act that allows up to 100 per cent foreign-owned companies to invest without regulation in large scale exploration, development and utilization of minerals, oil and gas. The Committee is especially concerned at reports from non-governmental and international sources that children are being acutely affected as families are removed from mining areas, indigenous people are being deprived of their ancestral lands and highly polluting technology is being utilized.

#### **Thematic Objective 7:**

Protection from crime syndicates & armed groups and to protect them from armed conflict

- Most children used by crime syndicates or armed groups do not divulge the identity of syndicates/ groups resulting to inability of PNP to protect these children
- Some children are recruited as members of armed groups or as child soldiers  
Non state actors allegedly abducting (kidnapping) glue sniffing street children to get indoctrinated to join their ranks
- Some children are being used by armed groups or are used as child soldiers

About 30,000 to 50,000 children are displaced by armed conflict every year during the last four years. They have lost their support systems and security of normal family and community

relationships, familiarity of surroundings, suffer serious psychosocial stress, experience school disruption, and usually seek refuge in overcrowded evacuation centers where adequate health and water sanitation services is limited. Children in conflict areas also experience threat of human rights violations especially those suspected of giving support to armed groups and whose parents and siblings are suspected members of insurgent or rebel groups.

As of 2008, a total of 269 CIAC cases have been reported since 1989. Based on these figures, the Inter-Agency Committee on CIAC prepared a CIAC profile by region, year, sex, and educational attainment.

- Need for strengthening monitoring system and program on child labor in both urban and agriculture/rural sector
- Existing prevalence of number of drop-outs and out-of-school children

In the 2001 Philippine Survey on Working Children, 16.2% of 5-17 years old children were shown to be economically active. They are mostly male with median age between 10-17 years old, an elementary grader and is usually based in the rural areas. Majority of these children are laborers and unskilled workers engaged in agriculture, on seasonal basis, and are unpaid in their own household-operated farm or business. A quarter of these working children worked in the evening or during night time and about 60% of them are working in unsafe environments—i.e. either exposed to physical, chemical or biological hazards.

#### **Thematic Objective 8:**

Ensure Right to a peaceful community

- Most CICL are victims of a harmful and disoriented community

Offenses against property seem to be most dominant among other types of offenses committed by CICL. This may be attributed to “survival offending” i.e. committing a violation or offense while in the process of carrying out one’s livelihood or as an act of survival.

Among the risk factors identified contributing to delinquency in the Alampay (2005) study are: 1) inadequate and hostile parenting practices, 2) child maltreatment and abuse, 3) family stressors such as poverty, unemployment and marital conflict, and 4) family structure and demographics. In local studies, families of CICL are characterized by conflict, maltreatment, neglect and disorganization. Eighty percent (80%) of those studied reported to have experienced violence and abuse in the hands of their parents.

- Children with disabilities are not well given much attention in terms of protection and rehabilitation. Most often that not, they are kept inside their homes and treated like prisoners. These cases are not common to physically disable but common to mentally challenged children.
- Parents and the communities, especially in rural areas, are not well familiar with early detection services available of disabilities.

Based on the World Health Organization (WHO) assumption that 10 percent of every country's given population has some form of disability, the National Council for Disability Affairs (NCDA) has estimated about eight (8) million Filipinos with disabilities. However, according to the 2000 Census of Population and Housing, there were only 948,098 persons with disabilities or a mere 1.23 percent of the population (75.3 million) that same year. Seventy (70) percent of persons with disabilities were found in rural and remote areas of the country. Out of that number, 191,680 were children 18 years old and below with 103,435 males and 88,245 females.

- Children left behind by overseas migrant workers experience abuse, neglect, and other behavioral problems because of the lack of capacity or unwillingness of remaining family members to care for them in the absence of their parents.

The Committee notes the State party's efforts to improve its legal, judicial and administrative framework. However, the Committee is concerned at the disruption and changes in the family situation due to the high and increasing migration flows and at the high and increasing number of children left behind either by their mother or father working abroad. The Committee further regrets that there is no systematic data on the number of children left behind and that no comprehensive study has been undertaken to assess their situation or the impact of the increasing feminization of migration.

- Early marriage of children of indigenous people and Muslim children affects their health

The freedom to choose when and to whom to marry where deprived due to cultural acceptable practices. The practices of early marriages of indigenous people was result of tribal-wars where children are getting married for purposes increasing number of population and to have new soldiers to protect the community from invasion of other barangays.

Girls aged 14 to 16 are not yet ready for pregnancy for their reproductive system are not yet fully develop. Hence, the rate maternal and infant mortality rate is predominantly high in this stage.

- Confusion between discipline and corporal punishments leads to increasing number of abuse

While noting that the Anti-Corporal Punishment Bill which prohibits corporal punishment in all settings is currently under discussion, the Committee reiterates its concern that corporal punishment in the home is not explicitly prohibited by law and that a provision on corporal punishment is not included in the Child and Youth Welfare Code. The Committee also expresses its concern at the prevalence of corporal punishment against children in society, in particular in the home and regrets that no comprehensive study on this issue has been undertaken, as recommended by the Committee in its previous concluding observations.

- Increasing number of child trafficking, prostitution and child pornography.

- Low number of prosecutions and convictions of traffickers from, through and within the country for purposes of sexual exploitation and labor.
- Absence or the lack of database of children leaving the country in the guise of pleasure or leisure travel.
- Lack of sustained and systematic documentation of trafficking cases.

Number of groups of adolescents are vulnerable to commercial sexual exploitation, including street children, children involved in "pros-tuition"(earning for tuition fees), money girls/boys (who engage in seasonal prostitution mostly to address the emergency needs of their families or for their own upkeep) and young female OFWs who work as "entertainers"

Low number of prosecutions and convictions of traffickers is not yet addressed by the implementing agencies. Such increasing number of trafficked victims is due to persistent poverty, temporary overseas migration, growing sex tourism, impunity and weak law enforcement of the country.

- Increasing number of cases of domestic violence, including physical abuse, neglect and sexual abuse of children, and at the fact that violence within the family is mostly unreported despite enactment of RA 7610.
- Investigation of domestic violence and abuse of children are not investigated within a child friendly procedure, which abused children may be victimized in such proceedings and that child witnesses are not protected from intimidation.

The Committee welcomes the measures adopted by the State party to address abuse and maltreatment of children, including through the Anti-Violence Against Women and their Children Act (Republic Act 9262). However, as acknowledged in the State party's report, the Committee expresses its deep concern at the increasing number of cases of domestic violence, including physical abuse, neglect and sexual abuse of children, and at the fact that violence within the family is mostly unreported, despite the enactment of this Act. The Committee also reiterates its concern at the alleged cases of sexual abuse of children in religious institutions. While noting the 1992 Child Protection Act (Republic Act 7610) as amended, the Committee is further concerned that cases of domestic violence and abuse of children are not investigated within a child-friendly procedure, that abused children may be victimized in such proceedings and that child witnesses are not protected from intimidation.

- Children is one of the sector that are vulnerable during cases of emergencies and disasters

Natural disasters such as typhoons disrupt the normal day-to-day activities of children such as school attendance and the security of a home. This is due to destroyed houses and facilities and the use of school buildings as evacuation centers by most LGUs during disaster operation. Also, inadequate health and water sanitation services pose health risks to children and floods may induce water-borne diseases such as diarrhea, cholera, amoebiasis, dysentery, leptospirosis, among others. Added to these is the trauma of losing a home and sometimes even a family member which is experienced by children during these events.

**Thematic Objective 9:**

Strengthening regulatory function of DSWD for Standard Setting

- Not all Social Welfare Agencies (SWAs) and Social Welfare Development Agencies (SWDAs) complying with the standards and regulations to ensure full protection of the welfare of Filipino children.

To ensure quality of services being provided by DSWD, LGUs and NGOs, the DSWD as part of its regulatory function is responsible in registering, licensing and accrediting social welfare and development agencies. For children and youth caring agencies, there are 37 residential and 508 community based agencies that were registered; 266 residential and 212 community-based were licensed; and 128 residential and 61 community based agencies were accredited as of 2008.

**Thematic Objective 10:**

Strengthening CWC's functional and structural organization

The mandate of the Council for the Welfare of Children (CWC) was affirmed by Executive Order 806 of 8 June 2009 and that the CWC continues to be the focal inter-agency body for children in the Philippines with the mandate to coordinate the implementation and enforcement of all laws, policies, programmes and measures for children. However, the lack of human and financial resources allocated to the CWC, LCPCs and RSCWCs which may prevent the effective functioning of such mechanisms.

**Table 1 : Situation Matrix**

<b>Human Rights Issues</b>	<b>Duty Bearers</b>	<b>Claimholders</b>
Protection of children against all forms of discrimination and abuse	Legislature, All line agencies	Children at risk
Recognition of child's inherent right to life and parental care	DSWD, LGUs, DepEd, NDCC, NGOs and other line agencies	All children
Right for government's effective and appropriate program to promote children's welfare	All line agencies, NGOs	All children
Right to education, health and access to information	All line agencies, NGOs	All children
Right to association and peaceful assembly	LGUs, PNP, DILG	All children
Right to due process	JJWC, PNP	Children in Conflict with the Law (CICL) and Children Involved in Armed Conflict (CIAC)
Right to child friendly environment	LGUs, DOLE, DSWD, DENR	Children at Risk

## **Section 3: Thematic targets**

### **Legislative Agenda**

The CRC-NHRAP is targeting passage of 75% of the priority bills by the end of 2014. This will facilitate all the emerging issues relevant to the PPAs identified. This will also assist the CRC-NHRAP Lead agencies in reporting to the CRC Committee at the United Nations.

Monitoring System for children's programs established is targeted to be established by the end of 2010 through conduct of Benefit Incidence Analysis (BIA) The BIA is a tool to measure government spending vis-à-vis targeted beneficiaries, as well as its impact.

### **Database & Monitoring System**

Data banking of information for government initiatives are targeted to be established by the end of 2014 and the pre-pilot of the system are installed in 2012. This is to facilitate easy reporting of the CRC-NHRAP Thematic members

### **Protection of CICL and child victims**

The targeted activities for this are to ensure that the rights of the children in conflict with law (CICL) are also protected like their child victims counterparts.

### **Review of Juvenile Justice and Welfare Act**

The identified gaps in the implementation of the JJWA with respect to discernment and age of criminal liabilities should be reviewed as well as responsibilities of the local government units identified in the law.

The slow implementation of the law was basically due to lack of performance to some local mechanism, if not strengthen should be reviewed.

### **Right to freedom and peaceful assembly and association**

This is to ensure that the youth, as well as children, are protected during the rallies and concert for cause activities. This is also to ensure that they are also protected in their organization of their choice.

### **Right to child friendly environment**

This is to ensure that all local government units and police stations are child friendly so that programs and activities for children are easier to implement.

**Protection from crime syndicates & armed groups and to protect them from armed con**

This is a special protection for children recruited by crime syndicates & armed group soldiers. It also aims to protect children affected by armed conflict from violence and a for they are most vulnerable during this incidence.

**Right to a safe and peaceful community**

This is to ensure that the communities are free of violence, discrimination, abuse exploitation of children so that they can live fully in the community.

**Strengthening regulatory function of DSWD for Standard Setting**

This is to ensure that all Social Welfare Agencies (SWA) and Social Welfare Developp Agencies (SWDAs) are complying to set of the standards and regulations in provisio services for children in the country.

**Strengthening CWC's functional and structural organization**

This is to ensure that the function of the Council for the Welfare of Children as an i agency policy making body strengthened through enactment of Magna Carta for Childrer

Table 2: Performance Target

Thematic Objective	Medium Term	Annual Term (2010 to 2014)
Legislative Agenda	Bills drafted and filed at both the Senate and the HOR	<ul style="list-style-type: none"> <li>• Reviewed different bills on the protection of children, prepared agency position papers and designed advocacy campaign</li> <li>• Organized lobby groups and advocacy campaign full swing; formulation of local and national legislations 2</li> <li>• Participation in Committee hearings and discussion groups created at agency levels</li> <li>• Commitment of legislators obtained, local legislations enacted.</li> <li>• Enactment of laws at national level and programs for children based on these laws developed</li> </ul>
Database and Monitoring System	Establish baseline for government spending allocated for children	<ul style="list-style-type: none"> <li>• Agency disclosed information on programs and targets for children</li> <li>• Networked with lobby groups and campaign plan drafted</li> <li>• Functional monitoring system established</li> </ul>
Protection of CICL and child victims	Establishment of monitoring/information system on the following children and children initiatives  Conduct of capacity building trainings for all stake holders  Social acceptance of the provision of JJWA established	<ul style="list-style-type: none"> <li>• Qualitative and quantitative indicators identified, Methodology established</li> <li>• Monitoring system developed and pilot-tested</li> <li>• Data banking and data management of information for government initiatives on children</li> <li>• Conduct of orientations and advocacy and development of IEC materials</li> <li>• Review/assessment of local intervention programs especially on JJWA</li> <li>• Establishment of more functional BCPC/LCPC and increase in number of women/children's desk</li> <li>• BCPC Plan of Action formulated by LGUs and reviewed by NYC and DILG ensuring participation of children/youth in plan formulation and monitoring</li> <li>• Increased fund allocation for children at the LGU level as indicated in</li> </ul>

Juvenile Objective	Medium Term	Annual Term (2010 to 2014)
Review of Juvenile Justice and Welfare Act	Gaps of the Juvenile Justice Welfare Act (JJWA) Identified	their work and financial plan <ul style="list-style-type: none"> <li>• Establish inter-agency committee including CSOs in reviewing the implementation of NJIP and JJWA, Identify gaps and propose strategies in addressing them; Identification of indicators on the implementation of JJWA based on its goals and mandate</li> <li>• Draft revision of NJIP based on gaps and issues identified; development of monitoring system of JJWA implementation</li> <li>• Adoption of Revised National Juvenile Intervention Program (NJIP) and pilot-testing of JJWA implementation</li> <li>• Established functional monitoring system</li> </ul>
Right to freedom and peaceful assembly & association	Guidelines enumerating the rules of procedure on issuance of permit to rally passed  Policy recommendations pertaining to amendments to the concerned Republic Acts developed through conduct of for a and other policy review sessions involving various stakeholders including children and youth  Information on basic rights are accessible to the youth	<ul style="list-style-type: none"> <li>• Set-up consultation groups in preparing guidelines</li> <li>• Standardized processing and justification/s for permit to rally formulated</li> <li>• Adoption of guidelines in LGUs and law enforcement agencies</li> <li>• Obtaining CSO support in advocacy legwork and in monitoring implementation of guidelines</li> <li>• Gaps and issues discussed in DILG-Regional Inter-Agency Committee on Children</li> <li>• Draft amendments prepared and submitted to both legislative bodies</li> <li>• Advocacy and campaign plans implemented</li> <li>• Commitment of LGUs obtained through SB resolutions and empowerment of BCPC and LCPCs</li> <li>• Information campaign/ conduct of advocacy campaign</li> <li>• Access of youth to their basic rights concerning their identity and sexuality</li> </ul>

Thematic Objective	Medium Term	Annual Term (2010 to 2014)
<p>Right to child friendly environment</p>	<p>Increase number of birth registration and access to all forms of alternative parental care</p> <p>Increase number of child friendly police stations and communities including</p> <p>Increase number of IP and street children protected and able to access basic services</p>	<ul style="list-style-type: none"> <li>• Advocacy campaign of birth registration among IP communities and migrant workers</li> <li>• Conduct of studies on how to minimized cost of registration and access to other forms of alternative parental care</li> <li>• Increase number of child friendly police stations and local government units through recognition awards</li> <li>• Increase number of LGUs replicating Conditional Cash Transfer (CCT) scheme for street children</li> <li>• Regulatory framework to include social responsibility and environmental protection making international and national companies aware of and participants in the respect and fulfillment of children's right established</li> </ul>
<p>Protection from crime syndicates &amp; armed groups and to protect them from armed conflict</p>	<p>Reduced number of children used by crime syndicates and armed groups</p>	<ul style="list-style-type: none"> <li>• Amendment of some provision of Juvenile Justice Welfare Act (RA 9344) and Child Abuse Law (RA 7610) to include protection of children from crime syndicates and armed groups</li> <li>• Conduct of advocacy campaign and increase number of prosecution to uphold protection of children against child labor, including the parents and the communities</li> <li>• Increase number of programs and services for out-of-school children to protect them from being recruited by crime syndicates and armed groups</li> </ul>
<p>Right to safe and peaceful community</p>	<p>Reduced/ Decrease number of cases of child abuse in the community</p>	<ul style="list-style-type: none"> <li>• Advocacy campaign / information drive to increase awareness of child protection in the community</li> <li>• Conduct of studies, development of database and pilot projects to address various issues of child protection</li> <li>• Review of the implementation of various laws for children</li> <li>• Increase number of prosecutions and fast disposition of child abuse cases</li> </ul>

Thematic Objective	Medium Term	Annual Term (2010 to 2014)
Strengthening regulatory function of DSWD for Standard Setting	Increase number of Social Welfare Agencies (SW/A) and Social Welfare Development Agencies (SWDAs) accredited by DSWD	<ul style="list-style-type: none"> <li>• Establishment of information and compliance monitoring system of all SWAs/SWDAs implementing social programs and services</li> <li>• All social workers handling court cases are accredited</li> <li>• All target ECCD centers must be accredited</li> <li>• All SWDAs/ SWAs providing social services to children, women and youth are accredited</li> </ul>
Strengthening Council for the Welfare of children (CWC)'s functional and structural organization	Redefinition of CWC role	<ul style="list-style-type: none"> <li>• IEC materials and Advocacy campaign plan designed and implemented; Lobby groups organized</li> <li>• Position papers of agencies submitted</li> <li>• Commitment of the President ensured</li> <li>• Strengthened CWC through enactment of Magna Carta for Children</li> </ul>

#### Section 4: Thematic Program of Action

The CRC-NHRAP Thematic Chapter highlighted information with a specific focus on increasing State responsibility in the areas of:

- Legal frameworks

The specific international human rights instruments ratified, policies developed and laws enacted to address all forms of violence. Having ratified international human rights instruments, domestic legislations were harmonized with the standards provided in various international instruments. After the ratification of the Convention on the Rights of a child, a number of legislations were passed to conform to the requirements of the CRC. The enactments have greatly influenced the protective services for children. Despite the aforementioned enactments, the Philippines legal stage of affairs is replete with legislative enactments

- Institutional framework

The government institution created for the formulation, implementation and enforcement of all policies, programs and projects relative to the protection and promotion of the total development of children and youth was created by virtue of law. The structures or sub-task forces organized to study the specific areas of children's concerns, formulate strategies and responses, monitor the situation of projects that are being pilot tested, evaluate programs and projects and generate reports.

- Inter-agency bodies organized and created

The inter-agency bodies and councils which were created by virtue of the laws on children to promote protection of children and ensure preventive actions especially for victims of violence. These inter-agency bodies include the Special Committee for the Protection of Children which was created to oversee implementation of the comprehensive program on child protection rights and coordinate government and NGO efforts to protect the children-victims of various forms of abuses

- Role of civil society

The involvement of civil society in influencing the government actions and non-state actions to protect Filipino children and young people and other issues are prevalently important. Non-governmental organizations have provided lead in various advocacies for the passage of legislations, undertaken continuing campaigns to increase awareness regarding the rights of children and the relevant national laws as well as to resource generations activities, implemented various preventive, rehabilitative and reintegration services as well as adopted innovative approaches for child protection.

- Children as actors

The legitimate participation of children and young people in decisions that affect them are significant. Children undertake countless advocacy activities which, on the the whole served to promote their rights. Regular consultations among children are conducted to draw out their opinions and recommendations on how the State is complying with the provisions of the CRC.

Consultations, annual assessments and planning sessions related to children's issues undertaken.

The context of these assessments is more local rather than national. It is true that significant gains have been achieved in terms of promoting direct and meaningful children's participation; however, these are limited in scope.

Opportunities for children to participate are confined to areas where big NGOs operate where networks of NGOs are active. Certain mechanisms are in place that could provide the same impetus and opportunities like the Local Councils for the Protection of Children. Unfortunately, the functionality of such bodies have yet to be enhanced in many areas.

- Policies and programmes

There are four (4) national plans or frameworks that guide the various programs and projects for the children. These are Philippine National Strategic Framework for People's Development for Children that covers a long-term vision for the Filipino children that describes the kind of society we want them to have, The Comprehensive Program of Children Involved in Armed Conflict which aims to promote the concept of children as zones of peace, the Framework of Actions Against the Commercial Sexual Exploitation of Children which sets out broad program objectives and strategic actions that will serve as guide to the various stakeholders in promoting child rights and preventing and/or controlling the growth of commercial sexual exploitation of children and the Competitive Program on the Child Protection which aims to build a protective and caring environment for Filipino children.

The programs, projects and activities (PPAs) as identified by the members of the CRN NHRAP Thematic cluster will fill-in the gaps the plan of activities not covered by the national government prior to the development of the 2<sup>nd</sup> National Human Rights Action Plan.

- Data collection, analysis and research

The information and data collected to improve knowledge of the situation and the responses to gaps. Researches mostly focused on various types of child labor, their involvement in the sex and drug trade, the conditions of children in conflict with the law as well as sexually abused children and children-victims of trafficking.

The development of the Macro Monitoring System – the Subabay Bata Monitoring System - is to generate information on the status of the implementation of the Convention on the Rights of the Child. The report discusses the monitoring frameworks and design principles and translations of the CRC rights in to the monitoring indicators

There are various researches the need to be popularized and widely disseminated. It is necessary to develop and implement an efficient monitoring system that would track policies, programs and results. The results of the monitoring would provide the necessary data/information for the adoption of more responsive policies and programs.

- Awareness, advocacy and training

The issuance of various legislations regarding children in need of special protection, series of advocacy activities should be conducted from the national to the local levels for the promotion of an enabling environment for the protection of children and young people, and to increase the capacity of the government and communities to respond.

Table 2: Performance Targets

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
Bills drafted and filed at both the Senate and the HOR	<ul style="list-style-type: none"> <li>Reviewed different bills on the protection of children, prepared agency position papers and designed advocacy campaign</li> <li>Organized lobby groups and advocacy campaign full swing; formulation of local and national legislations 2</li> <li>Participation in Committee hearings and discussion groups created at agency levels</li> <li>Commitment of legislators obtained, local legislations</li> </ul>	<ol style="list-style-type: none"> <li>Review/formulation and development of/feedback to bills affecting children</li> <li>Clearly articulated agency position bills affecting children and better campaigns to respective Congressmen/Senators</li> <li>Participation in committee hearings and TWGs/Legislative Consultative Meetings at National and Local levels</li> <li>Advocacy and campaign plan for the passage of laws protecting children from abuse, exploitation and violence:                             <ol style="list-style-type: none"> <li>Briefings with Senators and Congressmen</li> <li>Letter brigade</li> <li>Press Releases</li> <li>Development of documentaries</li> <li>Text Brigade</li> </ol> </li> <li>Provision of appropriate programs and services to affected children</li> <li>Learning sessions and discussions among agency staff on legislative</li> </ol>	National	Congress	Children	2014	<ol style="list-style-type: none"> <li>Revised draft bills formulated</li> <li>Position papers delivered</li> <li>Commitments from Congress/Senate obtained</li> <li>Support groups created</li> <li>Program enhanced or developed for children</li> <li>Local legislations on the protection of children drafted or</li> </ol>

Performance Targets		Programs/Activities and Projects		Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual				Duty Bearers	Claim-holders		
	<ul style="list-style-type: none"> <li>enacted.</li> <li>Enactment of laws at national level and programs for children based on these laws developed</li> </ul>	<p>measures affecting children and the priority legislative agenda</p> <p>7. Development of pro-forma local legislation or ordinance prohibiting the corporal punishment of children in all settings, including the home as well as ordinances on anti-child pornography</p> <p>8. Organize lobby groups/networks on the protection of children's right</p>						<p>passed even without national legislation yet</p> <p>7. Organized committed lobby groups for advocacy campaign</p> <p>8. Discussion groups among agency personnel established as regular activity of agencies</p>
Establish baseline for government spending allocated for children	<ul style="list-style-type: none"> <li>Agency disclosed information on programs and targets for children</li> <li>Networked with lobby groups and campaign plan drafted</li> <li>Functional monitoring system established</li> </ul>	<p>1. Comprehensive list of agency programs and services with corresponding budget (estimates)</p> <p>2. Develop a monitoring tool, similar to BP 600 of NCRFW, that would reflect programs and services for children</p> <p>3. Conduct of Benefit Incidence Analysis</p>		National	DBM	National Agencies	2014	<p>1. List of Programs, targets, projects for children</p> <p>2. Monitoring of government expenditure on social services especially on children's concerns</p> <p>3. Legislative/administrative issuance as basis for policy decisions and appropriations</p>
Conduct of capacity	<ul style="list-style-type: none"> <li>Conduct of orientations and</li> </ul>	<p>1. Conduct advocacy/ orientation on children's rights among children at</p>		National	JJWC	CICL	2014	<p>1. 100% LGUs implementing JJWA</p>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
<p>building trainings for all stake holders</p> <p>Social acceptance of the provision of JJWA established</p>	<p>advocacy and development of IEC materials</p> <ul style="list-style-type: none"> <li>Review/assessment of local intervention programs especially on JJWA</li> <li>Establishment of more functional BCPC/LCPC and increase in number of women/children's desk</li> <li>BCPC Plan of Action formulated by LGUs and reviewed by NYC and DILG ensuring participation of children/youth in plan formulation and monitoring</li> <li>Increased fund allocation for children at the LGU level as indicated in their work and financial plan</li> </ul>	<p>risks, community and stakeholders.</p> <ol style="list-style-type: none"> <li>Strengthening of the JJWC together with the Juvenile Justice Network and Juvenile Justice Advocacy Group in responding to CICL issues and concerns</li> <li>Advocacy campaign to engage commitments of LGUs (e.g. construction of Bahay Pag-Asa, increase number of functional LCPCs/BCPCs)</li> </ol>					<ol style="list-style-type: none"> <li>Local intervention programs developed and implemented</li> <li>Increase in the number of functional LCPCs /BCPCs</li> <li>Guidelines in monitoring LCPC functionality crafted and adopted</li> <li>General awareness of children's rights and advocates of child rights</li> </ol> <p>Bahay Pag-Asa for CICL constructed</p>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
Gaps of the Juvenile Justice Welfare Act (JJWA) Identified	<ul style="list-style-type: none"> <li>Establish inter-agency committee including CSOs in reviewing the implementation of NJIP and JJWA, Identify gaps and propose strategies in addressing them; Identification of indicators on the implementation of JJWA based on its goals and mandate</li> <li>Draft revision of NJIP based on gaps and issues identified; development of monitoring system of JJWA</li> <li>Adoption of Revised National Juvenile Intervention Program (NJIP) and pilot-testing of JJWA</li> </ul>	<ol style="list-style-type: none"> <li>Assessment and updating of NJIP</li> <li>Development of indicators (national and LGU level)</li> <li>Establishment/Development of monitoring system-national and local on the implementation of RA 9344</li> <li>Review/assessment of facilities and programs for CICLs</li> <li>Enhance programs for CICL including recovery and social reintegration</li> <li>Provision of services to children who were once used by crime syndicates/armed groups</li> </ol>	National	JJWC, other concerned agencies	CICL	2104	<ol style="list-style-type: none"> <li>Revised National Juvenile Intervention Program implemented</li> <li>Strategic indicators on the implementation of JJWA developed</li> <li>Functional monitoring system on JJWA implementation established</li> </ol>

Performance Targets		Programs Activities and Projects		Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual				Duty Bearers	Claim-holders		
<p>Guidelines enumerating the rules of procedure on issuance of permit to rally passed</p>	<p>implementation</p> <ul style="list-style-type: none"> <li>Established functional monitoring system</li> </ul>	<p>Youth during Rallies and assemblies</p> <ol style="list-style-type: none"> <li>Consultations between PNP, PHRC, LGUs and others concerned to draft guidelines in issuing permit to rally</li> <li>Massive information campaign at the LGU level and PNP for a deeper understanding on the right to association and peaceful assembly of youth</li> <li>NGOs/NGO Coalition to monitor CRC implementation</li> </ol>	<p>National</p>	<p>DILG</p>	<p>Youth</p>	<p>2014</p>	<p>Youth during Rallies and assemblies</p> <ol style="list-style-type: none"> <li>Draft process of issuing permit to rally to youth/youth organizations</li> <li>Disseminated sample forms of permits to be issued with corresponding guidelines to LGUs and ensure social acceptance of LGUs and law enforcement agencies</li> <li>Assurance of non-violation of rights during conduct of rallies</li> </ol>	
<ul style="list-style-type: none"> <li>Gaps and issues discussed in DILG-Regional Inter-</li> </ul>	<p>Set-up consultation groups in preparing guidelines</p> <ul style="list-style-type: none"> <li>Standardized processing and justification/s for permit to rally formulated</li> <li>Adoption of guidelines in LGUs and law enforcement agencies</li> <li>Obtaining CSO support in advocacy legwork and in monitoring implementation of guidelines</li> </ul>	<p>Strengthening Youth Role in Nation Building</p> <ol style="list-style-type: none"> <li>Draft amendments to R.A. 8044,</li> </ol>	<p>National</p>	<p>NYC, DILG</p>	<p>Youth, SK</p>	<p>2014</p>		

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
<p>Policy recommendations pertaining to amendments to the concerned Republic Acts developed through conduct of for a and other policy review sessions involving various stakeholders including children and youth</p>	<ul style="list-style-type: none"> <li>Agency Committee on Children</li> <li>Draft amendments prepared and submitted to both legislative bodies</li> <li>Advocacy and campaign plans implemented</li> <li>Commitment of LGUs obtained through SB resolutions and empowerment of BCPC and LCPCs</li> </ul>	<p>Youth in Nation Building Act of 1995 and the R.A. 7160, Local Government Code to strengthen SK capacity building</p> <ol style="list-style-type: none"> <li>Review of present programs implemented for OSYs Obtain LGU commitment in strengthening and tapping PYAP for youth-oriented programs through enlistment of OSY programs in CDP and enactment of SB/LCPC resolution</li> <li>Networking with other youth-groups and NGOs working with OSYs</li> <li>Promotion and strengthening of special projects for OSYs (e.g. Unlad Kabataan Program (UKP), SEA-K, Skills to the Max)</li> </ol>				<p><u>Strengthening Youth Role in Nation Building</u></p> <ol style="list-style-type: none"> <li>Report of Regional consultations in the proposed amendments to RA 8044</li> <li>Draft amendments submitted to the Senate and House of Representatives</li> <li>Commitments of Senate and House committee obtained</li> <li>Adoption of amendments in the local level even without national enactment through local legislations</li> <li>Assessment Report of current programs for OSYs</li> <li>Enhanced programs developed</li> <li>PYAP participation in youth-oriented projects ensured</li> </ol>	

Performance Targets		Programs Activities and Projects			Coverage		Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual				Duty Bearers	Claim-holders				
Information on basic rights are accessible to the youth	<ul style="list-style-type: none"> <li>Information campaign/ conduct of advocacy campaign</li> <li>Access of youth to their basic rights concerning their identity and sexuality</li> </ul>	<ol style="list-style-type: none"> <li>Establishment of City/Municipal/ Barangay Libraries as repository of information</li> <li>Advocacy campaign and information drive regarding youth's human rights</li> </ol>	National and Local	DILG	SK, PYAP and other youth organizations, NGOs	2014	<ol style="list-style-type: none"> <li>Number of established libraries</li> <li>Number of advocacy campaign conducted</li> </ol>			
Increase number of birth registration and access to all forms of alternative parental care	<ul style="list-style-type: none"> <li>Advocacy campaign of birth registration among IP communities and migrant workers</li> <li>Conduct of studies on how to minimized cost of registration and access to other forms of alternative parental care</li> </ul>	<ol style="list-style-type: none"> <li>Provide information about the importance of birth registration to indigenous groups and ensure access to birth registration programmes</li> <li>Ensure that all unregistered children without official documentation are allowed to access basic services, such as health and education upon their return to the Philippines, while waiting to be properly registered</li> </ol>	National and Local	NSO, Local civil registrar	Children of IPs and migrant workers	2014	<ol style="list-style-type: none"> <li>Revival and/or strengthening of Barangay Civil Registry System especially in IP areas</li> <li>IEC materials developed for advocacy and campaign to IP groups</li> <li>Mechanism for registration of children of undocumented</li> </ol>			
Increase number of	<ul style="list-style-type: none"> <li>Increase number of</li> </ul>									

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
child friendly police stations and communities including Increase number of IP and street children protected and able to access basic services	child friendly police stations and local government units through recognition awards	<ul style="list-style-type: none"> <li>Increase number of LGUs replicating Conditional Cash Transfer (CCT) scheme for street children</li> <li>Regulatory framework to include social responsibility and environmental protection making international and national companies aware of and participants in the respect and fulfillment of children's right established</li> </ul>	Local	LGUs	Street children	2014	migrant workers and of IPs established free of charge 4. Mechanism for late registration free of charge
		<ol style="list-style-type: none"> <li>Conduct of meeting with LCEs of streetchildren replicating CCT approach for streetchildren</li> <li>Conduct of meeting with Sangguniang pambayan/Lungsod to repeal rounding up street children</li> <li>Engage potential street educators to provide education to street children</li> <li>Tap the Sanggunian ng Kabataan to come up programs for streetchildren</li> </ol>					<ol style="list-style-type: none"> <li>Number of LGUs replicating CCT approach in their street children programs</li> <li>Number of local ordinance repealing rounding-up street children</li> <li>Number of street children gained basic education through street educators</li> <li>Number of programs initiated by SK for street children</li> </ol>
Reduced	Amendment of	Children used by crime syndicates and	National	JJWC,	Children	2014	Children used by crime

Performance Targets	Programs Activities and Projects	Coverage	Responsible Stakeholders	Target Dates	Expected Outputs		
<p>Medium</p> <p>number of children used by crime syndicates and armed groups</p>	<p>Annual</p> <p>some provision of Juvenile Justice Welfare Act (RA 9344) and Child Abuse Law (RA 7610) to include protection of children from crime syndicates and armed groups</p>	<p>armed groups</p> <ol style="list-style-type: none"> <li>1. Information campaign to gather support for the passage/enactment of a law against crime and/or armed groups using children</li> <li>2. Strengthening of mechanism/s in the community in monitoring rescued children involved in armed conflict</li> <li>3. Provision of appropriate services to rescued children</li> </ol>	<p>National</p>	<p>Duty Bearers</p> <p>PNP, DND, DSWD, CWC, OPAPP, IAC, CIAC line agencies</p>	<p>Claim-holders</p> <p>at risk</p> <p>Children at risk</p> <p>Child laborers</p>	<p>2014</p>	<p>syndicates and armed groups</p> <ol style="list-style-type: none"> <li>1. LS and other modes of education disseminated to communities</li> <li>2. Revised curriculum including rights-based education</li> </ol> <p>Child Labor Result of survey published</p> <p>Increase number of</p>
<p>• Conduct of</p>	<p>1. <u>Child Labor</u></p> <p>1. Conduct of National Survey on Working Children</p> <p>2. Masterlisting/profiling of child laborers</p> <p>3. Documentation of good practices</p> <p>4. Conduct of research and studies on child labor</p> <p>Regular meeting of National Child Labor Committee and other regional and sub-regional structures</p>	<p>National</p>	<p>NSO</p>	<p>Child laborers</p>	<p>2014</p>	<p>Increase number of</p>	

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
<p>advocacy campaign and increase number of prosecution to uphold protection of children against child labor, including the parents and the communities</p> <ul style="list-style-type: none"> <li>Increase number of programs and services for out-of-school children to protect them from being recruited by crime syndicates and armed groups</li> </ul>	<p>1. Development of manual on the conduct of inspection, rescue and enforcement proceedings in child labor cases materials against child labor</p> <p>2. Conduct of advocacy activities at all levels (e.g. Celebration of World Day Against Child Labor and other commemorative activities)</p> <p>3. Conduct of trainings, seminars, for a to stakeholders including law enforcement officials, prosecutors, &amp; judges; teachers, social workers, health care providers; local government officials</p> <p>4. Obtain commitment of LGUs through SB resolution and integration of local interventions on child laborers developed and implemented in local plans</p> <p>5. Reviewed of CDPs of LGUs and propose inclusion of child labor concerns through LCPC/BCPC</p> <p>6. Delivery of comprehensive public</p>		DOLE		<p>prosecution including parents</p> <p>Increase number of closed establishment</p> <p>Increase number of enrollees to ALS and other modes of education disseminated to communities</p> <p>Revised curriculum including rights-based education</p>		

Performance Targets		Programs Activities and Projects	Coverage	Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		<p>services and improved governance particularly in education, health and employment, skills training</p> <p>7. Conduct of regular, complaint or inspection of establishments and conduct of surveillance and rescue operations thru Sagip Batang Manggagawa Quick Action Teams</p> <p>6. Strengthen reporting and monitoring mechanism like PNP's patrol 117, PNP Text 2920, TIPSTER, Women and Children's Desk, and thru BCPCs</p> <p>7. Develop mechanism for early detection of perpetrators of child labor criminal offenses; conduct training (e.g. Banning of the use of aerial spray in Banana plantations)</p> <p>8. Child laborers in abject conditions rescued; erring employers charged in court, establishments closed; Prosecution of employers, establishments and parents guilty of child labor</p>					

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		9. Provide Alternative Learning System (ALS) services and other means to decrease cases of child labor					
Reduced/ Decrease number of cases of child abuse in the community	<ul style="list-style-type: none"> <li>Advocacy campaign / information drive to increase awareness of child protection in the community</li> <li>Conduct of studies, development of database and pilot projects to address various issues of child protection</li> <li>Review of the implementation of various laws for children</li> <li>Increase number of prosecutions and fast disposition of child abuse cases</li> </ul>	<p><u>CICL and their communities</u></p> <ol style="list-style-type: none"> <li>Organization of support groups for parents</li> <li>Conduct of PES/ Empowerment and Reaffirmation of Paternal Abilities (ERPAT) sessions with the integration of positive discipline and CWD-orientation to parents</li> <li>Conduct of family therapy session to vulnerable families and/or families at risk</li> </ol> <p><u>LGUs and children with disabilities</u></p> <ol style="list-style-type: none"> <li>Conduct of advocacy activities (Orientation on various laws for children including RA 7277, 9442 and BP 344</li> <li>Organization of support groups for parents</li> <li>Conduct of Pre-natal check up for pregnant women and early</li> </ol>	National and local	LGUs	CICL	2014	<p><u>CICL and their communities</u></p> <p>Advocacy campaign plan and IEC materials developed and implemented</p> <p><u>LGUs and children with disabilities</u></p> <ol style="list-style-type: none"> <li>Ensure the full enjoyment by children with disabilities of all human rights and fundamental freedom on an equal basis with other children</li> <li>More informed</li> </ol>

Medium	Annual	Programs Activities and Projects	Coverage	Responsible Stakeholders	Claim-holders	Target Dates	Expected Outputs
		<p>detection and rehabilitation services for babies</p> <ol style="list-style-type: none"> <li>4. Conduct of family therapy session to vulnerable families and/or families at risk</li> <li>5. Advocacy for LGUs in adopting programs for early detection and intervention for children with disabilities</li> </ol> <p><u>Children left behind by migrant workers</u> Develop programs in support for remaining parents or other legal guardians of children left behind, particularly the fathers, to increase their capacity in child-rearing and to provide counseling for both parents</p>	Pilot areas	DSW D	Children of migrant workers	2014	<p>and empowered parents through support groups organized at local level</p> <ol style="list-style-type: none"> <li>3. Increased awareness of the early detection of disabilities on the less 0 months of the child;</li> <li>4. Increased awareness of the advantages of pre-natal check up for pregnant women</li> <li>5. Adoption of LGUs programs for early detection and intervention for children with disabilities (eg TAWAG, EDPID)</li> </ol> <p><u>Children left behind by migrant workers</u> 1. Number of families empowered through</p>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		and children left behind.  <u>Children of detainees</u> Develop programs in support for remaining parents or other legal guardians of children of detainees, to increase their capacity in child-rearing and to provide counseling for both parents and children of parent-detainees.	Pilot areas	DSWD, BJMP, Provincial jails	Children of detainees	2014	programs and services on parental care 2. Programs in support of families of migrant workers implemented  <u>Children of detainees</u>  1. Number of families empowered through programs and services on parental care 2. Programs in support of families of detainees implemented
		<u>Indigenous children</u>  Greater information dissemination about the risks of early marriage of children to indigenous peoples and Muslim parents	IP areas	OMA, NCIP, DOH and other line agencies	IP children	2014	<u>Indigenous children</u>  Advocacy campaign plan and IEC materials developed and implemented
		<u>Child abuse cases due to corporal punishments</u> 1. Strict and consistent enforcement of policy/laws that corporal	National		Children and their community	2014	<u>Child abuse cases due to corporal punishments</u> 1. Compendium of all

Medium	Annual	Programs Activities and Projects	Coverage	Stakeholders	Target Dates	Expected Outputs
		<p>punishment is prohibited in dealing with children.</p> <p>2. Intensive advocacy campaigns in local communities for the strict implementation of existing legislation and programs for children.</p> <p>3. Improved coverage and quality of social services and minimize disparities in service delivery.</p> <p><u>Child protection ensured</u></p> <p>1. Conduct of training for PNP in child friendly procedure in investigation and interrogation.</p> <p>2. Conduct of comprehensive study of domestic violence, including abuse, neglect and maltreatment in partnership with NGOs and LGUs.</p> <p>3. Establishment of referral - network</p>	National and local	<p>Duty Bearers</p> <p>CWC, CSOs</p> <p>-ties</p> <p>Childre n and the commu -nities</p>	2014	<p>existing laws to be distributed to all sectors/duty bearers</p> <p>2. Capacity building programs for service providers at the different level focused on total child development and appropriate child development practices.</p> <p>3. Alternative methods of training and education delivery in place to ensure high level of awareness</p> <p><u>Child protection ensured</u></p> <p>1. Number of law enforcers trained and adopted child-friendly procedure in investigation</p> <p>2. Number of comprehensive studies published</p>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		for provision of legal assistance to children victim of abuse and also counseling and multi-disciplinary assistance with recovery and reintegration *					3. Number of children accessed provision of legal assistance and counseling & multidisciplinary assistance with recovery and reintegration
		<u>Children vulnerable to prostitution and exploitation due to poverty</u> 1. Conduct of comprehensive study of cause and nature of commercial sexual exploitation and child pornography conducted	National and local	All line agencies	Children and the communities	2014	4. Number of family provided with support services
		2. Conduct of IAC-TWG meetings conducted to review domestic laws on the protection of children against sexual exploitation					<u>Children vulnerable to prostitution and exploitation due to poverty</u> 1. Number of comprehensive study of cause and nature of commercial sexual exploitation and child pornography conducted
		3. Conduct of information campaign during the barangay assembly to educate parents and community					2. Number of TWG meetings conducted to review domestic laws on

Medium	Annual	Programs Activities and Projects	Coverage	Stakeholders	Target Dates	Expected Outputs
		<p>leaders in promoting welfare and safeguarding their children</p> <p>4. Tap referral-networks for programmes of assistance, recovery and reintegration for sexually exploited children tapped</p> <p><u>Children and Trafficking</u></p> <p>1. Strict and consistent enforcement of laws/policy in the prevention of abduction, exploitation and child trafficking</p> <p>2. Intensive advocacy campaigns in local communities for the strict implementation of existing legislation and programs for children including children with disabilities</p> <p>3. A systematic method of assessment, evaluation and monitoring of performance</p>	National and Local	All line agencies	Children and communities	<p>2014</p> <p>the protection of children against sexual exploitation</p> <p>3. Number of parents and community leaders promoting welfare and safeguarding their children</p> <p>4. Number of programmes of assistance, recovery and reintegration for sexually exploited children tapped</p> <p><u>Children and Trafficking</u></p> <p>1. Number of database installed and operationalized</p> <p>2. Number of information/advocacy campaign conducted</p> <p>3. Number of mandatory training for law enforcers, prosecutors and judges in the anti-</p>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		<p>4. A consistent and regular monitoring on the implementation of child rights</p> <p>5. Establish and maintain synchronized or customized database system and data banking in monitoring minors traveling abroad for all government agencies</p> <p>6. Strengthen PCTC in implementing concerted programmes for all law enforcement agencies, intelligence agencies and other relevant bodies for the prevention and control of trafficking of children</p> <p>7. Strengthen campaign against trafficking of children through intensive community-based education sessions on trafficking</p> <p>8. Conduct of consultation with appropriate government agencies to promote cooperation on trafficking cases</p> <p>9. Conduct of vigorous campaign for the implementation of Anti-</p>				<p>trafficking law conducted</p> <p>4. Number of TWG meeting with Dept of Tourism in prevention of sex tourism conducted with resolution</p> <p>5. Performance accountability and monitoring system developed</p> <p>6. Systematic multi-sectoral advocacy measures established and promoted</p> <p>7. Organized, activated and strengthened child protection organizations in the barangay/ community level</p>	

Medium	Annual	Programs, Activities and Projects	Coverage	Responsible Stakeholders	Claim-holders	Target Dates	Expected Outputs
		<p>Trafficking Law</p> <p>10. Multi-sectoral review and reform of existing child protection laws determining gaps based on international standards and the UNCRC</p> <p><u>Children in emergency cases</u></p> <ol style="list-style-type: none"> <li>1. Set standards for safe and secure physical spaces for children including children with disabilities in evacuation centers or in communities during and after conflicts</li> <li>2. Develop emergency preparedness plans that incorporate measures for child protection against physical injuries, abuse and exploitation, and involving children in developing these plans</li> <li>3. Implement child protection policies and protocols in evacuation centers</li> </ol>	National	NDCC	Children at risk	2014	<ol style="list-style-type: none"> <li>8. Upgraded technical competencies of duty bearers</li> <li>9. Aggressively advocated for increase budgetary support</li> <li>10. Expanded and strengthened collaborative partnership among and between duty bearers</li> </ol> <p><u>Children in emergency cases</u></p> <ol style="list-style-type: none"> <li>1. Child-friendly evacuation centers ensured</li> <li>2. Incorporation of measures for child protection in emergency plans</li> </ol>

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
		<ol style="list-style-type: none"> <li>4. Institute early warning signs for children including children with disabilities</li> <li>5. Conduct children's orientation on emergency preparedness to include children with disabilities</li> <li>6. Develop and implement disaster risk reduction programs in schools and communities that include psychosocial interventions for children;</li> <li>7. Training on "Child Protection in Emergencies" for duty bearers in communities where armed conflict or natural disasters occurs</li> </ol>				<ol style="list-style-type: none"> <li>3. Educated children on early warning signs and emergency preparedness</li> <li>4. Disaster risk reduction programs implemented in schools and communities including programs protecting against any form of abuses; and access to basic needs</li> </ol>	
Increase number of Social Welfare Agencies (SWA) and Social Welfare Development	<ul style="list-style-type: none"> <li>• Establishment of information and compliance monitoring system of all SWAs/SWDAs implementing social programs and services</li> </ul>	<ol style="list-style-type: none"> <li>1) Formulation of clear standards for quality implementation for social protection and services</li> <li>2) Monitor compliance of SWDAs to meet standards in partnership with Area Based Standard Network (ABSNET)</li> </ol>	National	DSWD	All institutions and service providers providing services for children	2014	<ol style="list-style-type: none"> <li>1) Enhance implementation of programs and services to children</li> <li>2) SWDAs compliance to standards</li> <li>3) Accredited programs</li> </ol>

Medium	Annual	Programs Activities and Projects	Coverage	Agencies (SWDAs) accredited by DSWD	All social workers handling court cases are accredited All target ECCD centers must be accredited All SWDAs/ SWAs providing social services to children, women and youth are accredited	Provision of technical assistance to SWDAs implementing social programs and services Conduct accreditation assessment of programs and services of SWDAs implementing social programs and services Ensuring that social workers handling cases of children, youth and women are technically and professionally competent Ensuring the accreditation of ECCD Centers Accelerating registration, licensing and accreditation of SWDAs	Stakeholders	Redefinition of CWC role	IEC materials and Advocacy campaign plan designed and implemented; Lobby groups organized Position papers of	National	Duty Bearers		Claim-holders	Target Dates		Expected Outputs
														2014		and services of SWDAs 4) ECCD centers accredited 5) number of registered, licensed and accredited residential and community-based program and services implemented by SWDAs, LGUs and DSWD
																1. Passage of law on redefinition of CWC 2. Increased budget allocation for CWC

Performance Targets		Programs Activities and Projects	Coverage	Responsible Stakeholders		Target Dates	Expected Outputs
Medium	Annual			Duty Bearers	Claim-holders		
	agencies submitted • Commitment of the President ensured • Strengthened CWC through enactment of Magna Carta for Children	allocation for CWC 3. Passage of Magna Carta for Children (National Code for Children).					3. Magna Carta for children enacted and implemented

### Section 5: Linkages with other development initiatives and plans

All the thematic objectives and activities are anchored on the Millennium Development Goals (MDGs), Medium Term Philippine Development Plan (MTPDP), National Plan of Action for Children (NPAC), Comprehensive Program for Child Protection and Child 21

For the cross cutting issues identified in some thematic objectives, they are anchored on the Philippine Plan for Gender-Response Development (1995-2025), BIWAKO Comprehensive Development Plan.

### Section 6: Human Rights Capacity Building Plan

In assessing the human rights capacity building plan, only the members of Council for the Welfare of children are capacitated with the provisions of the Convention on the Rights of the Child (CRC). The counterparts of the CWC in the DSWD children sectoral monitors are those that are well-versed in the provisions in the CRC due to fast turn-over of personnel especially in the DSWD regional offices.

#### Human Rights Education and Training Plan

On the first quarter annually, the provisions of the CRC will be reviewed as the thematic cluster members are preparing their Work and Financial Plan.

The CY 2010 will be focused in re-orientation, capacity building and technical assistance of all children sectoral monitors both from the national and regional level of the DSWD CWC. The members of the thematic cluster will have workshop activity of the thematic objectives targets vis-à-vis accomplishments every last quarter of the year.

**Table 3: Human Rights Capacity Building Plan**

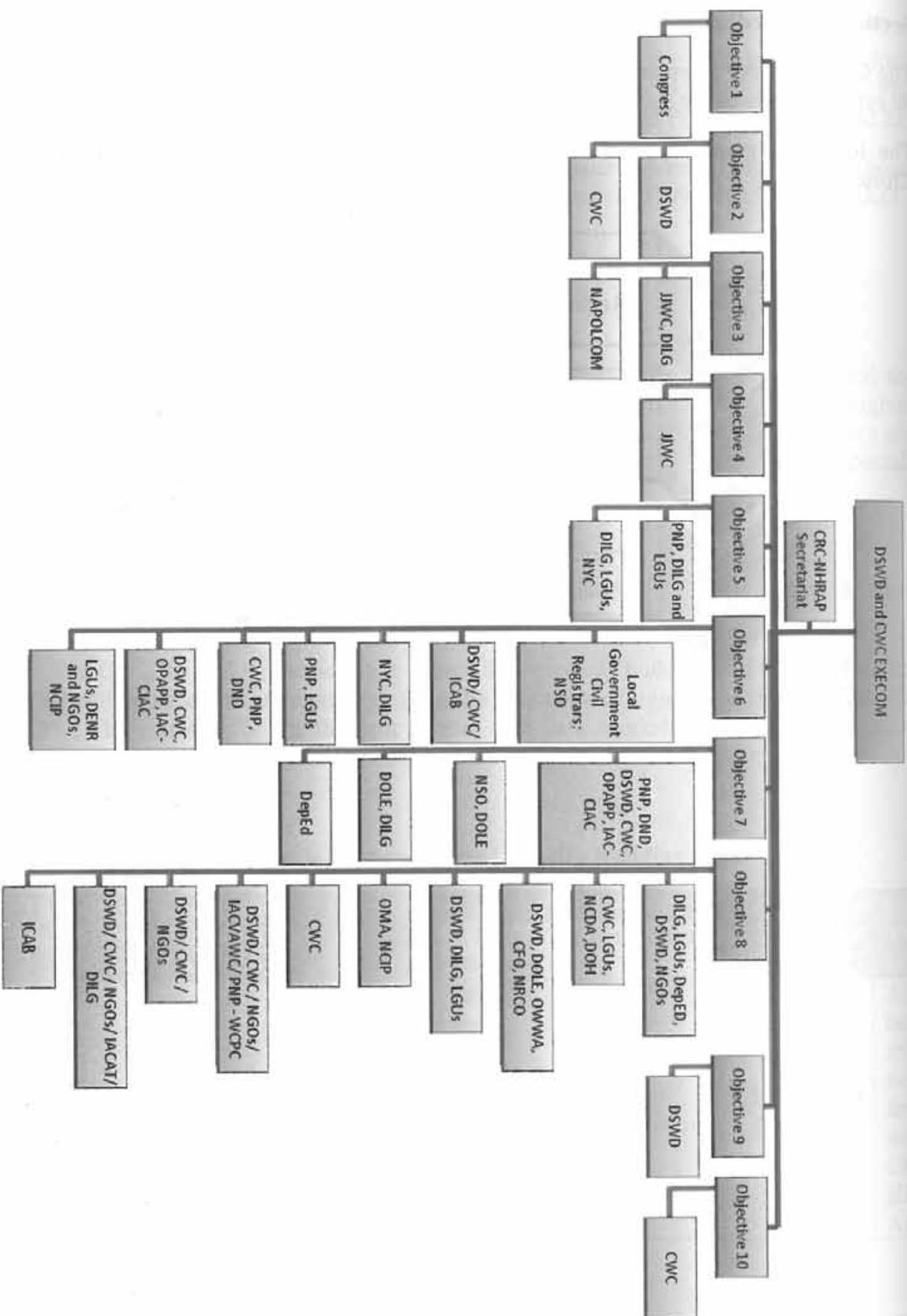
Thematic objective/s	Education and Training Activities	Coverage	Target participants		Responsible Parties	Expected Outcomes
			Duty Bearers	Claimholders		
All	Familiarization of CRC and HR Agenda	National and Regional	DSWD and CWC	Youth Organizations	CHRP, Lead Agencies	All bearers and holders familiar with CRC HR Agenda
		National	CRC Thematic Cluster Members			

### Section 7: Coordination and Management Plan

The CRC-NHRAP Thematic Cluster Members will meet quarterly; the reference period will be every 15<sup>th</sup> day of the succeeding month after the reference quarter.

The following graph shows the flow of reporting system of the CRC-NHRAP Thematic Cluster





### Section 8: Resource Mobilization Plan

The Resource Mobilization Plan of the CRC-NHRAP will be formulated on the 1<sup>st</sup> Quarter of every year and every start of the budget call (month of May) of the fiscal year.

The resources required for the implementation of the thematic plan roughly amounts to P5 Million to 7 million per year.

In order to track resources delivery and to make reporting of PPAs easier for line agencies, the system to monitor utilization of the resources will be patterned to the BP 600 of the GAD Budget monitored by the Philippine Commission for Women (PCW) or the Agency Performance Matrix of the Department of Budget and Management (DBM).

**Table 5: Resource Mobilization Plan**

Program/ Activity/Project	Resource Mobilization Plan			Total Budget
	Regular Government Budget	Development Partners	Other Sources	
Preliminary consultations and cluster meetings	10,000.00	0.00	0.00	10,000.00
Conduct of national and local consultations with duty-bearers and claimholders	20,000.00	0.00	0.00	20,000.00
Conduct of Trainors' Training on RBA and CRC for both duty-bearers and claim-holders	350,000.00	100,000.00	150,000.00	500,000.00
Conduct of studies in support of proposed legislations	200,000.00	200,000.00	50,000.00	450,000.00
Conduct of targeted programs, projects and activities	11,350,000.00	500,000.00	250,000.00	12,100,000.00
Conduct of treaty monitoring and report preparation	50,000.00	800,000.00	250,000.00	900,000.00

Program/ Activity/Project	Resource Mobilization Plan			Total Bu
	Regular Government Budget	Development Partners	Other Sources	
Conduct of information dissemination programs	100,000.00	200,000.00	0.00	300,000.00
Conduct of workshops, symposia, public hearings, etc.	50,000.00	500,000.00	100,000.00	650,000.00
Conduct of national and local trainings/ HR Technical Assistance and support to various programs, projects implementing mechanism	150,000.00	300,000.00	0.00	450,000.00
Conduct of monitoring and evaluation of PPAs	20,000.00	1,500,000.00	0.00	1,520,000.00
Conduct of mid and post review of NHRAP-CRC Chapter	20,000.00	1,500,000.00	0.00	1,520,000.00
<b>TOTAL PROPOSED BUDGET</b>				<b>P 15,380,000.00</b>

### Section 9: Monitoring and Evaluation Plan

All members of the CRC-Thematic Clusters will submit annual plans and semestral accomplishment reports to the CRC-NHRAP Secretariat every 10<sup>th</sup> day of the succeeding month after the reference semester.

The CRC-NHRAP Secretariat will monitor progress of the implementation of the thematic plans based on the consolidated reports from the accomplishment reports of the cluster members. The said plan will be submitted to the Undersecretary of Department of Social Welfare and Development (DSWD) for policy and programs cluster and to the Executive Director of the Council for the Welfare of Children (CWC) for their policy decisions regarding the plan.

The CRC-NHRAP Secretariat will present the consolidated report to the cluster members every quarter meetings for verification in each strategic indicators and PPAs specific output.

**Table 6: Monitoring and Evaluation Calendar**

M&E Activity	2009	2010	2011	2012	2013	2014
Baseline Study						
Periodic Monitoring						
Evaluations						
Annual Plan/ Project Review						
Surveys/ Studies						
Documentation and Study of Best Practices						
Performance Scoreboards						
External Uses of Information						
M&E Capacity Building						

## Existing Programs and Services for Children addressing Human Rights

### A. Policies and Programs for Children within the Context of a Social Protection Framework

#### 1. Social Welfare

The social welfare component of social protection consists of **preventive and developmental interventions** that seek to support the minimum basic requirements of the poorest, particularly the poorest of the poor, and reduce risks associated with unemployment, resettlement, marginalization, illness, disability, old age and loss of family care. Social welfare and assistance programs usually comprise direct assistance in the form of **cash or in-kind transfers** to the poorest and marginalized groups, as well as social services including **family and community support, alternative care and referral services**.

##### a. Pantawid Pamilyang Pilipino Program (4Ps)

A notable example of such innovative programs is the DSWD's Pantawid Pamilyang Pilipino Program (4Ps) conditional cash transfer (CCT). The 4Ps is a social assistance and social development program that aims to break the intergenerational cycle of poverty by providing families with means to develop their human capital. This program includes conditionalities that beneficiaries have to comply with. Otherwise, they will be terminated from the program. The conditionalities are as follows:

- Pregnant women must get pre- and post-natal care, and be attended by a skilled/trained health professional during childbirth;
- Parents or guardians must attend responsible parenthood sessions, mother's classes, and parent effectiveness seminars;
- Children 0-5 years old must receive regular preventive health check-ups and vaccines;
- Children 3-5 years old must attend day care at least 85% of the time;
- Children 6 to 14 years old must enroll in elementary or high school and attend at least 85% of the time; and
- Children 0-14 years old must avail of de-worming pills every five months.

Simply put, poor households with children 0-14 years old and/or pregnant women will be eligible for a **health transfer** currently set at PhP 500 per household per month (PhP 6,000 per year) regardless of the number of children 0-14 years old. On the other hand, the **education transfer** is set at PhP 300 per month, for a period of 10 months/year (PhP 3,000 per year) for a maximum of 3 children. Each child between 6-14 years old of beneficiary households will receive the education transfer for so long as they are enrolled in primary and secondary schools and maintain a class attendance rate of 85% every month. Each household beneficiary will receive the cash grants for at most five (5) years. Accordingly, these cash grants are meant to help the poor to invest in health, nutrition and education of children--human development needs that are usually sacrificed by poor families in their struggle to put food on the table.

As of June 2009, the 4Ps has provided cash grants to 695,746 poorest households from 17 regions, 45 provinces, 15 cities and 255 municipalities in the country. A total of 700,000 households are targeted to benefit from this program by the end of 2009. Close to one million poor children are expected to benefit from this program.

b. Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (Kalahi-CIDSS)

In order to facilitate the delivery of social services, the government's flagship poverty-alleviation project, the Kapit-Bisig Laban sa Kahirapan- Comprehensive and Integrated Delivery of Social Services (Kalahi-CIDSS), which is implemented by the DSWD through the financial support of the World Bank, has completed 4,758 sub-projects in 4,917 barangays (villages) from 183 municipalities in 43 poorest provinces as of June 2009.

Of these subprojects, those directly benefiting children include school buildings (523); day care centers (402); health stations (385); water sanitation projects (1,037); roads and infrastructure projects (1,260); and electrification projects (88).

Other subprojects with indirect benefits to children and their families include community economic enterprise training (117), small-scale irrigation (46), and environmental protection projects (448). The Kalahi-CIDSS has benefited a cumulative total of 985,893 households from 2006 to June 2009.<sup>i</sup>

c. Country Programme for Children (CPC) 6<sup>ii</sup>

CPC 6 (2004-2009) aims to reduce the disparities between the basic indicators in 24 focused areas (consisting of 19 provinces and five cities) and the national data for health, nutrition, education, ECCD and protection indicators, by at least 50 percent by the end of 2009 from 2003 levels. This also intends to contribute to improving the national data and to achieving the MDGs.

CPC 6 has six programme components, namely:

- Health and Nutrition Programme aims to reduce infant and under-five mortality rates and child and maternal under-nutrition in the focus areas.
- Education Programme seeks to increase access and participation in early childhood care and development, enrolment in primary school, and completion of primary school.
- Child Protection Programme aspires to identify children who are vulnerable to and are victims of abuse, exploitation and violence through preventive actions and early interventions.
- HIV/AIDS Programme strives to enable the most at-risk children and youth in focus areas to protect themselves from HIV and risk factors for HIV infection.
- Communication Programme seeks to increase the population's basic understanding of the Convention on the Rights of the Child and generate commitment from policy and decision-makers to create a safe and protection environment for children.

- Local Policy and Institutional Development Programme aims to increase investments, enforce child-friendly policies and accountability for improving the situation of children in local government units.

The overall program strategies built on those developed in the previous program, CPC consist of: (a) a human rights-based approach to policy and program development; (b) capacity building with priority given to institutions, systems and duty bearers in the most disadvantaged 30 per cent of *barangays* in the focus areas; (c) expanding partnerships and alliances to scale Child Friendly Movement (CFM) and reach more under-served children and mothers; (d) leveraging more resources for children; (e) providing support to targeted and convergent police and basic services; (f) developing and implementing joint programming initiatives with sister agencies; (g) strengthening program communication and young people's participation; (h) advocacy and political mobilization at all administrative levels; and, (i) scaling up CFM through child-friendly governance in a rights-based context.

- d. Interventions for the Prevention, Rehabilitation and Reintegration of Victims of Commercial Sexual Exploitation such as Child-Trafficking and Child Pornography

In regard to the prevention of child abuse and commercial sexual exploitation of children (CSEC), the National Framework of Action Against CSEC (FAACSEC) covering the period 2000-2004 is currently being updated. Related programs in the area of tourism and information technology, and advocacy campaigns have likewise been undertaken.

The Department of Tourism's (DOT) *Child Wise Tourism Project* highlights the value of *ensuring the safety of children in tourist destinations*. It provides trainings which enhance the capabilities of tourism personnel; hotel and restaurant staff; and even taxi drivers to give immediate intervention to reported cases of child sexual exploitation and abuse. On enhancing corporate social responsibility, the DOT improved its standards for licensing and accreditation of tourism establishments to include child protection measures and promotion of *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. These measures have been incorporated in the newly-developed *Philippine Ecotourism Standards*. *Amended Omnibus Guidelines for Minors Traveling Abroad* was also issued in 2006 to prevent cross-border trafficking of children.

Cognizant that child pornography is a "new dimension" of the forms of CSEC, the Philippines have conducted various researches providing evidence-based actions addressing child pornography in the Philippines. In addition to the 2005 rapid appraisal study entitled *Child Pornography in the Philippines*, CWC with the support of UNICEF, has undertaken at least two recent studies on child pornography—an investigative study on the modus operandi of perpetrators and another study on risk and protective factors that influence the victimization of children. These studies are now being used as basis of awareness raising efforts and the drafting of a communication plan on child pornography. Relatedly, both the Senate and House of Representatives are deliberating on the comprehensive bill on anti-child pornography. This bill is projected to be enacted before the 14<sup>th</sup> Congress ends.

In the aspect of information technology or I.T., the ECPAT Philippines has been conducting the *Make IT Safe Campaign*, which educates the private sector (i.e., internet café owners, internet service providers), children and young people about protecting children from violence in cyberspace, including child pornography. This has led to self-regulation of the private sector through the adoption of the I-Café Code of Conduct for I-Café Operators and Owners in the Philippines.

Government, with the support of NGOs, has also started measures to empower children by disseminating information materials that teach children to protect themselves from harm. Notable examples are the *Personal Safety Lessons (PSL)*, which have been integrated in the school curriculum of selected provinces, as well as the *Manual on Protective Behavior*. Advocacy campaigns on children's rights and issues, such as the *18-Day Campaign to End Violence Against Women (November 25-December 12)*; the *National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation (second week of February)*; *Protection and Gender-Fair Treatment of the Girl Child Week (fourth week of March)*; and *Adoption Consciousness Day (first Saturday of February)* are also carried out regularly by government agencies, LGUs, and NGOs.<sup>iii</sup>

#### e. Access to Justice for the Poor

Aside from disseminating information materials and advocacy campaigns, the capacity of poor women and children to take recourse in the law has also been strengthened through the **Access to Justice for the Poor Project**. This project, which began its operational implementation in 2004, has been undertaken with the support of the European Commission. The project covers five (5) provinces, namely Oriental Mindoro, Camarines Sur, Capiz, Lanao del Norte, and Sultan Kudarat, and encompasses 756 barangays in 36 municipalities. Its objectives include enabling the poor in the above areas to pursue justice through increasing their knowledge about their basic rights and the judicial system; creating an enabling and supportive environment within the judiciary and law enforcement institutions; and providing an overall framework to ensure the rights of poor women and children.

Among its accomplishments include the issuance of a memorandum circular by the Supreme Court on the implementation of information, education and communication (IEC) guidelines, which have been used in the sensitization trainings of the Philippine Judicial Academy, judges and court personnel; integration of gender sensitivity trainings, laws on women and children, and human rights in the curriculum of the Philippine Public Safety College of the DILG; enhancement of community development and empowerment of poor women and children through community-based trainings for women and children's rights advocates; conduct of trainings for the Lupong Tagapamayapa (dispute mediators) and DILG personnel on the Barangay Justice Law; fostering institutional development of law enforcement by training police officers and DOJ personnel on human rights issues, barangay justice system, and related implementation procedures; and providing a springboard for legal reform by organizing conferences such as the International Conference on Public Interest Lawyering for Human Rights and Social Justice, spearheaded by the Alternative Law Groups in March 2008, which would lead to the enactment and/or amendment of existing laws on women and children.<sup>iv</sup>

The Guidelines in the Establishment of the Access to Justice Networks (AJNs) likewise been crafted. The AJN is an interagency and multi-stakeholder mechanism at barangay, municipal, and provincial levels that will (1) provide information on access to justice issues, inventory of laws and procedures; (2) assist poor women and children in navigating through various law procedures (i.e., Katarungang Pambarangay law); (3) recommend policies and (4) provide for continuing education as regards pertinent laws, as well as a venue for discussion of issues for women and children.<sup>v</sup>

#### f. Services to Children in Conflict with the Law (CICL)

One of the landmark legislation for the protection of the rights of children is Republic Act 9344 or the Juvenile Justice Welfare Act (JJWA), which was signed into law in 2006 provides for a child appropriate systems and procedures in the treatment of children at risk of becoming CICL. It covers the different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration.

To ensure the effective implementation of this Act, the Juvenile Justice and Welfare Council (JJWC) was created composed of different national government agencies such as the Department of Justice (DOJ), Department of Education (DepEd), Department of Interior and Local Government (DILG), Commission on Human Rights (CHR), National Youth Commission (NYC) and the CWC with representation from two (2) non-government organizations (NGOs) and chaired by the DSWD.

Interventions for children in conflict with the law (CICL) as provided in the Comprehensive Intervention Program (CIP) for CICL are administered in three levels as follows:

Primary interventions - general and developmental measures to promote social justice and equal opportunity that address the root cause of offending; thus, developing potentials and sustaining strength of the child, family and community to prevent circumstances of child at risk. Interventions are focused on the community as a larger system including its members.

Secondary interventions - preventive and protective measures that assist child at risk of becoming offending, his/her family, and community with the aim of preventing circumstances that may lead a child to be in conflict with the law. Focus is on the problem areas in the child, family and community that need to be resolved for the circumstance of the child to return to a healthy and functioning state.

Some of the secondary interventions given to children at risk and CICL by LGUs and NGOs are the following:

- Drama in Education and Children's Theatre (DIECT) implemented by The Child Laborers' Laboratory which provides alternative education to child laborers and street children at risk of becoming CICL, uses games, drama and other art forms as alternative method of instruction; recognized as a valuable supporter of the DepEd's Accreditation and Equivalency (A&E) Program
- Pag-Asa Youth Association of the Philippines (PYAP) implemented by the LGUs organized in *barangays* with high incidence of OSYs at risk of becoming CICL; majority of services are geared towards enhancing economic capacities of youths, building

personality and life/practical skills, upgrading leadership capacities, strengthening youth participation in the community, and helping them gain access to education; assemblies are held annually discuss pressing issues related to youth such as drug abuse, early marriage, teenage pregnancy and adolescent health

- Special Drug Education Center implemented by the Pasay City and Legaspi City government which provides: a) trainings on character building, enhancing leadership capacities, peer counseling, computer literacy and livelihood i.e., food processing, b) advocacy seminars on RA 9344, Reproductive Health and positive lifestyles, c) drug awareness campaigns, symposia, and youth summits; d) involving youth volunteers in feeding programs, sports fests, live band competitions, and other community-based activities, e) establishing linkages with anti-drugs abuse councils, f) maintaining a databank of youth groups and street children
- Information Technology Literacy Program for OSY and Youth w/ Disability implemented by Cabanatuan City government which a) offers literacy programs for OSYs and youths with disability to enhance their employment capacities, b) installs center facilities with proper equipment for youths with disability, c) mobilizes community volunteers as teachers, d) provides on-the-job trainings (OJTs) for OSYs and youths with disability in private and public companies, e) holds youth abylimpics and mini sports fests. f) gives counseling to beneficiaries

Tertiary interventions – remedial measures that aims to restore his/her functioning state, repair the damages created as a result of his/her offense and prevent re-offending. Interventions are heavy on the child and his/her family as his/her immediate support system. The community is helped to support the rehabilitation process of the child and the family.

- Diversion Work for CICL implemented by Free Rehabilitation, Economic, Education and Legal Assistance Volunteers Association (FREELAVA), Inc. It Involves the organization of Children's Justice Committees comprised of *barangay* officials, peer educators (mostly diverted or rehabilitated CICL) and community volunteers (mothers and concerned citizens) trained on the proper handling of CICL. This restored the self-esteem of former CICL and paved way for the paradigm shift towards rights-based administration of justice
- Volunteer Intervention Program for Youth (VIPY) implemented by DSWD Field Office XII and partner LGUs. This has the following features: a) mobilizes community volunteers to help social workers in treating and rehabilitating CICL, b) Increases involvement of rehabilitated CICL in community projects such as environment related projects e.g. tree planting, etc., c) gives CICL access to self-employment assistance, skills training, leadership training, education assistance and legal service assistance, d) Parents undergo Parent Effectiveness Sessions that help them develop the right attitude and necessary ability in dealing with their children.
- TuKLASan Center implemented by The Education Research and Development Assistance (ERDA). TuKLASan stands for *Tuklas* (discovery), *Kalinga* (care), *Laruan* (play), *Aralan* (study) at *Sanayan* (training). It provides care, protective, rehabilitative and preventive programs for street children and children at risk of becoming CICL and facilitates the entry and re-entry of school dropouts and late enrollees to school through: a) providing temporary home life until the child is reconciled with their family, b)

counseling for children, which focuses on values education and helping them understand their situation, d) providing vocational and skills training in a non-formal, non-graduate set-up, e) giving assistance to children returning to formal schooling, e) granting school assistance such as school supplies and scholarships to students.

- Eleven residential centers (i.e. 9 Regional Rehabilitation Centers for the Youth (RRCY) Marillac Hills and the National Training School for Boys (NTSB)) are operated and maintained by the DSWD and provides 24-hour custodial care, treatment and rehabilitation services by a team of social workers, psychologists, house parents, and vocational instructors among others. CICL with suspended sentence are rehabilitated and helped to overcome their deviant behavior and become law abiding and productive individuals. CICL are provided with therapy, counseling, group living services and special non-formal education in elementary and/or high school levels. They are also provided with vocational skills training such as welding, automotive repair, practical electronics, computer literacy program or agro-farming to enable them to gain occupational skills. The families of the residents are provided with family counseling and referral for livelihood opportunities.

To ensure effectiveness in the implementation of the law, *Guidelines in the Handling of CICL* were developed for service providers such as social workers, law enforcers, public attorneys, jail wardens and prosecutors. As of December 2008, 108 PAO lawyers, 100 Bureau of Jail Management and Penology (BJMP) personnel, 949 PNP personnel, 385 prosecutors and 1,274 local social welfare and development officers (LSWDOs) were trained.

## 2. Labor Market Interventions

Labor market interventions are defined as measures that aim to enhance employment opportunities and protection of the rights and welfare of workers. It also pertains to compliance with labor standards, minimum wages, and health and safety at the workplace.

As regards the issue of child labor, the Department of Labor & Employment (DOLE) chairs the National Child Labor Committee, which gives overall guidance to the Philippine Program of Action Against Child Labor (PPACL). The PPACL is implemented by multi-sectoral partners working to eliminate child labor by empowering communities, protecting, withdrawing and reintegrating rescued child workers to society.

### a. Philippine Time-Bound Program (PTBP)

A program related to the PPACL is the Philippine Time-Bound Program (PTBP), which supports ILO Convention No. 182 on the prohibition and elimination of worst forms of child labor (WFCL). Major interventions implemented in this regard include: a) improving labor inspection system in order to protect working children from hazardous and exploitative work; b) development of advocacy and communication materials with core messages on eliminating worst forms of child labor; c) strengthening and institutionalization of the Sagip Bata Manggagawa (SBM) mechanism to get children out of the worst forms of child labor; d) providing opportunities for education and vocational training for child workers through both formal and non-formal education systems and alternative learning systems; and e) providing

access to alternative livelihood and employment opportunities for parents and siblings of child laborers, among others.

Six priority sectors were focused on by the Program namely: a) children in deep-sea fishing, b) commercial sexual exploitation, c) domestic work, d) pyrotechniques, e) mining/quarrying, and f) children in sugar plantations in eight (8) areas where cases of WFCL have been documented i.e. in Camarines Norte, Bulacan, Negros Oriental, Negros Occidental, Iloilo, Davao, and in three cities in Metro Manila.

From 2001-2006, the PTBP has successfully prevented and withdrawn 40,549 children from commercial sexual exploitation, mining and quarrying, domestic employment, and other forms of child labor. These rescued children have been provided with non-formal education, vocational training, psychosocial counseling, legal assistance, and health services.

#### b. Self-Employment Assistance Kaunlaran (SEA-K) Program

In order to provide livelihood for families, the DSWD also has the Self-Employment Assistance Kaunlaran (SEA-K) program. The SEA-K is a capability program undertaken by DSWD with LGUs, which aims to enhance the socio-economic skills of poor families through the organization of community-based associations for entrepreneurial development. In 2008, the SEA-K has benefited 28,518 families with PhP142.8M worth of capital seed fund. This brings the aggregate number of beneficiaries to 344,623 families and capital seed fund to PhP1.5B since the project began in 1993.<sup>vi</sup> This indirectly benefits children assuming that an average household consists of two (2) adults, with an average household size of five (5), this means about 1,033,869 children benefited from the program. Also in 2008, five (5) regions reported a total of 102 youth members of SEA-K. This, however, does not yet include other regions that were unable to give a disaggregated data on the number of SEA-K youth beneficiaries on their respective areas.

### 3. Social Insurance

Social insurance pertains to programs that seek to mitigate income risks by pooling resources and spreading risks across time and classes. These are designed in such a way that beneficiaries pay a premium over a given period of time to cover or protect them from loss of income and unemployment as a result of illness, injury, disability, retrenchment, harvest failure, maternity, old age, etc. This component includes micro- and area-based schemes to address vulnerability at the community level (such as micro-insurance, agricultural insurance and social support funds).

An example of social insurance programs that benefit children is the PhilHealth's Indigent Program (PHIP). The PHIP is an insurance plan for the poor, which covers care in public rural health units and hospitals. The premium is subsidized by local governments. As of March 2009, this program has already benefited about 3.4 million indigent families, or 17 million beneficiaries.<sup>vii</sup>

#### 4. Social Safety Nets

Social safety nets are stop-gap mechanisms or urgent responses that address effects of economic shocks, disasters and calamities on specific vulnerable groups. These are measures that specifically target affected groups with the specific objective of providing relief and transition. Measures include emergency assistance, price subsidies, food programs, employment programs, retraining programs, and emergency loans.

##### a. Food for School Program (FSP)

This program is part of the Accelerated Hunger Mitigation Plan (AHMP) of the government and is implemented in priority areas identified by the National Nutrition Council (NNC) as having high hunger and poverty incidence statistics<sup>viii</sup> as follows: 1) DILG-identified “hot-spots” in NCR, 2) all municipalities and cities of top 10 food poorest provinces, 3) all 5<sup>th</sup> and 6<sup>th</sup> class municipalities of the next top 44 food poor provinces, 4) all 4<sup>th</sup> class municipalities in the next top 44 food poor provinces where there are no 5<sup>th</sup> and 6<sup>th</sup> class municipalities and 5) municipalities with high levels of poverty based on the 2003 Small Area Estimates (SAE). Beneficiaries of the FSP are families of pupils enrolled in public elementary schools, DepEd supervised preschools and day care centers in the identified priority areas.

The FSP aims to address hunger among families through their children in Grades 1-3, DepEd supervised pre-schools and DSWD day care centers. It is a food subsidy per child/student providing daily ration of one (1) kilo of iron-fortified rice per actual attendance.<sup>ix</sup> For the Quarter of 2009, a total of 404,572 children from 11,733 day care centers in 433 municipalities and cities with 15,926,351 kilos of rice distributed amounting to PhP 318.52 million.<sup>x</sup> From 2005 to early 2008, over 6.7 million pre-schoolers and Grade 1 pupils benefited from the program, distributing a total of over 268 million kilos of rice amounting to PhP 5.3 million.<sup>xi</sup>

##### b. Healthy Start Program

The Healthy Start Program is the provision of supplemental food to day care children aged three to five years old. For CY 2009, food supplementation will be in a form of hot meals to be served either during breakfast or before the afternoon session five (5) days a week. Parents and children beneficiaries will manage the feeding program based on a prepared cycle of menu using available indigenous food materials. The children will be weighed and measured in height at the start of the feeding and a monthly weight and height measurement shall be conducted thereafter to determine improvements in their nutritional status. As of June 2009, there are 146,800 children beneficiaries of the program in 240 cities and municipalities.

##### c. Tindahan Natin (TN)

Tindahan Natin aims to ensure that poor families get access to low-priced basic food items particularly rice and noodles, ensure availability and supply of rice in the community and create livelihood and job opportunities for the community. This is also part of the hunger mitigation program of the government. Target beneficiaries of the TN project are: 1) the marginalized and poor sector as direct beneficiaries of the project and 2) the TN operators as livelihood participants for their additional income.

Areas of implementation include Metro Manila and the 54 food poor provinces identified by the NNC with high hunger and poverty incidence statistics.<sup>xiii</sup> As of June 2009, a total of 16,063 TNOs<sup>xiii</sup> operated serving a total of 5.6 million families.

In order to ensure that only poor households can have access to TNOs, Family Access Cards (FACs) are given to families who belong to the food threshold sector and aims to cushion the impact of the rising cost of rice to these families by allowing them to buy the NFA-subsidized rice. Identification of the target family-beneficiaries is through the General Intake Sheet (GIS) administered by the LGUs and validated by the DSWD.<sup>xiv</sup> For 2008, the DSWD issued 274,825 FACs to qualified beneficiaries in Metro Manila. Outside of Metro Manila, the TNOs use the Rice Allocation Ledger as reference where all eligible beneficiaries are listed.

d. Emergency/rehabilitative/restoration assistance during calamities/disasters

The Cluster Approach was adopted by the National Disaster Coordinating Council (NDCC) as a mechanism to address gaps and strengthen humanitarian response to emergencies, ensure predictability and accountability of international and national responses, clarify division of labor among organizations, and define the roles and responsibilities within the different sectors responding to emergencies. It also aims to strengthen partnerships between government, UN Inter-Agency Standing Committee (UN-IASC), international humanitarian agencies, international and local non-government organizations. It seeks to optimize support to government by complementing efforts at the national and local levels in responding to priority needs in affected areas. Table 4 shows the cluster lead, composition and IASC counterpart for each sector.

**CLUSTER COORDINATION MECHANISM**

CLUSTER	GOVERNMENT LEAD	IASC COUNTRY TEAM COUNTERPART	CLUSTER COMPOSITION
Food and Non-food Items	DSWD	World Food Programme (WFP)	DND, DA, DOH, DepEd, DILG, NFA, NNC, IOM, PNRC, FAO, CNDR, World Vision, ADRA, OXFAM
Camp Management, Emergency Shelter and Protection	DSWD	International Organization for Migration (IOM)	DILG, NCWDP, PNRC, PBSP, NHA, UNICEF, OXFAM, ABS-CBN Sagip Kapamilya, GMA Kapuso Foundation, World Vision, Plan International, Save the Children, CNDR, Children Int'l, ADRA
Permanent Shelter and Livelihood	DSWD	UN Development Programme (UNDP)-[Shelter], International	NHA, DA, DND, PNRC, Phil. Relief & Dev't Service (PhilRADS), Christian Aid, Community Organizers of the

Labor  
Organization  
(ILO)-[*Livelihood*]

Phils. (COPE), Pampanga  
Disaster Network, IOM, ADR,  
UNICEF, World Vision

Health, WASH, Nutrition and Psychosocial Services	DOH		
Education	DepEd		
Agriculture	Department of Agriculture (DA)		
CLUSTER	GOVERNMENT LEAD	IASC COUNTRY TEAM COUNTERPART	CLUSTER COMPOSITION
Emergency Telecommunications & Logistics	Office of Civil Defense (OCD), NDCC- Operations Center (NDCC- OpCen)		
Early Recovery	Office of Civil Defense		

Besides the provision of food and non-food items, direct services to children such as psychosocial interventions are also being offered including critical stress incidence debriefing (e.g. play therapy), supplemental feeding, supervised neighborhood play and educational assistance. Moreover, within two to three days after the event of disaster, tent or bunk houses were constructed to accommodate victims of disasters from school buildings converted into evacuation centers and to resume the conduct of classes at the soonest possible time.

### 5. Other Regional Multilateral/Bilateral Initiatives

Aside from social protection initiatives at the local level, the Philippines also actively engage in regional efforts to uphold children's rights. At the level of the **Association of Southeast Asian Nations (ASEAN)**, the Philippines initiated the formulation of the *ASEAN Guidelines for the Protection of Trafficked Children*, which has been adopted by the 10 ASEAN Member States during the Ministerial Meeting on Social Welfare and Development (MSWD)

2007. The Philippines' *Child Wise Tourism Program* also provided groundwork for cross-country initiatives at the ASEAN level such as the ASEAN Education Campaign, ASEAN Travelers Code, and the Annual Regional Task Force Meeting.<sup>xv</sup>

Another milestone for promoting child rights in 2008 is the approval of the ASEAN Children's Forum by the ASEAN Senior Officials' Ministerial Meeting on Social Welfare and Development (SOMSWD). The ASEAN Children's Forum aims to institutionalize the participation of children in the ASEAN structures. It is an offshoot of the First Southeast Asian Children's Conference hosted by the Philippines' Council for the Welfare of Children in 2006, with the support of UNICEF.<sup>xvi</sup> Currently, a working group for the 10 ASEAN member states is in the process of formulating the terms of reference for the establishment of an ASEAN Commission on the Protection and Promotion of the Rights of Women and Children.

With regard to trafficking of children, the DSWD, DOLE and three (3) NGOs with support of the ILO, implemented the *Economic and Social Empowerment for Returned Victims of Trafficking*. This program aims to foster the reintegration of trafficked victims including children, and systematic tracking of cases and follow-ups to prevent re-victimization. Also, the Philippines entered extradition treaties with transit and destination countries for trafficked children such as Australia, Canada, Hong Kong, China, Indonesia, USA, Thailand, and the Federated States of Micronesia for this matter.

Through the DSWD's International Social Welfare Services for Filipino Nationals (ISWSFN), Social Welfare Attaché had likewise been deployed to countries like Malaysia to expand in Jordan, and Riyadh, Saudi Arabia by 2009, where there is a large concentration of OFWs. Core Social Welfare Services delivered by ISWSFN include the provision of psychosocial interventions to victims of exploitation and abuse such as counseling, critical incidence stress debriefing, assistance to individuals in crisis situations, referral, repatriation assistance, and social integration services.

A notable accomplishment of the ISWSFN in 2008 is the provision of assistance to deportees including 257 stateless children deportees ages 0-7 years old. Deportees include undocumented Filipino nationals who were victims of trafficking and illegal recruitment; victims of forced labor; and distressed OFWs. Services provided include counseling, critical incidence stress debriefing, securing of travel documents for immediate repatriation, networking/referrals, facilitating court hearings of rescued trafficked victims, and others. Social workers were also posted in the International Social Services Japan (ISSJ), an international NGO. In 2008, the ISSJ served 68 cases of Filipino nationals, mostly involving children. These cases include adoption, repatriation, financial support, and child custody.<sup>xvii</sup>

Moreover, the country also actively supports global efforts to uphold child rights, such as the UNICEF's Project on Protective Services for Children Affected by Abuse, Exploitation and Trafficking, which is a key program to address commercial sexual exploitation; and the US Agency for International Development (USAID) Trafficking Watch Group. Since trafficking interventions are incomplete without addressing its gender perspective, the Gender Mainstreaming Program of the UN Population Fund (UNFPA) is also currently being implemented by concerned government agencies and NGOs.

## 6. Support Mechanisms for Children

### a. Child Friendly Movement

The Presidential Award for Child-Friendly Municipalities and Cities gives recognition to the Local Government Units and their Local Chief Executives that put in place a “child-friendly” environment and uphold the rights of children to survival, protection, development, and participation. There are five categories for the Presidential Award, namely, for 4th to 6th Class Municipality, for 1st to 3rd Class Municipality, for Component City, for Independent Chartered City, and Highly Urbanized City. Its major components include *Planning and Policy Formulation (15%)*, *Resource Utilization (15%)*, *Service Delivery (40%)*, *Institution Building (10%)*, *Child Participation (10%)*, and *Community Participation (10%)*. Service delivery which has the biggest percentage consists of the indicators on health, education, and special protection.

### b. Local Councils for the Protection of Children (LCPC)

The Local Councils for the Protection of Children (LCPC) is a council organized at the provincial, city, municipal and barangay levels that is responsible in planning and spearheading programs for children. The LCPC are enabling mechanisms responsible in the formulation of policies, plans and programs for children and assist LGUs with the end of making the locality child-sensitive or friendly for children. LCPC provide the coordinative linkages with agencies and institutions in planning, monitoring and evaluation of plans for children at the local level (provincial, city/municipal and barangay).

Efforts to establish Local Councils for the Protection of Children (LCPC) continue, with 72.6 percent (53) of the 73 provinces assessed, 72 percent (81) of the 119 cities, 48 percent (618) of the 1,397 municipalities assessed and 33 percent (11,059) of the 38,898 barangays assessed are reported to have functional LCPCs as of December 2008.<sup>xviii</sup>

### c. National Anti-Poverty Commission (NAPC)-Basic Sectors on Children and Youth

Through Republic Act 8425 or the Social Reform and Poverty Alleviation Act, the National Anti-Poverty Commission (NAPC) serves as the oversight and coordinating body of a poverty reduction programs of government and institutionalized Basic Sector participation in governance at all levels of decision-making and management processes.

The government sector and the civil society/basic sectors are two major pillars of the NAPC. Heads of national government agencies (NGAs) and the four (4) leagues of LGUs consists the government sector component while the basic sector component is composed of the Sectoral Representatives of the fourteen (14) basic sectors which include the children and the youth and students sectors.

### d. Inter-Agency Committee Against Trafficking (IACAT)

Republic Act No. 9208, otherwise known as the *Anti-Trafficking in Persons Act of 2003* provides for the creation of the Inter-Agency Council Against Trafficking (IACAT) to coordinate

and monitor the implementation thereof. The DOJ is chair of the committee while the DSWD sits as co-chair. Its members are the Secretaries and heads of different sectoral representatives as follows: Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Philippine National Police (PNP), Philippine Overseas Employment Agency (POEA), National Commission on the Role of Filipino Women (NCRFW), Children's Sector NGO Representative, Women's Sector NGO Representative, and OFW Sector Representative. The ex-officio members are: Department of Interior and Local Government and the Philippine Center for Transnational Crime.

The IACAT conducts many different projects geared towards the elimination of trafficking in persons in the Philippines, prevention of the occurrence of trafficking, the protection and rehabilitation of victims and conviction of trafficking offenders. Among its accomplishments is the formulation of *Philippine Guidelines for the Protection of Trafficked Children*, *Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases*, and *Manual on Recovery and Reintegration of Victims Survivors on Trafficking* among others. As of June 2009, a total of 17 Regional IACAT are in place in all regions and 104 local IACAT are established in 25 provinces, 16 cities and 63 municipalities.<sup>xix</sup>

e. Inter-Agency Council on Violence Against Women and Children (IAC-VAWC)

The Inter-Agency Council on Violence Against Women and Children (IAC-VAWC) was created under Republic Act 9262 or the *Anti-Violence Against Women and Their Children Act* to spearhead efforts and initiatives for the implementation and monitoring of the law. Members include DSWD, DILG, NCRFW, Civil Service Commission (CSC), Commission on Human Rights (CHR), DepEd, Department of Health (DOH), DOJ, DOLE, CWC, NBI and PNP.

Among its endeavors is the upgrading of the PNP-Women and Children's Concerns Division (WCCD) into a Women and Child Protection Center (WCPC) to serve as a "one-stop-shop" for the investigation of victims of sexual abuse and violence against women and children. Moreover, the NCRFW issued VAW performance standards for the DSWD, DOJ and DILG as a tool for service providers to respond effectively to cases of VAW, to gauge the level of compliance to national policies, to generate concrete data needed for program development and policy formulation and as advocacy tool for protecting women's rights. Also, in 2006, Men Opposed to Violence Everywhere (MOVE), Philippines Inc. was established through the initiative of the NCRFW to tap men actively involved in the elimination of VAW.

f. Registration, Licensing and Accreditation

To ensure quality of services being provided by DSWD, LGUs and NGOs, the DSWD as part of its regulatory function is responsible in registering, licensing and accrediting social welfare and development agencies. For children and youth caring agencies, there are 37 residential and 508 community based agencies that were registered; 266 residential and 212 community-based were licensed; and 128 residential and 61 community based agencies were accredited as of 2008.<sup>xx</sup>

## I. Issues and Challenges on Social Protection

While these social welfare programs have succeeded in helping the poor, issues regarding leakage of benefits to the non-poor, exclusion of the truly poor and cost-effectiveness of programs have been raised.

According to the studies of Reyes (2008) and Manasan & Cuenca (2008), the following key issues regarding implementation of social assistance programs that needs to be addressed are:

### A. Need for better targeting

Aside from gaps in addressing major social risks, another observed common weakness of various poverty reduction programs is the lack of a proper targeting system. Although targeting per se is not a one-size-fits-all system, Reyes (2008) expressed that undercoverage and leakage rates can be reduced to acceptable levels if a proper targeting system is used.

While partnerships with NGOs and other stakeholders have succeeded in making social services accessible to the poor, Aldaba (2008) observed that there seems to be a tendency for NGOs to flock on selected advocacies (i.e., children's causes) while leaving the other sectors (i.e., PWDs and OPs) wanting. Aldaba emphasized the need for government to provide direction to the NGOs and stakeholders by encouraging them to undertake causes that need their support the most.

Further, the Manasan and Cuenca study reveals that the leakage of the Food for School Program is 59% and 62% for the DSWD and DepEd component respectively. In essence, the share of the poor in the total transfers is only 41% for the DSWD component and 38% for the DepEd component.<sup>xxi</sup>

Hence, it was discovered that geographic targeting alone based on provincial-level poverty incidence and the income class of municipalities are not enough to target intended beneficiaries. The same study suggested that household targeting with the use of verified or proxy means tests combined with geographic targeting can better improve its accuracy.<sup>xxii</sup>

To address this need, the **National Household Targeting System for Poverty Reduction Program (NHTS-PR)** was established. Using the 4Ps Proxy Means Test as its model, the NHTS-PR was created to reduce leakage rates of pro-poor programs. It will cover 8.3 million households in the following priority areas: Phase I - 1) 20 poorest provinces; 2) municipalities with a poverty incidence rate of 60% and above based on the 2003 Small Area Estimates (SAE) and 3) pockets of poverty in highly urbanized cities. Phase II - 1) municipalities with 59%-50% poverty incidence and 2) pockets of poverty in municipalities with 49% and below poverty incidence; Phase III- pockets of poverty in component cities nationwide. The NHTS Management Office has already been created to oversee the program.

As of August 2009, more than 1.78 million households were already enumerated. Of these, more than 1.66 million were already encoded and 865,799<sup>7</sup> of these households were identified as poor after being subjected to the PMT.

### B. Need to improve budget and cost effectiveness

While the adverse impact of social risks to society is far-reaching, the resources to fund implementation of much needed social protection programs are limited. Limited resources underscore the need for better poverty targeting; better resource mobilization and coordination amongst government agencies, LGUs, NGOs, and other stakeholders; and enhancing capacities of LGUs to deliver social protection programs.

The study of Manasan and Cuenca (2008) on government spending for social assistance or SWD services revealed the following:

**Table 5: Overall Trends in Aggregate DSWD Spending  
(CY 1999-2006)**

	1999	2000	2001	2002	2003	2004	2005	2006
Total DSWD spending (in million pesos)	1,796	2,170	1,759	1,980	2,556	2,784	3,250	3,315
% to Total NG expenditure	0.31	0.32	0.25	0.27	0.31	0.32	0.34	0.32
% to GDP	0.06	0.06	0.05	0.05	0.06	0.06	0.06	0.05
Total DSWD spending based on GAA allocation (in million pesos)	1,635	1,644	1,454	1,805	1,959	2,150	2,239	2,092
Nominal per capita (in pesos)	24	28	22	25	31	33	38	38
Real per capita (in pesos)	25	28	21	22	27	27	29	27
Nominal per poor population (in pesos)	74	86	70	79	103	107	118	114
Real per poor population (in pesos)	79	86	66	72	90	87	91	83

- Basic social services spending accounts to an average of 14.42% and has been decreasing from 1999-2005.
- The share of SWD services in total national government expenditures on basic social services is relatively small (0.3% in 1999-2006 on the average).
- The share of SWD services is notably stable compared to that of the education or health/nutrition sector when measured relative to the total national government spending,

<sup>7</sup> NHTS-PR data (489,870 HH) as of 24 August 2009 and 4Ps set 1 data (375,829 HH) as of 18 July 2009 were combined

national government spending as percentage to GDP and or when expressed in real per capita terms.

In another study by Manasan (2007), *Financing the Millennium Development Goals (MDGs): Philippines*, it highlighted the estimated resource gaps for achieving the MDGs for the period 2007-2015 totaling PhP 777.9 billion with breakdown as follows: PhP 348.8 billion for education; PhP 83.6 billion for health; PhP 1.9 billion for water and sanitation, and PhP 342 billion for poverty reduction.<sup>xxiii</sup>

Several proposals were recommended by the study such as: a) improve tax collection and strengthening systems and procedures of revenue collection agencies; b) mobilize local government units to allocate resources for the MDGs; c) sustain budget reform initiatives; d) allocate resources away from tertiary to basic education; e) allocate more resources to public health/primary health care; f) exert maximum effort to ensure that resources are utilized efficiently; g) mobilize resources from the private sector; and h) pursue a stronger population management policy and program.

If the proportion of budget allocations reflects the government's priorities, the evidence of decrease in government spending for SWD programs, as shown by the study of Manasan and Cuenca (2008) is indeed alarming. It reflects the need for government to re-allocate budgets for SWD and strengthen partnerships with LGUs and NGOs to augment SWD budgets.

In relation to proper utilization of the SWD budget, it is also important to note when various modes of social assistance (i.e., cash vs. non-cash and conditional vs. non-conditional) will be applied.

### **C. Need for effective monitoring of social protection programs and database on children**

To facilitate better program delivery and transparent monitoring and evaluation of initiatives and measures being undertaken by both national and local government as well as partner agencies, there is a need to establish a database on children clients. This will prevent errors in the consolidation of data, better capture data from the field, and facilitate timely reporting of information.

At present, a database on children in need of special protection (CNSP) is being developed by the Department which includes data on children in armed conflict (CIAC). To date, the client intake sheet which will be used to gather data from the field was already pre-tested and is already being finalized. Output tables were already finalized and the variables and indicators needed for the development of the system were already approved.

Further, efforts to develop an Early Childhood Care and Development (ECCD) web-based information system are already underway. The system was already set-up and training of trainees was already conducted last February. Field offices of the Department drafted their respective action plans for the roll-out of the system and the guideline for the said project is currently being formulated.

The CWC also initiated in 2003 the *Subaybay Bata Monitoring System* composed of macro monitoring, micro monitoring and project-based monitoring system. Monitoring of the CRC implementation and to support the Annual State of the Filipino Children Report (SFCR) are within its macro monitoring scope. It has 143 indicators for the seven (7) clusters of child's rights. Sixteen agencies are linked to this system including major NGAs and statistical agencies such as the National Statistics Office (NSO) and the National Statistical Coordination Board (NSCB). Even with the installation of the system, data generation is still slow and available data is not up to date. Likewise, disaggregation of data by age, gender, ethnic group, rural or urban, and other pertinent categories is also wanting.<sup>xxiv</sup>

#### D. Others

Apart from the above issues and challenges already discussed, a study conducted by the Development Academy of the Philippines (DAP) entitled *Review and Strengthening of the National Social Protection and Welfare Program* and commissioned by the National Social Welfare Cluster, identified the most fundamental problems of the government's social protection and welfare programs as follows: a) social protection has narrow base of beneficiaries, b) poor and informal sectors have limited access, bargaining power and influence on local officials and service providers, and c) programs are numerous but have limited reach, uncoordinated, inadequately funded and are short-lived. Hence, for example, prevalence of malnutrition remains high not for lack of programs but more for inadequate coverage and lack of effectiveness.<sup>xxv</sup>

These findings were supported by the Social Protection Index (SPI)<sup>xxvi</sup> of the Asian Development Bank (ADB) where the Philippines lag behind other neighboring countries in terms of social protection coverage especially on children gauged in terms of percentage of target population as follows: Philippines – 5%; Malaysia – 99%; Indonesia – 98.9%; and Vietnam – 62.4%.

#### Future Scenarios: Implications and Consequences

All of the prospective conditions previously depicted in Megatrends 1 now stands true and unless collective action is mobilized to successfully tackle the root causes of the issues and trends defined, it will continue to stand true in the coming years. These scenarios include: 1) homelessness of children due to urban migration, 2) disintegration of families due to overseas migration, 3) increasing demand for child care facilities, 4) occurrence of disabilities in children from poverty-stricken areas and those with little or no access to basic health, social and other services, 5) displacement of families in conflict areas, 6) continued vulnerability of children during natural disasters, and 7) increasing incidence of juvenile delinquency.

Obviously, **a disintegration of and/or a dysfunction in the basic institution established for the welfare of children, which is the family, will have significant effects in the fulfillment of child's rights.** According to John Bradshaw, families are social systems which follow organismic laws. It is defined by the interaction and inter-relationship of its parts

rather than the sum of its parts. When such system is out of balance, the rest of the members of the system will try to bring it back to balance.<sup>xxvii</sup>

**Failure to address poverty effectively and its underlying causes such as population growth rate would simply mean exposing our families and children to risks and vulnerabilities** such as unemployment/underemployment, illnesses, disability, loss of income, low level of education, etc.

This translates into a more burdened way of living for millions of families and children who are already trapped in this cycle and who may resort to any means just to meet their needs or simply to forget their pain and their needs through deviant behaviors such as substance abuse or other forms of addiction. Families that face tremendous vulnerabilities due to poverty will tend to depend much on the contribution of children for the welfare of the family, thus, employing children even at a young age to assist the family financially. This poses risks and for possible exploitation of children such as prostitution, trafficking, and cyberpornography. Other than that, it can also negate the fulfillment of other rights such as leisure and education. It must be noted that though poverty may contribute to the formation of CICL, wherein the commission of an offense or violation is part of carrying out one's livelihood or is an act of survival, studies show that the parent-child interactions and relationships contribute largely (70% of the variability) in the occurrence of delinquency.<sup>xxviii</sup>

Migration has always been a more acceptable way of addressing the economic needs of the family. This will continue to be a trend if domestic job opportunities being offered are sufficient to address the needs of the family. The accompanying social costs of such endeavor may not be definitive yet. However, it is certain that those children left behind would have to deal with the loss of at least the physical presence of one or both of their parents, which is already a considerable loss for them.

Therefore, it should be seen that there are three (3) major influences that should be reckoned with in shaping the future of children. **First** are the quality, security and stability of families together with its dynamics where these children are born into, given roots, molded and set free to contribute to society. **Second** is the abject poverty that subjects these families to risks and vulnerabilities that leave them in sub-human conditions and hence, hinders the enjoyment of the rights of individual members—most vulnerable of whom are the children. **Third**, the value system of individuals and collectively as a society must be pondered upon and addressed i.e. whether the values embraced and instilled by institutions such as media, schools, churches and families themselves contribute to or hinder the attainment of a better future for children.

## Conclusions and Recommendations

Poverty alleviation has since been a flagship of the Government. However, this should not just be viewed in terms of macroeconomic growth but largely by how much an individual is able to find opportunities for his/her advancement and reach his/her potentials, fulfill his dreams and be able to contribute to the society. In this regard, much reform still needs to be done in establishing a better welfare system for our citizens and in ensuring equitable distribution

wealth. This also means better social protection services for all especially the most vulnerable and marginalized in order for them to not simply survive but live a life with dignity.

Securing the lives of our children by securing their environment and their families through poverty reduction and risk mitigation will provide a better future for our citizens, where their rights to survival, protection, development and participation are not compromised in any way, their dignities intact and their potentials realized by contributing for the improvement of society.

Viewed in the context of social protection, we can see that the country has made significant inroads in upholding children's rights and in developing policies and programs for children. However, a lot still needs to be done in promoting, protecting and fulfilling children's rights. This job cannot be done by government alone. Though government has a responsibility to facilitate the realization of child's rights, other institutions particularly those outside and crucial to the family i.e. the schools, the church, the civil society, and the private sector should also offer their share of social responsibility. The main objectives of social protection are: 1) the reduction of poverty, 2) protection of the poor and the vulnerable from risks, and 3) mitigation of pressures on households. The strategies delivered through its components, when effectively delivered should meet these objectives and lessen susceptibility to risks.

Prioritizing children's welfare in the legislative and development agenda must be sustained and the following actions is a way to move forward:

- a. Adopt a rights- and gender-based approach in policy formulation, program planning and development, and in monitoring and evaluation of social protection programs;
- b. Scale-up the *Pantawid Pamilyang Pilipino Program (4Ps)* as the core social protection program of government that invests in human capital to break the intergenerational cycle of poverty. Ensure *convergence of other social support services* being delivered to household beneficiaries. Ensuring synchronicity of programs and projects addresses non-duplication, high impact on target beneficiaries and better allocation the limited resources of government;
- c. Use the *National Housing Targeting System* database as reference of determining priority beneficiaries of all social protection programs being implemented by the national government to ensure focused targeting of vulnerable households;
- d. Initiate and pursue more strategic lobbying with lawmakers and interest groups to facilitate the passage of bills *on anti-child pornography; decriminalization of prostitution; age of sexual consent; and anti-corporal punishment;*
- e. Promote and ensure the implementation of the National Plan of Action on Violence Against Children, which aims to prevent and protect all children, especially those at risk from violence and ensure the recovery and reintegration of victims-survivors in their families and communities, as well as facilitate the rehabilitation of perpetrators of violence;<sup>66</sup>

- f. Continue to allocate resources in order to create better and more responsive services for children;
- g. Continue to sponsor and encourage the participation of children in programs which promote and protect their rights;
- h. Sustain the network and partnership of government, NGOs, and socio-civic groups in implementing programs for children and in advocacy work;
- i. Continue to intensify our efforts to establish and maintain a functional monitoring system and database disaggregated by age, gender, and ethnicity, which will account for children needing assistance and support, as well as identify services necessary to prevent incidences of child prostitution, child pornography and child trafficking; and
- j. Review our existing social protection systems and mechanisms for children to ensure these are responsive and cater to their best interest.

Investment in our children is a sure guarantee for our future. Policy directions on this matter must therefore be solid and unambiguous as to what we hope to accomplish; programs, activities and resources of all sectors must be synergized for its realization. Transparency and accountability must be part of the culture of governance. In so doing, prioritizing the rights and welfare of our citizens especially that of children will already be second nature and monitoring and reporting will only be a way of validating the services being provided for. Needless to say, institutional strengthening and strong political will to carry out these endeavors are also needed for the fulfillment of children's rights.

Thus, it must be inevitably and clearly understood that even when opportunities for growth and adequate support are provided for the achievement of promoting and protecting the rights of children, success could not be ascertained and fueled without the collective wills of the individuals involved therein-both as duty-bearers and/or as claim-holders of human rights.

<sup>i</sup> DSWD, Kalahi-CIDSS June 2009 Report (unpublished), accessed 31 July 2009

<sup>ii</sup> Unpublished Country Report in Response to the List of Issues on the Implementation of the Rights of Children (CRC/C/PHL/3-4) p.6 as of 31 July 2009

<sup>iii</sup> DOJ, *Protecting Filipino Children from Abuse, Exploitation and Violence*, p. 29

<sup>iv</sup> DSWD, Social Technology Bureau, Presentation on Equal Sharing of Responsibilities Between Women and Men: Philippine Experience (unpublished), accessed 22 December 2008

<sup>v</sup> DSWD, Access to Justice for the Poor Accomplishment Report, July 2008 (unpublished)

<sup>vi</sup> DSWD, SEA-K CY 2008 Report (unpublished), accessed 19 December 2008

<sup>vii</sup> PHIC, <[http://www.philhealth.gov.ph/about\\_us/others/snc2009.pdf](http://www.philhealth.gov.ph/about_us/others/snc2009.pdf)>, accessed 31 July 2009

<sup>viii</sup> Priority 1 – top 10 food poorest provinces, Priority 2- next top 20 food poor provinces, Priority 3-next top 24 poor provinces

<sup>ix</sup> Guidelines on the Food for School Program SY 2007-2008

- <sup>x</sup> Program Implementation Status Report from the DSWD-Program Management Bureau dated 23 March 2009
- <sup>xi</sup> DepEd Press Release. *Food for School Program Improves School Attendance, Student Performance*. 14 April 2008
- <sup>xii</sup> Implementing Guidelines on the Tindahan Natin Project A.O. No. 12 Series of 2006
- <sup>xiii</sup> One TNO can serve 250 families
- <sup>xiv</sup> Terms of Reference of the Family Access Cards and Briefer on the Identification of Beneficiaries of NFA Rice
- <sup>xv</sup> Philippine Country Report to the Third World Congress on CSEC, Brazil, November 2008 (unpublished), pp. 14-15
- <sup>xvi</sup> DSWD Annual Report 2008, pp. 40
- <sup>xvii</sup> *Ibid.*, pp. 34
- <sup>xviii</sup> Unpublished Country Report in Response to the List of Issues on the Implementation of the Rights of Children (CRC/C/PHL/3-4) p.6 as of 31 July 2009
- <sup>xix</sup> Jimenez, Caroline. *National Situation on Trafficking in Persons*. Presentation dated 16 June 2009
- <sup>xx</sup> DSWD-Standards Bureau, Inventory of Social Welfare Agencies as of 31 December 2008
- <sup>xxi</sup> Rosario G. Manasan and Janet S. Cuenca, *Who Benefits from Food for School Program and Tindahan Natin Program: Lessons in Targeting*, PIDS Discussion Paper Series No. 2007-10
- <sup>xxii</sup> *Ibid.*
- <sup>xxiii</sup> Op. Cit. UN-CRC, p. 19
- <sup>xxiv</sup> *Ibid.*, p. 14
- <sup>xxv</sup> Review and Strengthening of the National Social Protection and Welfare Program presented by Sec. Romulo Neri, Cluster Head of the National Social Welfare Program 06 July 2009
- <sup>xxvi</sup> Social Protection Index for Committed Poverty Reduction, Asian Development Bank (ADB), March 2008
- <sup>xxvii</sup> Bradshaw, John. *Healing the Shame that Binds You*. Health Communications, Inc. Houston, Texas. 1998.
- <sup>xxviii</sup> Sampson and Laub (1994) mentioned in Alampay, Liane 2005
- <sup>xxix</sup> Unicef and Save the Children, East Asia and the Pacific Meeting, Bangkok, March 2008, [http://www.unicef.org/eapro/philippine\\_experience.pdf](http://www.unicef.org/eapro/philippine_experience.pdf), accessed 19 December 2008

## CHAPTER 6

### Convention on the Elimination of All Forms of Discrimination Against Women CEDAW Thematic Chapter

#### INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination (CEDAW) is the first and only international treaty that comprehensively addresses women's human rights. It is also known as the International Bill of Rights for Women. It was adopted by the United Nations General Assembly thirty (30) years ago on December 18, 1979. To this day, 186 countries, including the Philippines, have ratified the CEDAW. The Philippines became a party to this Convention when its representatives signed it on July 17, 1980 and with the Senate's ratification within a year on July 19, 1981.<sup>1</sup>

By signing as a state party to CEDAW the government acknowledged the existence of gender inequalities in Philippine society that result in discrimination against women, defined as: "a distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or impairing or nullifying the recognition of women, irrespective of their marital status on a basis of equality of men and women, of human rights and fundamental freedoms in political, social, cultural, civil and any other field."<sup>2</sup> It also signified the state's commitment to stop discrimination against women.

The CEDAW and its General Recommendations, a regularly updated list of issues and insights prepared by the Committee, guarantees that women should equally enjoy with men the following civil, political, economic, social, and cultural rights:

#### Rights Guaranteed under CEDAW

- Right to good quality education (articles 10 to 14)
- Right to comprehensive health services, including on family planning (articles 11, 12 and 14)
- Right to access loans and other forms of financial credits (articles 13 and 14)
- Right to join leisure, sports and cultural activities (articles 10, 13 and 14)
- Right to decide on the number of children and on the number of years between pregnancies (article 16)
- Right to shared parenting responsibilities (articles 5 to 16)
- Right to have equal access to jobs, benefits and social security (articles 11 and 14)
- Right to be paid equally based on the work they do (article 11)
- Right to be free from all forms of violence whether physical, sexual, emotional, mental or economic (General Recommendation 12 and 19)
- Right to be free from all forms of slavery and prostitution (article 6)
- Right to vote, run for election and hold public office (article 7)
- Right to represent the country internationally (article 8)
- Right to acquire, change or retain nationality and citizenship (article 9)

<sup>1</sup> UNIFEM, WFS and CIDA. A Primer on CEDAW. Undated

<sup>2</sup> CEDAW, Article 1

Filipino women leaders played a pivotal role in the historical development and implementation of the CEDAW. Helena Z Benitez was the chairperson of the UN Commission on the Status of Women (UN-CSW) that pushed for the adoption by the General Assembly in 1967 of the CEDAW predecessor document, the Declaration on the Elimination of Discrimination Against Women. Leticia-Ramos Shahani holds the distinction of being a member of the working group of the UN-CSW that drafted the document. In 2005, Ambassador Rosario G. Manalo chaired the UN CEDAW Committee.<sup>3</sup> In many aspects, the Philippines has been a trailblazer in advancing women's rights and is perceived to be one of the countries in the Asian region where women relatively enjoy more rights and freedoms.

The creation of the national machinery on women, the National Commission on the Role of Filipino Women (NCRFW), pre-dated the CEDAW. Established through Presidential Decree 633 in 1975, the mandate of the NCRFW (recently re-named the Philippine Commission on Women or PCW) eventually included the monitoring of the implementation of CEDAW. In the years following the Philippine government's ratification of the CEDAW, the NCRFW and women's groups from civil society worked hand in hand to successfully lobby for the passage of women-friendly laws, thereby strengthening the national legal framework that apply the international human rights standards set by the CEDAW. Despite many gains however, the image is still imperfect and there are many challenges that confront the achievement of gender equality in the Philippines. The commitment of the GRP to advance gender mainstreaming in the bureaucracy and the NCRFW/PCW's enduring partnership with women's organizations and NGOs hold great promise for realizing the objectives of the CEDAW-NHRAP.

### Thematic Issues

Women's rights are human rights. The selection of thematic issues amidst the numerous women's rights concerns was based on the results of consultation-meetings with stakeholders. A total of nine consultations were held (4 with concerned national agencies and women's organizations, and 5 with GOs, NGOs and LGUs in regional consultations) in a process that spanned for more than a year, starting in August 2009 and ending in November 2009.

The issues tackled in the CEDAW NHRAP are derived from an examination of realities versus selected features of the following legal and policy instruments:

1. The CEDAW Treaty and its General Recommendations
2. The CEDAW Committee Concluding Comments to the Philippine Government's Report in 2006
3. National Laws that uphold women's rights
4. Philippine Plan for Gender Responsive Development (PPGD) 1995-2025
5. Universal Periodic Review by the UN Human Rights Council in 2008

<sup>3</sup> <http://www.un.org/womenwatch/daw/cedaw/>

There are four thematic issues or challenges that the CEDAW NHRAP (2010-2014) will focus on. They are the following:

- a) **IMPEDIMENTS TO THE FULL IMPLEMENTATION OF ANTI-VAWC LAWS.** Despite good laws addressing prevention and criminalization of VAW, there are persistent criticisms on the lack of coordination among concerned agencies, inadequate capacity and the lack of willingness among frontline service agencies/ workers to assist VAW complainants, poor quality of facilities, absence of functional monitoring and evaluation mechanisms and processes to measure progress or the lack of it, the general insensitivity of duty bearers, lack of political will among leaders, inadequate resources, legal loopholes, low level of convictions in the case of trafficking, and an overall low level of satisfaction over how the courts dispense of justice in VAW cases. Some of these issues were mentioned in the Concluding Comments by the CEDAW Committee in 2006, as well as in the UPR's Concluding Comments on the implementation of CEDAW in 2008.
- b) **Need to prepare mechanisms that will effectively implement the Magna Carta of Women (MCW).** The MCW is a comprehensive women's rights law that defines and prohibits discrimination against women and seeks to end it. Its recent approval by the President on August 14, 2009 came after seven years of lobbying by women's groups and the PCW before three Congresses where they faced opposition from conservative religious and political lobbyists that objected its provisions on reproductive health. The last three years of legislative advocacy on the MCW was guided by a CEDAW framework<sup>4</sup>, after which the CEDAW Committee expressed disappointment over the delay of its passage, and where the Human Rights Council's (HRC) echoed a similar concern. With the approval of the law of the MCW, the NCRFW was renamed as the Philippine Commission on Women (PCW) and appointed as the overall monitoring and oversight body that shall ensure the implementation of the Magna Carta of Women. The PCW's initial task is to collaborate with the CHR for the formulation of the implementing rules and regulations of the MCW.
- c) **Need for legal reforms that will make national laws consistent with the CEDAW.** As a state party to the CEDAW, the GRP is expected to work for the passage of new laws and review/amend and/or repeal existing laws that are discriminatory to women. This includes the passage of new bills that have been and are being lobbied by the women's groups and the PCW under its Priority Women's Legislative Agenda program. Part of the agenda on legal reforms is to build a constituency by supporting the formation of a core group of advocates who will be equipped to articulate the needed reforms, to engage law and policy makers and stakeholders in productive policy discussions. Many of the controversial issues that have been brought up by the CEDAW Committee in the 2006 Concluding Comments, such as: the lack of a law on divorce; provisions in the Code of Muslim Personal Laws (CMPL) that permit polygamy, arranged marriages, and marriage of girls below 18 years old; and the Penal Code's punitive approach to women who undergo abortion should at least be opened for public debate.
- d) **Change patriarchal attitudes and gender stereotypes.** Traditional practices and beliefs pertaining to gender roles persist and tend to undermine the attainment of gender equality and non-discrimination. Correspondingly, the level of awareness on CEDAW and national laws that promote the rights of women is low. There is a need

<sup>4</sup> Rodriguez, Luz. UNIFEM Press Release. August 14, 2009

increase knowledge and appreciation of CEDAW to lay the foundation for building a culture of human rights among duty bearers and claim holders.

### **Description of the Thematic Objectives**

The CEDAW-NHRAP draws from the core elements of the CEDAW: (1) gender equality; (2) non-discrimination; and (3) state obligations; and builds upon the principles of the indivisibility and interdependence of human rights.

The CEDAW Chapter of the NHRAP has four thematic objectives that correspond to the priority human rights agenda that were identified earlier. They are the following:

#### **Thematic Objective 1:**

To enhance the capacity of the justice system to effectively and efficiently implement existing laws that protect and uphold the rights of women against gender-based violence.

The scope of the Thematic Objective #1 will be limited to the implementation gaps of the following laws on gender-based violence or VAW (violence against women):

- (1) Anti-Violence Against Women and their Children Act of 2004 (RA 9262);
- (2) Anti-Sexual Harassment Law of 1995 (RA 7877);
- (3) Anti-Rape Law of 1997 (RA 8353);
- (4) Rape Victim Assistance and Protection Act of 1998 (RA 8505)
- (5) Anti-Trafficking in persons Act of 2003 (RA 9208)

The justice system as referred here shall be the five pillars of justice, namely, the: (1) community; (2) police; (3) prosecution; (4) courts/judiciary; and (5) penology.

#### **Thematic Objective 2:**

To fast track the implementation of selected provisions of the Magna Carta of Women (MCW), and institute monitoring mechanisms that will monitor its progress.

The Magna Carta of Women (MCW) is Philippines' local version of CEDAW that was signed into law by President Gloria Macapagal Arroyo on August 14, 2009. It is a comprehensive women's rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors. The CEDAW-NHRAP will monitor the formulation of MCW's implementing rules and regulations, and subsequently track the progress of accountable agencies in carrying out the mandates appropriated to them in the MWC.

Among the several provisions of the MCW, the CEDAW-NHRAP will monitor: steps to eliminate gender discriminatory practices in public schools and the workplace; promote gender parity in the civil service, military and police; engender local governance by increasing participation of women in local development councils and integrating gender perspective into local plans; and guaranteeing the availability and accessibility of health and social services to women and livelihood assistance, especially for marginalized women.

**Thematic Objective 3:**

To influence and support institutions that are in a position to strengthen the national legal framework for promoting gender equality and women's full enjoyment of their human rights

The CEDAW Committee's Concluding Comments in 2006 urged the GRP to ensure that the Convention become fully applicable in the national legal system. The CEDAW NHRA will promote activities that will contribute towards building a constituency that will demand their rights for stronger protections through legislative and policy reforms.

The Committee likewise urged the GRP "to give high priority to strengthening the legal framework for the promotion of gender equality and women's enjoyment of their human rights and, to that end, to expedite the adoption of pending bills in order to promptly bring the relevant national laws in line with the Convention."<sup>5</sup> The Committee recommended for the GRP to conduct a systematic review of all legislation and to initiate all necessary revisions so as to achieve full compliance with the provisions of the Convention.

**Thematic Objective 4:**

To raise the level of awareness and appreciation of the CEDAW

This objective will respond to the CEDAW Committee request to disseminate widely the present concluding comments "in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard."<sup>6</sup> Further, the Committee requested the GRP to disseminate widely the Convention, its Optional Protocol, and the Committee's general recommendations.

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<sup>5</sup> CEDAW Committee Concluding Comments, 2006.

<sup>6</sup> CEDAW Committee Concluding Comments, 2006.

### Priority Areas of Implementation

The areas for implementation of each of the Programs/Projects and Activities (PPAs) identified in the CEDAW NHRAP will vary depending on the capacity of the Accountable Agencies, as well as on the resources available to the Philippine Commission on Women for monitoring progress of the plan at the local level. At the maximum, the plan targets to implement all PPAs from the national, down to the sub-national/ regional, provincial, and municipal levels. However, the geographical scope or areas targeted for plan implementation was narrowed down to 17 provinces. These provinces met at least one of the following requirements: (1) the provincial or municipal LGU is an implementing partner of the PCW in an ongoing or prospective project; (2) organized gender advocates are present in the area, i.e., gender resource centers, IACAT-VAWCs, active women's organizations, etc; and (3) high incidence of women's rights violations in the area.

The results of the National Democratic Health Survey of 2009 wherein questions on personal safety (VAW) questions were asked is still pending and may still change the following list of provinces that were initially identified as the priority areas for implementation of the 2010-2014 CEDAW-NHRAP:

1. Ifugao
2. Mt. Province
3. Pangasinan
4. Pampanga
5. Zambales
6. Quezon
7. Masbate
8. Camarines Sur
9. Leyte
10. Eastern Samar
11. Bohol
12. Iloilo
13. Lanao del Norte
14. Davao del sur
15. Sultan Kudarat
16. Tawi-Tawi
17. Metro Manila

## Section 1: Strategic Treaty Indicators

Under **Thematic Objective No. 1** on enhancing the capacity of the justice system to effectively implement anti-VAWC laws, the following strategic treaty indicators were identified:

- a. Duty bearers are adequately equipped to apply the Rights Based Approach (RBA) and Gender Sensitive (GS) principles in dealing with VAW complaints/cases<sup>7</sup>.
- b. Strategic Plans of the IACAT and IAC VAWC are progressively implemented and transparently monitored<sup>8</sup> for their accomplishments in the key strategic areas (KSAs) on: a) Public Information and Advocacy; b) Capacity Building and Service Delivery; c) Research and Policy Development; d) Sustained Linkages and Partnerships; and e) Resource Generation and mobilization.<sup>9</sup>
- c. VAW case/ complaint tracking and monitoring system is installed in pilot areas.<sup>10</sup>
- d. National and local performance accountability mechanisms for monitoring the progress of the work of the Supreme Court's Committee on Gender Responsive Judiciary (CGRJ) are in place.<sup>11</sup>
- e. VAWC-related services improved in quality and accessibility, and are gender-sensitive and rights based

The accountable agencies under Thematic Objective#1 of this plan are the frontline institutions that are mandated in the five above-mentioned laws to provide direct services to victim-survivors of VAW. They comprise the five pillars of justice, namely, the: (1) community; (2) police; (3) prosecution; (4) courts/judiciary; and (5) penology. They are namely: the Supreme Court and IACVAWC and IACAT member agencies, which include: the PNP, DILG, DOJ, NBI, DSWD, BJMP, BC, and LGUs of the 17 identified priority provinces.

Under **Thematic Objective No. 2** on fast-tracking the implementation of selected provisions of the Magna Carta of Women, the following strategic treaty indicators are to be met:

1. Mechanisms for the implementation and monitoring of the Magna Carta of Women are in place at all levels.
2. Gender discriminatory practices and policies in educational institutions and the workplace are eliminated.
3. Gender parity in the 3<sup>rd</sup> level positions in the civil service is achieved.
4. Elimination of discrimination in entry and promotions in the military and police services.
5. Increased participation of women in local development councils.
6. Gender equality and non-discrimination concepts are continuously mainstreamed into local development plans.
7. Improved social protection and safety net programs for women in marginalized sectors who are victims of natural calamities and the economic crisis are implemented.
8. Quality comprehensive health services and health information and education are made accessible and available to all women who need them.

Under Thematic Objective No. 2, the accountable agencies are the PCW, CHR, CHED, DepEd, DOLE, CSC, DILG, DOH, NEDA, DOT, DND, AFP, NDCC and the PCW.

<sup>7</sup> Responds to the CEDAW Concluding Comments, 2006

<sup>8</sup> Responds to UPR Comment on CEDAW,

<sup>9</sup> Responds to the UPR Comment on CEDAW

<sup>10</sup> Responds to the CEDAW Concluding Comments, 2006

<sup>11</sup> Responds to UPR Comment on CEDAW

Under Thematic Objective No. 3 on legal review and reform, success will be measured by the following strategic treaty indicators:

- a. Concerned government agencies commit to undertake a vigorous legislative advocacy program to support the passage of the ff Pro-Women Bills: (1) Anti Prostitution Bill; (2) Marital Infidelity Bill; (3) RH Bill; (4) Kasambahay Bill; (5) Local Sector Representation (LSR) Bill; (6) Abolition of Night Work Prohibition Bill; and the (7) Abolition of the Forgiveness Clause in Marital Rape.
- b. A comprehensive knowledge-database on the issues involved is established through research and documentation to support the legislative advocacy process.
- c. Rights based discussion on the following laws that compromise the protection and fulfillment of women's human rights are initiated with stakeholders groups: (1) Code of Muslim Personal Law provisions on child marriage, arranged marriages, and polygamy; (2) Punitive actions versus women who undergo abortion; and (3) absence of a divorce law.
- d. Organized policy advocacy groups composed of GOs and CSO organizations are supported and strengthened.
- e. Pro-women bills filed in the legislature progressively gain support from lawmakers, and are voted into law.

Under Thematic Objective No. 3, accountable agencies that will lead advocacy or initiate policy debates on specific issues will be the following:

- (1) for the Anti Prostitution Bill – PCW, DOJ
- (2) for the Marital Infidelity Bill – DOJ, PCW
- (3) for the Reproductive Health (RH) Bill – DOH, POPCOM
- (4) for the Kasambahay Bill – DOLE, PCW
- (5) for the LSR Bill – DILG
- (6) for the Abolition of the Prohibition of Night Work for Women Bill– DOLE
- (7) for the Abolition of the Forgiveness Clause in Marital Rape – DOJ, PCW
- (8) for CMPL – the Regional Sub-Committee on Women of the ARMM
- (9) for Punitive Actions vs Women who Undergo Abortion – DOH and POPCOM
- (10) for the Lack of a Divorce Law – DOJ and PCW

**Thematic Objective No. 4** aims to raise the level of awareness and appreciation of CEDAW and the following strategic treaty indicators will be used to measure success of the plan:

- 1) Government institutions reaffirm commitment to promote human rights education (HRE) and increase efforts to raise awareness on CEDAW.<sup>12</sup>
- 2) Government employees/ duty bearers understand, appreciate and apply CEDAW principles in carrying out their work functions.
- 3) Key agency personnel have increased capacity to advocate CEDAW principles, its GRs and the Committee's Concluding Comments, and to monitor their application into governance processes.

Under Thematic Objective #4, the following government institutions will be the **accountable parties** for this objective: PCW, PIA, DILG, PHRC, CHR, DepED, CHED, CSC, NEDA, Office of the Press Sec., PNP, SC, DOJ, NBI, DSWD, AFP, DND, DOLE, ARMM RCBW, all training institutions of the government and the LGUs of the 17 priority provinces.

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<sup>12</sup> Addresses CEDAW General Recommendation #3

## Section 2: Thematic Situationer

The Philippine government's efforts to infuse CEDAW into the governance has been substantial and reinforced by the adoption of gender mainstreaming as the strategy for achieving women's empowerment and gender equality. In 2006 the CEDAW Committee welcomed the Philippine Plan for Gender-Responsive Development 1995-2025 (PPGD), the blueprint for action which translated the CEDAW and the Beijing Platform for Action (BPA) into policies, strategies, programs and projects.<sup>13</sup>

Despite the availability of enabling laws and policies and a programmatic response to mainstream gender perspectives in the bureaucracy through the Framework Plan for Women (FPW)<sup>14</sup>, a combination of implementation gaps, customary laws and traditions, as well as evolving socio-cultural, economic and political realities, pose numerous challenges to the task of protecting and fulfilling the rights of women in the Philippines.

The CEDAW-NHRAP seeks to address some but not all gender issues within the next five years. Focus is given to addressing issues that are more urgent than the others, of which programs would be easier to track, are more likely to be achievable within the timeframe, and are among the concerns brought forth in the CEDAW Committee Review of 2006 and the Universal Periodic Review in 2008.

The nature and contexts of the issues that the CEDAW-NHRAP will attempt to solve are as follows:

### A. Violence Against Women

In 2006, the CEDAW committee "noted with appreciation the adoption of laws which would contribute to the enhanced implementation of the Convention"<sup>15</sup>. In the same report however, the CEDAW committee expressed concern over the very slow implementation of laws and the lack of tracking progress in national commitment and framework plans. Obstacles that deter women from realizing their rights against VAW include a poor understanding of their own rights, gender-insensitive handling by frontline social service providers and law enforcers that tend to turn women into complainants, the poverty of opportunity, time and resources to access redress mechanisms from the reporting stage to the completion of cases filed in court, lengthy court proceedings, and the stigma attached to victims of VAW. In certain situations or settings, there is also a lack of faith in the justice system and in some others there are traditions or cultural beliefs that tend to allow rather than discourage gender inequalities that lead to VAW. These issues point to the need to transform institutions and attitudes in order to convert de jure rights into de facto reality so that women can fully realize their right to be protected from gender-based violence.

The United Nations Declaration on the Elimination of All Forms of Discrimination Against Women (1993) defines violence against women (VAW) as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." While the prevalence of VAW is difficult to establish due to a lack of a uniform reporting mechanism that results to double reporting in some areas and underreporting in some, frontline service workers share the observation that the incidence of violence, especially against spouses, is still on the rise. In 2008 the number of VAW cases reported to the police rose by 10 percent from the 2007 report.<sup>16</sup> VAWC or gender-based violence can happen even in the domestic

<sup>13</sup> CEDAW Committee Concluding Comment #6, 2006.

<sup>14</sup> The Framework Plan for Women, formulated during the Arroyo administration, is a time-slice of the PPGD focusing on promotion of women's human rights, women's economic empowerment, and gender-responsive governance.

<sup>15</sup> CEDAW Committee Concluding Comment #5, 2006.

<sup>16</sup> NCRFW (PCW) Factsheet on Filipino Women, February 2009

sphere. The PNP reported that physical injuries and/or wife battering remained to be the most prevalent case across the twelve-year period between 1997 to 2008, accounting for about half (49.6%) of all reported VAW cases nationwide<sup>17</sup>. Although occurrence of VAW is not confined to any social or economic class, its links to poverty and high unemployment rates have been well established in several studies. Thus, women in marginalized sectors of society are most vulnerable to VAW.

Institutional mechanisms in response to VAW have improved in the years that followed the passage of laws on violence against women and children (RAs 9262, 9208, 8505, 8353, and 7877), and with the establishment of women and children's desks in police stations and barangay offices, plus with the presence of non-government organizations (NGOs) that assist women in crisis. Victims' access to legal remedies and social and health assistance have been enhanced yet there still remain a number of obstacles that deter women from coming forward to report gender-based violence. These barriers include the lack of knowledge on the law among duty bearers who are expected to implement them, and the lack of qualified personnel. For instance, local barangay officials have been known to respond to requests for Protection Order by brokering reconciliation between a victim and her spouse. Under RA 9262, duty bearers are clearly prohibited from mediating between parties in recognition of the victim-survivor's inability to properly negotiate at an equal footing within an abusive power-relationship. The Rape Victim Assistance and Protection Act of 1998 (RA 8505) instructs that investigating police officers should be the same sex as the victim, but reports from the field show that this is not always observed. There is very low compliance to RA7877 (Anti Sexual Harassment Act of 1995) among school administrators and office managers who fail to initiate the formulation of organizational policies on sexual harassment, or create Committees on Decorum and Investigation (CODI) that will act swiftly on complaints.

Aside from problems encountered during rescue, investigation and rehabilitation, there are obstacles to seeking redress in the courts that discourage victim-survivors of rape, domestic violence, trafficking, and sexual harassment from seeking legal remedies. Inefficient case management due mainly to case overload of courts cause the big time lag between reporting, trial, and actual conviction of perpetrators. Drawn-out processes suggest that the legal system does not prioritize crimes of violence against women and this takes a toll on the victim and her family, inflicting psychological and economic damage that become a disincentive to seeking justice. Even when cases are tried, some judges demonstrate gender insensitivity and a lack of understanding of the power relations that prevail in violent families, therefore dimming the prospect of a fair trial.<sup>18</sup> These factors, along with social pressure, threats, poverty and attractive offers to settle for compensation, explain why many VAW victim-survivors desist from pursuing their cases in the courtroom. Such conditions impede the fulfillment of the rights of victims to justice under the courts of law and contribute to the expansion of a culture of impunity.

### Magna Carta of Women

National laws that uphold equality of women with men are in place. The 1987 Constitution guarantees the fundamental equality before the law of women and men. Article II, section 4 proclaims the state's recognition of "the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." RA 7192 or the Women in Nation Building Act on the other hand declares the state's recognition of the role of women in nation-building and instructs government departments "to ensure the full participation of women in the development process."

The enactment into law of the Magna Carta of Women last August 14, 2009 by virtue of President Gloria Macapagal Arroyo's signature answers the 2006 CEDAW Committee Concluding Comment on the lack of a legal definition of discrimination in Philippine national laws, affirming

<sup>17</sup> NCRFW (PCW) Factsheet on Filipino Women, February 2009

<sup>18</sup> Guanzon, Rowena, A. Javate de Dios, D. Torres, T. Balayon. *Engendering the Philippine Judiciary*. Bangkok: United Nations Development Fund for Women. 2006.

Article 1 of the CEDAW. The Magna Carta of Women satisfies this requirement and shall be instrumental in instituting affirmative actions that will promote gender equality and non-discrimination in Philippine society. The MCW instructs government institutions to provide for special protection for women from the insidious effects of discrimination in the economic, social, and political spheres, and even in personal or private relationships.

There are several gender issues that the Magna Carta addresses. For the manageability of implementing and monitoring the CEDAW-NHRAP, only several of these issues were identified. The baseline information on these issues is presented as follows:

#### **A. Gender-based Discriminatory Practices in Education and Work Environments**

The MCW outlaws the expulsion of female students and teachers who get pregnant outside of marriage. When they are asked to leave school or work because of their condition, they are denied their right to education and work. There is no data on the specific number of women and girls who were fired or expelled or suspended because they were pregnant, mainly because both victim and managers/school administrators prefer to keep such incidents under wraps to avoid a scandal. Cases of this nature is widespread across the country, and is observed to be more prevalent in institutions that are managed by faith-based groups that justify exclusionary policies with their need to uphold "moral" standards for the protection of the rest of the student body and/or employees. Measures to restrain such practice need to be instituted and monitored.

The MCW codifies non-discrimination in the entry and promotions of women in the field of military, police and other similar services. This includes women's equal enjoyment of privileges and opportunities vis a vis their male counterparts.

#### **B. Gender Disparity in Civil Service Management Positions**

The MCW encourages duty bearers to undertake affirmative action, or special measures that will level the playing field so that women can compete for resources from the same leverage as men. An example is the move to increase the number of women in 3<sup>rd</sup> level of the civil service by imposing a 50%-50% quota for male and female appointees. But while 1.31 million women make up the majority (58%) of the bureaucracy<sup>19</sup>, they are likely to be technical personnel (2<sup>nd</sup> level), whereas men are more likely to be clerks (1<sup>st</sup> level) or managers/ executives (3<sup>rd</sup> level).<sup>20</sup>

##### **i. Lack of Women's Participation in Public and Political Life**

The CEDAW Committee Concluding Comments in 2006 called for the GRP "to establish concrete goals and timetables and to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population, particularly indigenous women and Muslim women." The Committee recommended that "the State party implement training programmes and awareness-raising campaigns to highlight the importance to society as a whole of

<sup>19</sup> Civil Service Commission, 2004

<sup>20</sup> NCRFW. Factsheet of Filipino Women and Men. February 2009

women's full and equal participation in leadership positions at all levels of decision-making."

The following data shows the lack of participation of women in political and public life<sup>21</sup>:

1. In 2007 Senatorial election, there were four women out of 37 hopefuls (10.8%), of which only one entered in the top 12 winning senators (8.3%).
2. There were 51 women Representatives of the 14th Congress (2007 national election). It accounted for 21% of the total 240 Representatives in the Lower House.
3. A women's rights organization has secured party-list representation in Congress since 2004.
4. In 2007 national election, a total of 21 Party-list Representatives were given seats in the House of Congress. Two of them were from a women's organization – Gabriela Women's Party (GWP) which also won in the 2004 national election.
5. The participation of women in the judiciary is also dismal. In 2001, 20 percent of the total incumbent judges in the first and second level courts, including Shari' a courts, were women, although it increased to 24 percent in 2002; 25 percent in 2003; and 26 percent in 2004.
6. In the Supreme Court, there were 3 women out of 15 justices in 2001; 4 out of 15 in 2002; 4 out of 14 in 2003; 5 out of 15 in 2004; and 5 out of 15 in 2007.

#### **D. Lack of social protection and safety nets for women in marginalized sectors who are victims of natural calamities and the economic crisis**

The 2006 CEDAW Committee Concluding Comments requested the GRP "to evaluate the impact of the free trade agreements on the socio-economic conditions of women and to address women's high unemployment rate by creating new sustainable employment opportunities for those affected." It also encouraged the State party "to take measures that enhance the situation of women in the informal economy."

There is scant data on the effects of the global economic crisis to women, especially on those who are poor and are engaged in livelihoods that are counted as part of the informal sector. In the same breadth, there is little information on the gender-specific effects of natural disasters (floodings, typhoons, etc.) to women and men. However, it has been established that women-headed households are most vulnerable to financial and natural disasters. Policies and actions therefore should be able to improve marginalized women's access to social security and safety nets that will help them cope and recover.

#### **E. Women's Lack of Access to Reproductive Health Services**

The 2006 CEDAW Concluding Comments urged the GRP "to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning."

<sup>21</sup> NCRFW (PCW) Factsheet on Filipino Women, February 2009

- In the Senate, four bills addressing prostitution were filed at the start of the 14th Congress. Sen. Jinggoy Ejercito Estrada authored three of them, namely SB 305, SB 694, and SB 497. Sen. Loren Legarda authored SB 937 amending Article 341 of the Revised Penal Code, focusing on White Slave Trade.

## B. Domestic Workers<sup>24</sup>

- The Philippines is duty-bound to implement the provisions of the CEDAW, specifically the UN CEDAW Committee's Concluding Comments that urges the government to "adopt effective measures in the formal labor market to eliminate occupational segregation, narrow and close the wage gap between women and men, and enhance the situation of women in the informal economy."<sup>25</sup>
- Article 10, Section 9 of the 1987 Philippine Constitution provides that "Legislative bodies of local governments shall have sectoral representation as may be prescribed by law." The 1991 Local Government Code (LGC) provides the form of local sectoral representation (LSR) by allotting one seat for women, one for workers, and the last seat to be contested by all other sectors or be determined by the Sanggunian.
- The COMELEC opines that under RA 7887 (Amending the Synchronized Elections Law of 1991) the election of local sectoral representatives can only be conducted in accordance with an enabling law, which is yet to be enacted by Congress.
- The estimated number of household (or domestic) workers in the Philippines ranges from 600,000 to 2.5 million. (ILO 2004) Of the estimated 2.5 million household workers, one million were said to be children. (Visayan Forum).
- Household workers tend to be very young, usually aged 15-17 years old. Child household workers are perhaps the second largest group of working children, next to agriculture workers.
- Domestic work is a female-dominated occupation. An NSO Labor Force Survey in 2002 found that 92 % of domestic workers were women/girls.
- Household workers are vulnerable to abuse because they are female, mostly young and live as well as work in unregulated environments or private enclaves that are hidden from public view. Their profession is ranked by society as a low- status and low-paying job. The most common types of abuses experienced by household workers include: physical, psychological and sexual abuse; harmful and hazardous working conditions; Low, unpaid or delayed wages; Vulnerability to trafficking and debt bondage; Long working hours with no days off; Performing multiple and all-around work; Working in isolation and without support networks; Lack of social security or health benefits; and Lack of opportunities for education and self-improvement.
- Legislation for the protection of household workers were part of the responses to several policy advocacy initiatives, i.e., the 1st National Consultation on Child Domestic Workers in the Philippines in 1996 and the Global March Against Child Labor, a worldwide movement instrumental in the approval of ILO Convention 182 on the Worst Forms of Child Labor.
- The "Magna Carta for Domestic Workers or Batas Kasambahay" was filed by Rep. Juan "Jack" Enrile in 3 consecutive Congresses (11<sup>th</sup>-13<sup>th</sup>) but for various reasons including the barriers that its counterpart proposal faced in the Senate, the bill has not yet become a law.
- Pending the absence of a national legislation, LGUs passed their own ordinances to regulate household work and provide protection for household workers. These included Quezon City, Bacolod, and Makati. Other cities are following suit.

<sup>24</sup> Source: Soliman, Marilen. Legislative Advocacy. NCRFW. www.ncrfw.gov.ph

<sup>25</sup> CEDAW Committee Concluding Comment # 2006

- Baguio, Batangas, Davao, Bulacan, Daet and lately Mandaluyong, Marikina and Taguig.
- The Visayan Forum is an NGO that has been most prominent in advocating for the Batas Kasambahay.
- The National Domestic Workers Summit in 2005 of household workers in the Philippines and abroad called for the swift passage of Batas Kasambahay.
- April 30 is the National Domestic Workers' Day or Pambansang Araw ng Kasambahay by virtue of Presidential Proclamation 1051 issued by President Gloria Macapagal-Arroyo.
- Public opinion on the proposed Batas Kasambahay is favorable. Over one million signatures in favor of the swift passage of the Batas Kasambahay bill were gathered and presented to the Senate in 2005. According to a survey conducted by the Social Weather Stations in that same year, 87% of Filipinos strongly agree that there should be a law addressing the domestic work sector.

### C. Women's Sectoral Representation<sup>26</sup>

- The Philippines is duty-bound to implement the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), specifically the UN CEDAW Committee's Concluding Comments, which among others, urges the government to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population.
- In the election of 2007, women won only 53 out of 236 seats (or 22%) in the Lower House, and only 4 out of 24 seats (16.7%) in the Upper House. (International IDEA and Stockholm University, 2007).
- Women's performance in elections was as dismal in 2004 when the average proportion of women in key elected posts was no more than 17%. (COMELEC, 1995-2004).
- The base of women's participation in local governance and political decision-making needs to be expanded. In local legislative bodies, women comprised only 15% of Sanggunian councilors (COMELEC, 1992-2001)
- Women's share of seats in Philippine electoral politics, remains short of the global target of 30% (even 50% as per UNCSW), which in some countries have been achieved by affirmative action, usually expressed through quotas.

### D. Marital Infidelity<sup>27</sup>

- The Philippines is duty-bound to implement the provisions of the CEDAW, specifically the UN CEDAW Committee's Concluding Comments, which urges the government to review existing policies with the aim of removing discriminatory provisions in national legislation.
- Discrimination against women is evident in the laws covering marital infidelity. It takes less evidence to prove a woman guilty of being unfaithful to her husband, than it would take to prove a man guilty of being unfaithful to his wife. The penalty is also harsher for erring wives found guilty of adultery-Art 333 RPC (imprisonment of two to six years), compared to husbands found guilty of concubinage- Art 334 RPC (imprisonment of only six months to four years).

<sup>26</sup> Source: Castro, Honey. Legislative Advocacy. NCRFW. [www.ncrfw.gov.ph](http://www.ncrfw.gov.ph)

<sup>27</sup> Source: Gorospe, Evelyn. Legislative Advocacy. NCRFW. [www.ncrfw.gov.ph](http://www.ncrfw.gov.ph)

- This is beside the fact that husbands, more than their wives, are likely to engage in sexual relations outside of marriage. A study found (Gonzales 2003) that 13 percent of married men engage in extra marital relations, as compared to 6 percent of married women.
- Bills intending to revise the Arts 333 and 334 of the RPC have been filed since the 13<sup>th</sup> Congress. Among the solons who filed bills to this effect are Reps. Emm. Joel Vilanueva, Liza Largoza-Maza and Luzviminda C. Ilagan in Congress and Edgardo Angara in the Senate.
- The proposed revision to the existing law call for a generic definition of marital infidelity as a crime that is applicable to both married women and men and impose the same penalties for offending parties for the same gravity of offense. The proposed bill should be able to apply to Muslims and members of indigenous communities whose cultures allow for multiple spouses, and who shall engage in sexual intercourse with any person other than their official spouses recognizing their respective faiths and traditions.

#### **E. Reproductive health, responsible parenthood & population and development<sup>28</sup>**

- The Philippines is duty-bound to implement the provisions of the CEDAW, specifically the UN CEDAW Committee's Concluding Comments (2006) and the UPR Report (2008), which urges the government to enhance women's access to health care, including reproductive health services, to address high maternal mortality rates, high fertility rates, and inadequate family planning services.
- Philippine maternal mortality rate (MMR) remains high at 162 deaths for every 100,000 live births. The National Statistics Office fears that the slow decline in MMR may cause the Philippines to miss its MDG target of bringing down the MMR to 53 by the year 2015. (Family Planning Survey 2006).
- Maternal deaths account for 14 percent of deaths among women. According to the Commission on Population, ten (10) women die every 24 hours from pregnancy and childbirth-related complications (Popcom 2000).
- 29 infants of every 1,000 live births die before reaching one year of age; 40 young children die before reaching five years of age. (NSO, NDHS 2003)
- 29 infants of every 1,000 live births die before reaching one year of age; 40 young children die before reaching five years of age. (NSO, NDHS 2003)
- Close birth spacing and high-risk pregnancies have been shown to be closely related to childhood mortality. (NSO, NDHS 2003)
- The Filipino woman's desired number of children is 2.5. However, the actual fertility rate is 3.5 children or a difference of one child. This difference is mainly due to the lack of information on and access to family planning services. (NSO, NDHS 2003)
- Only 49.3 percent of women use any method of contraception, with the use of the pill as the leading contraceptive method, followed by female sterilization, and calendar rhythm. Condoms, even though widely distributed, accounted for only 1.5 percent of the total usage. (NSO-FPS 2005)
- The unmet need for family planning averages 17.3 percent. Those belonging to the poorest class have the highest unmet need for family planning at 26.7 percent, consisting of those who want to space their pregnancies (10.9 percent), and those who want to limit the number of their children (15.8 percent). The current unmet need for contraceptives is 23.15 percent for poor women and 13.6 percent for women who are not poor. (NSO, NDHS 2003)
- The use of modern family planning methods increases with the increase in the level of education of women. (NSO, 2003 NDHS)

<sup>28</sup> Source: Castro, Honey. Legislative Advocacy. NCRFW. [www.ncrfw.gov.ph](http://www.ncrfw.gov.ph)

- 97 percent of all Filipinos believe it is important to have the ability to control one's fertility or to plan one's family. It is significant to note that 87 percent of the total respondents are Roman Catholics. (Pulse Asia Survey, Feb 2004)
- Past government administrations have attempted to address these population and reproductive health concerns. However, their approaches differed and changed, depending on the views of whoever holds the leadership.
- From the 9th to the 11th Congress, Population Development bills have been filed, focusing mainly on controlling population growth. It was only in the 12th Congress that the reproductive health of women figured into the discussions on population development, so that population-related bills filed in the 12th and 13th Congress already considered reproductive health issues.
- The RH bills have consistently faced opposition from the Catholic Church and groups allied to it, who dispute the benefits over the harm to social morals that may result from the promotion of the use of artificial contraceptives, and compulsory sexuality education for children. Catholic dogma considers natural family planning methods as the only acceptable and ethical/moral fertility management technology.
- The lawmakers who have filed bills on reproductive health in the 14<sup>th</sup> Congress are: Reps. Edcel Lagman and Janette Garin in Congress, and Sens. Rodolfo Biazon and Sen. Panfilo Lacson at the Senate.

#### **F. Women and Nightwork**

Amidst the growth of the call center industry where more than 60 percent of the employees are women, Article 130 of the labor law prohibits night work for women. Article 130. *Nightwork Prohibition states:*

“No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

- (a) In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or
- (b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or
- (c) In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours.”

At present, the Labor Code on the prohibition of night work is still pending for amendment. While the night work prohibition is still in force, call centers and Business Process Outsourcing (BPO) industry are able to employ women for night shift work by applying for exemption from Art 330 with the DOLE. In 2008, the DOLE issued a Circular requiring the call centers and Business Process Outsourcing (BPO) industry to establish a safety and health policy in accordance with the Occupational Safety and Health Standards (OSHS).

Women's economic participation has increased since 1974 when the Labor Code was enacted. While this law was intended a protectionist measure at the time it was passed, present day conditions have outdated its relevance and instead intensifies the possibility of women's exclusion from economic activities and thereby threatening the exercise of their right to work.

#### **G. Forgiveness Clause in the Marital Rape Law**

A forgiveness clause under the Anti-Rape Law, nullifies the criminal dimension of marital rape and its penalties and helps perpetuate the cycle of violence. Article 266-C of the Anti-Rape Law of 1997, Republic Act 8353 states “In case it is the legal husband who is the

offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty." Women's advocates who oppose this provision contend that a woman in a long-standing abusive relationship can be pressured into absolving her spouse by patriarchal attitudes and beliefs which she herself may subscribe to or by the sheer power over her by the abusive partner.

#### **H. Polygamy, Arranged Marriage and Early Marriage in the Code of Muslim Personal Laws (CMPL)**

The CEDAW Committee in 2006 encouraged the GRP to intensify dialogue with the Muslim community on the removal of discriminatory provisions from Presidential Decree 1083 of 1997 or the Code of Muslim Personal Laws (CMPL). The CMPL provisions that are perceived to be discriminatory to women are those that permit polygamy, arranged marriages, and marriages below 18 years old.

For polygamy, a man is allowed to marry as many as four wives as long as there is consent from the first wife/wives and the bride is fully aware of his situation. He must also prove his capacity to appropriate equal time, attention, and financial support to each of his wives and their children. Consultations with Muslim women however revealed that there are many cases wherein the prescribed prerequisites to marrying more than one wife are not followed and conditions are not met, leading to the psychological and financial suffering of the women.

Arranged marriages on the other hand go against Art.16 of CEDAW, which says that states should help ensure the right of women to "freely choose a spouse and enter marriage only with their full consent".

The legal age to marry (15 years old) in the CMPL is not in congruent with the Family Code (18 years old). Young girls who bear children are at greater risk of complications from pregnancy and childbirth because they have not yet reached the age of full physical as well as psychological maturity. This has bearing on the country's targets on reducing maternal deaths.

There are no ready statistics on the number of polygamous, arranged and early marriages that were contracted through the CMPL. Quantitative as well as qualitative information on the effects of these types of marriages to Filipino women's rights, particularly to women living under Muslim laws, still need to be systematically collected so that they may be used as a basis for proposing policy reforms.

#### **I. Penalties for Women who undergo abortion**

Abortion is a criminal act in the Philippines which is punishable by imprisonment. Articles 256, 258 and 259 of the Revised Penal Code consider a woman who has undergone intentional abortion as a criminal. The risk of death and infirmity from complications due to clandestine abortion is high because it is unregulated and therefore mostly unsafe and done by poorly trained practitioners in backdoor clinics. Due to such conditions, unsafe abortion is the fourth leading cause of maternal deaths. Still, many women opt to go through abortion. Of the 3.1 million pregnancies that occur each year, 15 percent are said to result in induced abortions.

The number of women who undergo abortion may be increasing. A study by the Guttmacher Institute in 1994 estimated the annual average abortion rate at 25 per 1,000 women. In

2000, the annual average rate of abortion increased to 27 per 1,000 women.<sup>29</sup> There is need to understand why women still opt to undergo abortion despite its risks to health and of criminal liability.

The CEDAW Committee in 2006 recommended for the GRP “to consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions and to reduce women’s maternal mortality rates in accordance with the Committee’s general commendation 24 on women and health and the Beijing Declaration and Platform for Action.”

#### J. Lack of a Law on Divorce

Divorce is permitted under the Code of Muslim Personal Laws. But the CMPL does not apply to majority of Filipinos who are Christians and who are governed by a Family Code that has no provision for divorce. The remedies for failed marriages are restricted to legal separation and annulment (Art.36 of the Family Code). The Women’s Legal Bureau, an NGO, laments its limitations. “(T)he remedies for declaration of nullity and annulment do not cover the problems that occur during the exercise of marriage, Legal separation on the other hand, while covering problems during the marriage, does not put an end to marriage.”

<sup>30</sup> The increasing number of petitions for annulment is indicative of its significance to persons with failed marriages who have the need to settle property and custody issues, and who carry the desire to legally disengage from a union, and eventually earn their freedom to remarry.

The CEDAW Committee in 2006 expressed its concern over the lack of a law on divorce in the Philippines and urged the GRP “to introduce and support vigorously legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women be granted the right to initiate divorce on the same terms as men.”<sup>31</sup> Even the Concluding Comments of the ICESCR in November 2008 recommended that “the State party adopt legislation recognizing the right of men and women to divorce, to obtain the legal severance of marital ties and to remarry after divorce.”<sup>32</sup>

Several bills on divorce have been filed in Congress since 1999 and each time encountered stiff opposition from church-based groups. The latest was House Bill 3461 by Reps. Liza Maza and Luzviminda Ilagan of the Gabriela Party List. A divorce law may take a long time coming but a divorce law can provide protection to battered women and their children from further abuse.

#### 4. Lack of Public Awareness on the CEDAW

There has been no study to measure the level of public awareness on the CEDAW. However, nearly thirty years after the Philippines became a party to the Convention, experience confirms what feminist advocates already know: very few Filipinos are aware the CEDAW and its implications.

<sup>29</sup> Juarez, Cabigon, Singh and Hussain. The Incidence of Induced Abortion in the Philippines: Current Level and Recent Trends. *International Family Planning Perspectives*. v.31, no.3. September 2005.

<sup>30</sup> Jarolay, Pamaos Laurente Offices. <http://jlp-law.com/blog/proposed-divorce-law-in-the-philippines>

<sup>31</sup> CEDAW Committee Concluding Comments 2006

<sup>32</sup> Concluding Comments of the ICESCR in November 2008

In shifting from a needs-based to a rights-based approach to development, it is crucial that duty bearers possess knowledge on the CEDAW and gain the necessary skills to apply it in governance. Concurrently, claim holders need to be familiar with the Convention to be able to assert their rights. The NCRFW has provided guidance to government units in promoting increased awareness on the Convention through commemorative events (i.e., Women's Month) and campaigns (i.e., 18 Day Campaign to End VAW). Development partners such as the UNIFEM supported training programs to deepen knowledge on the CEDAW among women advocates. However, awareness raising activities need to be scaled up into human rights educational activities that are institutionalized into regular training programs of government institutions if a greater impact is desired.

Table 1. Situation Matrix

Human Rights Issues	Duty Bearers	Claim Holders
<p>1. State is unable to fulfill the rights of VAWC victims due to implementation gaps in the laws on intimate partner violence, rape, sexual harassment and human trafficking, namely:</p> <ul style="list-style-type: none"> <li>• lack of coordination among concerned agencies,</li> <li>• inadequate capacity and the lack of willingness among frontline service agencies/ workers to assist VAW complainants</li> <li>• poor quality of facilities,</li> <li>• absence of functional monitoring and evaluation mechanisms and processes to measure progress vs VAW or the lack of it,</li> <li>• gender-insensitivity of duty bearers,</li> <li>• lack of political will among leaders,</li> <li>• inadequate resources,</li> <li>• legal loopholes,</li> <li>• low level of convictions in the case of trafficking</li> <li>• low level of satisfaction over how the courts dispense of justice in VAW cases</li> </ul> <p>CEDAW: Arts 1,2, 5 : The right to non-discrimination; Art. 6: The right to be protected from trafficking and prostitution; Art 11: The right to safe working conditions; Art.15: The right to equality before the law; GR9: Documentation and collection of data on the status of women; GR19. Grave abuses against migrant women: GR26.</p>	<p>Supreme Court and IACVAWC and IACAT member agencies, namely: PNP, DILG, PNP, DOJ, NBI, DSWD, and the PCW.</p> <p>Includes other agencies such as: BJMP, BC and OPAPP</p> <p>LGUs</p>	<ul style="list-style-type: none"> <li>• Women victims of domestic violence, domestic and international trafficking, and sexual assault.</li> <li>• Economically disadvantaged women, rural women</li> <li>• Indigenous women</li> <li>• Women in conflict areas</li> <li>• Women in detention</li> <li>• Women with disabilities</li> <li>• Women living under Muslim laws</li> <li>• Ageing women (Older women or elderly women)</li> </ul>
<p>2. Gender-based discrimination persists</p> <ul style="list-style-type: none"> <li>• Expulsion of pregnant unmarried girls and women from school and the workplace;</li> <li>• More males than females are recruited/promoted in the civil service, and in the military and police;</li> </ul>	<p>PCW, DOJ, DOH, POPCOM, DOLE, DILG, Regional Sub-Committee on Women of the ARMM, CHED, DEPED, State Colleges and Universities, CSC, Public Schools</p> <p>PCUP, NDCC, DND, NCDP, POEA, NAPC</p>	<ul style="list-style-type: none"> <li>• Women students</li> <li>• Employed women</li> <li>• Women in the police and military</li> <li>• Women in civil service</li> <li>• Rural women</li> <li>• Women in the informal sector</li> </ul>

<ul style="list-style-type: none"> <li>• More females than males in local development councils</li> <li>• Gender perspectives are not integrated into local development plans</li> <li>• High maternal mortality rate</li> <li>• Lack of social protection and safety nets for women in marginalized sectors who are victims of natural calamities and the economic crisis.</li> </ul> <p>The rights involved are: (CEDAW)  Art.3: Right to equal opportunities to full development and advancement,  Art 4: Art 7: the right to non-discrimination in political and public life, Art 10: the right to education; Art 11: the right to employment; Art 13: the right to non-discrimination in economic and social life; Art 16: The rights to equal treatment and non-discrimination in marriage and family relations; Art 4, GR5, GR23, 24, 25: State Obligation to institute special measures/ affirmative action. GR 6: Strengthen the national machinery on women</p>	<p>LGUs</p>	<ul style="list-style-type: none"> <li>• Women victims of the economic and disasters</li> </ul>
<p>3. The national legal framework is not fully harmonized with the CEDAW</p> <ul style="list-style-type: none"> <li>• Some laws promote rather than discourage gender based inequality and discrimination</li> <li>• Absence or lack of laws that guarantee women's equal enjoyment of rights.</li> </ul> <p>The rights involved are: (CEDAW):  Right to equal protection and non-discrimination (Art2)  Right against sexual exploitation (Art6)  Right to Political Participation (Art7)  Right to Work (Art.11)  Right to health (Art12 &amp; GR21)  Right to freely choose a spouse and enter marriage only with their full consent (Art16)</p>	<p>PCW, DOJ, NEDA, DOH, POPCOM, DOLE, DILG   JEDAC, LEDAC, Congress, Senate</p>	<ul style="list-style-type: none"> <li>• Women prostitution</li> <li>• Women domestic helpers</li> <li>• Women under M laws</li> <li>• Women in v and/ or relationships/ marriages</li> <li>• Women reproductive</li> </ul>
<p>4. Lack of awareness on CEDAW</p>	<p>PCW, PIA, DILG, PHRC,</p>	<p>All women and</p>

<p>The right to information. Art 5, GR3  The role of education and public information programs to reduce stereotypical representations of women; GR6: The right to information on the CEDAW  Concluding Observations</p>	<p>CHR, DepED, CHED,  Office of the Press Sec.,  ARMM RCW</p> <p>PNP, SC, DOJ, NBI, DSWD  AFP, DND, DOLE, NEDA  CSC, NSDB</p> <p>All other govt. training  institutions</p> <p>LGUs</p> <p>League of Provinces  League of Cities,  Leagues of Municipalities,  <i>Liga ng mga Barangay</i></p> <p>PhilJA  SC--CGRJ</p> <p>Congress  Senate</p> <p>CSOs: IBP, professional  organizations,</p> <p>Private business: media</p>	
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### Section 3: Thematic Performance Targets

Thematic Objective #1: Improving the capacity of the justice system to implement the five Anti-VAW Laws will be measured by 5 strategic indicators that will involve several agencies of the executive branch of government, and shall include the judiciary.

Strategic indicator #1 focuses on strengthening the capacity of duty bearers to implement anti-VAWC laws by increasing their knowledge on these laws and by cultivating an appreciation among duty bearers, of the intent of these laws through the infusion of a rights-based and gender sensitive perspective.

The annual performance targets will include the formulation and adoption of an organizational policy that will institutionalize the unit's commitment to the rights based approach (RBA) and gender sensitivity (GS). To further institutionalize these perspectives and mainstream them into the organizational processes, the RBA and GS indicators will be incorporated into the staff performance evaluation tool to ensure that they are practiced and monitored. An annual target of a 20% incremental increase in the total number of Anti-VAWC frontline service providers who receive training on Anti-VAWC Laws and the RBA and GS has been set.

Medium term targets will need to achieve the institutionalization of the training module on Anti-VAWC Laws, RBA and GS into the regular staff development training program of accountable agencies and priority provinces. In the long term, the interventions are expected to result to the cognitive and behavioral changes among duty bearers, which are to be measured in their staff performance evaluation ratings.

Strategic indicator #2 is on monitoring the progressive implementation of the Strategic Plans of the Inter Agency Council on Violence Against Women (IAC-VAWC) and the Inter-Agency Council Against Trafficking (IACAT). These inter-agency committees are structures mandated by RAs 9262 and 9208. The NHRAP-CEDAW will monitor the implementation of the above mentioned plans and will give special attention on whether accountable agencies are translating them into action at the local level.

Annual targets will include the following: annual action plans of accountable agencies in the five pillars of justice, and those of Provincial IACAT-VAWCs in the 17 priority areas should be aligned to the National Strategic Plans of the IACVAWC and IACAT; and progress reports of accountable agencies in the five pillars of justice and priority provincial LGUs show inter-agency coordination in the implementation of the IACVAWC and IACAT national strategic plans.

Medium-term targets will assess the results of local-level (city, municipality, barangay) implementation of IACAT-VAWC activities in the following key strategic areas are supported by LGUs: a) Public Information and Advocacy; b) Capacity Building and Service Delivery; c) Research and Policy Development; d) Sustained Linkages and Partnerships; and e) Resource Generation and mobilization.

Strategic Indicator #3 is a response to the lack of a unified and reliable monitoring scheme for recording VAW cases. Such inadequacy has repercussions on the ability of service providers to monitor prevalence of VAW and to monitor progress of VAW-related complaints, or their lack thereof.

Annual target for the first two years will be the installation and operation of a VAW case/complaint tracking and monitoring system in pilot areas, namely: Quezon City and Davao City.

Medium term targets will aim for the replication of the VAW case/complaining tracking and monitoring system in two more areas. Results of this intervention will be scaled up to promote the utilization of data from the VAW database for planning at the LGU level.

Strategic Indicator #4 pays attention to the tasks outlined by the Supreme Court’s Committee on Gender Responsive Judiciary (SC-CGRJ). In recognition and respect of the principle on the autonomy and independence of the branches of government, the NHRAP-CEDAW, which is a planning instrument initiated by governmental units under the Executive branch, will be limited to monitoring the progress the Supreme Court’s accomplishments.

Annual and medium term targets will be directed at monitoring the SC-CGRJ’s objectives, which include:

- (1) Capacity building program to transform paradigm and enhance the commitment of the judicial system to gender equality.
- (2) Review or conduct of Gender audit of policies, programs, and practices to make these more gender-responsive;
- (3) Establish a gender-responsive database on the judicial system;
- (4) Promote the use of gender-fair language, core gender messages and rituals for higher gender awareness;
- (5) Enhance partnership and networking with other GAD advocates;
- (6) Organize regular family courts throughout the country; and
- (7) Create a Committee on Decorum and Investigation (CODI) in each court station and train CODI members.

Strategic Indicator #5 works towards improving the quality and accessibility of VAWC-related services, meaning they are gender-sensitive and rights based.

Annual targets include sustained improvement in organizational policies, structures and processes to be able to efficiently implement the Anti VAWC laws.

At the medium term, accountable agencies of the justice system should be 100% compliant to performance standards set for the Prevention, Protection, Recovery & integration of victim-survivors of VAW.

**Table 1: Performance Targets**

Thematic Objective #1:		
To enhance the capacity of the justice system to effectively and efficiently implement existing laws that protect and uphold the rights of women against gender-based violence.		
Strategic Treaty Indicators	Medium Term Targets	Annual Targets

<p>f. Duty bearers from the five pillars of justice competently applying the Rights Based Approach (RBA) and Gender Sensitive (GS) principles in dealing with VAW complaints/cases<sup>33</sup>.</p>	<p>Institutionalization of the module on Anti-VAWC Laws, RBA and GS into the regular staff development training program of accountable agencies and priority provinces.</p> <p>Cognitive and behavioral changes among duty bearers which are evident in their improved ratings on the staff performance evaluation system.</p>	<p>2010 - Formulation and adoption of organizational policy reaffirming commitment to the RBA and GS.</p> <p>2011 - RBA and GS indicators incorporated into the staff performance evaluation tool.</p> <p>20% annual incremental increase in total number of Anti-VAWC service providers who are trained on Anti-VAWC Laws and the GS.</p>
<p>g. Strategic Plans of the IACAT and IAC VAWC are progressively implemented and transparently monitored<sup>34</sup> for their accomplishments.</p>	<p>Local-level (city, municipality, barangay) implementation of IACAT-VAWC activities in the following key strategic areas are supported by LGUs: a) Public Information and Advocacy; b) Capacity Building and Service Delivery; c) Research and Policy Development; d) Sustained Linkages and Partnerships; and e) Resource Generation and mobilization.</p>	<p>Annual action plans of accountable agencies in the five pillars of justice and those of Provincial IAC VAWCs in the 17 priority areas aligned with the National Strategic Plans of the IACVAWC are implemented.</p> <p>Progress reports of accountable agencies in the five pillars of justice, those of target priority provinces show inter-agency coordination in the implementation of the IACAT and IACAT national strategies.</p>
<p>h. VAW case/ complaint tracking and monitoring system is installed in pilot areas.<sup>35</sup></p>	<p>2012- Functional VAW/Case complaint tracking and monitoring system is functional in 2 pilot areas (Quezon City and Davao City)</p> <p>VAWC database is created and regularly updated for use as a reference in local development planning.</p>	<p>2010 - Tracking and Monitoring system is finalized and tested in pilot areas (Quezon City and Davao City)</p> <p>2013 - VAW/Case complaint tracking and monitoring system is replicated in 2 more pilot areas.</p>

<sup>33</sup> Responds to the CEDAW Concluding Comments, 2006

<sup>34</sup> Responds to UPR Comment on CEDAW,

<sup>35</sup> Responds to the CEDAW Concluding Comments, 2006

<p>i. National and local performance accountability mechanisms for monitoring the progress of the work of the Supreme Court's Committee on Gender Responsive Judiciary (CGRJ) are in place.<sup>36</sup></p>	<p>Accomplishment reports show the SC's progressive implementation of the ff nationwide:</p> <ol style="list-style-type: none"> <li>(1) Capacity building program to transform paradigm and enhance the commitment of the judicial system to gender equality.</li> <li>(2) Review or conduct of Gender audit of policies, programs, and practices to make these more gender-responsive;</li> <li>(3) Establish a gender-responsive database on the judicial system;</li> <li>(4) Promote the use of gender-fair language, core gender messages and rituals for higher gender awareness;</li> <li>(5) Enhance partnership and networking with other GAD advocates;</li> <li>(6) Organize regular family courts throughout the country; and</li> <li>(7) Create a Committee on Decorum and Investigation (CODI) in each court station and train CODI members.</li> </ol>	<p>2010 – Institutional mechanisms for implementation of the <i>Strategic Gender and Development (GAD) Mainstreaming Plan for the Philippine Judicial System</i> are in place within the SC organization.</p>
<p>j. VAWC-related services improved in quality and accessibility, and are gender-sensitive and rights based</p>	<p>Accountable agencies of the justice system are 100% compliant to performance standards set for the Prevention, Protection, Recovery &amp; integration of victim-survivors of VAW.</p>	<p>Sustained Improvement of organizational policies, structures, processes, and staff competence to implement Anti-VAWC Laws (RAs9208, 9262, 7877, 8505 &amp; 8353)</p> <p>Performance standards on service delivery for VAW victim-survivors are developed and practiced.</p>

<sup>36</sup> Responds to UPR Comment on CEDAW

## Thematic Objective #2:

To fast track the implementation of selected provisions of the Magna Carta of Women (MCW), and monitoring mechanisms that will monitor its progress.

Strategic Treaty Indicators	Medium Targets	Annual Targets
9. Mechanisms for the implementation and monitoring of the Magna Carta of Women are in place at all levels.	2012 – Review of the Implementation of the MCW	2010 – Finalization and approval of IRR through an intensive consultation process with CAOs, NGOs and women's organizations.
10. Gender discriminatory practices and policies in educational institutions and the workplace are eliminated.	All heads of schools and private institutions in target priority provinces are oriented on the MWC  At least 2 schools and 2 private institutions in each of the 17 target priority provinces formulate and adopt a policy on the rights-based approach on dealing with female students or employers who become pregnant outside of marriage.	Reduction of incidents where a girl/woman was pressured to have sex at school/work because she was pregnant but unmarried.  Student groups and employee unions strengthened to mobilize for advocacy and rights monitoring in schools and work places.
11. Gender parity in the 3 <sup>rd</sup> level positions in the civil service is achieved.	10% increase in the total number of females appointed to 3 <sup>rd</sup> level positions in national government agencies, and in the 17 priority provinces until gender parity (50-50) is achieved.	Issuance and implementation of an affirmative-action policy on recruitment and promotion of women in 3 <sup>rd</sup> level posts.
12. Elimination of discrimination in entry and promotions in the military and police services.	10% increase in the number of females recruited and promoted in military and police services.	Issuance and implementation of an affirmative-action policy on recruitment and promotion of women in the police and military services.
13. Increased participation of women in local development councils.	Provincial Local Development Planning Board in all of the priority provinces will have a women's sector representative.	Local Development and Planning and all similar structures have one woman who will sit to represent the women's sector.
14. Gender equality and non-discrimination concepts are continuously mainstreamed into local development plans.	50% of target provincial LGUs are able to align their local plans, such as the Comprehensive Development Plans (CDP) and Annual Investment Plan, to the implementation of the Magna Carta of Women.	10% annual increase in the number of target provincial LGUs that are able to align their local plans, such as the Comprehensive Development Plans (CDP) and Annual Investment Plan, to the implementation of the Magna Carta of Women.
15. Improved social protection and safety net programs for women in marginalized sectors who are victims of natural calamities and the economic crisis are implemented.	8 national agencies and LGUs implementing programs for marginalized women and those in crisis	4 national agencies/LGUs adopting programs for marginalized women and those in crisis
16. Quality comprehensive health care services and health information and education are made accessible and available to all women who need them.	50% of target provincial LGUs providing quality comprehensive health care services and information for women.	10% annual increase in the number of target provincial LGUs providing quality comprehensive health care services and information for women.

## Thematic Objective #3:

To influence and support institutions that are in a position to strengthen the national legal framework for promoting gender equality and women's full enjoyment of their human rights

Strategic Treaty Indicators	Medium Targets	Annual Targets
1. Concerned government agencies commit to undertake a vigorous legislative advocacy program to support the passage of the ff Pro-Women Bills: (1) Anti Prostitution Bill; (2) Marital Infidelity Bill; (3) RH Bill; (4) Kasambahay Bill; (5) Local Sectoral Representation (LSR) Bill; (6) Abolition of Night Work Prohibition Bill; and the (7) Abolition of the Forgiveness Clause in Marital Rape.	<ul style="list-style-type: none"> <li>• 100% of Pro-Women Bills are actively endorsed by concerned agencies.</li> </ul>	<b>Annual Targets</b> <ul style="list-style-type: none"> <li>• 2011 – Policy statements attesting agency support to the bills have been issued.</li> <li>• 100% of Pro-Women Bills are actively endorsed by concerned agencies.</li> <li>• 2011 – Policy statements attesting agency support to the bills have been issued.</li> </ul>
2. A comprehensive knowledge-database on the issues involved is established through research and documentation to support the legislative advocacy process.	<ul style="list-style-type: none"> <li>• 2011 – Results of the 7 Researches are disseminated in various forms to the Legislature and to the general public</li> <li>• 2012 – All accountable agencies have working partnerships with other GOs, LGUs, NGOs and people's organizations (POs) in their advocacy for Pro-Women bills.</li> </ul>	<ul style="list-style-type: none"> <li>• End of 2010 - Research reports/ database are completed</li> <li>• 2011 - Continuing dialogue/ forums among stakeholders in 25% of priority sites, to fully</li> </ul>
3. Rights based discussion on the laws that compromise the protection and fulfillment of women's human rights are initiated with stakeholders groups, i.e., : (1) Code of Muslim Personal Law provisions on child marriage, arranged marriages, and polygamy; (2) Punitive actions versus women who undergo abortion; and (3) absence of a divorce law.	a. 2012 – 30% Increase in the number of legislators supporting the Pro-Women Bills	b. Responsible government agencies and CSOs are actively participating in the legislative process
4. Organizing of legislative advocacy groups composed of GOs and CSO Organizations is supported and strengthened.	<ul style="list-style-type: none"> <li>• Capacity building of legislative advocacy groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Formation of GO-NGO legislative advocacy groups that will lobby for the proposed bills</li> <li>• Responsible government agencies and CSOs are actively participating in the legislative process.</li> </ul>
5. Pro-women bills filed in the legislature progressively gain support from lawmakers, and are voted into law.	<ul style="list-style-type: none"> <li>• 2012 – 30% Increase in the number of legislators supporting the Pro-Women Bills</li> </ul>	<ul style="list-style-type: none"> <li>• 2010 –Bill/s are filed in each of the 2 Houses for at least 4/7 of the Pro-Women Bills/Leg. Agenda</li> <li>• 2011 – At least 50% of the Pro-Women Bills filed pass the Committee Level</li> <li>• 2012 – At least 50% of the Pro-Women Bills pass the 2<sup>nd</sup> Reading in both houses</li> <li>• 2013 – At least one Pro-</li> </ul>

		<p>Women Bill passes through the BiCam Committee and the 3<sup>rd</sup> reading</p> <ul style="list-style-type: none"> <li>• 2014 – At least one Pro-Women Bill is passed into law.</li> </ul>
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Thematic Objective #4:		
To raise the level of awareness and appreciation of the CEDAW.		
Strategic Treaty Indicators	Medium Targets	Annual Targets
4) Government institutions reaffirm commitment to promote human rights education (HRE) and increase efforts to raise awareness on CEDAW. <sup>37</sup>	<ul style="list-style-type: none"> <li>• 50% of provincial LGUs have issued policy commitments to conduct education and public information campaigns on CEDAW.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of accountable NGAs have issued policy commitments to conduct education and public information campaigns on CEDAW.</li> </ul>
5) Government employees/ duty bearers understand, appreciate and apply CEDAW principles in carrying out their work functions.		<ul style="list-style-type: none"> <li>•</li> </ul>
	<p>2011 – 50% of IEC materials that were produced are disseminated to cooperating agencies and LGUs.</p> <p>2012 – 100% of IEC material are disseminated.</p>	<ul style="list-style-type: none"> <li>• IECs on CEDAW Treaty , GOP Report and CEDAW Committee Concluding Comments are updated/ produced by accountable Natl Govt Agencies</li> </ul>
	<p>2013 – 50% of key personnel of accountable agencies capable of providing technical assistance on CEDAW-based program planning and implementation to cooperating agencies</p>	<ul style="list-style-type: none"> <li>• 2012 – 20% of key agency personnel can apply CEDAW in program planning and implementation</li> </ul>

#### Section 4 : Program of Action

##### THEMATIC OBJECTIVE #1: VAW

###### ACTIVITIES:

- 1) Writeshop-Training on RBA, GS, and GAD Planning and Budgeting<sup>38</sup> for local legislators, chief officials and other unit decision-makers
- 2) Conduct of Trainings on GS and RBA for unit staff handling VAW cases Development of a VAW case/complaint tracking and monitoring system
- 3) Qualitative research to better understand nature, roots, and consequences of VAW. Setting up of a data bank on VAW cases/complaints
- 4) Design of tools
- 5) Pre Test of Tools

<sup>37</sup> Addresses CEDAW General Recommendation #3

<sup>38</sup> GAD budget preparation with reference to Women in NationBuilding (RA7192) and Joint PCWPCW-DBM-DILG Memo Circulars on the GAD Budget

- 6) Assessment of Tools and the system.
- 7) Roll out of the System in all agencies and LGUs

**OUTPUTS For Strategic Treaty Indicator #1.1 VAWC**

- 1) Number and quality of Memo Circulars, Administrative Orders, Sanggunian Resolutions issued for the purpose of ensuring the integration of the rights based approach (RBA) and gender-sensitivity (GS) in responding to VAW

**OUTPUTS For Strategic Treaty Indicator #1.2 VAWC**

- 1) Qualitative and quantitative baseline data on VAW<sup>39</sup>.
- 2) Updated Data-Bank on VAW Cases/Complaints (Case tracking system)Assessment Report on Anti VAW laws. and other redress mechanisms, to include strengths and gaps
- 3) Accomplishment Report of cooperating agencies on VAW survivor services
- 4) Applied Standard VAW documentation forms/ tools
- 5) Electronic database on status of VAW case

**OUTPUTS For Strategic Treaty Indicator #1.3 VAWC**

- 1) Gender-sensitive, victim-friendly and CEDAW-compliant conduct of investigation, rescue, prosecution; and the provision of psycho-social and reintegration services for victim-survivors of VAW by the police and other officers of law, investigators, prosecutors and other legal professionals, health care providers, social workers, barangay officials, and other duty holders.
- 2) Transformed court processes, legal theory and legal decisions towards the promotion of CEDAW and protection of women's human rights in general.
- 3) National ACTION Plans implemented in line with UNSCR 1325, 1820, & 1888, 1889

**THEMATIC OBJECTIVE #2: MCW**

**ACTIVITIES: -**

- 1) Research and Forums on Discriminatory policies and practices at the workplace and educational environments
- 2) Review of existing policies
- 3) Monitoring of implementation

**OUTPUTS For Strategic Treaty Indicator #2.1 MCW**

- 1) Implementing Rules and Regulations of MCW
- 2) Company and school policies that support implementation of the MCW

**OUTPUTS For Strategic Treaty Indicator 2.2 MCW**

- 1) Gender parity in appointment to 3<sup>rd</sup> level positions in government
- 2) Data/Report or Information on increasing income opportunities for women
- 3) Data/Report/Information on wider opportunities of women in decision-making bodies at the community level.

<sup>39</sup> This output answers to the recommendations from the CEDAW Concluding Comment #16, 2006

- 4) 6) Seven (7) Research Reports on the Status of Women in Relation to the issues addressed by the 7 Pro-Women Bills.
- 5) 7) Mapping of legislators' position on the 7 Pro-Women Bills
- 6) Number of GO-NGO-PO collaborative activities to advocate support for the Pro-Women Bills.
- 7) Number of state actors trained (Govt Execs, Legislators, Tech. & Legislative staff).
- 8) Number of non-state actors trained.

**OUTPUTS For Strategic Treaty Indicator 2.3 MCW**

- 1) Number of Congressional/ public hearings on Pro-Women Bills in which agency participated and provided inputs to support their passage.
- 2) Number of Congressional/ public hearings on Pro-Women Bills in which responsible agencies supported participation of non-state actors.
- 3) Tracking system on the status and progress of bills are in place at the agency level.
- 4) Number of Bills filed in both houses that cite results of the Assessment Research
- 5) ARMM Regional Cabinet create a committee to study amendments on the CMPL.
- 6) Favorable media coverage on the Pro-Women Bills
- 7) Increasing positive public opinion over Pro-Women Laws among state and non-state actors, including religious, cultural groups.

**THEMATIC OBJECTIVE #3: LEGISLATIVE ADVOCACY****ACTIVITIES:**

- 1) Policy Development: Drafting of AO and other agency-level policies in support of Pro-Women Bills
- 2) Consultative meetings Research: Undertake baseline studies on specific women's rights issues in support of advocacy for the Pro-Women Bills.
- 3) Public Information & advocacy. Disseminate research results and create opportunities for discussion of issues. Networking with NGOs to mobilize support on the Bills.
- 4) Capacity Building: Training to enhance and integrate knowledge and skills in RBA<sup>40</sup>, GAD<sup>41</sup>, & legislative advocacy.
- 5) Multi-sectoral dialogues
- 6) Policy forums and workshops to deepen understanding and address inequalities from the absence/ presence of policy

**OUTPUTS For Strategic Treaty Indicator #3.1 Legislative Advocacy**

- 1) Administrative Orders that endorse and allocate agency resources to lobby for the passage of the bill/s.
- 2) Number of Position papers, press releases in favor of the bill/s.
- 3) Minutes of consultation meetings
- 4) Number of Annual GAD budget, plans and accomplishment reports that reflect agency's contributions in support of the pro-women bills.
- 5) Annual action plans of the IACAT and IACVAWC to include activities in support of the Pro-Women Bills

**OUTPUTS For Strategic Treaty Indicator #3.2 Legislative Advocacy**

- 1) Seven (7) Research Reports on the Status of Women in Relation to the issues addressed by the 7 Pro-Women Bills.
- 2) Mapping of legislators' position on the 7 Pro-Women Bills
- 3) Number of research policy advocacy /forums dialogues organized.
- 4) Number of Tri-media products produced (IEC materials, webpages, radio, TV guestings, policy briefs, etc
  - i. Number of GO-NGO-PO collaborative activities to advocate support for the Pro-Women Bills.
  - ii. MOAs forged among GOs, LGUs, POs and NGOs to support legislative advocacy on Pro Women Bills
  - iii. Number of state actors trained (Govt Execs, Legislators, Tech. & Legislative staff).
  - iv. Number of non-state actors trained.

**OUTPUTS For Strategic Treaty Indicator #3.3 Legislative Advocacy**

<sup>40</sup> RBA – Rights Based Approach  
<sup>41</sup> GAD – Gender and Development

- 1) Proposed culture-appropriate policy recommendations to address human rights concerns on arranged marriages, polygamy, separation of couples ,and lack of reproductive health services.

#### **OUTPUTS For Strategic Treaty Indicator #3.4 Legislative Advocacy**

As advisory body to the President on women and gender in concerns, the NCRFW laid down its Women's Priority Legislative Agenda (WPLA) for the 14th Congress. The WPLA is primarily anchored on the Philippine Plan for Gender-Responsive Development (PPGD), Framework Plan for Women (FPW), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly it's Concluding comments. Of the five priorities, only one law has been passed to date: the Magna Carta on Women.

For the next Congress starting June 2010, the PCW will re-submit to the elected President and the new Congress a refreshed Women's Priority Legislative Agenda that will reaffirm advocacy for the following bills:

- Anti-Prostitution Bill
  - Marital Infidelity Bill
  - Reproductive Health, Responsible Parenthood, and Population Management Bill
  - Kasambahay (Household Workers) Bill
  - Local Sectoral Representation Bill
1. Number of Congressional/ public hearings on Pro-Women Bills in which agency participated and provided inputs to support their passage.
  2. Number of Congressional/ public hearings on Pro-Women Bills in which responsible agencies supported participation of non-state actors.
  3. Tracking system on the status and progress of bills are in place at the agency level.
  4. Number of Bills filed in both houses that cite results from the Assessment Research
  5. ARMM Regional Cabinet creates a committee to study amendments on the CMPL.
  6. Favorable media coverage on the Pro-Women Bills
  7. Increasing positive public opinion over Pro-Women Laws among state and non-state actors, including religious, cultural groups.

**THEMATIC OBJECTIVE #4: HUMAN RIGHTS EDUCATION****ACTIVITIES:**

- 4.1.1. Reaffirmation of Commitment by Dutybearers
  - a) Conduct of baseline surveys on level of awareness on CEDAW
  - b) Briefing/ training of key policy makers of accountable agencies on the human rights and gender equality/ CEDAW obligations of the state.
- 4.1.2. Formulation of org'l policy instrument/s supporting CEDAW awareness
  - a) Agency-level consultation meetings on the draft policy
  - b) Finalization of the draft policy
- 4.2.1. Development and production of popular education/ IEC<sup>42</sup> materials on CEDAW in English, Pilipino and local languages.
- 4.2.2. Dissemination of CEDAW-related IEC materials.
  - a) Distribution of materials
  - c) Feedback survey on materials
- 4.2.3. Conduct of public forums to raise awareness on CEDAW
- 4.3.4. Agency participation in gender-related activities such as Women's Day/ Month (March) and 18 Day campaign vs VAW (Nov-Dec, and the CEDAW reporting

**OUTPUTS:**

- 1) Baseline (survey) data on CEDAW awareness of duty bearers.
- 2) Briefing kit on CEDAW for agency officials
- 3) Majority of key officials of accountable agencies and priority LGUs - support their organization's HRE policy and endorse awareness raising on CEDAW
- 4) Number of accountable agencies and target LGUs with policy ensuring support and allocation of human and fiscal resources for awareness raising activities on CEDAW, i.e., memos, orders, directives, etc.
- 5) Communication plan developed and implemented
- 6) Number of CEDAW-related materials, printed, posted online, audio/video presentations produced.
- 7) % of CEDAW IEC materials translated into local languages
- 8) Number of radio/TV guestings to promote CEDAW.
- 9) Distribution list of CEDAW materials
- 10) Number of forums, consultations organized to raise public awareness on CEDAW
- 11) MOA with media organizations and CSO groups
- 12) Number of positive and negative feedback on CEDAW materials
- 13) Documentation proceedings of public forums.
- 14) Number of participants/ beneficiaries of public awareness forums.
- 15) Number of positive and negative feedback on forums
- 16) No. of times CEDAW forums are covered by media
- 17) CEDAW standards integrated in program/ project-level M&E indicators.
- 18) No. of Programs/ Projects that collect and process sex-disaggregated data to produce gender-related information.
- 19) No of Plan/Program/ , Project/Activity documents that invoke CEDAW.
- 20) No. of affirmative actions to respect, protect and fulfill the rights of women. (Note: refine definition of affirmative action)
- 21) Reports using gender fair language
- 22) No. of agency annual reports that cite CEDAW.

<sup>42</sup> IEC – Information, Communication and Education

**Section 5 : Linkage with Development Initiatives and Plans**

Millennium Development Goals (MDG)  
Beijing +15 Platform for Action  
Philippine Plan for Gender Responsive Development (PPGD)  
National Action Plan (NAP) for UNSCR 1325 & 1820  
Strategic Action Plans of the IAC-VAWC and IACAT  
Agency GAD Plans  
LGU Comprehensive Development Plans (CDP) and CLUP

## Section 6: Human Rights Capacity Building Plan

NHRAPP PROCESS	DUTY-BEARERS	ROLES & RESPONSIBILITIES	REQUIRED COMPETENCE	CAPABILITY GAPS	CAPACITY BUILDING ACTIVITIES	COMPLETION TARGET DATE	RESOURCE REQUIREMENTS
Preparatory	Thematic Cluster government members	Draft Thematic Plans	Appreciation of the Gender and development (GAD) perspective	Inability to recognize gender issues within the human rights discourse, and how these affect achievement of development goals.	Five-day Live-in Trainers' Training on GAD, CEDAW, HR & RBA  Follow-up mentoring sessions	2009, 1Q	P 500,000  3000x5days x35pax
			Knowledge of Gender mainstreaming skills	Limited knowledge of CEDAW and/or lack of skills on how it may be mainstreamed into their organization's programs			
			Familiarity with other HR instruments and international commitments (i.e., UN Security Council Resolution 1325 on Women, Peace and Security)	Insufficient knowledge of other HR instruments and their interconnection to CEDAW.			
Development	Thematic Cluster government members	Develop Thematic Plans Conduct consultations	Adequate understanding of the CEDAW and its practical application	Lack of skills in harmonizing various plans with gender equality and empowerment goal	Series of Consultation meetings and coaching sessions	2009, 2Q	P 50,000
			Familiarity with previous CEDAW Country Reports and Concluding comments Shadow Reports.	High level of familiarity with the home organization's			
			Ability to apply tools in National Action Planning and the Results Based Approach (RBA)				
			Familiarity with other related development plans				

			priorities and future plans.				
		Develop a Monitoring and Evaluation (M&E) System for the NHRAPP  Finalize the NHRAPP-CEDAW Cluster and present for approval by cluster members	Knowledge in setting success indicators and targets, and designing M&E systems	Lack of technical knowledge in gendered M&E design	(this topic will be incorporated in consultations above)	2009, 3Q	(included in budget stated above)
Implementation	Members of CEDAW Thematic Cluster Concerned Congressional Committees Judiciary	Conduct of planned programs/projects/activities	Ability to harness human and financial resources efficiently  Good organizing skills  Results-orientation	Lack of gender sensitivity among implementors	Roll-Out training on GAD, CEDAW & RBA, plus advocacy and monitoring skills	2009, 4Q	P 1,500,000  3000x5.00 ys x35p x 3maja island groups
				Lack of experience on RBA application  Inadequate advocacy and networking skills to be able to gather support for programs  Lack of NCRFW personnel, no regional field offices	Production and distribution of an NHRAPP-CEDAW implementor's manual / quick reference guide	2009, 4Q	P 100,000
Monitoring	NCRFW PHRC Members of CEDAW Thematic Cluster	Monitor implementation of NAPHR programs/project/activities Conduct of monitoring & evaluation  Preparation &	Monitoring and Evaluation skills  Data Collection, Analysis and Interpretation  Report Writing Skills	Lack of NCRFW personnel, no regional field offices	Regular coaching, mentoring sessions, and monitoring sessions with focal persons of implementing institutions	2010-2014	P 200,000

		submissio n of progress reports					
Review	NCRFW PHRC	Conduct mid and post review of CEDAW Thematic Chapter  Integratio n of the NHRAPP results, mid-term outcomes into the CEDAW Committe e Reports due in 2010 & 2014			Conduct of a consultation meeting to collect inputs from GOs, CSOs, and Pos	2010 2014	P 100,000 P 100,000  P1000 x1day 100pax

NHRAPP PROCESS	CLAIM HOLDERS	ROLES & RESPONSIBILITIES	REQUIRED COMPETENCE	CAPABILITY GAPS	CAPACITY BUILDING ACTIVITIES	COMPLETION TARGET DATE	RES. REC. M.
Preparatory	<p>National or head offices of CSO groups working with/on:</p> <ul style="list-style-type: none"> <li>• Young Women/Girls</li> <li>• Elderly Women</li> <li>• Women Prisoners &amp; detainees</li> <li>• Indigenous Women</li> <li>• Women Migrant Workers</li> <li>• Women with Disabilities</li> <li>• Women Workers in Private and Public Sector</li> <li>• Rural Women</li> <li>• Women in Informal Sector</li> <li>• Women and Children Displaced by armed conflict</li> <li>• Women/girl-child former rebels</li> <li>• Women Victims of Disappearances</li> </ul> <p>Academe</p>	<p>Orient respective sectoral organizations &amp; members on the NHRAPP process and solicit their participation</p> <p>Undertake capability-building needs assessment of claim holders</p> <p>Based on needs assessment, design and conduct a Trainers' Training that will capacitate CSOs to contextualizing women's human rights and CEDAW principles into their sectoral concerns</p>	<p>Appreciation of the Gender and development (GAD) perspective</p> <p>Knowledge of Gender mainstreaming skills</p> <p>Adequate understanding of the CEDAW and its practical application</p> <p>Familiarity with previous CEDAW Country Reports and Concluding comments Shadow Reports.</p> <p>Ability to apply tools in National Action Planning and the Results Based Approach (RBA)</p> <p>Familiarity with other related development plans</p> <p>Mobilization Skills</p> <p>Advocacy skills</p>	<p>Inability to recognize gender issues within the human rights discourse, and how these affect achievement of development goals.</p> <p>Limited knowledge of CEDAW and/or lack of skills on how it may be mainstreamed into their organization's programs</p> <p>Insufficient knowledge of other HR instruments and their interconnection to CEDAW.</p> <p>Lack of skills in harmonizing various plans with gender equality and empowerment goal</p> <p>Lack of skills in organizing, facilitation, and monitoring</p>	<p>Five-day Live-in Trainers' Training on GAD, CEDAW, HR &amp; RBA, and the NHRAPP</p>	2009, 1Q	P 50 300 ys.x.
Development	(same as above)	Undertake information dissemination activities and	<p>Consultation &amp; networking skills</p> <p>Data gathering skills</p> <p>Knowledge on setting HR indicators</p>	<p>Inadequate technical skills in planning and development</p> <p>Lack of</p>	Series of Consultation meetings and coaching sessions	2009, 2Q	P 50

		<p>mobilize participation of local level CSOs in the NHRAP process</p> <p>Collect data/inputs from local CSOs for consolidation into NHRAP draft-CEDA W Thematic Cluster</p> <p>Participate in developing a Monitoring and Evaluation (M&amp;E) System for the NHRAP</p> <p>Endorse for approval the final draft of the NHRAP</p>	<p>Knowledge on designing M&amp;E systems</p>	<p>technical knowledge in gendered M&amp;E design</p>			
Implementation	Relevant Sectors	Implement	Knowledge & skills on RBA	Skills in Rights-Based	Conduct of program/proje	2009-201	P 150,000

		assigned programs /projects/ activities under NAPHR	Skills in consultation & networking Skills in rights-based problem solving & planning Rights-based policy formulation Rights-Based program/project development HR indicators setting & monitoring Networking Training skills on HR/RBA	problem solving & planning  Skills in application of relevant HR standards in programs/projects/activities	ct specific coaching on application of HR & RBA	4	
Monitoring	Assigned Sectors	Monitor implementation of assigned programs /projects/ activities under NAPHR  Monitor CEDAW implementation Prepare shadow report	Rights-based Monitoring & Evaluation System, Techniques & Tools Rights-based Program/Project Review HR Reporting skills	Inadequate skills in rights-based monitoring & evaluation	Setting of Monitoring & Evaluation System for CEDAW & NAPHR Projects	2009-2014	P 2
Review	Assigned Sectors	Conduct mid & post review of their respective participation in the NAPHR		Inadequate skills in rights-based monitoring & evaluation	Skills Training on Monitoring & Evaluation	2009	
					Conduct of coaching on Monitoring & Evaluation	2009	

### Section 8 Resource Generation and Mobilization Plan

The funds to implement the CEDAW NHRAP will be sourced from the regular budget appropriations of the identified accountable agencies. Support from development partners will be sought.

A portion of the GAD budget may be appropriated to fund the implementation of the CEDAW-NHRAP at the agency/unit level, especially but not limited to the first year of implementation (2010) when the annual budget approval process predated the adoption of this plan.

In the succeeding years of plan implementation, accountable and participating government institutions/units identified in this plan should be able to integrate the identified programs/activities/projects (PAPs) into their own organization's strategic and annual plans. At the local level, it is desirable that LGUs demonstrate the ability to adopt the objectives and PAPs of the CEDAW NHRAP into their own Comprehensive Development Plans and Annual Investment Plans. Incorporation of the CEDAW NHRAP objectives and actions into the agency/LGU plans, through both regular and special programs, is a major step towards mainstreaming a gender-responsive and rights based approach to governance.

The total resources required for the CEDAW NHRAP 2010-2014 is Philippine Pesos Twenty Million (P20million). Each accountable and participating agency/unit is encouraged to source out donor support for the implementation of the CEDAW NHRAP. Programs of development partners will be tapped. These include but are not limited to the following partners:

- |                             |   |
|-----------------------------|---|
| 1. ADB                      | 12. OXFAM   |
| 2. AECID (Agencia Espanola) | 13. PACAF (Phil Australian Community Assistance Fund) |
| 3. ASIA FOUNDATION          | 14. PLAN International                                |
| 4. AUSAID                   | 15. SIDA  |
| 5. CIDA                     | 16. UNDP  |
| 6. European Union           | 17. UNIFEM  |
| 7. GTZ                      | 18. UNFPA   |
| 8. ILO                      | 19. USAID   |
| 9. JICA                     | 20. World Bank  |
| 10. New Zealand Government  | 21. other bilateral and multilateral agencies.        |
| 11. NOVIB™                  |   |

Table 5 Resource Mobilization Plan

PROGRAMS/PROJECTS ACTIVITIES NEEDING FUNDING SUPPORT	RESOURCE REQUIREMENTS			
	Regular Govt Budget	Developmen ( Partners	Other Sources	Total Budget
<p>Capacity Building</p> <ul style="list-style-type: none"> <li>• Training of Duty Bearers across all sectors on RBA, GAD Planning and Budgeting<sup>43</sup></li> </ul> <p>Research and Documentation</p> <ul style="list-style-type: none"> <li>• Development, implementation and monitoring of a unified documentation and monitoring system for VAW complaints/ cases</li> <li>• Conduct of qualitative research to better understand the nature, roots, and consequences of VAW.</li> <li>• Conduct of Law and policy review to support proposed legislations</li> <li>• Conduct a CEDAW-based review of Agency Programs, Projects and Plans (Participatory Gender Audit)</li> <li>• Conduct of multi-sectoral consultations for the preparation of the 2010 CEDAW Report process</li> <li>• Knowledge Sharing &amp; Management</li> </ul> <p>Advocacy and Networking</p> <ul style="list-style-type: none"> <li>• Conduct of baseline surveys on level of awareness on CEDAW</li> <li>• Disseminate research results and create opportunities for discussion of issues for proposed legislations (multi-sectoral dialogues, public policy forums)</li> <li>• Constituency-building / support activities aimed to strengthen claim-holders' groups</li> <li>• Development, production and dissemination of popular education/ IEC<sup>44</sup> materials on CEDAW in English, Pilipino and local language.</li> <li>• Commemoration of international and international events related to GAD (i.e., Women's Day/ Month (March) and 18 Day campaign vs VAW</li> </ul> <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> <li>• Conduct of a mid-term &amp; post-term review of the NHRAP</li> </ul>	5,000,000	P 15,000,000		P20,000,000

<sup>43</sup> GAD budget preparation with reference to Women in NationBuilding (RA7192) and Joint PCWPCW-DBM-DILG Memo Circulars on the GAD Budget

<sup>44</sup> IEC – Information, Communication and Education

## Chapter 7 Convention on Migrant Workers

### Introduction

The Philippine government has one of the most developed overseas employment programs in the world. In fact, the international community has recognized it as a model in migration management among labor sending countries in Asia.

In 1995, the Philippines enacted Republic Act 8042 or the “Migrant Workers Act”. Eventually on December 18, 1990, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) was adopted by the UN General Assembly and was entered into force on July 1, 2003. Most of the countries that ratified the Convention are primarily countries of origin of migrants which would include the Philippines. In a context characterized by the emergence of “culture of migration” in the Philippines, with millions of Filipinos eager to work abroad despite the risks and vulnerabilities they are likely to face, the Philippines was prompted to ratify the Convention in order to protect these migrant workers as well as the members of their families.

The Philippines also took some opportunities to call on other countries to accede to the Convention (CMW) by hosting several conferences for the advancement of human rights in the ASEAN region.

On October 2008, the Philippines hosted the Second Global Forum on Migration and Development (GFMD) with the flagship theme: “Protecting and Empowering Migrants for Development”. This Forum brought together countries of migrant origin, transit and destination and was participated in by 163 member-states and observers of the United Nations, 33 international organizations and 220 participants in the civil society meeting.

As a run-off to the GFMD, the Philippines hosted the International Conference on Gender, Migration and Development (ICGMD) attended by 439 individuals from 36 countries in 5 continents, with representations from the governments, trade unions, employers’ organizations, private sector, civil society, religious organizations, academe and international organizations. The ICGMD with the theme “Seizing Opportunities, Upholding Rights” aimed 1) to facilitate the exchange of knowledge and best practices in promoting opportunities and gender equality for women migrants’, enhancing their contribution to development and upholding their rights and those of their families; 2) and to infuse a gender perspective and rights-based approach to policies, programs, and services on migration.

Thus, considering the Philippines’ ratification of the Convention (CMW), it undertakes to adopt legislative and other measures that are necessary to implement the provisions of the

Convention<sup>1</sup>. Moreover, it ensures that any migrant workers or members of their families, whose rights or freedoms under the Convention are violated, shall have effective remedies<sup>2</sup>.

With that, this NHRAP, specifically this Chapter, aims to address specific priority rights as provided under the Convention, such as: principle of equality of treatment; measures regarding the orderly return to the state of origin, the resettlement and cultural reintegration; right to legal and consular assistance; right to receive urgent medical care; right to social security; and right to life of migrant workers and members of their families, in general.

In particular, the following are the main objectives of this plan:

- a. To institute a coordinated information dissemination regarding the rights of migrant workers and members of their families by the concerned government agencies and authorities both at the national and local level;
- b. To sustain advocacy for bilateral agreements, memoranda of understanding, and other similar instruments, especially with those countries of destination where discriminatory treatment and abuse are more frequent;
- c. To provide an effective and available recourse for aggrieved migrant workers while in the host country;
- d. To provide urgent medical assistance to migrant workers in the countries of destination;
- e. To provide social security to migrant workers in their State of employment with the same treatment granted to the nationals of the receiving country;
- f. To have sufficient programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families; and
- g. To develop adequate protection and full enjoyment of the rights of the children left behind by the MWs.

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<sup>1</sup> Article 84 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

<sup>2</sup> Article 83, Ibid.

## **Section 1**

### **Strategic Treaty Indicators**

#### **Coordinated Information Dissemination**

The NHRAP focuses on instituting a coordinated information dissemination regarding the rights of migrant workers and members of their families by the concerned government agencies and authorities, both at the national and local level. It will assist in (a) strengthening the existing Pre-Departure Orientation Seminars/ Programs and (b) establishing and enhancing an integrated policy on information system across these concerned agencies that will eventually result to empowering the migrant workers and increasing the number of clients served.

With that, the Department of Foreign Affairs (DFA) and the Department of Labor and Employment (DOLE), as the accountable agencies, shall give priority in creating a coordinated information dissemination program for the promotion of the rights of migrant workers embedded under the Convention and for the empowerment of these sectors. Also, the DFA shall monitor the implementation of a shared government information system for migration.

#### **Advocacy for bilateral agreements, memoranda of understanding and other similar instruments**

In sustaining advocacy for bilateral agreements specifically with those countries of destination where discriminatory treatment and abuse are more frequent, the NHRAP will promote continued negotiations of these agreements with the receiving countries in order to attain a decrease in the level of reported cases of discrimination and abuses against migrant workers.

The DFA, which has the function to uphold the Philippine foreign policy thrusts that include protecting Overseas Filipino Workers and Filipino nationals abroad and as the accountable agency, will ensure full enforcement of these bilateral agreements that were entered into with different countries in order to achieve full promotion and protection of the fundamental human rights of migrant workers and members of their families.

#### **Recourse available to migrant workers while in the host countries**

In view of the fact that there are several risks involved while working abroad such as, but not limited to, being subjected to discriminatory and torturous acts, this Plan desires to provide effective and available remedies for aggrieved migrant workers while in the host countries. It aims to afford sufficient consular offices/ Philippine Overseas Labor Offices (POLOs), with adequate personnel to attend to the needs of migrant workers and members of their families. This is likewise in consonance with the endeavor of increasing the number of assistance, as well as those persons assisted, while in the receiving country.

In view thereof, the DFA and the DOLE-POLOs, as the accountable agencies, shall intensify their effort in providing adequate remedies to migrant workers and members of their families. They shall likewise have a coordinated monitoring system as to the implementation of the plans, actions, and programs relative to the assistance provided to migrant workers and members of their families under their respective mandates.

### **Medical assistance to migrant workers**

In addressing the problem of lack of medical assistance to migrant workers and members of their families while in the host country, and even during instances where migrant workers returned in the Philippines, the NHRAP shall showcase for the amendment of Migrant Workers Act (RA No. 8042), and other relative legislations, specifically adding provisions corresponding to addressing the medical needs of migrant workers such as, but not limited to, having international expansion of PhilHealth coverage, providing mandatory membership of migrant workers to SSS, increasing the budget of POLOs to attend to the medical needs of the migrant workers. Such amendments to existing legislations shall likewise be made not only to address the medical needs of the migrant workers but also to ensure consistency with the provisions of the Convention (CMW).

The Congress of the Philippines, as the identified accountable agency, shall ensure the introduction and/or passage of relative bill/s which corresponds to the aim of meeting the medical needs of migrant workers and members of their families, and such other matters pertaining to these sectors which are in line with the Convention (CMW).

### **Social security benefits of migrant workers**

The NHRAP shall likewise deal with providing social security benefits to migrant workers in their state of employment with the same treatment granted to the nationals of such receiving country by consciously increasing the number of bilateral social security agreements entered into with other countries, which explicitly covers said benefits. In the same manner, the expansion for the enrolment of these benefits by migrant workers in our country shall likewise be pursued in order to increase the number of migrant workers covered by the social security system.

The Social Security System (SSS), as the accountable agency and consistent with its mandate to provide social security protection to all residents of the Philippines, citizens and non-citizens alike, regardless of creed, gender, age, geographic location and economic status, especially the disadvantaged, shall intensify its efforts to forge several bilateral social security agreements with receiving countries to cover most of the migrant workers, who are permanent residents abroad. It shall likewise have a close coordination with other government agencies concerned with the welfare of migrant workers, such as OWWA and other regional offices, to ensure nationwide availment of social security benefits particularly to migrant workers.

## Return, resettlement, and cultural reintegration of migrant workers

As part of the so-called “labor migration cycle”, the NHRAP shall likewise cover programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families.

For the DOLE-National Reintegration Center for OFWs (DOLE-NRCCO), being the accountable agency, the decentralization of funds and programs to regional offices shall be encouraged in order to attain an increase in the number of assisted returning migrant workers, as well as the members of their families. Further, it shall ensure that those additional programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families will be in place and shall be popularized.

## Rights of the children of migrant workers left behind

The Convention (CMW) is not just confined to the promotion and protection of the rights of migrant workers; it also encompasses full enjoyment of the rights of the children of these workers. With that, this Plan shall develop adequate promotion and protection of the fundamental rights of these children and focus on increasing such programs relative thereto.

The OWWA, as the accountable agency, shall adopt appropriate measures geared towards expanding existing programs availed of by the children of migrant workers and to undertake such other mechanisms to protect their rights and maintain such support given to them by their parent-migrant worker/s.

**Table 1. Situation Matrix**

HUMAN RIGHTS ISSUES	DUTY-BEARERS	CLAIMHOLDERS
1) Right to be informed	DFA-UNIO/ DFA-OUMWA/ DOLE/ DOLE-ILAB (POLOs)/ POEA/ OWWA/ BID/ CFO/ LGUs/ NBI/ NSO/ NSCB/ CSOs such as: PAHRA, CMA, Migrante., KALAH-Advocates for OFWs	<ul style="list-style-type: none"> <li>➤ would-be migrant workers (applicants)</li> <li>➤ migrant workers and members of their families</li> </ul>
2) Right to equality of treatment with nationals of the State of employment	DFA/ POEA/ OWWA/ DOLE-ILAS (POLOs)	<ul style="list-style-type: none"> <li>➤ migrant workers and members of their families</li> </ul>

HUMAN RIGHTS ISSUES	DUTY-BEARERS	CLAIMHOLDERS
3) Right to recourse to consular or diplomatic protection	DFA/ DOLE-POLOs/ OWWA/ DSWD/ CSOs	➤ migrant workers and members of their families
4) Right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health	DOLE/ POEA/ OWWA/ NRCO/ ILAS (POLOs)/ DFA-UNIO/ DFA-OUMWA/ DOH/ PHILHEALTH/ SENATE COMMITTEES/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI-Advocates for OFWs	➤ migrant workers and members of their families
5) Right to social security	SSS and its regional counterparts/ DFA/ ILAS/ POEA/ OWWA/ DOLE ROs/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI-Advocates for OFWs	➤ migrant workers and members of their families
6) Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration	DOLE-NRCO/ ROs/ LGUs/ PESO/ DSWD/ TESDA/ DTI/ CSOs	➤ migrant workers and members of their families
7) Fundamental Human Rights of children of migrant workers	OWWA (ROs)/ POEA/ DOLE/ DSWD/ LGUs/ CSOs	➤ children of migrant workers

## Section 2

### Thematic Situationer

The incidence of migration of Filipinos to other countries is primarily brought about by the fact that our country has an unemployment rate of 7.6% and underemployment of 7.034 million as of July 2009<sup>3</sup>.

About 3, 000 workers are deployed overseas daily. With that, Filipinos can be found in about 190 countries and 50, 000 ocean-going vessel. As of December 2007, the stock estimate of overseas Filipinos is a total of 8.73 million, categorized as follows: 1) 4.13 million overseas Filipino workers or those migrant workers having temporary residences abroad; 2) 3.69 million permanent residents; and 3) 0.90 million Filipinos abroad in an irregular situation or those who are undocumented<sup>4</sup>.

The challenge given to the government of the Philippines is to manage effectively the process of labor migration, which has now become inevitable for many Filipinos intending to seek greener pastures overseas. This labor migration management of the government is primarily for supporting Filipinos' desires, choices, and freedom to migrate and ensuring that they receive adequate welfare promotion and protection. Thus, several legislations, executive orders, and other rules and guidelines have been issued by the government in line therewith.

The Republic Act No. 8042, otherwise known as the "Migrant Workers' Act" had been in place since 1995, long before the Philippines' ratification with the Convention (CMW). The same was enacted to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress.

In particular, the following provisions of R. A. 8042 support the objectives of the NHRAP, particularly covered under this Chapter:

- (a) Section 14 which provides that all embassies and consular offices, through the Philippine Overseas Employment Administration (POEA), shall give utmost priority to the establishment of programs and services to prevent illegal recruitment, fraud, and exploitation or abuse of Filipino migrant workers;
- (b) Section 20 which mandates for the establishment of an inter-agency committee, composed of the DFA and its attached agency, the Commission on Filipino Overseas (CFO), the DOLE, the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA), the Department of Tourism (DOT), the Department of Justice (DOJ), the Bureau of Immigration and Deportation

<sup>3</sup> Report of the Bureau of Labor and Employment Statistics

<sup>4</sup> Report of the Commission on Filipinos Overseas

(BID), the National Bureau of Investigation (NBI), and the National Statistics Office, which shall implement a shared government information system for migration;

- (c) Section 4 which directs deployment of migrant workers only in countries where the rights of Filipino migrant workers are protected such as in countries where a bilateral agreements or arrangements protecting the rights of overseas Filipino workers are concluded;
- (d) Section 19 which provides for the establishment of overseas Filipinos resource centers that will give specified services to those migrant workers abroad;
- (e) Section 17 establishes a replacement and monitoring center for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development; and
- (f) Such other provisions relative to the objectives of this Plan.

Also, Republic Act No. 6955, otherwise known as the “Prohibition Against Mail-Order Brides” was enacted in 1990 to declare unlawful, and thus provide penalties for, the practice of matching Filipino women for marriage to foreign nationals on a mail-order basis and similar practices. Such a scheme was not only used in the guise of human smuggling, but also as a ploy for sex trafficking.

Consistent with these laws is the “Anti- Trafficking in Persons Act of 2003” or Republic Act No. 9208 which was enacted to promote human dignity and to protect the people from any threat of violence and exploitation.

Clearly, with the legislative, judicial, and administrative frameworks of the government, multitude of initiatives, actions, and programs are being undertaken to respond to the challenges faced by the government in managing labor migration.

### **Section 3**

#### **Thematic Performance Targets**

##### **Coordinated information dissemination**

The NHRAP aims to have: a) an integrated policy on information system across concerned agencies by establishing and/ or enhancing a shared information system of migration; b) an increase in the number of clients served thru the conduct of information dissemination; and c) empowerment of migrant workers also thru information campaigns.

By the year 2012, the Pre-Departure Orientation Seminars/Programs shall be strengthened through an effective monitoring of the conduct thereof. While the annual targets for information dissemination are as follows:

- 2010-target info dissemination to priority provinces
- 2011-target info dissemination to priority regions
- 2012- info dissemination to other provinces
- 2013-2014- info dissemination to other regions

On the other hand, for the shared information system to be established and/or enhanced, the annual targets would be:

- 2010- Identify information covered by the system
- 2011 onwards- establishment of the Information System
- 2012 onwards- Enhancement of the Information System

### **Advocacy for bilateral agreements, memoranda of understanding, and other similar instruments**

The NHRAP aims to have a decrease in the level of reported cases of discrimination and abuses against migrant workers by increasing the number of bilateral labor agreements (BLAs) with receiving countries as well those BLAs under negotiations.

With that, it aims to have an annual target of:

- 2010 onwards-pursue pending negotiations of BLAs and initiate additional negotiations
- 2013-2014-Increase in number of existing BLAs

### **Recourse available to migrant workers while in the host countries**

The NHRAP aims to have (a) an increase in the number of migrant workers assisted while in the receiving country by strengthening the post arrival programs and services; (b) a proportionate number of assisting personnel as to the number of migrant workers; and (c) a proportionate number of consular offices and/or POLOs as to the total number of countries with Filipino migrant workers, both thru additional/expanded consular offices and POLOs.

The annual targets for these are as follows:

- 2010 onwards- study efficiency of assistance provided by offices abroad based on the proportion of number of assisting personnel to number of migrant workers to be assisted and for the conduct of post arrival seminars to priority countries

- 2011-onwards- provide additional personnel based on the study conducted and for the conduct of post arrival seminars to other countries
- 2012-2014- full expansion of offices, consular and POLOs and an enhanced post arrival services and programs

### **Medical assistance to migrant workers**

The NHRAP aims to have an amendment of the *Migrant Worker's Act of 1995* (RA No. 8042), specifically adding provisions relative to medical assistance to migrant workers such as but not limited to, having an international expansion of Philhealth coverage, mandatory membership of MWs to SSS, increased in the budget of POLOs to attend to the medical needs of MWs.

With that, it targets to have an amended law with the following annual targets:

- 2010 – Advocacy and Lobbying up to first and second reading
- 2011 – Advocacy and Lobbying up to the deliberation proper
- 2012 – Advocacy and Lobbying up to its passage and adoption of Implementing Rules and Regulations (IRR)
- 2013-2014 –Implementation of the amended law

### **Social security benefits of migrant workers**

The NHRAP aims to (a) increase the number of migrant workers covered by the social security system by expanding the One-Stop Shop Program at the regional offices for SS availment of migrant workers; and (b) increase in the number of bilateral social security agreements entered into with other countries.

The annual target would be:

- 2010 onwards – Pursue pending negotiations of BLAs and initiate additional negotiations
- 2012-2014- Increase in number of existing BLAs

In addition thereto, the following are likewise annual targets in order to expand the scope of the One Stop Shop program which grants SSS membership to migrant workers:

- 2010- setting up of One-Stop Shops at the priority provinces
- 2011- setting up of One-Stop Shops at the priority regions
- 2012- setting up of One-Stop Shops at the other provinces
- 2013- setting up of One-Stop Shops at the other regions

### Return, resettlement, and cultural reintegration of migrant workers

The NHRAP aims to have (a) an increase in the number of assisted returning migrant workers and members of their families by having additional human resources at DOLE-NRCO and its regional counterparts; and (b) an increase in the number of programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families.

The following are the annual term targets:

- 2010 onwards- study efficiency of assistance provided by DOLE-NRCO and ROs based on the proportion of number of assisting personnel to number of MWs to be assisted
- 2011 onwards – provide additional personnel based on the study conducted and decentralize funds and programs to the ROs
- 2012-onwards – full provision of additional personnel and full decentralization of funds and programs to the ROs

### Rights of the children of migrant workers left behind

The NHRAP aims to increase the number of programs and policies established and implemented to protect the rights of the children of MWs.

With that, the following are its annual term targets:

- 2011 onwards- lobbying for the creation of additional programs and policies based on the study conducted
- 2012 onwards- Programs created and policies formulated

**Table 2. Performance Targets**

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
1. To institute a coordinated information dissemination regarding the rights of migrant workers and members of their families	Integrated policy on information system across concerned agencies	Completed stages of Nationwide Information campaign	2010-target info dissemination to priority provinces
	Increase in the number of clients served		2011-target info dissemination to priority regions
	MWs		2012- info dissemination to

<p>(CMW) by the concerned government agencies and authorities both at the national and local level</p>	<p>empowerment</p>	<p>Enhanced shared information system of migration</p> <p>Strengthened Pre-Departure Orientation Seminars/Programs</p>	<p>other provinces</p> <p>2013-2014- info dissemination to other regions</p> <p>2010- Definition of information covered by the system</p> <p>2011 onwards- establishment of the Information System</p> <p>2012 onwards- Enhancement of the Information System</p> <p>2012 onwards- effective monitoring system of the conduct of PDOS/PDOP</p>
<p>2. Sustaining advocacy for bilateral agreements specially with those countries of destination where discriminatory treatment and abuse are more frequent</p>	<p>Decrease in the level of reported cases of discrimination and abuses against MWs</p>	<p>Increased number of bilateral agreements with receiving countries as well as increased in the number of BLAs under negotiations</p>	<p>2010 onwards- pursue pending negotiations of BLAs and initiate additional negotiations</p> <p>2012-2013-Increase in number of existing BLAs</p>
<p>3. To provide an effective and available recourse for aggrieved migrant workers while in the host</p>	<p>Number of migrant workers assisted while in the receiving country</p> <p>Proportion of number of MWs with the number of</p>	<p>Additional/ Expanded consular offices and POLOs</p>	<p>2010 onwards- study efficiency of assistance provided by offices abroad based on the proportion of number of assisting personnel to</p>

country	<p>assisting personnel</p> <p>Proportion of the number of consular offices/POLOs with the total no. of countries with Filipino MWs</p>	<p>Strengthened post arrival programs and services</p>	<p>number of MWs to be assisted</p> <p>2011-onwards- provide additional personnel based on the study conducted</p> <p>2012-2014- full expansion of offices, consular and POLOs</p> <p>2010 onwards- conduct of post arrival seminars to priority countries</p> <p>2012 onwards- conduct of post arrival seminars to other countries</p> <p>2012 onwards- Enhanced post arrival services and programs</p>
4. To provide urgent medical assistance to migrant workers in the countries of destination	<p>Amendment of Migrant Worker's Act (RA No. 8042), specifically adding provisions relative to medical assistance to migrant workers (e.g. International expansion of Philhealth coverage, mandatory membership of MWs to SSS, increased budget of POLOs to attend to</p>	<p>Amended Law</p>	<p>2010-Advocacy and Lobbying up to 1<sup>st</sup> and 2<sup>nd</sup> reading</p> <p>2011 – Advocacy and Lobbying up to Deliberation</p> <p>2012 – Advocacy and Lobbying up to passage and adoption of IRR</p> <p>2013-2014 - Implementation</p>

	the medical needs of MWs, etc.), and other matters which are consistent with CMW		
5. To provide social security to migrant workers in their State of employment with the same treatment granted to the nationals of the receiving country	<ul style="list-style-type: none"> <li>• Number of MWs covered by the social security system</li> <li>• Number of BLAs entered concerning social security</li> </ul>	<p>Increased number of bilateral agreements, as well as BLAs under negotiations, concerning social security of MWs</p> <p>Expanded One-Stop Shop for SSS availment of MWs in the ROs</p>	<p>2010 onwards- pursue pending negotiations of BLAs and initiate additional negotiations</p> <p>2012-2014- Increase in number of existing BLAs</p> <p>2010- setting up of One-Stop Shops at the priority provinces</p> <p>2011- setting up of One-Stop Shops at the priority regions</p> <p>2012- setting up of One-Stop Shops at the other provinces</p> <p>2013- setting up of One-Stop Shops at the other regions</p>
6. To have sufficient programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families	<p>Number of assisted returning MWs and members of their families</p> <p>Number of programs for the return, resettlement, and cultural reintegration of migrant workers and members of</p>	<p>Additional Human Resources at DOLE-NRCO and ROs</p> <p>Enhanced programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families</p>	<p>2010 onwards- study efficiency of assistance provided by DOLE-NRCO and ROs based on the proportion of number of assisting personnel to number of MWs to be assisted</p> <p>2011 onwards-</p>

	<p>their families</p> <p>Number of programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families</p>		<p>provide additional personnel based on the study conducted and decentralize funds and programs to the ROs</p> <p>2012 onwards – full provision of additional personnel and full decentralization of funds and programs to the ROs</p>
<p>7. To develop adequate protection and full enjoyment of the rights of the children left behind by the MWs</p>	<p>Number of programs and policies established and implemented to protect the rights of the children of MWs</p>	<p>Additional Programs and Policies relative to rights of the children of MWs</p>	<p>2010 onwards- study efficiency of existing programs and assistance provided to children of MWs</p> <p>2011 onwards- lobbying for the creation of additional programs and policies based on the study conducted</p> <p>2012 onwards- Programs created and policies formulated</p>

#### Section 4

#### Program of Action

#### Coordinated information dissemination

As earlier pointed out, with this NHRAP, the Philippine government shall give priority to popularizing the Convention (CMW) to duty bearers as well as the claimholders nationwide.

As an initial step, several studies, regular dialogues, and workshops on migrant workers' rights must be conducted nationwide. Said public dialogues and/or information dissemination programs shall focus on the rights of the migrant workers and members of their families embedded under the Convention (CMW). Likewise, said information dissemination shall be used as a tool for the enhancement and empowerment of migrant workers, especially women who are mostly under a vulnerable situation.

A "Shared Government Information System of Migration" shall likewise be established and/or enhanced pursuant to Section 20 of R.A. No. 8042. Further, an enhanced and strengthened Pre-Departure Orientation Seminars/ Programs shall likewise be highlighted as a priority.

As a result of the foregoing plans and programs, the following shall be the expected output: (a) an improved systems and procedures of the government derived from the studies conducted, policy recommendations, agency action and commitment plans; (b) public reports on the status of migrant workers, printed and disseminated information, education and communication materials, reports on the actions and resolutions for public issues and concerns; (c) a functional quick response team across concerned agencies.

With that, the DFA and the DOLE shall plan and initiate programs for the popularization of the Convention (CMW). Coordination among the different agencies of the government such as the DFA-UNIO, DFA- OUMWA, Philippine Overseas Employment Administration (POEA), Philippine Overseas Workers Welfare Administration (OWWA), Bureau of Immigration and Deportation (BID), Commission on Filipino Overseas (CFO), and the local government units (LGUs) shall be made, as well as in collaboration with the civil society organizations (CSOs), including but not limited to, the Philippine Alliance of Human Rights Advocates (PAHRA), Center for Migrant Advocacy (CMA), Migrante, and KALAHI-Advocates for OFWs.

Also, the DFA, as the head of the inter-agency committee for the establishment of "Shared Government Information System for Migration", shall organize its members, particularly CFO, DOLE, POEA, OWWA, the Department of Tourism (DOT), the Department of Justice (DOJ), BID, the National Bureau of Investigation (NBI), and the National Statistics Office (NSO), to convene on how to develop said system.

On the other hand, the OWWA and POEA shall come up with an effective mechanism to strengthen existing pre-departure seminars/programs.

### **Advocacy for bilateral agreements, memoranda of understanding, and other similar instruments**

With several reported discrimination and abuses of migrant workers abroad, particularly to those countries in the Middle East, development of programs by the government for the continued negotiations of bilateral labor agreements with other receiving countries must be prioritized. In addition thereto, a public reporting on the general status of migrant workers

those countries covered by bilateral labor agreements must be made in order to have an effective monitoring of the enforcement thereof.

A redefinition of all existing bilateral and multilateral agreements shall likewise be made for their effective enforcement in line with the full promotion and protection of the fundamental human rights of migrant workers. Again, giving main concern with those agreements entered into with the Middle East countries where national policies of such countries for exit permits, passport retention made by foreign employers, and contract substitution are in place.

Formation of respective committees shall be made in preparation and completion of any arrangements and/ or agreements with other receiving countries. These committees shall be headed by the DFA, who shall be responsible in monitoring the same. DFA shall likewise initiate action to further review and redefine those existing bilateral and multilateral agreements.

### **Recourse available to migrant workers while in the host countries**

Several information would lead to the fact that there is inadequacy in the number of labor offices, as well as in the number of personnel assisting and serving the migrant workers while in the host country. Such inadequacy in number would likewise lead to the inefficiency of services given to their clientele.

With that, there shall be an establishment of additional offices abroad and expansion of existing POLOs. Further, additional personnel in said offices shall likewise be made, which shall be proportionate to the number of migrant workers within the receiving country. Also, in deploying personnel to these government offices, priority for those Filipino Muslims, shall be made in the Muslim countries, particularly those in the Middle East, for their easy cultural integration.

Post arrival seminars shall be conducted immediately upon arrival of the migrant workers abroad at the Philippine posts and/or labor offices abroad. In line thereto, systems and procedures in the delivery of services/assistance to migrant workers shall be continuously improved.

The DFA and the DOLE-POLOs shall initiate in their respective plans and programs for the provision of additional posts/offices abroad and personnel abroad and shall coordinate with one another for the continuous improvement of their systems and procedures specifically for the conduct of post arrival seminars.

### **Medical assistance to migrant workers**

Health of the migrant workers is also one of the Philippine government's priorities in this Plan. In addressing this issue, an appropriate amendment of the Migrant Worker's Act (RA No. 8042) shall be made, specifically adding provisions relative to medical assistance to migrant workers such as, but not limited to, expansion of Philhealth coverage for migrant workers,

mandatory membership of migrant workers with SSS, and increased budget of the POLOs attend to the medical needs of migrant workers while abroad.

Initially, the following programs shall be made: (a) relevant studies to support amendment/s of R.A. 8042; 2) review of the proposed amendment/s; and (b) organization relevant Lobby groups of affected and concerned sectors. A report on the actual status/progress of the legislation, preferably the passage for its amendment shall be made by the respective Committee of the Senate. This report would include the compilation of position paper endorsements from different sectors, and pledges or commitments made by Congressmen.

Further review of the standard employment contract of the overseas workers, sea-based and land-based workers, shall likewise be made which will provide effective remedies and measures against the foreign employer/s and/or recruitment agency/ies in case of medical care and needs of migrant workers.

The Congress shall ensure passage corresponding bill pursuant to the amendment of the Act (RA 8045). On the other hand, the POEA shall make necessary actions as to modifying the existing standard employment contract both for the land-based and the sea-based overseas workers. Appropriate coordination between and among different agencies of the government and the civil society organizations shall also be done.

### **Social security benefits of migrant workers**

Because of the difficulty faced by the migrant workers in terms of qualifying, and receiving payment under the national security systems of the receiving country, continuous efforts on negotiating bilateral social security agreements shall be made by the Philippine government. Said efforts of having an increase in the number of proposed and approved bilateral social security agreements shall be initiated by the SSS and the DFA.

Moreover, there shall be an expanded "One-Stop Shop" for voluntary enrolment of migrant workers in the regional offices in order to have an easy access and to cater more clients from provinces outside of Metro Manila. Possible mandatory enrolment of migrant workers shall also be looked into as an eventual development by the SSS.

### **Return, resettlement, and cultural reintegration of migrant workers**

The Philippine government's reintegration programs dovetails with the continuous deployment of Filipino workers seeking better employment opportunities abroad. And in the move to further enhance these programs, additional human resources at the DOLE-NRCO and

regional counterparts shall be made. Funds and activities of the DOLE-NRCO shall also be decentralized to the regional offices for fast implementation at the root level.

Furthermore, there shall be intensive advocacies and campaigns of these projects which are relative to the return, resettlement, and cultural reintegration of migrant workers and members of their families.

The DOLE-NRCO shall lobby for the augmentation of their human resources and shall initiate actions to popularize its programs through printed and disseminated information, education and communication materials. Further, it shall be responsible in decentralizing its own funds and activities to its regional counterparts.

### **Rights of the children of migrant workers left behind**

Equally important with the rights of the migrant workers are the rights of their children left behind. With that, the need to conduct studies, which shall include the review of the existing policy on the mandatory foreign remittances allotted to dependents of migrant workers, should be appropriately addressed. Also, workshops and information campaigns relative to the protection of the rights of the migrant workers shall be made.

There shall also be an organization of relevant lobby groups of affected and concerned sectors, which shall be composed of relevant government agencies and non-governmental organizations. The design and conduct of policy advocacy programs shall also follow.

The OWWA, as the lead government agency tasked to protect and promote the welfare and well-being of Overseas Filipino Workers (OFWs) and their dependents, shall initiate programs and actions for the protection of the rights of children of migrant workers in coordination with the different sectors, the government agencies and the civil society organizations. Further, it shall report status of said programs and actions to PHRC as the over-all monitoring body.

**Table 3. Programs/ Activities/ Projects**

Performance Targets		Programs/ Activities/ Projects	Coverage	Responsible Stakeholders		Target Date/s	Expected Outputs
Medium Targets	Annual Targets			Duty-Bearers	Claimholders		
Completed stages of Nationwide Informat	2010-target info dissemination to priority	Conduct of studies, regular dialogues, & workshops	National/ Local	DFA-UNIO/ DFA-OUMWA / POEA/ OWWA/	Migrant Workers and members of their	Every quarter of each year	Studies, Policy Recommendations, Agency Action &

<p>ion campaign</p>	<p>provinces</p> <p>2011-target info dissemination to priority regions</p> <p>2012- info dissemination to other provinces</p> <p>2013-2014- info dissemination to other regions</p>	<p>on migrant workers' rights (CMW)</p> <p>Continuing public dialogues &amp; public information dissemination programs regarding the CMW and for the enhancement and empowerment of MWs especially women</p>	<p>National/ Local</p>	<p>BID/ CFO/ LGUs/CSOs such as: PAHRA, CMA, Migrante, KALAHI - Advocates for OFWs</p>	<p>families</p>	<p>from 2010 - onwards</p> <p>Every quarter of each year from 2010 - onwards</p>	<p>Commitment Plan</p> <p>Improve Systems &amp; Procedures of the government</p> <p>Public Report on Status of Migrant Workers</p> <p>Printed &amp; disseminated Information, Education &amp; Communication material</p> <p>Report on Actions Resolutions for public issues &amp; concerns</p>
<p>Enhanced shared information system of migration</p>	<p>2010- Definition of information covered by the system</p> <p>2011 onwards-establishment of the Information</p>	<p>Establishment/ Enhancement of the Shared Government Information System of Migration</p>	<p>International/ National</p>	<p>DFA/ DOLE- POLOs POEA/ OWWA/ DOT/ BID/ NBI/ NSO</p>	<p>Fourth quarter of 2010</p>	<p>Function</p> <p>1 Quick Response Team across concerned Agencies</p>	<p>Function</p> <p>1 Quick Response Team across concerned Agencies</p>

Strengthened PDOS/PDOP	<p>System</p> <p>2012 onwards-Enhancement of the Information System</p> <p>2012 onwards-introduction of an effective monitoring system</p>	Strengthening PDOS/PDOP	National	OWWA/POEA		2012 onwards	Effective monitoring system for the conduct of PDOS/PDOP
Increased number of bilateral agreements with receiving countries as well as increased in the number of BLAs under negotiations	<p>2010 onwards-pursue pending negotiations of BLAs and initiate additional negotiations</p> <p>2012-2013-Increase in number of existing BLAs</p>	<p>Continuing negotiations of bilateral agreements with other receiving countries specially where incidence of discrimination and abuse are more frequent</p> <p>Public Reporting on the general status of migrant workers in countries covered by</p>	<p>International</p> <p>International/National</p> <p>Intern</p>	<p>DFA/POEA/OWWA/DOLE-ILAS (POLOs)</p> <p>DFA</p> <p>DFA/</p>	Migrant Workers and members of their families	<p>2010 onwards</p> <p>Every quarter of each year from 2010-2014</p> <p>2010</p>	<p>Proposed/Approved bilateral agreements entered into by RP with the receiving countries, exhaustively protecting the migrant workers</p> <p>Public Report on the General Status of Migrant Workers in Countries covered by BLAs</p>

		BLAs Redefinition of all existing BLAs for their effective enforcement in line with the full promotion and protection of the fundamental human rights of MWs, particularly with those BLAs entered into with the Middle East countries where there are policies for exit permits, passport retention made by foreign employers, and contract substitution	ationa l	DOLE- ILAS (POLOs)		onwar ds	Review Result and possible amendment redefinition of existing BLAs
Additiona l/ Expanded	2010 onwards- study	To create additional offices	Intern ationa l	DFA/ DOLE- POLOs	Migrant Worker s and	2010 onwar ds	Quarterly Report on status and

consular offices and POLOs	efficiency of assistance provided by offices abroad based on the proportion of number of assisting personnel to number of MWs to be assisted	abroad/ expansion of existing POLOs, and to have their additional personnel, which should be in proportion to the number of migrant workers residing within their respective jurisdictions	International	DFA/ DOLE- POLOs/ OWWA/ DSWD/ CSOs	members of their families	2010 onwards	progress of putting up additional offices abroad/ expansion of existing POLOs/ additional personnel
Strengthening post arrival programs and services	2011- onwards- provide additional personnel based on the study conducted	Continuing Improvement of systems and procedures in the delivery of services/assistance to migrant workers	International	DFA/ DOLE- POLOs	2010 onwards	Quarterly reports on migrant worker given assistance by type of available recourse	
	2012-2014- full expansion of offices, consular and POLOs	Conduct of post arrival seminars and strengthen programs in line thereto for the				Post Arrival Seminars conducted , Agency Action & Commitment Plans, and Enhanced programs	

	2012 onwards- conduct of post arrival seminars to other countries	enhancement of services for the protection of MWs					
	2012 onwards- Enhanced post arrival services and programs						
Amended Law	2010- Advocacy & Lobbying up to 1 <sup>st</sup> & 2 <sup>nd</sup> reading	Conduct of relevant studies to support the amendment/s of existing legislations	National	DOLE/ POEA/ OWWA/ NRCO/ ILAS (POLOs)/ DFA/ DFA- OUMWA/ CSOs with SENATE COMMITTEES	Migrant Workers and members of their families	2009 onwards	Study Results to support amendment/s of existing legislations
	2011 – Advocacy & Lobbying up to Deliberation	Review of the proposed amendment/s as to CMW compliance	National			2010 onwards	Comments from Concerned Agencies and CSOs
	2012 – Advocacy & Lobbying up to passage & adoption of IRR	Organization of relevant Lobby groups of affected and concerned sectors	National/ Local			2010 onwards	Inventory of government agencies/CSOs comprising the Lobby Groups to include an account of their respective participation
	2013-2014 -						Report on

	Implementation	Design and conduct of policy advocacy programs	National/Local			2010 onwards	Actual status/progress of the legislations, preferably the passage for their amendment  Compilation of position papers, endorsements from different sectors  Compilation of Pledges or Commitments made by Congressmen
Increased number of bilateral agreements, as well as BLAs under negotiations, concerning social security of MWs	2010 onwards-pursue pending negotiations of BLAs and initiate additional negotiations  2012-2014-Increase in number of existing BLAs	Negotiations of bilateral agreements which provide social security to migrant workers	International	SSS/ DFA/ ILAS/ POEA/ OWWA  CSOs such as: PAHRA, CMA, Migrante, KALAHI - Advocates for OFWs	Migrant Workers and members of their families	2010 onwards	Proposed/Approved bilateral agreements entered into by RP with the receiving countries
Expanded One-Stop Shop for	2010-setting up	One-Stop Shop for SSS	Local			2010 onwards	Established one-stop shop in the ROs

SSS availment of MWs in the ROs	of One-Stop Shops at the priority provinces  2011- setting up of One-Stop Shops at the priority regions  2012- setting up of One-Stop Shops at the other provinces  2013- setting up of One-Stop Shops at the other regions	availment of MWs to be expanded in the ROs		SSS and its regional counterparts/ DOLE ROs			
Additional Human Resources at DOLE-NRCO and ROs	2010 onwards-study efficiency of assistance provided by DOLE-NRCO and ROs based on the proportion of number of assisting	To have additional human resources at DOLE-NRCO and its Regional Offices in order to sufficiently answer to the needs of returning migrant	National/ Local	DOLE-NRCO/ ROs	Migrant Workers and members of their families	2010 onwards	Report on the status/progress of the augmentation of Human Resources

Enhanced programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families	personnel to number of MWs to be assisted	workers	Local	DOLE-NRCO/ROs		2010 onwards	Decentralized funds and activities of NRCO
	2011 onwards-provide additional personnel based on the study conducted and decentralize funds and programs to the ROs	Decentralization of funds and activities of NRCO to the ROs for fast implementation on the root level	Intensive advocacy of projects relative to return, resettlement, and cultural reintegration of migrant workers and members of their families	National/Local	DOLE-NRCO/ROs/LGUs/PESO/DSWD/TESDA/DTI/CSOs		2010 onwards
	2012-onwards-full provision of additional personnel and full decentralization of funds and programs to the ROs						
Additional Programs and Policies relative to rights of the children	2010 onwards-study efficiency of existing programs and assistance provided to	Conduct of studies (includes review of the existing policy on the mandatory foreign remittances	National/Local	OWWA (ROs)/POEA/DOLE/DSWD/LGUs/CSOs	Migrant Workers and members of their families	Every quarter of each year from 2010 onwards	Studies, Policy Recommendations, agency actions and commitment plans

<p>of MWs</p>	<p>children of MWs</p> <p>2011 onwards-lobbying for the creation of additional programs and policies based on the study conducted</p> <p>2012 onwards-Programs created and policies formulated</p>	<p>allotted to dependents of MWs), workshops, and information campaign relative to the rights of the children of MWs</p> <p>Organization of relevant Lobby groups of affected and concerned sectors</p> <p>Design and conduct of policy advocacy programs</p>	<p>National/Local</p> <p>National/Local</p>	<p>OWWA (ROs)/ POEA/ DOLE/ DSWD/ LGUs/ CSOs</p> <p>OWWA (ROs)/ POEA/ DOLE/ DSWD/ LGUs/ CSOs</p>		<p>2010 onwards</p> <p>2010 onwards</p>	<p>Inventory of government agencies/ CSOs comprising the Lobby Groups to include an accounts of their respective participation</p> <p>Report on the actual status/progress of the policies/ programs catering to the needs of the children of MWs</p> <p>Compilation of position papers, endorsements from different sectors, and other</p>
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							relevant working materials
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## Section 5

### Linkages with other development initiatives and plans

The NHRAP can be linked to the different development plans of action of the government particularly the Medium Term Philippine Development Plan (MTPDP) 2004-2012. Both plans have a common goal of ensuring better quality of life of the Filipino people.

This Chapter of the Plan is specifically linked to Chapter 9 of the MTPDP pertaining to "Labor", viz:

*To provide protection against vulnerabilities in work, government shall intensify its efforts in providing social assistance to working children, women, assets less/ landless rural workers, informal sector workers, and OFWs including their families or dependents. These measures shall include the implementation of focused, community-based and integrated interventions to reduce the incidence of child labor, particularly in hazardous occupations and abject conditions of work; training and capability building program for women under livelihood convergence strategies; and strengthening the capability of labor and management to jointly implement workplace family welfare programs that promote health nutrition, responsible parenthood, balancing family and work life, among others.*

x x x

*The protection and welfare of OFWs is a shared responsibility of the sending as well as the host countries, and this will be a core principle in promoting markets and cultivating bilateral ties with labor receiving countries. For this purpose, government shall pursue forging of bilateral agreements in cooperation with the private sector to secure the employment, security and protection of OFWs.*

*It shall further sustain the implementation of a comprehensive social service package for OFWs onsite, expand the reintegration program for them including their families and dependents, and intensify country-specific pre-departure orientation seminars. The fight against illegal recruitment shall be sustained through the Presidential Task Force on Illegal Recruitment, and by*

*implementing performance appraisal system of all licensed recruitment agencies. Finally, Tripartite Consultative Councils will be set up to institutionalize OFW and private sector participation in overseas employment.*

X X X

*Employment facilitation involves facilitating access of Filipino workers to employment opportunities and alternatives, whether locally or abroad. Overseas employment remains to be a legitimate option for the country's workforce. As such, government shall fully respect labor mobility, including the preference of workers for overseas employment. Protection shall be provided to Filipinos who choose to work abroad and programs for an effective reintegration into the domestic economy upon their return shall be put up.*

*To address the apparent mismatches in jobs and skills, the major Public Employment Service Offices (PESOs) shall be interconnected to strengthen the labor market information system.*

*Alternative job search modes, such as the use of SMS technology shall also be set up to increase workers' access to information on job vacancies. Policies and procedures on overseas employment shall continue to be streamlined. By electronically linking the 12 government agencies involved in OFW documentation, the documentation process cycle time, requirements, and cost shall be reduced by 50 percent.*

X X X

Also, under the Chapter on Responsive Foreign Policy [Chapter 24 (H)] of the MTPDP provides specific programs for OFWs, to wit:

*The fact that the Philippines gets a tenth of its gross national product (GNP) from its overseas workers, many of these in the Middle East, resonates throughout government's foreign policy.*

*The Philippine commitment to the coalition against global terrorism must take into account that the Philippines is a special circumstance. Unlike other countries, 8 million Filipinos live and work abroad. Some 1.5 million Filipinos live and work in the Middle East and more than 4 thousand are in Iraq as Overseas Filipino Workers (OFWs). The life and livelihood of these OFWs involves some hazard in the war against terrorism. Many of them are truck drivers and construction workers vulnerable to terrorist attacks. Combat troops*

*of other coalition members are by definition not as vulnerable. The government's policy is to reduce that vulnerability.*

*The government will continue to provide progressive consular and legal assistance to Filipinos abroad. It shall also strengthen the welfare mechanisms for OFWs by aggressively forging new bilateral agreements with host countries. OFWs shall be tapped as sources of capital, new skills and technology by implementing the entrepreneurship program under an expanded OFW Reintegration Program.*

*The Philippines will push for the review and amendment of the Foreign Service Act, the Migrant Workers Act, the Passport Law, and the Overseas Absentee Voting Law that will help in the pursuit of protecting the interest of the Filipinos overseas.*

## **Section 6**

### **Human rights capacity building plan**

In the process of the NHRAP, from the preparatory stage, development, implementation, up to its stages of monitoring and review, the duty-bearers and the claimholders have their respective responsibilities to bear.

Both the duty-bearers and the claimholders are required to have 1) adequate understanding of the Convention (CMW); 2) familiarization with previous CMW country reports to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CPRMW) as well as with other related development plans of the government; 3) knowledge on rights-based approach; and 4) skills on networking with other relevant agencies and organizations.

Similar importance would be the duty bearer's knowledge in (a) rights-based policy formulation; (b) rights-based programs/projects development; (c) human rights indicators setting and monitoring; (d) networking; (e) rights-based monitoring and evaluation system, techniques and Tools; (f) rights-based programs/projects review; and (g) human rights reporting skills.

However, the following are the identified capability gaps and weaknesses: (a) limited knowledge on the Convention (CMW); (b) lack of time for research and data gathering, as well as for coordination; (c) lack of coordination from other relevant sectors; (d) unfamiliarity with applicable human rights standards and indicators; (e) lack of experience on rights-based approach application; (f) lack of experience and capacity in CMW compliance monitoring and projects/programs monitoring; and inadequate skills in rights-based monitoring & evaluation.

To overcome said weaknesses, programs for capacity building are likewise lined up for the duty-bearers and the claimholders. These programs, among others, would include a series of orientations and study circles; (b) strict implementation of their respective designations, orders and commands; (c) trainings and seminars on the Convention (CMW) and the rights-based approach; (d) conduct of coaching sessions on the application of human rights and rights-based approach; and (e) setting up of a monitoring and evaluation system for the Convention (CMW) and the NHRAP projects/programs.

Table 4. Human Rights Capacity Building Plan

Thematic Objective/s	Education and Training Activity/ies	Coverage	Target Participants		Responsible Parties	Expected Outputs
			Duty-bearers	Claimholders		
To institute a coordinated information dissemination regarding the rights of migrant workers and members of their families (CMW) by the concerned government agencies and authorities both at the national and local level	series of orientations and study circles	International/ National/ Local	DFA-UNIO/ DFA- OUMWA/ DOLE/ DOLE- ILAB (POLOs)/ POEA/ OWWA/ BID/ CFO/ LGUs/ NBI/ NSO/ NSCB/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI- Advocates for OFWs	would-be migrant workers (applicants)  migrant workers and members of their families	PHRC/ CHR/ DOLE	Series of orientations/ studies/ trainings/ seminars/ coaching sessions/ monitoring and evaluation system
	conduct of coaching sessions on the application of human rights and rights-based approach					
	setting up of a monitoring and evaluation system for the Convention (CMW ) and the NHRAP					

	projects/programs						
Sustaining advocacy for bilateral agreements specially with those countries of destination where discriminatory treatment and abuse are more frequent	-do-	International/ National	DFA/ POEA/ OWWA/ DOLE-ILAS (POLOs)	migrant workers and members of their families	-do-	-do-	
To provide an effective and available recourse for aggrieved migrant workers while in the host country	-do-	International	DFA/ DOLE- POLOs/ OWWA/ DSWD/ CSOs	migrant workers and members of their families	-do-	-do-	
To provide urgent medical assistance to migrant workers in the countries of	-do-	National/ Local	DOLE/ POEA/ OWWA/ NRCO/ ILAS (POLOs)/ DFA-	migrant workers and members of their families	-do-	-do-	

<p>destination</p>			<p>UNIO/ DFA- OUMWA/ DOH/ PHILHEALTH/ SENATE COMMITTEES/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI- Advocates for OFWs</p>		
<p>To provide social security to migrant workers in their State of employment with the same treatment granted to the nationals of the receiving country</p>	<p>-do-</p>	<p>International/ Local</p>	<p>SSS and its regional counterparts/ DFA/ ILAS/ POEA/ OWWA/ DOLE ROs/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI- Advocates for OFWs</p>	<p>migrant workers and members of their families</p>	<p>-do-</p>

To have sufficient programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families	-do-	National/ Local	DOLE-NRCCO/ ROS/LGUs/ PESO/ DSWD/ TESDA/ DTV/ CSOs	migrant workers and members of their families	-do-	-do-
To develop adequate protection and full enjoyment of the rights of the children left behind by the MWs	-do-	National/ Local	OWWA (ROS)/ POEA/ DOLE/ DSWD/LGUs/ CSOs	children of migrant workers	-do-	-do-

## Section 7

### Coordination and Management Plan

To ensure effective and efficient implementation of the Plan, particularly this Chapter, two different coordinative mechanisms are identified.

First, there shall be a creation of different Inter-Agency Committees to be lead by the accountable agencies in each thematic objectives, but if two or more accountable agencies were identified, any of such agencies or both. The composition or membership of each committee shall be the identified responsible/ coordinating agencies. The representation from the sectors of migrant workers and members of their families shall likewise form part of said committees.

Second, if the need arises for a particular plan, program, or action, a Task Force or a Project Implementing Team shall be organized within a specified period covering the implementation and the completion of each project. Said Task Force or Team shall likewise be headed by the identified accountable agency/ies, if it was likewise identified as one of the responsible/ cooperating agencies in the respective plan/program/action. If not, one agency among the identified responsible/ cooperating agencies. Again, representation from the sectors of migrant workers and members of their families shall likewise form part of said Task Force/Team.

These Committees, Task Force, and/or Project Implementing Team shall be under the close supervision of the lead agency which is the DOLE. In effect, regular reporting must be submitted to it relative to the progress of each plans, programs, and actions.

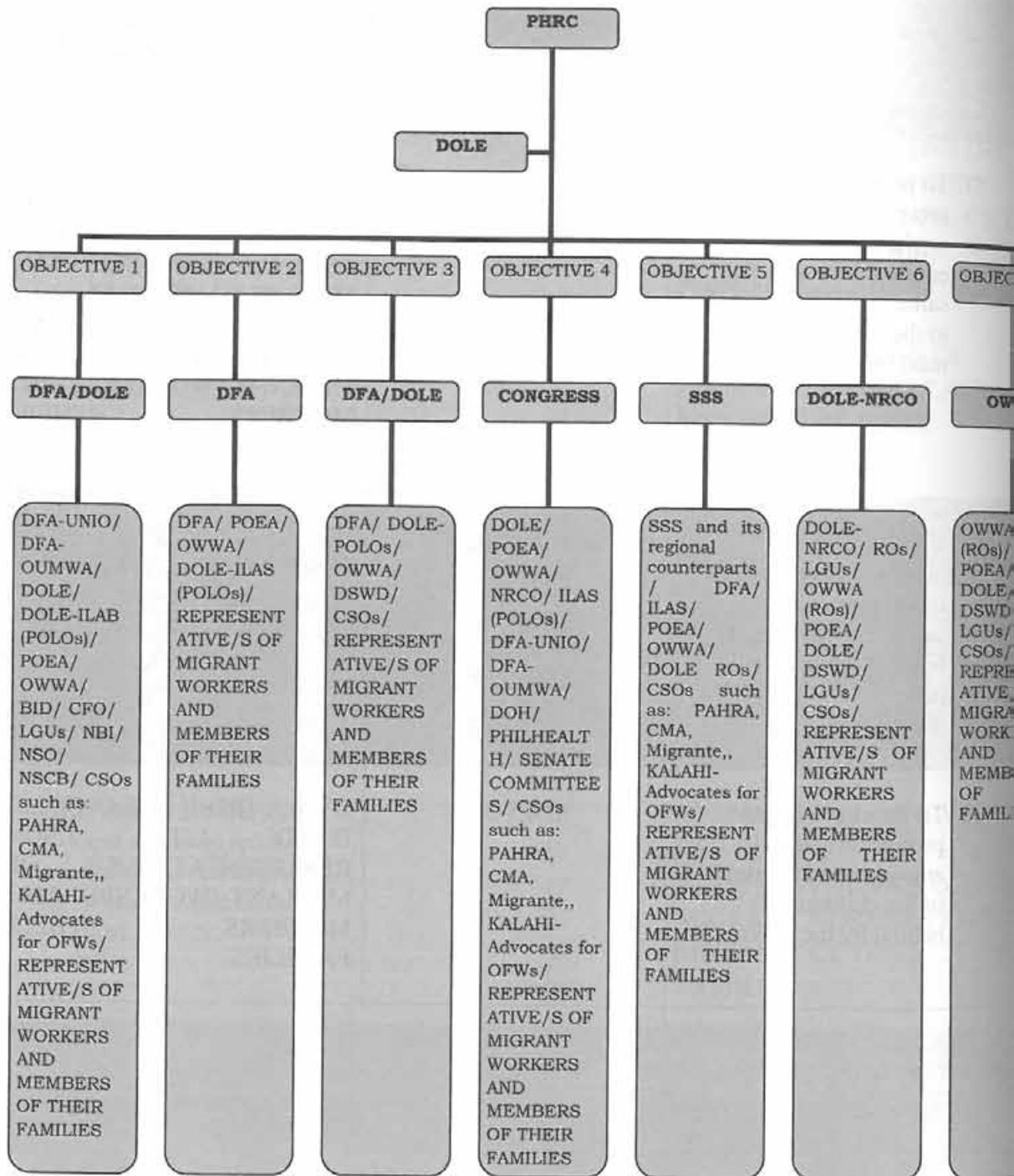
Respective sources of mandates, such as but not limited to, executive orders, administrative orders, memorandum of agreement, and memorandum of understanding shall be issued for the operation of said Committees, Task Force, and/or Project Implementing Team.

Table 5. Coordination and Management Arrangements

THEMATIC OBJECTIVE	COMMITTEES/ TASK FORCE/ PROJECT IMPLEMENTING TEAM	
	HEAD	MEMBERS
1) To institute a coordinated information dissemination regarding the rights of migrant workers and members of their families (CMW) by the concerned government agencies and authorities both at the national and local level	DFA/ DOLE	DFA-UNIO/ DFA- OUMWA/ DOLE/ DOLE-ILAB (POLOs)/ POEA/ OWWA/ BID/ CFO/ LGUs/ NBI/ NSO/ NSCB/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI-Advocates for OFWs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
2) Sustaining advocacy for bilateral agreements specially with those countries of destination where discriminatory treatment and abuse are more frequent	DFA	DFA/ POEA/ OWWA/ DOLE-ILAS (POLOs)/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
3) To provide an effective and available recourse for aggrieved migrant workers while in the host country	DFA/ DOLE	DFA/ DOLE-POLOs/ OWWA/ DSWD/ CSOs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
4) To provide urgent medical assistance to migrant workers in the countries of destination	CONGRESS	DOLE/ POEA/ OWWA/ NRCC/ ILAS (POLOs)/ DFA-UNIO/ DFA-OUMWA/ DOH/ PHILHEALTH/ SENATE COMMITTEES/ CSOs such as:

		PAHRA, CMA, Migrante,, KALAHI-Advocates for OFWs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
5) To provide social security to migrant workers in their State of employment with the same treatment granted to the nationals of the receiving country	SSS	SSS and its regional counterparts/ DFA/ ILAS/ POEA/ OWWA/ DOLE ROs/ CSOs such as: PAHRA, CMA, Migrante,, KALAHI-Advocates for OFWs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
6) To have sufficient programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families	DOLE-NRCO	DOLE-NRCO/ ROs/ LGUs/ PESO/ DSWD/ TESDA/ DTI/ CSOs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
7) To develop adequate protection and full enjoyment of the rights of the children left behind by the MWs	OWWA	OWWA (ROs)/ POEA/ DOLE/ DSWD/ LGUs/ CSOs/ REPRESENTATIVE/S OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Figure 1. Organizational Structure for CMW Thematic Cluster



## Section 8

### Resource Generation and Mobilization

The identified plans, programs, and actions (PPAs) in this CMW Chapter shall be incorporated in the usual government agency plans and programs of the concerned agencies, as well as in the next Medium Term Philippine Development Plan. This is to ensure the allocation of necessary funds by the Department of Budget and Management (DBM) and the Congress. Other funds and resources shall be generated from donor agencies such as international, regional, and national institutions.

## **Section 9**

### **Monitoring and Evaluation**

Part of the monitoring and evaluation stage is the plan for collecting necessary data and information for the strategic indicators identified which lacks baseline studies.

The identified accountable agency/ies shall collect, compile, and disseminate information pertaining to the progress and development of each plans/ programs/ actions. Any limitations and/or hindrances in the completion of each plans/ programs/ actions shall likewise be identified for proper monitoring.

Semi-annual reporting shall be submitted by these accountable agencies to the DOLE, as the head of the CMW Thematic Cluster, which in turn collate all said reports and submit the same to the PHRC.

## ANNEX:

### BASELINE STUDY

It has long been proven that information dissemination is an effective tool which seeks to increase people's awareness on their basic rights and to know how to address any violation thereof. However, still with frequent violations of the rights of migrant workers and members of their families, the government needs to act accordingly and consider this preventive approach.

Rampant violations of migrant workers' (MWs) rights and even the rights of the members of their families are being recorded every year. According to Migrante-Middle East, it receives at least 15 complaints and requests for assistance daily. The complaints involve arbitrary changes in work contracts, exorbitant application fees, maltreatment and sexual abuse, among others. This is aside from the complaints filed by families of OFWs as well as applicants.

Philippine embassies in many countries as well as the Philippine Overseas Labor & Welfare Offices, also receive many complaints. To cite as an example, the Philippine embassy in Kuwait received an estimated 10,000 requests for assistance by Filipinos from January to June 2007 or an average of 123 cases daily. Among the problems referred were requests to locate OFWs, for repatriation to the Philippines, financial support, police clearances and repatriation of bodies of deceased overseas contract workers (OCWs).

With such a situation, the popularity in our country of the Convention (CMW) is still in question. This fact was sustained by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CPRMW) in its concluding observation in 2009 where it noted that informational and educational materials on the Convention (CMW) have already been developed by the Philippines as well as by non-governmental organization (NGOs), however it was concerned that from the information received, the target groups for whom training program and materials were developed remain unclear as well as how the dissemination of the Convention was carried out.

To mention some of these programs conducted by different agencies of the government for the dissemination and promotion of the rights of migrant workers and members of their families, they are:

1. *The Philippine Judicial Academy (PHILJA), a component unit of the Supreme Court of the Philippines, is mandated by law to serve as a training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts. As such, concerns regarding the protection of migrant workers and members of their families are being included on the discussions/ lectures in various PHILJA seminars, conferences, trainings, and other activities.*
2. *The POEA, as part of its preventive approach to combat illegal recruitment, has been conducting dissemination of information and educational materials*

*nationwide. As a result thereof, there are a total of 138 cities/ municipalities which forged a memorandum of understanding on illegal recruitment-free local government units as of 31 December 2008.*

3. *The OWWA has been conducting "Pre-Departure Orientation Programs" (PDOP) through its accredited PDOP providers in order to prepare the would-be migrant workers as to the real situations that they may encounter in the receiving countries as a means for easier environment and cultural adaptability.*

Also, as a matter of international policy, the Philippine government cannot easily intervene with the receiving countries' affairs. However, the government affirms that migrant workers are first and foremost- *workers*- and are thus entitled to rights guaranteed to all workers wherever they may be. These guarantees should be ensured to them at any point of migration from sending, transient, to receiving countries.

Pursuant to this principle, the government had been pushing to further guarantee protection to migrant workers through interventions to lessen risks and vulnerabilities such as human trafficking, the disregard to work conditions set forth in contracts, non-payment of wages, maltreatment as well as gender-based violence and faith-based discrimination.

One of these interventions being referred to is the government's continuous effort to have bilateral labor agreements with the receiving countries which is likewise pursuant the State's policy to deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected.<sup>5</sup>

As of November 2008, there are a total of eighteen (18) Bilateral Labour Agreements (BLAs) concerning Filipino Overseas Landbased Workers entered into by and between Philippine government and the government of the following countries: (a) United States of America (December 28, 1968); (b) United Kingdom (July 30, 2003); (c) United Arab Emirates (April 9, 2007); (d) Taiwan (January 12, 2001, renewed March 20, 2003 and March 30, 2006); (e) Switzerland (July 9, 2002); (f) Spain (June 29, 2006); (g) Qatar (May 5, 1981; March 10, 1997; October 18, 2008); (h) Papua New Guinea (March 14, 1979); (i) Norway (June 26, 2001); (j) Libya (October 18, 1979; July 17, 2006); (k) Kuwait (September 14, 1997); (l) Korea (April 23, 2004; October 20, 2006); (m) Jordan (November 5, 1981; November 3, 1988); (n) Iraq (November 25, 1982); (o) Indonesia (January 18, 2003); (p) Commonwealth of the Northern Mariana Island (CNMI) (September 14, 1994; amended on December 18, 2000); (q) Canada (Alberta on October 1, 2008, British Columbia on January 29, 2008, Manitoba on February 8, 2008, and Saskatchewan on December 18, 2006); and (r) Bahrain (April 4, 2007).

As to Bilateral Labour Agreements (BLAs) concerning Filipino Overseas Sea-based Workers, there are a total of nine (9), to wit: 1) Liberia – 10 August 1985; 2) Cyprus - amended on 09 November 2006; 3) Denmark – 2000; 4) Bangladesh – 15 March 1995; 5) Vietnam – 05

<sup>5</sup> Section 4 of the Migrant Workers Act of 1995 (R.A. 8042)

August 1997; 6) Norway – 06 March 2000; 7) Netherlands – 22 June 2000; 8) Brunei Darussalam- 22 April 2004; and 9) Iran – 08 October 1995

Despite of such continuous efforts made by the Philippine government, the Committee (CPRMW) in 2009 still recommended that the government shall conduct a review of the bilateral and multilateral agreements, Memoranda of Understanding or other protective measures with countries of employment of Filipino foreign workers in order to prevent, and much more, to end abuse and exploitation, especially towards women migrants. Also, it recommended to continue cooperation arrangements with countries receiving Filipino migrant workers in areas of mutual concern, in cases where no bilateral agreement can be finalized.

Similar importance is the government's extension of on-site assistance and support to migrant workers and members of their families. Said assistance would include the "Legal Assistant for Migrant Workers Affairs" which is headed by the Department of Foreign Affairs (DFA)<sup>6</sup> and the Migrant Workers and other Filipino Workers Resource Centers (FWRCs) in countries where there are at least 20, 000 migrant workers<sup>7</sup>.

To date, there are a total of twenty (20) FWRCs all over the world which are projected to assist Filipinos abroad who are about 8.73 million in totality. In support also of these programs of the government, as of October 2009, there are a total of Thirty Eight (38) posts of Philippine Overseas Labor Offices (POLOs), the latest having been established in Johannesburg, South Africa.

Based on the report of the Repatriation and Assistance Division of the Overseas Workers Welfare Administration (OWWA), the total number of cases received and acted upon for the period of January-December 2008 is 1,329. Also, for the same period, a total of 5, 123 migrant workers and/or members of their families are given airport assistance, 3,241 of which belongs to the distressed migrant workers. 2, 723 were also assisted through OWWA's halfway home accommodation program.

Moreover, the Department of Foreign Affairs declared the following statistics on the assistance given to distressed migrant workers, with its partner government agencies<sup>8</sup>:

- 1) *Handled a total of sixty one (61) death penalty cases and still monitoring forty one (41) of said cases in varying stages of judicial proceedings;*
- 2) *Repatriated en masse approximately 7,172 Filipino deportees from Sabah; and*
- 3) *Attended to fifty six (56) human trafficking cases involving 155 victims, which were endorsed to the Inter-Agency Council Against Trafficking (IACAT), the*

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<sup>6</sup> Section 24, Ibid.

<sup>7</sup> Section 19, Ibid.

<sup>8</sup> DFA's Semi-Annual Report to Congress for the period of January to June 2008

*National Bureau of Investigation (NBI) for investigation and prosecution, and to the Commission of Filipino Overseas (CFO) for assistance.*

For the period of June to December 2008, a total of 147 Filipinos in distress (runaways) were sheltered at the Filipino Workers Resource Center (FWRC) or other similar institution in Jeddah, while 142 Filipinos were sheltered in Beirut<sup>9</sup>.

Apparently, in a report of the Pastoral Committee of Asian-African Migrants (PCCAM) it stated that with the 406 cases of migrant rights' abuse in Lebanon, Filipino women domestic workers account for the largest nationality subjected thereto by their employers (234- 58 percent) such as physical, psychological and sexual abuses, inhumane living and working conditions, restriction of movement, withholding of travel documents<sup>10</sup>.

In this regard, the Committee (CPRMW) in 2009 recommended to provide adequate assistance through embassy and consulate staff abroad to migrant workers, especially for those who are victims of the "sponsorship" or *kafalah* system particularly for women domestic workers and most notably in the Gulf countries and to endeavour to negotiate a reform or revision of such a system with the relevant countries of destination.

As a part of the promotion and protection of migrant workers' rights, the government is mandated by law to render to them welfare assistance which includes procurement of medical and hospitalization services.

A research on the access to health of overseas Filipino workers (OFWs), conducted by the Action for Health Initiatives, Inc., (ACHIEVE) in 2005, as part of a regional project undertaken by Coordination of Action Research on AIDS and Mobility Asia (CARAM-Asia) in 11 Asian countries, revealed that: (a) health information, care, services are not easily accessible to OFWs; (b) incidents of HIV affliction among OFWs have increased over the past years; and (c) Filipino migrant workers do not put health on their priority list. Further, said study shows that migrant workers will endure illnesses in order to continue working because earning money for the welfare of their families is their number one priority. However, when their health problems can no longer be ignored, they will turn to their employers or their friends abroad for help.

In another research entitled "A Survey of the Sexual and Reproductive Health Status and Needs of Filipino Female Overseas Domestic Workers" conducted by the Action for Health Initiatives, Inc. (ACHIEVE) in four different sites, namely: (a) National Capital Region, (b) Davao City, (c) Cebu City, and (d) La Union, it disclosed the following reproductive health issues:

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<sup>9</sup> Statistical Data submitted the Office of the Undersecretary for Migrant Workers Affairs

<sup>10</sup> Filipino Migrant Women in Lebanon by the Kanlungan Center Foundation

- *Pregnancy: 7.3 percent (23) became pregnant while working abroad. Only half (11) had pre-natal care; seven (7) had free hospitalization, three (3) enjoyed maternity leave benefits; two (2) had post-natal care*
- *Mild ailments suffered: the most common were fever, flu, colds, cough and headache*
- *Serious ailments: Six of the respondents reported serious problems – hysterectomy (4), myoma (1), breast cyst (1)*
- *RH problems: irregular menstruation (5), dysmenorrhea (4), painful urination (4), miscarriage (3), ectopic pregnancy (1), induced abortion*

Another case study conducted on the health condition of women migrant workers specifically authored by Dr. Aurora Barong of the Kanlungan Centre Foundation revealed that maltreatment, rape with maltreatment, and fractures were the top three health problems suffered by women migrant workers who had been under their care. Those who said they were physically harmed included fifty seven (57) domestic workers, two caregivers, two dressmakers, and two factory workers. The cases of maltreatment ranged from being forced to work more than eight hours up to 21 hours on an 8-hour salary. Likewise, the women also said they were fed or dissuaded from taking proper meals, restricted from using the bathroom at certain hours, and barred from leaving their employer's home even on government-mandated rest days or holidays. The study observed that health-related services by Philippine diplomatic missions are not enough; with migrant workers needing the services of doctors in the host country are in remote areas. The author stated that what aggravates the conditions of these maltreated women migrant workers is that they do not immediately seek medical treatment, or that clinics in the host country are inaccessible.

According to the study conducted by the UN Development Programme and the Joint Programme on HIV/AIDS (UNAIDS), it showed that women migrant workers in Asia including Filipinas who work in the Arab states are targets of sexual exploitation and violence and are highly vulnerable to factors that lead to HIV infection. The study revealed that more women are vulnerable to HIV because of limited preparedness and poor access to information and services. The study disclosed that of the total number of HIV cases recorded in the Philippines since 1984, OFWs make up 34 percent (1,162) or about a third of the total. Over the years, the HIV Registry has tracked the growing number of HIV cases among OFWs. According to the last available breakdown of OFW data in the HIV Registry, out of the 1,061 OFWs who tested positive in December 2007, 33 percent (347) were seafarers, 17 percent (179) were domestic workers, nine percent (97) were employees, eight percent (81) were entertainers, and six percent (65) were health workers. Sexual transmission remained to be the leading mode of transmission (94 percent) of HIV among OFWs<sup>11</sup>.

<sup>11</sup> Article entitled 'Filipinas in Arab states HIV vulnerable' by David Dizon.

Apparently, in connection with the Philippine government's policy to provide social security protection to all residents of the Philippines, citizens and non-citizens alike, regardless of creed, gender, age, geographic location, it continuously have aggressive negotiations for more bilateral/multilateral labor and social security agreements.

This fact was acknowledged by the Committee (CPRMW) in 2009 when it welcomed the bilateral social security agreements concluded by the Philippine government party in so far as such agreements promote the rights of migrant workers and members of their families.

As of 2008, we have the following existing bilateral social security agreements entered into with different states: 1) RP-Austria Social Security Convention; 2) RP-Belgium Social Security Agreement; 3) RP-Canada Social Security Agreement; 4) RP-Quebec (Province of Canada) Understanding on Social Security; 5) RP-France Social Security Convention; 6) RP-Korea Social Security Agreement; 7) RP-Netherlands on the Export of Social Insurance Benefits; 8) RP- Spain Social Security Convention; 9) RP-Switzerland Social Security Agreement; and 10) RP-United Kingdom of Great Britain and Northern Ireland Social Security Convention.

To complete the cycle of labor migration, the Philippine government initiated programs for the return, resettlement, and cultural reintegration of migrant workers and members of their families. The OWWA started the government's OFW reintegration program in 1987. Subsequently, the Hong Kong-based Asian Migrant Center also pushed reintegration programs in the 1990s. It organized the first regional consultation on reintegration in Manila with the participation of NGOs from HK, Japan, Korea, Taiwan, Malaysia, Indonesia, Thailand, Nepal and the Philippines. Other NGOs, like the Episcopal Commission for the Care of Migrant and Itinerant Peoples (ECMI), have actively pushed practical efforts complementing government programs aimed at boosting the morale and well-being of OFWs and their families.

More so, the Department of Labor and Employment (DOLE) in March 2007 has established the National Reintegration Center for Overseas Filipino Workers (NRCO) to assist returning OFWs in preparation for their socio-economic reintegration through the conduct of training programs on values formation, skills enhancement, and capacity building course. Since then, the following programs were created:

- a) *NRCO Assistance Desk which is intended to provide face-to-face as well as on-line answers to queries of OFWs. After evaluating their needs, the Assistance Desk shall refer them to the appropriate Unit or service provider which shall assure delivery of needed assistance;*
- b) *NRCO OFW Counselling Services which guide OFWs and their families on values formation and preparing for eventual reintegration. Services include choosing re-entry options such as employment and livelihood, financial and investment opportunities; participating in brain-gain initiatives and retirement programs, sharing their expertise*

*as part of their social and economic commitments in their respective communities.*

- c) NRCO OFW Capability Enhancement Services which equip OFWs and their families with knowledge/skills in their desired re-entry options toward their personal, economic and community reintegration. Services include financial literacy; financial planning and management, savings and special remittance schemes; investment options/opportunities.*
- d) NRCO OFW Linkaging and Networking Services which connect OFWs and their families with reintegration needs to appropriate stakeholders, or service providers. Services include assisting OFWs and their families in: business formation; access to credit facilities; technology and product development; market assistance; skills upgrading/re-tooling, among others.*
- e) OWWA One Stop Shop which enables vacationing OFWs to secure their overseas employment certificates and other requirements which are processed without the OFWs going from one agency to another.*
- f) One-Stop Center for Returning OFWs participated in by OWWA-NRCO, BLE, POEA, TESDA, TRC, SSS, and PHILHEALTH*
- g) DSWD After-care Program for Returning OFWs in Crisis which includes counseling and other psychosocial services, food, medicines, temporary shelter and other basic needs, when indicated; repatriation services which are facilitated by a social welfare attaché based in Malaysia and social workers in Kuwait, Jeddah, Dubai, Abu Dhabi, Lebanon, Hongkong and Riyadh; critical incident stress debriefing (CISD) to OFWs who had traumatic experiences in their workplaces; and referral to concerned agencies to legal and medical assistance and other appropriate services.*
- h) The OWWA-NLSF LDPO Project which is a joint undertaking of OWWA and National Livelihood Support Fund (NLSF) to address the economic component of the OFW Reintegration Program. It is meant to further improve access to entrepreneurial development opportunities and credit facilities to OFWs, their families, and organizations. Possible enterprises include: (a) trading; (b) services; (c) manufacturing; and (d) agri-business.*

Thus in 2009, the Committee (CPRMW) noted with interest the information given on the Philippine government's strategic reintegration program for migrant workers returnees, including family members. Nevertheless, the Committee encouraged the Philippines to work in partnerships with all relevant partners to strengthen the existing reintegration program, especially with regard to addressing brain drain and developing knowledge transfer initiatives or brain gain schemes. It also recommended allocating sufficient budget to reintegration programs, in particular to the NRCO and strengthening said programs in order to ensure migration gains and involvement of Filipino returnees in projects that can lead to job creation in the Philippines.

The Committee likewise expressed its concern over the situation of the children of migrant workers and the negative impact of the fact that their parents have migrated abroad. Information presented before the Committee (CPRMW) then pointed out that children with at least one parent working overseas are living with loose family ties and performing worse in school, notably in case of an absent mother. This was a concern to the Committee given that 50% of all Filipino migrant workers are women.

With that, the Committee encouraged the Philippine government to support a comprehensive study on the situation of children of migrant families, with the aim of developing adequate strategies to ensure their protection and the full enjoyment of their rights through, *inter alia*, community support programs, education and information campaigns and school programs. The Committee further encouraged the government to continue its collaboration with NGOs in favor of these children and their mothers.

To date, OWWA has institutionalized several scholarship programs for the dependents of migrant workers, which include the following: (a) Tulay Microsoft Program; (b) Skills-for-Employment Scholarship Program (SESP); (c) Education for Development Scholarship Program and (d) Congressional Migrant Workers Scholarship.

Under the short-term educational programs, OWWA granted scholarships for the enhancement of skills and eventually facilitate the employability of 2,197 OFW dependents through the Skills-for-Employment Scholarship Program (SESP).

As part of the long-term scholarship program, OWWA has been sending to universities dependents of OFWs to complete a college degree. The Education for Development Scholarship Program (EDSP) which started in 2004 with a hundred now has 371 scholars, while the Congressional Migrant Workers Scholarship Program (CMWSP) on the other hand has 8 scholars. Both programs have produced 83 graduates (EDSP-47 and CMWSP-26) in 2008.

OWWA likewise supports the value of staying connected with the family using a cheaper means through information technology (IT). This was the core concept of the OWWA-Microsoft Tulay when it was launched in 2005. This year there are 3,990 OFWs and dependents that availed of the training and are now conversant with IT software. The project has also provided skills on basic computer software applications such as word processing excel spreadsheet, e-mail, etc.

## Chapter 8

### Introduction

#### **Thematic Situationer: Evolution of Filipino Indigenous Peoples**

Prior the coming of the European colonial rulers, Filipinos already had and exercised their own forms of governance, justice systems, traditional ways of life, and defined the boundaries of their respective territories. They managed their own economies and traded with other nations.

The coming of the Spaniards in 1521 introduced the concept of *jura regalia* that all lands colonized by Spain belong to the Crown, or to the government. Subsequently, Filipinos who were mostly located in the coastal and low lying areas embraced colonial rule. This was entirely different in the case of Filipinos in the hinterlands who generally and valiantly resisted colonial occupation and retained their own customary ways, held on to their traditional beliefs, leadership structures, forms of governance, justice systems and stood ground in protecting their ancestral domains.

Christianized Filipinos waged a war of independence against their colonial masters but this failed by the coming in 1898 of another colonial master, the United States of America to whom Spain ceded its colonial rule over the Philippines.

It was during the American occupation when the Indigenous Peoples' "Native Title" to their ancestral domains was recognized by the government. This landmark decision by the US Supreme Court was handed down on the basis that the territories of the Indigenous Peoples, then called as the non-Christian tribes/tribal communities/tribal minorities had never been subjugated by Spain and thereby were never part of the public domains under Spanish rule, and thus were privately owned by the Indigenous Peoples.

However, while the US insular government upheld the IPs' ownership of their ancestral domains, fulfilment was still far from reality. During the American regime, rampant encroachment through legal usurpation had been imposed by the government into the lands of the hapless Indigenous Peoples. By way of legislated acts, waves and waves of migrants settled into the lands of the Indigenous Peoples while multi-national corporations and big domestic businesses came to occupy and operate vast portions of these lands.

Under Filipino Rule, developments were continuously introduced within IP areas which ran contrary to the Indigenous Peoples' traditional beliefs and customary ways. Most often, conflict arises with the Indigenous Peoples holding on to their "native titles" to their ancestral domains/lands, Indigenous Knowledge Systems and Practices (IKSPs) and self-governance.

With the Indigenous Peoples non-subjugation evolved the concept of Indigenous Peoples/Indigenous Cultural Communities, pertaining to homogenous communities who have become historically differentiated from the majority of Filipinos and who have retained their customary ways in traditionally defined territories since time immemorial.

This explains that while all Filipinos belong to just one race we differentiate as mainstream and indigenous by way of our historical experiences.

Currently, there are 110 IP groups in the Philippines who are located all over the Philippine Archipelago. They number about 14, 184, 645, or 16 percent of the total Philippine population of 86 million.

**UN Protection Instrument: The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

The ICERD was the first, or pioneering instrument created by the United Nations (UN) to monitor and review actions by States to fulfil their obligations under specific human rights agreement.

ICERD was adopted by the UN General Assembly in 1965. However, it only came into force in 1969 after twenty-seven (27) States, including the Philippines, had it ratified. It is the oldest and most widely ratified UN human rights convention.

The Center for Human Rights of the United Nations Office in Geneva highlights the following principal points of ICERD:

- *“Any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous and has no justification in theory or in practice;*
- *Racial discrimination – and more so, government policies based on racial superiority or hatred – violate fundamental human rights, endanger friendly relations among peoples, cooperation among nations, and international peace and security;*
- *Racial discrimination harms not only those who are its objects but also those who practice it; and,*
- *A world society free of racial segregation and discrimination, factors which create hatred and division, is a fundamental aim of the United Nations.”*

The Center further emphasizes that State Parties to ICERD agree to undertake the following measures:

- *“To engage in no act or practice of racial discrimination against individuals, groups or persons or institutions, and to ensure that public authorities and institutions do likewise;*
- *Not to sponsor, defend or support racial discrimination by persons or organizations;*
- *To review government, national and local policies and to amend or repeal laws and regulations which create or perpetuate racial discrimination;*
- *To prohibit and put a stop to racial discrimination by persons, groups, and organizations; and,*
- *To encourage integrationist or multiracial organizations and movements and other means of eliminating barriers between races, as well as to discourage anything which tends to strengthen racial division.”*

While ICERD does not specifically focus on IP concerns, this Chapter provides emphasis on Indigenous Peoples on the basis of the overwhelming issues that were elicited from the different consultation activities, both at the national and local levels.

### **State Treaty Compliance and Emerging Indigenous Peoples Human Rights Issues and Concerns**

The Philippines adopted and ratified ICERD on December 21, 1965 and September 15, 1967, respectively.

It submitted its latest report in one document on June 30, 2008, containing the 15<sup>th</sup> to 20<sup>th</sup> Consolidated Periodic Reports, due on January 4, 1998 to 2008.

The Consolidated Philippine Periodic Reports successfully underwent consideration by the Committee on the Elimination of Racial Discrimination (CERD) on August 18 to 19, 2009. It registered positive responses on compliance with the CERD Concluding Observations of 1997 while at the same time that it elicited recommendations from the CERD for future State compliance.

The CERD Concluding Observations of 2009, including issues and concerns raised in the Philippine Universal Periodic Review (UPR) Report of April 2007 become the bases in coming out with State actions in this Chapter. However, to be more inclusive and realistic, other issues and concerns identified in the Shadow Report on ICERD of 2009 by the Civil Society which were not considered by the CERD Committee in its Concluding Observations but which are existing in reality, including the issues and concerns that were acquired during the six (6) Regional Cluster Consultation Activities on the NHRAPP in 2009 were likewise considered.

A consolidation of the various human rights issues and concerns shrouding the Indigenous Peoples had been first classified into several human rights agenda as follows: development aggression, armed conflict, non-representation in governance, non-delivery of basic services, non-recognition and non-appreciation of traditional structures and mechanisms, overlapping of policies, and negative or discriminatory outlook on ICCs/IPs. However, for the purpose of attaining positive outlook of the various human rights issues and concerns classification was later on changed as follows: 1) economic rights; 2) civil and political rights; and, 3) social and cultural rights.

Finally, the following thematic objectives of the Chapter have been crafted out of the above cited human rights agenda:

1. To uphold and protect the rights of Indigenous Peoples to their ancestral domains, lands and resources, recognizing customary laws on property ownership and relations;
2. To enhance access of Indigenous Peoples to the various pillars of the justice system, and State recognition in the exercise of customary laws and practices or the various traditional justice systems;

3. To respect, protect and fulfil the civil and political rights of Indigenous Peoples, addressing violations thereto and affording maximum protection to defenders of Indigenous Peoples rights;
4. To respect, protect, promote and fulfil the right to self-determination and self-determined development of Indigenous Peoples, recognizing indigenous knowledge and socio-political systems and upholding the right to free, prior and informed consent;
5. To provide culturally appropriate basic social services and employment to Indigenous Peoples and employing special measures to fulfil this;
6. To recognize, protect and promote the cultural rights of Indigenous Peoples, combating prejudice and discrimination against them, and fostering solidarity among them and all other sectors of society; and,
7. To review and amend policies and programs on IP rights, enact laws that have direct bearing on IPs, formulate/reformulate existence of conflicting development policies, programs and areas in conflict with IP rights and interests with the mandatory and effective participation of IPs ; develop a comprehensive anti-discrimination legislation; and push for the ratification of treaties which have direct bearing on racial discrimination.

## Section 1

### Strategic Treaty Indicators and Accountable Entities

The strategic treaty indicators, classified into three (3) cluster areas: structural, process and outcome are identified and described below each thematic objective. Correspondingly, accountable institutions of government and the nature of their duties and responsibilities are defined below each indicator.

1. To uphold and protect the rights of Indigenous Peoples to their ancestral domains, lands and resources, recognizing customary laws on property ownership and relations.

- Structural Indicator

- a. Streamlined and harmonized policies on securing tenurial instruments that take customary laws into account.

There are complaints by Indigenous Peoples on the voluminous requirements in the delineation and titling of their ancestral domains/lands.

- b. Procedures on “Native Title” recognition and protection formulated with FPIC, and operationalized.

Indigenous Peoples who opt to exercise their traditional ownership of their ancestral domains/lands under the concept of “native title” have to be provided with expressed protection measures by the government.

- Process Indicator

- a. Inter-Agency affirmative collaboration to expedite delineation, titling and registration of CADTs/CALTs carried out

Delays in the process of securing tenurial instruments are caused by conflicting policies and the lack of cooperation by concerned agencies of government.

- b. Focused consultations with ICCs/IPs to arrive at culturally sensitive procedures in the protection of native titles.

Ancestral domains without issued titles are vulnerable to encroachment by both the private and government sectors.

- Outcome Indicator

- a. Increased number of CADTs/CALTs delineated, titled, registered and awarded with decreased incidence of conflicts arising from ancestral domain/land and resources issues.

The full enjoyment of Indigenous Peoples to their ancestral domains/lands and resources needs to be fast tracked.

- b. Heightened recognition of traditional principles of ownership.

The full realization of IP rights to self-governance and self-determination progressively attained.

- **Accountable Agencies**

- a. The NCIP, DENR, DAR and LRA shall have to streamline the processes and requirements upholding customary laws while not sacrificing the integrity of traditional ownership to such domains/lands and resources by IP claimants. NCIP shall initiate closer collaboration with the aforementioned agencies.

- b. The NCIP shall focus in the formulation of policies protecting the actual possession and utilization of IPs to their ancestral domains without necessarily undergoing the bureaucratic processes of delineation and titling.

2. To enhance access of Indigenous Peoples to the various pillars of the justice system, and State recognition in the exercise of customary laws and practices or the various traditional justice systems.

- **Structural Indicator**

- a. Policy review on access to formal justice by the Indigenous Peoples

The maxim that "Those who have more on wealth have more on justice" still holds true. Only on celebrated cases, where media and CSO attention are focused, when access to justice by the lowly and the "have nots" really prosper. Indigenous Peoples, especially those who are located in far flung areas have most often been victims of injustices by the justice system. They are sued for cases they did not know. They lost their cases due to technicalities and misrepresentation. Worst, they lost their ancestral domains/lands and properties, and become "at large" for crimes they never knew they have committed.

- b. Enactment and enhancement of policies recognizing and interfacing IP justice systems with the formal justice system.

Clear-cut policies have yet to be passed recognizing the actual exercise of IP justice system as part of the national justice system.

- Process Indicator

- a. Special trainings for judges, prosecutors, and legal defenders on IP rights and culture designed and conducted.

Humanize the justice system where lawyers and judges shall undertake mandatory trainings on IP rights and immersion in the application of formal justice within IP areas.

- b. Number and coverage of IP customary laws and justice system documented, recognized and revitalized.

Framework designed or platform of action established to interface IP justice systems with the formal justice systems.

- Outcome Indicator

- a. Increased number of legal cases on IP rights received, investigated and adjudicated.

Expanding avenues for legal assistances to IPs and support initiatives that promote mechanisms and partnerships with various legal groups to provide pro-bono services to IPs shall address the gaps in the enjoyment of IPs to their legal rights.

- b. Increased number of disputes resolved through customary laws and practices without reaching the costly and most often culturally insensitive formal justice system.

Self-governance is effectively exercised by addressing culture sensitivity issues; accessibility to concerned parties in dispute; preservation of the dynamics of indigenous knowledge systems and practices; speedy resolution of cases; encourages community involvement/participation; exercise of tradition and precedent and respect of elders; and, emphasis placed on the restitution of community relations and not retribution which flares up hatred and community dis-unification.

- Accountable Agencies

The Supreme Court shall play the critical role of providing access to formal justice by the IPs as well as in recognizing their traditional justice systems not merely as alternative dispute resolution mechanisms but as frontline mechanisms in the resolution of cases. The Department of Justice (DOJ) and all quasi-judicial bodies to include the Regional Hearing Offices of the NCIP, the Adjudicatory Board of the Department of Agrarian Reform (DARAB) and others including the Barangay

Lupong Tagapamayapa shall ensure respect of cultural sensitivity issues in the interpretation and application of laws/policies.

3. To respect, protect and fulfil the civil and political rights of Indigenous Peoples, addressing violations thereto and affording maximum protection to defenders of Indigenous Peoples rights

- Structural Indicator

Established effective legal safeguards and measures that address violations of IP rights and protect the rights of IP defenders.

Violations on the rights to free expression, liberty and rights to life of IP leaders and IP rights defenders is not new in Philippine society as exemplified in the recent murder and disappearances of IP leaders who are taking the frontlines in defending IP rights. Mac-liing Dulag and other IP leaders in the recent past as well as numerous other IP leaders during the migration era in Mindanao had suffered the same with even more brutal brunt of unresolved killings.

- Process Indicator

Increased level of awareness of and application by the government, Indigenous Peoples, and the general public on national and international IP and human rights protection standards.

Government, especially its security and peacekeeping agencies should spearhead awareness raising by actual application of human rights protection standards to ward off proliferation of violations especially by politicians and the private sector with interests in building up large scale investments within the ancestral domains/lands of the Indigenous Peoples.

- Outcome Indicator

Increased number of complaints concerning IP rights received, investigated and adjudicated by judicial and quasi-judicial bodies; victims compensated and perpetrators held to account.

A society free from suppression of rights and providing spaces for free expression and self-determined civil and political agenda realized.

- Accountable Agencies

Various agencies of government are expected to converge per situational concern. These shall include the NCIP, DND, AFP, DILG, Napolcom, PNP, LGUs, DO, Ombudsman, PAO, OPAPP, DENR, CHED, DepEd, SUCs, CHR, Congress, and the Supreme Court.

4. To respect, protect, promote and fulfil the right to self-determination and self-determined development of Indigenous Peoples, recognizing indigenous knowledge and socio-political systems and upholding the right to free, prior and informed consent.

- Structural Indicator

Enhanced policy guidelines on ADSDPP and the FPIC on the bases of more critically relevant IKSPs.

It has been observed that ADSDPPs already formulated by several ICCs do contain IKSPs but such are only reflected as literature rather than applied in the whole planning process, especially on specific identified Programs/Projects/Activities by concerned IP communities. The FPIC process has also been criticized to be more rigid in terms of the application of mainstream procedures rather than in trying to dig deeper into customary processes of information dissemination, decision-making processes and the giving in of consent.

- Process Indicator

Documentation of IKSPs and its application by the Indigenous Peoples in their ADSDPPs and the FPIC process, and appropriate recognition by the national government agencies/offices and the LGUs.

Issues and concerns on extractive industries and piracy of genetic resources of Indigenous Peoples affecting their livelihood, food security and general wellbeing are continuously experienced by the IPs despite the presence of readily available policies and mechanisms set up for the purpose by the government. Circumvention of policies and manipulation of procedures- mainstream measures and mechanisms which are foreign concepts to Indigenous Peoples have always been the cry of Indigenous Peoples.

- Outcome Indicator

Formulation of more culturally relevant ADSDPPs and FPICs and its effective application by the IPs with support facilitation by the government as duty bearers.

Self-determined development in the sustainable utilization of resources through culturally founded principles attained.

- Accountable Agencies

The NCIP shall spearhead the development and data banking of IKSPs towards policy reviews and enhancement/reformulation. The LGUs, DENR, DOE, DOST, DAR, DA, NEDA, CHED, DepEd, DOLE-TESDA and Congress shall assist in policy enhancement/reformulation on the bases of their respective operational mandates and

previous experiences in the implementation of their respective PAPs in IP communities.

5. To provide culturally appropriate basic social services and employment to Indigenous Peoples and employing special measures to fulfil this.

- Structural Indicator

Adoption of culturally appropriate socio-cultural policies by NGAs and LGUs to reach out ICCs/IPs located in far flung areas.

During the colonial period until the passage of IPRA in 1997, the government adopted the principle of assimilation in addressing the plight of Indigenous Peoples. For centuries, this strategy of getting the IPs into adopting the mainstream form of governance and be dissolved into one Filipino society proved ineffective. The passage of democratic enlightenment through the "People Power Revolution" of 1986 which paved the way in the drafting and ratification of the Philippine Freedom Constitution in 1987 and ultimately the passage of IPRA in 1997 provided the gates for common respect on differences in cultures and upbringing, and thus on service delivery. In its early years, the NCIP with majority of its personnel coming from the defunct ONCC and OSCC had its own hard times adjusting the mindset of its personnel to the principle of "self-determination" from the old concept of "assimilation".

The current Philippine Constitution revolutionized unity and development in diversity in addressing the concerns of Indigenous Peoples. The IPRA enables its practical application through its various PAPs. For the past decade of its existence, the NCIP was able to make great strides in ensuring self-determination amongst the various IP groups nationwide through its priority programs in securing land tenure security for the IPs, enabling them to come out with their ADSDPPs, and ensure recognition of their FPICs. However, despite these efforts more have yet to be accomplished. While NCIP has to continually improve on its delivery of services, it also has to ensure that the other agencies and offices of government should likewise perform their respective duties and obligations. This may not be easy though to accomplish by the other agencies/offices of government since they have first to change their attitude of "assimilation" to "self-determination", an institutional change of attitude similarly experienced by the NCIP in its early years, to be really effective in their conceptualization and delivery of services.

- Process Indicator

Convergence of inter-agency PAPs founded on the principles of self-determination

Self-determination, in the general sense, is being able to exercise and pursue economic, social, cultural, political and religious rights and well-being, and be assured of the guarantee and protection of national law and program policies. The

IPRA recognizes the right to self-determination of Indigenous Peoples as an inherent right, hence their values, practices and institutions must be respected.

- Outcome Indicator

Appropriate culture based and rights based IP education, health and social services structures and programs, agricultural processes and livelihood activities enhanced and delivered.

The real value of empowerment lies not on imposed alien principles and procedures but on the enhancement of what is practiced and readily available that has sustained communities and their respective environment since time immemorial.

- Accountable Agencies

The NCIP must play an active role in its advocacy program with agencies and offices of government on the delivery of services in IP areas. Priority agencies to be tapped shall include the NSO, OCRG, NSCB, DSWD, DepEd, DOH, DOLE, TESDA, DA, and CDA.

6. To recognize, protect and promote the cultural rights of Indigenous Peoples, combating prejudice and discrimination against them, and fostering solidarity among them and all other sectors of society

- Structural Indicator

Quantity and quality of measures for the recognition, protection and promotion of indigenous cultural heritage and general well-being.

The IPRA is a social legislation that does not only focus in coping up with the economic, civil and political rights of Indigenous Peoples but also on the preservation and sustained practice of their rich, colorful and diverse cultural heritage.

It has been claimed by Indigenous Peoples that the highly Western-entrenched current educational system is not reflective of the unique and diverse cultures and specific circumstances of IPs, which in turn results to their systemic alienation from their cultural identity and rootedness to their ancestral domains. Moreover, the existing educational system is acknowledged to have contributed to the further marginalization and exploitation of IPs in various parts of the country. While some of them have managed to preserve their rich cultures and traditions by resisting subjugation by Spanish, American and Japanese colonizers, the situation is best understood by revisiting our colonial past, which defines the evolution of policies in the Philippines that have favoured the interests of our subjugating colonial masters and an elitist mainstream society. In the process, all these led to the historical exclusion of IPs from the rest of the Filipino society and perpetuated historical

injustice inflicted to them. These are exhibited through social discrimination, economic marginalization, political disenfranchisement and cultural displacement.

In the post-war era, the vital role of education in nation-building has been given credence but there was a failure for not having established the foundation of educating the IPs from where they were before colonization. A centrally-imposed and colonial-driven educational system inappropriate to the specific and unique circumstances as well as cultural peculiarities of the IPs had become seriously anathema to the sector and is a big issue to reckon with. The question on how far we can get back to history in educational policies that impinge on curricula and learning materials, management and teaching, facilities, budget, and the like, and how these policies relate to the recognition, promotion and protection of the rights and welfare of the IPs, are central issues in the current discourse.

- Process Indicator

Integration of IP literature and rights in educational curriculum at all levels, board and bar exams, PNP and AFP trainings, and continuing advocacy in the traditional and new media (tri-media and the internet).

The perpetration of ethnic discrimination, or any discriminatory attitude on this matter usually recurs due to lack of information, understanding and appreciation of one's cultural worth or personal wellbeing by the current generation.

- Outcome Indicator

IP rights and culture thoroughly showcased in all spaces for educational and general information dissemination.

A massive promotion of IP rights and culture is a necessity to cross borders of animosity, segregation and discrimination with the non-IP sectors. The promotion of IP rights and cultural heritage can be enhanced through appropriate documentation, transmission of culture, educational curricula, schools, cultural centers, museums, non-formal education, bilingual provisions, culturally sensitive festivals and celebrations; IKS projects/researches, etc.

- Accountable Agencies

The NCIP, DepEd, CHED, SUCs, PIA, Supreme Court, PRC, Training Institutes, AFP, PNP and DAP, among others should prioritize working on this aspect.

7. To review and amend policies and programs on IP rights, ratify international conventions and enact laws that have direct bearing on IPs, formulate/reformulate existence of conflicting development policies, programs and areas in conflict with IP rights and interests with the mandatory and effective participation of IPs ; develop a comprehensive

anti-discrimination legislation; and push for the ratification of treaties which have direct bearing on racial discrimination.

- Structural Indicator

- a. Enactment and enhancement of existing laws and policies on IP rights, harmonization/complementation with other policies such as ENR laws, local governance, military and SUC reservations and the like taking into highest consideration the cultural principles of Indigenous Peoples.

Full enjoyment of IPs to their ancestral domains/lands and the utilization of resources therein, including their representation in governance through the legislative councils and other policy-making bodies and in the exercise of self-governance through the creation of tribal barangays are greatly affected by overlapping policies as well as unclear interpretation of laws and policies. Interpretation of laws and policies must always be taken in the light of customary laws and practices and for the greater interests of Indigenous Peoples.

- b. Adoption and/or ratification by the Philippine Government of international declarations and conventions.

While the IPs already brags of its IPRA as a landmark legislation which has already become a model for replication by other countries, they just cannot isolate themselves and be content by what they got but have to keep on engaging for policy support from the UN to ensure that the implementation of domestic measures by the State will continuously be upheld.

- c. Enactment of a general anti-discrimination law.

The ICERD Concluding Observation of 2009 emphasized on the recommendation for the Philippine Government to come out with a general anti-discrimination law.

Embedded in the constitution of the Philippines is the State policy against racial and other forms of discrimination. The Philippines is a signatory of, and faithful adherent to, various human rights instruments. It went further to state in its constitution that the generally accepted principles of international law are made part of the policies of the land, hence legally enforceable in Philippine jurisdiction.

Provisions against racial discrimination are found in the Philippine Labor Code, the Civil Service Law, the IPRA, Magna Carta for various professional groups, the Child and Youth Welfare Code and the Education Act, to mention a few, do contain explicit and/or implicit provisions against racial discrimination.

In view of the foregoing, there would, therefore, be no obstacle for an advocacy and subsequent enactment of an all-inclusive municipal statute on anti-discrimination in the Philippines.

- Process Indicator

- a. Focused group discussions by inter-agency technical working groups, IP leaders/members and CSOs, and leveling off on overlapping concerns and policies.

NCIP field personnel, IP leaders and members as well as partner civil society organizations directly experience gaps in the implementation of policies, and thus are more credible to get involved in policy reviews and enhancement.

- b. Advocate for support and lobbying in the adoption and/or ratification of international instruments.

The IPRA is continually threatened by amendment in Congress. Thereby the necessity for the IPs to ensure the adoption by the State of ILO 169 and other relevant international instruments as added protection becomes a necessity.

- c. Convergence of all vulnerable sectors to arrive at a proposed bill on general anti-discrimination law and lobby for its passage in Congress.

Inter-agency and cross sectoral workshops shall be convened to integrate all proposed provisions through a series of multilevel local and national consultations on anti-discriminatory sentiments and experiences to arrive at one wholistic and general anti-discriminatory law.

- Outcome Indicator

- a. Increased number and quality of policy harmonization/complementation.

Indigenous Peoples have been clamoring that what they usually do before in terms of resource utilization are now hampered by ENR policies that provide more

emphasis on the preservation of flora and fauna while sacrificing the lives of Indigenous Peoples. Arriving at clear cut policies on the “what” and “how” aspects of resource utilization, taking into foremost consideration the IKSPs of the IPs will finally resolve this recurring problem. This is also true in the case of governance where the DILG emphasizes on the application of mainstream structure in the creation of tribal barangays while the NCIP and IP communities assert for the exercise of the latter’s traditional leadership structures, or even a marriage of the two (2) mechanisms.

b. ILO 169 and other international instruments ratified and adopted.

Domestic political leaders come and go. The current leadership may be supportive in addressing the concerns of IPs. A change in leadership, political mindset and priorities will always be possible. Having international binding mechanisms at hand will ensure continuity in the recognition, protection, promotion and fulfillment of IP rights.

c. Quality law on general anti-discrimination.

A general anti-discrimination law will not only serve as a preventive mechanism in the proliferation of segregation, exclusion and discrimination on the basis of perceived differences in quality and quantity of individuals or groups of individuals but a mechanism to advocate for respect and equality of all human beings.

- **Accountable Agencies**

The NCIP and the National Anti-Poverty Commission (NAPC) should lead other concerned agencies to include the OMA, PCW, DSWD-CWC, CRPD, DENR, MGB, DAR, DOE, DA, DOLE, HLURB, DILG, LGUs, BOI, CSC, and NEDA.

## Section 2

### Thematic Situationer

#### International Human Rights Instruments

Aside from the ICERD which has been well described in the first portion of this Chapter, we will also be including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as an international policy standard in dealing with the various IP human rights issues.

The Philippine Government through its Mission at the UN Headquarters in New York headed the Committee that was created to fast track negotiations with opposing States on the adoption by the UN General Assembly of the UNDRIP. The Philippine Government adopted the Declaration together with other 142 States on September 13, 2007. Four (4) States voted against the Declaration while eleven (11) States abstained.

#### Domestic Legal Framework for IP Rights Protection and Promotion

The national normative framework for IP rights protection and promotion consists of the Constitution, legislations, administrative policies, court decisions or jurisprudence, and customs and traditional practices.

The Constitution is the supreme and basic law of the country and provides the general framework and principles by which the State is run. It is the standard on which national legal instruments, government actions and decisions are based and evaluated. Important elements of the Constitution include the Bill of Rights, the articles on human rights and social justice, accountability of public officers, citizenship, suffrage, national economy and patrimony.

The Constitution provides for the establishment and separation of powers of the three major branches of government – the Executive, Judiciary, and a bi-cameral Legislature. It specifies the mandates and powers of the major institutions responsible for human rights protection and promotion.

The Constitution provides that, *“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. (Article XIII, Section 1)”*.

#### Specific Constitutional provisions in the promotion and protection of IP rights

The 1987 Philippine Constitution, also dubbed as “The Freedom Constitution” declared as a policy that the “State values the dignity of every human person and guarantees full respect for human rights” (Art. 2, Section 11). It is also the national policy to protect the right to health of the people (Art. 2, Section 15) as well as their right to a balanced and healthful ecology (Art. 2, Section 16). The State is mandated to protect the rights of workers and promote their welfare

(Art. 2, Section 18) and to guarantee equal access to opportunities for public service (Art. 2, Section 26).

Everyone's right to equality before the law in the enjoyment of civil, political and social rights is enshrined in the all-embracing Bill of Rights of the 1987 Constitution (Art. 3). To strengthen the Governments concern for the protection and promotion of human rights and fundamental freedoms, the Constitution also mandates the Congress of the Philippines to give the "highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities and remove cultural inequities by equitably diffusing wealth and political power for the common good" (Art. 13, Section 1). The "promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance" (Art. 13, Section 2).

For the first time, the State declared as a national policy that it "recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development" (Art. 2, Section 22).

Subject to the provisions of the 1987 Constitution, the State is also mandated to "protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being" (Art. 12, Section 5). The same provision states that "Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain". The State shall also "recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions" and shall consider these rights in the formulation of national plans and policies" (Art. 14, Section 17).

Furthermore, the Constitution mandated the creation of "Autonomous Regions in Muslim Mindanao (ARMM) and in the Cordilleras (Cordillera Administrative Region) consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines" (Art. 10, Section 15-21).

The Constitution emphasized that the special attention given to the indigenous cultural communities should not be taken as an indication that they are treated separately from the rest of the population. Rather it is intended to ensure that their cultural identity and interests are acknowledged and that as Filipinos, they are drawn within the protective mantle of the fundamental law of the land.

### Legislative Statutes

The IP related provisions of the 1987 Philippine Constitution became the bases for the government to legislate and approve Republic Act 8371 or the Indigenous Peoples Rights Act, a landmark legislation which primarily seeks to address the rights of Indigenous Peoples, enforce constitutional mandates, and comply with international human rights standards.

Basically, the Indigenous Peoples Rights Act (IPRA) recognizes, protects and promotes both the collective and individual rights of IPs. It created the National Commission on Indigenous Peoples. It establishes implementing mechanisms, appropriates funds and other purposes serving the greater interests of Indigenous Peoples.

IPRA provides the Indigenous Peoples' with four (4) bundles of rights: 1) The Rights to Ancestral Domains; 2) Rights to Self-Governance and Empowerment; 3) Rights to Social Justice and Human Rights; and, 4) Rights to Cultural Integrity.

The Rights to Ancestral Domains provides the IPs with security of tenure and sustainable use of their ancestral domains/lands. It likewise protects the territorial integrity of the ancestral domains and the general welfare of its owners.

Ancestral Domain refers to all areas generally belonging to Indigenous Cultural Communities. It is held under a claim of ownership, occupied or possessed by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, and is necessary to ensure their economic, social and cultural welfare.

Ancestral Domain includes: ancestral lands, forests, pasture, residential, agricultural, hunting grounds, worship areas, bodies of water, minerals and other natural resources.

On the other hand, Ancestral Land refers to land occupied, possessed and utilized by individuals families and clans who are members of the Indigenous Cultural Communities, since time immemorial, by themselves or through their predecessors-in-interest under claims of individual or traditional group membership continuously up to the present, except when interrupted by war, force majeure or displacement by force, deceit, stealth, and as a consequence of government projects and other dealings between government and private corporations.

The concept of "Native Title" as previously mentioned in the Thematic Situationer refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest.

For the Indigenous Cultural Communities, ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. Ancestral domains are the ICCs private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. The concept covers sustainable traditional resource rights.

The Rights to Self-Governance and Empowerment ensure that indigenous socio-political, cultural and economic rights are respected and recognized. It ensures that capacity building mechanisms are instituted and IPs are afforded every opportunity to participate in decision-making processes.

On the other hand, the Rights to Social Justice and Human Rights ensure non-discrimination in all its forms against IPs. It provides the enjoyment of basic human rights norms and standards by the IPs.

And lastly, the Rights to Cultural Integrity ensure the proper documentation, management, preservation and promotion of the historical and archeological artifacts of the IPs including their community intellectual rights, indigenous knowledge systems and practices as well as biological and genetic resources.

Another national legislation that provides specific policies on IP rights is Republic Act 7160, or "The Local Government Code of 1991" which provides for the creation of Tribal Barangays and the Mandatory Representation of IPs in Local Legislative Councils and Other Policymaking Bodies.

Congress also enacted Republic Act No. 9054, otherwise known as "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao, Amending for the Purpose Republic Act No. 6734, Entitled 'An Act Providing for the Autonomous Region in Muslim Mindanao' as Amended," and Republic Act No. 8425, otherwise known as "An Act Institutionalizing the Social Reform and Poverty Alleviation Program, Creating for the Purpose the National Anti-Poverty Commission, Defining its Powers and Functions, and for Other Purposes" provide assurance against discrimination or exclusion from development. These statutes are reflective of the Philippine government's sincerity and commitment to address the enjoyment of the political, social, cultural and political rights of the Indigenous Peoples and Muslim Filipinos.

And lastly, Presidential Decree 1083 was issued for the codification of Muslim Personal Laws and the recognition of the Shari'a justice system based on Islamic religious law, thus acknowledging the perspective of Muslim Filipinos of what is just and lawful in civil relationships. However, criminality continues to remain within the purview of the Revised Penal Code and other laws and not the Shari'a justice system.

Muslim justice is based on religion. Muslim tradition involves strong roles played by religious leaders in informally settling disputes. Justice is guaranteed to all regardless of any social and political biases. Among Muslim Filipinos, informal settlements particularly on cases involving family and property matters are preferred over the formal court processes. Shari'ah court judges themselves have assumed the role of customary elders that citizens can seek help to resolve conflicts, an indication of the pervasive informal nature of Muslim dispute resolution traditions that are deeply imbedded in practice.

### **Administrative Issuances**

The NCIP issued Administrative Order No. 1, Series of 2002 as strengthened by Administrative Order No. 1, Series of 2006, which laid down the procedures to be followed in the imposition of the Free and Prior Informed Consent (FPIC) process.

The FPIC refers to the consensus of all concerned members of the ICCs and IPs, which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the project. The FPIC should be in the language and a process understandable to the community (Sec. 3 (g), IPRA). The FPIC is given by the concerned ICCs/IPs upon the

signing of the Memorandum of Agreement (MOA) containing the conditions or requirements, benefits, as well as penalties of agreeing parties as basis for the consent as provided for under Section 5 Paragraph A of the Free and Prior Informed Consent (FPIC) Guidelines of 2006.

FPIC is an essential requirement by virtue of IPRA. FPIC strictly enjoins all department and other government agencies not to issue, renew, nor grant any concession, license or lease, nor enter into any production-sharing agreement, without prior certification from the NCIP that the area affected by development projects does not overlap with any ICC/IP ancestral domain.

The IPRA provides further that no certification shall be issued by the NCIP without FPIC and the written consent of the concerned Indigenous Peoples. This provision is a leverage given to the Indigenous Peoples and serves as a tool to balance the interests of the State and the Indigenous Peoples. The issuance of the Certification Precondition (CP) is the indigenous peoples' primary safeguard mechanism to ensure that their rights, interests and welfare as well as equitable benefits are protected when these development projects enter their ancestral domains/lands. (Section 59, IPRA)

The FPIC has the following objectives:

- a) Ensure genuine participation of ICCs/IPs in decision-making through the exercise of their right to Free and Prior Informed Consent (FPIC) whenever applicable;
- b) Protect the rights of the ICCs/IPs in the introduction and implementation of plans, programs, projects, activities and other undertakings that will impact upon their ancestral domains to ensure their economic, social and cultural well-being; and
- c) Ensure just and equitable partnership in environmental management, land use, development, utilization and exploitation of resources within ancestral domains as well as benefit sharing, between and among the concerned ICC/IP community and the prospective investor, government agency, local government unit (LGU), non-governmental organization (NGO) and other entities desiring to collaborate in such undertaking, where FPIC is given.

As additional measure to strengthen the provision of free and prior informed consent specifically in the Mining Act of 1995, the President signed Executive Order No. 270 which took effect on January 16, 2004 setting the national Policy Agenda on revitalizing mining in the Philippines.

The Executive Order is premised on economic, environmental and social principles of responsible mining.

In terms of economic principles, the Executive Order emphasizes the critical role of investment and regulatory policies and use of efficient technologies.

In terms of environmental principles, the Executive Order places premium on the protection of the environment, safeguarding the ecological integrity of areas affected by mining and the rehabilitation of abandoned mines.

Under the principle of social responsibility, continuous and meaningful consultation with stakeholders and equitable sharing of economic and social benefits are viewed as tools to promote and advance sustainable development. This brings us to the next point: what can a revitalized mining industry, meant to promote economic, environmental, cultural, social harmony and sustainable development, do to ensure that the rights of Indigenous Peoples are not compromised? To expressly stipulate concerns referring to the protection of the rights of Indigenous Peoples and Communities, the President went further in ensuring the protection of these rights by signing Executive Order 270-A which amended the previous Executive Order 270.

This EO 270-A signed as far back on April 16, 2004 carries a provision under Section 1, Paragraph (g) that strongly reiterates the rights of Indigenous Peoples. It states, "The ecological integrity of areas affected by mining operation, including biodiversity resources and small-island ecosystems, shall be safeguarded in order to protect public welfare, safety and environmental quality. The rights of affected communities, including the rights of Indigenous Cultural Communities, especially the Free and Prior Informed Consent requirement shall be protected."

Also in 2004, the Office of the Civil Registrar General (OCRG) issued Administrative Order No. 3, Series of 2004 which upholds the rights of every IP individual to a name and history. It registers their civil status and upholds their national identity. It recognizes the customary ways of indigenous peoples in the registration of birth, marriage, death, dissolution of marriage, and revocation of the dissolution of marriage.

The criminal justice system is built upon five pillars<sup>i</sup> namely—law enforcement<sup>ii</sup>, prosecution<sup>iii</sup>, judiciary<sup>iv</sup>, correction and community<sup>v</sup>. The criminal justice system has legal mechanisms for the protection of indigenous peoples, women, youth, and other vulnerable groups.

The *Katarungang Pambarangay* System (Village Justice System) was created under the *Local Government Code of 1991* (LGC) to assist in the settlement of disputes between those residing in the same *barangay* (village). It institutionalizes the use of alternative dispute resolution (ADR) systems and remains to be the most important mechanism for reaching amicable settlement.

Section 15 of IPRA provides that the ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights. Traditional legal system is effective because it is: 1) culture sensitive; 2) accessible to community members; 3) preserves the dynamics of indigenous knowledge systems and practices; 4) promotes self-governance; 5) expedites resolution of cases; 6) encourages community involvement/participation; 7) based on tradition and precedent and respect of elders; and, 8) emphasizes restitution not retribution.

Section 15 of IPRA is given more meaning by NCIP Administrative Circular No. 1, Series of 2003, or the Rules on Pleadings, Practice and Procedure before the National Commission on Indigenous Peoples which uphold, among others, the primacy of customary laws and practices.

Currently, the NCIP maintains twelve (12) Regional Hearing Offices (RHOs) nationwide. The RHOs are equal in stature with the Regional Trial Courts of the regular court. Cases handled by the Regional Hearing Offices include issues arising from disputes on Ancestral Domain/Land claims; violations of the Free and Prior Informed Consent; violations of employment rights to just compensation and conditions of employment; defacing, removing or destroying cultural sites and artifacts; and, cases involving property rights. Decision by the RHO can only be appealed at the Commission level, and eventually at the Court of Appeals.

The foregoing are just some of the more relevant laws and policies that could serve as baseline in our attempts to address the IP human rights agenda in this Chapter.

### **Existing Institutions in the Protection and Promotion of IP Rights**

The Constitution provided for the creation of the Commission on Human Rights (art. 13, section 17). The Commission is an independent body which is mandated by the Constitution to investigate on its own or on complaint by any party, all forms of human rights violations, including those involving civil and political rights. The Commission is also responsible for the provision of appropriate legal measures for the protection of the human rights of all persons within the Philippines, as well as Filipinos living abroad, and for the provision of preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.

The CHR is a vigilant and vocal guardian of human rights including civil and political rights, holding public hearings, conducting investigations and issuing advisories on specific cases and national issues such as the protection of human rights even during a state of national emergency. It provides assistance to victims, recommends cases for prosecution, and monitors the progress of cases through the criminal justice system.

On the other hand, the National Commission on Indigenous Peoples was purposely created to implement the provisions of the Indigenous Peoples Rights Act. It is mandated to protect and promote the interest and well-being of indigenous peoples with due regard to their beliefs, customs, traditions and institutions. It is the primary government agency that formulates and implements policies, plans and programs for the recognition, promotion and protection of the rights and well-being of Indigenous Peoples with due regard to their ancestral domain and lands, self-governance and empowerment, social justice and human rights, and cultural integrity.

As enabling partner and lead advocate, the NCIP envisions genuinely empowered IPs whose rights and multi-dimensional well-being are fully recognized, respected and promoted towards the attainment of national unity and development. The NCIP has three (3) major functions: 1) quasi-judicial; 2) quasi-legislative; and, 3) executive/administrative

On the other hand, the Office on Muslim Affairs (OMA) was created by Executive Order No. 122-A to cater for the needs and aspirations of Muslim Filipinos. And, by virtue of RA 6734 as amended by RA 9054, the Autonomous Regional Government in Muslim Mindanao was established to ensure the exercise of self-governance by Muslim Filipinos.

However, despite the availability of laws and institutions to fulfil the rights of Indigenous Peoples full realization of their rights is yet a thing to be had.

In the different consultations conducted both at the local and national levels human rights violations against Indigenous Peoples is still so rampant. The degree of violations may differ from region to region but the trend is basically national in scope.

The following table will illustrate the human rights issues besieging the Indigenous Peoples nationwide. The various issues were classified into basic human rights.

**Table 1: Situation Matrix**

HUMAN RIGHTS ISSUES	DUTY-BEARERS
<p><b>1. Economic Rights</b></p> <p>a. Difficulties in the registration of CADTs/CALTs</p> <p>b. Protection of ancestral domains/lands under the principle of “native title” (Ads/ALs not subjected by owners for registration/issuance of CADTs/CALTs)</p> <p>c. Non-integration of ADSDPPs with the Local Development Plans</p> <p>d. Displacement of ICCs/IPs from their ancestral domains (Ejectment due to mining, logging, plantations, dams; displacement due to armed conflict)</p> <p>e. Non-compliance to FPIC</p> <p>f. Proliferation of illegal logging</p> <p>g. Overlapping claims on ancestral domains and reservation areas (military, school campuses, ENR, etc.)</p> <p>h. Overlapping provisions of national and local policies with the IPRA (as to ancestral domains/lands and resources)</p> <p>i. Non-Delivery of basic services: Health, education, social services, road and electricity infrastructure, etc.</p>	<p>NCIP, DAR, DENR, LRA, Register of Deeds, LGUs</p> <p>NCIP</p> <p>NCIP, LGUs, NEDA</p> <p>NCIP, LGUs, DENR-MGB, DOE, DTI, DOE, PNP, AFP, OPAPP</p> <p>NCIP, DENR, DOE, DTI, AFP, PNP, OPAPP</p> <p>DENR, LGUs, AFP, PNP</p> <p>DND-AFP, DILG-PNP, SUCs, CHED, Dep-Ed, DENR</p> <p>NCIP, DENR, DAR, LGUs</p> <p>DSWD, DPWH, DOE, NPC, Dep-Ed, LGUS, DOH, RDCC</p>
<p><b>2. Civil and Political Rights</b></p> <p>a. Non-Representation in Formal Governance System</p> <p>b. Low performance of NCIP quasi-judicial function thru its RHOs due to lack of manpower and logistics</p> <p>c. Non-culturally sensitive courts of justice &amp; quasi-judicial bodies/lawyers and judges</p> <p>d. Need for authentic IP representation in Peace Talks/Processes (MILF &amp; CPP-NPA)</p>	<p>NCIP, DILG, LGUs</p> <p>NCIP, CSC, DBM, Congress</p> <p>DOJ, Supreme Court, DENR, DAR</p> <p>OP, OPAPP</p>

<ul style="list-style-type: none"> <li>e. Intrusion of Armed Groups in IP territories</li> <li>f. Vulnerability to torture, harassment, and killings due to armed conflict commonly staged within IP areas with the IPs suffering as collateral damages</li> <li>g. Constrained movement due to armed conflict</li> <li>h. Unexplained killing of IP leaders/community members</li> <li>i. Illegal detention of IPs</li> <li>j. Congestion of detention facilities (cross-cutting with non-IPs)</li> <li>k. Ineffective barangay justice system</li> <li>l. Forced marriage; early marriage (bethrotal)</li> <li>m. Difficulties in the Implementation of the Shari'ah Courts</li> <li>n. Attribution to Muslims (Crimes not attributed to the person but to Muslims in general)</li> <li>o. Poor accessibility to civil registration centers</li> <li>p. Forced marriage</li> <li>q. Aggressive religious and Non-State Actor indoctrinations</li> <li>r. Lack of accessible venues for free expression</li> </ul>	<p>DND-AFP, DILG, LGUs PNP, Congress DND-AFP, PNP, LGUs, DOJ</p> <p>DND-AFP, PNP, LGUs, DSWD, RDCC DOJ, DILG, PNP, CIDG, AFP, NBI DOJ, BJMP, PNP</p> <p>DILG, BJMP, PNP, LGUs</p> <p>DILG, LGUs, Lupon members</p> <p>NCIP, DOJ, NSO-OCRG, LGUs DOJ, OMA, Supreme Court</p> <p>CHED, DOLE, TESDA, OWWA, POEA, DFA</p> <p>NSO-OCRG, LGU-Local Civil Registrars, NCIP NCIP, LGUs, NSO, OCRG, Local Civil Registrars DND-AFP, DILG-PNP, LGUs, OMA, NCIP, Dep-Ed, CHED, SUCs, Office on Religious Affairs DOTC, PIA</p>
<p><b>3. Social and Cultural Rights</b></p> <ul style="list-style-type: none"> <li>a. Non-Recognition of Indigenous Knowledge Systems and Practices</li> <li>b. Supplanting traditional leadership authority, titles, conflict resolution mechanisms and peace building institutions with mainstream mechanisms</li> <li>c. Indigenization of the educational curriculum</li> <li>d. Non-appreciation of IP rights by the mainstream society</li> <li>e. Non-accessibility to registration &amp; Precinct polls</li> <li>f. Non-accessibility to public services</li> <li>s. Opportunities and equal access to jobs, benefits and social security</li> <li>g. Phlegmatic implementation of the mandatory representation of IPs in local legislative councils and other policymaking bodies</li> <li>t. Discriminatory attitude against IPs</li> <li>h. Discriminating attitude of employers, lower pay for IPs</li> <li>i. Non-accessibility to social welfare and health services</li> </ul>	<p>NCIP, Congress, LGUs Dep-Ed, CHED, NCIP, LGUs</p> <p>NCIP, Dep-Ed, CHED, SUCs</p> <p>NCIP, Dep-Ed, CHED, SUCs</p> <p>NCIP, LGUs, COMELEC</p> <p>DPWH, DOTC</p> <p>OMA, Dep-Ed, CHED, SUCs, PIA, NCIP, DILG, LGUs, DBM</p> <p>Dep-Ed, CHED, SUC s,PIA DOLE, DTI DSWD, DOH</p>

<ul style="list-style-type: none"> <li>j. Non-accessibility to educational and learning services</li> <li>k. Mis-appropriation of cultural heritage</li> <li>u. Respect for Halal Food</li> <li>l. Irresponsible mass media and the movie industry</li> <li>m. Misappropriation of cultural heritage</li> <li>n. Non-recognition of traditional mechanisms</li> <li>o. Non-appreciation of traditional mechanisms</li> <li>v. Discriminatory attitude to services</li> <li>w. Need of information on ICERD and Concluding Observations</li> </ul>	<p>Dep-Ed, CHED, SUCs</p> <p>OMA, DTI DOTC, PIA NCCA, NCIP, National Museum, Dep-Ed, CHED, SUCs NCCA, NCIP, Congress NCCA, NCIP, Congress NCIP, PHRC, DILG, Dep-Ed, PIA NCIP, PHRC, DILG, Dep-Ed, PIA</p>
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## CHAPTER 9

### Convention on the Rights of Persons with Disabilities

#### INTRODUCTION

The country's ratification of the United Nations-Convention on the Rights of Persons with Disabilities (UN-CRPD) made the government the primary duty bearer for the promotion and protection of human rights of persons with disabilities. As the twenty-third country signatory to the treaty last April 2008, it is the Philippine government's obligation to ensure that all its instrumentalities comply with the provisions of the Convention, and that all stakeholders especially the sector of persons with disabilities is fully informed of the implications of the treaty. In lieu of AO 163, Article 33 of the UN-CRPD includes the establishment of a coordination mechanism within government to facilitate actions related to disability matters. To promote, protect and monitor implementation of the UN-CRPD, the National Council on Disability Affairs (NCDA) as the central government agency that coordinates policies and programs for the empowerment of the sector of persons with disabilities is tasked to lead in formulating a thematic chapter on CRPD in the National Human Rights Action Plan (NHRAP).

To fulfil its obligation, the NCDA spearheaded consultations in the 16 regions of the Country involving duty-bearers and claimholders to identify and prioritize the human rights agenda that will be used as bases for the formulation of the NHRAP for the CRPD. This plan will serve as a framework for the country's implementation of rights-based programs and activities to achieve a better standard of living for Filipinos with disabilities. This NHRAP-CRPD aims to guide duty bearers and claimholders to monitor and evaluate the country's compliance with the treaty.

The priority human rights agenda identified by the sector of persons with disabilities vis-à-vis the provisions of CRPD are:

- a) Access to Physical Environment (including public transport & Information and Communication Technology) – Article 3 - General Principles (f) Accessibility, Article 9 - Accessibility, and Article 20 - Personal Mobility;
- b) Economic Development- Article 3 - Equal Opportunity, Article 5 - Equality and Non-Discrimination, Article 19 - Living Independently and Being Included in the Community, and Article 27 - Work and Employment;
- c) Right to Education – Article 6 - Women with Disabilities, Article 7 - Children with Disabilities, and Article 24 – Education; and
- d) Habitation, Rehabilitation, and Social Protection- Article 12 - Equal Recognition before the Law, Article 13 - Access to Justice, Article 25 - Health, Article 26 - Habilitation and Rehabilitation, and Article 28 - Adequate Standard of Living and Social Protection.

## Strategic Treaty Indicators

### Thematic Objective 1:

To harmonize domestic legislative, and administrative policies, and judicial processes with the UN-CRPD for the creation of an inclusive, barrier-free and rights-based environment where existing general/disability-specific legislations are reviewed, repealed and amended, and new disability-related laws are passed.

### Treaty Indicator 1:

National/local legislations with corresponding implementing rules and regulations compliant to specific and comprehensive standards

There are two national legislations on disability and one local government code enacted by Congress:

- a) The Accessibility Law (Batas Pambansa Blg. 344) which was signed on February 25, 1983 which promotes the creation of an accessible physical environment through the elimination of obstacles and barriers to indoor and outdoor facilities for public use;
- b) The Magna Carta for Disabled Persons (Republic Act No. 7277) signed on March 24, 1992 and amended by Republic Act No. 9442 on April 2007 which made into law the rights of persons with disabilities on employment, education, health, auxiliary social services, telecommunications, accessibility, and political and civil rights while the amendments focused on the privileges and incentives of persons with disabilities and their deliverance from public ridicule and vilification; and
- c) The Local Government Code of 1992 (Republic Act No. 7160) which provides autonomy for local government units (LGUs) to enact policies, resolutions, and ordinances and allocate programs and budgets for the community that includes PWDs.

#### Accountable Agencies:

Congress – to repeal, amend BP 344 and RA 7277, enact OPDA bill

NCDA- to craft the bill

Sanggunians – to adopt the laws through ordinances/resolutions or local code on disability

### Treaty Indicator 2:

Collection of statistical data and analysis on disability and mapping of local legislations that affect persons with disabilities

From 1980 to 2000, there had been several attempts to estimate the number of persons with disabilities by the National Commission Concerning Disabled Persons or NCCDP (now NCDA), National Statistics Office, Department of Health, and the University of the Philippines - College of Public Health. Each entity yielded disparate, non-comparable results. The World Health Organization (WHO) estimates the prevalence of 10% persons with disabilities in any given population in any country. In 1980, the NCCDP survey yielded 4.4% persons with disabilities; in 1995 the NSO survey got 1.23%; in 1997, the DOH registry accumulated 0.76%, and in 2000, UP yielded 2.9%.

#### Accountable Agencies:

NSO - to include disability-related data generation on the 2010 survey

NCDA-DOH- to generate disability-related data through the on line registration  
Congress - to pass a law to include disability as a component/mechanism of the NSO Survey on  
Housing and Population

**Treaty Indicator 3:**

Persons with disabilities and their organizations are included in national/local disability policy decision-making process, with emphasis on mainstreamed gender initiatives, their participation to organized associations, and their identity as a person or as a group

The participation of persons with disabilities embodied in the UN-CRPD under Article 3, and under Articles 29 and 30 is geared towards the creation of mechanisms to ensure their inclusion in the decision making processes of government at all levels.

The BIWAKO Millennium Framework (BMF) of the UN-Economic and Social Commission for Asia and the Pacific (ESCAP), a high level inter-governmental framework, adopted by the Philippines in 2003 through the National Plan of Action for the Asia-Pacific Decade (2003 to 2012) of Persons with Disabilities, stressed that self help groups (SHGs) of persons with disabilities and related family and parent associations are the most qualified, best informed and most motivated to speak on behalf of persons with disabilities on issues like proper designing and implementation of policies, legislations and strategies. It further states that the development of a democratic and representative disability movement is one way to help ensure that government provision is appropriate to the needs and rights of persons with disabilities.

Accountable Agencies:

Congress  
NCDA Governing Board  
other NGAs like NEDA, PCW, and others  
Disabled People Organizations (DPOs)

**Thematic Objective 2:**

To mainstream human rights standards in development and governance

**Treaty Indicator 4:**

Government structures and utilities in urban and rural areas are designed, constructed, audited and retrofitted in strict compliance with Universal/Inclusive Design

As embodied in BP Blg. 344 or the Accessibility Law, LGUs are responsible in ensuring its implementation in their respective jurisdictions and the participation of persons with disabilities in the designing and construction stages of new facilities for public use as well as in the validation of compliance through the creation of access monitoring teams.

Relevantly, one of the functions of the NCDA under Executive Order No. 709 is to monitor and coordinate the implementation of BP Blg. 344 at all levels.

Accountable Agencies:

DPWH/DOTC - to implement BP Blg. 344

LGUs - to adopt BP Blg. 344

NCDA/RCDA, DPOs, CSOs - to monitor the implementation of BP 344  
business sector, academe/schools - to implement BP Blg. 344

**Treaty Indicator 5:**

Local code/ordinances/resolutions passed by LGUs with emphasis on Universal/Inclusive Design consistent with the UN-CRPD

With the provisions of RA No. 7160, the LGUs have the authority to enact enabling laws/code, ordinances and resolutions. The NCDA secretariat on the other hand, is responsible for the provision of technical assistance in the formulation of a model local code on disability for adoption of LGUs.

Accountable Agencies:

DILG - to issue MCs and AOs for adoption of the LGUs

NCDA - to conduct relevant capability building and monitoring schemes

**Treaty Indicator 6:**

Stakeholders adopted the Human Rights Based Approach (HRBA) in the formulation of administrative policies/plans and programs, activities, and projects (PAPs) for persons with disabilities

National government agencies issue implementing guidelines, such as AOs, MCs, TORs and other measures on how PAPs are to be implemented at the LGU level. LGUs on the other hand, enact policies based on the Local Government Code. Non-state agencies have their own policies, rules and regulations embodied in their corporate social responsibility (CSR) while DPOs have their own constitution and by-laws that govern them.

The Commission on Human Rights (CHR) and the Presidential Human Rights Committee (PHRC) will provide technical assistance on the adoption of HRBA to ensure the inclusion of disability dimensions in the implementation of plans and PAPs.

Accountable Agencies:

CHR/ PHRC- to provide training on HRBA to NGAs, LGUs, CSOs, business sector, schools and others

**Thematic Objective 3:**

To popularize UN-CRPD utilizing traditional and non-traditional mass-media in order to draw-out public accountabilities of the Executive, Legislative and Judicial branches of the government as well as to inform persons with disabilities and the general public about NHRAP, specially on how persons with disabilities can participate and benefit from it

**Treaty Indicator 7:**

Coordination committees are established and strengthened; their mechanisms are developed, with coordinated implementation and participation of the multi-media, information officers of national/local agencies, and persons with disabilities and their organizations

The NCDA is the lead agency in the promotion of NHRAP - CRPD. The NCDA Governing Board, under EO No. 709, is composed of 16 members and eight (8) Sub-committees, namely Accessibility on Built Environment and Transportation, Training, Employment and Livelihood, Auxiliary Social Services, Health, Information and Communication Technology, Advocacy, Education, and International Disability Network.

The NCDA passed a resolution providing for the guidelines on the creation of Regional Committees on Disability Affairs (RCDA) to serve as the regional structures of NCDA for monitoring, coordination, advocacy and policy recommendations on disability concerns.

In some LGUs, local committees on disability affairs are in place to ensure that disability concerns are addressed at the local level.

Accountable Agencies:

NCDA Board

KBP and other broadcast/ print media organizations

ABCs

**Treaty Indicator 8:**

Information/implementation kits/materials such as primers, brochures, "*komiks*", and handbooks are published and distributed and websites are developed including the translation of CRPD into Filipino language and major languages/dialects, Braille/Sign Language, and relevant best practices and success stories are documented and collected

Information/implementation kits/materials are excellent advocacy tools to inform the community about CRPD. Its publication and distribution may vary from one area to another. Interactive websites and brochures can be used by professionals, students and other member of civil society, while "*komiks*" that are translated in local dialects should be available in rural areas. Teachers and instructors in the academic institutions at all levels and day care workers should be provided with the said materials and to include CRPD among their topics of discussion and/or subjects in schools.

Best practices/success stories of PWDs and their organizations exist in the community but need to be documented and included as part of advocacy materials. With this indicator, duty-bearers are encouraged to document, consolidate and submit these to proper authorities/agencies.

Accountable Agencies:

NCDA

NGAs

International Development Partners

LGUs

**Treaty Indicator 9:**

Stakeholders' linkages/alliances are strengthened for the progressive realization of UN-CRPD through appropriation and allocation of funds for the implementation of PAPs and monitoring of policies and plans

Section 32 and 33 of the government's General Appropriations Act (GAA) - FY 2007 provides for the 1% budget allocation for senior citizens and persons with disabilities to enhance their mobility, safety and welfare. Along this line, national government agencies are mandated to allocate at least 0.5% of their annual budget to PAPs on disability.

Presidential Proclamation No. 240 which was signed in August 2002 declares the period from 2003 to 2012 as the Philippine Decade of Persons with Disabilities. It further directs all heads of Departments, Chief of Bureaus, Offices, Agencies and Instrumentalities of the national government, including officials of the LGUs to implement plans, programs and activities geared towards the development of persons with disabilities based on the National Plan of Action for the Decade. The funds necessary to carry-out the provisions of the Proclamation shall be sourced-out by concerned agencies from their annual appropriation, the amount of which shall not be less than 1% of their respective agency budget for the year.

The Joint Circular 2003-01, series of April 2003 of the Department of Social Welfare and Development (DSWD) and the Department of Budget and Management (DBM) provides the implementing guidelines for Section 29 of the GAA for FY 2003 entitled "Setting aside One Percent of Government Agency Budget for Programs/Projects related to Senior Citizens and the Disabled."

**Accountable Agencies:**

DBM

DSWD

all government agencies, including LGUs CSOs, DPOs

International Development Partners

**Thematic Objective 4:**

To sensitize and enhance the positive perceptions and acceptance of communities to PWDs through the conduct of sensitivity training, correct use of language, value formation, and re-direction of attitudes for duty-bearers and claimholders

**Treaty Indicator 10:**

Capacity building for duty bearers/ claimholders on HRBA to draw attention to and promote a better understanding of disability

Human Rights-Based Approach (HRBA) is a developmental vision towards the universal realization of human rights and freedoms. It facilitates and integrates the implementation of human rights standards and operates through a deliberate mainstreaming of human rights principles, norms, standards and practices. HRBA enhances existing program methodologies

and puts the poor, the marginalized and the vulnerable at the core of policy and the focus of capacity development strategies. HRBA also enhances accountability among duty-bearers.

**Accountable Agencies:**

Judiciary, Legislative, Executive including the five pillars of the Criminal Justice System LGUs  
DPOs  
CSOs  
international/regional development partners

**Treaty Indicator 11**

Community-Based Inclusive Development (CBID) uses HRBA in dealing with multi-sectors

The First Asia-Pacific Congress on Community-Based Rehabilitation (CBR) held in Bangkok, Thailand last February 2009 provided timely and useful guidance in assessing current situations in the region and in strengthening CBR policy and action at the regional and national levels. The major theme of the Congress was "Community-Based Inclusive Development (CBID) of Persons with Disabilities and Their Families." The second Asia-Pacific Congress is scheduled in Manila in 2011 and as part of the CBR Global Network, NCDA as the lead agency on disability will spearhead the conduct of the said CBR Congress.

In adherence to the provisions of international obligations, which include among others International Labor Organization's (ILO) Convention No. 159, UN-ESCAP's Biwako Millennium Framework, Japan International Cooperation Agency's (JICA) Non-Handicapping Environment (NHE) Project, and the UN-CRPD, the country is committed to mainstream the CBID concept in all development action plans.

**Accountable Agencies:**

IDPs: JICA, CBM, Liliane Foundation;  
UN Systems (UNDP, UNIC, Unicef, etc.)  
NCDA  
NGAs  
LGUs  
DPOs  
CSOs

**Treaty Indicator 12:**

Value formation, sensitivity training, and the use of correct language on disability are included in the plans of action, PAPs of all concerned government agencies, LGUs including the schools, business sectors, church and the community

Administrative Order (AO) No. 255 which was signed in January 2009, calls on the heads of the Executive Department to take the lead in the Moral Renewal Program in their respective agencies. Further, it directs the Executive Branch to conduct orientation, re-orientation, capacity building to all public officials and employees on the Code of Ethical Conduct of Public Officials and Employees. The incorporation of the use of correct language on disability would become

part of the module of the training programs, sensitizing public officials and employees on proper and appropriated communication regarding disability and persons with disabilities.

Republic Act No. 9442 contains specific provisions on the deliverance of persons with disabilities from public ridicule and vilification. Public information campaigns on this law/specific provisions need to be undertaken to educate the public that persons with disabilities should be accorded with dignity and respect. Documentation of success stories relating to this must be recorded as proof of the country's implementation of the UN-CRPD.

**Accountable Agencies:**

Civil Service Commission  
Executive Branch  
Five pillars of the justice system  
NGOs  
business sector  
church  
schools

## **THEMATIC SITUATIONER**

### **Physical Accessibility**

In the monitoring report conducted by the Department of Public Works and Highways (DPWH) in 2006 showed very low compliance to the Accessibility Law. Out of the 6,335 buildings and facilities inspected nationwide only 4.15% government buildings and 4.5% private establishments complied with BP 344.

At present, there are no accessible and safe modes of land transportation plying key cities nationwide. The Department of Transportation and Communication, in coordination with Christian Blind Mission (CBM), an international NGO, and the Public Transport Affairs Office (PTAO), conducted sub-national consultations on accessible transport in Luzon, Visayas and Mindanao in 2007. This led to the creation of *Pambansang Samahan ng may Sasakyan para sa mga Maykapansanan ng Bayan*, or PASAKAY, a multi-stakeholder alliance with members from DOTC, GOs, NGOs, DPOs and Transport Groups that tasked itself in monitoring/inspecting accessibility and safety of transport facilities, the establishment of universal design (UD) compliant standards in vehicles and structures and the attitudinal change in transport players towards PWDs. An inter-agency Task Force on Accessibility was created to carry forward the recommendations through institutional mechanisms.

In the area of Information and Communications Technology (ICT), it is believed that ICT is a very vital tool which has significant impact on the lives of persons with disabilities that must be addressed. Although physical accessibility is equally important, ICT accessibility

encompasses all issues and concerns of persons with disabilities. In recent discussions on ICT accessibility for persons with disabilities, the following major barriers have been identified: lack of awareness on issues confronting information accessibility for persons with disabilities among stakeholders, especially government and web designers, disadvantaged and marginalized sectors of the society including persons with disabilities are not priority targets for information dissemination and availability and affordability of accessible information and communication technologies.

### **Economic Development**

During the National Disability Summit (NDS) held in September 2009, the National Economic and Development Authority (NEDA) reported the following: Out of 10 persons with disabilities, four of them live under the poverty line and out of 403 persons with disabilities, 74 do not have monetary income. Available data on income generating jobs for those employed showed: self-employed – 41 percent, working in private firms – 23 percent, self-help groups – 13 percent and employed in public organizations – 12 percent. Further, it has also been observed that the under-educated women were the least privileged, and some persons with disabilities do not benefit to existing programs because of lack of information, have difficulty in communications and have not been issued of the Person with Disability Identification Card as stipulated in RA No. 9442.

Based on the NDS, among the hindrances to economic activity of persons with disabilities are lack of education, lack of training, poor matching of training to livelihood & employment opportunities, social exclusion, non-inclusive work environments, and lack of trained and competent staff working with persons with disabilities.

### **Education**

The Department of Education reported that only about 2 to 3 per cent children with disabilities have access to primary education. The same report also showed that there is a large number of drop-outs from formal schools even before completing the intermediate level. Further, there are 3,473 Special Education (SPED) teachers against 794 SPED centers/classes in the 17 regions of the country with 63,000 students (children) with disabilities.

The 2009 publication “Local Manual on Community-Based Rehabilitation (CBR)” indicated that aside from the statistical reports, children with disabilities have been excluded from schools because most teachers say that they do not know how to teach them, other parents think that children with disabilities would have an effect on their own children’s performance and the over-all class grade may go down as a result, reflecting on the teacher and the school.

The Round-Table Discussion on Inclusive Education System sponsored by the Philippine Council of Cheshire Homes for the Disabled (PHILCOCHED) held in May 2009 showed the need to develop a consensus definition of inclusive education.

### **Health, habilitation/ rehabilitation and social protection**

The findings on “Perspectives on Disability and Health” discussed in the National Disability Summit conducted by the NCDA in September 2009 showed the following:

- a) Co-morbidity is associated with more severe disability and complicates rehabilitation;
- b) High disability rates are associated with low birth weight, low immunization coverage and poor nutritional status. Accordingly, 500,000 children annually lose some part of their vision due to Vitamin A deficiency;
- c) Child labor and maltreatment can lead to mental illness and physical and psychological disabilities; and
- d) Every minute, more than 30 women are seriously injured or disabled during labor (14-50 Million per minute).

**Table 1. Thematic Situationer**

<b>Human Rights Issue</b>	<b>Coverage</b>	<b>Duty-Bearers</b>	<b>Claimholders</b>
<b>Physical Accessibility and Information, Communication Technology (ICT) Accessibility</b>	Nationwide (17 regions, 80 provinces, 120 cities and 1500 municipalities)	<ol style="list-style-type: none"> <li>1. NGAs <ul style="list-style-type: none"> <li>• Executive Branch</li> <li>• Legislative</li> <li>• Judiciary</li> </ul> </li> <li>2. LGUs (provincial, city, municipality)</li> <li>3. NGOs <ul style="list-style-type: none"> <li>• Academe</li> <li>• Business Sector</li> <li>• Church</li> </ul> </li> <li>4. International Development Partners</li> </ol>	<ol style="list-style-type: none"> <li>1. Persons with disabilities</li> <li>2. Women with disabilities</li> <li>3. Children/youth with disabilities</li> <li>4. Students with disabilities</li> <li>5. Employed persons with disabilities</li> <li>6. Others</li> </ol>
<b>Economic Development</b>	Nationwide	<ol style="list-style-type: none"> <li>1. NGAs <ul style="list-style-type: none"> <li>• Executive Branch</li> <li>• Legislative</li> <li>• Judiciary</li> </ul> </li> <li>2. LGUs (provincial, city, municipality)</li> <li>3. NGOs <ul style="list-style-type: none"> <li>• Academe</li> <li>• Business Sector</li> <li>• Church</li> </ul> </li> <li>4. International Development Partners</li> </ol>	<ol style="list-style-type: none"> <li>1. Employed persons with disabilities</li> <li>2. Women with disabilities</li> <li>3. Self-help groups of persons with disabilities</li> <li>4. Cooperatives of persons with disabilities</li> <li>5. Parents/ relatives/carers of persons with disabilities</li> <li>6. Migrants who became persons with disabilities</li> <li>7. Victims of calamities, disaster, injuries, accidents</li> </ol>
<b>Education</b>	Nationwide	<ol style="list-style-type: none"> <li>1. NGAs <ul style="list-style-type: none"> <li>• Executive Branch</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Persons with disabilities: In-school, out of school</li> </ol>

		<ul style="list-style-type: none"> <li>• Legislative</li> <li>• Judiciary</li> </ul> 2. LGUs (provincial, city, municipality) 3. NGOs <ul style="list-style-type: none"> <li>• Academe</li> <li>• Business Sector</li> <li>• Church</li> </ul> 4. International Development Partners	2. Children with disabilities day care centers/ resource centers 3. Adult persons with disabilities 4. Indigenous persons with disabilities 5. Persons with intellectual/ learning disability 6. Persons with visual impairment, speech and hearing impairment, and physical impairment
<b>Health, Habilitation/ Rehabilitation, Social Protection</b>	Nationwide	1. NGAs <ul style="list-style-type: none"> <li>• Executive branch</li> <li>• Legislative</li> <li>• Judiciary</li> </ul> 2. LGUs 3. NGOs: Private hospitals, clinic, specialty medical centers, resource/rehabilitation centers, accredited welfare agencies 4. Business sector, Academe, Church 5. International development partners	1. PWD victims of disaster calamities 2. PWD victims of abuse, neglect, exploitation, & abandonment 3. PWDs in conflict with the law 4. PWDs caught in armed conflict 5. PWDs with severe intellectual, medical conditions

**THEMATIC PERFORMANCE TARGET****National/local legislations with corresponding implementing rules and regulations compliant to specific and comprehensive standards***Medium Targets – (2014)*

- BP 344, RA 7277 and other laws amended and enforcement process outlined

*Annual Targets*

- 2010 - 2012 – Multi-stakeholder group organized/convened to review, discuss and document the proposed amendments of BP 344, RA 7277 and other laws. Bills submitted to Congress
- 2012 - 2013 – Lobby groups lobbied in Congress the passage of subject laws and bills
- 2013 - LGUs adopted BP 344, RA 7277 and other laws through enactment of ordinances, resolutions

**Collection of statistical data and analysis on disability and mapping of local legislations that affect persons with disabilities**

*Medium Targets (2014)*

- Baseline data/situationer on persons with disabilities completed/established, disaggregated into age, sex, income, type of disability, place of origin, others

*Annual Targets*

- 2010 – On-line registration of persons with disabilities is in-place and functional
- 2011 – NSO survey on housing and population included generated of data on disability
- 2012 – 2013 – Situationer on disability in provinces, cities and municipalities prepared
- 2012- Cities and municipalities issued PWD-ID cards

**Persons with disabilities and their organizations are included in national/local disability policy decision-making process, with emphasis on mainstreamed gender initiatives, their participation to organized associations, and their identity as a person or as a group**

*Medium Targets (2014)*

- Disabled people's organizations, women with disabilities and parents association of children with disabilities organized and functional and participated in decision-making

*Annual Targets*

- 2010 to 2011 – DPOs inventoried and accredited
- 2010-2013 – persons with disabilities in policy-making bodies increased
- 2011 – persons with disabilities and their organizations participated in Disability Summit, Congress, Fora
- 2013 – 25% of DPOs are into economic development activities and are transformed into Cooperatives

**Government structures and utilities are designed, constructed, audited and retrofitted in strict compliance with the provisions of the Accessibility Law incorporating and promoting universal/inclusive design**

*Medium Targets - 2014*

- 40-50% of Structures/facilities in highly urbanized areas retro-fitted: government/private schools; government/private offices; banks, churches, hotels, malls, supermarkets, parks, street sidewalks and others complied with universal/inclusive designs.
- Land transportation in NCR, Cebu and Iloilo City for persons with disabilities are safe/accessible/ available

*Annual Targets*

- 2010 – Access Monitoring Teams (AMTs) organized and functional

- 2010 – A Resolution passed by Regional Council on Disability Affairs (RCDAs) creating the Regional AMTs, provided the RDC copy of the resolution for replication in the provincial, city and municipal level
- 2010 to 2012 – Public and private establishments are inventoried/audited recommendations presented and MCs issued for retrofitting.
- 2011-2013 – Engineers, architects, building officials, budget officers, and members of the *Sanggunians* nationwide provided with orientation and training on accessibility access audit, and retrofitting of structures/facilities
- 2013- Land transportation standards available, Memorandum of Agreement signed with bus operators

**Local code/ordinances/resolutions passed by LGUs with emphasis on Universal/Inclusive Design consistent with the UN-CRPD**

*Medium Targets - 2014*

- LGUs passed local code consistent with CRPD appropriating/allocating funds for its implementation

*Annual Targets*

- 2010- Inventory of ordinances/ resolutions and executive orders passed by LGUs
- 2011 - Model local code prepared, presented and advocated for its adoption
- 2011 to 2013 – Technical Assistance, mentoring, coaching to LGUs on the local code and inclusion of .5% budget allocation for persons with disabilities

**Stakeholders adopted the Human Rights Based Approach (HRBA) in the formulation of administrative policies/plans and programs, activities, and projects (PAPs) for persons with disabilities**

*Medium Targets – 2014*

- Administrative Orders, Memo Circulars, Work and Financial Plans, programs activities and projects consistent with HRBA

*Annual Targets*

- 2010 to 2012 – Policies collected and reviewed included disability dimension and HRBA
- 2011 to 2013 – business sectors/the academe incorporated CSR in their business/school policies particularly on hiring qualified persons with disabilities among their employees
- 2011 to 2013 – Information and Monitoring system installed

**Coordination committees are established and strengthened; their mechanisms are developed, with coordinated implementation and participation of the multi-media information officers of national/local agencies, and persons with disabilities and their organizations**

*Medium Targets – 2014*

- NCDA prepared implementation/accomplishment reports of CRPD to the United Nations

- Local committees on disability established

*Annual Targets*

- 2010 – MOA/MOU/TOR signed by RCDAs on the formulation of Regional Human Rights Action Plan (RHRAP)-CRPD with Regional Development Councils (RDC)
- 2010 – Persons with disabilities champions identified and sit as permanent member of RDC-SDC
- 2010 to 2012 – Technical Assistance and advocacy on the establishment of local committee in the LGUs
- 2010 - 2012 – Mass media and information officers in public and private entities advocated on the rights of persons with disabilities

**Information/implementation kits/materials such as primers, brochures, “komiks”, and handbooks are published and distributed and websites are developed including the translation of CRPD into Filipino language and major languages/dialects, Braille/Sign Language, and relevant best practices and success stories are documented and collected**

*Medium Targets – 2014*

- The CRPD are translated in Filipino and major languages/dialects, Braille and Sign language
- Compendium of best practices/success stories available and funded

*Annual Targets*

- 2010 – Best practices and success stories are collected/submitted to proper agencies
- 2010-2013 – Primers, brochures, handbooks and “komiks” on disability published and distributed
- 2010-2013 – International development partners mobilized for publication of materials
- 2010 to 2013 – Inter-agency team formed to study the translation of CRPD in Filipino and other languages/dialects, Braille and Sign language
- 2012-2013 – Websites of relevant agencies were made friendly and accessible to persons with disabilities

**Stakeholders’ linkages/alliances are strengthened for the progressive realization of UN-CRPD through appropriation and allocation of funds for the implementation of PAPs and monitoring of policies and plans**

*Medium Targets – 2014*

- Funds for the implementation of PAPs on disability incorporated in Work and Financial Plans

*Annual Targets*

- 2010 – Priority human rights agenda submitted to NEDA, included in the Medium Term Philippine Development Plan (2011 to 2016)

- 2010- NHRAP-CRPD submitted in budget hearing/approved for implementation/ with budget allocation
- 2010 – Resolution from RCDA appointing one person with disability leader to sit in the RDC facilitated
- 2010 – 2013 – Implementation of GAA provisions on .5% monitored
- 2010 to 2013 – LGUs included disability in the AIDP and provided funds
- 2010 to 2013 – International development partners identified and generated commitments

**Capacity building for duty bearers/ claimholders on HRBA to draw attention to and promote a better understanding of disability**

*Medium Targets – 2014*

- Claimholders are part of the training team and able to communicate issues/ concerns to LGUs and presented plans in the Work and Financial Plans
- National Disability Summit (NDS) is institutionalized and conducted every two years as avenue to discuss issues and concerns and to present challenges

*Annual Targets –*

- 2009 to 2013 – Capacity building/technical assistance, coaching and mentoring to duty bearers and claimholders on CRPD/HRBA, other laws and policies as well as in the preparation of project proposals/feasibility study and plan of action
- 2009 – 2013 – RCDA quarterly meetings conducted
- 2010 – NDS regionalized to include duty-bearers and claimholders
- 2011 – Second Asia Pacific Community-based Rehabilitation Congress spearheaded
- 2011-2013 – Training on HRBA of the five (5) pillars of the Justice System, academe, church and business sector conducted
- 2011-2013 – Programs, activities and projects for C/YDs, WWDs, and other PWDs: students, employed PWDs: CICL, in armed conflict, IPs, victims of disaster/calamities, dependent of migrant workers, abused, abandoned, neglected, exploited, with severe intellectual, physical, sensory, motor impairment are consistent with HRBA

**Community-Based Inclusive Development (CBID) uses HRBA in dealing with multi-sectors**

*Medium Targets 2014*

- Programs, activities and projects of the communities used CBID/HRBA such as: Classrooms equipped with Braille/Sign language textbooks and other IEC materials, children with disabilities attended primary-inclusive education, Philhealth insurance issued to marginalized persons with disabilities, New born screening program implemented in all hospitals, medical rehabilitation centers established in every provincial hospital, roving day care workers/itinerant teachers/ volunteers trained in every municipality, vocational centers established in every province, and sheltered workshop in communities where there are high incidence of persons with severe disabilities conducted

*Annual Targets*

- 2010 –Two (2) communities each from Luzon, Visayas, Mindanao identified as pilot areas
- 2010 - 2013– Officials of the Association of Barangay Captains (ABC) nationwide trained on NHE, CBID and HRBA
- 2010-2013 – skills training/competition conducted in the LGUs
- 2010-2013 – Programs of TESDA, DOLE (Tulay), CHED, DTI, DENR disseminated
- 2011- 2013 – sports/literary musicals/arts competition are held in the community
- 2011-2013 –disability section are established in the libraries of LGUs
- 2010- 2013- re-training on *TAWAG (Tuloy Aral Walang Sagabal)* program, EDPID and other programs of DSWD on persons with disabilities/day care workers conducted

**Value formation, sensitivity training, and the use of correct language on disability are included in the plans of action, PAPs of all concerned government agencies, LGUs including the schools, business sectors, church and the community**

*Medium Targets – 2014*

- Cases in courts, prosecution resolved, complaints from persons with disabilities, CSOs on accessibility with resolutions

*Annual Targets*

- 2010 to 2013 – NGAs, LGUs, NGOs, DPOs, CSOs trained on the use of correct language on disability
- 2010-2013 – AO 255 on moral recovery program/plans exist on NGAs and LGUs
- 2010 – 2013 - continuous advocacy through the use of mass media, radio/TV guestings

Table 2. Thematic Performance Target

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
<p>To harmonize domestic legislative, and administrative policies, and judicial processes with the UN-CRPD for the creation of an inclusive, barrier-free and rights-based environment where existing general/disability-specific legislations are reviewed, repeated and amended, and new disability-related laws are passed.</p>	<p>1. National/local legislations with corresponding implementing rules and regulations compliant to specific and comprehensive standards</p> <p>2. Collection of statistical data and analysis on disability and mapping of local legislations that affect persons with disabilities</p> <p>3. Persons with disabilities and their organizations are included in national/local disability policy decision-making process, with emphasis on mainstreamed gender initiatives, their participation to organized associations, and their identity as a person or as a group</p>	<ul style="list-style-type: none"> <li>BP 344, RA 7277 and other laws amended and enforcement process outlined</li> <li>Baseline data/situationer on persons with disabilities completed/established, disaggregated into age, sex, income, type of disability, place of origin, others</li> <li>Disabled people's organizations, women with disabilities and parents association of children with disabilities organized and functional and participated in decision-making</li> </ul>	<ul style="list-style-type: none"> <li>2010 - 2012 – Multi-stakeholder group organized/convened to review, discuss and document the proposed amendments of BP 344, RA 7277 and other laws. Bills submitted to Congress</li> <li>2012 - 2013 – Lobby groups lobbied in Congress the passage of subject laws and bills</li> <li>2013 - LGUs adopted BP 344, RA 7277 and other laws through enactment of ordinances, resolutions</li> <li>2010 – On-line registration of persons with disabilities is in-place and functional</li> <li>2011 – NSO survey on housing and population included generated of data on disability</li> <li>2012 – 2013 – Situationer on disability in provinces, cities and municipalities prepared</li> <li>2012- Cities and municipalities issued PWD-ID cards</li> <li>2010 to 2011 – DPOs inventoried and accredited</li> <li>2010-2013 – persons with disabilities in policy-making bodies increased</li> <li>2011 – persons with disabilities and their organizations participated in Disability Summit, Congress, Fora</li> <li>2013 – 25% of DPOs are into economic development activities and are transformed into Cooperatives</li> <li>2010 – Access Monitoring Teams (AMT's) organized and functional</li> <li>2010 – A Resolution passed by Regional Council on Disability Affairs</li> </ul>

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
To mainstream human rights standards in development and governance	<p>4. Government structures and utilities are designed, constructed, audited and retrofitted in strict compliance with the provisions of the Accessibility Law incorporating and promoting universal/inclusive design</p> <p>5. Local code/ordinances/resolutions passed by LGUs with emphasis on Universal/Inclusive Design consistent with the UN-CRPD</p> <p>6. Stakeholders adopted the Human Rights Based Approach (HRBA) in the formulation of administrative policies/plans and programs, activities, and projects (PAPs) for persons with disabilities</p>	<ul style="list-style-type: none"> <li>40-50% of Structures/facilities in highly urbanized areas retro-fitted: government/private schools; government/private offices; banks, churches, hotels, malls, supermarkets, parks, street sidewalks and others complied with universal/inclusive designs.</li> <li>Land transportation in NCR, Cebu and Iloilo City for persons with disabilities are safe/accessible/ available</li> <li>LGUs passed local code consistent with CRPD appropriating/allocating funds for its implementation</li> <li>Administrative Orders, Memo Circulars, Work and Financial Plans, programs, activities and projects consistent with HRBA</li> </ul>	<p>(RCDAs) creating the Regional AMTs, provided the RDC copy of the resolution for replication in the provincial, city and municipal level</p> <ul style="list-style-type: none"> <li>2010 to 2012 – Public and private establishments are inventoried/audited, recommendations presented and MCs issued for retrofitting.</li> <li>2011-2013 – Engineers, architects, building officials, budget officers, and members of the <i>Sanggunians</i> nationwide provided with orientation and training on accessibility, access audit, and retrofitting of structures/facilities</li> <li>2013- Land transportation standards available, Memorandum of Agreement signed with bus operators</li> <li>2010- Inventory of ordinances/ resolutions and executive orders passed by LGUs</li> <li>2011 - Model local code prepared, presented and advocated for its adoption</li> <li>2011 to 2013 – Technical Assistance, mentoring, coaching to LGUs on the local code and inclusion of .5% budget allocation for persons with disabilities</li> <li>2010 to 2012 – Policies collected and reviewed included disability dimension and HRBA</li> <li>2011 to 2013 – business sectors/the academe incorporated CSR in their business/school policies particularly on hiring qualified persons with disabilities among their employees</li> <li>2011 to 2013 – Information and Monitoring system installed</li> <li>2010 – MOA/MOU/TOR signed by RCDAs on the formulation of Regional Human Rights Action Plan (RHRAP)-CRPD with Regional</li> </ul>

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
<p>To popularize UN-CRPD utilizing traditional and non-traditional mass-media in order to draw-out public accountabilities of the Executive, Legislative and Judicial branches of the government as well as to inform persons with disabilities and the general public about NHRAP, specially on how persons with disabilities can participate and benefit from it</p>	<p>7. Coordination committees are established and strengthened; their mechanisms are developed, with coordinated implementation and participation of the multi-media, information officers of national/local agencies, and persons with disabilities and their organizations</p> <p>8. Information/implementation kits/materials such as primers, brochures, "komiks", and handbooks are published and distributed and websites are developed including the translation of CRPD into Filipino language and major languages/dialects, Braille/Sign Language, and relevant best practices and success stories are documented and collected</p> <p>9. Stakeholders' linkages/alliances are strengthened for the progressive realization of</p>	<ul style="list-style-type: none"> <li>• NCDA prepared implementation/ accomplishment reports of CRPD to the United Nations</li> <li>• Local committees on disability established</li> <li>• The CRPD are translated in Filipino and major languages/dialects, Braille and Sign language</li> <li>• Compendium of best practices/success stories available and funded</li> </ul> <p>• Funds for the implementation of PAPs on disability incorporated in Work and Financial Plans</p>	<p>Development Councils (RDC)</p> <ul style="list-style-type: none"> <li>• 2010 – Persons with disabilities champions identified and sit as permanent member of RDC-SDC</li> <li>• 2010 to 2012 – Technical Assistance and advocacy on the establishment of local committee in the LGUs</li> <li>• 2010 - 2012 – Mass media and information officers in public and private entities advocated on the rights of persons with disabilities</li> <li>• 2010 – Best practices and success stories are collected/submitted to proper agencies</li> <li>• 2010-2013 – Primers, brochures, handbooks and "komiks" on disability published and distributed</li> <li>• 2010-2013 – International development partners mobilized for publication of materials</li> <li>• 2010 to 2013 – Inter-agency team formed to study the translation of CRPD in Filipino and other languages/dialects, Braille and Sign language</li> <li>• 2012-2013 – Websites of relevant agencies were made friendly and accessible to persons with disabilities</li> <li>• 2010 – Priority human rights agenda submitted to NEDA, included in the Medium Term Philippine Development Plan (2011 to 2016)</li> <li>• 2010- NHRAP-CRPD submitted in budget hearing/approved for implementation/ with budget allocation</li> <li>• 2010 – Resolution from RCDA appointing one person with disability</li> </ul>

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
<p>To sensitize and enhance the positive perceptions and acceptance of communities to PWDs through the conduct of sensitivity training, correct use of language, value formation, and re-direction of attitudes for duty-bearers and claimholders</p>	<p>UN-CRPD through appropriation and allocation of funds for the implementation of PAPs and monitoring of policies and plans</p> <p>10. Capacity building for duty bearers/ claimholders on HRBA to draw attention to and promote a better understanding of disability</p> <p>11. Community-Based Inclusive Development (CBID) uses HRBA in dealing with multi-sectors</p>	<ul style="list-style-type: none"> <li>Claimholders are part of the training team and able to communicate issues/concerns to LGUs and presented plans in the Work and Financial Plans</li> <li>National Disability Summit (NDS) is institutionalized and conducted every two years as avenue to discuss issues and concerns and to present challenges</li> <li>Programs, activities and projects of the communities used CBID/HRBA such as: Classrooms equipped with Braille/Sign language textbooks and other IEC materials, children with disabilities attended primary-inclusive education,</li> </ul>	<p>leader to sit in the RDC facilitated</p> <ul style="list-style-type: none"> <li>2010 – 2013 – Implementation of GAA provisions on .5% monitored</li> <li>2010 to 2013 – LGUs included disability in the AIDP and provided funds</li> <li>2010 to 2013 – International development partners identified and generated commitments</li> <li>2009 to 2013 – Capacity building/technical assistance, coaching and mentoring to duty bearers and claimholders on CRPD/HRBA, other laws and policies as well as in the preparation of project proposals/feasibility study and plan of action</li> <li>2009 – 2013 – RCDA quarterly meetings conducted</li> <li>2010 – NDS regionalized to include duty-bearers and claimholders</li> <li>2011 – Second Asia Pacific Community-based Rehabilitation Congress spearheaded</li> <li>2011-2013 – Training on HRBA of the five (5) pillars of the Justice System, academe, church and business sector conducted</li> <li>2011-2013 – Programs, activities and projects for CYDs, WWDs, and other PWDs: students, employed PWDs: CICL, in armed conflict, IPs, victims of disaster/calamities, dependent of migrant workers, abused, abandoned, neglected, exploited, with severe intellectual, physical, sensory, motor impairment are consistent with HRBA</li> <li>2010 – Two (2) communities each from Luzon, Visayas, Mindanao identified as pilot areas</li> <li>2010 – 2013 – Officials of the Association of Barangay Captains (ABC) nationwide trained on NHE, CBID and HRBA</li> <li>2010-2013 – skills training/competition conducted in the LGUs</li> <li>2010-2013 – Programs of TESDA, DOLE (Tulay), CHED, DTI, DENR</li> </ul>

Thematic Objectives	Strategic Indicators	Medium Targets	Annual Targets
	<p>12. Value formation, sensitivity training, and the use of correct language on disability are included in the plans of action, PAPs of all concerned government agencies, LGUs including the schools, business sectors, church and the community</p>	<p>Philhealth insurance issued to marginalized persons with disabilities, New born screening program implemented in all hospitals, medical rehabilitation centers established in every provincial hospital, roving day care workers/itinerant teachers/ volunteers trained in every municipality, vocational centers established in every province, and sheltered workshop in communities where there are high incidence of persons with severe disabilities conducted</p> <ul style="list-style-type: none"> <li>Cases in courts, prosecution resolved, complaints from persons with disabilities, CSOs on accessibility with resolutions</li> </ul>	<p>disseminated</p> <ul style="list-style-type: none"> <li>2011- 2013 – sports/literary musicals/arts competition are held in the community</li> <li>2011-2013 –disability section are established in the libraries of LGUs</li> <li>2010- 2013- re-training on <i>TAWAG (Tuloy Aral Walang Sagabal)</i> program, EDPID and other programs of DSWD on persons with disabilities/day care workers conducted</li> <li>2010 to 2013 – NGAs, LGUs, NGOs, DPOs, CSOs trained on the use of correct language on disability</li> <li>2010-2013 – AO 255 on moral recovery program/plans exist on NGAs and LGUs</li> <li>2010-2013 – Continuous advocacy through the use of mass media, radio and TV guestings</li> </ul>

## Program of Action

To implement the objectives and treaty indicators of the NHRAP-CRPD, the following programs of action have been prepared to get the commitment of the duty-bearers:

**Organization of the multi-stakeholder group** – The NCDA as the lead agency will organize/ convene a multi-stakeholder group composed of its members coming from national/ local levels who will review and document the proposed amendments of BP 344, RA 7277 and other laws; the consolidation of proposals, position papers coming from the regions, finalization, and submission of the said documents to Congress. It is expected that the Congress will consider the proposed study review as priority bill and submit this for public hearing for its eventual passage into law.

**Formulation of policy in collecting appropriate information including research and statistical data on disability** – The NCDA will submit to Congress a policy proposal to include in the NSO survey disability concerns, continuance of DOH Registry through on-line web registration of persons with disabilities. The policy proposal would also include a mechanism where disability data are safeguarded

**Passage of local code, appropriating/allocating funds for its implementation, its' inclusion in the LGUs Annual Investment/Development Plans** - The local code will be a comprehensive law of the local government units that will be based on national disability laws and the CRPD. The local code will be inclusive and rights-based for the entitlements of PWDs.

**Inventory, review and evaluation of existing administrative policies and plans on disability-** This will be done by the Executive Branch assessing institutional mechanisms/ arrangements, processes of implementation, strategies, budgets and outputs addressing its obligations as duty-bearers, for the entitlements of claimholders.

**Organization and strengthening of Self-Help Groups to include women with disabilities, Parent association of children with disabilities** – SHGs, as the lobby group would be organized by DSWD and the local government units to push for the immediate amendments/ revision/ repeal of existing laws, and/or the passage of new enabling laws that will provide entitlements of claimholders.

**Submission all proposed disability laws/bill to PHRC** – NCDA will submit a list proposed bills that needs to be amended, repealed, and revised to ensure that Congress will work on them within time schedule.

**Submission all priority disability issues for its' inclusion to the Medium Term Philippine Development Plans (MTPDP 2011-2016) and for budget consideration** – NCDA will ensure that disability agenda in the NHRAP-CRPD is submitted to NEDA for DBM's consideration in budget allocation.

**Inclusion of universal/ inclusive designs of physical accessibility as a policy in the selection of child friendly community nationwide** - The Council for the Welfare of Children (CWC) and other agencies in-charge of the selection of the Child Friendly locality would now consider inclusive/ universal design as one of its indicators

**Preparation of the Regional Human Rights Action Plans-CRPD anchored on NHRAP, CRPD** – The NCDA Regional Programs Coordinators, Regional Committee on Disability Affairs (RCDA), Regonal Development Council (RDC), NEDA, Commission on Human

Rights, Regional Offices will coordinate to make sure that a RHRAP is formulated in all regions. The RHRAP, CRPD will be the basis for monitoring and evaluation on the extent of program implementation for persons with disabilities.

**Creation of the Access Monitoring Team (AMT)** – With RCDA, AMT will be created to accept complaints of PWDs and CSOs. AMT will also conduct inventory and audit of structures/ facilities for retrofitting. It is projected that establishments particularly government will be accessible to persons with disabilities' education, health, economic development, etc.

**Submission to institutional learning institutions guidelines in the education of persons with disabilities** – Institutions such as ECCD Council (DSWD) for early education, DepED for primary/secondary, TESDA- vocational schools, and CHED- tertiary and post graduate schools the inclusion in school curricula the rights/entitlements of persons with disabilities. It is expected that there would be an increase in the admission and completion of studies of persons with disabilities in all levels.

**Establishment of Help Desk for Students with disabilities and those with cases filed in the police** – State Colleges and Universities will be asked to establish a help desk to provide the needed assistance to students with disabilities, while the police force can provide a help desk for PWD victims and accused of crimes.

**Capacity building to all stakeholders: the Judiciary/courts, Legislative and Executive branch as well as the NGOs, CSOs, DPOs, the business sectors, academe, church, media, and the community on the CRPD** – A consolidated efforts from the PHRC, CHR and NCDA will be pooled to insure that CRPD is popularized in the community with the aim that all duty-bearers know about their obligations and the entitlements of claimholders.

**Continuous capacity building, technical assistance even mentoring and coaching to stakeholders particularly the local government units** – LGUs are the forefront in implementing policies and that they should be informed and competent in knowing CRPD. DILG and NCDA together with the other members of the Executive Branch should provide capacity building to ensure large number of PWDs in rural areas is informed of CRPD.

**Inclusion of CRPD/ HRBA as training component for newly elected local government officials in the Local Government Academy** – NCDA and DILG will make sure that CRPD is one of the policies discussed in the Local Government Academy for newly elected local government officials. Members of Congress need also to know about CRPD as the newest treaty ratified.

**Conduct Program Review and Evaluation Workshop (PREW) on disability plans vis-à-vis the normative content of CRPD** – Member agencies of NCDA will conduct PREW to assess the implementation of disability plans, and PAPs and how these provided entitlement to persons with disabilities as claimholders of rights.

**Conduct of Disability Summit, fora, consultations, conventions, congress** – NCDA in partnership with international development partners: JICA/ APCD, CBM, Liliane foundation LGUs, NGOs and DPOs/ CSOs will conduct the Disability Summit as avenue to discuss issues and raise recommendations to the legislative, executive and international development partners for funding .The summit will be regionalized to reach CSOs and other DPOs in the community.

**Development of module** – the module will be prepared by NCDA in cooperation with JICA, CBM for the continuous training, re-training of duty-bearers on Non-Handicapping Environment (NHE); Community based-inclusive development (CBID); Human Rights-Based

Approach (HRBA) and other strategies that will help push for the implementation of PAP of NGAs, LGUs, and other stakeholders.

**Provision of resource augmentation** - to LGUs, RCDAs, NGOs and CSOs (DPOs) to fully implement UN-CRPD particularly the PAPs. The resource augmentation will fund the cost of meetings, forum, summit, congress, livelihood projects, booklets, handbooks, Braille, Sign language interpreters and others.

**Publication and distribution of information/ communication materials-** In popularizing the CRPD, materials for the information of duty-bearers' obligations and claimholders entitlements will be published and distributed, to ensure the inclusion of CRPD/ HRBA in the W/F Plans of agencies concerned. NCDA will be assisted by its' member agencies in particular PIA, Kapisanan ng mga Brodcasters ng Pilipinas, and other mass media associations and the LGUs.

**Translation of CRPD into Filipino and major language/ dialect, Braille and sign language** – PWDs and their organizations particularly in rural areas and the general public: children in schools will appreciate the Convention if this is written in Filipino, major languages and dialect, in Braille (blind).

**Conduct of Donors' Forum-** NCDA member agencies and the LGUs are encouraged to conduct donors' forum to mobilize international development partners to progressively realize the provisions of CRPD.

**Lobby with the five pillars of the criminal justice system for the speedy trial/deposition of cases involving PWDs.-** NCDA members particularly DSWD, DOJ, DILG, DOLE and other instrumentalities will work with the courts in the early disposition of cases involving PWDs.

**Initiate the conduct of special events on disability to raise the awareness of the community and change their perception on PWDs** – NCDA member agencies, NGOs and international development partners and CSOs will spearhead the conduct of special events such as the National Disability Prevention and Rehabilitation week.

**Pilot LGU communities in Luzon, Visayas, Mindanao in the implementation to NHE, CBID, Inclusive Education-** NCDA in cooperation with JICA, CBM and other partners will expand the implementation of NHE, CBID and other strategies to spur turn-over of such strategies to the LGUs.

**Monitor the profiling/ data collection of PWDs, disaggregated into age, sex, place of origin, civil status, education, socio-economic status and others** – The NCDA and its member agencies will monitor the collection of statistical and research data for the use of the legislative, executive branch of government, international partners and CSOs.

**Document best practices/ success stories on disability.**

**Monitor the implementation of plans, PAPs and document findings**

**Review national/ local tracking system of the NGAs, LGUs to include PWDs as claimholders**

**Install monitoring instrument to monitor the implementation of plans, PAPs**

Table 3. Program of Action

PERFORMANCE TARGETS		Programs, Activities, Projects (PAP)	COVERAGE	RESPONSIBLE STAKEHOLDERS		TARGET DATES	EXPECTED OUTPUTS
Medium (2014)	Annual (2009-2013)			DB	CH		
<ul style="list-style-type: none"> <li>BP 344, RA 7277 and other laws amended and enforcement process outlined</li> <li>Baseline data/ situationer on PWDs completed/ established, disaggregated into age, sex, income, type of disability, place of origin, others</li> <li>Disabled People's Organizations, Women with Disabilities and Parent Association of children with disabilities organized and functional and participated in decision-making.</li> <li>40-50% Structures/ facilities in highly urbanized areas retro-fitted: government/ private schools; government/ private offices; banks, churches, hotels, malls, supermarkets, parks, street sidewalks and others complied with universal/ inclusive designs.</li> <li>Land transportation in</li> </ul>	<ul style="list-style-type: none"> <li>2010 to 2012 – Multi-stakeholder group organized/ convened to review, discuss and document the proposed amendments of BP 344, RA 7277 and other laws. Bill submitted to Congress</li> <li>2012-2013 – Lobby groups lobbied in Congress the passage of said laws/ bill</li> <li>2013 – LGUs adopted BP 344, RA 7277 through enactment of ordinances, resolutions</li> <li>2010 – On-line registration of PWDs in-place and functional</li> <li>2011 – NSO survey on housing and population included disability</li> <li>2012 – 2013 – Situationer on disability in provinces, cities and municipalities prepared</li> <li>2012 – Cities and municipalities issued PWD-ID cards</li> <li>2010 to 2011 – DPOs inventoried and accredited.</li> <li>2010-2013 – PWDs in policy-making bodies increased.</li> <li>2011 – PWDs and their organizations participated in Disability Summit, Congress, Fora</li> <li>2013 – 25% DPOs into economic development activities transformed into Cooperatives.</li> <li>2010 – Access Monitoring Team (AMT)/organized / functional</li> <li>2010 – Resolution passed by RCDA creating the Regional AMT, provided the RDC copy of the resolution for replication in the provincial, city and municipal level</li> <li>2010 to 2012 – Public and private establishments are inventoried/ audited, recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Organization of the multi-stakeholder group</li> <li>Formulation of policy in collecting appropriate information including research and statistical data on disability</li> <li>Passage of local code, appropriating/allocating funds for its implementation, its inclusion in the LGUs Annual Investment/Development Plans</li> <li>Inventory, review and evaluation of existing administrative policies and plans on disability</li> <li>Organization and strengthening of Self-Help Groups to include WWDs, Parent association of children with disabilities</li> <li>Submission all proposed disability laws/bill to PHRC</li> <li>Submission all priority disability issues for its' inclusion to the Medium Term Philippine Development Plans (MTPDP 2011-2016) and for budget consideration</li> </ul>	<p>Nationwide</p> <p>Nationwide, provinces, cities &amp; municipalities</p> <p>Nationwide, provinces, cities &amp; municipalities</p> <p>National</p> <p>Nationwide/ region-wide</p> <p>Nationwide, Nationwide,</p> <p>Nationwide</p> <p>Nationwide</p>	<p>Congress</p> <p>NCDCA, DPWH, DOTC</p> <p>Congress, NSO, DOH</p> <p>Sanggunians</p> <p>Executive</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs</p> <p>PWDs</p>	<p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs</p> <p>PWDs</p> <p>PWDs</p>	<p>2010 to 2011</p> <p>2011-2012</p> <p>2011 to 2013</p> <p>2011-2012</p> <p>2011 to 2013</p> <p>2010-2013</p> <p>2010-2013</p> <p>2010-2013</p> <p>2010</p>	<ul style="list-style-type: none"> <li>BP 344, RA 7277 &amp; other laws amended, enforced &amp; consistent with CRPD</li> <li>Baseline/ statistical data on PWDs completed &amp; used h for policy formulation/ program development</li> <li>Community-based monitoring &amp; information system (CBMIS) included disability as one of the indicators</li> <li>Administrative policies, TOR, MCs issued by Executive Branch is consistent with CRPD/ HRBA, addressed priority human rights issues SHGs organized</li> <li>Strengthened &amp; identified lobby groups in reviewing, amend, repeal policies &amp; monitor implementation of plans &amp; PAPs</li> <li>Reports on the selection of Child Friendly locality showed disability as one component</li> <li>Physical accessibility &amp; Inclusive education as indicators in selecting Child Friendly locality</li> <li>Reports of AMT showed cases of complaints filed resolved</li> </ul>

PERFORMANCE TARGETS		PROGRAMS, ACTIVITIES, PROJECTS (PAP)	COVERAGE	RESPONSIBLE STAKEHOLDERS		TARGET DATES	EXPECTED OUTPUTS
Medium (2014)	Annual (2009-2013)			DB	CH		
<ul style="list-style-type: none"> <li>NCR, Cebu and Ilo-Ilo City for PWDs are safe/accessible/ available</li> <li>LGUs passed local code consistent to CRPD appropriating/allocating funds for its implementation</li> <li>Administrative Orders, Memo Circulars, Work financial Plans, programs, activities and projects consistent with HRBA.</li> <li>NCDA prepared implementation/accomplish ment reports of CRPD to the United Nations.</li> <li>Local Committee on disability established</li> <li>CRPD translated in Filipino and major languages/ dialect, Braille and Sign languages</li> <li>Compendium of best practices/ success stories available and funded</li> <li>funds for the implementation of PAP on disability incorporated in the W/F plans</li> </ul>	<p>presented and issues MCs for retrofitting.</p> <ul style="list-style-type: none"> <li>2011-2013 – Engineers, architects, building officials, budget officers, members of the Sanggunians nationwide provided with training on access talk-shops/ audit/ retrofitting of structures/ facilities.</li> <li>2013- Land transportation standards available, MOA signed with bus operators</li> <li>2010- Inventory of ordinances/resolutions/ EOs passed by LGUs</li> <li>2011 - Model local code prepared and advocated for its adoption</li> <li>2011 to 2013 – TA, mentoring, coaching to LGUs on the local code and inclusion of .5% budget allocation for PWDs</li> <li>2010 to 2012 – Policies collected and reviewed included disability dimension and HRBA</li> <li>2011 to 2013 – business sectors/ academe incorporated CSR in their business/ school policies particularly hiring qualified PWDs among their employees</li> <li>2011 to 2013 – Information and Monitoring system installed</li> <li>2010 – MOA/ MOU/ TOR signed by RCDA on formulation of RHRAP-CRPD with RDC</li> <li>2010 - PWD Champions identified and st as permanent member of RDC-SDC</li> <li>2010 to 2012 – Technical Assistance and advocacy on the establishment of local committee in the LGUs.</li> <li>2010 - 2012 – Mass media and information officers in public and private entities advocated on the rights of PWDs.</li> <li>2010 – Best practices and success stories are collected/ submitted to proper agencies</li> </ul>	<ul style="list-style-type: none"> <li>Inclusion of universal/ inclusive designs of physical accessibility as a policy in the selection of child friendly community nationwide</li> <li>Preparation of the Regional Human Rights Action Plans- CRPD anchored on NHRAP, CRPD</li> <li>Creation of the Access Monitoring Team (AMT)</li> <li>Submission to institutional learning institutions guidelines in the education of persons with disabilities</li> <li>Establishment of Help Desk for Students with disabilities and those with cases filed in the police</li> <li>Capacity building to all stakeholders: the Judiciary/ courts, Legislative and Executive branch as well as the NGOs, CSOs, DPOs, the business sectors, academe, church, media, and the community on the CRPD</li> <li>Continuous capacity building, technical assistance even mentoring and coaching to stakeholders particularly the</li> </ul>	<p>Region-wide</p> <p>Region-wide Provinces &amp; cities</p> <p>Nationwide</p> <p>Nationwide</p> <p>Nationwide, Region-wide</p> <p>Nationwide, region-wide</p>	<p>NCDA/ RCSDA, NED A/ RDC Executive branch</p> <p>DepED, TESDA, CHED, ECCD Council</p> <p>Judiciary, Executive, Legislative</p> <p>NCDA, LGUs</p> <p>LGUs, league of Cities/ Muns, ULAP</p> <p>Executive Branch</p> <p>Executive</p>	<p>PWDs</p> <p>PWDs/ DPOs/ CSOs</p> <p>Student s w/ Disabilities</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSOs</p> <p>Executive CSOs</p>	<p>2010</p> <p>2010</p> <p>2010</p> <p>2011- 2012</p> <p>2011- 2012</p> <p>2012- 2014</p> <p>2010</p>	<ul style="list-style-type: none"> <li>and acted upon.</li> <li>Inventory, audit &amp; retrofit of establishments using the monitoring instruments</li> <li>MTPDP included disability as priority human rights agenda.</li> <li>Local code, ordinances, resolutions passed by the Sanggunians, appropriating funds for its implementation</li> <li>RHRAP-CRPD discusses, prepared &amp; submitted to RDC &amp; NCDA for monitoring &amp; evaluation</li> <li>Optional protocol of UN-CRPD ratified by Congress.</li> <li>Reports showed that learning institutions included CRPD in their conduct of seminars/ workshops.</li> <li>Evaluation reports showed access to justice &amp; speedy trial/ deposition of cases involving PWDs</li> <li>Reports from learning institutions showed CWDs increased in enrolment in regular schools</li> <li>Reasonable accommodation used by government/ private entity in physical accessibility, employment, education &amp; ICT.</li> <li>Reports showed that CSR included in the charter of business sector in hiring</li> </ul>

PERFORMANCE TARGETS		RESPONSIBLE STAKEHOLDERS	TARGET DATES	EXPECTED OUTPUTS			
Medium (2014)	Annual (2009-2013)				Programs, Activities, Projects (PAP)	COVERAGE	DB
<ul style="list-style-type: none"> <li>Claimholders are part of the training team and able to communicate issues/ concerns to LGUs and presented plans in the W/F Plans.</li> <li>National Disability Summit (NDS) is institutionalized and conducted every two-years as avenue to discuss issues and concerns, to present challenges</li> <li>Programs, activities and projects of the communities used CBID/HRBA such as: Classrooms equipped with Braille/Sign language textbooks and other IEC materials; CWDs attended primary-inclusive education; Philhealth insurance issued to marginalized PWDs; New born screening program implemented in all hospitals; medical rehabilitation centers existed in every provincial hospital; roving day care workers/ itinerant teachers/ volunteers trained in every municipality; vocational centers established in every province; Sheltered workshop in communities</li> </ul>	<ul style="list-style-type: none"> <li>2010-2013 – Printers, brochures, handbooks and “komiks” on disability published and distributed</li> <li>2010-2013 – International development partners mobilized for publication of materials</li> <li>2010 to 2013 – Inter-agency team formed to study the translation of CRPD in Filipino and other languages/ dialect, Braille and Sign languages</li> <li>2012-2013 – Websites of agency trained friendly and accessible</li> <li>2010 – Priority human rights agenda submitted to NEDA, included in MTPDP 2011 to 2016</li> <li>2010-NHRAP-CRPD submitted in budget hearing/approved for implementation/ with budget allocation</li> <li>2010 – Resolution from RCDA appointing one PWD leader to sit in the RDC</li> <li>2010 – 2013 – GAA provisions on .5% monitored its implementation</li> <li>2010 to 2013 – LGUs included disability in the AIDP and provided funds.</li> <li>2010 to 2013 – International development partners identified and get commitments</li> <li>2009 to 2013 – Capacity building/ technical assistance, coaching and mentoring to duty bearers and claimholders on CRPD/ HRBA, other laws, policies as well as in the preparation of project proposals/ feasibility study, Plan of Action</li> <li>2009 – 2013 – RCDA quarterly meetings conducted</li> <li>2010 – NDS regionalized to include duty-bearers and claimholders</li> <li>2011 – Second Asia Pacific Community-based Rehabilitation Congress spearheaded</li> <li>2011-2013 – Training on HRBA of the 5 pillars of the Justice System, academe, church and business</li> </ul>	<ul style="list-style-type: none"> <li>local government units</li> <li>Inclusion of CRPD/HRBA as training component for newly elected local government officials in the Local Government Academy</li> <li>Conduct Program Review and Evaluation Workshop (PREV) on disability plans vis-à-vis the normative content of CRPD</li> <li>Conduct of Disability Summit, fora, consultations, conventions, congress</li> <li>Development of module</li> <li>Provision of resource augmentation</li> <li>Publication and distribution of information/ communication materials</li> <li>Translation of CRPD into Filipino and major language/ dialect, Braille and sign language</li> <li>Conduct of Donors’ Forum</li> <li>Lobby with the five pillars of the criminal justice system for the speedy trial/deposition of cases involving PWDs</li> <li>Initiate the conduct of special events on disability to raise the awareness of the community and change their perception on PWDs</li> </ul>	<ul style="list-style-type: none"> <li>Nationwide</li> <li>Nationwide</li> <li>Nationwide, Region-wide</li> <li>Nationwide</li> <li>Region-wide, provinces, cities</li> <li>Nationwide</li> <li>Nationwide</li> <li>Nationwide, region-wide, provinces, cities</li> <li>Nationwide, region-wide, provinces, cities, municipalities</li> </ul>	<ul style="list-style-type: none"> <li>branch: DSWD, DEPED, DPWH, DOLE, TESDA, DOH</li> <li>NCDCA</li> <li>NCDCA, NHL, Int’l Partners</li> <li>Courts, Prosecution, Law-enforcement, correction, community</li> <li>NCDCA, Exec. B.</li> <li>NCDCA, Int’l partners, LGUs</li> <li>NCDCA, DOH</li> <li>NCDCA, LGUs</li> </ul>	<ul style="list-style-type: none"> <li>PWDs/ DPOs/ CSOs</li> <li>CSOs</li> <li>PWDs/ DPOs/ CSOs</li> </ul>	<ul style="list-style-type: none"> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> <li>2010-2014</li> </ul>	<ul style="list-style-type: none"> <li>PWDs.</li> <li>Reports from AMT showed increased number of establishments complied to Accessibility and allocated funds for retrofitting.</li> <li>Four priority human rights agenda on disability included in the W/FP of national/ regional agencies &amp; LGUs.</li> <li>Minutes of the meetings of RCDA showed desired actions on the obligations of duty-bearers.</li> <li>Annual Investment &amp; Development Plans included disability in its indicators &amp; provided with funding.</li> <li>Resolutions passed by the barangays included disability as priority human rights agenda.</li> <li>Reports showed that primary, secondary &amp; vocational public / private schools equipped with Braille and sign language interpreters.</li> <li>Evaluation reports showed the extent of implementation of PAP for PWDs</li> <li>Champions identified in every region, province, city &amp; municipality to advocate on the rights of PWDs</li> </ul>

PERFORMANCE TARGETS		PROGRAMS, ACTIVITIES, PROJECTS (PAP)	COVERAGE	RESPONSIBLE STAKEHOLDERS		TARGET DATES	EXPECTED OUTPUTS
Medium (2014)	Annual (2009-2013)			DB	CH		
<p>where there are high incidence of persons with severe disabilities</p> <ul style="list-style-type: none"> <li>Cases in courts, prosecution resolved. Complaints from PWDs, CSOs on accessibility with resolutions</li> </ul>	<p>sector</p> <ul style="list-style-type: none"> <li>2011-2013 – Programs, activities and projects for C/YDs, WWDs, and other PWDs: students, employed PWDs: CICL, in armed conflict, IPs, victims of disaster/calamities, dependent of migrant workers, abused, abandoned, neglected, exploited, with severe intellectual, physical, sensory, motor impairment are consistent with HRBA</li> <li>2010 – Two (2) communities in Luzon, Visayas, Mindanao identified as pilot areas</li> <li>2010 - 2013 – Officials of the Association of Barangay Captains (ABC) nationwide trained on NHE, CBID and HRBA</li> <li>2010-2013 – skills training/ competition conducted in the LGUs</li> <li>2010-2013 – Programs of TESDA, DOLE (Tulay), CHED, DTI, DENR disseminated</li> <li>2011-2013 – sports/ literary musicals/ arts competition are held in the community</li> <li>2011-2013 – library on disability are included in main library LGUs</li> <li>2010- 2013- re-training on TAWAG (Tuloy Aral walang sagabal) EDPID and other programs of DSWD on PWDs/ dare care workers</li> <li>2010 to 2013 – NGAs, LGUs, NGOs, DPOs, CSOs trained on the correct use of disability language</li> <li>2010-2013 – AO 255 on moral recovery program/ plans exist on NGAs and LGUs</li> <li>2010 – 2013 - continuous advocacy thru the use of the mass media: radio/ TV guestings</li> </ul>	<ul style="list-style-type: none"> <li>Pilot LGU communities in Luzon, Visayas, Mindanao in the implementation to NHE, CBID, Inclusive Education</li> <li>Monitor the profiling/ data collection of PWDs, disaggregated into age, sex, place of origin, civil status, education, socio-economic status and others</li> <li>Document best practices/ success stories on disability.</li> <li>Monitor the implementation of plans, PAPs and document findings.</li> <li>Review national/ local tracking system of the NGAs, LGUs to include PWDs as claimholders.</li> <li>Install monitoring instrument to monitor the implementation of plans, PAP</li> </ul>	<p>Luzon, Visayas, Mindanao</p> <p>Nationwide</p> <p>Nationwide, region-wide</p> <p>Nationwide, region-wide</p> <p>Nation-wide</p> <p>Nationwide</p>	<p>NCDA</p> <p>NCDA/DOH</p> <p>NCDA</p>	<p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSO</p> <p>PWDs/ DPOs/ CSOs</p> <p>PWDs/ DPOs/ CSO</p> <p>PWDs/ DPOs/ CSO</p> <p>PWDs/ DPOs/ CSO</p>	<p>2011</p> <p>2010</p> <p>2011</p> <p>2010-2014</p> <p>2011</p> <p>2011</p>	<ul style="list-style-type: none"> <li>Registration/ survey of PWDs, PWD-ID issuance increased by 50%</li> <li>Funds available to augment resources of the RCDA &amp; LGUs</li> <li>Reports from the Regional/ Municipal Trial courts/ prosecution/ law enforcement early disposition of cases involving PWDs.</li> <li>CRPD &amp; other laws, policies, published in leading newspapers, in broadcast and print media</li> <li>International cooperation realized thru exchange of volunteers' staff or thru Scholarships grants.</li> <li>Reports showed increased participation of PWDs in decision-making.</li> <li>N/RDS has become avenue to raise disability issues and challenges.</li> <li>CBID (CBR), NHE pushed for the implementation of PAP in the rural areas.</li> <li>Positive acceptance of the community to PWDs</li> </ul>

## **Linkages With Other Development Initiatives and Plans**

The NHRAP-CRPD will be linked to the Millennium Development Goals (MDGs) particularly to halve the proportion of people living in extreme poverty by 2015; halve the proportion of population below the minimum level of dietary energy consumption and halve the proportion of underweight children including children with disabilities. It will likewise be linked to the Medium Term Philippine Development Plans (MTPDP) from 2011 to 2016 particularly on education, livelihood, information and communication technology, health and social protection

Moreover, the NHRAP-CRPD will be linked to the National/ Regional Plan of Action on the Decade of Persons with Disabilities from 2003 to 2012 on a barrier, inclusive free and rights based society, and to the Annual Investment and Development Plans (AIDP) of Local Government Units starting from 2010 to 2014 and beyond. It will also be linked to the Work and Financial Plan of Disabled People's Organizations, Civil Society Organizations and non-government organization

## **Human Rights Capacity Building Plan**

### **Assessment of the strengths and weaknesses of duty-bearers and claimholders**

The NCDA and RCDA member agencies have been provided capacity building/trainings on various disability-related laws, policies, and international commitments. After the adoption of the UN-ESCAP Biwako Millennium Framework through the National Plan of Action for the Decade of Persons with Disabilities, the seven (7) priority areas of concerns were immediately cascaded to the regions, provinces, and cities. There were two (2) National Forum conducted, aimed to review the National Plan of Action.

### **Education Training Plan**

The education plan of NHRAP-CRPD will focus on the popularization of CRPD through the conduct of orientations, consultations, capacity building activities, technical assistance, mentoring, and coaching. It would also include the conduct of Conventions, Fora, Summits, Congress and other educational activities that will project obligations of duty-bearers and entitlements of the claimholders.

Table 4. Human Rights Capacity Building Plan

Thematic Objectives	Education & Training Activities	Coverage National/ Sectoral / Local	Target Participants		Responsible Parties	Expected Output
			DB	CH		
<p>1. To harmonize domestic legislative, administrative and judicial policies with the UN-CRPD creating an inclusive barrier-free and rights-based environment where existing general/disability-specific legislations are reviewed, repealed and amended, and the passage of new disability laws.</p> <p>2. To mainstream human rights standards in development and governance through the implementation and monitoring of plans and PAPs by government agencies for PWDs.</p> <p>3. To popularize the UN-CRPD through traditional/ non-traditional</p>	<p><b>Orientation: CRPD/ HRBA of the</b></p> <ul style="list-style-type: none"> <li>➤ Legislative branch</li> <li>➤ Judiciary including 5 pillars of the JIS</li> <li>➤ Executive Branch</li> <li>➤ Local Chief Executives thru the League of Provinces (ULAP), cities &amp; municipalities</li> <li>➤ Business Sector/ academe/ church</li> </ul> <p><b>Capacity building on UNCRPD using the HRBA, Sensitivity training on disability</b></p> <ul style="list-style-type: none"> <li>➤ Members of the Sanggunian Panlalawigan (province) Panlungsod (cities) &amp; Pambayan (municipalities) Budget officers, Accountants</li> <li>➤ Planning &amp; Development Officers</li> <li>➤ Chairpersons of the NCDA Sub-committees</li> <li>➤ Accessibility Monitoring Team (AMT)</li> <li>➤ Religious and inter-faith groups</li> <li>➤ Tri-media, Radio, print, TV, other non-traditional mass media</li> </ul> <p><b>Orientation/ re-orientation, consultation, meetings, workshop :</b></p> <ul style="list-style-type: none"> <li>➤ Technical Working Group in the</li> </ul>	<p>Cluster regions: Cluster 1: Reg 1,2 &amp; CAR; Cluster 2: Reg.NCR, 3, 4-A,B &amp; 5 Cluster 3: Reg. 6,7,8 Cluster 4: 9,10, CARAGA Cluster 5: 11,12 &amp; ARMM National &amp; regional courts including R/MTC, Family courts Nation &amp; region-wide Provincial, city and municipal level National/ local Provincial, city and municipal level nationwide Regional line agencies, local government units Regional and Local government PWD Sector National National/ regional &amp; local</p>	<p>Members of Congress, Judges, family courts, Exec. Branch incl. GOCCs, GFIs Governors, City &amp; Municipal Mayors Chamber of Commerce &amp; Industry, Association retailers/ manufacturers, drugstores, International partners, etc. Members of the Sanggunians: Panlalawigan, Panlungsod &amp; Pambayan Budget officers and accountants Planning officers DPWH-SCABET CHED-Educ. DOH-Health DSWD-ASS DOTC-ICT PIA-Advocacy DFA- IDN DOLE- T,E,L</p>	<p>Persons with disabilities (PWDs), DPOs, CSOs</p> <p>PWDs, elderly, pregnant, infant</p> <p>PWDs and their organizations, CSOs</p>	<p>CHRP and its regional offices, PHRC &amp; NCDA</p> <p>CHRP,PHRC, NCDA, DPWH, DOTC, PIA, KBP,</p> <p>CHRP,PHRC, NCDA, DPWH, DOTC, PIA, KBP</p> <p>CHR Regional Offices, NCDA</p>	<p>➤ BP 344, RA 7277 &amp; other laws consistent with UN-CRPD/ HRBA passed by Congress</p> <p>➤ Evaluation reports showed access to justice of all PWDs and speedy trial/ deposition of cases</p> <p>➤ Reports showed that administrative policies, plans, PAP of national/ regional government agencies harmonized with UN-CRPD/ HRBA</p> <p>➤ Reports showed that LCEs addressed issues/ concerns of PWDs.</p> <p>➤ Reports showed CSR included in the charter of business sector &amp; employed qualified PWDs</p> <p>➤ Local Code/ Ordinances/ Resolutions on disability passed by Sanggunians consistent with HRBA with appropriations/ budget allocation on priority human rights issues on disability.</p> <p>➤ Priority human rights agenda on disability included in W/F plans of the regional agencies &amp; LGUs</p> <p>➤ Reports of the AMT in the region, provinces/ cities showed large number of establishments complied with UN-CRPD and allocated funds for retrofiting</p> <p>➤ News reports in leading newspapers, broadcast, komiks, website included the rights of people with disabilities</p> <p>➤ Reports showed that private schools included the rights of PWDs in the conduct of seminars.</p> <p>➤ WFP of RCDA included the 4 Priority Human Rights Agenda &amp; indicated in their accomplishments reports</p> <p>➤ Annual Investment and Development Plan included disability in its' indicators and provided with budget allocation</p> <p>➤ Resolutions passed by the barangay council included disability priority human rights agenda.</p> <p>➤ Complaints filed by PWDs/ with immediate resolution</p> <p>➤ Reports showed increase participation of PWDs (WWDs) in decision making</p> <p>➤ Reports from the minutes of the meeting included the sector.</p> <p>➤ Evaluation reports showed the extent of PAP provided by NGOs to the sector.</p> <p>➤ Minutes of the meeting showed desired actions</p> <p>➤ Reports on regional issues/ challenges presented to NCDA governing board, RDC and RCDA for action.</p> <p>➤ Inventory reports/ baseline data/ situationer available and</p>

Thematic Objectives	Education & Training Activities	Coverage National/ Sectoral / Local	DB	CH	Responsible Parties	Expected Output
<p>mass-media to draw-out public accountabilitys of the Executive, Legislative and judicial, as well as to inform the PWDs and the general public about NHRAP and how the PWDs participate and benefit from the plan.</p> <p>4. To sensitize and enhance the perceptions of the community to PWDs through the conduct of sensitivity training; correct use of language, value formation/ re-direction of attitudes to duty-bearers and claimholders.</p>	<p>national/ local level including the Regional Committee on Disability Affairs (RCDA), on UN-CRPD, HRBA</p> <p>&gt; Local Committee on Disability Affairs</p> <p>&gt; Association of Barangay Captains</p> <p>&gt; Regional / provincial/ city/ municipal development Council</p> <p>&gt; Non-government organizations with programs on disability</p> <p>4. Technical assistance, coaching, mentoring, to focal persons on disability</p> <p>5. Conduct of Disability Summit, Congress, Conventions &amp; the like at the national, regional level</p>	<p>National/ local</p> <p>Region-wide</p> <p>Provincial, city and municipal</p> <p>Barangays</p>	<p>transportation (SCABET)</p> <p>Publishers, Broadcasters, correspondents, writers, communist</p> <p>National council of churches in the Phil.(NCCP), CBCP, Private/ religious learning institutions, others</p> <p>Members of the RCDA in the 16 administrative regions &amp; 1 ARMM</p> <p>LCEs, Department Heads of the different sections of the LGUs</p>	<p>PWDs</p> <p>PWDs and their organizations</p> <p>Persons with disabilities: employed, in-school</p> <p>PWDs</p> <p>PWDs</p>	<p>CHR, NEDA, DBM, NCDA</p> <p>CHR Regional Offices, DBM</p> <p>CHRP, NCDA, RCDA</p> <p>NCDA/ RCDA LGUs League of Cities, Muns. ULAP,</p>	<p>accessible for legislative, Executive and LGUs consideration.</p> <p>&gt; Proposal, position papers, success stories, best practices, masterlist / inventory of cases, accomplishment reports compiled.</p> <p>&gt; Module on NHE/ CHID/ HRBA presented &amp; used by LGUs in training of PWDs</p> <p>&gt; WFPs national/ local agencies included retrofitting of buildings/ structures/ facilities.</p> <p>&gt; Reports of learning institutions showed increase of CWDs included in regular school: primary, secondary, vocational, tertiary and post graduate.</p> <p>&gt; Evaluation reports showed the extent of PAP provided by NCOs to the sector.</p> <p>&gt; Minutes of the meeting showed desired actions</p> <p>&gt; Reports from the minutes of the meeting included the sector.</p> <p>&gt; Reports on regional issues/ challenges presented to NCDA governing board, RDC and RCDA for action.</p> <p>&gt; Inventory reports/ baseline data/ situationer available and accessible</p> <p>&gt; For legislative, Executive and LGUs consideration</p>

## Resource Generation and Mobilization Plan

The funds needed to coordinate and monitor the implementation of the NHRAP-CRPD should be provided by the accountable and implementing government agencies. In the process, this will paved the way for the total mainstreaming of the rights of persons with disabilities into the orientation and operation of the entire government system in pursuing its development and governance goals. To ensure funding for each PAPs, the lead agencies and the NCDA will undertake the following steps:

**Table 5. Tracking of Resources Delivery**

Steps	Description
1	Lead agencies and identified accountable and implementing agencies and organizations (CSOs included) have categorically rationalized or linked their UN-CRPD PAPs with the Agency-mandated Major Final Output (MFOs) indicators and other PAPs under the General Appropriations Acts (GAA) or with any other special funding appropriations.
2	Secretary level commitments to the UNCRPD thematic plans and corresponding PAPs have been sought during the planning and or before the UNCRPD launching.
3	The NCDA and lead agencies enlist all possible contributions in material and non-material forms for the contributions of persons with disabilities, non-state actors, and the rest of the civil society.
4	New UN-CRPD PAPs not categorically justified under the Lead Implementing Agencies MFOs/PAPs will have to seek transition fund source for 2010 and adequately incorporated or mainstreamed into the 2011 budget and the year thereafter. Until 2014.
5	NCDA, through the Board, assist the lead agencies/thematic cluster in seeking funds at the Secretary level or through the donor community especially for PAPs involving research, education and training for which the government has limited funding source under the GAA.
6.	NCDA monitors through the lead agencies, the UNCRPD funds delivery and constraints on a regular basis for remedial action by the Office of the President.

The NCDA will also mobilize resources from international development partners like: JICA/APCD, Liliane Foundation, CBM, Resources for the Blind, and AusAID.

## **Coordination and Management Plan**

The lead agency to coordinate and monitor the implementation of the NHRAP/CRPD is the National Council on Disability Affairs (NCDA). Being attached to the Office of the President, it is the best position to coordinate and enjoin support of concerned government agencies, private entities and groups to ensure the implementation of the plan.

### **National and Sectoral Policy and Program Coordination**

To achieve consistency in the implementation of all thematic plans especially in the formulation and development of human rights public policies that will directly impact persons with disabilities, the NCDA, as a Council, or through its board members namely: DSWD, DOLE, DEP-ED, DILG, DTI, DPWH, DFA, DOTC, DOJ, PIA, TESDA, Six (6) private individuals including two (2) representatives from NGOs with national network on persons with disabilities (PWDs), two (2) persons with disabilities representing legitimate PWD organizations and two (2) representatives from civic and cause oriented organizations concerned with the welfare of persons with disabilities to ensure the coordination and monitoring of the implementation of all the thematic plans especially in the development of human rights policies that will directly impact persons with disabilities.

### **Thematic Plan Implementation**

At the thematic or treaty level of coordination and monitoring the implementation of the NHRAP/CRPD, the National Council on Disability Affairs (NCDA) will strengthen and capacitate the 16 Regional Committees on Disability Affairs (RCDAs) as the regional structure of the NCDA to coordinate and monitor implementation of the plan.

Existing Task Forces (TF) or Project Management Teams (PMT) of pilot and pioneering projects will be mobilized and strengthened to coordinate and monitor the implementation of PAPS. These will cease upon completion of the PAP. The terms and conditions for the operation of the TF or PMT will be laid out in MOA or MOU to be entered into by the parties.

## **Monitoring and Evaluation Plan**

The Monitoring and Evaluation Plan is one of the most important components of the NHRAP/UN-CRPD. The plan shall be the process for the collection of raw data to evaluate the progress of the implementation of the NHRAP-UN-CRPD. The National Council on Disability Affairs (NCDA) shall take the lead in seeing to it that all stakeholders are able to perform their tasks and that all data collected are processed for the purpose of the plan.

This M and E Plan has two (2) levels of accountability. The first level of accountability is on the implementing agencies, local government units, NGOs and organizations of persons with disabilities, which are responsible for the implementation of plans and programs for the sector. Beneficiaries, claimholders and duty bearers with specific tasks/assignments under each thematic output objective shall be required to submit a quarterly report on their implementation of the plan. The second level of accountability is on the NCDA Secretariat, which is responsible for the over-all monitoring of the implementation of the UN-CRPD.

The M and E Plan has set bases for monitoring, method of evaluation and monitoring reporting system to facilitate the preparation of the documentation of the results gathered. It has defined some terms crucial to the implementation of the plan for unity of understanding the concepts. It has also calendared informal and formal review and evaluation of the plan at the national and local level for validation of the data gathered. In all these activities, adequate number of representatives from the sector of Persons with disabilities will be invited.

## Chapter 10 Crosscutting concerns

### 10.1. General concerns on implementation

- 10.1.1. Insufficient or lack of implementation of the Treaties
- 10.1.2. Prevalence of traditional beliefs and practices that undermine respect for human rights principles on equality and non-discrimination
- 10.1.3. Low public spending for social services
- 10.1.4. Corruption in governmental transactions
- 10.1.5. Limited mandate & resources of the CHRP
- 10.1.6. Need to mainstream gender perspective

### 10.2. SPECIFIC HUMAN RIGHTS CONCERNS

- 10.2.1. Extra-Judicial Killings and Forced Disappearances
- 10.2.2. Human Trafficking
- 10.2.3. Conflicting economic activities in indigenous territories
- 10.2.4. Lack of policy on non-discrimination
- 10.2.5. Persisting Poverty

## Chapter 10 Cross-cutting Concerns

As stipulated in earlier sections, the NHRAP is drawn from the various human rights issues and concerns raised by the different sectors of the country, and foremost, from the concluding observations, comments and recommendations made by the different Treaty Bodies on the Philippine Reports under the core International Human Rights Treaties. As may be deduced later from the nature and extent of the cross-cutting issues, the role of the PHRC is paramount to ensure policy dialogues, reforms and instituting performance accountability and transparent monitoring at the inter-branch and cabinet level of governance. The crosscutting issues may be taken care of by special task forces and committees to lead various initiatives to address and overcome these issues but the sustainability of the political will and commitment will heavily rely upon the executive oversight and monitoring responsibilities of the PHRC and the independent monitoring of the CHRP.

This chapter deals on general and specific concerns on implementation across all the thematic plans covering the NHRAP, which should serve as guide of the different thematic clusters in the implementation of the plan.

### 10.1. General Concerns on Implementation

This tackles with utmost consideration the various institutional, legal and cultural constraints of the country that directly affect the enjoyment and realization of human rights. Following the principle that human rights are *indivisible, interrelated and interdependent*, the following institutional and legal constraints should be overcome, to enable the vulnerable and disadvantaged sectors of the country to fully benefit from the reforms that will be brought about by the implementation of the NHRAP.

#### 10.1.1. Insufficient laws, policies, plans, programs and efficient mechanisms to implement the treaties

As a crosscutting human rights concern and principle, the NHRAP will work on the enhancement of a sound legal framework wherein domestic laws are harmonized with the principles and provisions of the core international human rights treaties. In order to do this, the NHRAP will build on the initiative, orientation and conviction of human rights champions and advocates in both the lower and upper houses of the Congress, as well as in the local legislative bodies, to improve the implementation of the eight (8) core International Human Rights Treaties. The concomitant participation and involvement of the vulnerable and disadvantaged sectors and the rest of the civil society will be mobilized for them to make a positive claim over their right to equality before the law and entitlement to equal protection.

While the 1987 Philippine Constitution considers the treaties as part of the law of the land and there exists remarkable and advance legal framework in the country, it was expressed as a concern by the treaty bodies in their concluding observations on ICCPR (2003), ICESCR (2008), CRC (2009), CEDAW (2006) and CERD (1997 and 2009) the insufficient implementation of the principles and provisions of the treaties. There is this common observation among the treaty

bodies of the absence or lack of information that will reflect the status of the implementation of the various treaties that gives full effect to constitutional provisions dealing with the promotion and protection of human rights in general and to the rights protected by the Treaties in particular. Provisions of the treaties are rarely invoked before or directly enforced by national courts, tribunals or administrative authorities. Again this concern is raised under each thematic plan of the country covering the implementation of all the treaties to include the CMW, CAT and CRPD.

Therefore, there is an urgent need to push for policy advocacy as far as the harmonization of both national and local legislations with the principles and provisions of the treaties inclusive of legislative, administrative and judicial measures that will give full effect to the various rights recognized under the different treaties. The PHRC shall serve as the oversight body that will ensure that affirmative, consistent and progressive steps and actions will be undertaken by its various lead agencies, and will periodically monitor the status of the implementation of all the treaties based on a review of the human rights content and process inputted into the formulation and implementation of domestic legislations both at the national and local levels.

Specifically, the PHRC, in cooperation with the concerned lead agencies, will closely examine specific constitutional and national and local legislative provisions, specific guidelines, protocols or manuals are providing advice on how to implement the legislations and national development strategy and plans that will give full effect to the implementation of the treaties in the Philippines. Part of this, will be the establishment and or strengthening of both national and local implementation mechanisms that were put in place by the government to effect best protection for all vulnerable and disadvantaged sectors of the country and the appropriate national and local performance accountability and transparent monitoring of all initiatives, measures being undertaken by these mechanisms.

Moreover, to improve the implementation of the treaties, the PHRC will undertake advocacy on the mainstreaming of human rights at the policy level through close representation with the NEDA Board and the various cabinet level committees and clusters, which will further require country-wide capacity building on the human rights-based approach (HRBA) that will also engage the international development partners. Henceforth, the PHRC, in cooperation with its lead agencies will ensure the public dissemination of all the treaties and the current concluding observations as recommended by the various treaty bodies.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

#### 1. PHRC

The PHRC as oversight body shall have the following responsibilities:

- To coordinate implementation of the treaties with the policy making bodies
- To disseminate and popularize the concluding observations of all the treaties
- To initiate capacity building in all concerned government agencies
- To enhance the working relationship among the lead agencies

#### 2. NEDA

Pursuant to AO 249, NEDA shall perform the following:

- Capacity building for NEDA central and regional offices
- Mainstream NHRAP into the MTPDP

### 3. Lead Agencies

Pursuant to AO 163, the Lead Agencies shall perform the following:

- Popularization of the treaties and concluding observations
- Ensure sustained coordination with concerned agencies for the implementation of the treaties
- Monitor implementation of the concerned agencies
- Continue partnership with the civil society organizations, which includes NGOs, Church Organizations, academe and peoples organization, especially those who actively participated with the lead agencies in their drafting of the thematic chapters for the NHRAP

#### **10.1.2. Prevalence of traditional beliefs and practices that undermine respect for human rights principles on equality and non-discrimination**

The NHRAP will create opportunities for dialogues and processes that will attempt to identify and change views of key stakeholders on certain customary laws and practices, biases, cultural and religious beliefs that tend to obstruct their ability to observe the basic HR principles of equality and non-discrimination, thereby impeding their capacity to fully implement all the treaties the Philippine government is committed to enforce. It will facilitate the building of a culture of human rights that fosters an environment of peace and understanding of the universal applicability of human rights, regardless of economic class, social status, profession, gender, race or ethnicity, and abilities or disabilities.

The NCIP shall strengthen its advocacy with the Indigenous Peoples, held back-to-back during its field activities, on provisions of the Indigenous Peoples Rights Act such as Section 15 of the said law which provides that ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities but as may be compatible with the national legal system and with internationally recognized human rights.

Section 21 of the same law also emphasizes that the State shall, with due recognition of the distinct characteristics and identity of Indigenous Peoples, accord to them the rights, protection and privileges enjoyed by the rest of the citizenry. The State shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of society. Accordingly, the State shall likewise ensure that any form of force or coercion against Indigenous Peoples shall be dealt with by law.

The lack of participation of women in politics, and their low social and economic status, particularly in rural and/or indigenous cultural communities are specific issues that are deeply rooted on cultural beliefs and biases about women's traditional role in society. Certain traditions constrict women's choices and opportunities to fully develop as human beings and are contrary to the Treaties. Practices on arranged marriage of girls below 18, polygamy and other arranged marriages was viewed that are allowed in the Muslim Code of Personal Laws, was with concern

by the CEDAW Committee Concluding Comments in 2006. To address the lack of understanding of women's vulnerabilities and the poor appreciation of their agency, the CEDAW Concluding Observations recommended gender sensitivity trainings for duty bearers serving in redress mechanisms of the five pillars of the criminal justice system that deal with rape victims and of other cases of gender-based violence. The CMW Concluding Observations also affirmed the need for gender sensitivity trainings among diplomatic personnel who are critical in providing refuge and frontline services to overseas workers in distress, most of whom are women.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. PHRC Secretariat

The PHRC Secretariat to form a working group to initiate dialogues among stakeholders which will initially conduct open dialogues on cultural differences that impede HR promotion & protection

2. DepEd, CHED and TESDA

For DepEd, CHED and TESDA to integrate human rights in the curriculum by incorporating human rights & culture as part of fundamental education in all levels. This would entail the conduct of the following activities:

- Development of a National HR Education Policy Framework
- HR Courses introduction at the elementary, secondary and tertiary levels

**10.1.3. Insufficient budget allocation for social investments**

As raised in the Concluding Observations for ICESCR and CRC, and a major concern raised by the lead agencies and their respective thematic clusters (CEDAW, CMW, CERD, CRPD), enlarging public expenditures for social services will increase level of opportunities to improve the welfare of the vulnerable and disadvantaged sectors of society especially the children, women, urban poor, rural workers, public and private labor, informal sector, indigenous peoples, persons with disabilities, displaced communities, prisoners and detainees, communities caught in armed conflict, among others. In spite of a high GDP growth rate, the Philippine's debt servicing takes up more than 30 per cent of its national budget. The national spending on social services such as housing, health and education remains relatively low, and has in fact decreased over the years. Since national spending is a national policy concern, the PHRC will make representations to the NEDA Board and its cabinet level committees and clusters especially the DBCC (Refer to Chapter 11 on Implementing Structure) to examine the status of national spending on social services, and likewise, closely initiate policy studies and scenarios to progressively effect significant budget raise for social services to take effect during the implementation of the NHRAP.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. PHRC Secretariat
  - To conduct policy dialogues at all levels (Cluster Level of the Cabinet, Committee level, LGUs, NEDA Board, etc.) to come up with recommendations
  - To conduct policy research for recommendations
2. NEDA
  - To lobby increase budget for social service through LEDAC
3. DBM
  - To set policy guidelines on fiscal matters related to HR in line with implementing agencies' mandated functions
4. Concerned Agencies/Thematic Clusters
  - Inclusion in the budget
  - Tap development partners to contribute more to social services

#### **10.1.4. Corruption on governmental transactions**

As a crosscutting concern of the NHRAP, there is an imperative need to improve policy environment for sustaining economic growth that will ascertain “distributive effects and impact of development” to improving quality of life of the poor and marginalized. As stipulated in Chapter 21 of the Medium Term Development Plan 2004-2010, the situation of the country under this concern includes the bureaucrat’s lack of autonomy from big economic interests, low pay of civil servants, low social awareness of the deleterious effects of corruption, high tolerance for corrupt practices, and the need for greater transparency, integrity and accountability in government transactions.

The primacy of this concern is raised in the Concluding observation (ICESCR, 2008), which expresses concerns for corruption in the Philippines as a continuing phenomenon despite the efforts and measures undertaken by the government.

As shared by the government during the April 2008 Philippine UPR Report deliberation by the UN-Human Rights Council, the creation of an Ombudsman, and an electronic information and case management system had already yielded success as the conviction rate had increased, and some officials had been dismissed for their abuses. However, as further recommended under the ICESCR Treaty Body, the Philippines needs to pursue the training of the police and other law enforcement officers, prosecutors and judges on the strict application of anti-corruption laws and to provide in its next periodic report detailed information about progress made, and obstacles encountered, in combating corruption and impunity.

This concern on corruption is integrated into the ICCPR thematic plan but requires top level coordination of policy initiatives and measures with the legislature, with the Ombudsman (which is a PHRC Observer) for the prosecution of corruption cases and other corruption prevention initiatives and with the Executive for a government-wide political will for enforcing internal controls. Thus, as anti-corruption initiatives will practically impact on the

implementation of the NHRAP and its constituent vulnerable and disadvantaged sectors, the Anti-Corruption Council will have to undertake parallel move to strengthen performance accountability and transparency monitoring system that is compliant with international standards, among the five (5) pillars of the criminal justice system and other national and local mechanisms instituted for services delivery, to include the implementation of Citizen's Charters of national government agencies and Local Government Units (LGUs).

For purposes of the implementation of the NHRAP, incidence of corruption in different layers of governance will be closely monitored and expeditiously acted upon, especially those practices happening within the government agencies to include both grand and petty corruption affecting the delivery of public services and impinging upon both civil and political rights and economic, social and cultural rights of the people especially the vulnerable and disadvantaged sectors of the country. Political will of the national leadership will be exercised to curb the interplay of political corruption, private corruption and bureaucratic corruption, focused on strengthening legislations and administrative mechanisms for identifying and sanctioning public officials and employees engaged in corrupt practices.

The development of integrity among the key players in the criminal justice system, coupled with a strong political will, are certainly the most appropriate ways to eliminate corruption in the criminal justice system, which will require the following combination of measures:

- Legislative measures to establish a mechanism that will systematize the coordinative functioning of courts and other court-related agencies; full enforcement and enhancement of the mandatory continuing legal education; criminalization of the private sector's involvement in corrupt practices as stipulated in the United Nations Convention Against Corruption (UNCAC) ; *exemption of corruption cases from bail and non-qualification of the accused to any form of executive clemency*; review and amendment of laws and simplification of the rules of procedures that will expedite disposition of cases;
- Procedure measures that will look into all possible ways to enhance and enforce the continuous trial system; and maximizing of the use of the pre-trial stage in order to effect more expeditious disposition of cases;
- Administrative measures to fully implement and monitor a more enhanced case-flow management system in all the courts across the country; appropriate training for key personnel in the criminal justice system, review of fiscal considerations for a more competitive compensation for personnel performing critical role in the criminal justice system; more effective sanctions against erring judges and court personnel; Ensuring a more impartial process in the appointment of judges, prosecutors, law enforcers and other government personnel involved in the criminal justice system

#### **10.1.5. Limited mandate and resources of the CHRP**

The CHRP needs strengthening. Under the 2008 Concluding Observation for the ICESCR Report of 2008, which was reiterated by the CERD Committee in the 2009 Concluding

Observation of the 1997-2008 ICERD Philippine Consolidated Reports, concern and corresponding recommendation was raised that the protection and promotion of economic, social and cultural rights is not included in the mandate of the Commission on Human Rights of the Philippines (CHRP) to include the lack of adequate financial resources available to the CHRP for the implementation of its investigative and monitoring functions and the expeditious adoption of the Commission's Charter. Earlier, similar concern was raised under the Concluding Observation of the CRC Report of 2005 regarding the limited mandate and resources of the Commission on Human Rights of the Philippines and gave reference to the Committee's general comment (2002 and 2008) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, that the Philippines consider broadening the mandate of the CHRP regarding the monitoring of children's rights and providing CHRP with adequate resources in order to strengthen the investigation of individual complaints filed by children in a child-sensitive manner. The newly enacted MCW designates the CHRP as Gender-Ombud to investigate violations to women's rights. It is incumbent upon the PHRC to support at all cost the strengthening of the CHRP.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. CHRP
  - To lobby with Congress for the passage of its Charter
2. PHRC
  - Legislative advocacy to enact the CHRP Charter
3. NEDA
  - To lobby with LEDAC for the passage of the CHRP Charter for the inclusion of the ICESCR and increase budget allocation

#### **10.1.6. Mainstreaming of Gender Perspective**

As a strategic step towards operationalizing gender equality and women's empowerment, both as objective and as instrument for implementation of the NHRAP, the policies, programs, projects and activities across the thematic plans will be guided by the principle that development initiatives should incorporate the priorities and rights of both women and men in order to address the structural inequalities that prevent women from realizing their potential as human beings, producers and agents of change in development. This is in keeping with the many United Nations commitments to mainstream Gender Perspective in all human rights and development issues. The 2006 CEDAW Committee's Concluding Comments noted the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

Thus, it is imperative to enhance the following gender concerns across the thematic plans preferably on the following priority concerns:

ICCPR

- a. **Right to Participation:** Implementation of the UNSCR 1325 & 1820 – women’s role in the peace process

ICESR

- b. **Right to Reproductive Health Services:** Ensuring provision of accessible, appropriate, effective, quality and acceptable reproductive health services to all women.
- c. **Right to Social Security and Social Assistance (Art9):** Affirmative action, i.e., social and economic safety nets for the informal sector that is comprised mostly by women.
- d. **Right to Work (Art 6) and to equal pay for equal work; safe and healthy working conditions (Art7) :** Addressing the employment and income gaps between women and men.
- e. **Right to Food and Work.** Ensuring poor women’s access to food and work to improve conditions of poverty in hunger stricken areas and in areas affected with armed conflict.

CRC

- f. **Right for Protection vs VAW.** Protection of the girl child from all forms of gender-based violence, especially those who are under institutional care of shelters, rehabilitation centers, etc.
- g. **Right to Freely Chose whom and when to Marry.** Discourage traditional practices that permit arranged marriages for children.

CRPD

- h. **Right to Protection vs VAW and other Forms of Gender-Based Discrimination.** Protection for women and girls with disabilities, who are socially disadvantaged twice over by virtue of their sex and disability, and its effects
- i. **Right to Participation.** Increased recognition of women’s potential in community/nation-building, including women with disabilities.

CERD

- j. **Right to Protection vs VAW and other Forms of Gender-Based Discrimination** Protection for indigenous women, who are socially disadvantaged twice over by virtue of their sex and ethnicity, and its implications.
- k. **Right to Participation, Right to Human Dignity.** Increased recognition of indigenous women’s potential in community/nation-building.

- To strengthen all procedural and legal guarantees in order to enhance the prevention of and protection against the occurrence of torture and other cruel, inhuman, or degrading treatment or punishment.
- To introduce a holistic training and education program in military and public safety institutions that shall integrate human rights knowledge and values in order to produce disciplined, professional and rights-respecting military, public safety and custodial personnel (AFP/PNP/BJMP).
- To work towards uplifting detention facilities and overall detention management efforts to the level acceptable by international standards and fully sensitive to the rights and needs of women and children inmates.

## **10.2. Specific human rights concerns**

This focuses on a number of pervading human rights concerns that cut across all the thematic plans of the NHRAP.

### **10.2.1. Unexplained killings and enforced disappearances**

As a pervading concern raised by various Treaty Bodies (ICCPR, 2003; ICESCR, 2008; and CERD, 1997) and also, raised in the interactive dialogue with members of the UN-HRC on the Philippine UPR Report deliberation in April 2008 with substantive issues brought up by non-government human rights organization in said international forum, extra-judicial killings and forced disappearances require utmost consideration and attention across all the thematic plans of the NHRAP affecting practically almost if not all the vulnerable and disadvantaged sectors of the country.

Early on, the Committee on the Elimination of Racial Discrimination (ICERD, 1997 and 2009) brought up the concern that many reported cases of disappearances, including members of indigenous peoples and Muslim Filipinos, have not yet been fully investigated and brought before the courts. Just very recently in the CERD Concluding Observation of 2009, the Committee reiterated its concerns that IP leaders continue to be victims of extrajudicial executions as well as disappearances and detention. As raised by the Human Rights Committee (ICCPR, 2003), the concern regarding reported cases of extrajudicial killings, arbitrary detentions, harassment, intimidation and abuse, including of detainees, many of whom are women and children, have neither been investigated nor prosecuted that has yielded to a situation that is conducive to perpetration of further violations of human rights and to a culture of impunity. The treaty body has recommended that the Philippines should adopt and enforce legislative and other measures to prevent such violations, in keeping with articles 6 and 9 of the Covenant and to improve the implementation of relevant laws. The Philippines should conduct prompt and impartial investigations, and prosecute and punish the perpetrators. Again the Concluding Observation for the ICESCR Report of 2008 has noted the limited progress made by the Philippines in investigating cases of forced disappearances and extra-judicial killings and in prosecuting the perpetrators of these crimes and has recommended that all alleged cases of forced disappearances and extra-judicial killings are promptly and thoroughly investigated, and

that alleged perpetrators are prosecuted and appropriately punished, if found guilty. On the same year of 2008 during the deliberation of the Philippine UPR Report by the UN-HRC, it was pointed out that while progress on these human rights issues was noted by member-countries of the Council, some others argued that significantly more was needed. Slovenia, France, Norway, Japan, Australia, Great Britain, the Netherlands, the United States of America and Mexico asked for further elaboration on the measures taken by the Government to implement the recommendations of the Melo Commission and Special Procedures. The Philippines committed to continue to address the issue of unexplained killings, building up on its preliminary gains involving the arrest of suspects, bringing their cases before court, and the institution of two writs for the protection of citizens.

As stipulated under the mandate of the Task Force USIG, it is envisioned to provide an effective and efficient strategic approach in directing and optimizing the investigative and procedural capabilities of all PNP units for the resolution of cases. As part of its operating system, the Task Force is responsible for investigating the killings; securing witnesses; bringing the perpetrators to justice; taking a proactive role to ensure citizens are protected; establishing if there is an existence of pattern of serialized killings victimizing leftist activists; and establishing a reward system. Coordinating offices under the Task Force include the directorial staff offices of intelligence (DI), investigation and detective management (DIDM), operations (DO) and police community relations (DPCR), national support units for criminal and forensic investigation (CIDG and CLG), legal and intelligence services and community and public information (LS, IG and PIO)

As a cross-cutting concern of the NHRAP, the PHRC in cooperation with concerned lead agencies especially the DILG, will be expected to assist the PNP (all investigative functions) in capacitating the task force based on international human rights standards and periodically monitoring the implementation of its mandates in conformity with the human rights principles and provisions of rights recognized under all the relevant international human rights treaties. Specifically, the PNP will enhance efforts to fully implement human rights and gender principles that comply with particular human rights standards, especially applicable to members of the vulnerable and disadvantaged sectors.

The Concluding Observations of CRC (2009) reiterates its previous concluding comments and referring to article 6 and other relevant articles of the Convention relative to the pattern of violations of children's right to life, including in the context of the internal armed conflict. This was also highlighted in the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions and other sources committed by the Philippine Armed Forces, Philippine National Police and death squads operating in Davao.

The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of children, inter alia, by taking all necessary measures to prevent extrajudicial killings of children and to thoroughly investigate all alleged cases of killings and bring the perpetrators to justice.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. DILG

- Ensure the thorough and impartial investigation of erring police officers.
- Ensure that the evidence must be strong and sufficient for conviction.
- The investigative capabilities of the PNP and NBI should be improved and enhanced through the following measures, among others:
  - a) improvement of the forensic laboratories and equipment of the PNP and NBI and further training of forensic technicians;
  - b) establishment of a national automated ballistic information system;
  - c) procurement of a software program for composite sketches of suspects;
  - d) adoption of crime mapping in all police stations and NBI offices;
  - e) strengthening of the information reward system.
  - f) Proper orientation and training of security forces.
- Inculcate proper understanding of and emphasis on the concept of Command Responsibility (through the conduct of intensive seminars, orientations, or training for mid to high-ranking officers).

2. PHRC

- As mandated by AO 163, the PHRC shall continue to assess and monitor all aspects of the human rights situation in the country and to collate all necessary data on human rights violations and abuses

3. NCIP

- NCIP-Office of Empowerment & Human Rights to develop a framework and tools in documenting IP HR Violations;
- Designate and operationalize HR Focal Persons at the NCIP Field Offices;
- Encourage the Indigenous Peoples Consultative Body(IPCB) to come up with their respective HR Focal Persons at the ancestral domain, resettled community, municipal and provincial levels;
- HR Focal Persons to document IP HR violations in their respective areas of jurisdiction and refer to appropriate agencies/security agencies of government for appropriate action copy furnish NCIP Regional and Central Offices;
- HR Focal Persons to serve as field coordinators and resource persons in the HR situation monitoring by concerned agencies of government; and,
- HR Focal Persons to ensure cultural sensitivity issues and concerns in their field of work.

**10.2.2. Human trafficking**

Human Trafficking as a crosscutting human rights concern involves other risk factors compounding trafficking activities. Among others, these risk factors include deepening poverty, massive overseas migration, accelerating demand, sex tourism and weak enforcement of laws in the country. Women and children face the greater risk of being trafficked; most reports of human trafficking involve sex slavery and labor bondage.

The Concluding Observation of the Human Rights Committee (ICCPR, 2003) points to over numerous instances of trafficking of women and children in the Philippines both within the country and across its borders. Despite the existence of RA 9208, it is concerned that insufficient measures have been taken actively to prevent trafficking and to provide assistance and support to the victims. It recommended that the Philippines should take appropriate measures to combat trafficking in all its forms, by ensuring effective enforcement of the relevant legislation and imposing sanctions on those found responsible and to ensure gender-specific training to sensitize the officials involved with problems faced by victims of trafficking, in accordance with articles 3, 8 and 26 of the Covenant. The Committee on Economic, Social and Cultural Rights (ICESCR, 2008) gave its Concluding Observation that notes with concern that, notwithstanding the various legislative, administrative and policy measures adopted by the Philippines to combat trafficking, a high number of women and children continue to be trafficked from, through and within the country for purposes of sexual exploitation and forced labor, including syndicated mendicancy using women, men and children with disabilities, and noted as well the low number of prosecutions and convictions of traffickers. It recommended that government intensify its efforts to combat trafficking in human beings, especially women and children, for purposes of sexual exploitation and forced labour, inter alia by supporting programs and information campaigns to prevent trafficking, providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation and increasing the provision of medical, psychological and legal support to victims.

The Committee on the Rights of the Child (CRC, 2009) was gravely concerned about trafficked Philippine children both within the country and across borders. The Committee expresses its concern about existing risk factors contributing to trafficking activities, such as persistent poverty, temporary overseas migration, growing sex tourism and weak law enforcement in the State party. The Committee urged the Philippines to a) review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection, inter alia, by including in the law equal sanctions to all perpetrators of sexual offences against children; (b) Set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law; (c) Conduct a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation and trafficking of children; (d) Provide adequate programs of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children.

In 2006, the Committee on the Elimination of Discrimination Against Women issued its Concluding observation noting its concern at the continued feminization of migration; that bilateral agreements and memorandums of understanding do not exist with all countries and regions to which Filipino women migrate; and that women workers who migrate to other countries and regions in search of work opportunities through informal channels remain vulnerable to becoming victims of various forms of exploitation, violence and trafficking. Committee urged to continue conducting bilateral agreements and memorandums of understanding with countries and regions to which Filipino women migrate in search of work; Request to develop policies and measures to protect women migrant workers who go abroad through informal channels from all forms of violations of their rights; and encouraged to take a

coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or employment.

Further, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in its Concluding Observations, (CNW 2009) while noting the significant efforts of the Philippines such as the recent convictions of traffickers and the "We are not for sale" campaign, it was concerned about the significant number of Filipino workers abroad who are victims of trafficking. Committee further regretted the very limited number of cases of filing, prosecution, and conviction of perpetrators of trafficking with many of those cases being dismissed at preliminary stages. Committee likewise urged the Philippines to continue its efforts to promote the enhancement and empowerment of migrant women facing situations of vulnerability.

Created under Section 20 of Republic Act No. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003, the Inter-Agency Council Against Trafficking (IACAT), composed of the Secretaries of the Department of Justice and Social Welfare and Development as chair and co-chair, respectively, and the heads of Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Philippine Overseas and Employment Administration (POEA), Bureau of Immigration (BI), Philippine National Police (PNP), National Commission on the Role of Filipino Women (NCRFW) and three representatives from non-government organizations as members. The national IACAT and its local counterpart serve as the coordinating and monitoring mechanism on all anti-human trafficking efforts of the government. It is also tasked to formulate comprehensive and integrated programs as well as harmonize all government initiatives to address the issues of trafficking in persons (TIP). To complement the functions of the IACAT the Task Force against Human Trafficking (TFHT) was created by virtue of Executive Order. No. 548-A. TFHT is an inter-agency body composed of the Commission on Filipinos (CFO) as chair, and members from the National Bureau of Investigation (NBI), the Philippine National Police (PNP), and other relevant government agencies, which has the following functions: a) recommends to the IACAT policies, programs, and services to enhance government initiatives against trafficking in persons; b) conducts surveillance and entrapment operations in consultation and coordination with the IACAT; c) causes or directs the immediate apprehension, investigation, and speedy prosecution of persons involved in, or of cases involving trafficking in persons, and monitor progress of such cases; d) provides adequate legal, psychosocial and other forms of assistance to trafficked persons; and e) consolidates various sources of data and statistics on trafficking.

The DOJ will ensure that the IACAT member agencies will be fully capacitated on the HRBA to ascertain that rights recognized under relevant treaties applicable to human trafficking will be given full effect in the plans, operations and systems of the IACAT. Foremost, the IACAT will closely examine specific constitutional and national and local legislative provisions, specific guidelines, protocols or manuals are providing advice on how to implement the legislations and national development strategy and plans that will give full effect to the implementation of the treaties relevant to human trafficking. Also, the PHRC will ensure the establishment of a performance accountability system and transparent monitoring of the

operations of the IACAT in the areas of prevention, prosecution, protection and assistance to victims, recovery and repatriation, reintegration and rehabilitation of victims.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. DOJ
  - Capacity building and trainings
  - Lobby for additional budget
2. PHRC
  - Establishment of a performance accountability
3. DFA
  - Strengthened international coordination for the protection Filipinos against trafficking and pursuit of cases on trafficking, included those of public servants involved in its enforcement
4. DILG
  - Issuance of Memorandum Circulars and such other directives to the LGUs to ensure the strict implementation of RA9208 as well as enhance public awareness of laws, legislations and international agreements on trafficking in persons at the grass-roots level.
  - Explore and develop multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime of human trafficking, in cooperation with and/or assistance from ASEAN Member Countries and other regional and international partners.
5. DSWD (per RA 9208)
  - Provide psycho-social counseling, temporary shelter and other support services to victims/ survivors of trafficking and their families
  - Make available skills training and livelihood services to victims/ survivor of trafficking;
  - Develop program and other support interventions to facilitate the recovery and reintegration of trafficked victims into their families and communities;
  - Provide social welfare services to Filipino victims in other countries through DSWD Social Welfare Attaché and social workers posted in foreign countries, which may include but not limited to stress management, repatriation and other appropriate psychosocial interventions for their protection and welfare;
  - Conduct technical assistance and capacity building activities for social welfare officers/ social workers of LGUs and NGOs;
  - Accredite NGOs that provide programs and services to ensure that they meet the standards set by the Department; and
  - Provide temporary shelter and psycho-social services to foreign nationals who are victims of trafficking in persons as confirmed by the Bureau of Immigration

- Provide immediate and long term strategic programs that will lessen poverty (e.i. Pantawid Pamilyang Pilipino Program)
  - Ensure protection of children, women, disabilities and older persons during the clearing operations/ demolition from further abuse
  - Provide livelihood assistance to these informal sectors through their identified organizations where they belong
  - Provide temporary shelter, especially those who are vulnerable to abuse, until they will be able to find a safer community
6. Council for the Welfare of Children
- Integrate in its development and strategic framework issues and concerns affecting trafficking in children and ensure the adoption of such framework by the LGUs and other stakeholders;
  - Vigorously advocate against trafficking of children;
  - Improve data on trafficking in children through integration of critical and relevant indicators into the monitoring system for children;
  - Adopt policies and measures that will protect and promote the rights and welfare of children of trafficking and coordinate and monitor their implementation; and
  - Address issues on trafficking of children through policy and interventions

### **10.2.3. Conflicting laws and economic activities in the ancestral domains/lands and resettled areas of indigenous peoples**

This is one crosscutting concern, which does not only affect the indigenous peoples but has overriding effect on the sustainable development of the country. Early on, which remain to be a current issue, the Concluding Observation of the ICCPR Report of 2003 manifests concern about the lack of effective implementation of the IPRA of 1997 and the human rights implications for indigenous groups of economic activities, such as (a) mining operations and recommends that the Philippines should ensure effective enforcement of the above legislation; (b) ensure that indigenous peoples' land and resource rights enjoy adequate protection in relation to mining and other competing usage; (c) and that the capacity and resources of the NCIP is strengthened and positive measure should be expanded to include land rights issues.

Similar concern was raised lately under the Concluding Observation of the ICESCR Report of 2008 on the adverse effects that economic activities connected with the exploitation of natural resources, especially mining operations, carried out in indigenous territories that continue to have negative impact on the right of indigenous peoples to their ancestral domains, lands and natural resources, as recognized in the 1997 Indigenous Peoples Rights Act (IPRA). Also concern about the conflict of laws between the 1995 Mining Act and IPRA, and notes in particular that section 56 of the IPRA, which provides for the protection of property rights already existing within the ancestral domains, poses *de facto* risks to undermine the protection of the rights recognized to indigenous peoples under the IPRA. The Committee followed up on its earlier recommendation to fully implement the IPRA, in particular by ensuring the effective enjoyment by indigenous peoples of their rights to ancestral domains, lands and natural resources, and avoiding that economic activities, especially mining, carried out on indigenous

territories adversely affecting the protection of the rights recognized to indigenous peoples under the Act.

Parallel concern was raised under the Concluding Observation of the CRC Report of 2009, which encourages the Philippines to promote indigenous, minority and local languages in education and also, recommends to allocate adequate financial, human and technical resources in order to provide indigenous children and children belonging to indigenous communities with equal access to quality education which respects their distinct cultural patterns and uses local indigenous and minority languages in education through, inter alia, the Lingua Franca Project.

The Committee also recommends that the State party pursue and strengthen its efforts to develop an efficient and free birth registration for all children, especially those living in remote areas of the country, with particular attention to Muslims and indigenous children living in Mindanao.

For indigenous women, the Concluding Observation for the CEDAW Report of 2005 expresses its concern about the a) precarious situation of rural and indigenous women, as well as the Muslim women in the autonomous region of Muslim Mindanao, who lack access to adequate health services, education, clean water and sanitation services and credit facilities. b) Women's limited access to justice in cases of violence, especially in the conflict zones, and the lack of sanctions against the perpetrators of such violence, c) the practice of early marriage is persistent among Muslim women.

Likewise, the Concluding Observation calls upon the government to pay special attention to the needs of rural women, indigenous women and Muslim women living in the autonomous region of Muslim Mindanao, ensuring that they have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision-making processes. It further recommends (a) to ensure women's access to justice through the provision of legal aid; (b) take steps to prosecute the perpetrators of violence against them; (c) encourages to provide increased educational opportunities to Muslim girls to discourage early marriages; and (d) requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women.

The status of indigenous peoples demands attention from the legislature for the existence of conflicting laws, the judiciary for access to justice and national government agencies for the basic services that indigenous communities need. While the NCIP is there to look after the situation of the indigenous peoples, the PHRC needs to strengthen as well, its representation to the concerned branches and agencies of government for the full exercise of political will to improve the plight of the indigenous peoples. All policy issues need to be brought to all relevant cabinet level committees and cabinet clusters.

The foregoing discussions and Concluding Observations had been tackled during the Consideration by the CERD Committee of the 15<sup>th</sup> to 20<sup>th</sup> Consolidated Periodic Report on ICERD of the Philippines covering the period 1997-2008. While progress have been registered on the degree of enjoyment of rights by the Indigenous Peoples in the last few years through NCIP's CADT/CALT delineation and titling activities, formulation of Ancestral Domains Development and Protection Plan assistances, the imposition of the Free, Prior and Informed Consent, Indigenization of the Educational Curriculum, access to justice, IP governance and assertion of IP rights over Environment and Natural Resources (ENR) laws, much have yet to be done on policy enhancement and implementation aspects. However, such are separately and more thoroughly discussed in Chapter 8 of this program document.

#### **10.2.4. Lack of legislation on non-discrimination**

Non-discrimination is both a cross-cutting issue and a principle that needs to be addressed in the implementation of the NHRAP. Earlier under the Concluding Observation for ICCPR Report of 2003, concern was raised regarding the lack of legislation explicitly prohibiting racial discrimination as a matter of concern (arts. 3 and 26). While there is constitutional provisions guaranteeing equal treatment of all persons before the law, it was recommended that the Philippines should take the necessary steps to adopt legislation explicitly prohibiting discrimination, in accordance with articles 3 and 26 of the Covenant, to pursue its efforts to counter all forms of discrimination and to strengthen human rights education to forestall manifestations of intolerance and *de facto* discrimination.

The Concluding Observation for the ICESCR Report of 2008 followed up the concern that the Philippines has not made sufficient progress in reviewing and repealing discriminatory provisions against women still existing in national legislations. Thus, this concern is an overriding concern of all the lead agencies and thematic clusters of the PHRC for the implementation of all thematic plans. Moreover, with respect to persons with disabilities (PWD) the attention of all the lead agencies and thematic clusters are called upon to ensure that their PAPs and the various policies and reform measures both at the national and local level, will bear sensitivity to inclusive development and disability rights under CRPD across all vulnerable sectors.

The Concluding Observation on CRC (2009) urges the State to increase effort to eliminate discrimination against children and in particular to adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all vulnerable groups of children and aimed at combating discriminatory social attitudes towards girls, children living in poverty, children with disabilities, indigenous and minority children, including Muslim children in Mindanao, migrant children, street children and children living in rural areas as well as children in conflict areas.

While the Indigenous Peoples Rights Act already provides provisions for the non-discrimination of Indigenous Peoples, and while specific anti-discrimination bills, specifically on anti-religious and anti-racial profiling are now being deliberated in Congress, the CERD Committee on its Concluding Observation of 2009 recommends that the Philippines adopt a

comprehensive law on anti-discrimination on the grounds of race, color, descent or national or ethnic origin which covers all the rights and freedoms provided under the ICERD.

#### **10.2.5. Persiting poverty**

This is one major concern that cuts across all the vulnerable and disadvantaged sectors that requires much attention of all branches of government to include its various agencies and instrumentalities. In the context of the NHRAP implementation, all the thematic clusters need to look into how poverty impact into their respective constituents in terms of securing their rights guaranteed under the relevant treaties. This concern also extends to the private sector, which has the duty as non-state actor in the fulfillment of human rights obligations, to undertake and also observe regulation of economic and business activities that will promote and enhance the creation of opportunities and options for the poor to improve their plight.

The Concluding Observation on the 2008 ICESCR Report expressed deep concern that the percentage of persons living below the official poverty threshold has actually increased to an estimated 36 per cent of the population in 2007. It is also noted with concern the wide regional disparities between the National Capital Region and the poorest regions of the country, in particular the Autonomous Region of Muslim Mindanao, and the significant inequalities in income distribution, especially between urban areas and poor rural areas.

Moreover as mentioned in the Concluding Observation an estimated 16.5 million, roughly 30%, of the urban population continue to live in informal settlements and slums, sometimes built on riverbanks, railroad tracks and other high-risk areas, with no or limited basic infrastructures and services, without legal security of tenure and under constant threat of eviction. Also noted is that the percentage of the national budget allocated to the realisation of housing programs aimed at providing security of tenure and affordable housing, such as the Presidential Land Proclamation, is not sufficient to increase the supply of social housing units for members of the most disadvantaged and marginalized groups. This situation has been aggravated with the recent calamities which brought massive concerns for survival, livelihood and dignity among the poor informal settlers.

Noting further that 90% of persons with disabilities are living below poverty threshold, measures to address poverty should be done side by side measures that address the prevention and mainstreaming of disability issues. There is a vicious cycle between poverty and disability: poverty can also cause disability, while disability pushes you further into poverty and exclusion.

On the other hand, there is also the need to develop a framework to determine the incidence or percentage of poverty in Indigenous Peoples areas, especially with IP communities who are still intact and who are traditionally subscribing to community mores and practices in their respective ancestral domains. An IP family who can perform the rituals of the community is considered well-off in that community but can be below poverty line when measured by way of Western Standards.

To ensure implementation, the following are the suggested tasks of the following relevant agencies:

1. HUDCC
  - Provide relocation that are compete with access water, electricity, road, communication and employment
  - Provide low-cost housing/ subsidized housing for relocates
  - Tap other line agencies to access immediate needs of the community (e.i. DOH, DepEd, DSWD and DOLE)
2. DOLE
  - Provide employment assistance to the relocates
  - Tap private sector near the relocation site for employment of the relocates
3. LGUs
  - Conduct urban planning with consultation to experts in urban development
  - Pass city/municipal ordinance alleviating poverty
  - Provide immediate assistance for informal sector (e.i. health, education, employment, housing, social welfare and justice)
4. DSWD
  - Provide immediate and long term strategic programs that will lessen poverty (e.i. Pantawid Pamilyang Pilipino Program)
  - Ensure protection of children, women, disabilities and older persons during the clearing operations/ demolition from further abuse
  - Provide livelihood assistance to these informal sectors through their identified organizations where they belong
  - Provide temporary shelter, especially those who are vulnerable to abuse, until they will be able to find a safer community

PLAN OF WORK: 2010-2014

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
General Concerns for NHRAP Implementation						
1. Insufficient or lack of implementation of the Treaties	1.1 To institute the mainstreaming of human rights in policy making, development planning and implementation of agency programs, activities and projects	Wide dissemination of the treaties & Concluding Observations	No. of laws conforming with the Treaties;	PHRC -Lead Office of the President Congress JELAC CHRP NEDA RDCSLGUS Relevant CSOs National & Local Media	2 <sup>nd</sup> Quarter of 2010	
		Review of critical laws as to their conformity with international standards  HRBA training across all government institutions to include legislature, executive and judiciary	No. of cases decided invoking the treaties  EO prescribing use of HRBA in development Planning  No. of rights-based institutional operating manuals		4 <sup>th</sup> Quarter of 2010  4 <sup>th</sup> Quarter of 2010	
2. Gender Mainstreaming	2.1. To consciously integrate CEDAW into the implementation of the	2.1.1. Continuing awareness raising activities to increase gender sensitivity and capacity to do gender responsive planning	No. of duty bearers trained  No. of claim	Ncrfw – Lead All Thematic cluster Leads	1st quarter of 2011	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
	other treaties.	<p>2.1.2. Identify gender equality indicators, monitor collection of sex-disaggregated data, and undertake gender analysis</p> <p>2.1.3. Engender the treaty reporting process and outputs</p>	<p>holders trained</p> <p>Annual progress in the achievement of gender equality targets of the NHRAP</p>		<p>3<sup>rd</sup> quarter of 2010</p> <p>Annual Reports</p>	
3. Low public spending for social services	2.1 To effect annual and progressive increase of budget	2.1.1 Continuing Policy dialogues among cabinet committees and clusters	Annual progressive budget increase	NEDA Secretariat-Lead NEDA Board Cabinet Committees &	Annual Fiscal year	
		2.1.4. Conduct policy studies to demonstrate indivisibility, interdependence and interrelatedness of women's rights to other rights.	<p>No. of women's groups consulted during the treaty reporting process</p> <p>No. of times CEDAW provisions are cross referenced in the Treaty reports</p> <p>No. of studies conducted.</p>		4 <sup>th</sup> quarter of 2011	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
	share for social services	2.1.2 Continuing policy dialogues with concerned committees of chambers of Congress  2.1.3 Conduct of policy studies on mainstreamed and alternative budgeting for social services	for social services reflected in the GAA	Clusters LEDAC PHRC RDCs LGUs Relevant CSOs	2 <sup>nd</sup> quarter of 2010	
4. Corruption	3.2 To improve CPI and level of public confidence	3.2.1 Strengthening of the Multi-Sectoral Anti-Corruption Council;  3.2.2 Monitoring Implementation of the UNCAC and Philippine UNCAC Roadmap  3.2.3 Monitoring Implementation of Citizens Charters at national & local levels  3.2.4 Formulation and adoption of necessary legislative, procedural and administrative measures across institutions involved in the criminal justice system consistent with international standards on anti-corruption and human rights	No. of domestic laws complying with the UNCAC mandatory legislative requirements  No. of convictions  Increase in national and local expenditures for social services	Ombudsman-Lead Executive, legislative and Judicial Branches, JELAC, LEDAC RDCs  National and local Business Chambers, Concerned CSOs and National & Local Media Organizations  Ombudsman-Lead Executive, legislative and Judicial Branches, JELAC	2 <sup>nd</sup> Quarter of 2010	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
4. Limited mandate and resources of CHRP	4.1 To facilitate passage of the CHRP Charter conforming with the Paris Principles on National Human Rights Institutions	4.1.1 Legislative Advocacy 4.1.2 Monitoring of status of the proposed bill at every stage of the legislative mill	Improved public confidence and public trust Commission's Charter	CHRP-Lead Congress, & Office of the President, PHRC Concerned CSOs	4 <sup>th</sup> Quarter of 2010	
<b>Special Human Rights Concerns</b>						
1. Extra-Judicial Killings and Forced Disappearances	1.1 To effect expeditious actions on EJK and disappearances conforming with relevant provisions of	Establishment of performance accountability & transparent monitoring system to include indicators and benchmarks Continuous monitoring of the status	No. of convictions No. of rights-based institutional operating	TF 211 - Lead Task Force Usig -Lead PHRC Concerned RDCs Concerned CSOs National & Local Media	2 <sup>ND</sup> Quarter of 2010	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
	the Treaties	and progress of implementation of considerable recommendations of Philip Alston and Melo Commission  HRBA Training	Increased level of compliance with the various recommendations			
2. Human Trafficking	2.1 To enhance mechanisms for the protection of and assistance to victims of human trafficking	2.1.1 Establishment of performance accountability & transparent monitoring system involving IACAT member agencies to include setting of indicators and benchmark  2.1.2 HRBA Training  2.1.3 Review R.A. 6955 and lobby for its amendment particularly on imposing harsher penalties to offenders  2.1.4 Study efficiency of TFHT and lobby for possible extension of E.O. 548-A	No. of convictions No. of recovered & repatriated victims No. of assisted victims	IACAT -Lead PHRC Lead Agencies & thematic clusters Concerned RDCs	2 <sup>nd</sup> Quarter of 2010	
3. Conflicting Economic Activities in Indigenous Territories	3.1 To resolve conflicting laws that impede implementation of the IPRA	3.1.1 Review and amendment of Conflicting Laws  3.1.2 Performance Accountability & Monitoring System to include indicators	Amended conflict law  Reduced no. of	PHRC- Lead NCIP -Lead Cabinet level Committees/Clusters, JELAC	4 <sup>th</sup> Quarter of 2010	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
4. Non-discrimination	4.1 To effect explicit embodiment of the principle of non-discrimination in national & local legislation & services delivery	<p>4.1.1 Review of relevant legislation both at the national and local levels affecting women and men and disadvantaged sectors especially the PWDs, children and indigenous peoples, incorporating therein, an expressed provision on non-discrimination</p> <p>4.1.2 Strengthen human rights education through the media to forestall manifestations of intolerance and de facto discrimination of the vulnerable and disadvantaged sectors of the country</p> <p>4.1.3 Establishment of Performance Accountability &amp; Monitoring System in every government agency and LGU to include indicators and benchmarks</p>	<p>violations against the IPs</p> <p>No. of laws conforming with non-discrimination principle</p> <p>Reduced no. of complaints or cases</p> <p>Increased level of access to services by the disadvantaged</p>	<p>Concerned RDCs</p> <p>PHRC- Lead Concerned PHRC lead agencies &amp; thematic clusters Congress, Local Sanggunian Bodies, LEDAC RDCs</p> <p>PHRC- Lead PHRC Lead Agencies &amp; Thematic Clusters National and local Media Organizations</p>	<p>2<sup>nd</sup> Quarter of 2010</p> <p>3<sup>rd</sup> Quarter of 2011</p> <p>4<sup>th</sup> Quarter of 2010</p>	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
5. Persisting Poverty	5.1 To improve consultation and collaboration between government and private sector in terms of economic policies and mechanisms for partnerships to alleviate poverty	<p>5.1.1 Review of regional disparities and inequalities and adoption of remedial policy measures</p> <p>5.1.2 Strengthening of corporate social responsibility in the private sector by providing them orientation &amp; training on HRBA</p> <p>5.1.3 Oversight monitoring of the economic activities of the private sector vis-à-vis human rights standards</p> <p>5.1.4 Establishment of strong public and private consultative mechanisms focused on poverty site-specific areas (especially with the local business chambers).</p> <p>5.1.5 Setting up of performance accountability and monitoring system that is compliant with international human rights standards</p>	<p>Reduced level of fiscal disparities and income inequalities</p> <p>Increase no. of private establishments with community relations programs</p> <p>Reduced no. of human rights complaints against private sector</p> <p>Increased national and local budget for housing</p> <p>Increased level of livelihood and job</p>	<p>NEDA - Lead Cabinet Committees and Clusters RDCs, Leagues of Local Officials LGUs Concerned CSOs</p>	<p>3<sup>rd</sup> Quarter of 2010</p> <p>2<sup>nd</sup> Quarter of 2011</p> <p>Continuing</p> <p>3<sup>rd</sup> Quarter of 2010</p>	

Cross-cutting concerns	Thematic objectives	Programs/Activities/Projects	Performance Output Indicators	Responsible Parties	Target Completion Date	Resource Requirements
			<p>opportunities generated</p> <p>Increased level of access of the poor to social services</p>		<p>3<sup>rd</sup> Quarter of 2010</p>	

## **Chapter 11**

### **Implementation, Monitoring and Evaluation, and Resources**

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- 11.1 General Implementation Process
- 11.2 Implementing Mechanisms
- 11.3 Oversight Responsibility of the PHRC
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## Chapter 11 Implementation, Monitoring and Evaluation and Resources

### 11.0 Implementation Framework

The NHRAP is guided by the framework that improving human rights is a public policy objective that can only be realized when its implementation is integrated into the general development objectives of the country and ran, not as a separate concern, but in coordination with the normal policy coordination, prioritization of programs and projects and resource allocation and programming processes of the government. Thus, the NHRAP will be expected to work closely with existing cabinet level government mechanisms to enhance inter-agency coordination in decision making processes and expeditious implementation of inter-agency programs and projects.

The primary reference points and criteria for the implementation of its various programs, activities and projects (PAPs) are the UDHR and the eight (8) International Human Rights Treaties. Following the principles of the interrelatedness, indivisibility and interdependence of human rights, the implementers will ascertain the use of multi-agency and multi-sectoral interventions to implement the different programs, activities and projects (PAPs) under the different Thematic Plans.

The PAPs and their outputs (policies, mechanisms, measures, and remedies) will serve as the instruments through which pertinent rights of the people will be secured by those who are accountable and those who have claim over these rights. All sectors of society that have the claim, mandate or stake in securing these human rights that will equip people with opportunities and options to improve their quality of life, will take part in the NHRAP implementation.

**Table 1  
Multi-Agency & Multi-Sectoral NHRAP Implementation**

Treaties	Vulnerable and disadvantaged sectors	Thematic Clusters		
		Task forces/committees/teams	Claimholders & Other Civil Society Groups	Other stakeholders
		State Duty-Bearers		
ICCPR	<ul style="list-style-type: none"> <li>• CHILDREN</li> <li>• WOMEN</li> <li>• YOUTH</li> <li>• OFW</li> <li>• URBAN POOR</li> <li>• INFORMAL</li> </ul>	<ul style="list-style-type: none"> <li>• LEGISLATIVE</li> <li>• JUDICIARY</li> <li>• EXECUTIVE</li> <li>• LEAGUES OF LOCAL OFFICIALS</li> </ul>	<ul style="list-style-type: none"> <li>• Organized Sectoral Groups</li> <li>• PEOPLE'S &amp; COMMUNITY-BASED</li> <li>• ORGANIZATIONS</li> </ul>	<ul style="list-style-type: none"> <li>• BUSINESS (non-state duty-bearers)</li> </ul>
ICESCR				
CAT				
CRC				

CEDAW	<b>SECTOR</b> • PRISONERS • INDIGENOUS PEOPLES • MUSLIMS • PERSONS WITH DISABILITIES • RURAL WORKERS • PUBLIC LABOR • PRIVATE LABOR • OTHERS	• REGIONAL/ LOCAL DEVELOPMENT COUNCILS • LOCAL SANGGUNIAN	• HUMAN RIGHTS NON-GOVERNMENT ORGANIZATIONS • MEDIA ORGANIZATIONS • RELIGIOUS ORGANIZATIONS • OTHER CIVIC & NON-GOVERNMENT ORGANIZATIONS	<b>DEVELOPMENT PARTNERS</b> • International & Regional
CMW				
CERD				
CRPD				

The 5 year implementation of the NHRAP-PAPs is thus, focused on producing national and local human rights public policy measures, mechanisms and all other forms of remedies as the plan's outputs, and the progressively sustainable level of participation of the people through which these outputs will be produced.

The rights entitlements of relevant vulnerable and disadvantaged sectors secured through the PAPs will be expected to manifest in the content and process through which both these outputs and processes will be executed, which is also, linked to the overall outcome of the country's development plan that of achieving "*achieving a better quality of life for the majority of the Filipino people.*"

This section of the NHRAP prescribes the implementation mechanisms, processes and support strategies and activities through which the implementation of the NHRAP will be carried out. Throughout the implementation of the NHRAP, the PHRC and its Secretariat, lead agencies and thematic clusters will have to consciously and deliberately apply the HRBA in the accomplishment of the medium term and annual targets and the corresponding PAPs.

The parties involved in the plan must ascertain the following dimensions of HRBA in all public policy measures, remedies and mechanisms that will be put in place by the NHRAP implementation both at the national and local levels:

- Observance of key human rights principles in the implementation of the PAPs such as accountability, attention to vulnerable groups, independence of the judiciary and legislative capacity, empowerment of vulnerable and disadvantaged groups and non-discrimination, among others;

- Application of human rights standards in the design and implementation of PAPs both from the perspectives of fulfilling human rights obligations of participating government agencies as duty-bearers and realizing human entitlements of vulnerable and disadvantaged sectors as claimholders, respectively;
- Evaluation of the human rights contents of the outputs of the PAPs to include legislative, judicial and administrative policies, mechanisms, measures and remedies both at the national and LGU levels and
- Capacity building on human rights of the government agencies, non-government organizations, participating private sectors and most especially, the vulnerable and disadvantaged groups that are involved in the various PAPs and educating and training them with core competency in mainstreaming human rights into their mandates, programs, services and operations.

### **11.1 General Implementation Process**

The lead agencies of the PHRC are accountable for the full implementation, coordination and monitoring and evaluation of the various thematic plans. As organized under the plan, the eight (8) thematic plans correspond to the various prioritized issues and concerns under the eight (8) core International Human Rights Treaties.

Identified under each plan are the thematic objectives, its indicators and baselines at the onset of the planning. Accountable agencies and institutions have been identified for each of the indicators as far as the medium targets (2010-2014) and annual targets are concerned.

Similarly, the programs, activities and projects (PAPs) to achieve the medium and annual targets with defined national or local scope, were identified with corresponding outputs, target dates of completion, as well as, the linkages of the PAPs with other existing sectoral and development plan both at the national and local levels.

More importantly, the lead agencies together with their respective thematic clusters composed of cooperating government agencies and civil society organizations will continue to implement, monitor and track the status and progress of the NHRAP in terms of the delivery of the medium and annual targets as guided by the performance indicators.

Also, these thematic clusters under the leadership of the lead agencies have designed under their respective plans, the various institutional arrangements to implement each of the PAPs. Moreover, all the resources needed to implement the PAPs were also laid out in each thematic plan to include those that will be borne by the lead agencies and other cooperating government agencies and those that will be sourced out from concerned development partners.

## 11.2 Implementing Mechanisms

The principal implementing mechanism of the NHRAP is the Presidential Human Rights Committee (PHRC). Being a cabinet level inter-agency committee, it is in the best position to coordinate with and seek the cooperation of concerned government agencies, private entities and groups to ensure the implementation of the plan.

### a) National and Sectoral Policy and Program Coordination

To achieve consistency in the implementation of all the thematic plans especially in the formulation and development of human rights public policies that will directly impact on the vulnerable and disadvantaged sectors, the PHRC, as a committee or through its member agencies sitting as members of relevant cabinet level bodies and inter-agency committees, will seek to maximize national and sectoral policy coordination whenever necessary or whenever the circumstances require. These bodies/committees to which PHRC will work with in the implementation of the NHRAP are:

- 1) The NEDA Board and its assisting Cabinet inter-agency committees such as:
  - Social Development Committee - on human rights public policies that are related to the formulation and coordination of policies on social development e.g. health, education, employment, social welfare, housing , other social services, etc. ;
  - Infrastructure Committee - on human rights public policies that are related to or would have impact on the formulation of policies and programs on civil infrastructure development of concerned government agencies including government owned or controlled corporations;
  - Investment Coordination Committee - on human rights public policies that are related to or would have impact on foreign assisted programs and projects of the government to include those funded by bilateral and multi-lateral agencies; and
  - Development Budget and Coordination Committee - on fiscal considerations of human rights public policies and how these relate to the development priorities contained in the medium Term Development Plan.
  - Tariff and Related Committee - on human rights public policies that would relate to or would impact on tariff and trade related matters covering all sectors of the economy.
  
- 2) Cabinet Cluster System for human rights public policies that would relate to or would have impact on the decision making processes of the government on the implementation of vital inter-agency programs and projects involving agro-industrial development (Cluster A), Macro-economy and Finance (Cluster B), human resource and development (Cluster C), Physical Infrastructure Support (Cluster D) and Security and

Political Development (Cluster E), development administration (Cluster F), Water resources management (Cluster G) and international relations (Cluster H).

3) Judicial Executive Legislative Advisory and Consultative Council (JELACC) for human rights public policies that would require the cooperation of the representatives of the 3 branches of the government on measures or matters affecting the primacy of the rule of law and strengthening due process and the institutions of justice, and better implementation of the laws.

4) Legislative and Executive Development Advisory Council (LEDAC) for human rights public policies and programs requiring consistency in coordinating development planning and congressional budgeting, as well as, effective integration of programs and projects requiring close coordination with relevant sections of the private sector, relevant non-government organizations and people's organizations.

b) Thematic Plan Implementation

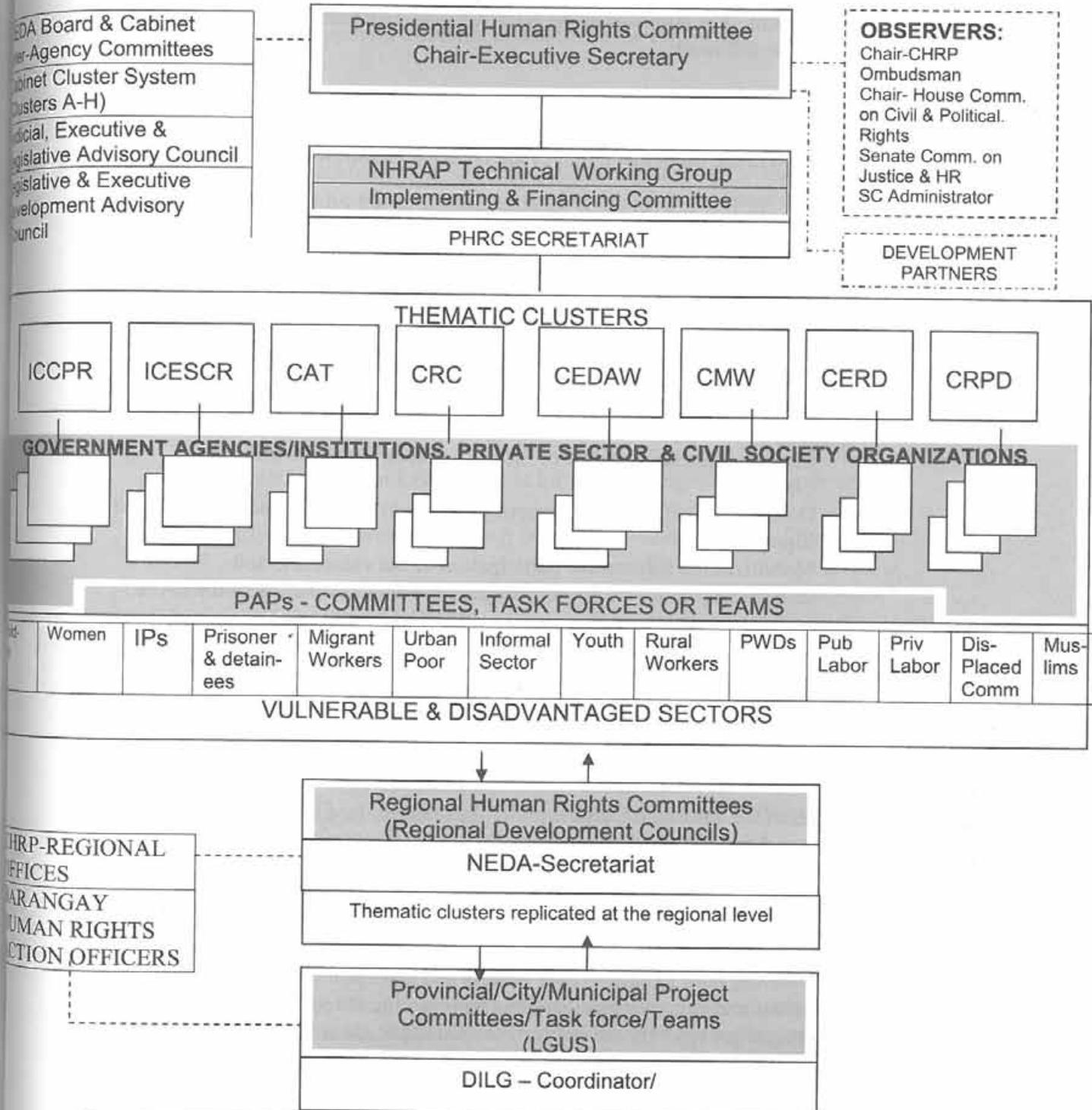
At the thematic or treaty level of implementation of the NHRAP, the PHRC lead agencies have identified coordinative mechanism as herein proposed that takes into consideration the individual approaches of each of the accountable lead agencies. The following modalities of implementation:

- 1) Formation of Inter-Agency Committees to coordinate the implementation of a particular thematic objective or group of output thematic objectives to be headed by the identified accountable agency assigned to deliver the corresponding strategic treaty indicator (performance indicator). The members are the other implementing and responsible agencies/organizations, which will be tasked to delivers specific aspect/s of the PAP. The terms and conditions for the operation of the committee will be laid out in a memorandum of undertaking (MOU) or memorandum of agreement (MOA) to be entered by the concerned parties. The concerned vulnerable or disadvantaged sector/s must always be represented to ascertain the responsiveness of the PAP being implemented by the committee/s.
- 2) Formation of Task Force (TF) or Project Implementing Team (PIT), where the demands of the PAP necessitates the pooling of agency personnel on full-time capacity to implement the PAP on specified short period of time, the existence of which will cease upon completion of the PAP. It is preferred that the task force be headed, by the same accountable agency that has committed to deliver specific output thematic objectives and strategic treaty indicators (performance indicators). Again, the vulnerable or disadvantaged sector must be well represented to help achieve responsiveness of the PAP to their entitlements. As in the formation of inter-agency committees, there is a need for concerned parties to enter into MOU or MOA, which will define their operations. Also, existing Task forces and other local mechanisms shall be mobilized.

As mandated under Presidential Administrative Order 163, the Presidential Human Rights Committee (PHRC) is in charge of the NHRAP and its implementation

process using the HRBA. However, to ensure sustainability of the NHRAP, an implementing structure will govern its overall implementation both at the national and local levels.

**Figure 1 - NHRAP Implementing Structure**



The above figure indicates how the NHRAP will be implemented. As mandated by Administrative order No. 163, the PHRC is the one fully accountable for the implementation of the NHRAP under the leadership and administrative support of the Office of the President. For purposes of the NHRAP implementation, the following organization shall be followed:

- Retention of the Technical Working Group composed of the lead agencies of the Committee, which shall continue to function in terms of providing overall coordination in the implementation of the NHRAP as follows;
  - Coordinates and monitors implementation of the assigned Thematic Chapters;
  - Organizes working committees, project taskforces and project implementing teams as may be required for the implementation of specific thematic PAPs;
  - Mobilize existing taskforces and committees both at the national and local level;
  - Organizes continuing human rights education and training activities for implementing partners from both government, business and CSOs;
  - Conducts quarterly review of the implementation of the Thematic Chapters;
  - Develops specific NHRAP priority PAPs into project proposals for donor support; and
  - Mobilizes the substantive participation of the vulnerable and disadvantaged sectors at every stage of the implementation of the PAPs.
- Retention of both the administrative and technical secretariat functions and responsibilities of the PHRC Secretariat for the dissemination of the plan, overall monitoring and evaluation of the implementation of the plan, conduct of crosscutting capacity building programs for project committees, task forces and special project teams, conduct of resource mobilization and coordination;
- Retention of the Thematic Clusters under the leadership of the PHRC lead agencies and firming up of its members from various cooperating government agencies, business, private sectors and civil society organizations and to under take the following functions stated above;
- Formation of inter-agency project committees, project task forces and project teams involving both identified duty bearers and claimholders (non-government organizations and people's organizations representing the vulnerable and disadvantaged groups,) for the implementation of the identified programs, activities and projects that will help achieve the NHRAP medium term and annual targets;

- Retention of the Implementation and Financing Committee that will constantly conduct an oversight review of the delivery status of resources and how it affects the general effectiveness of the plan. It is this committee that raises recommendations and strategies to address funding issues.
- Formation of Regional Human Rights Committees within the set-up of the Regional Development Councils to undertake the following:

#### *Planning Stage*

- The formulation of the Regional Human Rights Action Plan (RHRAP) based on the NHRAP focusing on the identified human rights issues in the NHRAP that are within regional jurisdictions of both the LGUs and government agencies;
- The formation of thematic clusters in the regions that will develop the RHRAP;
- The implementation of the RHRAP through the formation of appropriate inter-agency project committees, task forces and teams at the regional level with the assistance of the NEDA as technical secretariat; and

#### *Implementation Stage*

- Oversees implementation of the RHRAP;
- Conducts multi-donor forum for mobilization of support to the RHRAP;
- Meets with Leagues of LGU officials for the local legislative agenda of the NHRAP;
- Regularly disseminates information on the status and progress of the NHRAP; and
- Implements a Performance Scorecard system for the accountable agencies assigned to implement RHRAP.

The NEDA serves as the secretariat support to the RHRC and thus, provides support to the committee through the following:

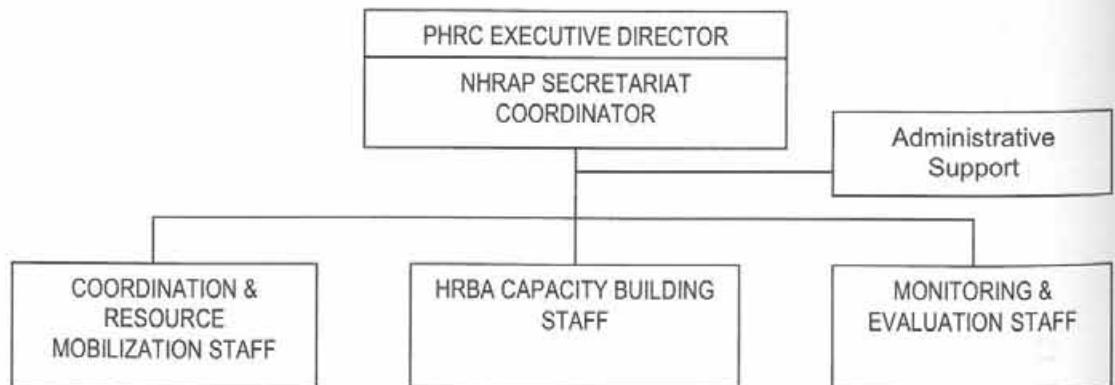
- Monitors contributions of the NHRAP/RHRAP to the MTPDP;
- Links NHRAP –PAP to concerned donors under the ODA;
- Provides Secretariat support for the implementation of the RHRAP; and
- In constant cooperation with CHRP, assists the RHRC in implementing human rights capacity building activities for the regional lead agencies, inter-agency committees, project task forces and project implementing teams at the regional, provincial and city/municipal levels.

□ Formation of provincial/city/municipal inter-agency project committees, project task forces and project teams especially in the identified critical provinces where there are pressing human rights issues, programs, projects and activities identified for implementation under the NHRAP. This will entail direct coordination with the DILG

and with CHRP with respect to the involvement of the BHRACs at the city/municipal and barangay levels. The DILG specifically undertakes the following functions for the implementation of the NHRAP/RHRAP at the LGU level

- Assists LGUs in the implementation of PAPs at the provincial, city, municipal and barangay level;
  - Organizes human rights orientation and training at the local level;
  - Monitors status and progress of PAPs at the local level;
  - Provides secretariat support for the implementation and monitoring of local PAPs of the NHRAP/RHRAP;
  - Implements joint PAPs with government agencies as specified in the NHRAP/RHRAP;
  - In cooperation with CHRP, conducts human rights education & training for capacity building of CSOs; and
  - Monitors implementation of programs/activities committed by the CSOs under the NHRAP/RHRAP.
- Coordinative arrangements with both the houses of Congress for the pursuit of the legislative agenda of the NHRAP
  - Coordinative arrangements with the Supreme Court for the judicial measures and remedies identified under the NHRAP
  - Advisory arrangements and technical assistance in terms of human rights education and training with the CHRP from the national level down to the regional and local levels.
  - Creation of an NHRAP Secretariat to perform the overall implementation support to the plan, which will be organized as follows:

**Figure 2**  
**NHRAP Secretariat Structure & Complement**



The NHRAP Secretariat will perform a combination of functions that will warrant strong political and public support, government and multi-donor support, maximum engagement of duty-bearers and claimholders, sustainable environment for continuing human rights education both of the ~~public and~~ formal and non-formal education system and development of rights-based policyies, measures and remedies from the implementation of the NHRAP-PAPs.

*Coordination & Resource Mobilization*

- Services meetings of the PHRC on the NHRAP;
- Provides, on request, solicitation of top-level support and commitment to the implementation of PAPs;
- initiates, organizes and conducts appraisal of issues and concerns arising from the overall implementation of the NHRAP which will affect achievement of the NHRAP outcome, thematic output objectives and performance indicators;
- Oversees the implementation of the NHRAP Resource Framework and assist PHRC lead agencies on resource generation; and
- Ensures the support or assistance of donor agencies, international, regional and national institutions and direct all forms of assistance in terms of achieving the overall thematic output objectives and outcomes of the NHRAP

*HRBA Capacity Building*

- Provide HRBA coaching through conduct of regular study circles among duty-bearers and claimholders;
- Design model packages of HRBA guidelines and processes for specific PAPs;
- Conduct random analysis of cross thematic PAP outputs as to their human rights content and process and suggests recommendations for better application of HRBA; and
- Assist various educational institutions in the crafting of strategies for use of the NHRAP for human rights education in the formal and non-formal education system
- Coordinate with the CHRP on capacity building as the primary institution mandated by law to HR capacity building

*Monitoring & Evaluation*

- Collect, store and disseminate NHRAP information and other related developments relevant to the achievement of the thematic output objectives of the NHRAP;
- Collect, analyze and consolidate periodic reports of lead agencies on the Conduct of annual evaluation of the progress of the NHRAP as to the achievement of the thematic output objectives, performance indicators and the medium and annual targets; and (for submission to the CHRP)
- Design for service outsourcing, a mid and post evaluation program for the NHRAP

### 11.3 Oversight Responsibility of the PHRC

Based on the agreed frequency of reporting (Refer to Table 9- M & E Calendar), preferably on a quarterly basis, the PHRC lead agencies will submit progress reports to the Committee. Through periodic special meetings of the PHRC, the Committee will review and deliberate on the status of the implementation of the commitments in the plan. Whenever there are bottlenecks requiring strong leadership support, the Committee will endorse the matter for action and representation by the Executive Secretary and/or the President to appropriate branch/es of government, business community, development partners and other concerned human rights community. This way, the programs, activities and projects under the plan will be carried out expeditiously as planned especially those involving legislation, judicial measures and other administrative actions requiring the support of the top leadership of the legislature, judiciary, cabinet officials, Regional Development Councils and even local Sanggunians and other development Councils.

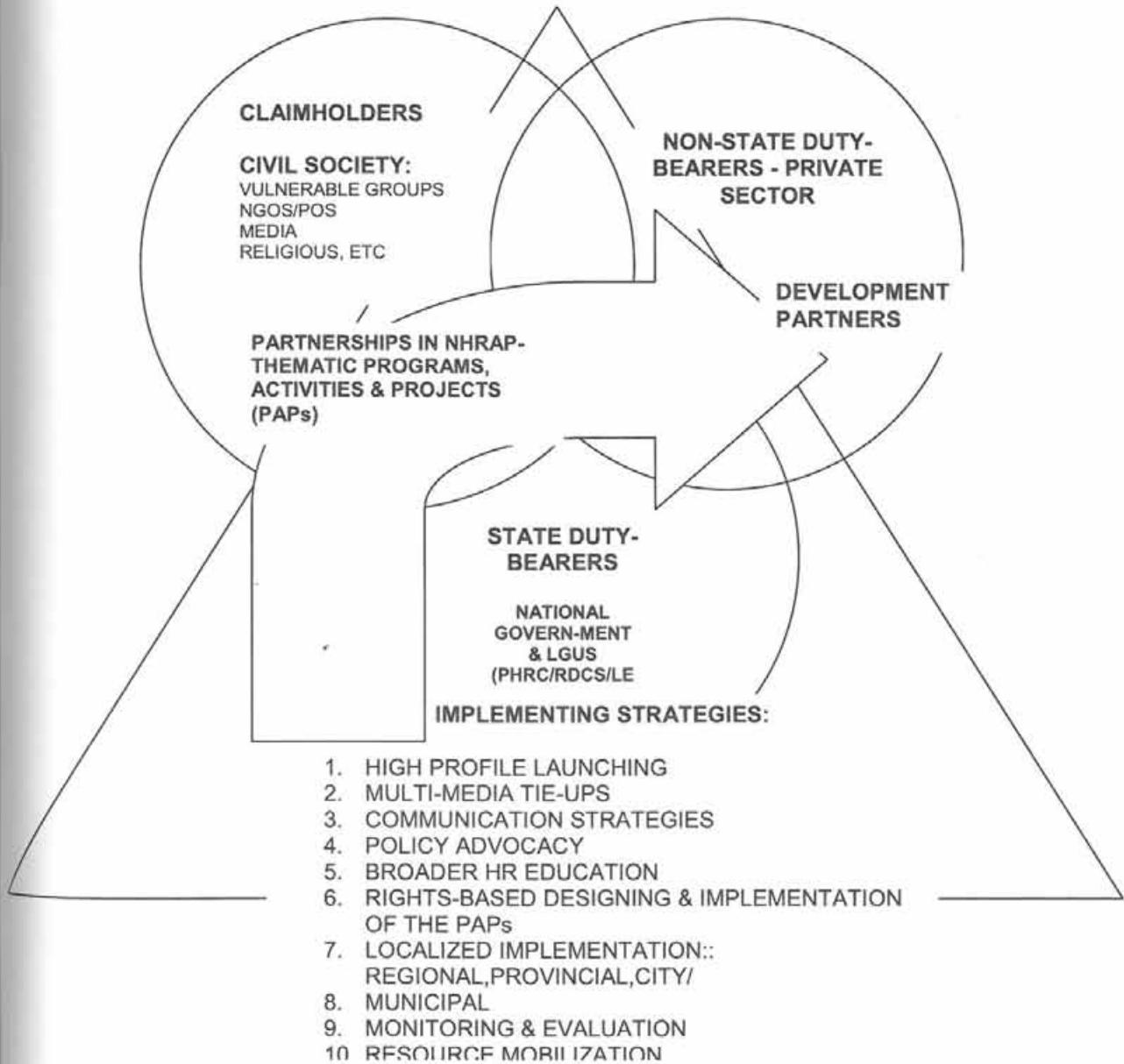
### 11.4 Implementation Strategies

Consistent with the NHRAP structure, the implementation must be inclusive. It will have to encourage the broadest range of participation of all sectors of the Philippine society and must not be limited only to those who participated in the development of the plan. Inclusiveness means involving both the national government and LGUs, civil society, private sector and development partners. The civil society covers the vulnerable and disadvantaged sectors, people's organizations, non-government organizations, media, religious and other sectoral groups. As Figure 3 suggests, realization of the NHRAP results is expected to come about through the progressive level of participation of all sectors of the Philippine society, using the UDHR and International Human Rights Treaties as the primary reference point in the implementation of the NHRAP.

Thus, implementing strategies will be instituted to ensure maximum support and partnership for the effective implementation of the plan both at the national and local levels. As illustrated in Figure 3, the implementing strategies as described below aim at widening or broadening the areas of partnership in NHRAP- PAPs, which will serve as instruments or medium through which rights of the vulnerable and disadvantaged sectors will be secured based on the International Human Rights Treaties as the primary reference point.

However, as illustrated in the figure below, partnership is built, not imposed, and will have to be facilitated through the diverse set of implementing strategies.

Figure 3  
NHRAP Implementing Strategies



## 11.5 High Profile Launching

The launching of the NHRAP will be held on December 10, 2009. It will signal the continuing long term commitment of the Philippine Government to address human rights issues that will transcend political administrations. This activity will set the momentum for the implementation of the NHRAP. The objective is to get high-level endorsement of the plan to effectively achieve the much needed policy, institutional and budgetary support both at the national and local levels. The launching will require the presence of high political officials and broad representatives of the Philippine society. Target participants are top officials of the three (3) branches of government, the heads of independent constitutional offices, Cabinet members, officials of Government Corporations and Academic Institutions, the officials of the Leagues of Local Officials, the officials of major Chambers of Commerce across the country, Media Organizations, representatives of basic vulnerable and disadvantaged sectors, officials of International and local Development Partners, among others. Executive briefs on what the NHRAP requires of the different branches of government and organizations will be provided to ascertain a more purposive and substantive content of the launching activity.

To prime the launching of the NHRAP, the PHRC will perform the following sequential steps:

**Table 2**  
**NHRAP Launching Process**

Steps	Description
1	Convening of the NHRAP-TWG as the Launching Committee for assigning work responsibilities on the following: a) Strategic National & Local Invitees(duty-bearers & claimholders) b) Drafting of the EO Implementing the NHRAP c) Program for the Launching d) Preparation of NHRAP Executive Brief, Treaty Brochures and HRBA materials e) Media Coverage Plan f) Venue and accommodations
2	Confirmation of participation & gathering of preliminary commitments
3	Formal Launching
4	Post-launching consolidation and dissemination of responses and preliminary commitments from different national & local officials, private sector and civil society groups

## 11.6 Multi-Media Tie-Ups

This is one crucial activity of the PHRC requiring the participation of national and local media networks and groups covering television, radio and print. Media and public dissemination and advocacy strategies will have to be undertaken in order to create public awareness on the existence of the plan. This is one crucial opportunity to educate both the media and the public on human rights, as well as the various human rights issues and concerns being addressed by the government in cooperation with all sectors of society. To urge their involvement, the PHRC will conduct an orientation on the NHRAP among media practitioners and networks both at the national and local levels, with the end in view of soliciting their voluntary involvement in the dissemination of the plan nationwide and ensuring continuing dialogue especially on human rights public policy measures. It is envisioned that through the help of these media practitioners, a plan containing both media and public dissemination strategies will be sustained for the entire duration of the implementation of the plan toward accomplishing the following:

- To help draw out public accountabilities of the different branches of government, local government units (LGUs) especially national and local legislators and government administrators and implementers;
- To inform the vulnerable and disadvantaged sectors and the general public about the NHRAP and how they may participate and benefit from the plan;
- To educate them on their basic human rights and how they may take action to improve their human rights conditions; and
- To inform them of the existence of human rights institutions, both governmental and non-governmental, which perform specific mandates for the promotion and protection of human rights.

In order to prime the participation of the various multi-media organizations and networks, the PHRC will undertake the following steps as shown in the table below:

**Table 3**  
**Process for Building Multi-Media Partnerships**

Steps	Description
1	Formation of a Media Core Group for NHRAP composed of organizations with local or networks
2	Conduct of a Briefing-Orientation on the NHRAP and the HRBA and solicitation of media support for the NHRAP especially in enhancing public policy dialogue, sustaining public interest for NHRAP and broadening of human rights education of the public
3	Convening of sub-committees to adopt media action plans for

	TV, radio and print (National & local)
4	Conduct of media coverage of public policy issues on human rights highlighting the participation and contribution of champions, advocates and supporters
5	Periodic media dialogue on the progress of the NHRAP and its effects on the public, specifically on improving human rights conditions
6.	Public reporting by PHRC on the contributions of the media to the NHRAP implementation

### 11.7 Policy Advocacy -

Most crucial in the implementation of the NHRAP is the conduct of advocacy on sustainable basis. Advocacy groups among cooperating government organizations, businesses, non-government organizations and peoples organizations will be created or established. Through the joint efforts of the PHRC, members of the thematic clusters and project teams, advocacy activities will be systematically implemented involving all legislative, judicial and administrative measures identified for adoption/passage under the plan. While the concerned lead agencies are in the frontline, the PHRC in cooperation with the Philippine Information Agency (PIA) will institute mechanisms for broader participation in advocacy work, using its resources to push for the formulation/development and enforcement of the various human rights measures as the targeted outputs of the PAPs of the NHRAP. Through the coordination of the PHRC Secretariat, the NHRAP TWG will draw up executive briefs on the diverse policy, institutional, operational and funding support that will be expected to be generated from the following target groups of the NHRAP advocacy:

- Both the lower and upper houses of Congress;
- The judiciary especially the Supreme Court and the lower courts;
- The members of the Cabinet;
- The independent constitutional offices;
- The Regional Development Councils;
- The local Sanggunians at the provincial, city and municipal levels; and
- The leagues of Local Officials from the national, provincial, city, municipal and barangay

Advocacy will entail the conduct of the following activities:

- Development and dissemination of advocacy materials culled from the identified medium-terms and annual targets of the plan to include the corresponding PAPs;
- Building alliances with human rights advocates and champions for the promotion and implementation of the relevant aspects of the plan;

- Solicitation of institutional and financial commitments for the promotion and advancement of the human rights agenda, plans, programs, projects and activities laid out in the plan; and
- Regular communication and liaison with designated focal persons or committees/units (at the provincial, city and municipal levels) that will take up actions on specific human rights agenda, plans, programs, projects and activities

In order to catalyze policy advocacy for the NHRAP, the PHRC and its lead agencies, will perform the following elements as shown in the table below:

**Table 4**  
**NHRAP Public Policy Advocacy Elements of the Process**

Elements	Description
1	Identification of Champions and advocates for each public policy agenda
2	Dissemination of the Executive Briefs of Policy Agenda pertinent to concerned national or local bodies
3	Coordination of policy advocacy groups of each thematic cluster
4	Continuing education on human rights and HRBA for policy advocacy groups
5	Conduct of orientation on human rights/HRBA for secretariats/staff of legislative committees/bodies
6	PHRC special meeting on status and progress of public policy and adoption of strategic steps for higher representation and ministerial level support
7	Setting up of special meetings with champions or advocates shepherding the policy agenda
8	Coordination with participating media groups to enhance public dialogue and public interest on policies through multi-media exposures
9	Regular updating of the House Speaker/Senate president/ Sanggunian Chairs and local leagues on the status and progress of the agenda lodged under their respective responsibilities –in aid of legislation
10	Public reporting or policy watch

### 11.8 Communication Strategies

The NHRAP is a comprehensive fulfillment of the various human rights obligations and commitments of the Philippines under the different International Human Rights Treaties it ratified. The PHRC lead agencies will have to do all means possible to communicate the human rights content and process of all PAPs within their respective organizations and involve the most number of their concerned personnel in the implementation of the PAPs. The same objective will have to be pursued in terms of communicating effectively

the human rights content and process of the PAPs to be undertaken jointly with other agencies and organizations working under special arrangements. The implementation of the PAPs by the lead agencies will be instrumental in broadening human rights awareness and education among constituencies of participating governmental and civil society organizations. This will allow seeping through of the HRBA, as an approach to orienting progressively, the entire government machinery and the civil society groups into human rights, which would-influence the key operations of these institutions. The desired end of this approach is to realize the application of human rights as both the standards and process of development and governance in the country.

The PHRC and its lead agencies will implement a combination of communication strategies and other alternative activities the PHRC may adopt:

- Issuance of administrative circular addressed to all government employees on the status and progress of the plan implementation;
- Publication of brochures, leaflets and newsletters for timely dissemination of basic information on the NHRAP and status and progress of the NHRAP implementation;
- Creation and maintenance of an interactive website for the NHRAP to include e-groups for the thematic clusters, project committees, task forces and teams; and
- Conduct of human rights orientation, trainings and other fora with funds borne by lead agencies, as part of its core functions

In order to implement the above strategies, the PHRC will oversee the following sequential steps:

**Table 5**  
**Lead Agency—Based and Cluster Level Communication Process**

Steps	Description
1	General Orientation of employees of the lead/cluster organizations on the NHRAP and HRBA
2	Adoption and implementation of agency-based Plan of Work/Communication plan manifesting how each organizational unit will participate or contribute to the implementation of the NHRAP/Thematic Plan
3	Conduct of regular meetings with members of the cluster to track internalization of the NHRAP by their respective organizations
4	Conduct of regular dialogues between the lead-agencies (with thematic clusters) and the civil society counterparts in the plan implementation
5.	Sharing and exchange of information through the Website and other communication materials such as NHRAP brochures,

Steps	Description
	leaflets, newsletters
6	Conduct of NHRAP Awareness Surveys at the agency/organization level

### 11.9 Roll out of the NHRAP for Broader Human Rights Education

Include culture of human rights..targetting children & youth as the future....

Human Rights Education will be undertaken at two levels as follows:

a) HR Capacity Building for the NHRAP Duty-Bearers and Claimholders

As prescribed under Section 6 of each of the thematic plans, the implementation of the NHRAP will serve as instrument for broader human rights education. As its core mandate, the lead agencies in cooperation with their respective thematic clusters, will implement their respective human rights education and training referred to in Section 6 of the Thematic Plans as the Human Rights Capacity Building Programs for both the NHRAP duty-bearers and claimholders as an integrated component of the thematic plans. Thus, the lead agencies will be accountable for undertaking human rights education and training for participating government agencies, non-government organizations, people's organizations and private sector, who will take part in the implementation of the various PAPs under the thematic plans.

This program will help the lead agencies build and nurture a culture of human rights among the various stakeholders under their respective thematic plans. The lead agencies will seek institutional and funding support from the members of their respective thematic cluster to replicate the Human Rights Capacity Building Program within their respective agencies/organizations.

b) HR Education in the Education System

In order to sustain human rights education in a broader plane that will last from generation to generation, the PHRC will engage the DepED, CHED, TESDA and all other educational institutions and networks to mainstream into the curricula of the formal and non-formal education system, including technical and vocational schools, the human rights capacity building component of the NHRAP and to upgrade the existing basic human rights education in the formal education system initiated by the CHRP and instituted by the DepED under the Philippine Human Rights Education Decade Program.

Foremost, the rights guaranteed under each of the International Human Rights Treaties, including the planning and monitoring of their implementation, which guide the NHRAP will be considered for mainstreaming into the educational curricula at various levels of formal education. Every right will be presented with an identification of the corresponding duty-bearers (government and non-state actors) and claimholders

(vulnerable and disadvantaged sectors.) The nature and levels of the obligations of the state to be performed by the duty-bearers and the human entitlements of the claimholders will hopefully be translated into the schools' curricula in the context of achieving the development and good governance goals of the country.

Thus to facilitate this pedagogy for building a lasting human rights culture, the implementation of the NHRAP will also include the mandates and responsibilities of key educational institutions, namely the DepED, CHED and TESDA, and all the necessary policy, institutional and funding support to undertake the following:

- Convene the relevant educational institutions into a strategic planning on how to integrate the content of the NHRAP Human Rights Capacity Building Programs under the eight (8) Treaties into the curricula of formal and non-formal education to include the including technical and vocational education system;
- Conduct lecture series involving networks of educational associations on the NHRAP, its thematic components and accompanying human rights capacity building program in order to assist academic institutions, its professionals, scholars and students, orient and sensitize their curricula into the principles, standards and practices of human rights; and
- Monitor the status and progress of the human rights education and capacity building component of the NHRAP in terms of the level of compliance by various academic institutions.

**Table 6**  
**Suggested Rollout Activities of NHRAP for Human Rights Education: Formal & Informal**

Activities	Description
1-baseline	Convening of educational institutions to assess human rights education in the Education System
2	Holding of strategic dialogue with these educational institutions on how the NHRAP may educate children and youth on the NHRAP Agenda
3	Action Planning with educational institutions on how NHRAP agenda may be mainstreamed in class discussions or school activities
4	Tapping of the School's Student Council in monitoring the NHRAP mainstreaming activities
5	Conduct of NHRAP awareness raising among educational associations and networks
6	Adoption of the NHRAP Policy Agenda for Multi-Level Argumentation and Debate among schools at the national and

	regional levels
7	Incorporation of the NHRAP Agenda in National and local Teacher's Conferences
8	Conduct of NHRAP Awareness Surveys in formal & informal educational institutions
9	Issuance of Educational Circular requiring the inclusion of the NHRAP Agenda in the Regular Parents-Teachers Association Meetings
10	Issuance of Educational Circular requiring the adoption of the NHRAP Policy Agenda for school conferences, symposium, workshops and the like

Human Rights Education in both the formal and informal education system will take off from the Plans, programs and Activities committed by the Department of Education under Administrative Order 249. As sourced out from the different departments' commitments, it has targeted the following:

- Conduct of continuing human rights awareness, which involves the Training on human rights education (HRE) for Teachers, student leaders and parents;
- Conduct of training workshops on HRE for education stakeholders, which will build on its current initiatives on the holding of peace camps for school children and parents' forum on HRE;
- Conduct of in-service trainings for teachers on innovative and alternative strategies and techniques on teaching human rights and peace, including human rights seminar-workshops for non-teaching personnel that will focus on gender and development (GAD) and prevention of violence against women and children;
- Hiring of more competent teachers to handle core subjects like social studies, incorporating in the department's assessment of applicants their knowledge of human rights and strategies in HRE; and
- Rigid monitoring and instructional valuation of the implementation of concrete plans/ programs where rights are upheld and safeguarded that will take off from all ongoing human rights education and trainings of the department and continuous monitoring, improvement and revision of the human rights teaching exemplars.

#### **11.10 Rights-based Designing and Implementation of the NHRAP-PAPs**

As earlier mentioned, the implementation of the various PAPs under each of the thematic plans will be the accountability of the PHRC lead agencies.

As specified under Section 8 of each of the thematic plans, the lead agencies will implement the various institutional arrangements, which have been laid out in their respective plans. Corresponding memoranda of agreement, memoranda of undertaking, administrative directives and other enabling documents will have to be generated depending on the necessities of each of the PAPs.

The PHRC will attend to the issuance of higher directives from the Office of the President or facilitate issuance of appropriate directives to come from other concerned branches of government whenever necessary to warrant maximum support and cooperation for the implementation of the NHRAP.

The priming and sustainable implementation of the NHRAP Thematic PAPs rests in the lead agencies and their respective thematic clusters as follows:

**Table 7**  
**Suggested Activities HRBA Process in PAPs**

Activities	Description
1	Lead agencies in consultation with cluster members, defines the terms of reference (TOR) of each PAP and responsibilities and participation of identified duty-bearers and claimholders and provisions for funding (Refer to detailed HRBA process below)
2	Lead Agencies initiate Memoranda of Agreement or Undertaking among accountable and implementing agencies/organizations(CSOs included)
3	Lead agencies conducts a human rights-based design of the PAP implementation
4	Lead Agencies in consultation with cluster members (CSOs included) identify and implement formal or informal pertinent human rights capacity building requirements of the PAP both for duty-bearers and claimholders
5	Whenever, necessary, the cluster forms project committees, task forces or teams as maybe specified under the TOR
6	Lead Agencies monitor status of the each of the PAP and subject for assessment by the thematic cluster
7	Lead agencies regularly check on accountabilities and the adequacy of funds and delivery schemes of each of the PAPs under their charge
8	Lead agencies in consultation with their respective thematic clusters explore funding alternatives or options when the situation demands
9	Operational issues involving the implementation of the PAPs which are beyond the authority levels of the lead agencies will

Activities	Description
	be raised for deliberation by the PHRC

### *HRBA Design and Implementation of PAPs*

The designing and implementation of the PAPs will consistently apply the HRBA, as follows:

1. In the formulation of the Terms of Reference (TOR) of each PAP state duty-bearers, claimholders and whenever applicable the non-state duty-bearer referring to the private sector will be identified with their respective accountabilities, responsibilities, contributions and participation;
2. The formulation of the objectives of each PAP and the detailed specification of the outputs of the PAP will be made reflecting the rights being secured by the involved vulnerable sectors, with description of their human rights entitlements based on pertinent International Human Rights Treaties. Such specifications in the objectives and outputs should manifest the accomplishment of the pertinent levels of obligations of the Philippines as to respecting, protecting and fulfilling applicable human rights standards derived from pertinent International Human Rights Treaties.
3. The design of each PAP will have considerations for human rights capacity building of both the state duty-bearers and claimholders, and whenever applicable to include the non-state duty-bearers. This capacity building intervention will be based on a careful assessment of the strengths and weaknesses of all these stakeholders with respect to achieving the applicable human rights entitlements of the claimholders and performing the corresponding responsibilities of the state duty-bearers to respect, protect and fulfill pertinent obligations;
4. Whenever applicable the design of the PAP will bear either of the following:
  - a) the immediate compliance of pertinent human rights standards for civil and political rights with corresponding commitment of resource for immediate implementation;
  - b) the progressive compliance with human rights standards involving economic, social and cultural rights, wherein the design will specify as well, very clearly a step by step commitment of the accountable agencies over a specified time or period of time wherein relevant services will be accessible, available or delivered with corresponding funding allocation that is apportioned overtime based on a justifiable assessment of the maximum level of resources at a given period.

5. The implementation plan of each PAP referring to the different tasks to be undertaken will bear the modalities for the substantive participation of the concerned vulnerable sectors consistent with the human rights principles of empowerment, participation and non-discrimination;
6. The implementation plan of each PAP referring to the different tasks to be undertaken will bear the modalities for the substantive participation of the concerned vulnerable sectors consistent with the human rights principles of empowerment, participation and non-discrimination;
7. Each PAP will have a monitoring and evaluation component that will be clearly defined in the TOR. The monitoring of each PAP involves the reporting of accomplished activities and possible problems and constraints encountered in the process. The evaluation of the PAP involves an assessment of the human rights content of the PAP outputs and the operationalization of pertinent human rights principles in the participation and involvement of the vulnerable sectors in the production of the PAP outputs.
8. The success of HRBA in the PAP design and implementation will have been achieved, if and when, the following indicative HRBA indicators, among others, will have been met:
  - a) Human rights entitlements with the Treaties as the primary reference point, are directly applied in draft bills, amended legislations and administrative policies, programs, services both at the national and local levels with corresponding institutional accountabilities, funding commitments and provisions as to how these policies/programs/services will impact into changing the human rights conditions of the vulnerable sectors;
  - b) Human rights obligations of relevant government agencies are performed reflecting the different levels of State obligations: to respect, to protect and to fulfill. In which case, actions undertaken under each PAP will require a range of steps and tasks involving different government duty-bearers in order to fully comply with applicable level or levels of obligations for particular human rights entitlements being secured.
  - c) Institutional accountabilities and funding commitments for the human rights secured for the vulnerable and disadvantaged sectors have been mainstreamed into the annual agency plan and budget and likewise incorporated into the GAA and in the overall development plan of the country (MTPDP)
  - d) The degree to which the vulnerable and disadvantaged sectors have participated to include the extent to which they have been empowered in the process of advocating and/or lobbying for the public policies that directly affect them; and in the process of participating in the implementation of programs and projects;

- e) The actual change/s in the human rights conditions of the vulnerable/disadvantaged sectors in terms of specific human rights secured and how they impact on the quality of life of the concerned sectors.

### 11.11 Localized Implementation : Regional, Provincial, City/Municipal

The NHRAP has PAPs, which are both national and local in scope. While these local PAPs will be implemented through the lead agencies, its local counterparts and with the assistance of the LGUs, it is expected that the NHRAP will be replicated in the regions through the Regional Development Councils (RDCs), and technical secretariat support of the NEDA. It is envisioned that the NHRAP will be replicated at the regional level, which is expected to bring about high impact in terms of improving local human rights conditions, establishing accountabilities of among local government units and empowering local and community-based vulnerable and disadvantaged sectors, whose participation will be directly engaged.

This time, it will be the Regional Development Councils (RDCs) that will follow up the constitution of Regional Human Rights Action Plan (RHRAP). The formulation and development of the regional plans will take off from the diverse results of the area consultations conducted by the PHRC in the combined bottom-up and top-bottom formulation and development of the NHRAP. The RHRAP will build on the various human rights issues, agenda and PAPs raised by regional and provincial representatives of government, non-government organizations and vulnerable and disadvantaged sectors during the five (5) areas consultations and one multi-sectoral human rights summit for the national consultation on the NHRAP.

It should be noted that with or without the RHRAP, the NHRAP will be implemented both at the national and local levels. The PAPs with local scope will guide the implementation of the NHRAP at the local level. However, the presence of an RHRAP will boost the implementation of the NHRAP in terms of implementing human rights commitments that will directly impact into local conditions, most especially in pinpointing accountabilities, mobilizing resources and engaging people to participate.

Following the NHRAP/RHRAP Formulation Guides, the RDCs will be tasked to do as follows:

**Table 8**  
**Suggested Steps for RHRAP Formulation & Implementation**

Steps	Descriptions
1	Formulate and pass a resolution to replicate or roll out the NHRAP at the regional level at the same time enjoining the Leagues of Provinces to participate in the process

Steps	Descriptions
2	Create a Regional Human Rights Committee within the Council and designate lead agencies to plan and monitor human rights agenda under each of the International Human Rights Treaties, to produce the RHRAP and shepherd a multi-sectoral participation in the formulation of the action plan.
3	Request the CHRP to conduct an orientation-Seminar on the NHRAP, eight (8) International Human Rights Treaties and HRBA
Intervening Step	Constantly consult the CHRP-Regional Office on the application of HRBA process throughout the RHRAP formulation and implementation
4	Draft thematic plans that are focused on all human rights issues and agenda with their corresponding duty-bearers and claimholders that were raised in the NHRAP that can be resolved within the jurisdiction, authority and resources of the regions (Follow Formulation Guides)
5	Conduct local consultations on the thematic plans with other concerned provincial/city/municipal LGUs, government agencies, non-government organizations, business organizations and people's organizations representative of the vulnerable and disadvantaged sectors at the local level
6	Consolidate the RHRAP to include the formulation of regional level vision, outcome, prioritization of human rights issues and agenda, objective setting, indicators setting (Follow Formulation Guides)
7	Conduct baseline study on the formulated objectives and indicators through local consultations with concerned agencies/organizations (Follow Formulation Guides)
Intervening Step	Request the assistance of the CHRP-Regional Offices to conduct study circles on an in-depth review and application of International Human Rights Treaties
8	Establish medium term and annual targets with corresponding programs, projects and activities with specific time-frames (Follow Formulation Guides)
9	Route the RHRAP to the Sangguniang Panlalawigan and Sangguniang Bayan for consultation and solicitation of commitment and support through a resolution
10	Finalize the RHRAP (Follow Formulation Guides), pass RDC Resolution for the implementation of the RHRAP and formally launch the RHRAP
11	Transmit the RHRAP to the local Sanggunians and Development Councils for implementation of policy agenda and local programs, activities and projects (PAPs)
12	Monitor and track status of the RHRAP implementation down

Steps	Descriptions
	to the provincial level
Intervening Step	To constantly consult the CHRP-Regional Offices on the application of human rights principles and standards under the Treaties in the formulation of local policies/ordinances and designing of programs, activities and projects (PAP) of the RHRAP
13	Conduct Human Rights Capacity Building program component of the RHRAP in cooperation with CHRP
14	Tie up with local media networks and organization for the public dissemination of the plan
15	Tie up with local offices of the DepED and other academic institutions for the dissemination of the RHRAP to the schools and conduct of lecture series in the schools to help orient and sensitize the school curricula to human rights orientation

### 11.12 Monitoring and Evaluation (M & E)

The Monitoring and Evaluation (M&E) of the NHRAP have three levels of accountabilities. The first level of accountability rests with the lead agencies, which will be responsible for implementing their respective Thematic M & E Plans as designed under Section 9 of each of the thematic plans. The second level of accountability lies in the PHRC Secretariat, which will be responsible for the overall monitoring of the NHRAP implementation. Lastly, third level of monitoring is the independent monitoring of the Commission on Human Rights of the Philippines (CHRP).

For purposes of the NHRAP:

- a) Monitoring refers to tracking and assessing the efficiency and effectiveness of the plan in terms of being able to accomplish the PAPs that will help achieve the medium and annual targets under each thematic plan and overall plan to include the effectiveness of the use of all inputs like technical expertise, participation of stakeholders and optimum use of all available resources both from regular and outside sources and evaluation.
- b) Evaluation refers to the overall achievements and quality of the results produced both at the level of outputs and outcomes.

#### *Bases for Monitoring and Evaluation*

The Monitoring and Evaluation of the NHRAP will be based on the pre-set outcomes and thematic output objectives using as gauge or measure the performance indicators and the corresponding medium and annual targets of the plan. The M & E will be carried out through the participation of the entire constituency of the plan to include the vulnerable and disadvantaged sectors ~~who~~ that will be involved in both the NHRAP Public Watch and performance scorecard systems. The result of the evaluation of the NHRAP will

input into the regular treaty reporting and UPR process of the UNHRC, as well as to the different development frameworks of the country to include the MTPDP, MDG and all other specialized Country Action Plans for specific vulnerable sectors,

The M & E will be undertaken in accordance with the following outcome & output indicators:

**Table 9**  
**NHRAP Outcome & Output Indicators**

Philippine Development Outcome (MTPDP) :	
Better quality of life for majority of the Filipino People	
NHRAP Outcomes	NHRAP Outcome Indicators
a) An enhanced national and local human rights policy and legal framework mainstreamed in the development and governance of the country b) A progressive improvement of the human rights situation of the vulnerable and disadvantaged sectors that is harnessed by political will at various levels of governance and rule of law c)	<ul style="list-style-type: none"> <li>• Human rights compliant-public services are available, adaptable, acceptable and accessible to the vulnerable and disadvantaged sectors</li> <li>• Policies &amp; Accountability mechanisms for human rights protection and promotion in place</li> <li>• Existence of public confidence on human rights measures (as indicated by surveys)</li> </ul>
Thematic Output Objectives	Thematic Performance Indicators and Targets
Refer to the Thematic Output Objectives under each Thematic Chapter	Refer to the listing of thematic performance indicators and the medium and annual targets under each Thematic Chapter

#### *Monitoring and Reporting System*

In order to ensure that the NHRAP will be implemented effectively using the HRBA in terms of consistently achieving the human rights content and process of the outputs of

each of the NHRAP Thematic PAPs, the following monitoring and reporting system will be installed :

- a) At the PHRC Thematic Cluster Level, the PHRC lead agencies will require each of the accountable and responsible implementing agencies and organizations with specific tasks/assignments under each of the thematic output objectives to submit a quarterly report on the following using the attached reporting format (NHRAP-Them -001, Series of 20 \_\_: (View Appendix B)
  - Accomplished PAP with description as to purpose, duty-bearers and claimholders involved, results in terms of accountabilities of duty-bearers performed and human entitlements of claimholders delivered, document output whether legislative, administrative, judicial measures, remedies or mechanisms;
  - Targets met and not met during the quarter must be reported citing the shortcomings encountered, which prevented compliance with performance targets programmed for the quarter. If the targets are not yet scheduled for completion, the status of completion of the targets must be reported. Shortcomings must be adequately reported e.g. reasons for unrealistic time frames, inadequate resources, insufficient political support or organizational inadequacies. Shortcomings must be carefully dealt with by concerned agencies/organizations with the PHRC Lead Agencies.
  - The lead agencies consolidate the quarterly reports submitted by its cluster members for submission to PHRC. Any adjustments in the original medium and quarterly targets will have to be further evaluated and approved by the PHRC in its regular NHRAP meeting. Thus, the lead agencies submit for deliberation of the PHRC such quarterly reports with recommendations on possible action/s to overcome shortcomings encountered in the process. Any adjustments in the plan's objective, time schedule, resources and methods must be decided upon carefully by the Committee, and must be compensatory action in order to keep public confidence in the national action planning for human rights. All adjustments made to the plan must be publicly disseminated.
- b) At the PHRC level, the document-outputs of the thematic PAPs will be reviewed by the PHRC, on its own, or by enlisting the assistance of other agencies/organizations or consultants that have the required expertise. On the whole, the PHRC undertakes thorough review of the quarterly reports of the lead agencies in order to determine the general status of completion of the targets and keep track of the progress of the NHRAP as far as the level or extent to which the PAP's document-outputs are contributing to the realization of the annual and medium term targets. The focus of the review of the PHRC will be on the extent to which accountabilities of the pre-identified branches/agencies of government are delivered and performed and whether or not, as a result of which, the status and condition of the vulnerable or disadvantaged groups show improvements.

Also, the Commission on Human Rights of the Philippines, may conduct on its own, the monitoring and evaluation of the NHRAP in keeping with its independent mandate to monitor compliance of the Philippine Government with its human rights treaty obligations. However, this is a separate undertaking to which the PHRC could not fully depend on due to its different mandates. PHRC monitoring and evaluation covers all outcome and output evaluation encompassing all the technical, institutional, managerial and resources aspects of the plan.

### *Evaluation*

The evaluation will be done through formal and informal modalities both at the thematic cluster level and PHRC level.

- a) The Lead agencies together with the thematic cluster members may engage in an annual informal review of the thematic plans. They may do this type of informal evaluation through series of meetings focusing on how the achievements or non-achievement of the annual targets influence positively or negatively the status or progress of the plan towards the attainment of the NHRAP outcomes. A classification and review of the accomplishment targets as well as the document-outputs vis-à-vis the NHRAP outcome indicators will give the thematic clusters and the lead agencies sufficient data and information on the effectiveness or ineffectiveness of the plan implementation. Again, some compensatory actions will have to be identified, if due to some shortcomings, some targets could not be achieved. It is best that during this informal evaluation, adequate number of representatives of the concerned vulnerable and disadvantaged sectors will be asked to participate. Moreover, the results of this informal evaluation must be widely and publicly disseminated as a tool for further educating the public on the plan and to strengthen the confidence of the public on the plan.
- b) The PHRC may conduct on its own or contract an independent academic or research institution, to conduct a formal annual evaluation. On a mid-term and post term basis, both output and outcome evaluation will also be commissioned by the PHRC to an independent group or institution. The output evaluation will be based on the extent to which human rights, principles, standards and HRBA process were employed to produce the quality of outputs. While the mid- and post-outcome evaluation will be centered on the changes and improvements that happened attributable to the NHRAP using as basis the baseline study conducted by the lead agencies at the onset of the preparation of the plan.
- c) The mid-term outcome evaluation is expected to be undertaken on 2012 and the post-term on the 2<sup>nd</sup> half of the 5<sup>th</sup> year of implementation or 2014. The post-term evaluation is expected to finish within three months after which, the PHRC will call for the convening of the PHRC thematic clusters for the formulation of a successor plan for the period 2015-2019.

d) The following table approximates the PHRC M & E Calendar for 2010-2014 with the crucial involvement of all parties implementing the plan to include the CSOs. It is expected that the public watch will be undertaken by People's Organizations, Non-government Organizations and the rest of civil society.

**Table 10**  
**Calendar of Monitoring & Evaluation Activities**  
**Period: 2010 – 2014**

M & E Activities	2010	2011	2012	2013	2014
Baseline Study	NHRAP Baseline Study (2009)				
Quarterly Monitoring		Quarterly Report of __	Quarterly Report of __	Quarterly Report of __	Quarterly Report of __
Evaluation	Annual Informal Thematic Evaluation		Mid-Outcome Evaluation		Final Outcome Evaluation
Reviews		Annual Plan/PAP Review	Annual Plan/PAP Review	Annual Plan/PAP Review	Annual Plan/PAP Review
Surveys/Studies Public Watch (With involvement of Vulnerable & Disadvantaged Sectors)		Studies on Best Practices	Public Perception Survey Studies on Best Practices	Studies on Best practices	Public Perception Survey Studies on Best practices
M & E Milestones	2008	2009	2010	2011	2011
Performance Scoreboard (With involvement of Vulnerable & Disadvantaged Sectors)		National/LGUs/CSOs	National/LGUs/CSOs	National/LGUs/CSOs	National/LGUs/CSOs
External Uses of		Treaty	Treaty	Treaty	Treaty

M & E Activities	2010	2011	2012	2013	2014
Information		Reporting	Reporting	Reporting	Reporting
		Annual Philippine Development Forum			
		Annual Review of MTPDP			
		MDG Compliance Report	MDG Compliance Report	MDG Compliance Report	MDG Compliance Report
M & E Capacity Building for PHRC Secretariat	Basic M & E Training for PHRC Secretariat/Lead Agencies/	M & E Skills Upgrading		M & E Skills Upgrading	

### 11.13 Resource Mobilization (Appendix A: NHRAP Results and Resources Framework)

The NHRAP Results and Resources Framework for 2010-2014 is a consolidation of all the resource requirements of the plan taken from Section 7 of each of the thematic plans. As indicated in this section, the implementation of the plan will require pooling allocation of budgetary resources across the government machinery and donor community. As the plan is treaty-based, it is best that the Philippine government assume full responsibility and accountability in delivering all the commitments and targets contained in the plan. This is an indication of the political will of the government and its leadership to assume its accountabilities under each of the treaties.

The NHRAP Results and Resources Framework presents the general level of funding that is approximated for the implementation of the NHRAP and the corresponding resources needed to achieve each of the thematic output objectives and corresponding performance indicators and targets through the implementation of the PAPs designed under the eight (8) component thematic plans. It is assumed that lead agencies have adequately ascertained the appropriate level of funding that will be required for them to produce the specified thematic output objectives that will be gauged through the identified performance indicators.

To ensure results orientation of the NHRAP, the resource framework is linked with the PAPs and corresponding outputs, as well as to the overall outcome and output objectives and performance indicators of the NHRAP. The resource framework is a reference guide of the PHRC and its lead agencies, to determine which of the thematic

output objectives and their corresponding indicators are adequately funded and supported. Following its basic principle as a resource framework the identified budgetary resources are tied up with each thematic output objectives and indicators, which require accountable and implementing duty-bearers. Shortcoming in terms of inadequate resources is one critical problem to be dealt with by the PHRC and its lead agencies, if and when commitments of the accountable agencies/institutions are not secured during the planning of the NHRAP. It is best that budgetary resources are identified per thematic output objective for greater ease in managing the implementation of the NHRAP.

Ideally, the amount of resources needed to achieve one thematic output objective requires allocation of resources of all relevant duty-bearers. One thematic output objective consists of one or more PAPs, which will be funded by identified number of implementing agencies which carry the relevant core mandate or business needed for the PAP implementation. At this level, the role of the lead agencies to effect different strategies and modalities for resources sharing will be crucial. That is why, it is most appropriate that inter-agency funding scheme and official commitments for each of the PAPs is are properly and adequately identified and secured by the lead agencies, prior to implementation of the plan..

Generally, the role of the PHRC-NHRAP Secretariat is promoting public awareness of the plan, monitoring its implementation and evaluating its outcomes. Crucial to the success of the plan will be the ability of the PHRC to enlighten relevant lead and implementing agencies that achieving human rights thematic output objectives forms an integral part of their development mission and that, corresponding budgetary support be provided by them.

Thus, it is incumbent upon the PHRC Lead Agencies to ensure that their respective agencies will be institutionally engaged to provide policy, organizational and funding support for the implementation of the plan. The same principle is expected to work among the other implementing government agencies that comprise each of the eight (8) thematic clusters. In the long term, this will pave the way for the total mainstreaming of human rights into the orientation and operations of the entire government machinery in pursuing its development and governance goals.

In order to ascertain funding for each of the PAPs, the lead Agencies and PHRC will undertake the following steps:

**Table 10**  
**Ascertaining the Funds for the PAPs**

Steps	Description
1	Lead agencies and identified accountable and implementing agencies and organizations (CSOs included) have categorically rationalized or linked their NHRAP-PAPs with the Agency-mandated Major Final Outputs (MFOs)/Indicators and PAPs

	under the General Appropriations Act (GAA) or with any other special funding appropriations
2	Cabinet level commitment to the NHRAP thematic plans and corresponding PAPs have been sought during the planning and or before the NHRAP launching
3	PHRC and lead agencies enlist all possible contributions in material or non-material forms the contributions of the vulnerable and disadvantaged sectors, private sector and the rest of civil society
3	New NHRAP-PAPs not categorically justified under the Lead /Implementing Agencies' MFO/PAPs will have to seek transition fund source for 2010 and adequately incorporated or mainstreamed into the 2011 budget and the year thereafter until 2014
4	Through the inputs of the lead agencies, the PHRC consolidates the PAPs without funding and explores possible sources of funding
5	PHRC, through the NHRAP Financing and Implementation Committee, assist the lead agencies/thematic cluster in seeking funds at the cabinet level or through the donor community especially for PAPs involving research, education and training for which the government has limited funding source/s under the GAA.
6	PHRC monitors through the lead agencies the NHRAP funds delivery and constraints on regular basis for remedial action by the Office of the President

TABLE - GENERAL IMPLEMENTATION PLAN

9. General Administration of the Plan	9.1 High Profile launching to achieve strong political and public support	9.1.1 Endorsements form champions and advocates from different branches	9.1.1.1 Conduct of NHRAP Launching	National	PHRC – Lead Agencies	Representatives of vulnerable & disadvantaged sectors				
	9.2 Established awareness and culture of human rights through wide dissemination of the plan	9.2.1 High level of awareness on human rights, accountabilitys of government and people's entitlements	9.2.1.1 Conduct of tie-up program with media network of organizations	National & Local	PHRC – Lead Agencies	Representatives of vulnerable & disadvantaged sectors				
	9.3 Continuing commitment and support from all branches of government and LGUs through advocacy	9.3.1 Mainstreaming of the NHRAP to the legislative, judicial and administrative agenda and plans of concerned branches of government	9.3.1.1 Conduct of dialogue and fora with concerned branches	9.3.1.1 Conduct of consultations with concerned technical secretariats on the status and progress of the NHRAP agenda	National & Local	PHRC – Lead Agencies	Representatives of vulnerable & disadvantaged sectors			
	9.4 Broader human rights education in the formal, non-formal educational system	9.4.1 Increased level of reference to the NHRAP to educate students on human rights	9.4.1.1 Conduct of consultations with various educational institutions on the human rights education component of the NHRAP	National & Local	PHRC – Lead Agencies	Representatives of vulnerable & disadvantaged sectors				
			9.4.1.2 Mainstreaming of the NHRAP issues, agenda and plan in the schools' educational lectures, conferences and							



