

BEYOND INFORMALITY, CLAIMING DIGNITY

A Training Course for
Capability Building of
Leaders and Members of
Informal Sector Organizations

By **ESCR Asia**

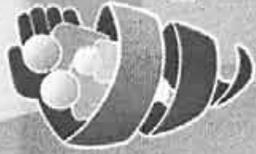
Supported by

Royal Dutch Embassy - Philippine
Ministry of Foreign Affairs of Norway
Danish Embassy - Philippines
United Nations Development Program (UNDP) - Philippines



ESCR Asia





ESCR Asia

Economic, Social and Cultural Rights-Asia (ESCR-ASIA)

VISION

An Asia composed of compassionate, just, equitable, peaceful and prosperous societies where individuals and peoples are empowered and enabled, in partnership with their States, to enjoy and realize all their human rights.

MISSION

We commit to serve as an effective agent in the promotion and protection of the economic, social and cultural rights (ESCRs) of Asian peoples particularly the poor and the marginalized.

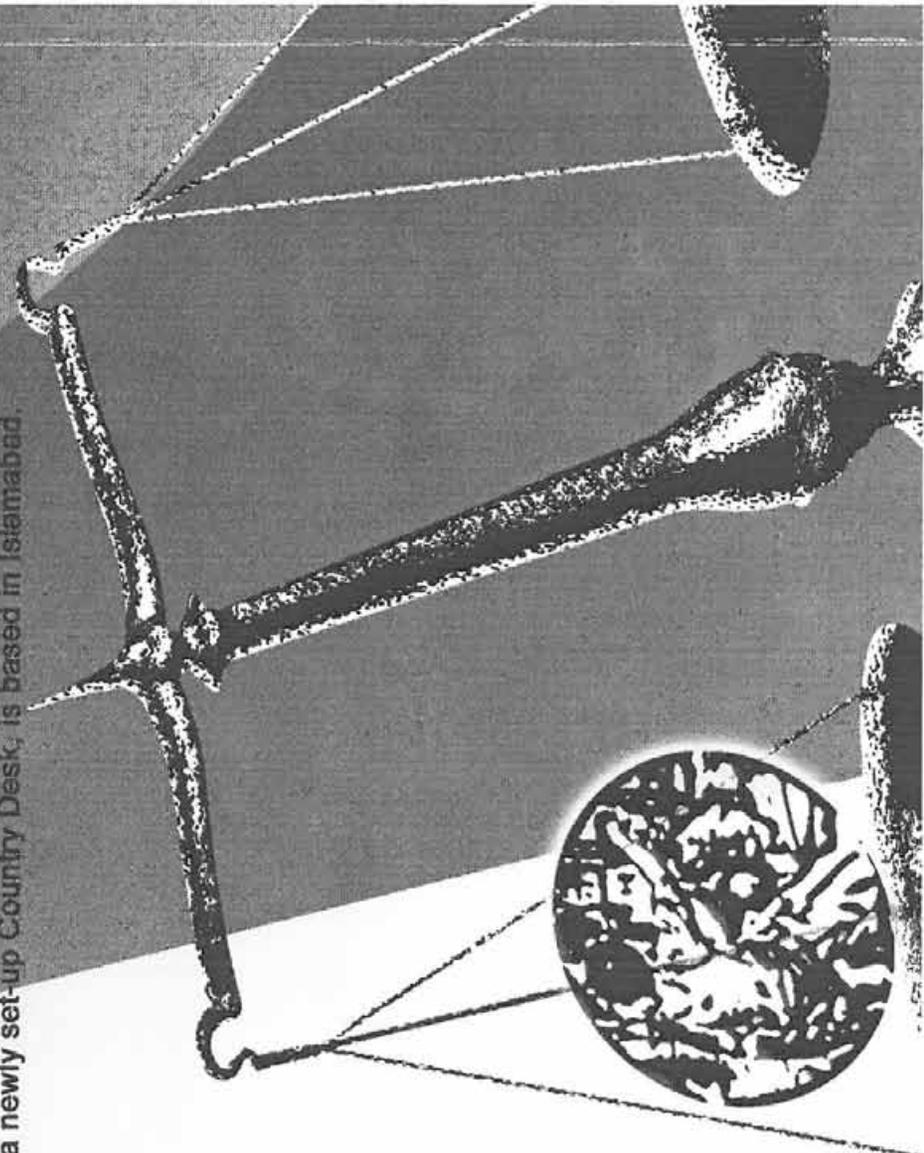
GOAL

To contribute to the recognition and realization of ESCRs in Asia through appropriate reform measures that would result in changes in attitudes, behaviors and policies of both State and non-State actors towards the promotion and protection of the rights of the poor and the marginalized.

To become an effective and efficient Asian regional organization working towards the promotion and protection of ESCRs of peoples in Asia.

STRUCTURE

The ESCR-Asia Head Office is based at the Manila Observatory, Ateneo de Manila University Campus, Loyola Heights, Quezon City, Philippines. ESCR-Asia Pakistan, a newly set-up Country Desk, is based in Islamabad.



“ In Celebration of
the 60th Anniversary
(1948-2008) of the
Universal Declaration of
Human Rights (UDHR)
and the 32nd Year of the
Ratification by the
Philippine Government
of the International
Covenant on
Economic, Social and
Cultural Rights
(ICESCR) ”



BEYOND INFORMALITY, CLAIMING DIGNITY

A Training Course for Capability Building
of Leaders and Members
of Informal Sector Organizations

By ESCR-Asia

Supported by:

Royal Netherlands Embassy - Philippines
Ministry of Foreign Affairs of Norway
c/o Royal Norwegian Embassy – Philippines
United Nations Development Program (UNDP) - Philippines





Course Development Team

Writers:

Mr. Redento B. Recio
Ms. Resurreccion Lao

Research Assistants

Ms. Elvie Jo Robis
Metudio Belarmino Jr. - Public Interest Advocacy and Litigation Office (PIALO)

Resource Persons and Consultants

Atty. Glenda Litong
Ms. Rosario K. Garcia
Dr. Amado Mendoza Jr.
Ms. Caroliza T. Peteros - Mediators Network for Sustainable Peace (MEDNET)
Prof. Jerry Apolonio
Atty. Edmund Lao - Public Interest Advocacy and Litigation Office (PIALO)

Editor

Ms. Athena Agustin

Book Design

Arnel Rival

Illustrator

Francis J Algernon Bartolome

Printer

ALL WAYS Graphics and Printing Services

Copyright: Economic, Socioal and Cultural Rights Asia (ESCR-Asia Inc.) 2008

ISBN: 978-971-93989-1-2



Acknowledgement

ESCR-Asia humbly acknowledges that this rights-inspired capacity-building module is a collective endeavor. The crucial support and valuable inputs of brilliant and practical informal sector leaders including their active participation in the series of consultations and focus group discussions have helped defined the contents of this module. We specifically recognize the contributions of the following people:

- Emmanuel Pelayo of the Association of Construction and Informal Sector Workers
- Joeffrey Lopez of KASAMPADYAK
- Josephine Parilla of the National Anti-Poverty Commission, Workers in the Informal Sector Council
- Jovito Dacula of SANAMAI
- Mercedes Nicolas of KATINIG

ESCR-Asia also deeply appreciates the leaders who gave noteworthy comments and who meaningfully participated in the Pre-Testing Session of the first draft of this module. They are:

Cecilia Manalo	Delliah Rivera
Emilio Tallon Jr.	Emmanuel Pelayo
Hill Encierto	Joeffrey Lopez
Jovito Dacula	Leopoldo Roldan
Lira B. Perucho	Magdalena Castro
Maria F. De Los Santos	Marina De La Cruz
Marina Santos	Nenia De Vera
Resty Lopez	Rosalinda Funtanares
Rosere! Virtudazo	Salve Gaytano
Temprosa Ramirez	Violeta Quimson
Vivian Ibanez	

ESCR-Asia could never thank enough the staff who have been part of its family and have greatly contributed, directly and indirectly in the crafting of this module. We express our deep gratitude to Reden Recio, for generously sharing his talent and skills learned from experience and the academe on conducting lively trainings and for taking a lead part in writing and consolidating the topics of the module; and to Patricia



Lourdes Sarmenta, Jessica Herico and Elvie Jo Robis who supported this output in varying ways and roles.

ESCR-Asia sincerely appreciates the valuable assistance and contributions of a few individuals who assisted in the editing of a few sections and acted as documentors, training assistants during the Pre-testing sessions and national training activity for informal sector leaders. They are Lourdes Didith Mendoza, Erika Santos, Barbara Arriola and Tet Gallardo. For gracefully accomodating the demands in the printing of this publication, our great thanks to Teofilo Jose Geaga.

To those who we have inadvertently missed out in the listing of names, maraming, maraming salamat po!

ESCR-Asia Board of Trustees

Beyond Informality, Claiming Dignity A Preface

They, too, are the unsung heroes of our Philippine economy.

They wake up early in the morning to sell their wares and eke out a living on the streets. They comprise more than fifty percent (50%) of the Philippine labor force; their number is estimated to be at twenty two million (22 million), and is still phenomenally growing. According to the National Statistical Coordination Board (NSCB), they contribute almost sixty percent of the gross domestic product (GDP), yet their contribution is hardly recognized by government policymakers, planners and even civil society.

They are robbed of the opportunity to improve their lives and overcome poverty because they are excluded from the rule of law, statistics, labor and social protection. They struggle to reclaim or claim their dignity in the face of economic misery. It is clear that members of Philippine informal sector groups are vulnerable and most disadvantaged.

ESCR-Asia is cognizant of the many endeavors and support accorded to these groups whether in the area of advocacy, bill-crafting, education and even economic interventions. ESCR-Asia, in particular, hopes to contribute to rights-based capacity-building endeavors. It supports activities that fully harness the potentials of the members of the informal sectors and tasks that facilitate their own recognition of their being human, the entitlements that go along with it and how they can build synergies that will wake our society up to meaningfully acknowledge that they are crucial actors in our country.

Beyond Informality, Claiming Dignity is a capacity-building module and is ESCR-Asia's modest contribution to the continuous empowerment of leaders and members of the Philippine informal economy. This literature has four topics:

- Module 1 *Making Both Ends Meet: Roots and Contribution and Issues of Workers in the Informal Economy*
- Module 2 *Knowing and Asserting: The Human Rights of Workers in the Informal Economy*
- Module 3 *Responding to Some Organizational Needs: Conflict Resolution and Management and Paralegalism and*
- Module 4 is on *Moving Forward: Some Best Practices of Some Informal Sector Groups.*





Each module contains the main topic, inputs, exercises/ methodologies, materials and some references to which an informal sector leader or trainer can refer.

One purpose in coming out with this course is not only to sharpen the understanding of leaders and members on the roots of the Philippine informal economy, their rights and the concerns affecting them, we also wish to effect positive changes in behavior and attitudes towards their humanity or being - that the fundamental tenet of claiming dignity is the recognition that one is human - whether one is a *tindera*, a *trisikad* driver, a home-based worker, a *mangingisda* or a farmer.

Beyond Informality, Claiming Dignity also hopes to be a practical rights-based capacity-building guide for leaders in the conduct and replication of trainings for their members. Translated into Filipino and Cebuano, this guide is primarily designed to be a handy training tool so that informal sector leaders would not be too dependent on NGOs or institutions in providing trainings. With constant use of this guide, they themselves can be good trainers, better than their NGO counterparts.

ESCR-Asia hopes that not only members of informal sector groups will find this material an effective technical guide, but also stakeholders from both government and civil society entities including the academe. May this material move the "heart" of each reader to design better or improve existing empowering technical materials for our brothers and sisters in the informal sector. We hope that the application or actual trainings to be conducted will further enhance the inputs, theoretical foundations and the exercises given in each of the submodule.

As your comment is invaluable, ESCR-Asia invites, you, the reader, to submit your thoughts on this course, to share your experiences and to suggest more culture and informal sector-friendly versions for this guide. ESCR-Asia is ready to cooperate with peoples' organizations, the academe and government entities who are interested in the empowerment of the poor, the informal sector, in particular,

Various individuals and groups especially from those informal sector entities who have journeyed with ESCR-Asia the past two years in crafting this course have been mentioned in the acknowledgment section. We wish to reiterate our heartfelt gratitude to our patient partners- the Royal Netherlands Embassy-Manila, Ministry of Foreign-Affairs of Norway (with the special role of the Royal Norwegian Embassy-Manila) and the United Nations Development Program (UNDP)-Fostering Democratic Governance Portfolio. They deeply appreciate the heroic role of the members and groups of the Philippine informal economy even if the contents of this course do not necessarily reflect their views.

The Commission on Legal Empowerment of the Poor, in its book *Making The Law Work for Everyone* (Volume 1 Report of the Commission on Legal Empowerment of the Poor, 2008), assessed that the legal empowerment of four billion people around the globe is excluded. What a great blessing, if the full human potentials and vital energies of these four billion people, including that of our twenty two (22) million-member Philippine informal economy, be finally **unlocked**, and each one of them will rise and claim their dignity and rightful position in society that is rightfully theirs in the first place. What a peaceful and stable world we will have. We are certain that day will come. Change is already happening.

Resurreccion T. Lao
Resurreccion T. Lao
Executive Director

For comments and information, please contact:
The Executive Director

Economic, Social and Cultural Rights-Asia

Rm.6, Mezzanine Flr., Manila Observatory, Ateneo de Manila University, Loyola Heights, Quezon City, Philippines; escasia2003@yahoo.com





Context

Recent studies show that the poverty situation in the Philippines has remained a major national issue. The latest data of the National Statistics Coordination Board (NSCB) revealed that as of 2006, 33 out of every 100 Filipinos were poor. This meant that of the 84 million total population, 27.6 million Filipinos were considered poor.

This starting reality resulted in the growth of the number of Filipinos who belong to the so-called informal sector. A study initiated by the Bureau of Labor and Employment Statistics (BLES) reported that in 2002, about 15-19 million workers were part of the informal sector, comprising 63% of the Philippine labor force.

This swelling sector has kept the Philippine economy afloat for years. In fact, the NSCB estimated in 2002 that around 40 to 70% of the country's Gross Domestic Product (GDP) was generated by the informal sector. The sector has been recognized as the "economy of the poor." It provides employment to the unemployed, as well as affordable goods and services to the poor.

Despite its major social and economic contributions, the informal sector has not received much-needed support from the government. Most of the workers that engage in informal economy such as street/side walk vending, small transport, home-based and construction work etc., do not enjoy lawful protection from national and local governments. Worse, they are constantly harassed by implementers of laws and policies who treat their work as illegal and/or unregistered. There have been numerous documented practices of human rights violations done against informal sector workers.

Clearly, there is a need for development interventions. Workers in the informal economy must acquire the necessary knowledge, skills and attitude to address their everyday struggles while trying to earn a living. They also need to assert their individual and collective rights as human beings, and as members of society.

General Objective

The course is developed for a capacity building activity. It aims to facilitate a deeper appreciation/understanding among leaders and members of the informal sector about

basic human rights and their sectoral concerns (issues, demands, and rights). A change of attitude and behavior about themselves and their work is the expected result. It also intends to enhance the participants' skills in some organizational essentials, such as conflict resolution, negotiation, mediation and para-legalism. Finally, it hopes to showcase some of the success stories and good practices of some informal sector groups with emphasis on the following themes: Entrepreneurship, Social Protection, Conflict Resolution and Partnership w/ LGUs.

General Methodology

The training employs a participatory type of methodology. This allows a dynamic sharing of ideas in an atmosphere where everyone assumes the role of learners and learning facilitators. It utilizes the following methods: *Lecture – discussion, workshops, film showing, small group discussion, roleplays, socio-drama etc.*





Outline & Main Content

I.	Setting the Tone: Preliminaries _____	1
	- Getting-to-know Each Other	
	- Expectations Check	
II.	Making Both Ends Meet: Roots, Contributions and Issues of Workers in the Informal Economy _____	11
	- History of Workers in the Informal Economy	
	- Contributions & Issues of Workers in the Informal Economy	
III.	Knowing & Asserting: The Human Rights of Workers in the Informal Economy _____	37
	- Human Rights Principles, Concepts and Characteristics	
	- Rights-based Approach and State Obligations	
	- Civil and Political Rights	
	- Economic, Social and Cultural Rights	
IV.	Responding to Some Organizational Needs: Conflict Resolution and Management & Paralegalism _____	87
	- Conflict Resolution and Management	
	- Paralegalism	
V.	Moving Forward: Showcasing Good Practices of Some Informal Sector Groups _____	139
	- Entrepreneurship	
	- Social Protection	
	- Conflict resolution	
	- Partnerships w/ LGUs	
	- Organizational Consolidation	
	- Innovative Strategies for IS Organizing	
VI.	Synthesis, Commitment Setting and Closing Ritual _____	145



SETTING THE TONE :



PRELIMINARIES



Setting the Tone: Preliminaries

TOPIC	ACTIVITY	METHODOLOGY	DURATION
First Module: Preliminaries - Getting to know	Ako Si...		45 min.
	Bahay-Bata-Bagyo	Game	30 min
- Levelling off/Expectations Check	PAGASA report	Metaplaning; discussion	40 min

This first part generally aims to set the tone of the training activity. It focuses on activities that would help the participants feel comfortable with one another.

SESSION 1: Getting to Know...

General Objective

- To create a cooperative atmosphere that can ease the learning process of everyone

Specific Objectives

- To be comfortable with fellow participants and with the facilitators and documentors of the training
- To introduce oneself and know co-participants beyond names and faces





Activity 1: Ako Si...

Process:

1. The facilitator asks the participants to think of an action/pose (i.e. dance step) that they want to do while they introduce themselves one by one.
2. The first to introduce says "Ako si _____ (her/his name)". The participant acts out her/his preferred action/move while pronouncing her/his name loudly. After the first statement, the participant will further introduce herself/himself by mentioning her/his age, hometown/ province, work etc.
3. The next participant introduces first the person preceding her/him by saying the previous person's name "Siya si (name of the previous participant)". The second participant also acts out the "move/pose" of the previous participant as her/his name is mentioned.
4. All the remaining participants do this process. They all start with the introduction of all the co-participants preceding them.



Materials:

- Room enough for 30 people to form a big circle.



Duration: 30 - 45 minutes (depends on the number of participants)



Integration

Important Points:

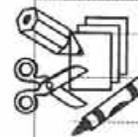
- a. In this training, it is important to know and remember the names of our co-participants and facilitators/documentors as we will work with them in the next three-four days.
- b. Activities in the training are designed not just for talking and sharing of ideas and experiences, there are also action-oriented exercises.



Activity 2: My Alter Ego

Process:

1. The facilitator begins by explaining that most individuals associate themselves with certain things, plants and flowers, animals and insects, events, personalities etc. because they see some of their qualities being exhibited or possessed by such.
2. S/he then enjoins everyone to think of something (things, plants and flowers, animals and insects, events, personalities etc.) that can best represent herself/himself. This is the "alter-ego" or the "other self."
3. The facilitator asks each participant to illustrate her or his 'alter ego' on a sheet of white bond paper.
4. Aside from the 'alter ego', each participant has to write down on the right portion of the illustration the positive traits of their alter ego that capture her/his positive qualities. On the left side of the drawing, s/ he has to list down all the negative characteristics of her/his alter ego that s/he also sees in herself/himself.
5. After this, the facilitator asks the participants to form groups of 5-6 persons. Within the groups, each participant explains her/his alter ego. The following questions can be used by the participants in sharing their artwork:
 - Why did you choose that thing/animal/personality as your alter ego?
 - Explain the positive and negative traits that you have listed down.
 - What did you feel while doing the exercise?
6. Illustrated "alter egos" are later hung using clotheslines and placed on visible areas for everyone to see and appreciate.



Materials:

Bond paper, Crayons, Tables and Clotheslines/string



Duration: 20 minutes for drawing;
30 minutes for sharing





Integration

Important points:

- In any learning process, it is very important to know ourselves – our strengths and weaknesses, excesses and limitations.
- In this training, it is equally important to know our fellow participants and facilitators beyond their names and faces. It takes time and effort to do this.
- We still have three-four more days in this training activity. Let us use this time to know each other.



SESSION 2: Expectation Setting

General Objective:

- To level-off on the following: objectives, flow and content of the activity; expectations of and/or from the participants; house rules and other administrative concerns

Specific Objectives:

- To know the expectations, fears, inhibitions etc., of the participants
- To know if the expectations of the participants regarding the activity reflect the objectives of the training
- To set the parameters/scope and limitations of the activity in terms of objectives, content and methodologies
- To know if some adjustments need to be done concerning the content and methodologies of the activity



Activity 1: PAGASA Report¹

Process:

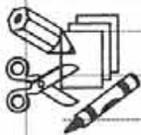
- The facilitator gives out metacards and asks the participants to write down their expectations accordingly:
 - Pink – expectations about the training outcome
 - Blue - expectations about the training process/methodologies
 - Red - expectations about the self/fellow participants
 - Yellow – obstacles
- After 10 minutes, the facilitator asks the participants to post their answers.
- Answers are arranged based on the following headings:
 - those written on **pink metacards** (concerning training outcome) should be posted under **PA or PANGARAP heading**;
 - those written on **blue metacards** (concerning training process and methodologies) should be posted under **GA or GAWAIN heading**;
 - those written on **red metacards** (concerning self/co-participants) should be posted under **SA or SARILI heading**; and

¹ Adopted from the Coalition Against Trafficking In Women: Asia Pacific or CATW-AP's module for Young Men's Camp on Gender Issues, Sexuality and Prostitution. Some modifications introduced.





- those written on yellow metacards (concerning obstacles) will constitute the last column.
4. The facilitator then leads the discussion of expectations raised by the participants. In tackling the identified obstacles, it is important to ask everyone what attitude/approach is needed to address their concerns.
 5. After processing the expectations and perceived obstacles, the facilitator presents the objectives, flow and methodologies of the training activity.
 6. Important: ask the participants if they have questions/concerns on the objectives, flow and methodologies of the training activity.
 7. After this, the facilitator gives out the learning journal. S/he explains that the participants can write down their insights on the journal (either by simply using this as a diary or by expressing their thoughts through drawings and other forms such as a poem, song etc.). S/he also points out that they will be given 5-10 minutes to reflect on their insights after every major session. The participants may also use their free time during the entire training event to write on the learning journal.



Materials:

Metacards, Masking tape,
Marker



Duration: 50 minutes



Integration

Important points:

- a. While we come from diverse backgrounds (places, communities, ethnic groups, experiences etc.), we all belong to what is known as the informal sector. The nature of our work has shaped our common issues and struggles.
- b. We are here to achieve our collective goal of enhancing our skills, knowledge and attitude as workers in the informal economy. This can help us address our work-related problems.
- c. Activities are participant-oriented where everyone assumes the role of learner and learning facilitator. Participants' cooperation is necessary in attaining the training objectives.

References:

- **Coalition Against Trafficking in Women – Asia Pacific (CATW-AP). (2006).** Module on Gender Issues, Sexuality and Prostitution for Young Men, *Unpublished*
- **Ortigas C. (1990).** Group Processes and the Inductive Method: Theory and Practice in the Philippines (Handbook for Facilitators)
- **Philippine Peasant Institute. (1986).** 'Sang Bagsak (Popular na Edukasyon): Gabay sa Pagpapaunlad ng Instruktor
- **Volunteer Service Overseas (VSO), International Institute of Rural Reconstruction (IIRR) and Popular Education for People's Empowerment (PEPE). (1998).** Creative Training: A User's Guide, Quezon City Philippines





MAKING BOTH ENDS MEET:



ROOTS, CONTRIBUTIONS AND ISSUES IN THE INFORMAL ECONOMY





II. Making Both Ends Meet: Roots, Contributions and Issues of Workers in the Informal Economy

TOPIC	ACTIVITY	METHODOLOGY	DURATION
Second Module: Workers in the Informal Economy - Tracing the Roots of Workers in the Informal Economy	River of life	Drawing; sharing; discussion	1 hour
	Film showing (Between the Cracks...)	Film showing; sharing & discussion	50 min.
-Definition, contribution, problems and issues of workers in the informal economy	Lecture	Lecture-discussion	2 hours

General Objective:

At the end of this module, the participants are expected to gain deeper understanding of the common questions concerning the informal sector

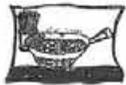
Specifically, they should be able to:

- Identify and explain the factors that have led to the emergence of the informal sector
- Identify the five sub-sectors that fall under the umbrella of the informal sector
- Identify and explain the continuing issues that have stubbornly beset members workers in the informal economy
- Recognize and express the contributions of the informal sector to Philippine society





SESSION 3: Emergence and Growth of the Informal Sector



Activity 1: River of Life²

Objectives:

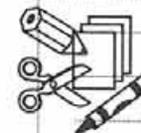
The activity aims to draw out common experiences/stories of the participants in relation to their past and current work/status in life. Through this exercise, the participants will be able to understand the roots of their present condition

Process:

1. The facilitator gives a brief orientation on the meaningful symbols that people associate with a river. Rivers have various representations in people's lives. Some cultures consider it a symbol of their personal journey. Deepak Chopra wrote that the river of our life always runs between two banks: one of pain and one of joy.
2. After this introduction, the facilitator gives out bond paper and crayons to everyone. S/he then asks them to draw the river of their own life, focusing on their past and present work/livelihood or source of income. It is better if they begin with their first job/livelihood, up to the current one. They may also start with the statement '*Naging vendor/driver/magsasaka/mangingisda (atbp).ako dahil* _____'
3. Encourage them to highlight their working condition at different stages in their lives, using different colors (i.e. dark colors for difficult times and light colors for moments when work is satisfying and fulfilling). It is also important to highlight the factors (events/situation, people

[family legacy]) that led them to their different work experiences. These factors can be reflected in the drawing by stones, swift currents, and other symbolism. The participants may also wish to list down "positive" factors on the left bank of the river and/or put negative ones on the right bank of the river.

4. After 10-15 minutes, the facilitator asks the participants to form groups of 5-6 persons. Within their groups, each participant shares her/his river of life.
5. Each group should assign one facilitator and one documentor from among them. After the sharing, the participants identify common themes/factors in their individual rivers of life.
6. The facilitator then asks each group to come up with a short presentation (skit) that portrays the common themes/issues in their group.
7. Skits are presented when everyone is once more joined as a big group. After each presentation, one member of the group should explain the meaning of their presentation to everyone.
8. After all presentations, the facilitator reiterates common themes/factors/issues and proceeds to give inputs highlighting the important points stated below.



Materials: Bond paper

Crayons



Duration: 1 hour & 30 minutes



Integration

1. Where does the informal sector come from?

- a. Most informal sector workers were agricultural workers who migrated to urban centers in search of better opportunities.
- b. Lacking skills and knowledge, these migrants were unable to find

² Adopted from Hope A. and S. Timmel (1984) Training for Transformation: A Handbook for Community Workers. Modifications supplied





jobs in the cities. They ended up engaging in whatever type of livelihood activities were accessible to them, just to earn a living.

2. Where do we find the informal sector?

- a. Unable to afford decent housing facilities and services, they also comprise the increasing number of urban poor families occupying hazardous public spaces (riverbanks, *esteros*, parks, along highways and railroads) and private lots in the city.
- b. Informal economic activities have also been considered as "spontaneous and creative answers of the population to the inability of the State to meet the basic needs of the poor". One author even noted that "where there is poverty, there is the informal sector".

3. Who belongs to the informal sector?

- a. According to the International Labour Organization (ILO) criteria, economic activities belong to the IS when:

- (1) There are unpaid family workers in a business;
- (2) Less than 10 people are employed in a business;
- (3) There are no legal regulations or the existing regulations are not observed;
- (4) There are no regular working hours;
- (5) The work is seasonal; and,
- (6) There is no dependency on regular loans.

- b. In 1998, the ILO came up with the definition of the informal sector as "small-scale self-employed activities (with or without hired workers) distributing goods and services at a low level of organization, skills and technology with the primary objective of generating employment and incomes. The activities are usually conducted without proper recognition from authorities and escape the attention of the administrative machinery responsible for enforcing laws and regulations".

4. Who are not considered as part of the informal sector?

- a. Permanently or voluntarily unemployed
- b. Retirees

More Information

The *structurally unemployed* or those who cannot get into formal employment due to a bureaucratic system that does not generate enough jobs, are also included in the definition of the sector. Normally, they have to find jobs for survival, and in the process, eventually take the route of being a small-scale, self-employed, or wage-earning informal worker. Other factors contributing to being structurally unemployed are low levels of education and skill, the same criteria that formal economies generally look for and require. Those who are permanently/voluntarily unemployed and/or are retirees are not included in this definition of the informal sector/economy.

Under the pilot action program led by the Department of Labor and Employment (DOLE) in 2001 to address the concerns of the informal sector, a commonly accepted official definition was adopted by the National Statistics Coordination Board (NSCB) on November 9, 2002. This definition describes the informal segment of the Philippine economy as:

"Units engaged in the production of goods and services with the preliminary objective of generating employment and incomes to the persons concerned. It consists of household unincorporated enterprises that are market and non-market producers of goods as well as market products of services. These enterprises are operated by own account workers, which may employ unpaid family workers as well as occasional, seasonally hired workers. These enterprises may also be owned and operated by employers, which may employ less than 10 employees on a continuous basis. Excluded are corporations, quasi-corporations, units with 10 or more employees, corporate farms, commercial livestock-raising and commercial fishing". (NSCB 2002)

It is important to note that this official definition is still being refined, particularly the range of cases for exclusion/inclusion. This definition speaks generally of the informal sector, and some of its points may not fit the situation of the sub-sectors or the specific small enterprises composing the informal sector. In several discussions with different IS organizations, leaders have been very assertive in articulating the nuances between/among various IS sub-sectors. Also, aside from the *number of employees (less than 10)* inherent in this definition, there is a strong need to consider more the *amount of capital*. It is believed that the capital of small-scale enterprises in the informal economy does not exceed P50,000.00 (ESCR-Asia: 2005).





SESSION 4: Contributions and Issues of Workers in the Informal Economy



Activity 1: Viewing of a Documentary Film

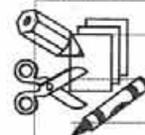
Objectives:

Through a documentary film, the participants will be able to

- Identify important contributions/roles of the informal sector in Philippine society.
- List down issues and problems confronting the informal sector

Process:

1. The participants watch the documentary film entitled 'Between the Cracks: Voices of the Philippine Informal Sector'.
2. After the film showing, the facilitator distributes metacards and asks the participants to write down:
 - Important contributions and roles that the informal sector play in our society as shown in the film (on yellow metacards)
 - Issues and problems of the informal sector (on blue metacards)
3. S/he then asks them to post their answers under the two headings – contributions and issues & problems
4. The facilitator sorts out the answers with similar meaning and asks the participants to explain their answers by citing their actual work experiences. Other participants can also add details to, and/or comment on the answers of their fellow participants by sharing their own stories/experiences in relation to the topic/s (contributions or issues and problems) being discussed.
5. The facilitator then proceeds with the integration by providing inputs on the features, contributions and issues of the informal sector. Inputs are based on some researches on the topic.



Materials:

DVD copy of the film, DVD player and large screen/monitor, Marker, Metacards, Masking tape



Duration: 45-50 minutes; Integration and processing - 1 hour



Input

Main features of Philippine informal businesses (Indon: 2007 A):

1. Household Based

This kind of business enterprise is operated by a social unit sharing the same sleeping and eating quarters.

2. Increasing Feminization

- o In 1996, 10.30 million were considered as own-account workers; 31.2% of them were women.
- o In 2001, 11.26 million were considered as own-account workers; 35% were women.
- o Female-led informal businesses grew by as much as 22.1%; 3.4% were led by males.

3. Vast Number

In 2005, 92% of business establishments in the country were of the micro-enterprise type (wholesale and retail services, and manufacturing sub-industries such as food products and beverages, wearing apparel, fabricated metal products, furniture, and non-metallic mineral products).

4. Concentrated in urban centers, particularly in NCR

Nearly 7 of 10 micro and small enterprises are located in Luzon, concentrated mostly in the NCR, CALABARZON and Central Luzon.





5. Low Productivity

Philippine micro and small enterprises account for less than 30% of the Philippine economy's gross value added; the large enterprises, which represent a mere 0.3%, accounts for the remaining 70%.

Classification of Informal Businesses:

1. Survival livelihood enterprises
2. Entrepreneurial or growth-oriented enterprises

Contributions of Workers in the Informal Economy (ESCR-Asia: 2005)



1. Estimated to contribute 40 to 70 percent of the country's Gross Domestic Product (GDP) or the value of a country's goods and services. The GDP is one of the factors that determine the strength of a country's economy.
2. Creates and provides badly needed employment and income.
3. Absorbs the underemployed, displaced and laid-off workers, forced retirees, and those who are educated but still unemployed.
4. Acts as a survival mechanism or a safety net especially for the poor.
5. Broadens the market and provides it with great flexibility, promoting economic growth.
6. Provides "wage goods" such as cheap labor, raw materials, and domestic services to the formal sector, reducing the impact of high inflation and real income variation on fixed-wage earners.
7. Provides sub-contracting work to formal sector enterprises, which translates into lower production costs.
8. Provides cost-effective goods and services to urban residents on a daily basis.
9. Provides goods with characteristics desired by particular consumers, communities, and markets.
10. Covers up for what the government has failed to provide in terms of infrastructure needs/services like water, informal shelters, day-care centers, and waste picking and recycling.

More Information

In a study describing the situation of informal businesses in the Philippines, the author cited the following main features of Philippine informal businesses (ESCR-Asia: 2007):

Household-based

Majority of informal businesses are household-based. That is, the business enterprise is operated by a social unit that shares the same sleeping and eating quarters. Many of these informal businesses are home-based and are operated solely by the owner-proprietor.

Increasing feminization

In 1996, about 10.30 million were considered as own-account workers. Of this, 31.2 percent were women. By 2001, the own-account workers rose to 11.26 million, 35 percent of whom were women. During this same five-year period, the number of female-led informal businesses grew by as much as 22.1 percent, while the number of male-led informal businesses grew by only 3.4 percent. In other words, more and more women are finding their way into the informal economy to set up and manage their own businesses (Ibid).





TABLE 1. Sample estimates of the size of the formal and informal economy based on employment (class of workers), 1996 and 2001

Class of worker	1996			2001		
	Number (in 000)	% to total workers	% female	Number (in 000)	% to total workers	% female
Formal: Wage and salary workers	13,096	47.7	35.8	14,751	49.0	38.2
Private sector	11,010	40.1	33.4	12,385	41.1	35.7
Government	2,086	7.6	48.5	2,366	7.9	51.1
Informal	14,346	52.3	37.8	15,334	51.0	39.9
Own-account workers	10,297	37.5	31.2	11,257	37.4	34.8
Unpaid family workers	4,049	14.8	55.0	4,077	13.6	54.0
Total number of workers	27,442	100.0	37.6	30,085	100.0	39.1

Source: Philippine Yearbook, NSO (2002), cited in Indon (2007 A)

It has also been noted that business establishments owned and operated by women are mostly food and beverage retail and service enterprises, variety (*sari-sari*) stores; personal and household services; and textile, wearing apparel, and leather manufacturing. Women prefer these sorts of enterprises because these enable them to stay close to home. Unfortunately, many of women-led enterprises operate at subsistence or survival levels (i.e. profit income is used for household needs instead of being reinvested into the business), and therefore offer little in terms of gaining more opportunities for profit through more production, or reaching economies of scale. (Ibid)

Vast number

In 2005, BSMED reported that almost 92 percent of business establishments in the country are the micro-enterprise type. Most of these enterprises engage in wholesale and retail trade services and in manufacturing sub-industries (e.g., food products and beverages, wearing apparel, fabricated metal products, furniture, and non-metallic mineral products) (Ibid).

TABLE 2. Number of micro and small business establishments by type of industry

Type of industry	Micro		Small		All establishments
	Number	% of total establishments	Number	% of total establishments	Total number
AGRICULTURE	1,985	46.5	2,004	46.9	4,270
Agriculture, hunting, forestry	1,468	47.0	1,434	45.9	3,125
Fishery	517	45.2	570	49.8	1,145
INDUSTRY	111,074	87.0	13,783	10.8	127,650
Mining and quarrying	198	60.4	105	32.0	328
Manufacturing	108,898	88.2	12,163	9.9	123,406
Electricity, gas and water	492	39.6	540	43.5	1,241
Construction	1,486	55.6	975	36.4	2,675
SERVICES	630,569	92.9	44,998	6.6	678,442
Wholesale and retail trade	415,753	95.7	18,220	4.2	434,650
Hotels and restaurants	81,563	92.0	6,856	7.7	88,624
Transport, storage and communications	10,768	75.2	3,204	22.4	14,318
Financial intermediation	18,438	76.6	5,459	22.7	24,061
Real estate, renting, and business activities	34,427	88.4	3,875	10.0	38,940
Education	4,928	52.8	3,898	41.7	9,338
Health and social work	26,697	94.7	1,287	4.6	28,201
Other community, social and personal service activities	37,995	94.3	2,199	5.5	40,310
ALL INDUSTRIES	743,628	91.8	60,785	7.5	810,362

Source: BSMED (2005), cited in Indon (2007 A)





Concentrated in urban centers, particularly in NCR

The table below indicates that nearly seven of ten micro and small enterprises are located in Luzon, and are concentrated mostly in the National Capital Region, CALABARZON, and Central Luzon (ESCR-Asia, 2007). (See Table 3)

TABLE 3. Number of micro and small business establishments by region

Region	Micro		Small		All establishments
	Number	% of total establishments	Number	% of total establishments	Total number
LUZON	497,077	91.1	43,980	8.1	545,534
Region 1: Ilocos	45,949	95.5	2,071	4.3	48,116
Region 2: Cagayan Valley	23,980	96.2	906	3.6	24,931
Region 3: Central Luzon	83,370	93.8	5,119	5.8	88,877
Region 4A: CALABARZON	109,177	93.3	6,679	5.7	116,973
Region 4B: MIMAROPA	24,952	95.2	1,212	4.6	26,200
Region 5: Bicol Region	29,313	94.9	1,495	4.8	30,899
Cordillera Administrative Region	13,472	94.8	694	4.9	14,218
National Capital Region	166,864	85.4	25,804	13.2	195,320
VISAYAS	106,939	92.1	8,355	7.2	116,129
Region 6: Western Visayas	42,462	92.8	3,040	6.6	45,757
Region 7: Central Visayas	44,526	90.4	4,226	8.6	49,263
Region 8: Eastern Visayas	19,951	94.5	1,089	5.2	21,109
MINDANAO	139,162	93.9	8,450	5.7	148,699
Region 9: Zamboanga Peninsula	26,073	95.0	1,297	4.7	27,451
Region 10: Northern Mindanao	30,794	93.2	2,114	6.4	33,057
Region 11: Davao	32,815	91.6	2,751	7.7	35,810
Region 12: SOCCSKSARGEN	26,935	95.1	1,289	4.6	28,316
Region 13: CARAGA	15,102	95.0	755	4.7	15,902
Autonomous Region of Muslim Mindanao	7,893	96.7	244	3.0	8,163
ALL INDUSTRIES	743,628	91.8	60,785	7.5	810,362

Source: BSME (2005), cited in Indon (2007 A)

Low productivity

Despite their large numbers and the amount of employment they generate, Philippine micro and small enterprises account for less than 30% of the Philippine economy's gross value added (GVA), while large enterprises, which represent a mere 0.3% of all establishments in the country, accounts for the remaining 70% (Indon: 2007 A). GVA is a measure in economics of the value of goods and services produced in an area or sector of the economy.

Classification of Informal Businesses

A. Survivalist Livelihood Enterprises

Survivalist Livelihood Enterprises are those which show very limited potential for growth in terms of both income and employment generation. They rarely make use of hired labor, relying instead on unpaid family workers during peak seasons of the enterprise. Profit earnings are hardly plowed back into the business, and are instead spent on household requirements. These enterprises are mostly dominated by women who are engaged in economic activities such as livestock/backyard/poultry raising, food processing, and petty trading. Growth is often held back by limits on demand, resource and physical space (Ibid).





B. Entrepreneurial or Growth-Oriented Enterprises

Entrepreneurial or Growth-Oriented Enterprises are those which show potential in increasing productivity, in hiring workers from outside the household, in developing new competencies in areas of production and operations, and in graduating to formal status. These are enterprises involved mainly in manufacturing and service-related activities, and are often operated and owned by skilled and educated entrepreneurs. Profit earnings are often reinvested into the business to expand operations and production (Yu: 1998, cited in Indon: 2007 A).

These enterprises can be further subcategorized into two types: *small-growth types and potential graduates* (Liedlollm and Mead: 1995, cited in Indon: 2007 A). Small-growth enterprises are those which experience some form of growth, although at minimal levels. Potential graduate enterprises, meanwhile, are those which have experienced sustained growths and have taken on characteristics similar to formal enterprises.

TABLE 4. Matrix on livelihood and growth oriented micro-enterprises

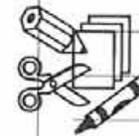
	Livelihood enterprises	Growth-oriented micro-enterprises	
	No-growth	Small-growth	Potential graduate
Economic role	<ul style="list-style-type: none"> • Poverty and unemployment alleviation 	<ul style="list-style-type: none"> • Poverty alleviation • Employment creation • Economic growth 	<ul style="list-style-type: none"> • Poverty alleviation • Employment creation • Economic growth
Objectives in promoting productivity	Expand the business; operate more profitably within the informal economy	Expand the business; operate more profitably within the informal economy	Support transition and full integration into formal economy

Source: Yu (1998), cited in Indon (2007 A)

SESSION 5: The Informal Economy Workers vis-à-vis the Mainstream Economy

Objectives:

This lecture-session aims to deepen the understanding of the participants on structural and macro-level analysis of informal sector roots and situations. This will aid the participants in understanding that even if the IS is a major player, it is still socially marginalized. After the discussion, a short open forum will be conducted to accommodate questions from the participants.



Materials: - laptop computer
- LCD projector



Duration: 45 minutes for the lecture;
15 minutes for the open forum

Important Highlights

- The informal sector plays an important role in society in terms of economic and social services. Yet, the government fails to give due recognition of these contributions. In fact, the sector itself suffers from lack of social and legal recognition.
- Existing national laws and other local regulations heavily favor the formal sector at the expense of informal sector workers.
- Some legal provisions that seek to protect and promote the interests of informal sector workers are either fundamentally flawed or poorly implemented; thus they fail to capture the dynamics and complex realities of workers in the informal economy.
- There is a need for stronger legislation and/or comprehensive programs that can advance the welfare of the informal sector and





address the root-causes of the vicious cycle of poverty in relation to the informal sector. It is very important to listen to the voices of informal economy workers so that nuances and intricacies within each sub-sector are taken into consideration.

- e. There is a need to strengthen organizing and advocacy efforts among the ranks of workers who belong to the informal sector. These initiatives may result in policy reforms and legislation addressing their issues and problems.

Synthesis

PROBLEMS AND ISSUES OF THE INFORMAL SECTOR

SOCIAL RECOGNITION

1. Lack of recognition
2. Abuses from duty holders: paying bribes to government inspectors, giving protection money or "tong" to the police, harassment/threats in their normal operations or during eviction and demolition.
3. Seen as second-rate citizens in society, as illegal operators or worse, as criminals.
4. Culture of insecurity, silence and fear

SOCIAL PROTECTION

1. Lack of access to social protection/insurance
2. Lack of modern skill and technology because of limited educational background and exposure to organized skills training.
3. Prevailing social security/protection measures are not designed to meet the specific needs and conditions found in the sector.
4. Hostile working conditions
5. Substandard terms and conditions of work
6. Low awareness of problems of occupational safety and health

FINANCE AND MARKET-RELATED CONCERNS

1. Disregarded by the traditional procedures of banks and other financial institutions
2. Limited credit windows and/or avenues for sourcing of capital
3. Forced to borrow from loan sharks or private moneylenders that charge usurious interest rates
4. Unfavorable business climate
5. Lack of access to productive resources/ market
6. Vulnerability to price hikes.
7. No way of competing in the global/commercial market owing to their low-input, low technology and low-capital content.
8. Equal treatment between old and new workers in accessing space in the market. This yields lower sales/profit
9. Stiff competition. Most informal sector workers tend to cluster within a specific sub-sector.
10. Emergence of employment schemes that breed "informalization" such as subcontracting and agency hiring

QUALITY OF LIFE

1. Poverty
2. Irregularity and instability of job and income
3. Unachieved adequate standards of living (food, shelter, clothing)
4. Unaffordable education for children of many informal sector workers; lack of medication/health services in times of illness and injury.
5. The constant threat of demolition of their homes and relocation of their families to another place is a major source of discouragement for most home-based urban informal sector.
6. The informal residence status often limits access to basic public utilities such as power, water and communication.
7. Resettlement far away from workplace



Beyond Dualism: The Informal Economy Workers in Relation to the Mainstream Economy

In dealing with the issues of the informal sector, it is important to start with the actual experiences of the people who are part of the sector itself. It is very crucial to consider their personal and collective experiences, including the external factors that influence the sector. It is also important to go beyond the level of analysis, that is, beyond the micro or individual level. In this sense, it is essential to look into factors/players that may have hindered/facilitated the growth and development of the informal sector. This calls for a look at socio-economic and political conditions (policies, events, etc.) existing at different historical points.

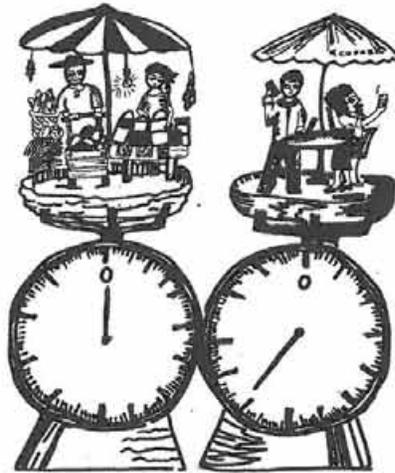
Based on a study undertaken by ESCR-Asia in 2002, entitled "An Assessment of the Philippines Informal Sector: The Human Rights Perspective", the interplay of socio-economic and political factors, and the macro-economic policies of the Philippine government in particular, has left millions of Filipinos engaging in various types of informal economic activities. Below is a brief historical timeline that highlights scores of factors at different chapters in our nation's recent past, which have contributed to the current situation of the informal sector.





During the 1950s-1960s, the government adopted the import substitution model as a policy to attain economic growth. Some analysts and sociologists believe that some of the components and/or consequences of this policy played a significant role in pushing Filipino workers to take on jobs and/or livelihood activities outside of the mainstream economy.

- Intensive scale industrialization
- Stimulating the industrialization process
- Implementation of a complex foreign exchange system from 1949 to 1962
- Promoting few urban-based industries that focused on industries with high international demand. This further intensified the gap between the rich and the poor
- Utilizing Capital-intensive production that led to:
 - § Agricultural Stagnation - increased labor surplus from the agriculture. This labor force became part of the growing number of the informal sector
 - § Unequal Asset Ownership
 - § Massive unemployment
 - § Industrialization process being unable to significantly contribute to the generation of employment opportunities



In the 1970s, the Marcos regime started to implement measures for export orientation while external debts fuelled an increase in GNP (the total market value of goods and services produced by all citizens and capital during a given period, usually 1 year) and GNP per capita (per person). Any rate of economic growth, however, did not amount to creation of job opportunities, thus the employment status remained stagnant, and even continually became worse in some instances. A decade after, the government initiated an economic liberalization strategy aimed at distributing opportunities throughout the economy. During this time, when the Marcos dictatorship was finally ended, the regime change led to an economic recovery. Sadly, this was not

enough to address the worsening employment problem.

Meanwhile, the 1990s witnessed an intense environment of competition brought about by the state-supported economic liberalization policy. In this scheme, only those who could survive in the fierce competitive environment benefited from new opportunities offered by global markets. One of the effects was a scarcity and deterioration of the quality of jobs, wherein the unskilled workers benefited the least.

At present, political uncertainty remains to be a major stumbling block to development. There is also an ongoing debate on globalization and trade liberalization. Mass lay-offs and rising rates of unemployment and underemployment continue to persist.

Due to foregoing factors, the informal sector has been detached from the formal economy. It is not considered as part of the mainstream economy (Apolonio: 2007).

Structural Analysis of Informal Economy

The prevailing social conditions (insecure economic conditions, weak bureaucratic arrangements for social policy; lack of employment opportunities) have resulted in the establishment and growth of an informal economy. The conditions become structural as they have been embedded in the system. This same situation has created the imposition of regulations (or the lack of it) that marginalizes the informal sector.

Amid this, members of the informal sector have continuously provided goods and services to the rapidly increasing section of the Philippine population, which is the poor.

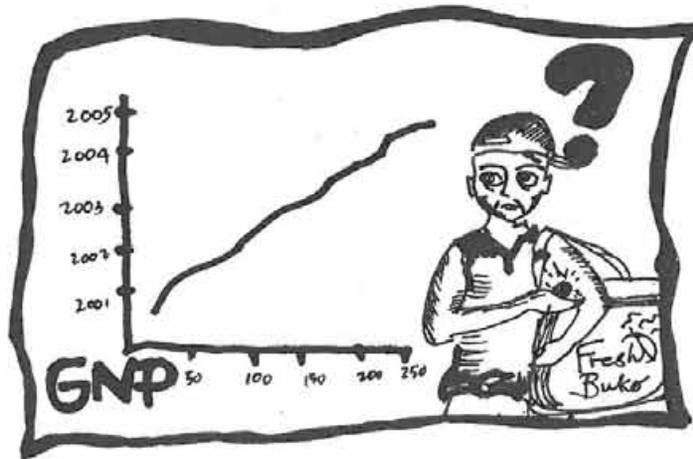
In attempting to answer the question of informality, a study undertaken by ESCR-Asia cited the following factors that have directly and/or indirectly contributed to the informalization phenomenon,

- Economic activities are significantly smaller in scale, capital and productivity as compared to formal economies
- Despite their active participation in economic activities, they are not registered or formally recognized by authorities
- Size/members of the informal economy are not scientifically reflected in official statistics and their contributions to the nation are rarely acknowledged





- Institutional arrangements supportive of the informal sector are not yet put in place
- Issue of invisibility vs. neglect
- In terms of government policies and programs, there are many areas of exclusion of the informal sector



Another study initiated by the International Labour Organization (ILO) explicitly cites informality as a governance issue.

Informality is principally a governance issue. The growth of the informal economy can often be traced to inappropriate, ineffective, misguided or badly implemented macroeconomic and social policies, often developed without tripartite consultation; the lack of conducive legal and institutional frameworks; and the lack of good governance for proper and effective implementation of policies and laws. Macroeconomic policies, including structural adjustment, economic restructuring and privatization policies, where not sufficiently employment-focused, have reduced jobs or not created adequate new jobs in the informal economy. A lack of high and sustainable economic growth inhibits the capacity of governments to facilitate the transition from the informal to the formal economy, through the creation of more jobs in the mainstream economy. Many countries do not have explicit employment creation and business development

policies; they treat job quantity and quality as a residual rather than as a necessary factor of economic development. (International Labour Conference, 90th Session, Report VI, International Labor Organization, Geneva, 2002, cited in Indon: 2007 B).

This assertion is acknowledged by political scientist Amado Mendoza who argues that the existence of informal economic activities actually reflects state weakness in performing its duties. The fact that the state regards informality as criminal, even as it is sometimes tolerated by concerned government agencies and officials highlights the limitations faced by the IS.

Another paper that reviews the policy and legal framework affecting the informal sector cites the following governance-related concerns as issues that must be addressed: "diffused governance and overlap in the implementation and enforcement of laws, imprecision in the delivery of limited governance assistance and support, limited or non-coverage of social protection, lack of compliance with laws and policies, limited or inexistent informal sector participation in decision-making bodies, tedious registration procedures, lack of awareness and information on policies affecting the informal sector and the lack of training and technology transfers to the informal sector." (Feliciano: 2002)

Mendoza attempted to illustrate the dynamic link between formal and informal economic activities using a comparative table on formal and informal transactions.

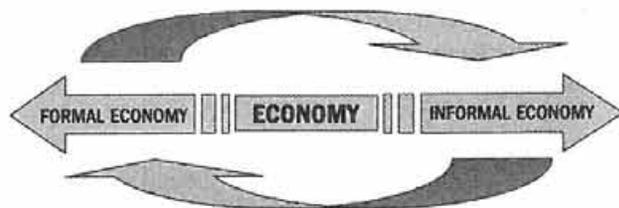
	Informal	Formal
Payment of taxes	Yes; No; implicit taxes are extracted by 'entrepreneurs'	Yes
Clientele	Almost same as formal; mainly poor clientele	All
Business hours	Almost 24/7	Fixed business hours; closed during week-ends
Transacts with ROTW	Yes	Yes
Legal recognition and protection	Yes; No; weather-weather	Yes; No
GDP contribution computed	NO!	Yes; No
Support services from government	NO!	Yes; No
Numbers involved	60-70%	30-40%

Source: Mendoza (2007)





Finally, Mendoza acknowledged that economic activities under the two legal categories do complement and need each other. He concluded that the growth of informal economy depends to a large extent on the growth and existence of the formal economy, and vice-versa.



**Symbiosis between formal and informal economies
(ESCR-Asia: 2002)**

The perceived difference between the formal and informal economy is, in reality, artificial in nature. There exists only one, national economy with formal and informal livelihood approaches. Those that are seen as formal economies are capital-intensive and growth based, while those that are seen as informal economies are labor-oriented and people-centered. However, the truth is that these basically interact with one another under a single economy. The perceived difference lies in the fact that there is a lack of awareness and/or understanding of the mutual dependency of these two aspects of the economy.

References:

- **Apolonio J. (2007).** Decoupling from Mainstream Economy: Philippine Informal Sector Situationer (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Economic, Social and Cultural Rights – Asia. (2002).** A Compilation of Initiated and Jointly-Undertaken Studies of ESCR-Asia on Economic, Social and Cultural Rights in the Philippines
- **Economic, Social and Cultural Rights – Asia. (2005).** A Primer on the Human Rights of the Members of the Philippine Informal Sector
- **Economic, Social and Cultural Rights – Asia. (2007).** THE WAY FORWARD: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines, Quezon City, Philippines
- **Feliciano M. (2002).** Review of Policy and Legal Framework Affecting the Informal Sector. International Labour Organization. Metro Manila
- **Hope A. and S. Timmel. (1984).** Training for Transformation: A Handbook for Community Workers, Books 1-3. Gweru Zimbabwe: Mambo Press
- **Indon R. (2007).** Legal Mechanisms to Empower Informal Businesses, in ESCR-Asia 2007 The Way Forward: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines. Quezon City, Philippines.
- **Indon R. (2007).** Engaging Local Governments: Prospects for Enhancing Social Dialogue: A Closer Look at Experiences of Informal Economy Organizations in the Philippines. Unpublished paper prepared by ESCR-Asia Inc.
- **Mendoza A. (2007).** The Informal Economy in Philippine Political Economy (A Power Point Presentation. Presented during the ESCR-Asia's Capacity Building for Workers in the Informal Economy. December 14-18, 2007, Tagbilaran City, Bohol Philippines
- **National Statistical Coordination Board (NSCB) Resolution No. 15 Series of 2002** Adoption of an Official Definition on the Informal Sector
- **Volunteer Service Overseas (VSO), International Institute of Rural Reconstruction (IIRR) and Popular Education for People's Empowerment (PEPE). (1998)** Creative Training: A User's Guide, Quezon City Philippines.





KNOWING & ASSERTING :



THE HUMAN RIGHTS OF WORKERS IN THE INFORMAL ECONOMY





Knowing & Asserting: The Human Rights and Obligations of Workers in the Informal Economy

TOPIC	ACTIVITY	METHODOLOGY	DURATION
Third Module: Basic Human Rights of Workers in the Informal Economy - Human Rights Principles, Concepts and Characteristics - Rights-based Approach and State Obligations	Workshop; sharing	Game; sharing; lecture-discussion	2 hours
- Civil and Political Rights (CPR)	Continuation	Game; sharing; lecture-discussion	3 hours
- Economic, Social & Cultural Rights (ESCR)	Workshop & sharing	Game; sharing; lecture-discussion	2 hours
	Continuation of ESCR discussion	Game; sharing; lecture-discussion	2 hours
	Continuation of ESCR discussion & Open Forum	Game; sharing; lecture-discussion	2 hours & 15 min
	Cultural Tour	Field trip	2 hours

Objectives:

This module generally aims to promote an awareness and basic understanding of human rights, its principles and characteristics, as well as the international covenants and treaties and local laws that uphold these rights.





SESSION 6: Human Rights Principles Concepts and Characteristics



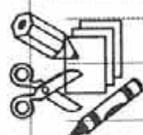
Activity 1: Human Rights and Human Dignity: Diagramming³

Objectives:

At the end of this activity, it is expected that the participants will be able to explain the relationship between human dignity and human rights; and understand that the former is actually the foundation of the latter.

Process:

1. Draw a circle. Ask the following questions and list the participants' answers inside the circle.
2. What qualities define a human being? What makes a human person human?
3. Outside of the circle, list the answers to the following question: What do you think are needed in order to protect, enhance and fully develop these qualities of a human-being? [Alternatively, give each participant a sheet of colored paper and give them step-by-step instructions – draw a circle & answer the questions – then, conduct a discussion with the whole group.]
4. After the activity, the facilitator proceeds with the integration by pointing out that "Everything within relates to human dignity. Everything outside relates to what is necessary to maintain human dignity. Human rights are based on these necessities."
5. The facilitator then begins a lecture-discussion on basic concepts of human rights



Materials: laptop computer, bond paper, LCD projector, marker



Duration: 10 minutes for the exercise; 30 minutes for the lecture; 10 minutes for the open forum

Lecture-discussion

- HR Definition
- Sources of HR Law
- Characteristics of HR
- HR Principles
- Normative Content of HR

Human rights serve as a foundation of a life of *dignity*. They are *birthrights* which every human being is entitled to, by virtue of her/his being human. They are a set of guarantees for humans not only to exist, but also to live with all the necessary conditions which befits a rational being (based on TFDP HR Lexicon). They also serve as standards/guideposts upon which states are to conduct themselves when relating to their citizens.

UN International Covenants and Declarations define human rights as those that are inherent in nature and without which we cannot live as human beings. Locally, the Commission on Human Rights views it as the "supreme, inherent and inalienable rights to life, dignity and to self development".

In *sikolohiyang Pilipino*, Virgilio Enriquez argues that *karapatan* or right is closely interlinked with the Filipino concept of *katarungan* or justice. As he said, "this can be seen in the root word of *karapatan* which is *dapat*, meaning appropriate and correct" (Enriquez: 1993). Enriquez believes that these meanings are also the root of the word *katarungan*.

Human rights provisions are derived from various international conventions/treaties, decisions of international court of justice, interpretations of UN bodies and treaty-based bodies, state practice (*jus cogens*), generally accepted principles of international law, and local laws. Such instruments include the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and its two Optional Protocols, and the International Convention on Economic, Social and Cultural Rights. In the Philippines, no less than the 1987 Constitution contains human rights provisions which are found in the following articles: Article II - Declaration of Principles and State Policies (sections. 1, 5, 9, 10, 11, 15, 16, 17, 21, 22 & 23); Article III - Bill of Rights, Article XII - National Patrimony (sections 1, 6, 12, 13), Article XIII - Social Justice and Human Rights.

Human rights have four classifications (UP NCPAG et. al.: 2005) based on: a) source; b) recipient; c) aspects of life; d) derogability (derogation is the act by which a law or right is eliminated by a subsequent law that limits its scope or impairs its utility and force.)

³ This activity is an excerpt from ESCR-Asia's Training Module "Linking the Individual and the Collective: The Right to Self Determination"





Under the source category, human rights are further divided into three types:

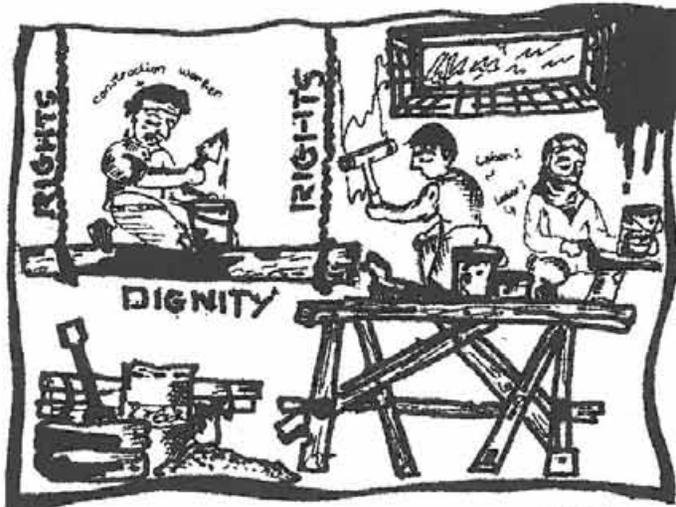
1. Natural rights – these are the so-called God-given rights that are acknowledged by everyone to be morally sound (valid and meaningful). These rights are unwritten but are considered as part of societal norms or customs.
2. Constitutional rights – these are the rights guaranteed by the Constitution
3. Statutory rights – these refer to rights that are enacted by Congress

Based on recipient classification, there are two sub-categories. These are:

1. Individual rights - those that are accorded to individuals
2. Collective rights – rights that can be enjoyed only in the company of others

In terms of the aspects of life, the following are the three sub-categories of human rights:

1. Civil Rights: these are enforced by the law for individuals, that they may secure the enjoyment of happiness
2. Political Rights: these allow everyone to take part in running the affairs of the government, either directly or indirectly
3. Civil and Political Rights: these are the rights of every citizen to



liberty and equality. (e.g. freedom from slavery, freedom of movement, right to equality before the law, etc.)

4. Economic and Social Rights: these enable people to attain socio-economic development, which in turn ensures their well-being, happiness, financial security etc. (e.g. right to work, right to social security)
5. Cultural Rights: these ensure the well-being of the individual and foster the preservation, enrichment and dynamic evolution of national culture based on the principle of unity in diversity, in a climate of free artistic and intellectual expression

Finally, under the classification of derogability:

1. Non-Derogable or Absolute rights: those that cannot be suspended or taken away even during extreme emergencies (e.g. right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment)
2. Derogable rights: those that can be suspended or taken away, and may be limited depending on circumstances (e.g. right to freely move may be limited through the imposition of curfew hours.) There are conditions that should be present before a right can be limited and/or suspended: a) If it is publicly announced or legislated, or provided by law; b) There is a state of emergency which requires the urgent preservation of public morals, public safety and public good; c) There must be a time limit. It must not exceed that which is strictly necessary to achieve the purpose, d) Suspension must be in good faith and based on an objective assessment; e) Rule of law must always prevail; f) Suspension must be temporary; g) There is exceptional crisis where normal measures are plainly inadequate

Characteristics of Human Rights

Human Rights have basic principles and/or characteristics that guide the process and substance of State implementation

- a. **Inherent and inalienable** – No one's rights may be taken away other than in specific situations as explained in the derogatory rights.
- b. **Interdependent or inter-relatedness** – Human rights are intimately linked that the absence of one right affects the presence/absence of others. Even human rights violations are interconnected: loss of one right detracts from other rights. Thus, efforts must





ensure that all human rights are realized in an integrated—not isolated or fragmented—manner

- c. **Indivisibility** - A right is an entitlement to a totality of things. This implies that efforts should not focus only on one aspect of a right (e.g., accessibility) but must focus on all aspects that lead to the realization of a human right.
- d. **Universal** - This simply means that every human being, regardless of her/his sex, race, ethnicity, religion, political belief etc., has human rights. Efforts must be pursued for everyone, everywhere.
- e. **Attention to Vulnerable Groups (VGs) - Vulnerable groups** are those who experience major obstacles in realizing their human rights. VGs are not limited to the poor. They may also include children and persons with HIV/AIDS and disabled persons who are non-poor, as well as the most disadvantaged groups such as the indigenous peoples. Efforts must focus on the promotion and protection of the human rights of those most vulnerable. States have an obligation to create and maintain adequate measures at all levels in the fields of health and education, and social support, to promote and protect human rights of those most vulnerable, and to ensure their participation in society.



- f. **Empowerment** - This is the power to act for and on one's own behalf, to claim one's rights. Empowerment emphasizes efforts of people themselves to bring about necessary changes towards full realization of all human rights
- g. **Equality** - This means that human rights are enjoyed by all on an equal basis. Women and men should equally exercise all their human rights and equally enjoy their fruits. It does not mean, however, that there is identical treatment at all times. Equality sometimes requires States to take affirmative action to diminish or eliminate conditions that cause or continue discrimination (preferential or special treatment for a time for parts of the population).
- h. **Equity** - This refers to fairness, justice and impartiality in the guarantee of fundamental rights and freedoms and in the enjoyment of its fruits. Equity action may mean granting for a time certain preferential treatment to a section of the population concerned
- i. **Non-Discrimination** - This means that all individuals are entitled to human rights and to enjoy the fruits of development without distinction of any kind, exclusion, restriction or preference based on: race, ethnicity, color, gender, age, religion, language, disability, political belief etc.
- j. **Accountability** - This demands that government must be answerable to those it governs. Government must be responsible for all its decisions and actions.
- k. **Good Governance** - It is linked to enabling an environment helpful to the enjoyment of all human rights and its fruits. Good governance has eight major characteristics: participatory, consensus-oriented, participatory, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows rule of law. One of the true tests of good governance is the degree to which it delivers on the promise of human rights
- l. **Independence of Judiciary** - The judiciary is the final authority deciding all disputes arising from the exercise of human rights and the enjoyment of its fruits. Independence of the Judiciary means the judiciary should decide on all matters before it impartially, on the basis of fact, in accordance with law, and without proper influence or pressure
- m. **Legislative Capacity** - Human rights standards must be guaranteed by law to ensure their incorporation into all efforts. Legislative capacity means the ability of legislature to enact laws that aim always and only to uphold the inherent dignity of every person. A fair and just legal framework — coupled with impartial





and effective implementation —is essential for the exercise of human rights and enjoyment of its fruits.

- n. **People's Participation** – This means involving people at all levels of the decision-making process from planning to evaluation. The more people who genuinely and freely participate, the greater the success of the effort. There are some requisites for free participation. These include: people are provided with full and complete information through media and made to understand in a timely manner; people are encouraged to organize themselves; the autonomy of people's organizations is respected and protected at all times; and formal mechanisms are in place so people may question decisions, bring complaints, demand compensation or restitution, and hold government accountable.
- o. **Transparency** - This allows all persons to see openly into all activities of government. Transparency necessitates full, free and public disclosure of all decisions, policies, rules, etc. Further, high quality and full information is presented in easily understandable forms and on a timely basis. This information must be freely available and directly accessible to all. Finally, transparency includes access to – and participation in – important meetings.

It is also significant to note that there is a so-called Normative Content of Human Rights. Normative Content, which is derived from interpretations by treaty monitoring bodies and documents adopted by international experts, specifies freedoms and entitlements. It also defines meaning and substance of human rights.

Normative Content



Activity 2: HR Quiz

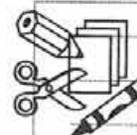
This activity aims to give the participants a review of basic concepts on human rights.

Process:

1. The facilitator asks the participants to bring out their pens and papers for a short 'true-or-false' quiz on Human Rights.
2. S/he then reads out statements on basic human rights:
 - a. HRs serve as standards/guideposts upon which states are to conduct themselves when relating to their citizens.



- b. Constitutional rights are those God-given rights that are acknowledged by everyone to be morally sound
 - c. There are rights that can be suspended or taken away, and may be limited depending on circumstances
 - d. Human rights are intimately linked, such that the absence of one right affects the presence/absence of others
 - e. People's participation is necessary in realizing human rights
 - f. *Karapatan* as the Filipino equivalent of the word 'right' comes from the root word 'dapat' (must).
3. If the facilitator wishes, s/he may add more 'quiz' statements.



Materials: Questionnaires,
laptop, Pens & Paper, LCD projector



Duration: 10 minutes



Input

Human Rights

- Foundation of dignity in life
- Birthrights (every human being is entitled to it)
- Serve as standards/guideposts of states on how to conduct themselves when relating to their citizens
- For the UN International Covenants and Declarations: are inherent in nature and without which we cannot live as human beings.
- For the Commission on Human Rights: the "supreme, inherent and inalienable rights to life, dignity and to self development".



Sources of Human Rights Law

- Human rights provisions are derived from various international conventions/treaties, decisions of international court of justice, interpretations of UN bodies and treaty-based bodies, state practices (*jus cogens*), generally accepted principles of international law, and local laws. Such instruments include the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and its two Optional Protocols, and the International Convention on Economic, Social and Cultural Rights.
- In the Philippines, no less than the 1987 Constitution contains human rights provisions which are found in the following articles: Article II - Declaration of Principles and State Policies (sections. 1, 5, 9, 10, 11, 15, 16, 17, 21, 22 & 23); Article III - Bill of Rights, Article XII - National Patrimony (sections 1, 6, 12, 13), Article XIII - Social Justice and Human Rights.

Characteristics of Human Rights

Basic principles and/or characteristics that guide the process and substance of state implementation:

- a. Inherent and inalienable
- b. Interdependent or inter-related
- c. Indivisible
- d. Universal
- e. Attention to vulnerable groups
- f. Empowerment
- g. Equality
- h. Equity
- i. Non-Discriminatory
- j. Accountability
- k. Good Governance
- l. Independence of Judiciary
- m. Legislative Capacity
- n. People's Participation
- o. Transparency

SESSION 7: Right to Self Determination⁴

Objectives: At the end of this session, the participants shall have:

- identified and understood basic concepts of the right to self-determination
- become aware of the importance of self-determination in guaranteeing the enjoyment and/or realization of the other rights in the ICESCR
- become aware of the practical relevance of the right to self-determination in the struggle for recognition of the rights of specific groups or collectives



Activity 1: Human Rights and Freedom of Choice: Story-Telling

Angie is a 17-year old fourth year high school student. She will be graduating at the top of her class this summer. Several leading universities and colleges, both private and public, have determined her as qualified for their academic programs. To her parents, it was the right choice to have her study in a science high school. They knew she could do it. With their stern reminders and monitoring of her whereabouts, they were sure she didn't hang out with the kids from school or somewhere else. Who knew what kind of people she could get involved with?

Angie wanted to be a professional musician, an expert violinist. She had always admired her grandfather when she saw and heard him play in their province when she was a little girl. She had also tried to play it after he'd

⁴ This session is an excerpt from ESCR-Asia's Training Module "Linking the Individual and the Collective: The Right to Self Determination"





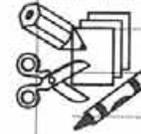
passed it on to her while on his death bed. He had said that her fingers were nimble on the strings.

Unfortunately, Angie's parents had something else in mind. They saw that her entrance examination in one university had qualified her for their medical school programme as a full scholar. It would be easier for them once she began and study medicine in that school. They could focus their resources on the schooling of Angie's younger siblings. Her parents believed that after Angie's graduation, she could immediately find work abroad because she was smart and would have the right credentials! She could even petition them to live in some First World foreign country, if she stayed there long enough!

Although she did mention something silly as wanting to study music in college, thinks her father, that was not going to happen! He believed that there was no money in music. Angie has to listen to them, they're her parents. They knew what was best for her.

PROCESS QUESTIONS:

1. Has anyone been through a similar experience?
2. How do you think this situation has affected Angie's development as a person?
3. What can you say about her happiness?
4. What is your opinion on Angie, in relation to maximizing her potential?
5. What do you think is happening to Angie in relation to how her parents decide on the crucial stages of her life?



Materials: lap top computer, LCD projector, Copies of the story, depending on number of participants



Duration: 45 minutes for the lecture; 15 minutes for the open forum



Input

Self-determination means that human beings, individually or as groups, should be in control of their own lives and destinies, and that government institutions of government must be devised accordingly.

Aspects of Self-Determination

In international law, documents or instruments on the right to self-determination are largely aimed at two categories of peoples, namely (1) *non-self governing territories*; and (2) *indigenous peoples*. These two exemplify the two aspects of self-determination: *the internal and external aspect*.

- 1) Internal aspect – refers to the rights of all peoples to freely pursue their economic, social and cultural development within the framework of national sovereignty or rule
- 2) External aspect – implies that all peoples have the right to freely determine their political status and their place in the international community, based upon the principle of equal rights and as demonstrated by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien conquest, domination and exploitation





General Character of the Right to Self-Determination

1. The right to self-determination is an established principle in international law.
2. It is not an absolute right.
3. It is a process where the outcome corresponds to the free choice of the people.
4. It is a right of choice and right of participation and an on-going process.

Synthesis

- 1) In the story above, Angie's deprivation of the right to choose an education she wanted might have prevented her from fully developing her potentials. At the very least, her circumstances failed to satisfy either an intellectual or spiritual (e.g. self-fulfillment) need.
- 2) Right to self-determination as a human right - Even before discussing what the right to self-determination is, put forth the proposition that it is a human right. Since human rights are those that allow us to become fully human because they affirm and enhance human dignity, then, the right to self-determination is a human right because it affirms the dignity of the individual in a collective. Furthermore, it provides the enabling condition towards the realization of the other rights as aptly put by the Human Rights Committee:

"[T]he right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights."

- 3) Since human rights are entitlements and claims, therefore, right to self-determination is an entitlement and a claim.
- 4) Self-determination is necessary to make a person whole - therefore it is an aspect of human dignity which is the foundation of human rights.
- 5) Self-determination is also about autonomy and the exercise of freedom of choice.

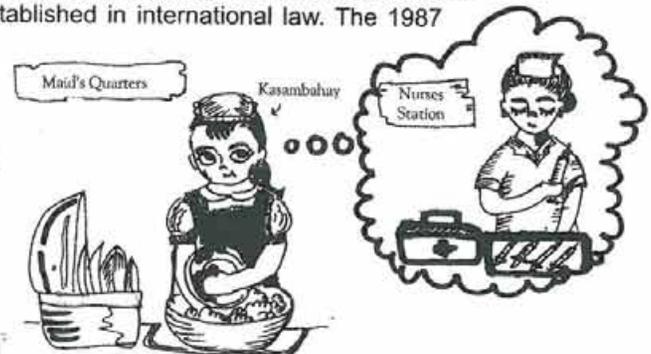
More Information

The right to self-determination as provided in the ICESCR & ICCPR

Article 1 common to the ICESCR and ICCPR provides that:

1. All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-self-governing and Trust Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the U.N. Charter.

In its general sense, self-determination means that human beings, individually or as groups, should be in control of their own lives and destinies, and that government institutions of government must be devised accordingly. However, Article 1 generally refers to a collective right to self-determination, that is, it is a human right of a group as opposed to an individual's human right. This categorization, in fact, brought a lot of debates whether the same should be included in the ICCPR and ICESCR. However, at present there is now an international consensus that collective or group rights exist. The right to self-determination is a fundamental principle in international law. It is thus, firmly established in international law. The 1987 Constitution in Art. II, Sec. 2, likewise clearly acknowledges the existence of the right.





Aspects of Self-Determination

In international law, documents or instruments on the right to self-determination are largely aimed at two categories of peoples, namely (1) *non-self governing territories*; and 2) *indigenous peoples*. These two show the two aspects of self-determination: *the internal and external*.

The internal aspect refers to the rights of all peoples to freely pursue their economic, social and cultural development within the framework of national sovereignty. In that respect, a link exists with the right of every citizen to take part in the conduct of public affairs at any level. Therefore, governments are to represent the whole population without distinction as to race, color, descent or national or ethnic origin. An example is the existence of autonomous regions in Mindanao and the Cordilleras.

Meanwhile, external self-determination implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and demonstrated by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation. It is illustrated by the non-self-governing states emerging from colonial rule such as the Philippines gaining independence from the U.S. in 1945. It must be noted that the right to self-determination does not generally cover the right to secede or break away from the state, as international law does not recognize a unilateral and general right to secede by peoples.

General Character of the Right to Self-Determination

1. The right to self-determination is an established principle in international law.
2. It is not an absolute right.
3. It is a process where the outcome corresponds to the free choice of the people.
4. It is a right of choice and right of participation and an on-going process.

SESSION 8: RBA and State Obligations



Activity 1: Pinoy Henyo

Objectives:

- To deepen the participants' understanding of a rights-based approach framework
- To identify the role/s of the state and other parties in realizing the human rights of every person

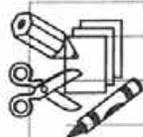
Process:

1. The facilitator divides the participants into two groups.
2. S/he then prepares keywords concerning the rights-based approach, state obligations and other related concepts. Keywords should be written on metacards that can be read by everyone except the 'it' (assigned representative of each competing group).
3. The facilitator asks the representative of the first group to sit in front, facing her/his group mates. The first keyword is then placed/pasted on the head of the 'it' for everyone to see. The 'it', however, must not see the keyword until that round ends.
4. Upon the signal of the timekeeper, the 'it' continuously provides clues that can help her/him correctly guess the word. Her/his group mates only answer *OO* (YES), *HINDI* (NO), *PWEDE* (MAYBE). That round ends if the 'it' correctly guesses the exact term within one minute. If not, the other group chooses a representative and proceeds with the next round.
5. This process goes on until one group acquires six points.





6. After the game, all keywords are posted on a board/wall for everyone to see.
7. The facilitator starts with the integration, highlighting the process and results of the game. It is important to ask the participants about their feelings/realizations while doing the game. It is also advisable to point out whether or not the participants found it hard to guess the keywords.
8. S/he then asks the participants to expound on each keyword (HR violations & HR realization) based on their actual experiences.
9. The facilitator begins her/his inputs on the RBA (Rights-based Approach), the role/s of the state and other parties in realizing human rights. A resource person may also be invited to elaborate on the topic.



*Materials: Chair, Metacards, Marker,
Stop watch or any timing device, trips
of paper*



*Duration: 30 minutes for the game;
1.5 hours for integration and inputs*



Input

RBA (Rights-based Approach)

- A conceptual framework for the process of human development
- Normatively based on international human rights standards and operationally directed to promoting and protective human rights
- Establishes the relationship between a person and the State
- Seeks to develop a key capacity—the capacity to make claims and demand accountability—needed by the poor and marginalized to overcome poverty, marginalization and vulnerability



RBA upholds human beings as the subject and object of development; as its principal actor, owner, participant and beneficiary.

State Obligations

- 1) *Obligations of Conduct*
– respect human rights limitations and constraints on scope of action
- 2) *Obligations of Result*
– obliged to be active as both protector and provider

Principal State Obligation

- 1) Take steps to the maximum of available resources towards achieving progressively full realization of human rights, through all appropriate means
- 2) Immediate, not qualified, admitted by other considerations
- 3) Steps must be deliberate, concrete and targeted

Core Obligations

- 1) Ensure satisfaction of the minimum essential levels of each human right.
- 2) Observe the international threshold that all policies must respect.
- 3) Maintain the existence of non-derogable obligations, under any and all circumstances, These includes conflict situations, emergencies, and natural disaster

Example: Right to Education - Ensure the right of access to public educational institutions and programs on a non-discriminatory basis

Specific Obligations

- 1) Obligations to RESPECT human rights
- 2) Obligation to PROTECT human rights
- 3) Obligation to FULFILL human rights





More Information

RBA is a conceptual framework for the process of human development. It is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It establishes the relationship between a person and the State.

Moreover, it seeks to develop a key capacity- the capacity to make claims and demand accountability- needed by the poor and marginalized to overcome poverty, marginalization and vulnerability.

Guided by international human rights treaties and instruments and supported by general comments, studies and research, RBA focuses on violations (direct action or failure to act according to standards) and preventive actions (no full enjoyment, hence objectively prevented from enjoying the right) of the duty bearers. Below are basic questions that RBA seeks to answer

- What are the Rights and its Normative Content?
- What are the Obligations?
- How are the rights adopted and implemented by the State in terms of substance and process?

RBA upholds human beings as the subject and object of development; as its principal actor, owner, participant and beneficiary.

State Obligations

- Obligations of Conduct – respect human rights limitations and constraints on scope of actions
- Obligations of Result – obliged to be active as both protector and provider

Principal State Obligation

- Take steps to the maximum of available resources towards achieving progressively full realization of human rights, through all appropriate means
- Immediate, not qualified, admitted by other considerations
- Steps must be deliberate, concrete and targeted

Core Obligations

- Ensure satisfaction of minimum essential levels of each human right
- International threshold that all policies must respect

- Non-derogable obligations, continue to exist under any and all circumstances, including during situations of conflict, emergency and natural disaster

Example: Right to Education: Ensure right of access to public educational institutions and programs on non-discriminatory basis

Specific Obligations

- Obligations to RESPECT human rights
- Obligation to PROTECT human rights
- Obligation to FULFILL human rights

Obligation to Protect

- Take steps to prohibit others from violating human rights
- Eliminate prejudice, customary and other practices that perpetuate inferiority/superiority or stereotype roles
- Adopt programs to protect women from discrimination
- Monitor and regulate conduct of non-state actors to ensure equality and non-discrimination
- Guarantee access to all legal remedies

Example: Right to Education - Protect accessibility of education by ensuring that third parties, including parents and employers, do not stop girls from going to school

Obligation to Fulfill

- Actively create conditions aimed at full realization of human rights
- Take appropriate legislative, administrative, budgetary, judicial and other means to ensure equal opportunity to obtain entitlements that cannot be secured by individual efforts alone
- Conduct Human Rights Education
- Promote equal representation in public service and development efforts

Example: Right to Education - States must fulfill (facilitate) education by ensuring that school curricula should promote equality and non-discrimination

Two dimensions: State is ultimate provider of productive resources, and if necessary, goods and services.





Facilitate or promote: States are required to take measures that actually promote or facilitate equal realization of human rights

Provide: When individuals or groups are unable to realize rights by own means, for reasons beyond their control, the state has the obligation to provide rights

Example: Right to Adequate Food - When individuals or groups are unable, for reasons beyond their control, to enjoy right to adequate food by means at their disposal, States must fulfill (provide) that right; this also applies to victims of natural or other disasters.

SESSION 9: Civil and Political Rights



Activity 1: 'Charights' (Charades on Human Rights)

Objectives:

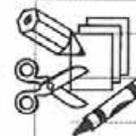
- To introduce basic concepts and the normative content of the Civil and Political Rights (CPR), as well as the responsibilities attached to these rights
- To relate CPR provisions to everyday experiences of the participants

Process:

1. The facilitator divides the participants into two groups and explains the rules of 'charades':
 - a. Each group chooses one representative who must describe chosen phrases or words about human rights. S/he can do this by acting out/performing things/actions/poses that best describe the right she/he has drawn. S/he who performs must not talk or say anything.
 - b. The other group members should correctly guess the chosen word/phrases within 45 seconds.
 - c. There is a timekeeper who will monitor the time limit.
 - d. When the group manages to correctly guess the chosen word/s, it gets a point and it is now the other group's turn to

select from their members a representative who will perform and act out to help the group guess.

- e. If, however, the first group fails to correctly guess the word/s drawn by its member, the other group has the chance to steal a point by correctly guessing the words within 30 seconds.
2. This process goes on until one group acquires six points.
 3. After the game, all human rights keywords (whether drawn/chosen by the participants) are posted on the board/wall for every one to see.
 4. The facilitator starts with the integration, highlighting the process and results of the game. It is important to ask the participants about their feelings/realizations while doing the game. It is also advisable to point out whether or not the participants found it hard to describe/act out or guess human rights concepts/keywords.
 5. For the input discussion, the speaker may expound on human rights concepts and principles in relation to the words/phrases used in playing the charades.
 6. The facilitator then begins her/his inputs on human rights including the obligations that are part of such rights. A resource person may also be invited to elaborate on the topic.



Materials: stopwatch or other timing device, notepad and pencil for scorekeeping, blank slips of paper



Duration: 30 minutes for the game; two hours for integration and inputs





Lecture-discussion⁵

- Civil and Political Rights (CPR)
- Normative Content of CPR



Input

International Covenant on Civil and Political Rights (IC-CPR)

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

Article 1. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

"In no case may a people be deprived of its own means of subsistence."

Article 2. "It is the state's obligation to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant"

Article 6: Right to Life. "Every human being has the inherent right to life. Law shall protect this right. No one shall be arbitrarily deprived of his life."

Article 7. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9. "The right to liberty and the security of persons is a basic human right that cuts across all sectors, both formal and informal. This means that all unlawful procedures that impinge on these rights guarantee the victim commensurate compensation."

Article 14. "Criminal charges made against any person include the "minimum guarantees" of promptly informing the accused of the details of the said charges in a language he or she grasps, as well as ample

time and proper facilities in preparation for the defense with the counsel of his or her choice."

Article 25. "Every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives, and to have access, on general terms of equality, to public service in his country."

Articles 16 and 26: Equality before the Law

Article 16. "Everyone shall have the right to recognition everywhere as a person before the law."

Article 26. "Everyone, regardless of race, color, sex, language, religion, national or social origin, or any other grounds of distinction is equal before the law and must be entitled to the equal and effective protection of it without any form of discrimination."



⁵ Most points/examples, which are used in the entire lecture-discussion, to concretize the civil and political rights of informal economy workers are excerpts from ESCR-Asia's Primer on the Human Rights of Members of the Philippine Informal Sector





More Information

International Covenant on Civil and Political Rights (IC-CPR)

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with article 49

Article 1

"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

- Workers entering jobs out of necessity or for mere survival (due to grave poverty) and not by choice, may be considered as a violation of this right.
- The freedom to form/join organizations or associations (Article 22) that advance/ protect the welfare of their respective workers, may be considered as a subset of this right.

"In no case may a people be deprived of its own means of subsistence."

- Abrupt enforcement of eviction and demolition violates this right. In the conduct of these activities, all subjects must be properly informed beforehand, with all the legal bases/orders at hand. Abusive/exploitative behavior in the form of corruption in the conduct of such activities also violates this right.

Article 2

"It is the state's obligation to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant"

- This basically establishes the legal obligations of the government to all its constituents. This article lays the ground for the obligation of the government to be responsible for and accountable to its people. As such, the government can be accused/ investigated for violations and shortcomings. Hence, the informal sector should not be subordinated and must be given proper recognition and attention by the government, especially in its programs and policies. This is in light of popular belief that the bureaucratic system favors the formal economy.

"The government must ensure that all person whose rights of freedoms as herein recognized, when violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity"

- It is the government's immediate obligation to foster an effective environment and structural mechanisms to address its people's needs, especially in instances where violations occur. It must respond to the sign of the times and must be sensitive to the pleas and problems of the public. The informal sector workers face many constraints in accessing the proper avenues/agencies concerned in hearing their voices when their rights are not respected or recognized, hence, the government must organize programs that will make agencies more responsive to IS workers. The agencies, on the other hand, must organize effective programs for better visibility and availability. Education and advocacy are crucial in promoting this right.

Article 6, Right to Life

"Every human being has the inherent right to life. Law shall protect this right. No one shall be arbitrarily deprived of his life."

- The informal worker must not be instantly deprived of his livelihood for as is the usual case, this is her/his only means to subsistence, to survive in life. If these sources of livelihood must be stopped according to the boundaries of law, the corresponding authorities must see to it that informal workers will be able to find an alternative means of supporting themselves and their family's lives by providing them with employment in other avenues, whether in another line of work or in another market space, or by being a direct beneficiary of livelihood programs or other support mechanisms.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- Aggressive behavior on the part of the police when reprimanding the informal activities falls into the scope of this right. It is a common grievance of the informal workers that they feel abused and harassed by the police when these officers confiscate their goods and threaten them, verbally or physically. It makes them feel like they are less than human. In such cases, in line with the provisions of Article 2 of this Covenant, the government must provide visible and easily accessible structural mechanisms where abused workers can file their complaint.

Article 9

The right to liberty and the security of persons is a basic human right that cuts across all sectors, both formal and informal. This means that all unlawful procedures that impinge on these rights guarantee the victim





SESSION 10: Economic Social and Cultural Rights

This section is devoted to deepening the participants' understanding of the economic, social and cultural rights



Activity 1: Mind Mapping

Objectives:

- To enable the participants to express their initial thoughts on ESCRs
- To introduce themselves to the basic concepts of ESCRs

Process:

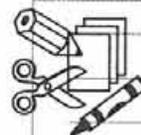
1. The facilitator gives out metacards and asks the participants to write down some keywords or phrases that first come into their minds when they first hear the phrase 'Economic, Social and Cultural Rights'
2. After 2 minutes, s/he then asks them to post their answers on the board. Then, the facilitator asks 2-3 participants to explain their answers.
3. After 2-3 participants have shared their insights, the facilitator should group the answers based on the thematic relationship of the written words/phrases. S/he can use a diagram to illustrate the relationship of the participants' answers. If, however, there are some answers that are not closely connected to other themes, the facilitator may put them in a section labeled as 'parking area'. (Answers that are put under parking area section will be discussed during the integration).
4. After clustering all the answers, the facilitator then proceeds to integration and lecture-discussion.



Materials: metacards, masking tape

Duration: 10 minutes for exercise; 10 minutes for sharing & clustering

Note: Below are suggested thematic activities that the facilitator may employ before giving inputs on Right to Adequate Food, Right to Adequate Housing and Right to Health



Materials: Metacards, Bond Papers, Manila Papers, Pens, Crayons



Duration: Each activity requires around 15-20 minutes and another 15 minutes for the required input.



Activity 2: Menu for Lunch (Right to Adequate Food)

Process:

1. The facilitator asks the participants to come up with a 'lunch menu' that is enough for their respective households.
2. S/he then asks them to provide a detailed budget for their menus. The total budget for the menu should be well within their daily income.
3. After everyone has finished, the facilitator will ask 3-4 of the participants (2 women and 2 men) to share their menus with the entire group. The facilitator should write down on the board for everyone to see and compare with their own menus.
4. After the sharing, the facilitator asks the participants to make another menu that will be enough for their respective families. This time, the participants may come up with menus without taking into consideration their daily income. The budget can even be way above their salary.
5. After 3 minutes, the facilitator once again asks 3-4 of the participants (2 women and 2 men) to share their menus to the entire group. The facilitator should write down on the board for everyone to see and compare with their own.
6. Then the facilitator may also ask the participants to compare the costs of their two sets of menus.





- After some participants have shared their thoughts, the facilitator should underscore the importance of individual and/or household 'purchasing power' in realizing the right to food. This point highlights the interrelatedness of human rights (Example: right to work and earn a living, right to adequate food)
- Finally, the facilitator will give a lecture-discussion on the Normative Content of Right to Adequate Food.



Activity 3: My Dream House

Process:

- The facilitator gives out sheets of bond paper and crayons. S/he then instructs the participants to start visualizing their dream houses.
- After one minute, s/he asks the participants to draw their dream house on a blank sheet of paper. The participants may choose a place/corner within the training venue where they are comfortable to draw.
- After 10 minutes, the facilitator asks everyone to go back to the general group session and post their drawings of their dream houses on the board.
- When everyone has settled down, the facilitator will ask some of the participants to explain their illustrations. There should be an emphasis on the characteristics/qualities that make the house 'ideal' for the participants.
- Picking up some of the points shared by the participants, the facilitator will then discuss the Right to Adequate Housing



Activity 4: Diseases during summer season, rainy months etc.

Process:

- The facilitator asks the participants about their common illnesses during the summer season and rainy months.
- S/he may list down the participants answer on the board with two subheadings: Summer Season & Rainy Months.
- After this, the facilitator asks the participants to share their preventive measures as well as coping mechanisms when they or their family members suffer from any of these diseases.

- Based on the sharing, the facilitator proceeds to integration and deepening.



Input

"Economic, social and cultural rights guarantee everyone with socio-economic opportunities that allow individuals and families to live adequately in dignity." (PhilRights: 2006, 28)

International Covenant on Economic, Social and Cultural Rights (IC-ESCR)

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27 status of ratifications



Article 6, Right to work. Everyone must have the opportunity to obtain employment that he freely chooses or accepts, in order to support his and his family's living. He shall be provided with the environment to take appropriate steps to safeguard this right.



In order to provide the adequate environment to achieve the full realization of this right, the government through its policies and programs must promote technical and vocational guidance and training, techniques to achieve steady economic, social and cultural development.





Article 7, Right to proper working conditions. Everyone has the right to enjoy just and favorable conditions of work, and not just at work. This shall include adequate compensation/pay that is sufficient to provide for the family's decent living, and ensuring safety and order in the workplace that would not jeopardize the workers' health and productivity.



Article 8, Right to form and join trade unions. "Everyone has the right to form and join trade unions of his choice that shall promote and protect his economic and social interests. No restrictions may be placed on the exercise of this right, including their freedom to have strikes/demonstrations, as long as they are in conformity with the laws of the particular country, and which are necessary in a democratic society in the interests of national security/ public order/ for protection of the rights and freedoms of others. These trade unions can establish national federations or confederations, which in turn can form or join international trade-union organizations."

Article 9, Right to social security, social insurance. The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.



Article 10, concerning the family, mothers and young:

The widest possible protection and assistance should be accorded to the family. Special protection should be accorded to mothers during a reasonable period before and after childbirth. And special measures of protection and assistance should be taken on behalf of all children and young persons without discrimination for reasons of parentage or other conditions.

My Dream House



Article 11, Right to Adequate Standards of Living. Everyone has the right to an adequate standard of living for himself and his family. This includes adequate "food, clothing and housing", and to the continuous improvement of living conditions. It is the state's obligation to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

Article 12, Right to physical and mental health. Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. Steps taken by the States Parties to achieve full realization of this right includes among others, those needed for provision for the reduction of stillbirth rate and of infant mortality, improvement of all aspects of environmental and industrial hygiene, and the prevention, treatment and control of epidemic, endemic, occupational and other diseases.





Article 13, Right to education. Everyone has the right to education which shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. Education also enables all persons to participate effectively in a free society, promoting understanding, tolerance and friendship among all nations and among all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Article 15, Right to culture and scientific progress. Everyone has the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

There are 3 Categories of State obligations arising from these rights:

- 1) Duty to respect (obligation): for example, the government may not deprive some communities of basic healthcare facilities
- 2) Duty to protect (concerning third parties): *example - Government must pass and enforce laws prohibiting private companies from releasing hazardous chemicals that impair public health.*
- 3) Duty to fulfill requires parties to establish systems that provide access to guaranteed rights.

Determining violations and/or implementation

2 broad categories of violations

- 1) Failure to progressively realize
Example: When a GO (government office or agency) fails to allocate sufficient resources toward basic social services, when there is damage done through corruption, where there is deliberate neglect.

- 2) Discrimination in access to rights

Example: Discrimination in access to food, health, care, race, sex, language, birth, etc.

** failure to provide same health standard to boys and girls (in itself, a violation)*

More Information

Lecture-discussion⁶

- ESCR Definition
- Major Contents/Highlights of the Covenant
 - i. Self Determination
 - ii. Right to Work & Social Security
 - iii. Right to Adequate Standards of Living
 - iv. Right to Health
 - v. Right to Education
 - vi. Right to culture & Scientific Progress
 - vii. State Obligations & Monitoring Implementation/ Determining Violations

International Covenant on Economic, Social and Cultural Rights (IC-ESCR)

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27 status of ratifications.

Article 6, Right to work:

Everyone must have the opportunity to obtain employment that he freely chooses or accepts, in order to support his and his family's living. He shall be provided with the environment to take appropriate steps to safeguard this right.

- "Employment is the most important form of social protection for workers" for it gives them the opportunity to earn income to sustain their needs.
- Worsening unemployment and the lack of government intervention to address this problem thus violate this right, as well as workers

⁶ Most points/examples, which are used in the entire lecture-discussion, to specify the economic, social and cultural rights of informal economy workers, are excerpts from ESCR-Asia's Primer on the Human Rights of Members of the Philippine Informal Sector





entering jobs out of necessity or for mere survival and not by choice due to dire need or grave poverty.

- The very presence of the informal economy and its nature is, in itself, an indication of the needs and the rights of people to work.
- Workers' unions or associations that hold job fairs, consultations and training help uphold this right and must be promoted.

In order to provide the adequate environment to achieve the full realization of this right, the government through its policies and programs must promote technical and vocational guidance and training, techniques to achieve steady economic, social and cultural development.

- The lack of official documentation and statistics on the informal sector is thus a clear manifestation of the shortcomings of the government in respecting this right. This breeds lack of recognition and of strategic visions in improving the lot of the sector, and in the process, further aggravates their plight.

Article 7, Right to proper working conditions

Everyone has the right to enjoy just and favorable conditions of work, and not just at work. This shall include adequate compensation/pay that is sufficient to provide for the family's decent living, and ensuring safety and order in the workplace that would not put at risk the workers' health and productivity.

- The government must allot sanitary and strategic working spaces to informal workers, such as terminals for the pedicab drivers and market space and stalls for vendors.
- Occupational safety and health is deeply linked to productivity. Work becomes productive when performed in a safe and efficient environment.
- Enterprises that fail to provide safety equipment related to its workers' activities, such as helmets for construction workers or gasmasks for those that may inhale hazardous chemicals/elements in the production of certain goods, violate this right.

Article 8, Right to form and join trade unions

"Everyone has the right to form and join trade unions of his choice that shall promote and protect his economic and social interests. No restrictions may be placed on the exercise of this right, including their freedom to have strikes/demonstrations, as long as they are in conformity with the laws of the particular country, and which are necessary in a democratic society in the interests of national security/ public order/ for protection of the rights and freedoms of others. These trade unions can establish national federations or

confederations, which in turn can form or join international trade-union organizations. "

- "When individuals are banded together and follow a set of rules and structure, they are better able to obtain power and act with force". This can lead to empowerment through recognition by, and possibly representation to the government. This, then, could enable the participation of marginalized groups such as the informal sector in the decision and policy-making bodies, in which they could raise their same-job group or similar-skills concerns, or very specific needs that only they who experience it know best.

Article 9, Right to social security, social insurance

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

- By nature of their work it is common for the informal workers to operate in crowded places. Partly because of this, and along with the intense competition in selling their products, these worksites are vulnerable to crimes and fights. In this light, public officials/ law enforcers must be tasked to monitor and supervise these sites for security. Public officials/law enforcers must not abuse or take advantage of the informal operators. As commonly reported, some ask for protection money (*kotong*) or get some goods for free.
- Workers in the informal sector do not have the privilege of having formal employer-employee contacts. As a result, they also do not enjoy the privilege of being covered by social insurance schemes such as the SSS and Philhealth.
- Moreover, because of the emerging trend in employment done by certain enterprises that resort to schemes such as sub-contracting in order to maximize profit, the number of workers not covered by social security increase.
- The Philippine Constitution as well as the Labor Code mandates that social protection should encompass all types of workers, formal or informal.

Article 11, Right to Adequate Standards of Living

Everyone has the right to an adequate standard of living for himself and his family. This includes adequate "food, clothing and housing", and to the continuous improvement of working conditions. It is the state's obligation to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.





- a. Core content: "availability of food in quantity and quality sufficient to satisfy dietary needs of individuals, free from adverse substances, and acceptable within a given culture"
- b. Violations of right to food: may occur through acts of commission, or acts of omission

The Committee directs each State to adopt a National Food strategy that clearly defines the objectives, policies, available resources in an efficient manner.

- The importance of education, health, nutrition, housing and other forms of human capital cannot be over-emphasized, as these quality of life indicators really are those that are relevant to human development and to a decent life. Without the observance of their adequate standards, a life of dignity would not be possible.
- Additions to material capital may only lead to very small changes in productivity and output without observance of this right.
- "People should be protected by law against unfair eviction from their land and homes".
- "2.3 billion persons suffer from diseases linked to unsanitary water". (WHO 2000)
- Adequate standards of living promote and protect the overall health of an individual. Thus, not having enough income to provide for the family's basic needs or adequate food, clothing and a decent shelter to protect them from the elements, can also be considered as a violation of this right.

Article 12 Right to physical and mental health

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. It entails someone's right to control of one's body and health

Essential elements:

- Availability of facilities
- Accessibility (physical, economic, non-discriminatory to vulnerable/ marginalized groups, information is important)
- Acceptability: respect of medical ethics and culturally accepted health practices

Obligations of States Parties

- a. Reduction of stillbirth and infant mortality
- b. Improvement of all aspects of environmental and industrial hygiene

- c. Prevention, treatment, and control of epidemic, endemic, occupational diseases

Guarantees of health care in the event of sickness

- All individuals must enjoy medical services at a reasonable distance from their residence, in the event of sickness.
- All individuals with signs of particular health risks placing them in a situation of vulnerability, due to their social, labor, or any other status, has the right to enjoy special preventive programs and basic medical care in the event of illness.
- Everyone unable to afford the necessary medical care has the right to the means for free prevention and assistance.
- Poor working conditions characterized by physical, biological, ergonomic (relating to the design/condition of the workplace) and chemical hazards clearly violate this right for they jeopardize the health of the workers, making them vulnerable to illness and/or accidents.
- Moreover, the lack of access to social protection/insurance like PhilHealth which provides health grants especially in times of dire need, such as in the case of illness and accident, further show that this right is not being respected and fulfilled.
- Constant fear and stress of being arrested by the police and having their enterprises or means of subsistence closed-down at any given time pose a serious threat to the emotional and mental wellbeing of informal workers.
- Necessary steps must be taken to provide improvement in all aspects of environmental and industrial hygiene: that is, the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and the creation of conditions which would assure to all the provision of medical services and medical attention in the event of sickness.
- The state, in respect to this provision of the right, must assign personnel to monitor and regulate the unsanitary worksites common for the informal workers. In order to do this though, they must first be documented and recognized, and as such, this must be an immediate concern of government units. Social protection schemes must also be extended to them.
- Public health services have become less accessible, more unevenly distributed and more inappropriate because of the fiscal crisis of the government, cuts in social budgets and the privatization of social services.





Article 13, Right to education

Everyone has the right to education. This right shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. Education also enables all persons to participate effectively in a free society, promoting understanding, tolerance and friendship among all nations and among all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

That education should be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. The State Parties to the present covenant recognize that, with a view to achieving the full realization of this right:

- a) Primary education shall be compulsory and available, free to all
- b) Secondary education...be made available and accessible to all by every appropriate means.
- c) Higher education shall be made equally accessible to all...
- d) Fundamental education shall be encouraged.

Essential features: availability, accessibility (non-discrimination, physical, economic), acceptability, adaptability

- Lack of education deprives an individual the opportunity to learn and develop vital values and skills, which are very important to the formation of self-esteem, confidence and competence. This has clear implications on how she/he relates to society.
- From the point of view of work/market value, lack of education hampers entry to more desirable jobs. It also fundamentally impairs a person's ability to learn and therefore adjust to changes/demands in the labor market. This, then, puts strict limitations to his economic productivity, potential, growth and development.
- Many informal workers cannot provide for the education of their children because aside from the tuition fee, they also have to spend a lot for allowance, uniforms, projects and transportation. In case their children do have schooling, they may still end up incompetent because it is hard to study on an empty stomach and without proper lighting to study the lessons.
- The quality of education of most public schools is very low because of the lack of resources and proper facilities. There is considerable shortage of books and chairs, as well as incompetent teachers.
- The government must focus more intently on its education programs. There is an emerging trend among students to take up esteemed

courses such as management, but in the end they have nothing to manage. We must work to change this kind of *value system*.

Article 15, Right to culture and scientific progress

Everyone has the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

- It is necessary for all citizens to be informed of the products of technology or scientific progress, especially those that are widely and commonly used, and relative to the functioning of society and people. They must be instructed of its use, its benefits as well as its adverse effects through effective awareness programs. This premise comes from the assertion that technology would be useless if people do not learn how to use them and apply them to their way of life or culture. It is only through information that these can be effectively used towards growth and development.
- This issue is also relevant in determining what type of foreign innovation should be adopted. There is a common impression that these unfamiliar forms of technologies are unsuitable for a rural setting, or a still developing country. As such, the government should observe better regulation of the products imported to the country
- Steps must be taken for the conservation, development and diffusion of science and culture; Respect the freedom indispensable for scientific research and creative activity; Recognition of the benefits to be derived from the development of international contacts and cooperation in the scientific and cultural initiatives

There are 3 Categories of State obligations arising from these rights:

- 1) Duty to respect (obligation): e.g., government may not deprive some communities of basic healthcare facilities
- 2) Duty to protect (concerning third parties): *example - Government must pass and enforce laws prohibiting private companies from releasing hazardous chemicals that impair public health*
- 3) Duty to fulfill: requires parties to establish systems that provide access to guaranteed rights





Determining violations and/or implementation

2 broad categories of violations

1) Failure to progressively realize:

Example: When a GO fails to allocate sufficient resources towards basic social services, undermined through corruption, where there is deliberate neglect.

2) Discrimination in access to rights

Example: Discrimination in access to food, health, care, race, sex, language, birth, etc.

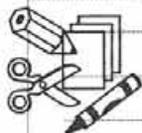


Activity 5: Cultural Tour

At the end of this activity, the participants shall have witnessed some local cultural and historical places and reflect on the relevance of right to culture in their everyday lives.

Process:

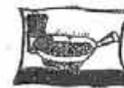
- Before the actual activity, the organizing team should already have identified some local cultural and/or historical sites where they can bring the participants for a short visit. Proper coordination with offices/authorities involved should also be done.
- Someone who can discuss the cultural or historical relevance/roots of every site must be with the group.
- After the tour, there will be a short discussion of the entire field trip experience, where ideas are integrated.



Materials: Vehicle for the participants



Duration: at least 2 hours



Activity 6: Panata sa Karapatang Pantao

After all the sessions on Civil, Political, Economic, Social and Cultural Rights (CPESCR), the facilitator asks for a minute of silence and instructs the participants to think of moments when they felt that their human rights were violated, as well as of instances when they themselves encroached upon the rights of other people. S/he may play background music for this part. S/he then gives each participant a copy of 'PANATA PARA SA KARAPATANG PANTAO'. S/he then leads the participants in reading it out.

PANATA SA KARAPATANG PANTAO

Ako'y Mamamayang Pilipino

Tungkulin ko ang kilalanin, igalang at itaguyod

Ang dignidad at karapatan ng bawat tao

Maging dayuhan man o kalahi ko.

Itataguyod ko ang diwa ng pagkakapantay- pantay ng lahat

Nang walang kinikilingang kasarian, lipi, paniniwala at katungkulan sa buhay

Sa larangang Pang ekonomiya, Pampulitika, Pangkultura, Panrelihiyon at Panlipunan

At malaya sa lahat ng uri ng diskriminasyon at karahasan - kabilang na ang sa tahanan.

Diringgin ko ang tinig ng kabataan

Nang may respeto at pagkilala sa kanilang ideolohiya at kakayahan

At huhubugin sila na maging matatag na salinlahi sa kinabukasan.

Titiyakin ko na ang bawat bata ay hindi salat sa pagkalinga,





may matiwasay na lipunang ginagalawan

At ang mga pangangailangan ay natutugunan ng pamahalaan.

Igagalang ko ang nakatatanda at aalalayan kung kinakailangan

Bibigyang puwang sa lipunan ang mga may kapansanan.

Tutulungan ko ang mga biktimgang nawalan ng tahanan at kabuhayan

Dulot ng kalamidad, demolisyon, militarisasyon, at armadong labanan.

Pagyayamanin ko ang kultura ng katutubong Pilipino.

Bubuhayin ko ang pag asa ng bagong buhay sa mga bilanggo.

Tututulan ko ang pagmamalabis sa kapangyarihan, katiwalian at pagyurak sa karapatan

Ng mga manggagawa sa pribadong tanggapan, sa pamahalaan

At maging ng mga Pilipino na sa ibayong dagat ay namamasukan.

Paninindigan ko, na sa aking kapwa, ako'y may pananagutan.

Babantayan na ang Estado ay nagagampanan ang obligasyon sa lipunan.

Sa ngalan ng **KARAPATANG PANTAO**, tayo'y makibahagi at magtulungan

Sa pagsulong sa katuparan ng lahat ng karapatan.

References:

- **Economic, Social and Cultural Rights – Asia. (2002)** A Compilation of Initiated and Jointly-Undertaken Studies of ESCR-Asia on Economic, Social and Cultural Rights in the Philippines
- **Economic, Social and Cultural Rights – Asia. (2005)** A Primer on the Human Rights of the Members of the Philippine Informal Sector
- **Enriquez V. (1993).** From Colonial to Liberation Psychology: Kapwa and the Struggle for Justice, Freedom and Dignity
- **Garcia M. (2007)** The International Covenant on Economic, Social and Cultural Rights: An Overview of its Basic Contents (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) on 16 December 1966, Entry into force: 03 January 1976, in accordance with Article 27**
- **Litong G. (2007).** Asserting Human Rights of the Informal Sector (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders, June 2007
- **_____ (2007).** Normative Content of Select Civil and Political Rights (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Philippine Human Rights Information Center (PhilRights). (2006).** Training on Your Rights: Modules on Monitoring Economic, Social and Cultural Rights (ESCR). Quezon City Philippines
- **Sembrano G. (2005).** Linking the Individual and the Collective: The Right to/of Self Determination, in Fully Alive, Fully Human: Training Module on Economic Social and Cultural Rights. ESCR-Asia, December 2005, Manila Philippines.
- **University of the Philippines National College of Public Administration and Governance (UP NCPAG), Commission on Human Rights (CHR), United Nations Development Program (UNDP) (2005)** Rights-Based Approach Orientation Training Manual: Towards Mainstreaming Human Rights in the Development and Governance Processes, University of the Philippines Diliman, Quezon City, Philippines
- **Women's Legal Bureau (1998),** Gabay sa Tagapagsanay ng mga Legal Advocates sa Komunidad, 11 Matimtiman St., Teachers Village Diliman. Quezon City 1101, Philippines





RESPONDING TO SOME ORGANIZATIONAL NEEDS :



CONFLICT RESOLUTION AND MANAGEMENT AND PARALEGALISM





IV. Responding to Some Organizational Needs: Conflict Management & Resolution and Para-legalism

TOPIC	ACTIVITY	METHODOLOGY	DURATION
Fourth Module: Conflict Management, Mediation, Negotiation & Para-legal Practice - Defining the concept of conflict (Session 10)	Workshop & sharing	Game; sharing; lecture-discussion	2 hours
- Sources of Power, Conflict & Dispute Resolution, EDRMP	Workshop & sharing	Game; sharing; lecture-discussion	2 hours
	Continuation	Game; sharing; lecture-discussion	2 hours
- Effective Communication & Negotiation Skills	Workshop & sharing	Sharing; lecture-discussion	3 hours
-Paralegalism	Cases identification & lecture on legal processes	Workshop & lecture	2 hours
	Continuation: How to make an affidavit & Open Forum	sharing; lecture-discussion	1 hour & 30 min
Continuation: Paralegalism	Presentation and critiquing of draft affidavits	Plenary discussion & lecture	2 hours





This module offers a basic understanding of conflict and different ways to handle or manage and resolve it. In the context of the informal sector, conflict usually arises between workers and government authorities that implement laws/programs that may often violate basic human rights. It may also occur within the ranks of the workers as a result of intense competition over space or customers.

Objectives:

The module generally seeks to provide the participants with deeper understanding of conflict management and resolution. The use of para-legalism in addressing some of their everyday struggles as informal economy workers is also tackled.

Specifically, it is expected that after the participants have undergone this module, they will be able to

- Define and explain the nature (characteristics, levels and examples) and dynamics of conflict
- Understand and articulate the value of effective communication, negotiation, mediation and other strategies in resolving different conflict situations
- Understand the key features of Empowering Dispute Resolution and Mediation Process (EDRMP) and the Nested Theory, both as framework and tools in addressing conflict

SESSION 11: Conflict 101⁷



Activity 1: Group Sharing

Objectives:

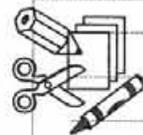
- To draw out everyone's concept/definition of conflict
- To draw out participants' experiences concerning conflict
- To have a better understanding of the nature and dynamics of conflict

Process:

1. The facilitator splits up the participants into three smaller groups and asks them to

⁷ Some of the activities concerning this topic are adopted, with some modifications, from the trainers' manual entitled 'Pamumuno at Pagsasakapangyarihan: Mga Paksa sa Pangkalahatang Kurso sa Pamumuno' by the Education for Life Foundation (ELF) and from Mediators Network for Sustainable Peace (MEDNET) materials for Conflict Resolution and/or Management Orientation.

- a. List down all the words in their own language/s or dialects/s (Filipino, Tagalog, and Cebuano, etc.) that are synonymous with 'conflict'.
 - b. Come up with a tableau presentation that depicts/represents a 'conflict'/ conflict situation.
2. After 10-15 minutes, each group presents the results of their workshop to the big group. First they report all the words that they have listed down. If there are words (dialects/languages) that are not understood by the other participants, the group reporter should explain them in Filipino/Tagalog or any language that all participants can understand. Then, they proceed with the tableau presentation. Again, after the tableau, someone from the group should explain the meaning of their tableau.
 3. The facilitator proceeds with the integration and/or input.



Materials: Bond papers, Metacards,
Masking tape



Duration: 20 minutes for the workshop;
30 minutes for the integration & input



Input

Conflict

- A state of dissatisfaction and/or misunderstanding between two or more individual/groups or parties
- A sign that there is disharmony within a particular society





Synthesis

- 1) Everyone experiences conflict. It is a reality of life from which we cannot escape.
- 2) Conflict, in itself, is not destructive. When properly handled, sometimes it leads to life-changing experiences that in turn can result in personal growth or development. Conflict becomes unhelpful when we ignore it and fail to analyze and address its causes and implications.
- 3) As reflected in the words associated/synonymous with conflict, there are various ways to analyze and address/handle conflicts. It is important that we consider our culture when resolving conflicts. Oftentimes, we refer to Western models to manage our local/internal conflict-related problems that are rooted in our unique cultural and historical context. Hence, we end up complicating the problems instead of solving them. In our own organization, it is also crucial that we take into account our own organizational culture, context and internal dynamics every time we experience conflict and/or conflict-related issues.
- 4) The preceding point does not mean though that we should ignore Western ideas on conflict resolution altogether. The point here is to consider the thoughts that we get from books and see if they are suitable to our own context and needs. We can also combine them with our own ways of dealing with conflicts.
- 5) According to Frank Lynch (1961), Filipinos have the tendency to maintain smooth interpersonal relations (SIR), "which is purportedly acquired and preserved principally by *"pakikisama"*, euphemism and the use of *go-between*." (Lynch: 1961, cited in Enriquez: 1993) SIR is also regarded as a way of avoiding conflict.
- 6) In contrast, Virgilio Enriquez (1993), whose works became the foundation of *Sikolohiyang Pilipino*, contends that in dealing with conflict, Filipinos go beyond the concept and practice of *pakikisama*. *Katarungan* as the fundamental component of fairness, "which means giving equal treatment to everyone, rich or poor, powerful or weak", should not be compromised.

More Information

Definition of Conflict

- Conflict is a state of dissatisfaction and/or misunderstanding between two or more individual/groups or parties.
- It is a sign that there is disharmony within a particular society. There are many sources of conflict (see circle of conflict).

Nature of Conflict

- It is omnipresent
- It promotes changes
- It brings energy
- Oftentimes, it is also double-edged
- It undergoes a process
- It is influenced by personalities, biological make-up and culture

Levels of Conflict

- **Latent conflicts** – Tensions and conflicts are not yet shown. However, the condition/s that induces conflict is already present. Usually, parties to the conflict are not aware of the looming conflict.
- **Emerging conflicts** – Conflict starts to take shape. Parties involved are already identified and are aware that conflict does exist. However, they do not initiate any process to address the conflict.
- **Manifest conflicts** – Conflict is already visible. Parties involved are facing the situation and may be willing to undergo a process to address the conflict.

Manifestation of Conflict

- **Disputes** – it could be a result of unresolved conflict (Example: Complaint, filed cases, sabotage, rebellion, strike etc.)
- **Aggressive competition** – uncontrolled, destructive, unprincipled competition
- **Low Productivity** – example: inefficient work, being absent

It is also important to emphasize that conflict may offer opportunities or threats, depending on our responses.





SESSION 11: The Sources of Conflict and Power

This section expounds on the causes and other aspects of conflict.

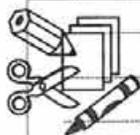


Activity 1: Roleplay on IS conflicts

The roleplay primarily aims to draw out experiences of participants concerning conflict. This activity will serve as basis of the succeeding sessions.

Process:

1. The facilitator divides participants into three to four groups. S/he then assigns each group to come up with a short skit depicting a conflict situation: Conflict with officials implementing certain laws – Small Transport Group, Vendors' Group, etc., Organizational Conflict, Conflict in the Community.
2. Within small groups, each participant shares her/his experiences concerning the conflict situation assigned to their group. Each group has to discuss how to come up with their roleplay based on the experiences shared by group members.
3. Presentation: Each group has 5-7 minutes for the role play
4. It is important that each roleplay focuses on the conflict. The next roleplay will focus on how the conflict has been resolved.
5. After the roleplays, the facilitator leads in the discussion of each conflict situation and proceeds with the integration.



Materials: Bond papers, Ball pens



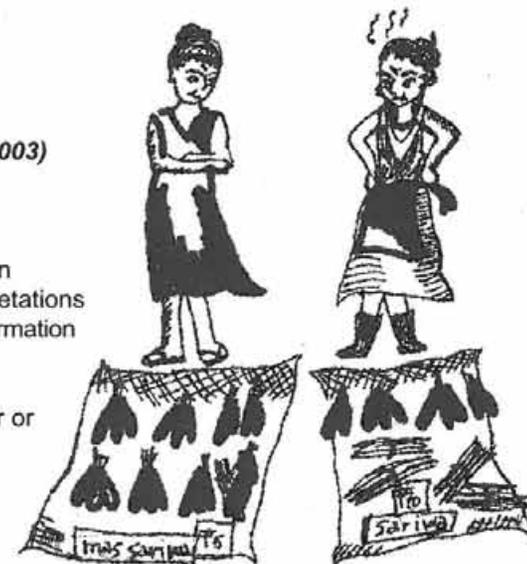
Duration: 30 minutes for the roleplays;
45 minutes for inputs & integration



Input

Circle of Conflict (MEDNET: 2003)

1. Data Problem
 - a. Lack of information
 - b. Excessive information
 - c. Differences in interpretations
 - d. Unreliability of the information
2. Relationship Problem
 - a. Intense emotion (fear or frustration)
 - b. Personal judgment
 - c. Miscommunication
 - d. Different traits
 - e. Varying status in life
3. Value Differences
 - a. Different belief/values system
 - b. Imposition of values system
4. Structural Conflicts
 - a. External issues that cannot be solved through negotiation
(Examples: laws and regulations, scarce resources, disaster)
5. Interest Conflicts
 - a. Needs, hopes and fears of the conflicting parties
 - b. Triangle of satisfaction (procedural, substantive, psychological)
6. Power Relation Problem
 - a. Significant power imbalance
 - b. Misuse of power





Sources of Power

- a. Formal Authority
- b. Associational
- c. Resource
- d. Sanction
- e. Nuisance
- f. Habitual
- g. Expert/Information
- h. Procedural
- i. Moral
- j. Personal

SESSION 12: The Nested Theory of Conflict and the Use of Empowering Dispute Resolution & Management Processes (EDRMP)



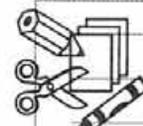
Activity 1: Analysis of Each Role Play

This activity aims to provide a venue for the participants to analyze conflict situations using inputs on Nested Theory of Conflict, John Lederach's Elements of Conflict and the Use of Empowering Dispute Resolution & Management Processes (EDRMP) of MEDNET.

Process:

1. The facilitator assigns every group to analyze specific conflict situation depicted in the role plays: Group I will analyze the presentation of Group III; Group II will analyze the presentation of Group I; and Group III will analyze the situation of Group II.
2. After 5-10 minutes, each group discusses their analysis of conflict situation. After one group has presented, the group that presented the conflict situation may react/comment on the analysis.
3. After this, the participants who are not part of the two concerned groups may ask question/s or add inputs on the conflict analysis.
4. After the presentation, the facilitator proceeds with the integration. The integration should focus on the strengths and weaknesses of each group's analysis of the conflict. It is thus important that the facilitator is very familiar with theories/approaches on analyzing

conflicts. S/he then proceeds with an input on Nested Theory of Conflict, John Lederach's Elements of Conflict and the Use of Empowering Dispute Resolution & Management Processes (EDRMP)



Materials: Bond papers, Ball pens

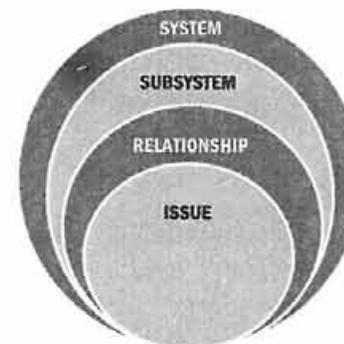


Duration: 30 minutes for the analysis
of the roleplays; 30 minutes for
integration & input



Input

- Conflicts as a "nested foci"



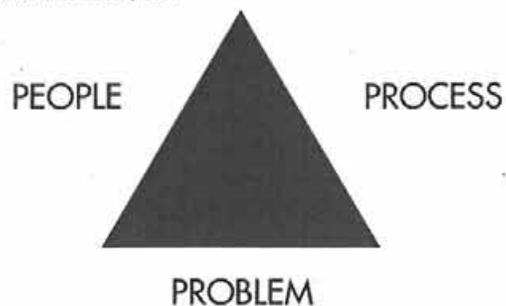
- Conflict has three important components

- *People* – refers to the people involved in the conflict — their feelings, self-valuation (sense of self-worth), views/interpretations of the issues, etc.
- *Process* – focuses on the decision-making process and how it affects the people





- o *Problem* - dwells on the issues and differences of people — opposing views on decision-making process, conflicting needs and interests, etc

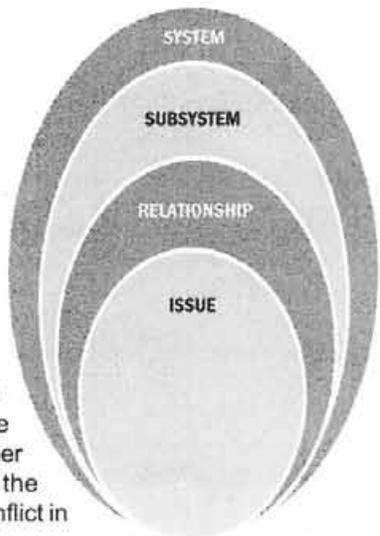


- It is also important that the people involved in the problem set aside their positions and tackle the root-causes of the issue/s

More Information

The Nested Theory of Conflict

Marie Dugan, who developed the above diagram, viewed conflicts as a "nested foci" or a set of focus items. The innermost oval is the immediate issue. The next oval represents the relationship and it is followed by the subsystem. The outermost oval symbolizes the entire conflict system. In dealing with a conflict situation, this framework can be very helpful. Take for instance the analysis of conflict theorist and practitioner John Paul Lederach when he used the nested theory in diagnosing a youth conflict in Mogadishu.

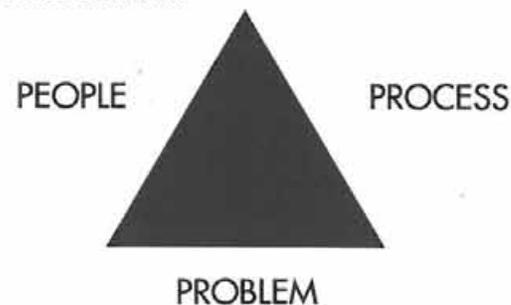


Source: Lederach (1997)

"Lederach uses the example of youths with weapons in Mogadishu. Part of the peace agreement there involved a disarmament program which paid youths money if they gave up their guns. This program was ill-suited to solving the problem, however, because giving the youths money did them little good. They didn't need a small amount

of money, they needed jobs, and with jobs a future. The problem was eventually confronted with a guns-for-job training program which hit at the root of the problem. Guns were not simply an artifact of violence, but a means for the youths to achieve social status, as well as earn a living. They needed to be given an alternative way to earn a living, if they were to give up their guns." (Lederach: 2004, 58)

Further, Lederach believes that conflict has three important components⁸: people, process and problem. He asserts that the three components can be seen in all conflict situations.



Source: Education for Life Foundation's (ELF) 'Pamumuno at Pagsasakapangyarihan: Mga Paksa sa Pangkalahatang Kurso sa Pamumuno'

People

This component basically refers to the people involved in the conflict – their feelings, self-valuation, views/interpretations of the issues, etc. In attempting to resolve the conflict, it is crucial to consider the following:

- understand the feelings of the parties involved
- recognize the need of both parties to explain, reason out and express their emotions
- respect their rights and dignity as human beings
- respect their self-valuation
- discover how their lives are affected by their behavior and condition

Process

This component focuses on the decision-making process and how it affects the people. It becomes a source of conflict especially when some people feel aggrieved because they are not involved in the decision-making process. Thus, they do not cooperate nor support the decision. It happens in many

⁸ For details of Lederach's ideas, readers may refer to Education for Life Foundation's (ELF) 'Pamumuno at Pagsasakapangyarihan: Mga Paksa sa Pangkalahatang Kurso sa Pamumuno', Unpublished





communities and organizations. In looking into this component, it is important to:

- analyze how people interact and communicate with each other when there is something to decide on
- know their feelings towards the decision/s reached
- understand the power dynamics among people
- create a fair process where all affected parties can participate in the decision-making

Problem

The problem component dwells on the issues and differences of people – opposing views on decision-making process, conflicting needs and interests etc. Addressing the following concerns may help address the conflict condition:

- possible cause/s why people take a particular position
- possible converging points
- diverging points, if indeed necessary

It is also important that people involved in the problem set aside their positions and tackle the root-causes of the issue/s.

Key Features of EDRMP (Batistiana et. al: 2005, 4-11)

- **Inclusive** - Framed within the right-based and gender responsive framework, ensuring that all women and men, groups and sectors with stake in the resolution of a dispute must be represented
- **Voluntary and participatory** - A mutually beneficial solution to the dispute rests on the parties. Lasting or sustained resolution can be achieved if parties willingly go through the process and commit to comply with result
- **Culturally sensitive** - Patterned in ways of thinking, feeling and reacting; acquired and transmitted mainly by symbols. The essential core of culture consists of traditional ideas, especially their attached values
- **Responsive to the sources and effects of power imbalance** - Providing stakeholders with equal representation and a voice in the process, where all rights and interest are acknowledged and recognized
- **Information-and analysis-oriented** - There should be an assessment on the presence of key ingredients of an effective conflict resolution process. The process design must be based on the analysis of the dispute. An analysis of the power relations of the parties

must be done.

- **Systemic yet flexible and creative** - Guided by organized concepts, principles and approaches. However, EDRM/P is not limited or restricted to these systematic approaches but are continually being developed, based on experiences.
- **Non-violent** - Does not support any kind of violence, especially armed violence
- **Educational** - Parties learn methods which can be used in the future

Outcomes need to be mutually beneficial and fair to all parties, and need to provide a comprehensive solution to relationship issues in the dispute.

SESSION 14: Effective Communication Skills

At the end of this session, the participants are expected to:

- understand the importance of communication in everyday human interaction
- identify and express the important skills necessary for effective communication



Activity 1: 'Take it from me!'

Process:

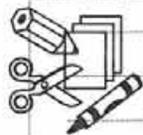
1. The facilitator asks for volunteers – preferably 2 women and 2 men, who will form two teams.
2. S/he then asks the volunteers to leave the session room until they are told to go back for the activity.
3. S/he gives special instructions to the team that will first do the activity in front of the other participants in the session room.
 - a. One member gives instructions to her/his partner.
 - b. The other member cannot ask questions/clarifications concerning the instructions of her/his partner. S/he just needs to follow what s/he is told.
 - c. Meanwhile, the facilitator instructs the other participants to keenly observe the actions of the team. If they want, they can actually write down their observations.
4. After the first pair, the facilitator then asks the last team to do their





part in the activity with the following instructions

- a. One member gives instructions to her/his partner.
 - b. The other member can ask questions/clarifications about the instructions of her/his partner.
 - c. The other participants are again asked to keenly observe the actions of the team.
5. Each team has 10 minutes to do the exercise.
 6. After the activity the facilitator proceeds to ask the other participants to share their observations and insights from the activity. S/he will also have to ask the four volunteers about their feelings while doing the exercise.
 7. S/he then relates their insights with the input below.



Materials: Illustration of diagram/
geometric figures, Marker & Divider



Duration: 20 minutes for the exercise;
30 minutes for integration and input



Input

Elements of Effective Communication

- 1) Active Listening – capability of one person to demonstrate and prove his/her understanding of the actual content and emotional messages of the speaker
- 2) Probing – statements or questions designed to draw out important data from another person
- 3) Feedback Giving - an invitation to another person or group to discover, explore and act on self-enhancing and organization-enhancing alternatives;

-An alternative to commanding, telling, ordering, persuading, cajoling, pleading, demanding, and the like

Components of Non-violent Communication

- 1) Separate observation from evaluation
- 2) Express your feeling about your observation; separate this feeling from your assessment of yourself and of others
- 3) Acknowledge the roots of your feelings, which are your own needs (e.g. *I feel... because I need...*)
- 4) Give proposals in a non-threatening and non-demanding way

More Information

Elements of Effective Communication (MODA: 1992)

1. Active Listening

It is the capability of one person to demonstrate and prove his/her understanding of the substantive and emotional messages of the speaker

Purposes:

- Helps build and maintain rapport.
- Helps gather data.
- Helps check perceptions and filters.
- Helps the speaker to clarify and develop his/her ideas.
- Builds respect and consideration.

Procedures:

- Use a listening posture conducive to learning.
- Use appropriate eye contact.
- Paraphrase the message of the speaker.
- Reflect the core feelings.
- Ask clarifying questions.
- Give statements of understanding.
- Ask or welcome clarifications and corrections.
- Summarize the speaker's core message.





Traps:

- Confuse listening with agreeing.
- Mix listening with evaluating.
- Assume responsibility for what is being presented (feeling the need to give pieces of advice)

2. Probing

Probes are statements or questions designed to elicit related information from another person.

Purposes:

- Obtain more information.
- Clarify other person's feelings.
- Clarify other person's thinking.
- Test assumptions.

Procedures:

- Ask open-ended questions (What, Why, How, Where, When, Who)
Ask one question at a time.
- Give time to answer.
- Reinforce answers verbally and/or with body language.

Traps:

- Confuse probes with leading questions.
- Fill silences instantly.

3. Feedback Giving

An invitation to another person or group to discover, explore and act on self-enhancing and organization-enhancing alternatives. As such, it is an alternative to commanding, telling, ordering, persuading, cajoling, pleading, demanding, and the like.

Feedback relates to:

Recognizing success (confirmatory feedback) - Encourage another person to repeat positive actions and/or statements.

Developing new perspectives (corrective feedback) - An invitation to another person/group to reexamine and change/enhance some perspective, belief, attitude, idea, etc.

Facilitating change of dysfunctional behaviors (corrective feedback)

- An invitation to another person or group to correct some behaviors.

Purposes:

- To recognize success and good performance.
- To encourage the other to consider new perspectives and/or behaviors; and
- To express the point of view in such a way that the other can hear it; to minimize the other's need to be defensive.

Procedure: Be Assertive in giving your feedback!

Assertiveness - the ability to clearly communicate one's opinions, needs, wants, interests, feelings, etc. to another in a non-defensive and non-threatening way

Parts of an Assertion Message

- Description of the **PROBLEM** – specific behavior or statement (written or verbal), policy, etc. that is the subject of the discussion. (Confirm with the other party your understanding of the problem).
- Description of your **ASSESSMENT** – i.e. specific consequences of the behavior or statement;
- Description of your **FEELINGS** and the **ROOTS OF YOUR FEELINGS** in relation to, or arising out of the described problem;
- Presentation of your **PROPOSAL(S)** on how to resolve or manage the problem.

Components of Non-violent Communication (Rosenberg: 1999)

1. Separate observation from evaluation

Mixed Observation and Evaluation	Observation Separate from Evaluation
Celso is a poor basketball player.	Celso has not scored a goal in 10 games. Because of this, the coach is thinking of looking for a replacement.
Mario delays studying.	Mario only studied for exams the night before. As a result, he got very low grades in the exams.





2. *Express your feeling about your observation; separate this feeling from your assessment of yourself and of others.*

- (X) I feel inadequate as a guitar player.
- (/) I feel frustrated about myself as a guitar player.
- (X) I feel ignored.
- (/) I feel hurt when I thought you ignored me during our meeting last Tuesday.

3. *Acknowledge the roots of your feelings, which are your own needs (e.g. I feel... because I need...)*

- (X) It really annoys me when spelling mistakes appear in our public brochures.
That bothers me a lot.
- (/) I feel really annoyed when spelling mistakes like that appear in our public brochures, because I want our company to project a professional image.
- (X) Mommy is disappointed when you don't finish your food.
- (/) Mommy feels disappointed when you don't finish your food because I want you to grow up strong and healthy.
- (X) I feel angry because the supervisor broke her promise.
- (/) I feel angry that the supervisor broke her promise because I was counting on getting that long weekend to visit my brother.

4. *Give proposals in a non-threatening and non-demanding way:*

- Be conscious of your proposals and on how you, verbally and non-verbally, say it;
- Use "I messages" in giving proposals.
- Actively listen to the reaction of the other party to your proposal, and if necessary, probe on their thoughts and feelings.



SESSION 15: Negotiation Skills



Activity 1: Role Play on Conflict Management and Resolution through Negotiation

This activity intends to bring out experiences of the participants on resolving conflicts through negotiation. This will also be a basis for the discussion of skills needed for effective negotiation.

Process:

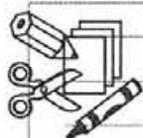
1. The facilitator asks the participants to go back to their respective roleplay groups. S/he then instructs them to discuss how their conflict situation can be addressed through negotiation and/or mediation. It is important that roleplay on negotiation will involve asserting their individual and collective rights, which have been tackled in the previous sessions.
2. Each group has ten minutes to discuss and come up with another roleplay that illustrates how the conflict is addressed through mediation/negotiation. This time, the focus of the roleplay is the dialogue between the contending parties.
3. Each group has 5-7 minutes for the roleplay.
4. After all the presentations, the facilitator leads in the collective analysis of each roleplay. Again, it is important to identify the strengths and





weaknesses of the roleplay based on the input on mediation and negotiation.

5. S/he may ask the following questions:
 - a. What/how did you feel while doing the exercise? The negotiator/mediator? The hostile party (government officials)? The aggrieved party (vendors, transport groups etc.)?
 - b. What are the common elements used in addressing the issue/conflict?
 - c. What do you think are the preparations needed to effectively negotiate with government officials?
 - d. DOs and DONTs?
6. After this, the facilitator gives some tips for effective mediation and negotiation.
7. S/he must also emphasize that if and when negotiation fails, mediation is an option. A slide briefly explaining mediation is then shown and if they are interested to learn more about it, they can consider it in their next activities.



Materials: Bond paper, Pens



Duration: 30 minutes for the role play; 1 hour for input & integration



Activity 2: "Win as Much as You Can"⁹

After the activity, the participants are expected to identify the significant concepts and elements in effective negotiation.

Process:

1. The facilitator divides the participants into groups of four.
2. S/he has to point out that the main objective of the exercise is to get the highest individual score; hence 'win as much as you can'.

⁹ Adopted from the Module of LEAD International Training for Asian Young Leaders in Governance – Southeast Asia Sub Regional Training, September 2007

3. Each participant is given 2 cards: one marked with an "X" and the other with a "Y".
4. In every round, the participants choose to play either the "X" card or the "Y" card.
5. All members of each group must show their cards at the same time – when the facilitator says "PLAY"
6. The facilitator should show the score sheet below to guide the participants in the point system:

CARDS PLAYED	INDIVIDUAL SCORE
4 Xs	Lose 1 point each
3 Xs; 1 Y	Win 1 point each; Lose 3 points
2 Xs; 2 Ys	Win 2 points each; Lose 3 points each
1 X; 3 Ys	Win 3 points; Lose 1 point each
4 Ys	Win 1 point each

7. The facilitator should also emphasize that the participants should not talk (except before Game #5, #8, and #10).

ROUND	PARTICIPANTS' CHOICE	GROUP'S CHOICES	PAYOFF	TOTAL
1	XY	XY		
2	XY	XY		
3	XY	XY		
4	XY	XY		
5	XY	XY	*3 =	
6	XY	XY		
7	XY	XY		
8	XY	XY	*5 =	
9	XY	XY		
10	XY	XY	*10 =	

8. After the game, the facilitator proceeds with the integration. S/he may start by asking the participants to share their insights. The following questions may be useful in this part:
 - a. Describe the events of the game
 - b. What was your strategy at the start of the game? At the end?
 - c. Did your level of trust change during the game?





- d. Did you try to build trust? How? Were you successful?
- e. Once trust is lost, how easy is it to regain?
- f. Does this happen in real life?
- g. What would you do differently next time?



Input

Negotiation

- ☛ A dispute resolution approach
- ☛ An attempt to jointly search for mutually acceptable solutions to their common problems
- ☛ Involves two or more parties, who have disagreeing positions, values, and interests, and competing needs and goals

Two General Forms of Negotiation

Distributive Negotiation – likened to the process of slicing a pie.

Integrative Negotiation – likened to the process of expanding the pie.

Integration of Two Forms of Negotiation – **Joining** together the two forms of negotiation: process of claiming an equitable part of the limited resources and of creating more opportunities for mutually acceptable and mutually gainful access and utilization of resources.

Types of Negotiation

Competitive

In this type of negotiation, the negotiators seek to maximize their own gains, usually at the expense of other parties. Some of the techniques they utilize to attain their goal are as follows: exaggerating, flexing muscles or threatening to walk out. This method is generally appropriate in one-shot, single-issue negotiations over limited resources.

Collaborative/Problem-solving/Win-win

The goal in this type of negotiation is to help all the parties satisfy their needs.

It is particularly useful when negotiators will continue to deal with one another in the future or when creative solutions can be explored.

Approaches in Negotiation

Power-based Approach

- ☛ The power-based negotiators' approach is to pressure someone to do something she or he would not otherwise do. Exercising power typically means imposing costs on the other side or threatening to do so.
- ☛ Exercising power may manifest itself in acts of aggression, such as sabotage, physical attack, or withholding benefits derived from a relationship.
- ☛ Two types of power-based approach: Threats and contests (in which parties take action to determine who will win).

Rights-based Approach

- ☛ Rights-based negotiators focus their negotiation points (arguments) on the recognition of their rights and the determination of who is right in a conflict situation.
- ☛ Negotiators who use a rights-based approach frequently say things like, "I deserve this," or "This is fair."
- ☛ The original and typical rights procedure involves adjudication, in which disputants present evidence and arguments to a neutral third party who has the power to hand down a binding decision.

When to use power-based and rights-based approaches

- ☛ When the other party refuses to come to the table despite significant efforts to encourage them to do so - in this case, no negotiation is taking place, and little is lost by using rights and power.
- ☛ When negotiations have broken down and parties are at an impasse
- ☛ When the other party needs to know that you have power
- ☛ When interests are so opposed that agreement is not possible.
- ☛ When social change is necessary - to create social impact (example: achieve social equity), a rights battle is necessary.





Basic Techniques for Problem-Solving Negotiation

1. Distinguishing Interests from Position

To do this, the negotiators must first recognize interests or underlying needs from positions. Interests may be revealed once the reasons why a particular party cares about the issue being addressed is determined.

2. Creating Options to Satisfy Everyone's Interests

One of the crucial elements of negotiation is identifying possible steps/actions that may respond to the needs of the parties involved, without necessarily committing or agreeing to them immediately.

3. Finding Mutually Acceptable Standards

It is also important to set common standards or neutral principles that are acceptable to all parties. These may guide the entire process of negotiation.

4. Recognizing Constraints

Negotiators must also be aware of the limitations of the negotiation process (that is, time and financial constraints, ability to conclude a final agreement, etc.). It is helpful if the negotiators would collaborate to remove or minimize the limitations.

5. Understanding the Alternatives to Agreement

To a certain extent, the success of a negotiation process depends on the attractiveness of the party's alternatives to agreement. As one author clearly points out:

"The better the alternatives, the less the person needs to give up in order to secure settlement... Fisher and Ury coined the acronym BATNA to remind negotiators to remember their 'best alternative to agreement'. Often it seems that the WATNA or 'worst alternative to agreement' is both more significant and more easily forgotten... In this regard, it is important to remember that agreement is not always the best option in a particular situation. In some cases a party's 'walk-away' alternative exceeds anything that can be gained through the negotiation."

Mediation – this is the principal form of third party assistance. It involves an outsider to the dispute, who lacks the power to make decisions for the parties.

What a mediator can do to get negotiations back on track:

- a. Soothe hurt feelings
- b. Act as a neutral discussion leader, ensuring that all the parties have enough opportunity to speak
- c. Help to distinguish interests from positions
- d. Work with the parties to come up with creative solutions for meeting their needs
- e. Earn enough of the parties' trust, so that they will share confidential information about their interests and alternatives
- f. Communicate selected information back and forth, often translating it from negative to positive language
- g. Serve as an agent of reality, helping the parties to be more realistic about their alternatives to agreement
- h. Keep negotiations going even when the parties are ready to give up

Stages of Mediation

- a. Initial contacts between the mediator and the parties
- b. Entry of the mediator into the dispute and setting of rules to guide the process
- c. Gathering information about the dispute and identifying the issues to be resolved, and agreeing on an agenda
- d. Creating options for settling issues
- e. Evaluating options for settlement and comparing them to the parties' alternatives to agreement





- f. Reaching full or partial agreement on the substance of the dispute, together with whatever plan is needed for implementation and monitoring, or concluding that agreement, at least at present, is impossible.

The discussion on these stages should be modified based on the context and insights of the participants. The facilitator/discussant should ask the participants if, based on their own experience/observation on mediation process, they can relate with these stages or they have different set of steps/phases concerning the mediation process.

More Information

Negotiation - is a dispute resolution approach where two or more parties, who have disagreeing positions, values, and interests, and competing needs and goals, attempt to jointly search for mutually acceptable solutions to their common problems.

Two General Forms of Negotiation

Distributive Negotiation - Process whereby disputing parties discuss how they are going to divide and share limited resources (e.g. money, material resources, natural resources, etc.). It is likened to the process of slicing a pie.

Integrative Negotiation - Process whereby the disputing parties explore other opportunities – beyond the limited disputed resources – to reach mutually gainful solutions to problems, and find an outcome that they both prefer. It is likened to the process of expanding the pie.

Integration of Two Forms of Negotiation

The integrated strategy brings together the two forms of negotiation: process of claiming an equitable part of the limited resources and of creating more opportunities for mutually acceptable and mutually gainful access and utilization of resources.

Types of Negotiation (Singer: 1990)

Competitive

In this type of negotiation, the negotiators seek to maximize their own gains, usually at the expense of other parties. Some of the techniques

they utilize to attain their goal are as follows: exaggerating, flexing muscles or threatening to walk out. This method is generally appropriate in one-shot, single-issue negotiations over limited resources.

Collaborative/Problem-solving/Win-win

The goal in this type of negotiation is to help all the parties satisfy their needs.

It is particularly useful when negotiators will continue to deal with one another in the future or when creative solutions can be explored.

Approaches in Negotiation

Power-based Approach

- ☛ Power-based negotiators' approach is to pressure someone to do something she or he would not otherwise do. Exercising power typically means imposing costs on the other side or threatening to do so.
- ☛ Exercising power may manifest itself in acts of aggression, such as sabotage, physical attack, or withholding benefits derived from a relationship.
- ☛ Two types of power-based approach: Threats and contests (in which parties take action to determine who will win).

Rights-based Approach

- ☛ Rights-based negotiators focus their negotiation points (arguments) on the recognition of their rights and the determination of who is right in a conflict situation.
- ☛ Negotiators who use a rights-based approach frequently say things like, "I deserve this," or "This is fair."
- ☛ The prototypical rights procedure involves adjudication, in which disputants present evidence and arguments to a neutral third party who has the power to hand down a binding decision.

When to use power-based and rights-based approaches

- ☛ When the other party refuses to come to the table despite significant efforts to encourage them to do so. In this case, no negotiation is taking place, and little is lost by using rights and power.
- ☛ When negotiations have broken down and parties are at an impasse.
- ☛ When the other party needs to know you have power;
- ☛ When interests are so opposed that agreement is not possible.





When social change is necessary. To create social impact (e.g. achieve social equity), a rights battle is necessary.

Positional Bargaining Approach

Positional bargaining revolves around POSITIONS (i.e. demands and proposals), whereas interest-based negotiation revolves around the REASONS (i.e. interests) behind the positions.

Two Types:

HARD POSITIONAL BARGAINING

How the Other Side is Regarded	Adversaries
Goal	Victory = Defeat of the Other Party
Negotiation Posture	Be hard on the problem and the people: Insist on own position Apply pressures and make threats Search for the answer that YOU will accept (without consideration of the other party)

SOFT POSITIONAL BARGAINING

How the Other Side is Regarded	Friends or important people to be pleased
Goal of Negotiation	Any agreement that will not adversely affect relationship with the other party.
Negotiation Posture	Be soft on the people and the problem Be willing to accept one-sided losses to reach agreement Search for an answer that the other side will accept.

INTEREST-BASED NEGOTIATION

How the Other Side is Regarded	A co-stakeholder A co-problem solver
Goal	A wise outcome reached efficiently and amicably.

Basic Techniques for Problem-Solving Negotiation (Fisher & Ury: 1981)

1. Distinguishing Interests from Position

To do this, the negotiators must first recognize interests or underlying needs from positions. Interests may be revealed once they understand the reasons why a particular party cares about the issue being addressed.

2. Creating Options to Satisfy Everyone's Interests

One of the crucial elements of negotiation is identifying possible steps/ actions that may respond to the needs of the parties involved without necessarily committing to them.

3. Finding Mutually Acceptable Standards

It is also important to set common standards or neutral principles that are acceptable to all parties. These may guide the entire process of negotiation.

4. Recognizing Constraints

Negotiators must also be aware of the limitations of the negotiation process (i.e. time and financial constraints, ability to conclude a final agreement etc.). It is helpful if the negotiators would work together to remove or minimize the limitations.

5. Understanding the Alternatives to Agreement

To a certain extent, the success of a negotiation process depends on the attractiveness of the party's alternatives to agreement. As Singer (1990) clearly pointed out

"The better the alternatives, the less the person needs to give up in order to secure settlement... Fisher and Ury coined the acronym BATNA to remind negotiators to remember their 'best alternative to agreement'. Often it seems that the WATNA or 'worst alternative to agreement' is both more significant and more easily forgotten... In this regard, it is important to remember that agreement is not always the best option in a particular situation. In some cases a party's 'walk-away' alternative exceeds anything that can be gained through the negotiation." (Singer: 1990, 19-20)

Key Principles & Elements of Interest-Based Negotiation

- Make a sound diagnosis of the conflict: Identify People Problem(s) and Substantive Problem(s).
- Identify the different parties/stakeholders to the conflict;
- Define the different sources of the conflict.
- Identify people problem(s) and substantive problem(s)
- People problem refers to problems related to: perceptions, emotions & communications.
- Substantive problem refers to issues which the parties want to resolve through negotiation.
- Identifying people problem(s) and substantive problem(s) is a way of diagnosing conflicts.





- Analyze the power relations of the parties.
- Assess the present state of the conflict, and if the parties are equally motivated and ready to confront and resolve it; and
- Assess if the present structure encourages a side-by-side process of solving the problem.

Importance of Sound Diagnosis of the Conflict

- Recognizing and acknowledging people problems helps establish a positive negotiation climate. This leads to a more focused discussion of substantive problems.
- Helps in identifying the most appropriate response to the conflict.
- Helps in the formulation of a more comprehensive solution to the dispute.
- Facilitates the smoother resolution/ management of conflicts.
- Focus on interests, rather than on positions.
 - Positions are one's proposed actions or solutions to the problem.
 - Interests are the reasons behind one's positions.

Why Focus on INTERESTS, rather than on POSITIONS, and How?

- If interests are common or compatible, the potentials of negotiation can be exhausted.
- In finding and addressing common or compatible interests, we make the negotiation a side-by-side problem solving process.
- Discover, communicate and analyze interests. Ask why or why not.
- Invent Options for Mutual Gains.
 - Options are our alternative proposals if the positions are in total conflict
 - Options seek to satisfy common or compatible interests.
 - Done in a brainstorming manner. No outright rejection of proposals.

Importance of Inventing Options for Mutual Gains

- Allows the negotiators to creatively think of other possible actions or solutions to their problems.
- Enables the negotiators to find graceful solutions to the problem.
- Is there a way of finding mutually acceptable and gainful solutions in an efficient manner?
- Allows the negotiators to creatively think of other possible actions or solutions to their problems.
- Enables the negotiators to find graceful solutions to the problem.
- Use Objective Criteria in choosing the best option.

- Objective criteria refer to the negotiators' standard for selecting the best option.
- Possible basis: cost effectiveness, market, efficiency, experts' advice, tradition, etc.

Importance of the Use of Objective Criteria

- Leads the negotiators to make decisions based on merits and not on pressures.
- Nobody feels taken advantage of, because the decision is based on a mutually acceptable standard for best option.
- Gives the negotiators a common framework for evaluating the generated options.
- Develop your BATNA, and know & prepare for their BATNA.
 - BATNA means Best Alternative to a Negotiated Agreement
 - It refers to alternative course(s) of action if the negotiation fails.

Three Types of BATNA

1. *Walk-away alternative*: When one chooses to resolve a problem without the other party's involvement.
2. *Interactive alternative*: When one party exerts pressure on the other party/ies for the recognition of their value in the resolution of the conflict. (i.e. boycott, strike, rally, etc.)
3. *Third Party alternative*: When one seeks for the intervention of a third party to resolve the conflict (i.e. court, mediator, arbitrator)

The Values of BATNA

- Addresses power imbalance
- Can change the rules of the game from hard negotiation to interest-based negotiation
- Brings the hard negotiators to their senses
- Shows the consequences of a no-agreement ending





	POWER	RIGHTS	INTEREST
Goal	Winning Respect	Fairness Justice	Self-interest Dispute resolution
Temporal Focus	Future ("What steps can I take in the future to overpower the other?")	Past (what has been dictated by the past)	Present (what needs and interests do we have right now?)
Distributive Strategies	Often produces a "winner" and "loser"; thus, unequal distribution	Often produces a "winner" and "loser"; thus, unequal distribution	Compromise or trade-offs
Integrative Strategies	Difficult to expand the pie unless focus is on interests	Difficult to expand the pie unless focus is on interests	Most likely to expand the pie via addressing parties' underlying needs
Implications for future negotiations	ResentmentPossible retaliationRevenge	Possible court action	Greater understanding Satisfaction Stability of agreement

Source: Thompson: 2001

THIRD DIMENSION: DELIVERY (EMOTION)

	RATIONAL	POSITIVE	NEGATIVE
Focus	Conceal or repress emotion	Create positive emotion in other party; Create rapport.	Use irrational-appearing emotion to intimidate or control other party
Distributive strategies (pie slicing)	Citing norms of fair distribution	Compromise for the sake of the relationship	ThreatsOften tough bargaining
Integrative strategies (pie expansion)	Systematic analysis of interests	Positive emotion stimulates creative thinking	Negative emotion may inhibit integrative bargaining
Implications for future negotiations and relationships	Not likely to say or do anything regrettable, but also may come across as "distant"	Greater feelings of commitment to partner	Pressure to carry out threats or lose credibility.

When is interest-based negotiation not appropriate?

- When ADR is used to cover up systemic or general problems and repeated violations.
- It may also be inappropriate to require the disempowered to use negotiation and other ADR techniques when they have been given no choice, do not understand their rights and choices for alternative relief, or have had no hand or representation in making the decision to use negotiation or other ADR techniques.

Mediation

Singer defines mediation as the principal form of third party assistance that involves an outsider to the dispute, who lacks the power to make decisions for the parties.

In the Philippines, Enriquez (1993) believes that the prevalence of amicable (friendly) settlements and/or mediation of disputes despite the existence of a formal litigation system amplify the importance given by Filipinos to *kapayapaan* or peace. Settlements are also considered to be quicker and cheaper than court proceedings and they also increase the likelihood of reestablishing amicable and cordial relationships between/among the parties involved. However, he also emphasizes the significance of *katarungan* in settling disputes

"It should be noted, however, that settlements are not always accepted as just, and that *kapayapaan* is never equated with *katarungan*. Settlement becomes an acceptance or a yielding to a great power, to *palakasan*, which is understood as unjust." (Enriquez: 1993)

Meanwhile, Singer also lists down some things that a mediator can do to get negotiations back on track

- a. By soothing ruffled feelings
- b. By acting as a neutral discussion leader and ensuring that all the parties have ample opportunity to speak
- c. By helping to distinguish interests from positions
- d. By working with the parties to devise creative solutions for meeting their needs
- e. By earning enough of the parties' trust, so that they will share confidential information about their interests and alternatives
- f. By communicating selected information back and forth, often translating it from negative to positive language
- g. By serving as an agent of reality, helping the parties to be more





- realistic about their alternatives to agreement
- h. By keeping negotiations going when the parties are ready to give up

Stages of Mediation (Singer: 1990, 22)

- a. Initial contacts between the mediator and the parties
- b. Entry of the mediator into the dispute and setting of rules to guide the process
- c. Gathering information about the dispute and identifying the issues to be resolved, and agreeing on an agenda
- d. Creating options for settling issues
- e. Evaluating options for settlement and comparing them to the parties' alternatives to agreement
- f. Reaching full or partial agreement on the substance of the dispute, together with whatever plan is needed for implementation and monitoring, or concluding that agreement is impossible, at least for the moment.

The discussion on these stages should be modified based on the context and insights of the participants. The facilitator should ask the participants if, based on their own experience/observation on the mediation process, they can relate with these stages, or they have different set of steps/phases concerning the mediation process.



Activity 2: Meta-review

This activity hopes to help the participants review the major topics that have been covered by the first part of the module on conflict resolution.

Process:

1. The facilitator divides the participants into three groups or s/he may ask them to form their previous groups.
2. S/he must point that the game is a contest to earn the most number of points by providing correct answers to questions related to the topics that have just been tackled.



3. Each group has metacards on which they are to write their answers to the following questions:
 - a. What are the components of circle of conflict?
 - b. What are the sources of power?
 - c. What is BATNA?
 - d. What are the skills in effective communication?
 - e. Kindly list down all the words that are synonymous with conflict.
4. The group that will earn the highest number of points will be declared as the winner.



Materials: Metacards, markers

Duration: 15 minutes

SESSION 16: Para-legalism

This part provides basic orientation on the concept and practice of para-legalism. For this particular segment of the training, it is important that the invited facilitator and/or speaker is an experienced lawyer or a paralegal person with a rich background on handling legal cases, similar to the issues being experienced by the informal economy workers.



Activity 1: Institutional Sketch

It primarily intends to draw out the participants understanding of major players/institutions in our society and how these relate to paralegalism.

Process:

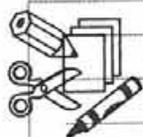
1. The facilitator divides the participants into three groups. S/he then posts and reads the statement below.
"The Philippines is a democratic and republican state. Sovereignty resides in the people and all government authority emanates from them. Civilian authority is, at all times, supreme over the military."





The prime duty of the Government is to serve and protect the people. Public office is a public trust. The separation of Church and State shall be inviolable. The three branches of government are co-equal, independent and co-extensive."

2. S/he instructs the three groups to come up with an interpretation of the statement and present it via an illustration/drawing.
3. After 15 minutes, each group presents the illustration and explains the group interpretation/s of the statement. The other groups may ask questions and seek clarifications from the reporting group.
4. After the three presentations, the facilitator/discussant presents a diagram/illustration that best captures the visual representation of the statement. S/he should relate it with the participants' interpretations.
5. S/he then relates the statement to the concept of paralegalism.
6. Finally, s/he tackles the basic concepts on and the practice of paralegalism



**Materials: Metacards, Masking tape,
Marker, Crayons**



**Duration: 30 minutes for the activity;
1 hour for input and integration**

Paralegalism

- Developmental Legal Assistance Framework
- Meaning of Paralegalism
- The Roles of Paralegals

Developmental Legal Assistance: Basic Principles

1. Laws are real; they may be raised by the community, and the other side as well.
2. Laws are normative (relating to an ideal standard or model).
3. Laws are not above and beyond human beings.
4. Laws change as society changes.
5. Most legal forums favor the elite.
6. Law must not be divorced from its social context.

DIFFERENCE BETWEEN TRADITIONAL LEGAL AID AND DEVELOPMENTAL LEGAL ASSISTANCE

Traditional Legal Assistance	Developmental Legal Assistance
Accepts the validity of the law and its context "Dura lex sed lex"	Accepts that there are inequalities in society Does not accept that all laws are valid and legitimate
Charity	Law is a tool.
Injustice is caused by the individuals	Some legal problems are systemic.
Relationship of dependence	Partnership.

Meaning of Paralegalism

PARA – ancillary or supplementary to a higher profession
LEGAL – pertaining to Law
ISM – a field of discipline

Paralegalism is the employment of non-lawyers in the delivery of legal services to clients or sectors.

Reasons for Paralegalism:

1. Inadequacy of lawyers/lack of access
2. Constraints of the legal system
3. The effectiveness of mass actions through awareness of, and mobilization of people

Role of Paralegals

Legal Advocate

- Understanding laws, legal system, judicial processes, rules of evidence, legal remedies
- Having skills on documentation, investigation, interviewing and affidavit-making
- Use of the law and its processes not only to secure redress (legal remedies) but to learn its limitations
- Relationship of partnership with the lawyer
- Not to be dependent on the lawyer
- Assist the sector in pursuing meta-legal tactics (strategies about the law)
- Provide assistance to lawyers: in documentation, in organizing, in consolidation





Representation of clients\sector in courts, quasi-courts

Organizer

- Assist the sector in organizing, as well as having organizational skills
- Continue organizing to prepare the people to fight for their rights
- Mobilize people for their interests

Educator/Trainer

- Explain to the sector the laws and the legal system affecting them
- Explain the gaps in the law and how to implement them
- Assist the sector to acquire critical consciousness of their context

Advocate

- Partnership with the sector to find solutions to legal problems
- Pursuing laws that promote the rights of the sector
- Transact with the State to enact laws that promote the rights of the sector
- Research

Meta-Legal Remedies

These are remedies outside the court system (i.e. delegation, pamphlets, rallies, etc.) They also complement legal remedies. For instance, when there is an illegal arrest, the legal remedy could be a petition for *habeas corpus* while the meta-legal remedy could be petition signing, rally or media press release

SESSION 17: Evidence & Affidavit



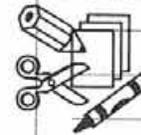
Activity 1: Message Relay

At the end of this exercise, the participants are able to identify the basic elements of evidence

Process:

1. The facilitator splits up the participants into three groups. S/he must ensure that each group has equal numbers of group members.

2. S/he instructs each group to form a straight line. S/he then asks for a representative of each group.
3. The facilitator shows a prepared statement/message to the three volunteers.
4. The volunteer member relays the message to the person standing in front of the group's line. S/he then relays the message to the person next to her/him. The process goes on until the message reaches the last person in line.
5. The last member of the group writes the message s/he has grasped on the board.
6. The group that gets the message correctly (or at least is closest to the original statement) wins the game.
7. The facilitator then asks the participants of their insights, feelings, and observations while going through the exercise.
8. After this, s/he then proceeds to discuss the basic input on evidence.



Materials: Prepared message/
statement, Marker or chalk,
Manila Paper



Duration: 10 minutes for the exercise;
20 minutes for inputs & integration

Important Points on Evidence

The Bill of Rights

No person shall be deprived of life, liberty and property without due process of law nor shall he be deprived of equal protection of the law.

Due Process of Law

1. Substantive Due Process – commission of act
2. Procedural Due Process – notice and hearing and evidence





Allegation and Truth

Allegation is not equal to legal truth

Allegation + Evidence (Proof) is equal to Truth

Evidence - is the means, sanctioned by the (SE, Rules of Court) of ascertaining (determining) in a judicial proceedings the truth respecting a matter of fact (*Sec. 1. Rule 128, New Rules on Evidence*)

What is FACT: A deed, an act that which exists, that which is real; that which is true, an actuality; that which took place, not that which might or might not have occurred (*Ballentine's Law Dictionary*); anything that is supposed to be true

Presumption of Innocence

A rule of evidence that presumes that a person is innocent of crime or wrong until the contrary is proved. Presumption is applicable in crime as well as in civil cases (*Moreno, Phil. Law Dictionary, 1982.*)

A right given to a person that once she/he is charged, she/he is considered innocent until she/he is proven guilty.

Burden of Proof

It is the obligation imposed upon a party (in litigation) who alleges the existence of a fact or thing necessary in a prosecution or defense of an action, to establish its proof. (*Navarro V. Milan, 42959-R, Feb. 23, 1971, cited in Moreno, Phil Law Dictionary*)

Kinds of Evidence

1. Testimonial – statement by persons
2. Object – things (firearms, drugs, etc.)
3. Document – receipts, contracts, etc.

Quality of Evidence

1. Circumstantial (depending on circumstance or events)
2. Conclusive (definite, beyond question)
3. Hearsay (unconfirmed reports)
4. Inadmissible
5. Immaterial/Irrelevant

Circumstantial Evidence

Circumstantial evidence are circumstances proved that constitute and unbroken chain which leads to one fair and reasonable conclusion pointing to the defendant, to the exclusion of an others, as the author of the crime (*Villanueva V. Pautista, SP-03538, May 22, 1977*).

It is evidence goes to prove a fact or series of facts other than the facts in issue which. If proved, may tend by inference to establish in issue (*People V. Modesto, 35 SCRA 40*)

Cited in Moreno, Phil. Law Dictionary, 1982

Circumstantial evidence is sufficient for conviction if:

1. There is more than one circumstance;
2. The fact from which the inferences (conclusions) derived are proven;
3. The combination of all circumstances is such as to produce a conviction beyond reasonable doubt.

—*Sec. 4, Rule 133, New Rules on Evidence.*

Conclusive Evidence

Conclusive evidence is that class of evidence which the law does not allow to be contradicted (*Regalado, Remedial Law Compendium, vol. 2 1990, P. 436*)

Eyewitness

A witness who testifies about what he has seen with his own eyes (*Sibal. Phil. Legal Encyclopedia, 1968*)

Hearsay Evidence

Any evidence, whether oral or documentary, which is not based on witness but on knowledge of some other person not on the witness stand (*Regalado, Remedial Law Compendium, Vol.2 1990, P. 486*)

Inadmissible Evidence

Applied to any offer of proof which under the law of evidence cannot be receive at all, or cannot be receive in particular case (*Sibal, Phil. Legal Encyclopedia, 1988*). It is a kind of evidence which cannot be used in a





particular case but can be used in other cases, or the kind of evidence which cannot be used in any kind of cases because they are not allowed by the rules on evidence.

WEIGHT OF EVIDENCE

Preponderance of Evidence

Preponderance of evidence means that taking the evidence quantitatively and qualitatively and considering all the factors which affect credibility, the evidence carries that measure of conviction that will satisfy the court (*Moreno, Phil. Law Dictionary, 1982, citing Batrina V. Gaw, 54 OG 7251*)

- Preponderance of Evidence is the standard of evidence used in civil cases that will satisfy the court and grant the relief sought by one party.

Proof Beyond Reasonable Doubt

Degree of Evidence required in criminal cases where the court attains moral certainty as to the conviction of the accused.

Substantial Evidence in Administrative Cases

Degree of Evidence required in administrative cases where the court is presented with sufficient evidence to sustain a claim.

Prima Facie Evidence

Prima facie evidence is evidence which, standing alone unexplained or uncontradicted is sufficient to maintain the proposition affirmed. It is such as, in judgment of law, is sufficient to establish the fact; and, if not rebutted, remains sufficient in that purpose (*Moreno, Phil. Law Solis, 1982, citing People V. Solis 64 OG 11260*).

Prima facie evidence is evidence on its own, without any explanation that is sufficient to prove a fact.

Conclusion

Evidence consists of statements of witnesses (testimony) and (b) physical object or things (exhibits) such as documents, photographs, sketches, plan, finger prints, etc., from which the truth/falsity, possibility/impossibility, probability/improbability, of a disputed allegation of fact may be inferred; (c) The evidence may be direct ("I Saw X stab B"); or (d) circumstantial ("I saw X running away from the scene of the crime clutching a bloody knife").

All evidence must be capable of being perceived (heard, seen, felt, smelled or tasted) by the court.

Basic rule of evidence, most of which have some qualifications or exception; are:

- Allegation, documents or things which are admitted by the parties need not to be proved and, in fact, cannot be disproved.
- All relevant evidence is normally admissible, that is, evidence which logically or experientially tends to prove/ disprove a disputed allegation of fact.
- Only relevant evidence is admissible.
- However, an expert may express his opinion on matters of art or science in which he is competent (a doctor on cause of death, handwriting on the genuineness of a signature, a psychiatrist on sanity, etc.).

Implications for Paralegals

- State facts, not opinions;
- Have personal knowledge of facts.
- State facts accurately.
- Preserve evidence.
 - Marking objects
 - Photographed, if possible.



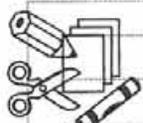


Activity 2: Affidavit Making

After this exercise, the participants will be able to identify the basic content/elements of an affidavit and draft an affidavit.

Process:

1. The facilitator asks for a volunteer who is willing to be interviewed on her/his actual experience with regard to an incident of harassment or abuse by some government officials.
2. S/he then divides the participants into three groups. S/he instructs everyone to sit beside their groupmates.
3. S/he explains that it is important for everyone to document the most important facts or information that they will get from the interview. In so doing, the participants have to consider the major factors related to the evidence, which have been discussed in the previous session - it must be facts not an opinion, it must be based on personal knowledge; it must be complete and accurate.
4. The volunteer sits beside the interviewer, in front of other participants.
5. The interviewer begins asking questions on the incident that actually happened in the past. It is very important that the interviewer (ideally a lawyer or a seasoned paralegal) has the experience and skills in drawing out the necessary information/facts for affidavit making.
6. When the necessary information has already been surfaced, the facilitator ends the interview. S/he then gives a short input on the important content and elements of an affidavit.
7. After the short input, the facilitator instructs the three groups to draft their own affidavit based on the facts that they have gathered from the interview. They have 30 minutes to do this workshop.
8. Each group presents the affidavit. After each presentation, the facilitator gives her/his comments on the strengths and weaknesses of the content and form of the affidavit and how the group can further enhance it.



Materials: - Marker or chalk
- Manila Paper



Duration: 10 minutes for the interview; 20 minutes for workshop; 10 minutes for plenary presentation; 20 minutes for input

SESSION 18: Basic Orientation on Legal Procedure

This last session under module five provides a backgrounder on basic legal processes in the Philippines.



Activity 1: Do it the Legal Way

Objectives:

After this activity, the participants are able to identify the important steps in filing and/or handling a legal case.

Process:

1. The facilitator divides the participants into three groups. S/he then distributes strips of metacards that contain the words/phrases on legal procedure.
2. S/he instructs each group to arrange the words/phrases according to what they believe is the proper procedural order of a legal case.
3. When the group has finished arranging the phrases, each member gets at least one word/phrase and posts it on the board/wall in front of the session hall.
4. After this, the facilitator presents the correct sequence of the legal procedure.
5. The group who has come up with the correct sequence (or at least a sequence that is closest to the proper legal process) wins the game.

The Legal Maze



Start Here

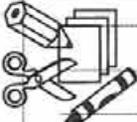


End Here





6. The facilitator then asks the participants of their insights, feelings, and observations while going through the exercise.
7. After processing the participants' insights, the facilitator tackles the legal procedure. The facilitator/resource person should focus on the following:
 - a. Basic description of every legal step (e.g. necessary documents, how, who & where to submit, etc.).
 - b. Salient (significant) features of the legal process for a criminal case and/or for a civil case.
 - c. Main functions/differences of Philippine courts



Materials: Metacards, Masking tape



Duration: 10 minutes for the exercise;
30 minutes for inputs & integration

Integration: Important Inputs

CRIMINAL CASE

- Complaint
- Counter-Affidavit
- Preliminary investigation
- Information
- Warrant of Arrest
- Arrest
- Bail
- Arraignment
- Plea
- Pre-Trial
- Trial
- Promulgation
- Appeal Court of Appeals
- Review Supreme Court
- Execution

CIVIL CASE

- Demand
- Barangay Conciliation
- Complaint
- Answer
- Pre-trial
- Trial
- Memorandum
- Decision
- Motion for Reconsideration
- Appeal Court of Appeals
- Review Supreme Court
- Execution

Remedial Law

It is the law which provides for the remedies for the assertion of rights or the redress of wrong.

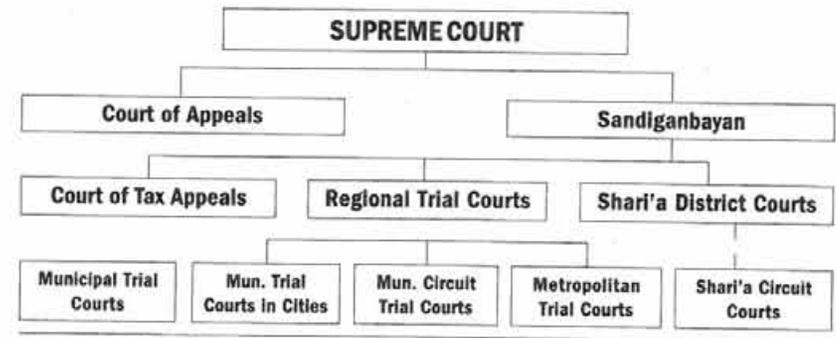
3 Kinds

1. Criminal
2. Civil
3. Administrative

Scope

1. Jurisdiction
2. Pleadings
3. Prescription
4. Sanctions

HIERARCHY OF PHILIPPINE COURTS



Source: Chan Robles LawNet





References:

- **Batistiana, B., Elogada, R.A. and Quicho Jr. R.F., eds. (2005).** "Building Peace: Best Mediation Practices in Filipino Communities, A Compendium of Nine Community Mediation Cases". pp. 4-11
- **Chan Robles LawNet**, can be accessed thru <http://www.chanrobles.com/philippinejudicialsystem.htm>
- **Enriquez V. (1993).** From Colonial to Liberation Psychology: Kapwa and the Struggle for Justice, Freedom and Dignity
- **Fisher R. & Ury W. (1981).** Getting to Yes; in Raiffa H (1982). The Art & Science of Negotiation; in Singer (1990) Settling Disputes: Conflict Resolution in Business, Families, and the Legal System. West View Press Inc., 5500 Central Avenue, Boulder Colorado 80301, USA
- **LEAD International. (2007).** Module for International Training for Asian Young Leaders in Governance – Southeast Asia Sub Regional Training, September 2007
- **Lederach J. (1997),** *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997. cf. Dugan, "A Nested Theory of Conflict," *Women in Leadership* v..1 no..1 (summer 1996).
- **Lederach J. (2004),** Building Peace, cited in Ouellet's Enforcement Mechanisms, September 2004
- **Litong G. (2007)** Introduction to Para-legalism (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Mediators Network for Sustainable Peace (MEDNET). (2003)** Negotiation and Mediation Skills Enhancement Workshop, a training module of Mediators Network for Sustainable Peace, Nov. 2003, where Bernard Mayer of CDR Associates' "The Dynamics of Power in Mediation and Negotiation", was used.
- _____, (2007) Materials for Conflict Management and Resolution Orientation.
- **Management Organization of Development Associates (MODA). (1992)** Training Manual on Principled Negotiation
- **Peteros C. (2007)** Effective Communication; Negotiation (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- _____, (2007) Kahulugan at Katangian ng Sigalot (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- _____, (2007) Sirkulo ng Sigalot at Kapangyarihan (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Rosenberg, M. (1999).** Non-violent communication: A Language of Compassion. California
- **Singer L.R. (1990).** Settling Disputes: Conflict Resolution in Business, Families, and the Legal System. West View Press Inc., 5500 Central Avenue, Boulder Colorado 80301, USA
- **Thompson, L. (2001).** "The Mind and Heart of the Negotiator.
- **Ury, W., Brett, J.& Goldberg, S. (1989).** Getting Disputes resolved: Designing Systems to cut the costs of conflict, cited in Negotiation and Mediation Skills Enhancement Workshop, a training module of Mediators Network for Sustainable Peace, Nov. 2003)





MOVING FORWARD :



SHOWCASING GOOD PRACTICES OF SOME





V. Moving Forward: Best Practices in the Informal Sector

TOPIC	ACTIVITY	METHODOLOGY	DURATION
Module V. Moving Forward - Sharing of Good Practices	Panel Discussion	Talk show format activity	2 hours

In this module, the facilitators take the backseat and allow the participants to play a greater role in handling the session. This time, they (participants) act as facilitator/s, resource person/s and audience. The session runs like a television talk show where there are hosts and guest speakers who discuss best practices concerning informal sector work. The organizers may invite resource persons who can share insights on the identified themes. The organizers may also choose from among the participants with actual experience/s on topics that have been assigned to them.

Objectives:

This module generally intends to showcase good practices and strategies of informal sector groups/organizations in terms of Entrepreneurship, Social Protection, Conflict resolution and Partnership w/ LGU. More specifically, it aims to:

- develop a sense of pride/confidence in their work
- provide some models/strategies in addressing informal sector's common issues that the participants can adopt/replicate within their organizations





SESSION 19: Good Practices of IS Groups/ Institutions



Activity: Panel Discussion a la Talk show

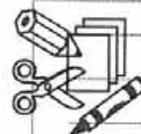
Objectives

Through this exercise, the participants will be able to share some of the good practices that they are currently initiating in their respective organizations and communities.

Process:

1. Training organizers should have already discussed the design of this module/training part before the actual session. They should give ample time for the conceptualization and preparation for this activity. It is advisable to do this on the last day of the training. All instructions should be explained to the participants after the previous day's last session.
2. Before this session starts, it is important that training participants have already assigned roles to everyone. Roles are as follows:
 - a. Talk show host/s
 - b. Artists and director for informal sector advertisements during breaks
 - c. Audience
 - d. Timekeeper
3. Roles may vary depending on the design of the talk show. The participants are encouraged to innovate and inject other ideas.
4. The participant-host explains the objective/s of the show and introduces the speaker for every topic. Every panelist has 15 minutes to share good practices or success stories on the topic assigned to her/him.
5. After each speaker finishes with her/his part, there are at least two short advertisements from the other participants featuring some of the contributions of the informal sector. The skit/script of these 'commercial ads' should be part of the entire concept of showcasing good practices of the informal sector.
6. After the talk show, the facilitator should sum the important points that have been discussed by the panelists. S/he should also highlight the importance of these small victories to organizational and sectoral struggles of workers in the informal economy.

7. S/he may also relate the stories of the participants with other well-known practices that promote the welfare of the informal workers.



Materials: sound system, Bond papers,
Ball pens



Duration: one hour & 30 minutes for
the panel/talk show; 15 minutes for
additional input on IS Best practices





SYNTHESIS, COMMITMENT SETTING



AND CLOSING RITUAL





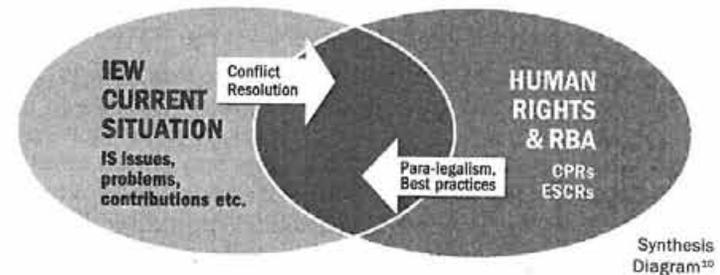
VI. Commitment Setting & Closing Ritual

TOPIC	ACTIVITY	METHODOLOGY	DURATION
Synthesis		Discussion	20 min
Commitment Setting		Workshop-Plenary	

This final module focuses on three activities – synthesis session, commitment setting and closing ceremony. It is expected that through these exercises, the participants will commit to concrete actions/steps, as an offshoot of the five-day activity that can address their sectoral and organizational needs.

SESSION 20: Synthesis

This session primarily intends to sum up and interlink the highlights of the activities/sessions in the last three-four days. S/he can present the diagram below to synthesize the five-day event.



¹⁰ The design of the diagram is adopted from Atty. Lilong's Access to Justice and Rule of Law Analytical Framework in Economic, Social & Cultural Rights – Aca's THE WAY FORWARD: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines; Conceptual content supplied.





The illustration represents the major topics that have been covered by the entire training activity. The oval on the left signifies the current situation of workers in the informal economy: roots, contributions, issues of the informal sector. The other oval symbolizes the basic human rights that all individuals should at all times attain. There is a wide disparity between IS workers' realities vis-à-vis their rights as human beings. As the diagram shows, while there is recognition that some informal economy workers do enjoy certain amount of protection, most of them are still deprived of many fundamental rights. Various experiences of the training participants and several studies on the situation of workers in the informal economy affirm this sad reality. There are also government practices and policies that actually trample upon the basic rights of ordinary workers.

The challenge therefore is to address this gap through developmental interventions that can help each member of the informal economy assert and enjoy their rights.

Along with the thematic discussions and activities on fundamental rights, other topics (informal sector, conflict resolution and paralegalism) in this training are expected to enhance the participants' knowledge, skills and attitude so that they can better understand and respond to everyday demands/struggles as workers in the informal economy, particularly those that have an immense impact on their individual and collective rights. Through this capacity building activity, it is hoped that gaps/factors that hinder the realization of workers' rights can be gradually and effectively addressed.

SESSION 21: Commitment Setting & Closing ritual

Process:

1. The facilitator asks the participants to imagine their desired condition for their families and organizations (personal and collective)
2. The facilitator gives back the river of life to the participants and asks them to review their river of life. This time, they should focus on the affirming stages of their life (opportunities, abilities, traits etc.) vis-à-vis (in relation to) their envisioned situation.
3. Taking into account their strengths (opportunities, abilities, traits etc.) before the training as well as the ones they have learned/acquired from the three-day activity, the participants list down on the back page of their river of life at least three steps they can concretely take to reach

their personal and collective goals. They may also express their ideas by means of drawing.

4. After 10 minutes, the facilitator asks the participants to form groups of three to five persons, based on sectoral/organizational affiliation. Within sectoral groups, everyone says a few words on their commitment towards realizing their personal and organizational aspiration/s.
5. Based on the sharing, each group has to list down at least five concrete steps/actions that they plan to implement when they go back to their respective communities and organizations.
6. After 10 minutes, the groups present their action plans to the plenary.
7. After the sharing, the facilitator asks the participants to get ready for the closing program.
8. For the closing ritual, someone whose advocacy/work/interest has to do with the struggles/situation of the informal sector can be invited to give an inspiring closing speech. Certificates of participation/recognition should also be given to the participants and their mother organizations.

References (Modules I – VI):

- **Apolonio J. (2007).** Decoupling from Mainstream Economy: Philippine Informal Sector Situationer (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Batistiana, B., Elogada, R.A. and Quicho Jr. R.F., eds. (2005).** "Building Peace: Best Mediation Practices in Filipino Communities, A Compendium of Nine Community Mediation Cases". pp. 4-11
- **Chan Robles LawNet**, can be accessed thru <http://www.chanrobles.com/philippinejudicialsystem.htm>
- **Coalition Against Trafficking in Women – Asia Pacific (CATW-AP). (2006).** Module on Gender Issues, Sexuality and Prostitution for Young Men, *Unpublished*
- **Economic, Social and Cultural Rights – Asia. (2002).** A Compilation of Initiated and Jointly-Undertaken Studies of ESCR-Asia on Economic, Social and Cultural Rights in the Philippines
- **Economic, Social and Cultural Rights – Asia. (2002).** A Compilation of Initiated and Jointly-Undertaken Studies of ESCR-Asia on Economic, Social and Cultural Rights in the Philippines
- **Economic, Social and Cultural Rights – Asia. (2005).** A Primer on the Human Rights of the Members of the Philippine Informal Sector





- **Economic, Social and Cultural Rights – Asia. (2007).** THE WAY FORWARD: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines, Quezon City, Philippines
- **Enriquez V. (1993).** From Colonial to Liberation Psychology: Kapwa and the Struggle for Justice, Freedom and Dignity
- **Feliciano M. (2002).** Review of Policy and Legal Framework Affecting the Informal Sector. International Labour Organization, Metro Manila
- **Fisher R. & Ury W. (1981).** Getting to Yes; in Raiffa H (1982). The Art & Science of Negotiation; in Singer (1990) Settling Disputes: Conflict Resolution in Business, Families, and the Legal System. West View Press Inc., 5500 Central Avenue, Boulder Colorado 80301, USA
- **Garcia M. (2007).** The International Covenant on Economic, Social and Cultural Rights: An Overview of its Basic Contents (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Hope A. and S. Timmel. (1984).** Training for Transformation: A Handbook for Community Workers, Books 1-3. Gweru Zimbabwe: Mambo Press
- **Indon R. (2007).** Engaging Local Governments: Prospects for Enhancing Social Dialogue: A Closer Look at Experiences of Informal Economy Organizations in the Philippines. Unpublished paper prepared by ESCR-Asia Inc.
- **Indon R. (2007).** Legal Mechanisms to Empower Informal Businesses, in ESCR-Asia 2007 The Way Forward: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines. Quezon City, Philippines.
- **International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) on 16 December 1996, Entry into force: 03 January 1976, in accordance with Article 27**
- **LEAD International. (2007).** Module for International Training for Asian Young Leaders in Governance – Southeast Asia Sub Regional Training, September 2007
- **Lederach J. (1997).** *Building Peace: Sustainable Reconciliation in Divided Societies*, 1997. cf. Dugan, "A Nested Theory of Conflict," *Women in Leadership* v..1 no..1 (summer 1996).
- **Lederach J. (2004),** *Building Peace*, cited in Ouellet's *Enforcement Mechanisms*, September 2004
- **Litong G. (2007).** Introduction to Para-legalism (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Litong G. (2007).** Asserting Human Rights of the Informal Sector (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders, June 2007
- **Litong G. (2007).** Normative Content of Select Civil and Political Rights (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Management Organization of Development Associates (MODA). (1992).** Training Manual on Principled Negotiation
- **Mediators Network for Sustainable Peace (MEDNET). (2003).** Negotiation and Mediation Skills Enhancement Workshop, a training module of Mediators Network for Sustainable Peace, Nov. 2003, where Bernard Mayer of CDR Associates' "The Dynamics of Power in Mediation and Negotiation", was used.
- **Mendoza A. (2007).** The Informal Economy in Philippine Political Economy (A Power Point Presentation. Presented during the ESCR-Asia's Capacity Building for Workers in the Informal Economy. December 14-18, 2007, Tagbilaran City, Bohol Philippines
- **National Statistical Coordination Board (NSCB) Resolution No. 15 Series of 2002** Adoption of an Official Definition on the Informal Sector
- **Ortigas C. (1990).** Group Processes and the Inductive Method: Theory and Practice in the Philippines (Handbook for Facilitators)
- **Peteros C. (2007).** Effective Communication; Negotiation (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Peteros C. (2007).** Kahulugan at Katangian ng Sigalot (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Peteros C. (2007).** Materials for Conflict Management and Resolution Orientation.
- **Peteros C. (2007).** Sirkulo ng Sigalot at Kapangyarihan (A Power Point Presentation), presented during the Pre-Testing of ESCR-Asia's Module for Capacity Building of Informal Sector Leaders
- **Philippine Human Rights Information Center (PhilRights). (2006).** Training





on Your Rights: Modules on Monitoring Economic, Social and Cultural Rights (ESCR). Quezon City Philippines

- **Philippine Peasant Institute. (1986).** 'Sang Bagsak (Popular na Edukasyon): Gabay sa Pagpapaulad ng Instruktor
- **Rosenberg, M. (1999).** Non-violent communication: A Language of Compassion. California
- **Sembrano G. (2005).** Linking the Individual and the Collective: The Right to/of Self Determination. in Fully Alive, Fully Human: Training Module on Economic Social and Cultural Rights. ESCR-Asia, December 2005, Manila Philippines.
- **Singer L.R. (1990).** Settling Disputes: Conflict Resolution in Business, Families, and the Legal System. West View Press Inc., 5500 Central Avenue, Boulder Colorado 80301, USA
- **Thompson, L. (2001).** "The Mind and Heart of the Negotiator.
- **University of the Philippines National College of Public Administration and Governance (UP NCPAG), Commission on Human Rights (CHR), United Nations Development Program (UNDP). (2005).** Rights-Based Approach Orientation Training Manual: Towards Mainstreaming Human Rights in the Development and Governance Processes, University of the Philippines Diliman, Quezon City, Philippines
- **Ury, W., Brett, J. & Goldberg, S. (1989).** Getting Disputes resolved: Designing Systems to cut the costs of conflict, cited in Negotiation and Mediation Skills Enhancement Workshop, a training module of Mediators Network for Sustainable Peace, Nov. 2003)
- **Volunteer Service Overseas (VSO), International Institute of Rural Reconstruction (IIRR) and Popular Education for People's Empowerment (PEPE). 1998.** Creative Training: A User's Guide, Quezon City Philippines
- **Volunteer Service Overseas (VSO), International Institute of Rural Reconstruction (IIRR) and Popular Education for People's Empowerment (PEPE). (1998)** Creative Training: A User's Guide, Quezon City Philippines
- **Women's Legal Bureau (1998).** Gabay sa Tagapagsanay ng mga Legal Advocates sa Komunidad, 11 Matimtiman St., Teachers Village Diliman. Quezon City 1101, Philippines

Appendices

I. Suggested Unfreezing Activities

A. Kwentong Karapatan¹¹

Process

1. Ask the participants to form a circle, each facing towards the center, with the left hand open and the right hand pointing towards the palm of the person on the right
2. Assign a participant to stand in the center and start telling a story about *karapatan* or human rights
3. Every time the narrator/story teller mentions the word *karapatan* each participant should try to catch the finger of the person on her/his left and at the same time try to avoid being caught by the person on the right.
4. A participant who is caught will be the next person to continue narrating the story, picking it up from where the last person left off.
5. The activity may last up to ten to fifteen minutes depending on the facilitator. If two or more participants are caught in the same round, only one person should continue telling the story.
6. The participants may also agree, before the beginning of the exercise, that the participants caught at least three times will be asked to sing or facilitate the next unfreezing activity.

B. Bahay-Bata-Bagyo!

Process

1. The facilitator divides the participants into groups of three. S/he also needs to assign a person who will not have partners and will serve as "IT".

¹¹ Adopted from Creative Training: A User's Guide (1998). The exercise is originally entitled "The Carabao Story"; Modifications supplied





- Two members of each group will hold hands to create a "bahay". The third person will stand inside the 'bahay' and will serve as "bata".
- The facilitator instructs the "IT" to start the game by shouting bahay-bata-bagyo-bahay-bata-bagyo-bahay-bata-etc. If the last word that the "IT" mentions is bahay, the 'bata' will not move while the two persons who serve as 'bahay' will have to look for new partners and form a new 'bahay'. They will also have to look for new 'bata'.
- If the last word is 'bata', the persons inside the 'bahay' will have to look for a new 'bahay'. While the 'bahay' persons will not move and wait for a new 'bata'.
- If the 'IT' ends with 'bagyo', all persons will form new groups with 'bahay' and 'bata'. This time, everyone can assume new roles either as part of a 'bahay' or as a 'bata'.
- In every round, a person who fails to join a group, either as part of a 'bahay' or as a 'bata', becomes the next 'IT'.
- There can also be an agreement among the participants that persons who become 'IT' at least three times will be asked to sing or facilitate the next unfreezing activity.
- This exercise may be used as an introductory activity at the beginning of the training. Members of the group will introduce themselves to the other group members. They have to do it every round since they will have new group member/s after each cycle. Also, the 'IT' may be asked to introduce herself/himself to all the participants before s/he starts shouting bahay-bata-bagyo...etc again.

C. Seven Up¹²

Process

- The facilitator instructs the participants to stand in a closed circle.
- One participant will start the game by saying '1' with her/his right hand placed on her/his left breast or left hand on her/his right breast. Whichever way, either left or right, the person pointed at will have to say '2' and the next person number '3'. The pointing and counting will continue up to number 7.
- Once the counting and pointing reach 7, the person who should call it out must place her/his hand on top of her/his head. This is why the exercise is called Seven Up.
- Again the person may choose to put her/his right or left hand on top of her/his head. If the person decides to put her/his right hand, the person on her/his left side will have to continue by starting with number '1' again, and vice versa.

- This process continues until a person commits mistake in counting or pointing or fails to immediately respond.
- To make the game more energetic, the counting and pointing should be quick and each participant must say her/his number out loud.

D. Balay ni Superman (Action Song)

Balay, balay,
Balay ni Superman
Nasusunog balay ni Superman

Biglang lumapit si Wonderwoman
Sa nasusunog
Balay ni Superman

Biglang hinipan ni Wonderwoman
Ang nasusunog
Balay ni Superman

E. Pakitome-tome (Action Song)

Pakitome-tome papa
Pakitometome pa

Pakitome-tome papa
Pakitome-tome pa

Tutuwi-tuwe tata
Tutuwe-tuwe ta

Tutuwi-tuwe tata
Tutuwe-tuwe ta

Eiyen-ni
Eiyen-ni
Eiyeni e-ya!

Eiyen-ni
Eiyen-ni
Eiyeni e-ya!

¹² Excerpt from Sound Publishing Corporation's Outdoor and Indoor Games for Adults





II. Training Needs Analysis Tool

(The tool below can be used in selecting participants for the IS Training Activity)

TRAINING NEEDS ANALYSIS (TNA)

Economic, Social and Cultural Rights-Asia (ESCR-Asia)

Ang isasagawang pagsasanay ay tatalakay sa mga sumusunod na usapin/paksa: Kalagayan, Isyu at Problema ng Kinakaharap ng mga Manggagawa sa Impormal na Sektor; Karapatang Pantao ng mga Manggawang Impormal; Oryentasyon ukol sa Gawaing Para-legal, Pamamahala at Pagresolba ng Hidwaan (conflict management & resolution) at Pagsasagawa ng Negosasyon at/o Pamamagitan (mediation); Pagbabahagi ng ilang Gawaing Pansamahan na Makakatulong sa Pagtugon sa Isyu ng mga Manggawang Impormal.

Malahaga ang sagot ng nyo sa sumusunod na tanong upang higit na maiangkop ng mga tagapagsanay ang laman at metodolohiya o pamamaraan ng gagawing pagsasanay sa kalagayan at kakayahan ng mga inasahang kalahok. Inasahan ding maibabalik sa ESCR-Asia office ang nasagutang papel bago ang _____.
Maari itong personal na dalhin sa nabanggit na opisina sa Room 6 Mezzanine Floor, Manila Observatory Bldg. Ateneo De Manila University Campus, Katipunan Avenue Q.C. Maari ding i-fax sa numerong 426-6141 o kaya'y i-email sa escasia2003@yahoo.com Maraming salamat po.J

Pangunahing Impormasyon

Pangalan: _____ Palayaw: _____

Edad: _____ Kasarian: _____ Telepono: _____

Address: _____

Trabaho/Hanapbuhay: _____

Antas na Naabot sa Pormal na Pag-aaral: _____

Mga Hilig at Interes: _____

Mga Organisasyong Kinabibilangan: _____

Posisyon sa Organisasyong kinabibilangan: _____

Paki-paliwanag ang gawain/proyekto/programa ng inyong organisasyon na may kinalaman sa pagtugon sa problema at isyu ng mga manggawang impormal _____

Impormasyong may kinalaman sa Gawaing Pagsasanay

Ano ang inyong pagkaunawa sa hanapbuhay ng mga manggagawa sa impormal na sektor?

Ano sa inyong palagay ang mga isyu at problemang kinakaharap ng mga manggawang impormal? Ipaliwanag.





Ano ang iyong pagkaunawa sa karapatang pantao?

Bilang manggagawang impormal, anu-ano ang naranasan nyo nang matinding isyu at problemang kakabit ng inyong trabaho/hanapbuhay na may kinalaman sa karapatang pantao? Kung maari, magkwento ng iyong sariling karanasan.

Anu-ano naman ang mga isyung na may kinalaman sa karapatang pantao na nararanasan nyo bilang manggagawang impormal?



Ano ang iyong pagkaunawa sa gawaing para-legal?

Kadalasan, anu-anong uri ng hidwaan (conflict) ang iyong naranasan o nasaksihan sa loob ng inyong organisasyon/ komunidad o hanapbuhay?

Paano nyo ito inaayos o nireresolba?

Ano ang iyong pagkaunawa sa gawaing negosasyon at mediation?

Naging bahagi ka na ba ng gawaing negosasyon at/o mediation? Kung oo, paki-kwento ng iyong karanasan kaugnay nito.





Impormasyong may Kinalaman sa Karanasan at Kakayahan Ukol sa Gawaing Pagsasanay

Mga seminar/pagsasanay (training) na dinaluhan:

Mga seminar/pagsasanay/talakayan na inorganisa/pinangunahan:

Mga Kalakasan sa pangunguna/pagsasagawa ng talakayan at pagsasanay:

Mga Kahinaan sa pangunguna/pagsasagawa ng talakayan at pagsasanay:

Pakisulat ang mga **kaalaman (knowledge)** na nais mong isama sa gagawing pagsasanay na may kinalaman sa mga paksang nabanggit sa unang pahina ng *form*.

-
-
-
-
-
-
-
-

Pakisulat ang mga **kasanayan (skills)** na nais mong isama sa gagawing pagsasanay na may kinalaman sa mga paksang nabanggit.

-
-
-
-
-
-
-
-

Maliban sa pagsagot sa mga katanungan, hinihiling din naming magpasa kayo ng isang plano kung paano kayo magsasagawa ng pag-aaral sa loob ng inyong organisasyon at komunidad ng tungkol sa mga paksang tatalakayin sa pagsasanay. Ibig sabihin sabihin, inaasahan namin na ang mga kalahok sa pagsasanay ay ibabahagi ang kanilang matutunanan (echoing) mula sa *training* sa kanilang mga organisasyong kinabibilangan. Magiging pangunahing batayan ang planong ito sa pagpili kung sinu-sino ang magiging kalahok sa pagsasanay. Hindi po namin tatanggapin ang aplikasyon ng isang lider na walang kakabit na maayos at malinaw na plano kung paano magsasagawa ng pag-aaral sa kanyang organisasyon/komunidad matapos dumalo sa pagsasanay. Muli, maraming salamat po.

Sama-sama tayong maglakbay!





Universal
Declaration
of Human
Rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS

60th Anniversary (1948 – 2008)

“Dignity and Justice for All of Us”



Unofficial Simplified Version
Commission on Human Rights

- Article 1 - **All Human Beings are born free and equal. We should treat each other with a spirit of brotherhood.**
- Article 2 - **No discrimination. We all entitled to all the human rights.**
- Article 3 - **Right to life, liberty and security of person**
- Article 4 - **No slavery**
- Article 5 - **No torture, cruel, inhuman, or degrading treatment**
- Article 6 - **Everyone should be recognized by law, everywhere**
- Article 7 - **We're all equal and entitled to protection against discrimination.**
- Article 8 - **For violations, you have legal remedies.**
- Article 9 - **No arbitrary arrest, detention or exile. Need legal cause.**
- Article 10 - **Right to fair trial**
- Article 11 - **We are presumed innocent until proved guilty, by legal means.**
- Article 12 - **Right to privacy and to reputation**
- Article 13 - **Right to freedom of movement and residence**
- Article 14 - **Right to seek asylum**
- Article 15 - **Right to nationality and to change nationality**
- Article 16 - **Right to marry. Marriage needs consent. Family is protected.**





- Article 17 - **Right to own property. No arbitrary deprivation.**
- Article 18 - **Right to freedom of thought and religion**
- Article 19 - **Freedom of expression and opinion**
- Article 20 - **Freedom of peaceful assembly and association**
- Article 21 - **Right to take part in govt. and equal access to public service**
- Article 22 - **Right to social security & economic, social and cultural rights**
- Article 23 - **Right to work, just and equal pay, form trade unions**
- Article 24 - **Right to rest and leisure, holidays with pay**
- Article 25 - **Standard of living, Social Services, Protection for all children**
- Article 26 - **Right to Education**
- Article 27 - **Right to cultural life, copyright**
- Article 28 - **Right to a world where all rights can be realized**
- Article 29 - **Everyone has duties to the community for human rights**
- Article 30 - **No one can take away your human rights.**

PANATA SA KARAPATANG PANTAO

Ako'y mamamayang Pilipino.

Kikilalanin ko, igagalang, ipagtatanggol at isasakatuparan ang dangal at karapatan ng bawat tao nang walang pinapanigang kasarian, lipi, pananampalataya at katayuan sa buhay.

Diringgin ko ang tinig ng kabataan, kababaihan, nakatatanda, katutubo at mga taong may kapansanan nang may paggalang at pagkilala sa kanilang kakayahan.

Titiyakin ko na ang bawat bata ay hindi salat sa pagkalinga, at may matiwasay na lipunang ginagalawan.

Tututulan ko ang pagmamalabis sa kapangyarihan, katiwalian, at pagyurak sa karapatan ng mga manggagawa, mga mahihirap, at mga sektor na higit na nangangailangan.

Paninindigan ko ang aking pananagutan sa aking kapwa.

Babantayan ko na gagampanan ng pamahalaan ang kaniyang tungkulin na igalang, ipagtanggol at isakatuparan ang mga karapatang pantao.

Magkapit-bisig tayo sa pagsulong sa katuparan ng lahat ng Karapatang Pantao.



LIST OF BOARD OF TRUSTEES

Atty. Ma. Glenda Litong

Chairperson

Dr. Aileen S.P. Baviera

Vice-Chairperson, Internal Affairs

Ms. Rosario K. Garcia

Vice-Chairperson, External Affairs

Atty. Gilbert V. Sembrano

Secretary

Ms. Ana Elzy Ofreneo

Treasurer

Mr. Earl Parreño

Auditor

Members:

Dr. Amado Mendoza

Mr. Ramon Casiple

Ms. Minerva Gonzales

Ms. Resurreccion Lao

Atty. Rene Sarmiento (on leave)

Secretariate:

Resurreccion T. Lao, Executive Director

Luzviminda Monge, Administrative-Finance Staff

Mr. Khalid Shezhad Mir, Country Desk Representative

Mr. Ejaz malik, Advisor, Projects

Mr. Abdul Qayyum, Networking and Technical Coordinator

Dr. Sarah Zaidi, Consultant (Bangkok)

Legal Status:

Registered with the Securities and Exchange Commission (SEC) with the Company Registration Number CN200305101

Subsidiaries/Affiliates/Branches:

ESCR-Asia-Pakistan Country Desk

Khalid Shezad Mir, Representative

Mr. Ejaz Malik, Consultant

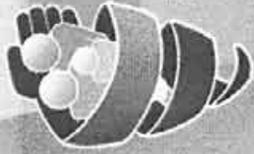
Address: Suite # 5, 1st Floor, Galaxy Arcade, G-11, Markaz, Islamabad, Pakistan

OTHER PUBLISHED BOOKS AND INFORMATION MATERIALS

1. Primer on the Human Rights of Members of the Informal Sector (English & Filipino)
2. The Way Forward: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines
3. Kalagin ang Bigkis ng Kahirapan (Popular na Bersyon ng Aklat na 'The Way Forward: A Policy Resource Book on Legal Empowerment of the Poor in the Philippines')
4. Between the Cracks: Voices of the Philippine Informal Sector (A 40-minute documentary film)
5. The Justice of Eating: Images and Stories of Food Realities in the Philippines
6. Posters
 - a. Legal Empowerment of the Poor
 - b. Matrix of Laws and Programs that Impact on the Poor
 - c. Right to Food (English & Filipino)
7. Grow More, Feed More (ESCR-Asia Pakistan Launching Poster on World Food Day)

COMING THIS 2008

1. User-oriented manual & interactive CD on the rights-based approach to food security through the Voluntary Guidelines



ESCR Asia

Economic, Social and Cultural Rights-Asia (ESCR-ASIA)

VISION

An Asia composed of compassionate, just, equitable, peaceful and prosperous societies where individuals and peoples are empowered and enabled, in partnership with their States, to enjoy and realize all their human rights.

MISSION

We commit to serve as an effective agent in the promotion and protection of the economic, social and cultural rights (ESCRs) of Asian peoples particularly the poor and the marginalized.

GOAL

To contribute to the recognition and realization of ESCRs in Asia through appropriate reform measures that would result in changes in attitudes, behaviors and policies of both State and non-State actors towards the promotion and protection of the rights of the poor and the marginalized.

To become an effective and efficient Asian regional organization working towards the promotion and protection of ESCRs of peoples in Asia

STRUCTURE

The ESCR-Asia Head Office is based at the Manila Observatory, Ateneo de Manila University Campus, Loyola Heights, Quezon City, Philippines. ESCR-Asia Pakistan, a newly set-up Country Desk, is based in Islamabad.

