**INPUTS ON THE CONTRIBUTION OF DEVELOPMENT**

**TO THE ENJOYMENT OF ALL HUMAN RIGHTS**

12 December 2017

1. The Commission on Human Rights of the Philippines (herewith the Commission) submits to Human Rights Council Advisory Committee, its inputs relative to the contribution of development to the enjoyment of all human rights, pursuant to Human Rights Council resolution 35/21.
2. This submission took into consideration local and international reports from government, civil society, the media, and international non-government organizations. This submission also utilized the Commission’s own documentation of independent monitoring activities and statements regarding existing sustainable development agendas promoting and protecting human rights as well as previous inputs submitted to the Office of the United Nations High Commissioner for Human Rights and the Global Alliance of National Human Rights Institutions, all of which were subjected to the internal deliberations of the Commission En Banc.

**Responses of CHRP to the questionnaire:**

1. **Please provide examples of best practices such as policies, action plans and any other measures undertaken by your organization and/or entity in support of the national sustainable development agendas that promote and realize all human rights including the right to development for all?**

***CHRP and the Sustainable Development Goals***

The Commission works with stakeholders to monitor and advise on the implementation of the SDGs. These stakeholders include (but are not limited to) civil society, international organizations such as the UNDP and government agencies like the National Economic Development Authority (NEDA). The core international human rights treaties and the reporting process of the treaty bodies are among the entry points of the Commission in monitoring the actions of the State in meeting the targets set by the SDGs. For instance, our oral interventions, written submissions and dialogues with the Committees of the CEDAW and ESCR interrelate with goals 1,2, 3, 5, 6, and 10. Additionally, the legislative agenda of the Commission includes the Right to Adequte Food bill and the Comprehensive Anti-Discrimination Bill that the Congress should pass, among other human rights based legislations.

The Commission is also a member of the South East Asia National Human Rights Institutions Forum (SEANF), which consists of NHRIs from six ASEAN states namely: Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Timor Leste. Among the priority agenda of the SEANF in its regular meetings are the SDGs in which the SEANF members actively engage in discussion on how to advocate towards the realizaton of the goals.

For quality education (goal 5), the Commission responded to the call of UNESCO for information in the implementation of the 1974 Recommendation, where we indicated that *While the 1974 Recommendation has not been explicitly referred to in the implementation of educational programs in the Philippines, particularly on the application of international understanding, co-operation and peace and education relating to human rights and fundamental freedoms, many of the State’s initiatives respond to its efforts in fulfilling targets and human rights obligations in the following: economic, social and cultural rights, the Millennium Development Goals, the Sustainable Development Goals, and other relevant international human rights treaties. However, a more concerted effort and political will are still needed to address the gaps in “education for all” initiatives, human rights education, and in the understanding of principles and goals of the international human rights community. A more direct response to the 1974 Recommendation should be one of the major priorities of the Philippines. The National Economic and Development Authority (NEDA) is making strides in promoting and raising awareness on the Philippines’ development plan for 2017-2022 , which includes good quality education by 2030 through SDG 4.7 , the achievement of “AmbisyonNation 2040” and human rights based approaches in the Philippine Development Plan.*

In September 2017, the Philippine government passed the Universal Access to Quality Tertiary Education Act[[1]](#footnote-1). Upon enactment of the law, the Commission issued a statement acknowledging its passage as a commendable effort towards fulfullment of the state’s obligation under the International Covenant on Economic, Social and Cultural Rights (ICESCR) that recognizes education both as a human right and an indespensable means of realizing other human rights, despite challenges in the full and sustained implementation of the law.

For goals 9, 11 and 12, the Economic, Social and Cultural Rights (ESCR) Center of the Commission submitted its comments to the government’s Philippine National Report on the New Urban Agenda. The said report is anchored on the vision of a “sustainable, smart, resilient, inclusive urban Philippines”. It mainly covers comprehensive discussions on the issues and challenges of urban demographics, land and urban planning, environment and urbanization, urban mobility, urban governance and legislation, urban economy, housing and basic services and provides an outline of the country’s plan of action to respond to the challenges and opportunities of urbanization. The Philippine New Urban Agenda is a postive means towards the attainment of the Sustainable Development Goals particularly on agendas 9, 11 and 12 which are focused on resilient, inclusive and innovative urban development.

For goals 7, 13, 14 and 15, the Commission has several activities, fact-finding visits and inquiries on the human rights situations of farmers, fisherfolks and rural workers affected by policies in fishing, farming, land use, and mining. One notable example is the fact-finding mission conducted by the Commission on the case involving the displacement of residents of Caluya due to coal mining in Semirara Island. During the pendency of the investigation, Commission formed an inter-agency working group (IAWG) participated by various government agencies and CSOs, including PAKISAMA and local community organizations. The IAWG conducted field visits in Semirara and Caluya islands on May 23-26, 2016. The site visit aimed to gather information and raise awareness on the various issues on human rights, land classification, environment and local governance. The IAWG likewise facilitated community based dialogues for the purpose allowing the community to raise questions and issues to stakeholders. Through the working group, the CHR raised the following recommendations among others: (1) for Mining Corporations to engage the community and enhance trust, using human rights-based approach (HRBA), and adopt a no-displacement policy as part of its human rights commitment[[2]](#footnote-2); and (2) for the Philippine Government to establish or strengthen laws and policies with anti-discrimination provisions to protect marginalized and vulnerable groups from the effects of forced evictions and resettlement.

The Commission is also directly involved in a climate justice petition against the carbon majors. The climate change petition, otherwise known as‚‘the greenpeace case‘, is a legal petition filed by typhoon survivors, advocates and non-governmental organizations, including Greenpeace Southeast Asia implicating 47 investor-owned carbon producers including Chevron, ExxonMobil, BP, Shell, Total, BHP Billiton, Suncor, and ConocoPhillips over their role in "human-induced climate change"; that "interferes with the enjoyment of Filipinos' fundamental rights". According to the petitioners, these companies are primarily responsible for the majority of fossil fuel products that have been manufactured, marketed, and sold since the industrial revolution; as such, they have contributed the largest share of cumulative global emissions of industrial CO2 and methane emissions to the earth’s atmosphere, as identified by peer-reviewed scientific research.[[3]](#footnote-3)

This petition is considered a landmark human rights complaint with the Commission as the first national human rights body to officially take steps to address the impacts of climate change on human rights and the responsibility of private actors. The Commission accepted the petition in accordance with its general mandate to uphold human rights of all filipinos and to investigate and monitor all matters concering human rights. To date, 32,553 Filipinos have pledged their support for this historic crusade to champion human rights through climate justice joined by 90,495 international supporters.

This climate change inquiry aims to look into the responsibilities of the country’s largest fossil fuel companies, and their effect on the environment and the Filipino people.

On 11 December 2017, the Commisison called the petitioners and respondents for a conference for its ongoing landmark national inquiry. The conference was meant to determine the possible contribution of 'carbon majors' on climate change and its effects on the human rights of the Filipino people:

<https://business-humanrights.org/en/philippines-commission-on-human-rights-investigation-of-47-fossil-fuel-companies-contribution-to-climate-human-rights-impacts>

For goal 16, the Commission has been persistent in advising government to uphold the rule of law and strengthen the justice system to promote and protect the human rights of all people residing in the Philippines and Filipinos abroad. Through advisories and written submissions to the UN mechanisms and the UPR, we report on the current human rights situation and provide recommendations on how to respond to maintaing peace, justice and strong institutions.

For goal 17, the Commission collaborates with civil society, government agencies and the international community to tackle together challenges to achieving human rights and the right to development. The collaboration takes the form of consultations, participation and direct intervention in human rights mechanisms locally in the Asia-Pacific region through the APF and globally through its membership with the Global Alliance of National Human Rights Institutions (GANHRI).

***National Sustainable Development Agenda: The Philippine Development Plan 2017-2022***

In 2017, the Duterte administration adopeted the Philippine Development Plan (PDP) 2017-2022 as the first medium-term plan that is anchored on a national long-term vision, *Ambisyon Natin 2040.* The PDP took into account the 2030 Sustainable Development Agenda (SDA) and the President’s zero+10 Point Socioeconomic Agenda[[4]](#footnote-4) to ensure sustainable and coherent strategies. The strategies laid down in the PDP aims to contribute to the attainment of the SDGs.

The PDP contains seven main parts, which include an overview of the economy, development challenges that lie ahead, and development strategies thoroughly articulated through chapters on Enhacing the Social Fabric, Inequality-Reducing Transformation, Increasing Growth Potential, Enabling and Supportive Economic Environment, and Foundations for Inclusive and Sustainable Development.

As a National Human Rights Institution, the CHRP actively monitors the implementation of the strategies laid down under the PDP to ensure that the strategies towards the attainment of the agendas are carried out using a human rights based approach. Further, the Commission submits monitoring reports to help the National Economic and Development Authority (NEDA) in making an assessment as to the impact of the strategies to human rights. In fact, only last November 2017, Commission submitted its monitoring report to NEDA wherein we provided figures on human rights cases filed in and resolved by the Commission. These inputs aim to aid NEDA in plotting socioeconomic indicators relative to the PDP.

Under the PDP, the Commission plays an active role in monitoring and advocating for the participation of the marginalized sector in the electoral process, compliance of the security sector to human rights standards in the sector’s policies and operational manuals and their operations, and progress in the area of peace and development among others.

Further, the Commission played a substantial role in the drafting sections of the PDP, specifically Chapters 5 and 6 thereof. Through active participation in consultations, the Commission was able to include specific strategies in the development plan which will bolster the efforts of the Commission and futher strengthen the organization so that it may be able to ensure the protection and promotion of human rights and the fulfillment of its mandates as an NHRI.

Chapter 5 of the PDP (Ensuring People-Centered, Clean, and Efficient Governance) discusses strategies in attaining people-centered, clean and efficient governance by strengthening institutions, engaging and empowering citizens, and providing enabling mechanisms to improve access to public goods and services. Under this Chapter, the Commission is tasked to ensure the full and meaningful participation of all Filipino citizens, especially the marginalized sector, in the electoral process through monitoring and advocating for policy measures towards that end.

In Chapter 6 (Pursuing Swift and Fair Administration of Justice), the PDP indicated several sub-strategies for the delivery of fair and equal justice, among which is the strengthening of victim legal protection. Under this sub-strategy*, ‘the Commission on Human Rights (CHR) will intensify its efforts to facilitate access to justice by: (a) monitoring and evaluation; (b) empowering the poor and marginalized to seek response and remedies for injustice; (c) improving legal protection, awareness and aid; (d) civil society and parliamentary oversight; (e) addressing human rights violations in the justice sector; and (f) strengthening linkages between formal and informal structures.‘[[5]](#footnote-5)*

Chapters 5 and 6 also provides for a legislative agenda which includes the Passage of the Commission on Human Rights Charter which will, in effect, *‘provide an effective and expanded structural and functional organiazation to protect human rights and filipinos, here and abroad‘[[6]](#footnote-6)*and ‘*Strengthen the CHR as a National Human Rights Institution (NHRI), compliant to the requirements of the UN Paris Principles affecting NHRIs worldwide. Among the requirements are ensuring NHRI’s independence, hence full fiscal autonomy is necessary.‘* The Commission on Human Rights Charter is currently pending in Congress.

In support of the PDP, the Commission implements projects and programs to promote the agendas nationally. The Commission likewise regularly engages in dialogue with government agencies together with partner civil society organizations to further strengthen agendas specifically catering to human rights protection and promotion and to negate strategies that would have possible detrimental effects to human rights in any aspect.

1. **What are the main challenges or obstacles your organization and/or entity face in supporting the national sustainable development agendas that promote and realize all human rights including the right to development for all?**

As part of the monitoring duties of the CHR, the following are the challenges the Commission encounter:

1. The lack of ready and available data from a single source-agency to monitor the national sustainable agendas.
2. The lack of efficient coordination among agencies to ensure realization of agenda
3. The existing negative perception of state actors and some members of the public on human rights which for them human rights stand as hindrance in the implementation of government policies relating to the agendas.

1. The Universal Access to Quality Tertiary Education Act” makes education in state universities and colleges (SUCs) and local universities and colleges (LUCs) and vocational schools under the Technical Education and Skills Development Authority (TESDA) virtually free, with the government shouldering tuition, miscellaneous and other fees. [↑](#footnote-ref-1)
2. Corral, Violeta and Arnold, Shannon, 2017, *Rights-based approach to land: the case of seaweed farmers in Caluya, Antique, Philippines*. Published by Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA), National Confederation of Small Farmers and Fishers in the Philippines, Philippines. [↑](#footnote-ref-2)
3. A groundbreaking study by Richard Heede identified that 90 Carbon Major entities – including the world's largest fossil fuel companies – are responsible for an estimated 63% of all anthropogenic CO2 emissions between 1751 and 2010. With a recent update to his study for the timeframe 1751-2013, this figure climbs up to almost 65%. The 50 investor-owned Carbon Major companies contributed 337.7 Gt CO2e, equivalent to 21.6% of estimated global industrial emissions through 2013. Half the emissions have occurred since 1986, demonstrating the increasing speed with which fossil fuels are being burned.  http://link.springer.com/article/10.1007/s10584-013- 0986-y [↑](#footnote-ref-3)
4. Voluntary National Review at the 2016 High-Level Political Forum On the Sustainable Development Goals (SDGs): Philippine Report [↑](#footnote-ref-4)
5. Idem. [↑](#footnote-ref-5)
6. National Economic and Development Authrity. Philippine Development Plan 2017-2022. <http://pdp.neda.gov.ph/wp-content/uploads/2017/01/PDP-2017-2022-07-20-2017.pdf> (last accessed on 30 November 2017) [↑](#footnote-ref-6)