

## **Call for information: Special Rapporteur on the right to development**

The Human Rights Council, in its resolution 33/14 of 29 September 2016, established the mandate of the United Nations Special Rapporteur on the right to development. The mandate was recently extended by resolution 51/7. Mr. Surya Deva was appointed Special Rapporteur for a period of three years and took up his functions on 1 May 2023.

In 2023, the Special Rapporteur will be presenting (i) to the Human Rights Council a report outlining a vision for the future in “reinvigorating the right to development” in September 2023 and (ii) to the General Assembly in October 2023 a report on “the role of business in realizing the right to development in the context of the [2030 Agenda for Sustainable Development](#) and other relevant international human rights instruments”.

The Special Rapporteur seeks to collect information regarding these two thematic reports and possible priorities for the work of the mandate during the next three years in the context of other relevant agendas. *In order to inform his work, the Special Rapporteur wishes to collect input on the following specific issues from various stakeholders such as States, international organizations, national human rights institutions, civil society organizations, trade unions, human rights defenders, indigenous peoples, community organizations, research centres, academia, lawyers, law firms, development finance institutions, businesses, and industry associations:*

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A. HRC Report (September 2023) – “Reinvigorating the right to development: A vision for the future”

**1. What have been the most important achievements for the implementation of the right to development at the national, regional and international levels in the past decade?**

**Most prominent initiatives of the Philippine government for socioeconomic development and progress:**

**1. Poverty Reduction and Social Programs:**

- [Pantawid Familyang Pilipino Program \(4Ps\)](#), initiated in 2007 and institutionalized in 2019. It is a conditional cash transfer program to support children ages 0-18 in the Philippines in attaining better health, education, and nutrition.
- [The Sustainable Livelihood Program \(SLP\)](#) is a capacity-building program initiated in 2019 by the Department of Social Welfare and Development (DSWD) to improve the socio-economic well-being of the poor, marginalized, and vulnerable communities through granting greater access to opportunities to increase their livelihood assets.
- [Kapit Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services \(KALAHI-CIDSS\)](#) uses a community-driven development approach that provides resources to poor rural municipalities for public goods and investments and promotes their participation in governance.

**2. Access to Education and Healthcare:**

- [The K to 12 Basic Education Program](#) extends basic education to 12 years, including kindergarten and two additional senior high school years. It is aimed to internationalize the education system to be on par with global standards and remain competitive.
- [Republic Act \(RA\) 10931: Universal Access to Quality Tertiary Education Act](#) was initiated in 2017 to promote universal access to education through free tuition and other school fees in State Universities and Colleges, Local Universities and Colleges, and State-Run Technical Vocational Institutions. It also has subsidy and loan programs available.
- [Republic Act \(RA\) 11223: Universal Health Care Law](#) started in 2019 to enroll all Filipinos in a National Health Insurance Program and initiate reforms in the healthcare system.

**3. Infrastructure Development:**

- The ["Build, Build, Build"](#) program during the former Duterte administration was his centerpiece legacy to usher in the “Golden Age of Infrastructure” in the Philippines. It aims to attract foreign direct investments, create new infrastructures, services, and technologies, generate employment, improve the quality of life in urban and rural communities, and usher in further economic growth.

**4. Indigenous Peoples' Rights:**

- The [Republic Act \(RA\) 8371 Indigenous Peoples' Rights Act \(IPRA\) of 1997](#) provides legal recognition and protection of the rights of indigenous

peoples in the Philippines. It grants them ownership over ancestral lands and ensures their participation in decision-making, especially in development policies and projects that may affect their communities.

#### 5. Disaster Resilience and Climate Change Adaptation:

- **Climate Change Act of 2009**: This national legislation recognizes the risks and threats of climate change in the Philippines. Since its enactment, the Climate Change Commission was created, and numerous programs have been initiated, such as
  - **National Climate Risk Management Framework**: It initiates a climate actional planning system based on data-driven integrated science and risk-based approach at the national and sub-national levels. It also includes a multi-sectoral and stakeholder approach.
  - **Local Climate Change Action Plan**: It mandates local government units (LGUs) in the Philippines to exercise their power and jurisdiction under the Local Government Code of 1991 to create plans and policies focusing on climate change and adaptation under the Climate Change Act 2009.
  - **Republic Act (RA) 10174 People's Survival Fund (PSF)**: This annual fund empowers and supports local government units and accredited organizations to implement climate change action plans and policies to lessen the vulnerability of communities. The Fund will amount to at least PHP 1 Billion from the national budget.
- **National Disaster Risk Reduction and Management Plan (NDRRMP) 2020-2030**: It is the long-term national sectoral plan aiming to address four main priority areas as disaster prevention and mitigation, disaster preparedness, disaster response, rehabilitation, and recovery.

#### Regional: ASEAN

1. **ASEAN Economic Community Blueprint 2025**:
  - The AEC 2025 intends to develop a strongly linked and cohesive ASEAN economy capable of maintaining economic growth in the face of global shocks. It aims to foster equitable and inclusive growth, decrease poverty, and help the middle-class advance. The strategy also focuses on increasing productivity through innovation and human resource development, developing regional R&D, and improving ASEAN's competitiveness in higher technology industries. It places a premium on good governance, openness, and stakeholder participation while encouraging connection, resilience, and responsiveness to emerging concerns. The agenda covers green technology and energy for sustainable growth, speedier dispute resolution methods, retaining ASEAN's centrality in regional integration, and boosting ASEAN's role in global economic fora.

## 2. What are the key remaining challenges in the effective realization of the right to development at different levels?

Philippines:

1. **Poverty and Inequality:** Progress and approaches for inclusive development and socioeconomic equity must be revised to address the Philippines' varying poverty and inequality rates. The [most recent data from World Bank](#) indicated that poverty rates in the country increased between 2018-2021; an estimated 2.3 million people have been left poorer within the 3 years. The increase can be greatly attributed due to the COVID-19 pandemic.
2. **Limited Access and Increasing Prices for Basic and Essential Needs and Services:**
  - Food and water security have been difficult to attain due to multiple complex factors, such as the prevalence of natural disasters, lack of infrastructure and technology, the rising privatization of access to water, global inflation, and monopoly and corruption. [A 2022 analysis](#) of food security in the Philippines ranks the country 64 out of 113 in four dimensions of food security. In the same analysis, food affordability in the country is worsening as the poorest communities cannot afford food rich in nutrients due to rising prices which forces them to cheaper alternatives that are unhealthy and lack the basic nutrients needed for proper health development.
  - **Healthcare:** Despite enacting the Universal Health Care Law in 2019, healthcare expenditures per capita increased from Php 8,411.52 in 2020 to 9,839.23 in 2021. Additionally, out-of-pocket expenses amounted to Php 451 billion, 41.5% of the overall Current Health Expenditures (CHE), and government financing was 50.3% or Php 546.64 billion. The large share of out-of-pocket expenditures suggests that the current national healthcare system needs to be revised to lessen the financial burden on Filipinos.
  - **Energy:** With the over-reliance on the importation of fossil fuels and their increasing scarcity and value and minimal renewable energy sources, electricity rates have increased in the last two years.
3. **Human Rights Concerns:** Social and Environmental justice advocates, including prominent politicians, journalists, lawyers, non-government organizations, and civil society, have been experiencing worsening and rising repression for the past two administrations, which have been dubbed as highly authoritarian regimes. This equates to further shrinking civic spaces, freedom of expression, and assembly. Various monitoring organizations have identified the Philippines in the last few years as the deadliest country in Asia to be a human rights and environmental defender.
4. **Vulnerability to Natural Disasters, Environmental Degradation, and Climate Change:** Most recent data from 2022 and 2023 indicate that the Philippines [ranks first as the most disaster-prone country globally](#) and one of the most vulnerable countries to climate change due to the activities of more developed countries. The complexity and global nature of the environmental and climate crisis significantly hinder improving the quality of life in the country.
5. **Limited Access to Quality Education:** Quality education is fundamental to a better life. However, a recent review by the [Philippine Institute for Development Studies](#) in 2021 has shown a crisis in the country's education sector. The review cited numerous factors for declaring a crisis: budget cuts of the Department of Education and Commission on Higher Education, implementation inefficiencies, teacher quality and quantity, malnutrition, lack of textbooks and other resources, and school connectivity.
6. **Unemployment and unfair wage policies:** Unemployment rates in the Philippines in

the last few years have been increasing, despite the decades-long promise of inclusive development through policies and new infrastructures that supposedly promise economic growth, employment opportunities, and better wages. The current national wage system is also inadequate and [unfair because it needs to reflect the actual costs of the current cost of living crisis](#). Progressive labor groups have been crying for better wages, but decision-makers do not consider civil society's calls. The current minimum wage in the country's capital is only Php 570.00 or USD 10.15 per day, lower in other regions and provinces. IBON, a research group and think tank suggests what constitutes a [living minimum wage for Filipinos is between Php 842 - 1,944.00](#).

7. **Weak Governance and Corruption:** The Philippines have made good strides in creating progressive legislation. However, the persistent issue has always been its lack of weak implementation and enforcement and the rampant corruption that blights the country. Transparency International ranked the [Philippines 116/180 with a score of 33/100 in 2022 in their Corruption Perceptions Index](#).

### 3. How could the right to development be mainstreamed and integrated into other relevant agendas (including the 2030 Agenda) at the national, regional and international levels?

1. **National Policy Alignment:** The Philippine government must align its national development plans, such as the Philippine Development Plan (PDP), with the principles of the right to development, such as recognizing that it is critical in realizing all other human rights which puts the "human person" as the main beneficiary of the realization of this right. The PDP can be reviewed and amended to integrate the principles of the right to development substantially, which ensures that policies and programs prioritize the participation, empowerment, and well-being of all individuals and communities.
2. **Legislative Measures:** The Philippine Congress can enact legislation that operationalizes mechanisms to support and protect the right to development. This can also include granting communities access to remedies and enabling them to participate more in development.
3. **Institutional Mechanisms:** Dedicated institutional mechanisms can be established to coordinate mainstreaming the right to development. One option is creating a national commission or task force to integrate the right to development into development policies, programs, and projects. These tools can help ensure civil society organizations and marginalized populations participate in decision-making.
4. **Data Collection and Monitoring:** The Philippine Statistical Authority must improve how they collect, measure and analyze data to capture the actual development progress and the realities of different population groups. This data can help identify gaps, inequalities, and challenges related to the right to development, enabling evidence-based policymaking and targeted interventions.
5. **Integration in Sectoral Policies:** The right to development can be further integrated

into sectoral policies, such as education, health, employment, and social protection. There should be explicit policies ensuring that the needs and demands of different groups are addressed to ensure no one is left behind in the development process.

6. **Stakeholder Engagement:** Per the Mandate of Special Rapporteur of the Right to Development report, one of the main issues in realizing this right is the lack of engagement. Therefore, governments and global institutions must do better in engaging civil society organizations, marginalized communities, and other stakeholders and beneficiaries of the principles of the right to development. They can hold regular consultations and dialogues to ensure the fair involvement of civil society in the decision-making, implementation, and monitoring of development agendas.
7. **International Cooperation:** The Philippines can actively engage in international and regional platforms to share experiences, best practices, and lessons learned regarding the right to development. Collaborating with other countries and international organizations can provide valuable insights and support in mainstreaming the right to development.

#### 4. What steps have been taken to realize the right to development of vulnerable or marginalized individuals and communities? Have these been effective?

Refer to [1st question](#) for the most significant steps to implement RtD in the Philippines.

- These policies are an achievement in improving the overall well-being of individuals and communities. Still, it is only a short-term solution in the bigger context as the primary root causes of most societal problems in the country remain prevalent, such as corruption, unequal wealth distribution, misconstruing and inaccurate representation of facts, human rights and environmental violations, and injustice. These prevalent issues also greatly affect the implementation and effectiveness of these policies to meet their primary mandate.

#### 5. How can the role of actors such as development agencies, international financial institutions, businesses, universities, civil society and the media be harnessed to contribute to the realization of the right to development?

- **Development and international financial agencies:** Improve accountability, transparency, and participatory inclusion of all stakeholders when funding development projects, especially during this delicate time under a climate, human rights, and inequality crisis.
- **Businesses:** Most corporations are the main development actors when implementing development projects in the country. They are responsible for infrastructure development, generating employment, and wealth distribution to all stakeholders.
- **Universities:** Since the human right to development encompasses and overlaps in all sectors and industries in societies, Universities should ensure proper dissemination of facts on the current state of development in the country and encourage critical thinking and open discussions to improve awareness, understanding, and comprehension.
- **Media:** Aim further to empower communities through accurate reporting of facts and details, give more awareness to the struggles of ordinary citizens and amplify their

voices.

- **Civil society:** Continue to assert the further integration of a human-rights-based approach in development policies.

**6. What more should be done to strengthen cooperation among States as well as collaboration with various non-State actors in realizing the right to development?**

- Participatory inclusion amongst international, national, private sector, and civil society in ushering in new development projects to ensure minimal harm and damage to communities and the environment. It can also maximize the potential of these projects to bring a genuine improvement in the quality of life when their demands are meaningfully considered and included.

**B. UNGA report (October 2023) – “Role of businesses in realizing the right to development”**

**1. What laws, policies and incentives are in place (or should be introduced) to encourage businesses to contribute to the effective realization of the right to development?**

- Certain industries may require legislation customized to their specific issues and effects. To foster the right to development in the extractive industry, legislation on responsible mining methods, sustainable agriculture, or renewable energy development can be adopted.

**2. What steps are being taken to ensure that businesses provide adequate living wages to their employees/workers throughout their operations and adopt responsible purchasing practices?**

- [Two-Tiered Wage System](#): The Two-Tier Wage System combines a minimum wage slightly higher than the poverty threshold to meet workers' necessities with a voluntary productivity-based pay system to stimulate product development and gain sharing while encouraging collaboration between businesses and employees.
- **(Still to be unilaterally passed in the Senate)** [Across-the-Board Wage Increase Act](#): It will raise the wage of all private sector employees across all regions by Php 150.00. The Senate Committee on Labor has approved this.

Despite the implementation of these policies, current [inflation rates negate wage increases](#). [Additionally, the recent wage increase must reflect](#) the actual cost of living and the situation for most Filipinos.

**3. How do businesses ensure that development projects do not result in environmental pollution and/or forced displacement of communities, including indigenous peoples?**

- Major multinational and local corporations in various industries, especially in the extractive sector in the Philippines, do not adhere to national environmental legislations and lack due diligence in conducting socioeconomic impacts of development projects. It does not help that national governments blatantly allow these behaviors to happen despite the calls and data-based contradiction from civil society, affected communities, and non-government organizations.

**4. Are the existing regulatory frameworks at the national, regional and international levels adequate to ensure that businesses do not evade paying taxes to States?**

- No, they are not adequate, as recent reports from the head of the Bureau of Internal Revenue (BIR), the agency that regulates taxes from national internal revenue taxes indicates that the Philippine government [is losing Php 500 billion in tax revenue due to tax evasion every year](#) which could've been used for other development projects.

**5. What are the good practices about businesses trying to bridge the digital divide and/or ensure the safe use of technologies by vulnerable population such as children, elderly and minorities?**

- Currently, the [Philippines only has a 70% connectivity rate](#), and [around 40% of the population finds mobile internet rates expensive](#). To address this, the top three most prominent telecommunications companies in the Philippines, Globe Telecom, Philippine Long Distance Telephone Company (PLDT), and Smart Communications, have implemented programs to address the digital divide and ensure the safe usage of the internet.:
  - [Globe Telecom's Digital Thumbprint Program](#): provides modules and training programs for students and children to safely navigate and use the internet and educate them about online behaviors.
  - [Smart Communications' School-in-a-Bag](#): provides a portable digital classroom in remote areas without electricity.
  - [Department of Information and Communications Technology's \(DICT\) Tech4ED Centers](#): is a national digital inclusion program in partnership with CISCO to establish self-sustaining centers that can provide internet and communications services to support the socio-economic development of communities.
- Additionally, private companies such as Kacific are helping rural communities tap their economic potential by [providing better internet and communications access via their satellites](#) and other cost and user-friendly products and services.

**6. How can States and other actors (e.g., national human rights institutions, development finance institutions and businesses) provide effective remedies to individuals and communities alleging breach of the right to development?**



**1. Philippine government:**

- Enact comprehensive domestic legislation that recognizes and incorporates RtD principles in development policies. It must also ensure the protection and enforcement of these principles.
- They can establish specialized institutions or expand the mandate of the Commission on Human Rights, National Economic Development Authority (NEDA), and the Office of the Ombudsman to address grievances related to RtD breaches.
- Provide better access to justice for communities through legal aid programs, streamline the judicial process related to RtD breaches, and improve the participation of marginalized communities.

**2. NHRI: PH Commission on Human Rights:**

- Conduct educational campaigns to communities to effectively inform them about the inalienable human rights nature of RtD and how they can assert their rights.
- Engage businesses and the state by recommending how RtD principles can be better integrated into national development policies and business practices.

**3. Development Finance Institutions:**

- Conduct due diligence and rigorous human rights impact assessments (social and environmental assessments) before engaging in technical assistant schemes or funding projects in the Philippines. The assessments should accurately reflect HR and RtD violations and include measures to mitigate them.
- Strict conditions and measures can be included and implemented in development finance projects to ensure compliance with human rights standards and due diligence. Conditions include social and environmental impact assessments, proper community consultations, grievance, and independent oversight mechanisms.

C. Thematic priorities for 2023-26**1. What issues should the Special Rapporteur focus on during the next three years of his mandate for the effective realization of the right to development at the local, national, regional and international levels?**

- Address the calls for more effective and inclusive environmental and human rights accountability mechanisms to empower affected communities.
- How to monitor, measure and ensure genuine development and immediate improvement of quality of life and economic gains to communities and the State.
- The challenge of balancing economic gains, environmental protection, and human rights fulfillment in development.

**2. What are the main challenges faced in realizing the right to development? Are there any good practices and effective strategies in overcoming these challenges?**

- Global inflation and rising inequality gaps

- Worsening climate crisis. There needs to be more urgency and initiatives to grant access to genuine remedy and loss and damage compensation mechanisms for affected communities.
- Lack of accountability and transparency from global development actors during the life cycle of the development process.
- Extreme politicization of development policies.
- Weak engagement and unfair and unjust development policy-making and implementation.

**3. What actions should be taken to ensure the integration of the right to development in other agendas such as the Sustainable Development Goals, business and human rights, protection of the environment, climate change, discrimination, migration, peace and security, development finance, trade and investment agreements, new technologies, civic space, and access to justice?**

1. States should strive to achieve policy coherence through legally binding frameworks and/or agreements in different industries and sectors that relate to the agendas mentioned.
2. In developing countries, where trade and investment agreements are prevalent, signatories must ensure that provisions will adhere to sustainable development and the right to development principles and goals while maintaining overall economic goals.
3. Regional bodies and states should strengthen their judicial systems in the context of accountability and transparency. Additionally, as an inalienable human right, they must also provide communities and stakeholders access to justice and remedies regarding RtD breaches, such as grievance and dispute mechanisms. Finally, they must ensure that these mechanisms are fair and transparent and also the process of initiating claims is streamlined and simplified for communities and stakeholders.

*All submissions will be made publicly available and posted on the Special Rapporteur's homepage at the OHCHR website.*