



SENATE

P.S. Res. No. 898

'18 SEP 18 A9:53

Introduced by **SENATOR LEILA M. DE LIMA**

RECEIVED

RESOLUTION
URGING THE DEPARTMENT OF FOREIGN AFFAIRS TO SERIOUSLY
CONSIDER THE ADHERENCE TO AND ADOPTION OF THE OPTIONAL
PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS (OP-ICESCR), AS PROOF AND
AFFIRMATION OF OUR STRONG COMMITMENT
TO THE PRIMACY OF HUMAN RIGHTS

WHEREAS, on June 7, 1974, the Government of the Philippines became one of the 184 member-states of the United Nations (UN) that ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR);

WHEREAS, the ICESCR provides a range of economic, social and cultural rights of individuals, guarantees the enjoyment of those rights to all peoples without discrimination, and sets favorable work conditions, social security, protection of the family, adequate standards of living, education and benefits related to scientific progress and culture¹;

WHEREAS, Section 1 of Article XIII of the 1987 Constitution emphatically commands that “[t]he Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.” Likewise, Section 2 of the same Article provides that “[t]he promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance”;

¹ United Nations Human Rights (n.d.) Retrieved from: <https://www.ohchr.org/en/professionalinterest/pages/opcescr.aspx>

WHEREAS, in the spirit and letter of the 1987 Constitution and in furtherance of the Philippines' adherence to the ICESCR, it becomes ideal for the Philippines to likewise adopt the Optional Protocol to International Covenant on Economic, Social and Cultural rights (OP-ICESCR);

WHEREAS, OP-ICESCR provides for a **communications procedure** (i.e. complaints mechanism), in the same way that the Optional Protocols to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women do. The communications procedure allows victims of violations of ESCR to present complaints before the Committee on Economic, Social and Cultural Rights; the committee can in turn review individual complaints in a similar way to that of traditional human rights courts. The procedure provides for the possibility of a friendly settlement and of so-called 'interim measures' which the State may be requested to take to avoid possible irreparable damage to the victims of the alleged violations;

WHEREAS, OP-ICESCR also provides for an **inquiry procedure**, allowing the Committee to initiate an investigation if it receives reliable information indicating *grave or systematic violations* of the ICESCR by a State Party;

WHEREAS, such communications and inquiry procedures in the OP-ICESCR shall provide additional legal avenues "for people whose economic, social and cultural rights (as defined in the ICESCR) have been violated and who have not obtained justice in their own country²". This means that if national courts fail to protect against specific violations of their economic, social and cultural rights, the people will be able to raise their case with the UN Committee on Economic, Social and Cultural Rights;

WHEREAS, the OP-ICESCR seeks to "strengthen the ability of [individuals] to claim their economic, social and cultural rights not only at the UN but also at the regional and national level by encouraging the development of effective remedies. Similarly, the OP-ICESCR will clarify States' obligations with regard to these human

² World Movement for Human Rights (n.d.) Retrieved from: <https://www.fidh.org/en/issues/globalisation-human-rights/economic-social-and-cultural-rights/Optional-Protocol/economic-social-and-cultural-rights-justiciable-at-the-international-level-13229>

rights, contributing to the adoption of positive policy measures and access to justice at the national level³”

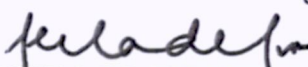
WHEREAS, grinding poverty still persists in our country. Despite the considerable economic growth rate in recent years, 2015 data from the Philippine Statistics Authority (PSA) reveals that 16.5% of Filipino families, or 21.6% of the entire population, are poor. This means that 21.9 million Filipinos do not have sufficient income to afford basic food and non-food needs;

WHEREAS, certain individuals and sectors are vulnerable to civil and political rights violations given their economic, social, and cultural conditions, as shown by the lack of educational opportunities, unavailability or poor employment environment, and inadequate social protection mechanisms, among others;

WHEREAS, the OP-ICESCR can provide further impetus to the development and crafting of more meaningful laws and policies that uplift the dignity of all, and strengthen the existing legal system that addresses the myriad of issues related to the economic, social, and cultural rights of the Filipinos;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED that the Senate urges the Department of Foreign Affairs to seriously consider the possible adherence to, and adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as further proof and affirmation by the Philippine government of the principle of universality and indivisibility of human rights.

Adopted,


LEILA M. DE LIMA

³ Ibid