



THIS BRIEFER on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) was prepared by the Philippine Human Rights Information Center (PhilRights), in coordination with the member organizations of the Philippine NGO-PO Network on ESC Rights. We hope that this briefer will help in the national campaign for the Protocol's ratification.

The Philippine NGO-PO Network on ESC Rights is composed of civil society organizations working on various issues and advocacies involving economic, social and cultural rights. Follow us at @ESCRNetworkPH.

PhilRights is the research and information arm of the Philippine Alliance of Human Rights Advocates (PAHRA) and acts as secretariat of the ESC network.

This publication was made possible with the support of Terre des hommes – France.



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Please support our campaign by signing the online petition urging President Aquino to sign the Protocol so that the ratification process at the Philippine Senate can commence. You can access the petition at <https://www.causes.com/actions/1730068-dear-pnoy-sign-the-op-icescr>.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)

A BRIEFER



Philippine Human Rights Information Center (PhilRights)

November 2013

What is the OP-ICESCR?

It is a supplementary agreement to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that allows individuals and groups to send communications or complaints to the United Nations (UN) regarding violations of the rights stipulated in this treaty.

What are the rights under the ICESCR?

The entitlements guaranteed in this pact include the right of everyone to an opportunity to have decent jobs and to form and join trade unions. This agreement further mandates that governments on their own and in cooperation with each other should work towards the achievement of an adequate standard of living, including housing, food, clothing, sanitation and water for all.



ESC rights also contain the rights to social security, including social insurance, the highest attainable standard of health, education and the right to take part in cultural life and benefit from scientific progress.

When did the Philippines ratify the ICESCR?

As early as 1974, our country had acceded to the ICESCR and freely accepted its obligations to respect, protect and progressively fulfill these rights of the Filipino people.



Why is the OP-ICESCR important?

It provides an international venue for victims of ESC rights violations to seek redress when they have already exhausted available local remedies.

The OP-ICESCR will also strengthen the realization of ESC rights globally because as cases of violations are processed, this will establish jurisprudence and specific norms and standards that will further clarify the scope and content of these rights.

Lastly, it will provide UN and civil society groups additional mechanisms to monitor and engage State Parties towards improving their compliance with their obligations under the ICESCR.

Why should the Philippine government ratify the OP-ICESCR?

Contrary to what others believe, the OP-ICESCR does not impose additional obligations to the government because these had been already spelled out in the ICESCR. It is also not true that the Optional Protocol could be used to discredit or put the country in a bad light because there are strict conditions before a complaint or communication from an individual or group could be accepted by the UN, like the exhaustion of domestic remedies and presentation of factual evidence.

Ratifying the OP-ICESCR will further manifest President Aquino's commitment to his Social Contract with the Filipino People: this will signify that his administration recognizes that food, education,



MILLIONS OF Filipinos living in poverty remain deprived of their economic, social and cultural rights, including the rights to adequate food, work, decent housing, health and education. The Optional Protocol to the International Covenant on ESC Rights (OP-ICESCR) is a new international mechanism that will enable victims of ESC rights violations to seek remedies when such cannot be obtained at the domestic level.

The OP-ICESCR entered into force on May 5, 2013. But the Philippines has yet to ratify this important instrument.

It is the goal of the member organizations of the Philippine NGO-PO Network on ESC Rights to have this Protocol ratified by the Philippine Senate.



health, housing and employment are not mere needs but basic rights of our people. This will demonstrate that the Aquino government is intent on urgently fulfilling these entitlements through policies, budgetary allocations and actual programs.

What will be the impact of the OP-ICESCR on the lives of ordinary Filipinos?

It can be used by people's organizations and NGOs to push for the enactment or amendment of domestic policies to better address hunger, homelessness, poverty and other ESCR-related issues. This could also provide impetus for the establishment and strengthening of existing local redress mechanisms for violations of these rights.

Since using the OP-ICESCR involves monitoring and documentation of ESC rights on the ground, this could also assist in exposing and combating graft and corruption and facilitate a more efficient delivery of basic social services.

Finally, the OP-ICESCR will greatly boost recognition and implementation of these rights and hasten the mainstreaming of rights-based approach (RBA) to governance, putting at its core the welfare and dignity of the Filipino people.

