

Filipino Children at the Margins of Development
The Philippine NGO Coalition Monitoring Report
on the Implementation of the Convention of the Rights of the Child (CRC)
2001-2007

INTRODUCTION..... 3

GENERAL MEASURES OF IMPLEMENTATION..... 7

CRC’s previous recommendations..... 7

The National Plan of Action for Children and its enabling mechanisms 8

The Council for the Welfare of Children (CWC) and the Philippine Commission on Human Rights (CHR)..... 10

Monitoring of children’s situation 11

Budgetary allocations and expenditures for children 11

Dissemination of the Convention..... 11

DEFINITION OF THE CHILD 12

GENERAL PRINCIPLES..... 12

Non-discrimination..... 12

Best interests of the child 13

The right to life, survival and development..... 14

Respect for the views of the child 15

CIVIL RIGHTS & FREEDOM..... 16

Birth registration 16

Name, nationality and identity 17

Torture and other cruel, inhuman or degrading treatment or punishment 17

Corporal punishment 18

FAMILY ENVIRONMENT AND ALTERNATIVE CARE 18

Parental responsibilities 18

Foster care and adoption 19

Abuse and neglect, mistreatment and violence 20

After-care programmes..... 20

BASIC HEALTH AND WELFARE 21

Infant and child health 22

Delivery of quality health services..... 23

Children with disabilities 23

Environmental health..... 24

Adolescent health..... 26

HIV and AIDS..... 26

EDUCATION, LEISURE & CULTURAL ACTIVITIES 27

Basic education 28

Early childhood care and development and non-formal education systems 29

Aims and quality of education..... 30

Rest, leisure, recreation and cultural and artistic activities 32

Children in situations of disasters..... 32

Children in situations of economic exploitation..... 33

Children in situations of sexual exploitation, child pornography and trafficking..... 35

Children in situations of drug and substance abuse..... 36

Children in conflict with the law 37

Children living or working on the streets..... 38

Children of indigenous peoples 39

Children in situations of organised violence 39

OPTIONAL PROTOCOLS TO THE UN CRC..... 40

Sale of children, child prostitution and child pornography 40

Involvement of children in armed conflict 41

GENERAL CONCLUSIONS AND RECOMMENDATIONS 42

INTRODUCTION

1. The Philippines submitted a consolidated document of its third and fourth periodic reports on the implementation of the Convention on the Rights of the Child (CRC) in January 2008. This present document, on the other hand, is the culmination of the process initiated by the Philippine Non-Government Organisation Coalition on the CRC (NGO Coalition) to consolidate information from different child focused agencies and organisations in the country as early as July 2007. The NGO Coalition, established in 1993, is a group of 17 NGOs working on children's issues and implementing programmes for children. One of its primary roles is monitoring the implementation of the CRC and providing an alternative perspective on the status of children's rights in the country. It has been submitting reports to the UN Committee on the Rights of the Child since 1993, following the Philippines' ratification of the Convention in 1990.

2. Central to this process is a series of island-wide consultations in April to May 2008 which sought to validate information included in the State report and to gather additional information on local situations of children as suggested by the reporting guidelines of the Committee on the Rights of the Child. A total of 111 adults and 110 children representing 101 NGOs and children's organisations in the National Capital Region (NCR) and Luzon, the Visayas, and Mindanao participated in the consultations. The process was inclusive and as far reaching as possible with 14 of the 17 administrative regions of the Philippines represented. For a more representative report, networks¹ from the Visayas and Mindanao also participated in the consultation process. The consultation process also enjoined adult and children representatives in parallel sessions, to give each sector an opportunity to develop and surface its own perspectives as well as to review the outputs of the other sector. The voices and perspectives of the children participants were integrated and highlighted throughout this document.

3. Research documents, case studies, census data and other statistical information were actively sought and collected in April to June 2008. NGO Coalition members also organised discussions on the different clusters, participated in by invited experts for comment and review.

4. The report covers the period 2001-2007, which may be known as the Arroyo years – the period wherein she faced several impeachment attempts, fraud complaints and calls for her ouster. Allegations of corruption continue to hound her presidency up to now.

5. The years 2001-2007 were turbulent years for the Philippines, and continue to be so as the country faces the challenges of a ballooning population, massive poverty, the growing gap between the rich and the poor, increasing lack of livelihood opportunities, continuing exodus of skilled workers, political instability, a bureaucracy riddled by corruption, and pockets of civilian strife and armed conflict. This section will discuss how these conditions and government priorities and responses directly or indirectly impact on the State Party's compliance to the provisions of the UN Convention on the Rights of the Child which the Philippines ratified in 1990.

6. The 2007 Census showed that the population rose to 88.57 million.² While the population growth rate (PGR) dropped to a record low 2.04 percent, it is still among the highest in the world. The country has the third highest PGR in the Southeast Asian region. Philippine population is expected to reach 103 million by 2015. Further analysis shows that the highest population growth rates were

¹ The Cebu Children's NGO Network from the Visayas and the Mindanao Convenors Against Corporal Punishment and the Kalitawhan Working Group on Biodiversity from Mindanao actively participated in the regional consultation workshops.

² <http://www.census.gov.ph/data/census2007/index.html>

recorded in the poorest areas like the Autonomous Region of Muslim Mindanao (ARMM) and Region 12 (SOCCSKSARGEN).

7. Poverty incidence rose to 26.9 percent for families in 2006 compared to 24.4 percent in 2003.³ Out of 100 Filipinos, 33 were poor in 2006, compared to 30 in 2003. To support a family of five in the National Capital Region (NCR), sole breadwinners need at least a monthly income of PhP8,254 (USD 183.85) for food and non-food needs.⁴ The minimum monthly income is pegged at only PhP 7,000 (USD 157.58).⁵

8. In 2006, about 36 million were estimated to be children under 18 years old.⁶ This accounted for 41.73 percent of the total population at the time (around 86.264 million) who need support or are dependent on the adult population. **Children were found to be among those considered the poorest** among the basic sectors. In the 2003 National Nutrition Survey,⁷ about 18 percent of children surveyed from 6,683 households reported having missed meals because there was no food or no money to buy food, 15.1 percent reported that they were hungry but did not eat because there was no food or money while about 5.2 percent did not eat for a whole day because of lack of food or money. Children from poor and impoverished regions also suffer from lack of access to basic and quality education, health, and basic services. They are also the hardest hit in times of disasters and other emergency situations.

9. This poverty situation is difficult to reconcile with the Government's pronouncements of economic growth from 2003-2006.⁸ Growth in Gross Domestic Product (GDP) does not always translate to poverty reduction. Data also show that this growth was not enough to take 26.9 percent of Filipino families out of poverty because prices of commodities increased faster than the increase in their income which remained below the poverty line.⁹ Inflation rate was higher between 2003 and 2006 (6.61) than between 2000 and 2003 (4.42).

10. The country is also facing a worsening fiscal crisis. President Arroyo aggressively pushed for the passage of the expanded value added tax (E-VAT) law in 2005. The Government claimed that the additional revenues generated will be used for social services. But the finance department has already earmarked 100 percent of E-VAT proceeds for 2005 towards debt servicing, 70 percent in 2006, 60 percent in 2008, and 50 percent by 2010.¹⁰

11. The National Government (NG) debt has grown to an average of PhP 3.85 trillion (USD 86.67 billion) from 2001-2006.¹¹ As of October 2007, the country's debt is pegged at PhP 3.798 trillion (USD 86 billion). Freedom from Debt Coalition¹² touted Pres. Arroyo as the largest borrower of all the post-Marcos regimes with an average gross borrowing of PhP 3.09 trillion (USD 69.56 billion). She also holds the record of paying the largest (an average of PhP 2.83 trillion in debt payments). This seems to be the Arroyo strategy in confronting the debt problem: borrowing aggressively to repay old debts. In

³ http://www.nscb.gov.ph/pressreleases/2008/PR-200803-SS2-02_pov.asp

⁴ http://www.nscb.gov.ph/pressreleases/2007/Jun21_PR-200706-SS1-03_Pov.asp

⁵ 1 dollar = 44.422 pesos as of June 20, 2008

⁶ Data taken from the State of the World's Children Report 2008 <http://www.unicef.org/sowc08/index.php>. The National Statistics Office has yet to release figures from the 2007 census.

⁷ 2003 National Nutrition Survey, Food and Nutrition Research Institute

⁸ http://www.nscb.gov.ph/secstat/d_accounts.asp

⁹ The U.P. Centennial: Do U.P. Graduates Know How To Use Statistics? By Romulo A. Virola, Statistically Speaking, http://www.nscb.gov.ph/headlines/StatsSpeak/2008/041408_upStats.asp

¹⁰ www.bulatlat.com/news/5-30/5-30-evat.htm

¹¹ Debt Snapshot, Freedom from Debt Coalition, <http://www.fdc.ph>

¹² Freedom from Debt Coalition or FDC is a nationwide multi-sectoral coalition more popularly known as a "debt watchdog."

fact, government spending in 2007 registered 39.18 percent (PhP 612.80 billion) on debt servicing alone.¹³ Adding the expenditures in interest payments and principal amortisations, the sum would account for a whopping 78.86 percent of total government spending.

12. **This focus on debt servicing was done at the expense of public spending on education, health and social services.** Combined government expenditure for these sectors amounted to only 15.2 percent or PhP 237.76 billion (USD 5.30 billion) in 2007. This inadequate prioritisation on education and health may contribute to the reasons why the Philippines may not reach the Millennium Development Goals (MDGs) that focus on universal access to basic education and maternal health.¹⁴

13. The country still faces an inadequate number of public school facilities and lack of qualified teachers. The same story seems to run in the health sector. More teachers and health professionals are migrating to countries like the United States and Saudi Arabia for better prospects. The best teachers in English, Science and Math are leaving in droves, and many of those remaining in the country are those often ill-trained or inexperienced.¹⁵ In the health sector, most experienced nurses, including faculty members of schools and colleges of nursing who would have taught/trained current/future student nurses, as well as doctors who have shifted into nursing, are leaving behind a much-weakened health system. The number of hospitals closing down or scaling down operations has also increased over the last few years.¹⁶ The lack of government support has pushed some public hospitals to demand payments from patients. Reports of patients being detained in government hospitals have also surfaced.

14. This inadequate funding support contributed to the rising costs of education, which have pushed children out of schools. Data from the 2003 Functional Literacy, Education and Mass Media Survey (FLEMMS) revealed that out-of-school children and youth (age 6-24) cited employment or looking for work as the top reason for not attending school. Employment data show that 36 million of the 55.4 million population 15 years old and over have entered the labour force in April 2006.¹⁷ Notice that there are no disaggregated data for children 15- under 18 who have entered the labour force. Also, this count does not include children in the informal labour sector. This push towards work has exposed many children to vulnerable and dangerous situations such as trafficking, working in hazardous environments, or becoming involved in criminal activities.

15. While total employment in April 2006 grew by 2.5 percent (33.0 million), the total unemployed persons numbered 2.93 million in 2006, up by 0.7 percent over the previous year's record of 2.91 million. This translates to an unemployment rate of 8.2 percent. The incidence of underemployment went down to 25.4 percent in April 2006 from 26.1 percent in the previous year. The continuing lack of adequately paying jobs and livelihoods have pushed many Filipinos to look for greener pastures abroad. There are no data available for children from 15-18 years old who are working abroad.

16. Remittances from the Overseas Filipino Workers (OFWs) have shored up the economy by contributing an estimated total of PhP 85.4 billion (USD 1.90 billion) from April to September 2005, compared to the 2004 estimate of PhP 79.3 billion (USD 1.77 billion). However, services and resources

¹³ Debt Snapshot, Freedom from Debt Coalition, <http://www.fdc.ph>

¹⁴ Factsheet on the Millennium Development Goals, National Statistics Coordinating Board, <http://www.nscb.gov.ph/factsheet/pdf07/FS-200711-NS1-04.asp>

¹⁵ <http://www.bulatlat.com/news/6-17/6-17-titsers.htm>

¹⁶ <http://www.iht.com/articles/2006/05/24/news/manila.php>

¹⁷ http://www.nscb.gov.ph/secstat/d_labor.asp

allotted for the migrant sector have not been very responsive to their needs¹⁸ and the needs of their families, especially the children.

17. Another major government response to these fiscal problems is to attract foreign capital through tourism and direct foreign investment. In 2007 alone, the tourism industry generated foreign exchange receipts estimated at USD 2.9 billion, USD 2.23 million worth of investments and USD 77.7 thousand worth of jobs.¹⁹ Domestic tourism also rose spurred by President Arroyo's holiday economics.²⁰ Women's groups have linked tourism to the spread of prostitution.²¹ Places with the most number of sex workers are also primary tourist areas. Sex tourism has become rampant, and many areas in Southeast Asia, including the Philippines, are seen as popular sex tour destinations. According to the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), children have been preyed upon not only by paedophiles but also by those who are afraid of contracting Human immunodeficiency virus (HIV) and Acquired immune deficiency syndrome (AIDS) from older women and therefore prefer children as sex partners.

18. Meanwhile, in 2007, the total foreign direct investments reached PhP 212.5 billion (USD 4.73 billion), posting a 29.8 percent growth compared to 2006. The following industries received the major chunks of investment pledges: electricity, private services, mining, construction, and finance and real estate. Between 2004 and 2007, foreign investors pumped USD1.4 billion into the country's mining industry.²² In order to sustain these investments, the government has been developing generous incentives which include tax exemptions and holidays, simplified application procedures, and assurance of low labour costs. For example, foreign-owned companies have been allowed to operate large scale mining facilities and pesticides-dependent mono-crop plantations in Mindanao. These have led to the displacement of hundreds of families from their communities. There are even reports of military involvement in suppressing the protest of displaced communities. In the ensuing violence, an estimated total of 2,380 children were affected by militarisation and development aggression²³ in early 2008.²⁴

19. As political stability is valued by foreign investors and creditors, the Arroyo government has adopted a hard line stance against individuals and groups considered as disturbing the peace. After aligning herself with the United States' War on Terror, President Arroyo has prioritised the enactment of the Human Security Act, which poses serious threats to political and civil rights in the country.²⁵ Extra-judicial killings of media men, militant activists and union leaders have also increased. The human rights group, Karapatan, has estimated the number of executions at 800 since 2001. Rights groups have long been campaigning for the government to stop these killings. It was only when business groups, foreign investors and the international community sent strong warning signals did the government take heed.

20. Increased militarisation in the countryside has resulted in thousands of children and families displaced from their war-torn communities or harmed after being caught in the crossfire. Children are

¹⁸ Philippine Human Rights Watch Ten Point Agenda for the Protection and Empowerment of the Migrant Sector <http://www.pmrw.org/agenda.asp>

¹⁹ <http://www.pia.gov.ph/?m=12&fi=p080117.htm&no=28>

²⁰ Holiday economics is the term coined for the practice of shifting holiday observances. This is now an official government policy after President Gloria Macapagal-Arroyo signed Republic Act 9492 into law in July 25, 2007. http://newsinfo.inquirer.net/breakingnews/nation/view_article.php?article_id=78742

²¹ http://www.manilastandardtoday.com/?page=business04_mar29_2006

²² http://www.atimes.com/atimes/Southeast_Asia/JB22Ae01.html

²³ Development aggression refers to structural violence

²⁴ Monitoring report of KABIBA Alliance <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7EM7YE?OpenDocument>

²⁵ <http://hrw.org/english/docs/2007/07/16/philip16404.htm>

also either recruited to take up arms or tortured for being suspected agents of the insurgents. To this date, local governments have not done anything to respond to the issue of summary executions of youth and children under 18 suspected to be members of gangs despite the serious concerns noted by the Committee in 2005.²⁶

21. All these problems are compounded by widespread corruption in all levels of government. While the Arroyo administration vows to fight against graft and corruption, a total of six corruption scandals have been exposed in the seven years of the Arroyo regime costing an estimated PhP 7.3 billion (USD 162.5 million). A former government official turned whistleblower, who testified against the alleged shady deal in a multi-million broadband deal, revealed that a 20 percent kickback in all government deals is deemed acceptable by the bureaucracy. In Transparency International's Corruption Perception Index (CPI) in 2006, the Philippines ranked as the 8th most corrupt nation.

22. In its pursuit of largely development and economic goals, the Arroyo regime implemented policies in the last seven years without full cognisance of their potential negative impact on the promotion, protection and fulfilment of the basic human rights of all its citizens, most especially the children and young people.

GENERAL MEASURES OF IMPLEMENTATION

CRC's previous recommendations

23. The NGO Coalition recognises that the Philippines has a relatively advanced legal framework that potentially offers safeguards to protect and promote children's rights. In fact, the measures that the State Party reported in order to address several issues raised by the Committee were in the area of legislation, the most recent of which was the Juvenile Justice and Welfare Act (JJWA) or Republic Act 9344.

24. Among the issues raised by the Committee that this law seeks to address are the following: a) defining the minimum age of criminal responsibility; b) prohibition of torture; and c) lack of a comprehensive juvenile justice system. However this law suffers from poor implementation and enforcement. For example, while the law states that children should be separated from adults in detention centres, this has not yet been fully implemented.²⁷

25. Compliance to the UN CRC should not be limited to improving the policy framework, but should include the proper and extensive implementation of the policies enacted. The State Party needs to mobilise important stakeholders such as the pillars of justice including the local chief executives so that they have a common understanding of the laws in order to facilitate implementation. Unfortunately, this is not the case for the JJWA. For example, Cebu City *barangay* (community) captains are seeking to amend or repeal some provisions of the JJWA. For them, the new law has made them "toothless" in arresting minor offenders. They claimed that "majority of the crimes in their communities are now committed by minors aged 15 and below." The local chiefs also reasoned that criminal syndicates use these minors to commit crimes for them, knowing fully well that these children will be exempted from the law.

26. Calls for lowering the minimum age of criminal responsibility (MACR) from 15 to 10 have began in Congress. **These recommendations run counter to what the Committee actually considers**

²⁶ Concluding Observations: Philippines, Committee on the Rights of the Child June 2005, par. 26, p. 6.

²⁷ State Party Report: Philippines, January 2008.

as internationally acceptable.²⁸ While the JJWA is an effort to harmonise domestic laws with international regulations, such widespread misinterpretations of the law show serious shortcomings in the proper dissemination of the specific provisions of the JJWA.

27. The State Party also admitted that several legislative gaps have not been addressed: a) the minimum age of sexual consent; b) child pornography; c) corporal punishment and other forms of violence in the home, school and the community; and d) discrimination against children born out of wedlock.

28. With regard to corporal punishment, the Philippines needs to develop new laws and enhance existing ones and ensure that they are in accordance to the UN CRC principles. For example, some provisions of the Special Protection of Children against Abuse, Exploitation and Discrimination Act or Republic Act 7610 justify corporal punishment of children. There are also many existing legal defences or justifications for the use of corporal punishment particularly in the home. Through the efforts of advocacy groups such as the Child Rights Network, a bill that seeks a total ban of corporal punishment is currently pending in Congress. Other groups like the Mindanao Convenors Against Corporal Punishment have been working with adults in the communities, including parents and teachers, to raise awareness of corporal punishment as a rights issue.

29. Several bills on child pornography are also filed in both houses of Congress. The first local anti-child pornography ordinance, which is aimed at curbing the distribution of child pornography through the Internet, DVDs, CDs, and cellular phones, was filed in Benguet in September 2007. Comparable bills in both houses of Congress seek to raise the minimum age of sexual consent to determine statutory rape from 12 to below 16 years of age. These amend or repeal the other provisions of the Penal Code, as well as special laws, with the attempt to address the disparity in the treatment of those persons who are below 12 years old and those 12 years but below 18 years of age.

30. While there are pending bills that seek to amend provisions of the Family Code to allow the legitimisation of children born to minor parents, these measures do not cover other circumstances of children born out of wedlock. As long as the Philippines categorises certain children as “illegitimate” due to circumstances of their birth, the protection of children born out of wedlock still remains a serious concern.

31. *We strongly recommend that the State Party: 1) Develop legal instruments on protecting children born out of wedlock through the removal of the classification of children into legitimate and illegitimate; 2) prioritise the bills pending in Congress on total ban of corporal punishment, child pornography, and the minimum age of sexual consent; and 3) ensure that once legal mechanisms are in place, there should be clear mechanisms and funds to facilitate the proper implementation of the laws.*

The National Plan of Action for Children and its enabling mechanisms

32. The Philippine National Strategic Framework for Plan Development for Children or Child 21 sets very clear targets for Filipino children’s welfare. The National Plan of Action for Children (NPAC) has been drawn in an attempt to concretise this vision. Localising the policies, programmes and services continues to be a challenge.

²⁸ Committee on the Rights of the Child, General Comment No. 10, Children’s Rights in Juvenile Justice, 9 February 2007.

33. Existing mechanisms for localisation do not work well. While local government units (LGUs) are urged to formulate local development plans for children, annual investment plans for children, local codes for children, and annual local state of the children reports, only a minority of the LGUs have complied. Monitoring by the Department of Interior and Local Government (DILG) should focus on ensuring that the local plans, investments and programmes are implemented accordingly and that they reach the target groups of children. Lack of awareness of local chief executives on new policies and programmes and lack of capacity of local government personnel are some of the factors that prevent policies and programmes from reaching the target groups.

34. A related strategy to encourage compliance from LGUs is the search for “child-friendly” cities and municipalities. Initiated by the Council for the Welfare of Children (CWC), the Presidential Award for the Most Child-Friendly Cities and Municipalities was launched in November 1999 to promote the Child Friendly Movement (CFM). However, the United Nations Children’s Fund (UNICEF) study on child-friendly cities in the Philippines observed that cities dubbed as child-friendly varied greatly in fulfilling expectations.²⁹ It also cautioned against a tendency among LGUs to rest on their laurels once they were recognised for their efforts. It is clear that the State Party should continue to explore other strategies that may help LGUs internalise these processes even without the external rewards.

35. The goal of the child-friendly awards is not just to encourage LGU compliance but more importantly to truly benefit children. Thus, the local chief executives need to understand what the child-friendly concept truly means, and what it entails in terms of developing programmes and budget allocations for children. As such, assessments should consider not only reports from the LGUs but also the views of community beneficiaries. It should also include successful efforts to involve children in planning and developing policies and programmes for children and in actions to address violence against children, such as summary executions, corporal punishment, and other forms of violence in all settings.

36. The *barangay* is the primary implementing structure closest to children. This unit, however has to implement many other duties in compliance to a multitude of directives coming from the local chief executive and national level agencies. There is an urgent need to support *barangays* to directly respond to the needs of children. One essential mechanism is the organisation of local councils for the protection of children (LCPC) especially at the *barangay* level. While organising rates are high, their functionality is still questionable. In fact, the children and adult delegates in the consultation workshops pointed out that having a *Barangay* Council for the Protection of Children (BCPC) doesn’t mean it is functional. Some were even surprised to learn that their respective BCPCs were rated as functional. In most cases, the activities of the BCPCs depend on the priorities of the local chief (*barangay* captain), who also sits as chair of the BCPC. The programmes take off or falter depending on his/her interest. Wherever children’s concerns are not the main priority, the BCPCs are not convened, or if convened at all, are non-functional. In many cases, civil society groups undertake initiatives without much *barangay* support.

37. ***We call on the State Party to ensure the localisation of national policies and plans of action for children and that these policies and programmes reach the target groups of children. We also urge the DILG to conduct a more purposive monitoring of LGU compliance in order to ensure the proper implementation of these policies and programmes and that children are included in the process of coming up with development plans and local codes for children, and in assessments of effectiveness of programmes and initiatives. We also push for the strengthening of the barangay through funding support and capacity-building mechanisms for them to adequately respond to the needs of children. Last, the State Party should re-think and revise its criteria of assessing the functionality of BCPCs.***

²⁹ UNICEF & Innocenti Research Centre, Making Philippine Cities Child Friendly: Voices of Children in Poor Communities, 2005.

The Council for the Welfare of Children (CWC) and the Philippine Commission on Human Rights (CHR)

38. The seriousness of the State Party's commitment to comply with the UN CRC may be gleaned from the level of priority given to the agencies, directly or indirectly, tasked to ensure that the provisions of the UN CRC are met. These agencies are the Council for the Welfare of Children (CWC) and the Commission on Human Rights (CHR).

39. The CWC is the focal inter-agency body of the Philippine government for children's concerns. It is tasked to: a) coordinate and monitor the implementation of the NPAC/Child 21; b) formulate and advocate policies on children; and c) monitor the State's implementation of the CRC. One of the main strengths of the CWC is to serve as the conduit of the seven line agencies, two coordinating bodies and other individuals that make up the CWC Board. It is also very open to collaboration with NGOs and other civil society organisations. This created many opportunities for different NGOs to engage and work with the government.

40. However, CWC is challenged in fulfilling its other obligations, such as policy formulation and advocacy, and monitoring of the implementation of the UN CRC, due to a number of factors: a) inadequate funding support; b) inadequate personnel; and c) the lack of clout to actually influence other government agencies. In 1987, the CWC was transferred from the Department of Social Welfare and Development (DSWD) to the Office of the President in order to "strengthen its functions and mandate".³⁰ However, it was returned to the DSWD in 2007, with the position of the Executive Director downgraded from its previous Undersecretary level, a move which may diminish its status as an inter-agency, multi-sectoral monitoring body. With its roles and functions, the CWC must have a strong and assertive leadership in order to influence the different agencies in all matters pertaining to children. The different line agencies need to work more actively to enable CWC to perform this role.

41. While the mandates for both the CWC and CHR have been expanded in the last few years, only the latter continues to operate as an independent agency. Originally without prosecutorial powers, the CHR was given the power to go after individuals and groups who violate rights in the context of terrorism and extra-judicial killings and not just document these violations. Another important positive development is the mainstreaming of the Child Rights Centre in all its regional offices. We envision the CHR, through its Child Rights Centres, to serve as the Ombudsperson for Children which takes care of the legal protection of children. However, for this to happen, people need to be aware of the functions of the CHR in relation to the protection of children's rights.

42. ***In order to fully mainstream children's rights, the CWC and the CHR need to be enhanced by strengthening their functional and structural organisations, and by increasing their budgetary allocations. As the lead agency for children, the CWC should be a separate body with enough powers and influence to perform its functions in monitoring and coordinating the different government agencies' programmes for children. To accomplish these tasks, CWC needs more technical competencies in monitoring, research, legal concerns, media, documentation and facilitation. Meanwhile, we suggest that the CHR activate the children's desks in its regional offices to monitor government compliance to the UN CRC and to respond to violations of children's rights. These desks need to be staffed by personnel who are knowledgeable and sensitive in handling children's concerns. A CHR helpline similar to the Bantay Bata hotline³¹ should be established and popularised as a helpline for children's legal concerns.***

³⁰ DSWD Annual Report 2006.

³¹ The hotline is a popular hotline operated by the Bantay Bata Foundation. It aims to protect and provide initial remedy to children in distressful situations.

Monitoring of children's situation

43. While numerous efforts have been taken to develop and mainstream a monitoring system (*Subaybay Bata Monitoring System*³²), a comprehensive report has yet to be produced. Information on children is not updated and data collection seems to be more on an ad hoc basis. Data available from the country's primary statistical agencies, National Statistics Office (NSO) and the National Statistical Coordinating Board (NSCB), are not disaggregated by age, gender, ethnic group, rural or urban, and other relevant categories.

44. *We strongly suggest that all information systems related to children comply with the guidelines set by the Committee on the Rights of the Child to facilitate the monitoring of the State Party's commitment to the UN CRC. This may be accomplished by creating a separate, and if possible, single comprehensive database for children that should be lodged with the NSO and NSCB. All information on children should follow the cluster of rights as provided by the UN CRC. We also urge the State Party to come up with a national situation of children which should be regularly updated and widely disseminated.*

Budgetary allocations and expenditures for children

45. As long as debt servicing is given high priority in government budgetary allocations and expenditures, support for programmes and services will never be enough to meet the proposed goals of the State Party vis-à-vis international agreements. Spending for basic social services amount to only 20 percent to 30 percent in both regional and local levels. Data about actual spending for children under-18 were inaccessible. The lack of a clear system for budgetary allocations for children may have prompted the State to cite in its report the system used by several international NGOs (INGOs) with programmes in the Philippines, such as Plan Philippines, as a possible model on how to allocate budget for children based on the major cluster of rights. This absence of budgetary allocations and expenditures for children reflects a general lack of value for children's welfare. This is one of the main factors why programmes do not have a significant impact on the lives of children and households.

46. *We strongly urge the State Party to seriously explore the possibility of amending the provision on mandatory debt servicing in the General Appropriations Act. We suggest that this allocation be re-directed towards funding for basic social services, especially those that directly fulfil children's rights in all levels of governance. We also push for budget line items for children in all relevant agencies. We suggest that about five percent of the total earnings of the LGUs should be allocated for children's concerns. Last, we also suggest the Commission on Audit (COA) to track expenditures for children, and that data to be collected for monitoring of compliance with the UN CRC include annual budget allocation and spending for children both at the local and national levels.*

Dissemination of the Convention

47. To date, there are no measures that adequately determine the level of awareness and understanding of the UN CRC among Filipinos. Data cited by the State report are not direct measures of how the UN CRC was disseminated by the State Party. In fact, children and adult participants in the three consultations conducted by the NGO Coalition have observed that the awareness and knowledge of

³² The Subaybay Bata Monitoring System was initiated by the CWC to gather data on the implementation of the UN CRC by the national government line agencies. It has 143 indicators that cover the seven major clusters of children's rights. The output of this system is an annual State of the Filipino Children Report.

the UN CRC are shared only by children and adults who have been involved in children's rights work. Most of their knowledge about rights came from trainings and workshops organised by the NGOs.

48. *We suggest that a more sustained effort be done to make the provisions of the UN CRC more widely known through the integration of children's rights in education curricula at all levels including formal and non-formal education, especially in the training of all service providers (doctors, social workers, police, military, barangay day care and health workers, barangay council members) who deal directly with children. We also suggest that the State Party partner with media in a sustained advocacy for children's rights and the UN CRC.*

DEFINITION OF THE CHILD

49. Particular groups whose cultural and religious beliefs run counter to the definitions of the child set by the UN CRC need to be influenced. For some indigenous groups, the end of childhood is not reckoned by the child's age but is marked by physiological processes such as puberty. Children from indigenous groups are particularly vulnerable especially when they are recruited or forced to take up arms in situations of armed conflict. Also vulnerable are girl children who, at the onset of puberty may be allowed or even encouraged to marry and bear children due to a belief that menarche³³ renders them as adults in the eyes of the community.

50. *We recommend that the State Party, as part of its dissemination efforts, strengthen the understanding of the UN CRC by the IPs and the Muslims, particularly on the definition of the child.*

GENERAL PRINCIPLES

Non-discrimination

51. Discrimination is a sad reality among Filipino children, especially among those groups who have poor access to and ineffective utilisation of services in health, nutrition, education and other basic social services.³⁴ Indigenous children and children with disabilities do not receive important information and services. Children born outside marriage and children without legal status also experience discrimination.

52. The discrimination of certain groups of children practiced with impunity by some of the very institutions that are tasked to nurture and develop children's potentials is alarming. For example, there is lack of equal protection of children from assault and respect for their human dignity and physical integrity as they still suffer from corporal punishment and other degrading and humiliating treatments in their own homes and in schools, residential care facilities, work places, etc. In the consultation workshops, varied accounts of children's experiences of discrimination in schools were shared:

53. (a) Children born out of wedlock are refused admission as a matter of policy by private sectarian schools.

54. (b) Muslim and other non-Catholic children are pressured to attend religion classes and church services in Catholic schools.

55. (c) Lesbian, gay, bisexual and transgendered children are subjected to humiliation or are forced to undergo "counselling" to change their sexual orientation or gender identities.

³³ First menstruation

³⁴ State Party Report, 2007, p. 29.

56. (d) Pregnant or unwed young mothers are forced to drop out of school after suffering humiliation or expelled for setting bad examples to other students.

57. (e) Educational incentives and other opportunities are available mostly to academically or athletically gifted students, especially in the public schools. They are given the best teachers, materials and schedules, while the less “gifted” are squeezed into cramped classrooms, and are assigned to unmotivated and oftentimes “terror”³⁵ teachers.

58. (f) Children with learning disabilities, especially those who are yet to be diagnosed, are severely criticised and sometimes punished for grappling with their academics. School facilities and services for children with physical disabilities are inadequate.

59. (g) Children who have been in conflict with the law, rescued children, children in domestic work, children-victims of sexual abuse or sexual exploitation, or those children living with HIV and AIDS or with parents who have HIV and AIDS are targets of much scrutiny and gossip in schools.

60. While we recognise that the State Party has enacted a variety of legal mechanisms to protect children from blatant prejudice and discrimination, it should also take note of these very subtle forms of discrimination present in our basic social institutions.

61. ***We propose that the State Party ensure that the delivery of services focus on vulnerable groups. It should closely monitor the policies and practices in both public and private institutions to guard against the discrimination of children belonging to vulnerable groups.***

Best interests of the child

62. The UN CRC states that the best interest of the child should be the primary consideration in **all** actions concerning children. This not only broadened the scope of the principle but made it the overarching framework in the Convention. It was recently proposed that the best interest principle be understood as a procedural requirement in making decisions which affect the child or children. Proposed solutions need to be examined if these are consistent with the principle of best interest.³⁶ Three parameters may be used accordingly: 1) strengthening the policy environment; 2) looking into the implications of government policies on the best interests of children; and 3) ensuring that children’s opinions and views be included and given due weight in decisions affecting them.

63. While the State Party noted that the best interests of children are served by an already well-established legal and judicial system, there are also mechanisms designed to protect children but due to ineffective and inconsistent enforcement of laws, rules and procedures, programmes and interventions, children’s best interests are not served. Worse, there are times when these same mechanisms create and perpetuate circumstances for them to be exposed to discrimination, abuse, exploitation and violence. Imposition of curfews for children under 18 years old is an example of a policy that is discriminatory and exposes children to risks of violence and abuse. In the consultation workshops conducted by the NGO Coalition, children have reported that they and their peers have suffered physical abuse at the hands of the police or *barangay tanod* (watchmen) who enforce curfews in the communities. Boys

³⁵ Children use the term “terror” to refer to teachers who are overly strict and harsh in their criticism and treatment of students.

³⁶ The Principle of the Best Interests of the Child – What It Means and What It Demands from Adults. Lecture by Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, May 30, 2008.

suffered from degrading and humiliating punishments while girl children were forced to have sex with police or *tanod* in exchange for their freedom.

64. ***We strongly urge the State Party to review all existing policies and repeal those that have a negative impact on children. We also invite the State Party, through the DILG, to set the parameters and guidelines in implementing curfew ordinances which should be consistent with the JJWA.***

The right to life, survival and development

65. The extra-judicial killings and summary executions of children have continued despite the urgency given to this issue by the Committee on the Rights of the Child in its concluding observations to the Second Philippine Report. Of the 41 cases documented by Tambayan Centre for Children's Rights³⁷ from 1999 to 2007, 20 involved boys who were 18 years old and below.³⁸ Extra-judicial killings targeting children in conflict with the law are commonly perceived to be a "practical" way to deal with crime and authorities have done little to investigate these cases.

66. The National Government's response is to convene the Melo Commission in 2006 to investigate extra-judicial killings of media men and social activists. Some of the initial recommendations include for the Department of Justice (DOJ) to strengthen the Witness Protection Programme, for the Armed Forces of the Philippines (AFP) to issue a new document on Command Responsibility, and for the DOJ and Department of National Defense (DND) to coordinate with the independent CHR. In his annual report to the UN Human Rights Council in June 2008, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston said that only the first steps have been taken so far. No one has been charged, convicted or punished for any of these killings. Death squad executions still continue in Davao City with their "officially-sanctioned" character. This brand of 'justice' is reportedly being used in Cebu and in other parts of Mindanao.

67. The Arroyo government's focus on primarily economic policies and programmes has posed very serious implications on children's right to life, survival and development. Burgeoning urbanisation and industrialisation, logging and mining activities have driven communities away from their homes. Now, scores of children are suffering in the name of development. The lack of focus on rural development and the resulting extreme rural poverty have been identified as two of the many contributory factors why people flock to the cities. As of 2005, estimates from the United Nations (UN) pegged the total urban population in Metro Manila at close to 10.5 million, which merited a rank of 19th most populous in the world³⁹ and the highest in Southeast Asia.

68. People who left to escape rural poverty then faced extreme poverty in the cities. The nationwide urban poor population is estimated at 14 -17 million people or two to three million households. According to the 2002 Annual Poverty Indicators Survey (APIS), there are about 588,853 informal settler families in the country. Of this number, 51 percent are in the NCR, Region IV (Southern Tagalog) and Region VI (Western Visayas).

69. Based on the data released by the Presidential Commission on the Urban Poor (PCUP), in the first half of 2007 23,933 families were affected by demolitions and eviction in the NCR , 7,407 in

³⁷ Tambayan Centre for Children's Rights is a local non-government organisations based in Davao City. It has been documenting the extrajudicial killings of children and young people in Davao City as part of its programme work with adolescent girls who are members of street gangs.

³⁸ <http://www.pinoypress.net/2007/12/27/teenagers-perish-in-davaos-killing-fields/>

³⁹ 2005 World City Populations, http://www.mongabay.com/igapo/2005_world_city_populations/2005_urban_01.html

Luzon, 146 in Visayas and 1,018 in Mindanao. The figures in Metro Manila do not include other illegal structures demolished by the Metropolitan Manila Development Authority (MMDA). No data specific to affected children were available.

70. For communities affected by infrastructure projects, relocation programmes have proved to be deficient. For example, due to a major railway project in Metro Manila, about 20,000 families, whether squatters or not, were ordered to vacate their houses along the railway routes before the end of 2004 despite the fact that the relocation sites offered to them were generally not ready for occupancy due to the absence of temporary shelters, water connections, electricity and other basic facilities.⁴⁰ That particular project will involve the resettlement of 40,000 families, which will cost the government PhP 6.6 billion (USD 148 million), and only PhP 1.6 billion (USD 36 million) is provided.⁴¹

71. Large scale mining operations in Mindanao have resulted to higher incidences of respiratory and skin diseases among indigenous and non-indigenous communities near the mining sites.⁴² Chemicals and mine effluence have already contaminated waterways, resulting in fish kills and crop infestations. The same scenario also plagues communities in Luzon. In 2003, two children were said to have died from poisoning caused by lead and other heavy metals from drinking water and eating fish from the waters of Calancan Bay in Marinduque.⁴³ Widespread conversions of agricultural land into fishponds have also resulted to community displacement, destruction of environment, and poisoning and other health problems. Plantations, as well as logging, mining and energy projects are today the principal causes of development aggression that hurt and further marginalise indigenous peoples.⁴⁴ Development projects have led to territorial loss, a dwindling economic base and the erosion of cultural heritage as demonstrated in the waning practice of exercising traditional laws, political systems and customs governing social relations.

72. We strongly urge the State Party through the CHR to monitor, report, investigate and prosecute extra-judicial killings and summary executions of children. It is the State's responsibility to ensure that no development initiative would impinge on the right to life, survival and development of children. Quality but low cost in-city housing programmes should be improved in order to benefit the majority of urban residents. We also urge the government to provide for the mechanisms to enable relocated families to sustain livelihood or gainful employment. Also, we ask the government to penalise companies that impinge on people's basic rights.

Respect for the views of the child

73. Children's right to expression of opinion and control over decisions at home and in school have the most immediate impact on the majority of the children.⁴⁵ The foundation for exercising this right should be manifested in parenting practices, learning and teaching styles in both the home and the school. Meanwhile, children's participation, especially in the civic sphere, is essential in improving the quality, efficiency and fairness of government services.⁴⁶ It has been observed that the Philippines possesses an advanced legal framework for institutionalising the participation of children in various

⁴⁰ http://www.nenepimentel.org/news/20041112_NRP.asp

⁴¹ <http://www.pcij.org/stories/2005/northrail.html>

⁴² Mining in the Philippines: Concerns and Conflicts. Fact Finding Mission to the Philippines Report.

<http://www.iucn.org/themes/ceesp/AlertonMininginthe%20Philippines.html>

⁴³ <http://www.bulatlat.com/news/4-39/4-39-marcopper.html>

⁴⁴ http://rightsreporting.net/index.php?option=com_content&task=view&id=119

⁴⁵ Inter-Agency Working Group on Children's Participation (IAWGCP). Children as Active Citizens: A Policy and Programme Guide. 2008.

⁴⁶ Ibid.

74. While the performance of the SK has been generally weak, it offered tremendous potential to develop future leaders, engage the youth in the community, and teach them accountability and resourcefulness.⁴⁷ The potential of the SK has not been fully maximised, thus its projects are limited to sports, infrastructure development, and environmental protection and sanitation. Financial autonomy is a perennial issue. SK councils found it difficult to get the approval of the *barangay* captains in releasing their budgets.

75. The real issue lies in the priorities given to children and young people's **meaningful** participation by the State Party. For example, while it is true that LGUs have developed children's codes, most of these were done either without the participation of children or with only superficial or token consultation with children. Children in the consultation workshops questioned the child-friendly status of their cities and municipalities when there are no existing mechanisms for their views to be considered. Children representatives to the consultation process for the State Party report also described their participation in the preparation of the State Party monitoring report as minimal and non-meaningful.

76. However, when and where children's participation is valued and respected, the results reflected tremendous positive gains for children and youth. For the SK, the presence of an adult support system, be it the adult *Barangay* Council or the people's organisations, proved very invaluable in helping them carry out meaningful projects for their constituents.

77. *There is a need to review legal and administrative procedures to ensure that children's meaningful participation in important decisions is consistent with the UN CRC and the children's evolving capacities. The State Party should raise awareness among adults and children about children's right to express their views and the implications for children to be involved in decisions especially in the home and school. Instead of abolishing the SK, the State Party should strengthen SK's partnerships with adult and other children and young people's organisations. The State Party also needs to establish a standard programmatic system for the monitoring, supervision and technical support to the SK, and provide sustained capacity-building for SK members and adult officials on good governance and the application of the concept of children's participation. A provision on the Local Government Code that will safeguard SK councils' access to funds for approved projects also needs to be added.*

CIVIL RIGHTS & FREEDOM

Birth registration

78. The country has still not achieved its goal of 100 percent birth registration due to: lack of awareness especially among indigenous peoples of the need to register births of children; and registration incurs costs which burden the poor. The fees range from about PhP 50 (USD 1.11) to PhP 200 (USD 4.45). Fines are also incurred for late registration (more than 30 days after birth). A worthy initiative is the Birth Registration Project, a partnership by the Government and Plan Philippines, which

⁴⁷ UNICEF, The Impact of Youth Participation in the Local Government Process: The Sangguniang Kabataan Experience, 2007.

was implemented in 127 municipalities in all the 17 regions in 2004 to 2007. While February 23, 2005 and every year thereafter has been proclaimed by the President as National Birth Registration Day, this is not widely known. In Quezon City, under "Operation: Birthright Project," unregistered Quezon City-born children may now be registered without payment of the PhP 180 (USD 3.99) regulatory fee which was mandated before under the city's revenue code, or upon presentation of certain documents.

79. Special consideration should be given to children who are in residential centres and who remain unsure if they are registered or not because their biological parents cannot be traced. Certificates issued to these children have led to further discrimination and labelling.

80. ***We encourage the State Party to expand the coverage of the Birth Registration Project, and sustain all other mechanisms, such as the Barangay Civil Registry System (BCRS), to provide appropriate, completely-free and community-based birth registration programmes for indigenous peoples' communities and other vulnerable sectors of society that would enable all parents to access birth registration.***

Name, nationality and identity

81. Labour migration also produced other challenges for children, especially those born abroad. In Japan, there are about 500,000 Filipino migrant workers of which approximately 97 percent are in the entertainment industry. In these cases, inter-mariages and abandonment have become commonplace. Japanese men abandon their Filipina partners and their children for various reasons and the result is always detrimental to the Japanese-Filipino children, who are discriminated upon on the basis of birth status, and denied some of their most basic rights. There are some 100,000 fatherless Japanese-Filipino children estimated to be living in the Philippines. There are no official data on the number of children born abroad.

82. ***We are pushing for the prioritisation of the registration of the birth of Filipino children born abroad by the State Party through the relevant government agencies such as the Department of Foreign Affairs (DFA), DSWD and the Commission on Filipinos Overseas (CFO).***

Torture and other cruel, inhuman or degrading treatment or punishment

83. While the State Party report cites the legal prohibition of torture of children in conflict with the law, it failed to mention that children are still being subjected to cruel, inhumane treatment or punishment by arresting officers. There is a need to pass legislation prohibiting torture in all situations, not just for children in conflict with the law. Reports of children in situations of armed conflict being tortured by military for being alleged agents of the New People's Army (NPA) or the Abu Sayyaf Group (ASG) have been documented. In 2005, a 17-year old boy from Surigao del Sur was tortured by military men while being interrogated about the whereabouts of suspected rebels.⁴⁸ In that same year, around seven teenagers were kidnapped and forced to become guides by the military.⁴⁹ They were only released after their parents and relatives took their place. In 2007, another 17-year old boy was illegally arrested and was subjected to tactical interrogation under extreme duress for being "Abu Usman" and allegedly participating in the kidnapping and serious illegal detention of plantation workers in the Golden Harvest plantation in 2001.⁵⁰ Also in 2007, four girls whose ages range from eight to 16 were among the villagers rounded up by the military for being suspected members of the ASG. The young girls were

⁴⁸ <http://www.ahrchk.net/ua/mainfile.php/2005/1103/>

⁴⁹ KARAPATAN Press Release, November 19, 2007

⁵⁰ Fact sheet: Al Jakirani Y Alih Case. Unpublished document. Moro-Christian Alliance, 2007.

given plastic bags and were told that once beheaded, their severed heads would be placed inside the bags.⁵¹

84. ***We urgently call on the State Party to pass legislation to prohibit torture and other cruel, inhumane or degrading treatment or punishment in all settings. We also urge the CHR to investigate the alleged torture of children in situations of armed conflict by military personnel.***

Corporal punishment

85. In its Concluding Observations to the Philippines in 2005, the Committee has stated that “corporal punishment is not compatible with the provisions of the Convention and it is inconsistent with the requirement of respect for the child’s dignity as specifically required by Article 28, paragraph 2 of the Convention.” However, in the Philippines, corporal punishment is widespread and institutionalised; considered by many as common and necessary in the discipline of children. There is no explicit law prohibiting corporal punishment in the home, schools and other settings. In the meantime, both NGOs and government agencies advocate for positive and non-violent forms of discipline. The State Party report mentioned the current revisions being made in the training modules on Parent Effectiveness Services (PES) and the Empowerment and Reaffirmation of Paternal Abilities (ERPAT) to make them explicitly rights-based and to include topics on positive and non-violent forms of discipline.

86. ***We advocate for the enactment of a law that will explicitly prohibit the corporal punishment of children and other humiliating and degrading treatment in all settings, and the removal of legal defences and justifications for such. The State Party, in partnership with civil society organisations, should review and institutionalise its delivery of the Parent Effectiveness Services (PES) and Empowerment and Reaffirmation of Paternal Abilities (ERPAT) in order to change perspectives and practices and promote positive and non-violent forms of discipline.***

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

87. Due to labour emigration’s economic contributions, the Philippine government’s goals have been remarkably clear and consistent: migration should be promoted. When parents leave the home for long periods, changes in the family roles and relationships are bound to take place, including family dislocation, and changes in husband-wife and parent-child relationships. As more Filipino mothers leave for work abroad, incest between the father and daughter/s who are left behind has become an emerging social problem.⁵² Meanwhile, overpopulation and rising poverty have contributed to the numbers of abandoned and neglected children.

Parental responsibilities

88. Article 18 of the UN CRC states that parents have joint primary responsibility for raising the child, and the State shall support them in this endeavour. The State shall also provide appropriate assistance to parents in child-rearing. However, in the case of migrant parents, available programmes do not necessarily address these concerns. They mainly focus on the migrant’s training on social and work conditions abroad, social security issues, and economic assistance available to him/her and his/her family. Very few specifically target young children; or if children were the focus, these were special programmes offered on a short-term basis.

⁵¹ “Fact Sheet: Mudzna Juhasad Case.” Unpublished document. Children’s Rehabilitation Center, September 5, 2007.

⁵² http://globalnation.inquirer.net/news/view_article.php?article_id=53880

89. Migration is not necessarily disruptive for the development of the children left behind, particularly if it is the mother who remains at home.⁵³ However, many studies on Filipino men with wives working abroad show that very few become successful in fulfilling traditional female roles in the family.⁵⁴ Men usually neglect or do poorly in their familial duties. However, the effect depends mostly on the extent of involvement of the extended family in complementing the gaps resulting from parental absence. Thus, when the family is stable, it can withstand the separation imposed by migration. Providing this stability is the State's responsibility.

90. Meanwhile, the Responsible Parenting Movement (RPM) is the government's answer to improve parental responsibilities in-country. However, the Government seems to adopt a limited view of responsible parenthood as its three major strategies of responsible parenting are three-year birth spacing, breastfeeding and natural family planning.

91. ***The State Party should create more jobs that would more than adequately sustain a family to minimise the need to leave the country for employment opportunities. We request the State Party to also focus its attention to programmes supporting families left behind by migrant workers, particularly the husbands, with adequate training on child rearing, counselling, and different forms of support. A regular assessment of existing programmes is necessary to review objectives, approaches, and developing plans of action (including the identification of critical resources) to carry out these programmes. We call for a review of parenting education materials and training programmes, such as those used in the Responsible Parenting Movement (RPM), to check their conformity to children's rights, and to promote positive and non-violent discipline.***

Foster care and adoption

92. Thousands of homeless children who were abandoned, neglected, orphaned and surrendered, are staying in government institutions, in non-government child-caring agencies, or in licensed foster homes. Not all of them are fortunate enough to be adopted or to be reunited with their birth families/relatives. They have to be prepared to support themselves when they have aged out or are no longer qualified to stay in the institutions or foster homes. It is the State's duty to provide every abused, neglected, surrendered, dependent and abandoned child an alternative family that will provide such child with love and care as well as opportunities for growth and development. However, the Foster Care Bill which seeks to provide deinstitutionalisation of children through foster placement has still not been enacted by Congress even after several attempts. Institutional care has been shown to cost on the average three times more than foster care.⁵⁵ The bill also ensures that foster families promote and motivate the foster child to relate with his/her biological or adoptive family, as the case may be, and shall provide the wholesome atmosphere to encourage bonding. The failure to enact this bill not only reflects the weakness of advocacy efforts but more importantly the lack of concern given to this issue. In the absence of a law, the DSWD has issued a memorandum circular that outlines the agency's policy on deinstitutionalisation of children by providing alternative family care and other services.

93. Delays in adoption procedures and prohibitive costs of legal processes prolong the stay of children in institutions. There is also a need to intensify the enforcement of quality standards of care in shelters and other institutions as children reported experiencing physical and emotional abuse at the hands of house-parents and other employees of the shelters.

⁵³ Battistella, Graziano and Ma. Cecilia G. Conaco (1998). 1998 The Impact of Labour Migration on the Children Left Behind: A Study of Elementary School Children in the Philippines," *Sojourn*, 13(2): 220-241.

⁵⁴ Population Commission. Filipinos Beyond Borders: Population and Development Dimensions of Overseas Labour Migration. 2008 <http://www.popcom.gov.ph/sppr/sppr04/index.html>

⁵⁵ http://www.icab.gov.ph/index.php?option=com_content&task=view&id=15&Itemid=31&limit=1&limitstart=3

94. *We urge the State Party to prioritise and enact the Foster Care bill. There is also a need to make available free legal assistance in adoption cases or to increase the number of public attorneys for such cases. The DSWD should also intensify the monitoring of standards of care in both State-run and privately-run shelters and other institutions.*

Abuse and neglect, mistreatment and violence

95. With the feminisation of overseas labour, it has been reported that incest cases between fathers and daughters have become commonplace but largely unreported.⁵⁶ Incest has been cited as the most common form of child abuse. Studies have shown that 43 percent of children who are abused are abused by family members, 33 percent are abused by someone they know, and the remaining 24 percent are sexually abused by strangers. Incest victims may fear they will be disbelieved, blamed or punished if they report their abuse. Thus, the Kanlungan Centre said the scandalous nature of incest has kept the problem hidden despite its growing seriousness. Delayed reporting and insensitive and inappropriate legal procedures contribute to the seriousness of this concern.

The Personal Safety Lessons (PSL)⁵⁷ which aim to give information, develop skills, and build self-esteem in children to increase their ability to resist sexual offenders was piloted in 14 schools in the NCR, Luzon, Northern and Eastern Visayas regions through the partnership of the Centre for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) with the Department of Education (DepEd) from 2002-2005.⁵⁸ In each area where PSL is implemented, a Multi-Disciplinary team (MDT) is set up to support the schools in case of abuse. MDTs are composed of representatives from the DepEd, DSWD, Philippine National Police (PNP) and other related institutions and are trained by CPTCSA in order to ably handle child sexual abuse disclosures in schools. In 2006, CPTCSA and the DepEd worked on the expansion of the programme. A department memorandum is in the works to mandate the institutionalisation of the PSL and its corresponding mechanisms in all schools.

96. Another cause for concern is clergy abuse. According to the Catholic Bishops Conference of the Philippines (CBCP) in 2002, about 200 of the country's 7,000 priests may have committed "sexual misconduct" - including child abuse, homosexuality and affairs - over the past two decades.⁵⁹ Abuses in other religious denominations have been noted as well. One of the difficulties confronting this issue is non-reporting and cover-ups when the perpetrator is a member of the clergy. Clergy abuse must be addressed in accordance with existing laws on children.

97. *The State Party should set up accessible, child-friendly reporting mechanisms to address abuse, neglect and mistreatment. The State Party should provide protection for children who disclose abuse and after care programmes for children who experienced abuse. We support the immediate implementation of the PSL in schools nationwide and other prevention mechanisms to reach other sectors. We also strongly urge the State Party to define its position on the liability of the clergy and the religious especially in the issue of abuse and mistreatment of children.*

After-care programmes

98. While the DSWD aims for the reintegration of children, most reintegration programmes focus on facilitating the recovery of children from traumatic experiences and their return to normal life. However,

⁵⁶ http://globalnation.inquirer.net/news/news/view_article.php?article_id=53880

⁵⁷ http://www.cptcsa.org/home.php?go=programmes&sub=programmes_prevention

⁵⁸ <http://www.cptcsa.org/newsletters/news52word.pdf>

⁵⁹ <http://news.bbc.co.uk/1/hi/world/asia-pacific/2116154.stm>

99. *We believe that the lack of after-care programmes is a serious oversight and we push for the development and implementation of a comprehensive after-care programme for children and their families.*

BASIC HEALTH AND WELFARE

100. According to data gathered by the Health Alliance for Democracy (HEAD), five out of 10 Filipinos die without receiving medical attention. The average hospital bill is three times the average monthly income of a worker. And yet the thrust of the Arroyo administration is to reduce its budget for health, decentralise and “corporatise” health services. For 2008, the Department of Health (DOH) which usually gets the largest chunk of the health sector budget, received only one percent or PhP 16.3 billion (USD 367 million) of the proposed 2008 national budget.⁶⁰ In nominal terms, the DOH budget increased by 11 percent yearly on the average from PhP 11.1 billion (USD 247.24 million) in 2004 to PhP 16.3 billion (USD 363.06 million) in 2008. Moreover, with the devolution of health services to local government units, the DOH passed on the responsibility of delivering the much-needed health services to 77 municipalities, most of which are perpetually cash-strapped. In 2005, the health budget got a measly 1.1 percent reflecting the low priority given by the Arroyo administration to health.

The State Party has developed the Health Sector Reform Agenda in order to respond to the deteriorating conditions of the health sector. One of its strategies was to provide fiscal autonomy to government hospitals. In effect, this meant that government hospitals must be allowed to collect socialised fees so they can reduce dependence on direct subsidies from government, thereby supporting a “corporatisation” or privatisation of retained hospitals.

101. Increasingly, the public shoulders the costs of health. Total health spending in the Philippines may have slightly improved since 2006 but it is still inadequate in so far as international benchmarks for health spending are concerned. Overall level was at 3.4 percent of GDP in 2005, down from 3.5 percent in 2000 and still remains to be below the five percent standard recommended by the World Health Organisation (WHO) for developing countries. Around 43 percent of the total expenditures for health in the country today came from out-of-pocket payments, based on the WHO Country Health Information Profiles (CHIPS). But still per capita health expenditure decreased from PhP 1,484 (USD 33.05) in 2001 to PhP 1,435 (USD 31.96) in 2002. This shows that people are spending less for health while the incidence of illnesses does not abate.

102. The Philippines is known as one of the largest exporters of health professionals. Based on Philippine Hospital Association (PHA) data, significant decline of hospitals transpired between circa 2003-2004. From 2,118 hospitals in 2003, it went down to 1,888. Two-hundred thirty (230) hospitals or 11 percent of the total number of hospitals have closed down and most of these were private hospitals. Alliance of Health Workers (AHW) announced that at least nine government hospitals closed down in 2003 due to lack of doctors and nurses.⁶¹ Likewise, two municipal governments in Aklan cannot sustain the operations of their respective hospitals and they plan to close down. Due to lack of health personnel,

⁶⁰ 2008 Budget Briefer, “Closing the Health Inequalities Gap,” by the Congressional Planning and Budget Department, October 2007

⁶¹ http://doktorko.com/_blog/index.php?mod=blog_article&a=113&md=897

some district hospitals in Cebu hired private doctors to avoid closure. Another hospital in Iloilo hired unlicensed medical interns aside from residents to fill its vacancies.

103. ***We urge the State Party to re-think its economic policies in the light of a deteriorating health system by pouring in substantial funding for health. We continue the call for a progressive increase in budget allocation and expenditure for health, materials and infrastructures to reach the international benchmark of five percent. The government should also initiate and sustain the following strategies: (1) ensure timely and adequate training of service providers; (2) provide reasonable and adequate compensation for the country's remaining qualified health workers and professionals; (3) partner with other stakeholders including NGOs and service providers to improve systems of providing health and other services to children.***

Infant and child health

104. Results of the 2006 Family Planning Survey (FPS) show an improvement in the infant mortality rate (IMR) and the under-five mortality rate (UFMR) from 1993-2006. Infant mortality fell to 24 deaths per 1000 live births in 2006 from 52 deaths in 1993. Child mortality also decreased to 32 deaths per 1000 live births in 2006 from 72 in 1993. However, the disparity of health status among income groups is evident; the IMR among the poorest quintile of the population is more than twice the level of the richest quintile and more than thrice for under-five mortality rate. The Philippines remains to be one of the six countries that contribute to 75 percent of all deaths among children below five years old in the Western Pacific Region (WPR), with 82,000 Filipino children dying before their 5th birthday.⁶² It is also among the 60 countries contributing to 90 percent of under-five deaths worldwide.

105. The 2003 National Nutrition Survey shows that 26.9 percent or over 3.1 million 0-5 year old children were underweight, 29.9 percent or close to 3.5 million children of the same age were stunted and 5.3 percent or over a half million were wasted. Based on the National Demographic Health Survey (NDHS), the proportion of infants with low birth weight is 13 percent. Filipino children also suffer from vitamin and mineral deficiencies. The prevalence of Vitamin A deficiency among children aged six months to five years old was 35.3 percent in 1993 and 40 percent in 2003 in spite of the twice-a-year Vitamin A supplementation campaign. Prevalence rate of anaemia among infants has remained unabated for the last 10 years, increasing substantially from 49.2 percent in 1993 to 65.9 percent in 2003.

106. The reduction of infant and under-five mortality rates, though remarkable during the mid-1980s to mid-1990s, was not sustained with the same momentum in the last 10 years. There has been little change in childhood death rates over the past decade coupled with high maternal mortality ratio and fertility rate. Large variations across regions and among LGUs also exist while disparity in the access to health care between the rich and the poor continues to widen. Pneumonia, diarrhoea and vaccine preventable diseases remain the leading causes of childhood mortality. Pockets of epidemics from these diseases occur, suggesting the difficulty in sustaining the prevention and promotion of child health interventions.

107. The 2003 NDHS also shows that one in 10 children below five years old had symptoms of acute respiratory infection and about one-fourth are reported to have had fever two weeks prior to the survey. In 2001, nearly 70 percent of school children in the Philippines were infected with intestinal worms and despite regular deworming, the prevalence soon rose again due to a high re-infection rate. The lack of hand washing with soap and inadequate water supplies were identified as the main causes of re-infection.

⁶² "Making the Philippine Child Survival Strategy Work," Dept. of Health, World Health Organization and UNICEF, 2007

108. Child injuries also account for a significant proportion of child deaths. The 2003 nationwide injury assessment among children aged 0-17 years showed that injuries accounted for 11 percent of deaths. Across all age groups, the leading cause of death was drowning, followed by road traffic accidents and falling. Aside from the major causes of child morbidity and mortality discussed above, there are other ailments that have relatively low incidence among children that can potentially add to the burden of child survival. These include malaria, dengue and HIV and AIDS.

Delivery of quality health services

109. *Barangay* health centres were no longer supplied with drugs and medicines. Supply of hepatitis-B vaccine, syringes and needles, Vitamin A for pregnant women and deworming tablets for children were inadequate.⁶³ Health education and promotion were seldom done or not at all.

110. Large numbers of women and children die without seeing a doctor or a health care provider in remote rural areas. Almost fifty percent of poor children do not get health care when they need it. If 90 percent of births among the wealthy are assisted by experts, only 25 percent of the poor are assisted by health professionals. The poor child is three times more likely to die than a rich child before reaching the age of five.

111. Unsafe delivery persists as a result of unskilled birth attendants who lack competencies in (a) detecting and managing high risk pregnancies, (b) providing basic emergency obstetric care, (c) observing hygienic practices during the delivery and the first critical hours after birth, and (d) making the necessary follow-ups within three days after birth. Delivery done at home also places the mother and the newborn at a greater risk given the absence of appropriate facilities, equipment and drugs/medicines for managing emergency complications. Home deliveries in 2003 were 61.4 percent. Fifty percent of them are done by traditional birth attendants.

112. Private groups and the business sector have been assisting in the form of medical missions, because health services have become increasingly inaccessible. However, an emerging issue is that these medical missions are unsupervised and unregulated.

113. ***The government should re-think the framework of its health care delivery system to ensure expanded accessibility, improved quality and increased utilisation of preventive, curative and rehabilitative health services, especially by the marginalised and poor sectors of Filipino children. We also suggest that the Municipal Health Offices approve, monitor and supervise all medical missions in their areas to ensure accountability and quality of service.***

Children with disabilities

114. The current available data on persons with disabilities are from the 2000 census. This reports a proportion of the population (1.23 percent or about a million Filipinos) much lower than the WHO projections of ten percent. Estimates derived from demographic and disability statistics show that 30 to 40 percent of the total population with disabilities are children. Data on children with disabilities, although disaggregated, are not updated. This lack of available information may suggest the lack of attention given to this sector of the population.

115. Inadequate natal care, poor nutrition, and lack of health services cause a majority of disabilities in children in the country.⁶⁴ Health and rehabilitation services in the Philippines are wanting. Rural

⁶³ "Participatory Search for Working Solutions to Reduce Malnutrition," Plan Philippines, 2006

populations experience higher degrees of deprivation due to resource and access constraints. Services and facilities are available in highly urbanised areas, although the costs are prohibitive to most members of the disabled sector.

116. While there exists a National Plan of Action for Disabled Persons (2003-2012), the State Party reported a number of factors that hindered its implementation. The most significant is the lack of adequate resources allotted for priority programmes despite a presidential proclamation requiring all relevant government agencies to allot at least one percent of the annual budget for persons with disabilities. Another glaring factor is the inadequate number of capable professionals working with and for children with disabilities due to: a) inadequacy of training; and b) migration of highly qualified personnel.

117. While the DepEd has been promoting inclusive education, only about three to five percent of children with disabilities complete at least elementary schooling. Some children who are ready for schooling are hindered by public school teachers and day care workers who lack the willingness and capacity to handle students with disabilities in classes. Also, while the DOH has established a health sector alliance for children with learning disabilities to focus on screening and diagnosis, there is a dearth in the number of highly trained professionals. For example, there are only about 80 qualified diagnosticians for autism in the Philippines.

118. The Government's efforts are insufficient to detect at an early stage learning disabilities and interventions for children who are diagnosed with these difficulties. Newborn Screening is not institutionalised and its cost is prohibitive. There are no clear early intervention programmes currently being implemented by the government. NGOs such as KAMPI (Disabled Persons International-Philippines) and PTU (Danish Society of Polio and Accident Victims) have taken the lead in early intervention programmes through the Stimulation and Therapeutic Activity Centre (STAC). To date, KAMPI and PTU have implemented the project in 118 municipalities in 14 different provinces with more than 8,000 children with disabilities receiving comprehensive rehabilitation services. The STAC is also another model of a good partnership with government. Prior to establishing STAC, local governments are provided with background information on disabilities and the importance of rehabilitation for children. The project will only proceed after it receives an LGU commitment to become a project partner by sharing in decision-making and resource responsibilities. Local government counterparts are in the form of space and resources for training local health workers, among others.

119. Meanwhile, the Autism Society of the Philippines has implemented the Early Detection and Intervention Project (EDIP) to teach and empower *barangay* health workers (BHWs) and day care centre workers in dealing with their autistic wards.⁶⁵ It was able to reach over 17 cities around the country, with almost 3,000 trainees in 2007.

120. ***We enjoin the State Party to seriously focus its attention to the needs of children with disabilities by enforcing the existing laws and policies to the fullest. The State Party should institutionalise diagnostic and other services such as the Newborn Screening with minimal fees. There is a need to teach parents, guardians, day care workers and BHWs on how to determine early signs or symptoms of learning, physical or psychological disabilities in children so they can seek proper help.***

Environmental health

⁶⁴ Ilagan, V., Breaking the Barriers: Enabling Children with Disabilities in the Philippines, Disability and Inclusive Development, July 2005 <http://www1.worldbank.org/devoutreach/july05/textonly.asp?id=318>

⁶⁵ <http://www.autismsocietyph.org/servicesprogrammes.html>

121. Environmental quality is an important direct and indirect determinant of children's health in the Philippines. Poor children especially suffer from environmental problems. The latter, along with social stress and malnutrition, deter children's normal development. The health of children under five years of age is most damaged by poor environmental quality. The lack of safe drinking water and uncontaminated food are particularly important, since they result to morbidity and mortality through diarrhoea and other infections. The typhoid outbreak in early 2008 was the worst in the Philippines in 10 years. Two thousand and ten (2,010) typhoid cases and 822 hospitalisations in Calamba, a town south of Manila⁶⁶ were recorded. A 14-year-old girl in Calamba's Bucal village died because of intestinal haemorrhage. Most of the typhoid victims are children younger than 16 years.

122. Indoor air pollution from tobacco smoke and outdoor pollution from traffic (60 percent) and industry (40 percent) pose major problems for children in the country. Although the Clean Air Act, a law which phases out the use of leaded gasoline was enacted in the Philippines in 2001, lead levels in children remain high. This is due not only from the lead in gasoline, but also from the extensive mining operations and battery recycling plants. Even newborns often have lead levels of greater than 10 g/dL. Mercury, cadmium, and copper poisonings are also major problems. In Metro Manila, the Philippines' capital, several small investigations found that children's elevated blood lead levels (BLL) was associated with proximity to lead acid battery recycling or repair activities, consumption of certain foods and playground soil.⁶⁷

123. Mining waste leaking into bays, streams, or lakes presents a different route of exposure to contaminants. One mine in the Philippines has dumped 40 billion tons of mine wastes into the ocean, just offshore. This led to elevated mercury levels in fish 100 miles away. Such activities often go unregulated and Government does not adequately warn people not to eat the fish. In 2006, residents of Sorsogon and Albay have submitted a petition to cancel the mining permit/authority of Lafayette Philippines, Inc. because of reports of fish kill in the area and complaints that children and fishermen living along the coastline of the municipalities of Bulusan, Barcelona, Prieto Diaz, Gubat and Bacon in Sorsogon acquired skin diseases allegedly caused by cyanide and mercury spillage from the Lafayette mines.⁶⁸

124. More than a decade has passed since a tunnel in Marcopper Mining Corporation's Tapian Pit collapsed in 1996, spilling 1.6 million cubic metres of mine tailings and causing the biologic death of the Boac River, the biggest and longest waterway on Marinduque island, Philippines. Yet, according to environmental advocates and local residents, environmental justice, rehabilitation, and compensation for the disaster remain elusive for the residents of Marinduque.⁶⁹ On February 10, 2006, the Philippine Supreme Court's (SC) Third Division approved the criminal prosecution of Marcopper's executives. They have been charged with violation of the Philippine Water Code, the Anti-Pollution Law, the Philippine Mining Act of 1995 and the Revised Penal Code. Despite this ruling, the prosecution has been arduously slow.

125. ***We ask the State Party to review all existing laws on the environment to ensure that these do not impinge on children's right to health. We also urge the government to impose stricter penalties against companies for violating environmental protection laws. We urge the State Party to adopt measures for proper zoning of industrial sites vis-a-vis residential areas. Regular measurement of the levels of pollution should be used to monitor implementation of the relevant laws and policies.***

⁶⁶ http://www.bloomberg.com/apps/news?pid=20601080&sid=a7Q_IrPX6Hs&refer=asia

⁶⁷ Riddel TJ, Solon O, Quimbo SA, Tan CM, Butrick E, Peabody, JW. (2007). Elevated blood level poisoning among children in rural Philippines. *Bulletin of the World Health Organisation*. Sep; (85): 674-80.

⁶⁸ http://www.congress.gov.ph/committees/commnews/commnews_det.php?newsid=561

⁶⁹ http://www.manilatimes.net/national/2007/june/26/yehey/top_stories/20070626top8.html

Adolescent health

126. International agreements affirm that adolescents have a right to age-appropriate sexual and reproductive health information, education, and services that will enable them to deal with their sexuality in a positive and responsible way.⁷⁰ However, programmes and policies are typically designed for young adults or for sex workers. Most young adolescents have little, if any, accurate information about their bodies and their sexual and reproductive health.⁷¹ According to the 2002 Young Adult Fertility and Sexuality Study (YAFS), 23 percent of young Filipinos (15-24 years old) practice sex outside marriage; 50 percent of sexually active young males have had multiple partners; and 50 percent of young Filipinos (15-24 years old) know that condom use can reduce the transmission of HIV, but the same number believe they could not contract HIV.

127. However, known or suspected sexual contact of any kind by unmarried girls and women may result in personal censure, loss of family honour, or forced marriage. It was also discovered in a consultation workshop in Mindanao (2008) that there are adolescents procuring abortifacients through the black market or engaging in high risk abortion-inducing behaviours when a pregnancy occurs.

128. Young people have the right to accurate and appropriate information on sexual and reproductive health. They require not only basic information about their bodies and preventing HIV/sexually transmitted infections (STIs), but also programmes that address gender equality, empowerment, rights and responsibilities, and sexual and reproductive negotiation and decision-making. The meaningful participation of adolescents in the design of programmes, laws, and policies that affect their sexual and reproductive lives should be guaranteed. However, the Government does not confront the situation directly, as evidenced by the "superficial" treatment of sexual and reproductive health in the school curriculum, particularly amid the objection of the Catholic Church and other religious groups to initiatives that incorporate more in-depth discussions of the subject matter in schools.

129. ***The State Party should respond to the sexual and reproductive health needs of adolescents regardless of the influences of religious groups or churches. There is a need to develop and implement a comprehensive sexuality education in schools. Adequate reproductive health services need to be made available for adolescents. Health care providers also need to be trained to work with young adolescents and to be sensitive to the possibilities of sexual abuse of both boys and girls. It is also necessary to develop parenting programmes to make the adults sensitive to the needs of the developing adolescents and youth.***

HIV and AIDS

130. The Philippine National AIDS Council (PNAC) reports that HIV infection in the country has been significantly picking up pace since 2000. The last quarter for 2005 saw 2,410 documented HIV infections, 30 percent (718) of which are AIDS cases.

131. Disaggregated data on children are unavailable although, in this case, some estimates were given. For example, the National HIV and AIDS Registry lists only 9,000 known cases of HIV. If most

⁷⁰ Paragraphs on adolescence in the Plan of Action of the International Conference on Population and Development, Cairo, 1994 and the five-year review by the United Nations General Assembly; and the Platform for Action of the Fourth World Conference on Women, Beijing, 1995 and the five-year review by the United Nations General Assembly.

⁷¹ S. Bott, S.J. Jeejeebhoy, I. Shah and C. Puri (eds.). 2003. *Towards Adulthood: Exploring the Sexual and Reproductive Health of Adolescents in Asia*. Geneva: World Health Organisation.

of the estimated number of people living with HIV in the Philippines have children, this could mean thousands of children are affected. "Children affected by HIV and AIDS"⁷² include those under 18 years who: (a) have close family members living with HIV ; (b) lost close family members to HIV and AIDS; or (3) are infected with HIV.

132. Most Filipino children do not know that their parents are living with HIV. In 2005, all three children living with HIV and AIDS who participated in a study on the preliminary assessment of the situation of children affected by HIV and AIDS did not know that they are infected with HIV.⁷³

133. The silence that surrounds this matter also means that children are not diagnosed for HIV, nor treated for possible related ailments. This may be due to the poor delivery of integrated and comprehensive management of health condition/cases.

134. Children affected by HIV and AIDS are not given a chance to prepare for the possible impending death of a parent, often remaining in the dark about the disease. Possible support systems like the school, the church, the community are unable to help these children because the silence regarding HIV prevents them from becoming aware of HIV in their community and its impact on the children.

135. In general, poor access to complete and accurate information about STIs, HIV and AIDS is due to low participation/attendance in health classes by adults and children, especially from economically poor households. Also, limited gender perspective is integrated into the understanding of the causes and consequences of HIV and AIDS.

136. Treatment and care is very limited because of the high cost of drugs. Pediatric anti-retroviral drugs have just been recently made available in the Philippines. In the past, children living with HIV are forced to rely on adult formulations, often with strong side effects.

137. ***We ask the State Party to improve its monitoring of HIV and AIDS incidence, and to include in its documentation the number of children affected by HIV and AIDS. It must develop a comprehensive and child-focused programme for children affected by HIV and AIDS to improve access to and quality of services for prevention, diagnosis, treatment and care, with the important goal of mainstreaming the interventions in the overall health planning and service delivery.***

EDUCATION, LEISURE & CULTURAL ACTIVITIES

The Arroyo government may have proclaimed its commitment to Education for All (EFA) as a priority, but its expenditure programme would say otherwise. While the proposed budget for Education, Culture and Manpower Development for 2008 increased nominally to PhP 145 billion (USD 3.22 billion) compared to PhP141.4 billion (USD 3.15 billion) in 2007, per capita education expenditure in real terms has been declining in the last seven years. The proposed PhP 145 billion (USD 3.22 billion) budget represents only 11.82 percent of the national budget, down from 12.44 percent in the previous year, way below the international benchmark of a 20 percent budget share for education as stated in the 1996 International Commission on Education for the 21st Century of the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

⁷² 10 Fast Facts about Filipino Children Affected by HIV and AIDS:
http://www.unicef.org/philippines/children/hivaids_fastfacts.html

⁷³ A Deafening Silence: The Situation of Filipino Children Affected by HIV and AIDS: A Preliminary Assessment. Lunduyan para sa Pagpapalaganap, Pagtataguyod at Pagtatanggol ng Karapatang Pambata Foundation, Inc., 2005.

138. In 2005, the Civil Society Network for Education Reforms (E-Net) claimed that as in previous years, the budget allocation for the education sector remains insufficient to cover for inflation and the projected increment in enrolment.⁷⁴ The bulk of the education budget went to financing personnel services. Only 4.1 percent of the 2004 budget went to the construction of school buildings, purchase of books and other teaching tools. Worse, E-Net said, the proposed education budget represents a mere 2.5-percent share of GDP, short of the international benchmark of six percent of GDP. This makes the Philippines one of the least education spenders in Asia and the rest of the world. At this spending level, E-Net said, the widening education deprivation in the country cannot be realistically addressed. This meagre spending cannot deliver quality education.

139. Misallocation of funds does not help the education situation at all. In early June 2008, The Commission on Audit (COA) reported that because of the inept allocation of resources, funds that were meant for public schools in the country's poorest areas went to those that had the least need for classrooms, tables and chairs. In its latest audit report on the Department of Education (DepEd), the COA disclosed that "acute classroom shortages" in 2,929 schools were not addressed last year. Instead, it said that construction projects worth PhP 597.796 million (USD 13.32 million) were implemented in 1,329 school sites that did not need them. Several NGOs reported to have built classrooms at more than half the price quoted by government contractors. Procurement costs were also found to be bloated and with no assurance of quality. For example, the COA found the following common defects in the school furniture distributed to at least five regions: timber surfaces of writing boards had splits, indentations and cavities; writing boards were weak and unstable; edges and corners of tables and chairs were not smooth and rounded, which may cause snagging, damage or injury; wood screws were substituted with finishing nails; and tables and chairs were too heavy for pupils to easily move.⁷⁵

140. The Special Education Fund (SEF) is a mechanism by which LGUs can finance education.⁷⁶ The fund may be used for: the operation and maintenance of public schools; the operation and construction of school buildings, facilities and equipment; educational research; the purchase of books and periodicals; and sports development. The SEF has been the major source of LGU expenditure for education. However, an analysis of SEF expenditures revealed that spending was focused on these three items: personnel services (salaries of teachers, etc.), maintenance and operating expenses (including athletic needs), and the school building programmes. Allocations for teaching materials and teacher development are very small and marginal.

141. ***We continue the call for a progressive increase in budget allocation and expenditure for educational activities, materials and infrastructures to reach the international benchmark of 5-6 percent of GDP with continued monitoring of actual expenditures. We also call on the State Party to systematically and regularly monitor the SEF budgets and expenditures at the national level. We also ask the government to review its policies and practices with regard to procurement and bidding.***

Basic education

142. The Arroyo years have been characterised by declining enrolments, reduced completion rates, and dramatic increases in the number of drop-outs and out of school children. From a rate of 1.98 percent from 1995-2002, the growth in enrolment slowed down to an average of 0.97 percent. As it is,

⁷⁴ Education Deprivation in the Philippines: A National Scan. Education Watch Preliminary Report, 2005. Education Watch is an endeavour of E-Net Phil with Asia South Pacific Bureau of Adult Education (ASPBAE) under the Real World Strategies of Global Campaign for Education.

⁷⁵ http://archive.inquirer.net/view.db=1&story_id=141765

⁷⁶ A Primer on the SEF. Action for Economic Reforms (AER), Education Network (ENet), and Oxfam Great Britain (OGB). Briefing Paper Series 2006.

the 1.98 percent growth is already lagging behind the 2.3 percent population growth. The further slowing down in enrolment growth rates means that more and more children are not able to attend school.

143. The drop-out rate is also increasing. In 2003, 66 out of 100 Grade 1 students graduated from elementary. In 2006, only 56 were able to complete elementary school. In 2001, 70 out of every 100 first year high school students complete their four years in high school. In 2006, this dropped to 54 out of every 100. The slowing down in enrolment rates and the worsening drop-out rates led to the increase in the number of out-of-school children. In 2001, there were about 1.87 million out of school children with ages from 6-15 years old. In a matter of four years, in 2005, the number of out of school children has reached a staggering 3.1 million.

144. Poverty forces children not to enter, leave or stay out of school.⁷⁷ The poor has less access to education, has lower school life expectancy, and thus, is more likely to drop out of school. The lack of education perpetuates and regenerates poverty. The sad reality is that education, even in public schools, is not totally free. While tuition fees have been waived in all public schools and collections of other fees have been prohibited since 2001, public school administrators and teachers themselves have become more creative in collecting fees from the students. This account comes from a participant in one of the consultation workshops:

“At school we pay for the test papers that were supposed to be free. And at the end of the school year we are required to submit our workbooks and notebooks. If we don’t submit, the teachers will not sign our clearances. We were told that our teacher would have our workbooks and notebooks weighed and sold in order to purchase an electric fan for the library. But the next school year, there was no new electric fan. I could have used those three notebooks as a reference for one subject since I have written all my notes there.”

145. The continuing armed conflict in the country, particularly in southern Philippines, has disrupted the education of children displaced by the conflict. Children drop out of school totally because of the uncertainty of their situation, the closure of schools and the distance of schools from resettlement sites. Another vulnerable group is the children of indigenous peoples. Schools are not easily accessible to these children. The content of the school curriculum does not take into consideration their local realities and culture.

146. We call on the State Party, through the Department of Education, to abolish all formal and informal school fees and other forms of contributions, and to disallow any and all projects and activities that will entail additional costs to parents. We also suggest that the State Party mobilise resources for marginalised groups by: a) implementing an expanded scholarship programme for the poor and disadvantaged groups; b) instituting pro-poor policies in schools; and c) providing subsidies for poor families to cover costs of transportation, school supplies and uniforms.

Early childhood care and development and non-formal education systems

147. The Early Childhood Care and Development (ECCD) Act or Republic Act 8980 provides for the implementation of an integrated early childhood care and the institutionalisation of a comprehensive and sustainable national system for ECCD. However, the implementation of ECCD services as one integrated programme needs to be promoted at the *barangay* and household levels. Most of the services provided for are in areas of nutrition, health and early childhood education. Protection and special needs

⁷⁷ Education Deprivation in the Philippines: A National Scan. Education Watch Preliminary Report, 2005. Education Watch is an endeavour of E-Net Phil with Asia South Pacific Bureau of Adult Education (ASPBAE) under the Real World Strategies of Global Campaign for Education.

issues are seldom incorporated. Most parents consider ECCD services as a more inexpensive alternative to preschool education. They are not aware that aside from educational activities, ECCD day care centres should include birth registration, immunisation, and psychosocial stimulation. Moreover, the project has reached only 34 percent of 3-5 year old children. There is no programme targeting the equally critical period of 0-3 years. Studies have shown that developmental delays in children falling under this age bracket that are not promptly and adequately addressed will have long-term negative impact on their future growth and functioning. There is no monitoring system in place to determine the effectiveness of ECCD programmes.

148. Meanwhile, alternative learning systems, or ALS, were designed to serve the 16 million (20 percent of the total population) out of school youth and adults. Ultimately, however, ALS is needed to give other options to children who are marginalised and deprived of education. This is the other important strategy for meeting EFA goals. However, it was revealed that the programme receives only about 10 percent of the total education budget. Despite the number and variety of literacy programmes in place, the mainline strategy still employs static training venues that do not maximise these programmes' reach among the hardcore illiterates.⁷⁸ Moreover, the prevailing negative attitudes and perceptions among the members of this segment prevent their being efficiently co-opted into the literacy programme. If this situation continues, both simple and functional literacy levels in the country would never reach 100 percent. An observation about the implementation of many ALS programmes is that these sometimes mirror formal education, thereby defeating the purpose of a non-formal system. It also needs to develop an alternative system of assessment and certification, beyond the usual paper and pencil tests.

149. Of the 1,400 technical-vocational education and training (TVET) centres in the Philippines, only 200 are state-run. Tuition fees in private institutions could increase as high as PhP 8,000 (USD 180) per semester. This increase may severely limit the access to these training centres by children and youth from poor families. In 2004, only 60 percent of TVET graduates were employed. TVET programmes may also focus too much on training for overseas employment. Another concern is that the number of TVET programs that have been registered or renewed is steadily decreasing (from 2,882 in 2004-05 to 1,782 in 2005-06).⁷⁹

150. ***We challenge the State Party to provide an operational system based on multi-sectoral and inter-agency collaboration in the delivery of comprehensive, integrative and sustainable ECCD services from the national to the local levels. We also encourage the State Party to support alternative delivery systems for education by pouring financial and technical support into these programmes. There is also a need to expand these programmes (ALS and Tech-Voc) to reach out to more learners, specifically targeting disadvantaged groups such as out of school children and children in need of special protection.***

Aims and quality of education

151. Data from the Functional Literacy, Education and Mass Media Survey (FLEMMS) in 1994 and 2003 showed marginal differences in simple/basic literacy and functional literacy rates. While functional literacy climbed from 83.8 percent (1993) to 84.1 percent (2003), basic literacy rate slightly decreased: 93.9 percent (1993) to 93.4 percent (2003). These figures suggest very little progress or improvement in the last ten years. In 2003, more Filipinos 10 to 64 years old have completed at least high school education compared to only 37.75 percent in 1994. This indicates that despite a high literacy rate, the quality of education remains poor.

⁷⁸ http://www.unesco.org/education/wef/countryreports/philippines/rapport_3_1.html

⁷⁹ http://www.nscb.gov.ph/stats/statdev/2006/education/Chapter_Education.asp

152. Results of the National Achievement Test (NAT) in school year (SY) 2004-2005 revealed that the quality of basic education in the country remains poor. The Grade VI pupils averaged an overall achievement rate of 58.7 percent, equivalent only to near mastery level, while Fourth Year students were worse with only 46.8 percent, or a low mastery of the subjects. Nonetheless, these scores are improvements over the previous year's results, where the students averaged only 50 percent in the elementary level and 44.4 percent in the high school level. Meanwhile, Eastern Visayas surpassed all regions in the SY 2004-2005 NAT in both levels, with a near mastery achievement rate of 69.2 percent in the elementary and 58.6 percent in the high school level.

153. E-Net said the quality of education has deteriorated to such an alarming rate that the country now ranks among the poorest education performers in Asia and the rest of the developing world. The Philippines ranked 41st in mathematics and 42nd in science among 45 countries that competed in the 2003 Third International Mathematics and Science Study (TIMSS). A report of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) ranked the Philippines 44th in terms of achievements in education, falling behind most Asian countries like Thailand, Vietnam, Indonesia and China.

154. In the Visayas consultation, participants questioned the goals of education that they now feel as more geared toward outmigration and tourism. Meanwhile, Mindanao participants lamented that the educational curricula reflect the lack of sensitivity towards a multi-cultural society.

155. The Child Friendly School System (CFSS) is a strategy design to enable and empower schools to raise the level of enrolment, reduce the number of drop-outs and school leavers, improve student achievement, and respond strategically to the unique qualities and needs of children in their locales. A child friendly school ensures that children are properly guided and that they are supported by fellow pupils, families and the community itself. The programme involves teaching students about life skills, active and participatory learning, and developing the children's self-esteem and self-confidence. As of 2006, only 61 pilot high schools have been reached.

156. In general, the participants in the consultation workshops welcomed the CFSS initiative. In schools where the administration eagerly implemented it, the programme components have been sustained. However, there is a hint of pessimism over the project's long-term sustainability. Some participants believe that the enthusiasm for the project would wane once the funding support for the initiative ran out. One child participant even voiced out that their school cannot be child friendly since their teachers are abusive and bossy, and are not good role models.

157. Although corporal punishment is banned in both public and private schools, there are teachers who continue to impose punishment to discipline their pupils and students. Students lose interest in going to school out of fear and humiliation, transfer to other schools, and some even die because of it.

158. Low salaries, high teacher to student ratio and general lack of in-service training have hindered teachers from meeting the standards of quality. The Civil Service Commission (CSC) ruling that public school teachers get two hours off their teaching workload and may claim overtime beyond eight hours⁸⁰ has given teachers more time to focus on improving classroom management, recording and evaluating academic performance, conducting researches, enabling students to learn more and improving their craft.

159. ***We maintain that all schools should be child friendly. All efforts should be made by the State Party to increase the quality of education through teacher training, improving quality of educational***

⁸⁰ <http://www.pia.gov.ph/?m=12&fi=p080616.htm&no=41>

materials, implementation of child-friendly school standards, and the integration of children's rights in the curriculum and in the school administration and practice. There should be no corporal punishment in schools. Proper respect for children's cultural heritage should be accorded, not only in curriculum content, but also in school policies and practices. The State Party needs to implement existing policies for teaching, school discipline and responding to violence and abuse in the school setting. The State Party should provide the enabling environment to ensure the delivery of quality teaching.

Rest, leisure, recreation and cultural and artistic activities

160. As noted by the State Party report, there are very limited infrastructures devoted to play, leisure, recreational, cultural and artistic activities, especially for children in especially difficult circumstances. In urban areas, children make do with spaces that are available such as sidewalks and empty streets. However, these urban spaces may place children in danger of being exposed to vehicular accidents, street violence and crime.

161. In areas where there are designated spaces for such activities, these are usually not well maintained and unsafe. Due to space constraints in urban communities, *barangays* usually construct multi-purpose halls with a courtyard to serve the community's needs, not specifically the children's needs.

162. There are no venues for children to appreciate their cultural heritage. Educational trips organised by schools do not contribute to children's learning about their society and environment. Functional libraries are virtually non-existent in the different municipalities. The malls have become the main source of leisure and recreation among children and families, which do not offer much educational or cultural value.

163. *We urge the State Party to ensure that development plans for children include safe spaces for play and recreation for children, including younger children, in the community, school and at home.*

SPECIAL PROTECTION MEASURES

Children in situations of disasters

164. The Philippines has long tried to minimise the damage caused by the 20 or so typhoons that hit the archipelago every year. Despite a combination of preparation and mitigation measures, high death tolls and destruction persist. The risk to human life from natural disasters in the Philippines has increased dramatically over the past years. From 1990 to 2000, natural disasters affected the lives of 35 million people.

165. Nationwide in 2001 to 2005, 2,892 people were killed and 909 others went missing in typhoons and other storms, which caused damage totalling PhP 26.05 billion (USD 521 million), according to the National Disaster Coordinating Council (NDCC).⁸¹ During the past century, bad weather has cost the country about PhP 15 billion (USD 300 million) a year just in infrastructure. This estimate does not include losses to employment and other economic opportunities. The International Red Cross estimated that some 5.9 million Filipinos were killed or injured as a result of natural or manmade calamities from 1991 to 2001. Moreover, data on children affected by natural disasters are not disaggregated and the emergency responses are not yet child-focused. As a result, specific needs of children are not given consideration in disaster responses.

⁸¹ http://services.inquirer.net/print/print.php?article_id=36026

166. Meanwhile, the peace agreement in the Mindanao region between the Philippine government and the Moro Islamic Liberation Front (MILF) has yet to be realised. There are reports of an increase in rebel ranks and a lethal mix of militant groups in southern Philippines, foreshadowing the escalation of violence and attacks in these areas. There also has been a resurgence of the Communist New People's Army throughout the country, with reports of increased use of young people as fighters in rebel activity.⁸²

167. One hundred twenty thousand (120,000) Filipinos are internally displaced due to conflict. In the first quarter of 2008, an estimated total of 2,380 children were affected by militarisation and development aggression in Talaingod, Davao del Norte; Baganga and Cateel, Davao Oriental; New Bataan, Compostela and Monkayo, Compostela Valley Province; and *Barangay* Manuel Guianga, Tugbok District, Davao City.⁸³

168. The areas affected by emergencies have seen devastating impacts. In many instances, basic social infrastructure, particularly access to health care, clean water, safe sanitation and education, has been weakened or damaged, threatening the survival and development of children. Family and community structures that care for and protect children have been destroyed, leaving children without their parents or separated, displaced, psychologically affected, vulnerable to disease and death and exposed to the risk of human trafficking, abuse and sexual exploitation.

169. During disasters, family members can be separated, schools and child care centres closed or destroyed, and the routines children are used to are disrupted. Schools and *barangay* centres, including health centres, are often temporarily used as military camps and detachments causing parents to have second thoughts about sending their children to school for fear that violence may erupt anytime. In Basilan alone, 14 schools remained close since July 10, 2007.⁸⁴

170. ***The State Party should ensure that all local governments develop community-based disaster risk management plans. These plans should include child-focused mechanisms that would: (a) create safe play areas that offer children a chance to play and recover under the supervision of caring adults; (b) incorporate age-appropriate relief services; (c) allow children to continue their studies; (d) provide disaster recovery and resilience-building programmes to help children and caregivers rebuild a sense of safety and trust; and (e) empower families in temporary housing to create safe environments for their children.***

171. ***We call on the State Party to exercise caution in resorting to military actions and instead look into the underlying causes of insurgency. We also call on all parties of armed conflict to strictly observe the UN CRC and Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL) between the Government of the Republic of the Philippines (GRP) and National Democratic Front of the Philippines (NDFP). We also call for a peace process between the Government and other armed groups which considers the perspectives of children in negotiating peace agreements.***

Children in situations of economic exploitation

⁸² Philippine Human Rights Information Center (PhilRights), *Deadly Play Grounds: The Phenomena of Child Soldiers in the Philippines*, 2005.

⁸³ Children's Rehabilitation Center Daily Bulletin as of December 2007

⁸⁴ Documentation by KARAPATAN

172. In the Philippines, a significant number of children are indiscriminately made to participate in economic activities at very young ages. Unscrupulous employers take advantage of their predicament - luring them to work in industries which are clearly hazardous even by adult standards. The National Survey on Children (NSC) indicated that there were about four million economically active children aged five to 17 years in 2001, which constituted 16.2 percent of the total population of children in the same age group.⁸⁵ The results also indicated that 2.2 million (1.4 million males and .8 million females) or 11 percent of all children ages five to 14 were employed. Out of the four million child workers, about 60 percent or 2.4 million were exposed to hazardous working environments.

173. The Philippines is a signatory to many international laws and declarations related to child labour. Among these laws are the ILO Convention 138, which sets 16 as the minimum age for employment; ILO 182, which prohibits the worst forms of child labour; and Republic Act 9231 of 2003 which is the local version of ILO 182. The Department of Labour and Employment (DOLE), through Department Order No. 4, prohibits persons below 18 years old to engage in any type of hazardous work. Partners within the National Programme Against Child Labour (NPACL) are hoping that these policies would be instrumental in achieving the 75 percent reduction in local child labour incidence by 2015. The Philippine Time Bound Program (PTBP) is harnessing the collective action of social partners to transform the lives of child labourers, their families and communities towards a sense of self-worth, empowerment and development. The PTBP was realised through the efforts of the ILO and the National Coalition for Children's Participation (NCCP).⁸⁶ They pooled their resources, skills and expertise to implement the programme.

174. The activities designed to eliminate the worst forms of child labour lacked DOLE's support. It was revealed that DOLE has been only allocating about PhP 500,000 (USD 11,363) annually for prevention efforts.⁸⁷ This may be the reason why most of the prevention activities cited by the State Report come from the NGOs. One such programme is the NCCP's ABK Initiative (Pag-aaral ng Bata Para sa Kinabukasan or Education for the Children's Future), which was implemented in eight provinces in the Philippines and targeted 30,000 working children engaged in deep-sea fishing, mining, quarrying, and those working in pyrotechnic factories, sugar plantations, domestic labour and prostitution.

175. Most of the activities have focused on the formal sector. The status of children in the informal sector remains hidden and unknown. These largely unrecognised, unrecorded and unregulated small-scale activities constitute the informal sector which, as of January 2005, employed some over 15 million people.

176. According to the Philippines Survey on Working Children conducted in 2000 by the National Statistics Office, there were 240,000 children employed in private households. These jobs account for 13.7 percent of paid employment in the Philippines.⁸⁸ The 2004 ILO-IPEC report on child domestic labour⁸⁹ quoted a figure of 29,000 child domestic workers in the Philippines between the ages of 10 and 14 and 273,000 between 15 and 19 years old. Meanwhile, the Visayan Forum Foundation (VF), a non-government organisation working with child domestic labourers for more than a decade, estimates that there are at least one million children in domestic work in the Philippines.⁹⁰ The discrepancy in these figures underscores the lack of attention provided to children in domestic labour.

⁸⁵ http://www.adb.org/Documents/Events/2002/SocialProtection/sardana_paper.pdf

⁸⁶ The NCCP is composed of Christian Children's Fund, ERDA Foundation, Inc., PLAN Philippines and World Vision Development Foundation, Inc.

⁸⁷ State Party Report: Philippines, January 2008.

⁸⁸ <http://www.census.gov.ph/data/sectordata/2004/lf040203.htm>

⁸⁹ *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, ILO, 2004.

⁹⁰ Visayan Forum Report on Compliance with ILO Convention No.182 on the Worst Forms of Child Labour.

177. The Government has targeted child domestic labour as a priority area in its PTBP to eliminate the worst forms of child labour and has undertaken some positive initiatives at the local level. For example, local government units in Quezon City and Makati City (National Capital Region) and in the cities of Iloilo, Lapu-Lapu and Bacolod (Western and Central Visayas Regions), have developed and implemented local legislation and programmes regulating the employment of domestic workers, mostly focused on the registration of domestic workers. Other local government units in the cities of Baguio and Batangas have started the process of enacting similar local legislations. There is an urgent need for a consolidated law on domestic workers because the present laws are incomplete, outdated and do not give enough protection to domestic workers, especially the children. This is what the Domestic Workers Bill seeks to address.

178. Recently, two investigative documentaries revealed children in highly dangerous activities: contract killing and street fighting.⁹¹ At a very young age, children from Abra are taught to hold guns instead of books. Moreover, children aged nine to eleven, are now being used in illegal street fighting. In exchange for a measly amount, these children are forced to fight to provide entertainment to paying viewers.

179. *We urge the State Party to provide additional funding support to help DOLE fulfil its commitments to ILO Convention 138. We recommend that the State Party look into and address the situation of children in the informal sector. We also urge the State Party to prioritise and enact the Domestic Workers Bill, which provides protection measures specifically focused on the needs of both child and adult domestic workers,. This bill should also help improve institutional coordination between local government, trade unions, NGOs and other stakeholders. We also urge the State Party to improve access to health and education services for child domestic workers and other child labourers.*

Children in situations of sexual exploitation, child pornography and trafficking

180. The Philippines is known as a source, transit and destination country for cross-border trafficking of women and children for the purpose of sexual exploitation and forced labour. The lack of a data collection and monitoring system makes it difficult to determine the number of trafficked children. It is estimated that there are 60,000 to 100,000 prostituted children in the Philippines.⁹² Moreover, the sites for sexual exploitation and prostitution have evolved into new spaces and forms: internet cafes now act as fronts for prostitution or become “pick up” points; the Internet has become a tool for child abusers in exploiting minors. In discussion with internet café owners, several concerns were also raised: some parents leave their children to the care of internet café operators, giving rise to the term “internet nannies.” The Internet has also exposed young children to age-inappropriate materials such as pornographic materials; and adult women even make use of children (even their own) in accessing internet connections for chatting and webcamming by having their minor children type for them their conversations which are sometimes sexual in nature; other parents set up their minor children to engage in chat and webcamming with foreign men with the purpose of getting some money from the latter.

There are also undocumented reports of girls having sex with garbage collectors /scavengers in major dumpsites in exchange for money or scraps of metal; girls who are brought into construction sites to

⁹¹ “Batang Sabong (Young Gladiators)”, Reporter’s Notebook, June 3, 2008. GMA Network.

⁹²

http://www.ecpat.net/WorldCongressIII/PDF/Background/Briefing%20notes_2001/Note%20%20statistics.pdf?PH_PSESSID=3264533572a61b69594889a16ad6edd0

service the workers; and street children engaging in sex in exchange for drugs and solvents. In addition, private individual philanthropy may become an occasion for prostitution and sexual exploitation.

181. Cybersex has become a billion dollar underground industry in the Philippines. About 40 percent of all the materials that the Optical Media Board confiscates consists of child pornography and that an increasing number of sex videos are made in the Philippines with Filipino children as "actors."⁹³ The operator of the cybersex website in Las Piñas was earning at least USD 100,000 a day.⁹⁴ The owner was arrested by police in January 2005 after months of surveillance and was charged with qualified trafficking - an unbailable offense under Republic Act 7610. On the other hand, more than 20 cases involving child pornography have been dismissed by courts since 2001. Most of the courts' rulings imply that mere possession of child pornography is not illegal. As such, there is a strong need to enact a law on child pornography to ensure that violators are penalised.

182. Meanwhile, the magnitude of child trafficking for sexual purposes in the Philippines cannot be sufficiently measured due to lack of comprehensive statistical data. In Cebu, an NGO recorded 534 women and girls who were trafficked for sexual purposes from 1997 to 2000. Another NGO, Antonia de Oviedo, recorded 22 trafficked girls from 1999 to 2002. In Cagayan de Oro City, the Philippine National Police recorded 14 child trafficking cases from 2001-2003, but the exploitative purpose was not identified. The regional office of the DSWD reported four trafficking cases for sexual purposes in 2001 and two cases in 2002.

183. ***We demand that the State Party initiate mechanisms to regulate the operations of internet cafés and tourism-related institutions. We strongly urge the State Party to prioritise the passing of the law on child pornography. We also encourage the State to properly apply existing legislation prohibiting trafficking and provide details on the number of prosecutions obtained and sentences passed; to ensure that the amendments proposed by the DOLE on the regulation on private recruitment and placement agencies are consistent with the Anti-Trafficking in Persons Act; and to ensure that these amendments are fully implemented. We request the Bureau of Immigration (BOI) to obtain and provide relevant agencies information on known sex offenders. We also seek proper coordination between and among the relevant agencies and, together with partner agencies and NGOs, deliver professional services to protect and support actual and potential victims of trafficking.***

Children in situations of drug and substance abuse

184. According to a 2003 study by the WHO, the age of first use of illicit drugs among Filipinos falls within mid-adolescence, or 15 to 16 years old.⁹⁵ Of the estimated 3.4 million drug users in the Philippines, more than half are between the ages of 15 and 27 years old. The YAFS revealed that 1.66 million youth have tried drugs. In 2003, drug prevalence among males was pegged at 19.7 percent and 3.2 percent among females. Street children and urban working children have been identified as among the categories of children most vulnerable to drugs and substance abuse. These children are mostly informal settlers who live in urban poor communities characterised by congested housing, irregular and low income sources, high levels of unemployment and underemployment, low levels of education, and inadequate access to social services. Most of the children involved in drugs are male. They have dropped out of school and come from families fraught with tensions and problems.

⁹³ http://archive.inquirer.net/view.db=0&story_id=18658

⁹⁴ http://archive.inquirer.net/view.db=0&story_id=26636

⁹⁵ World Health Organization. Substance use in Southeast Asia: Knowledge, Practices and Opportunities for Prevention. 2003. <http://www.pcij.org/i-report/2006/tatalon.html>

185. According to ILO-IPEC, children involved in drug sales and trafficking are difficult to trace and identify, as is often the case with other worst forms of child labour. The social and political sensitivity to the issue, the illegal and hidden nature of the trade, associated security risks and the potential difficulties in addressing the problem, make it necessary to use a cautious and process-based approach.

186. The dangers faced by children engaged in the drug trade go beyond the physical, psychological, and mental disorders prevalent among drug-addicted children.⁹⁶ Existing research shows that they are often exposed to criminal environments and situations involving conflict and tension, and are always suspicious and fearful. Once involved, they are caught in a vicious trap, and are subjected to harassment by drug leaders.

187. The number of rehabilitation centres in the country is not enough for the increasing number of drug users. These establishments also do not cater specifically to children under 18 years old. It is the NGOs who offer the most direct service programmes and interventions. In addition, there is a lack of rehabilitation centres or institutions for children who sniff solvents - actions not considered in the definition of drug abuse. While the Juvenile Justice and Welfare Act has decriminalised the arrest of children who use solvents, there are no centres which could provide intervention programmes for these children.

188. *We recommend that the State Party come up with a comprehensive and relevant treatment programme for children who use drug and other harmful substances. This should include adequate and child-focused rehabilitation centres. Also, there is a need to develop the capacity of teachers, parents, barangay officials, police and the justice system to deal with children in situation of drugs and substance abuse.*

Children in conflict with the law

189. Children in conflict with the law (CICL) need special protection from abuse, exploitation and violence. Despite the provisions set by the Juvenile Justice and Welfare Act (JJWA) of 2006 or Republic Act 9344, these are not being fully met. While it may be true that the number of children detained with adults has decreased, many children are still detained. It is alarming to note that efforts to provide for separate detention facilities for CICL have been fully achieved only in Metro Manila and in Cebu City (i.e., Operation Second Chance). LGUs do not provide sufficient number of competent local Social Welfare and Development Officers (LSWDO) as provided for in Republic Act 9344.

190. The slow and ineffective implementation of the JJWA may be due to the structure of the Juvenile Justice and Welfare Council (JJWC), the agency tasked to monitor it. There are two agencies which have a hand in running the JJWC – the DOJ and the DSWD. JJWC is administratively supervised by the DOJ but it is chaired by the DSWD.

191. A national juvenile intervention programme has been developed by the JJWC in consultation with relevant government agencies, NGOs and youth organisations. However, this national juvenile intervention programme has yet to be localised and instituted at the LGU level from the provinces down to municipalities, cities and *barangay* communities.

192. The experience in the 12 pilot *barangay* communities in Cebu City showed that diversion programmes for children who commit petty offenses work. Of the more than 500 CICL who were put under diversion programmes in the first two years, only four re-offended.

⁹⁶ http://www.ilsdole.gov.ph/Publication/BataMan/Jun2005/Jun05_02.htm

Under the law, criminal prosecution is the last option. Diversion of children in conflict with the law, under the framework of Restorative Justice, is the norm. However, diversion is not yet widely understood or implemented in communities outside Cebu City. NGOs have to work closely with BCPCs to set up and sustain the programme. Children who commit petty offenses should not be prosecuted under the law. Only those who commit the most serious crimes will be prosecuted.

193. ***The DSWD should be the lead agency in the JJWC to ensure that CICL receive the full range of programmes, services and intervention they need. We urge the State Party to assign more family courts with sufficient and efficient child sensitive personnel, and to train professionals in the area of recovery, after care and social reintegration. The State Party should develop the knowledge of local officials and service providers on children’s rights and provisions of the JJWA and continue education and capacity building for local chief executives, pillars of justice and service providers on the same topics. We also challenge the State Party to: develop and strengthen programmes that will prevent offending and re-offending among CICL and those at risk of offending; to mainstream community-based diversion; and to develop programmes that will facilitate reintegration of CICL in the school setting. There is a need to provide halfway homes for children in conflict with the law.***

Children living or working on the streets

194. According to a study conducted by a group of independent researchers, ‘rescue’ as it is conducted by government officials in Manila, is often more akin to arrest.⁹⁷ The use of weapons and violence in the conduct of rescue, the sheltering of children in inhumane detention centres, and the use of terms such as ‘recidivist’ for children who have been rescued more than once, indicate that the line between rescue and arrest may have become blurred.

195. Rescue operations are frequently conducted by government officials in various areas of Manila and are also called ‘rescue of indigents’, ‘clean-up of street dwellers’ or ‘round-ups’. During a rescue operation, a van stops near children on the street and a team of rescuers exit the van and attempt to apprehend the children. Following apprehension, children are detained for processing and/or short-term detention and are later either referred to other institutions, NGOs or are released. Rescue, as it is currently practised in the city of Manila is: *indiscriminate, involuntary and ineffective.*

196. The rights of rescued children are violated throughout all stages of rescue operations. The team identified conflicting government objectives as a possible cause for the current inconsistencies between policy and practice – the need to care for children in need of special protection, including street children and the need to protect the public from street children.

197. ***We maintain that round-ups are not sustainable mechanisms to address the causes of problems of street children and their families. There should be support for the families to meet the basic needs of their children. There may be a need to include street families in poverty alleviation programmes. We strongly urge the State Party to: (a) put a stop to policies and practices that place street children at more risk; and (b) develop a rehabilitation programme for street children, with emphasis on community involvement in their reintegration. There is also a need to establish group homes for older children.***

⁹⁷ “Sagip o Huli (Rescue or Arrest?): Indiscriminate Rescue of Street Children in the City of Manila.” 2008. <http://www.bahaytuluyan.org/>

Children of indigenous peoples

198. There are about 15-20 million indigenous peoples (IP) comprising 15-20 percent of the 80 million Filipinos present in 50 of the country's 78 provinces.⁹⁸ About 61 percent of the indigenous peoples are in Mindanao, 33.3 percent in Luzon and 6 percent living in different parts of the Visayas. The estimated 5.1 million children of indigenous groups continue to remain invisible in most government programmes and services. Most of these children are victims of conflict, and lack access to education and health services, potable water and other government services. Birth registration is considerably lower since the bulk of the 20 to 30 percent of unregistered children come from IP communities.

199. These children suffer the brunt of poverty and are placed in situations that undermine their welfare and development. It is likely that cases of abuse against indigenous children, especially in rural areas, remain unattended and unreported. They are often forced to leave their traditional communities and move to urban areas to pursue employment or education opportunities. Most of these children are also exploited to work as helpers in Manila or outside Davao City.

200. The government's counterinsurgency drive, which has a 2010 deadline, is taking an ugly toll on IP children who have been consistently deprived of their constitutional right to free education. In the first half of 2008, about 95 children of the Ata-Manobo and Matigsalog families have been staying in a school gymnasium after they have left their homes in the villages of Mangayon and Puting-Bato when the military escalated pursuit operations against the communist New People's Army (NPA).⁹⁹ One of the children, Kano, says he feels sorry for himself because most likely, he will again be forced to stop schooling. This, he believes, is the reason why others, particularly the settlers, see him and others like him, as inferior to them.

201. While the Indigenous Peoples' Rights Act (IPRA) or Republic Act 8371 has been enacted since 1997, it has not been adequately enforced. Services for IP children are inadequate and most programmes and service providers are not culturally sensitive.

202. ***We ask the State Party to exert more purposive effort in improving the access to quality basic services of IP children. There is also a need to strengthen the capacity of community-based service providers in remote areas where indigenous people live. The government should invest in an indigenous learning system for IP children.***

Children in situations of organised violence

203. Alarming levels of gang violence among and against children have been reported in the UN Study on Violence Against Children.¹⁰⁰ In 2006, the Department of Education issued a directive warning public elementary and high school students against joining fraternities. Children experience violence and exploitation in the fraternity or gang's initiation rites. One study¹⁰¹ revealed the case of a girl who joined a gang that made her choose between "pain or pleasure"¹⁰² as part of her initiation rites. Once in the group, she was gradually drawn into fights and conflicts with rival gangs, or ordered by leaders to beat

⁹⁸ National Commission on Indigenous Peoples

⁹⁹ http://archive.inquirer.net/view.db=1&story_id=142718

¹⁰⁰ The United Nations Secretary General's Study on Violence Against Children. World Report on Violence Against Children. 2005.

¹⁰¹ Conaco, M.C.G., Jimenez, M.C. & Billedo, C.F. Filipino Adolescents in Changing Times. 2003.

¹⁰² Pain entails physical initiation by gang members while pleasure meant having sex with all the male gang members.

up strangers. Hazing, as part of the initiation rites, is common not only in street gangs or fraternities, but also in cadet training programmes in high schools, where the perpetrators are adult coordinators and cadet officers.

204. Children may suffer physical injuries in encounters between rival gangs. An out of school youth was shot and wounded during a predawn riot in Manila's Tondo district in June 2008. Initial investigation showed that the victim was part of a gang that fought with a rival gang. Not only gang or fraternity members are harmed in riots, but non-members as well. In February 2008, a 15-year-old high school student in Baguio City was mauled by a mob of youth gang members without any provocation.¹⁰³ In the previous year, two brothers aged nine and 11 were hit by stray bullets while they were sleeping inside their house in Mandaue City.¹⁰⁴ The gunman is believed to be a member of the Tau Gamma Phi fraternity who shot at a group of rival Akrho fraternity.

205. *We urge the State Party to look into the phenomenon of children in organised violence more seriously as this presents a grave challenge to children's right to protection from all forms of violence. An in-depth research into the factors why children under 18 join gangs and fraternities is necessary in order to come up with more comprehensive strategies in dealing with the issue.*

OPTIONAL PROTOCOLS TO THE UN CRC

Sale of children, child prostitution and child pornography

206. In May 2003, the Anti-Trafficking in Persons Act or Republic Act 9208 was signed into law. It institutes policies and programmes to eliminate trafficking in persons, especially women and children. It also identifies and criminalises acts of trafficking and institutionalises mechanisms for the protection and support of trafficked persons. As of January 2005, there have been at least eight (8) convictions of trafficking cases since the passage of the law. However, some participants of the consultation have lamented over the slow disposition of cases that they are following up.

207. Corruption at all levels of the government allowed many organised crime groups to conduct their illegal activities.¹⁰⁵ It is also believed that some government officials are involved in, or at least, permit trafficking operations within the country. A policeman was charged in 2007 for allegedly trafficking minors for commercial sexual exploitation at his night club in Manila. Five other cases of trafficking involved immigration personnel.

208. The Government, in response to this problem, has created the Inter-Agency Council Against Trafficking or IACAT to monitor and coordinate the implementation Republic Act 9208. It also came up with a strategic plan of action that includes prevention, protection, recovery and reintegration. However, NGOs are still the ones taking on a more active role in developing responsive programmes and services in determining trafficking source, transit and destination areas. There is still a need for a more comprehensive action against the problem of child pornography. Information technology has made its production and distribution easier and faster. A law on child pornography is also sorely lacking.

209. The Philippine Government has supported an array of prevention activities against trafficking. In 2007, the IACAT established an anti-trafficking taskforce at the Ninoy Aquino International Airport (NAIA) to share information on trafficking. The Philippine Overseas Employment Agency (POEA) has also installed measures to protect OFWs from employer abuse which includes higher minimum wage

¹⁰³ <http://www.sunstar.com.ph/static/bag/2008/02/06/news/youth.gang.violence.increases.html>

¹⁰⁴ http://globalnation.inquirer.net/cebudailynews/news/view_article.?article_id=100616

¹⁰⁵ US Department of State's Trafficking in Persons Report 2008

and minimum employment age, as well as pre-employment seminars, trainings for OFWs and screening of employers. The government also showed an anti-trafficking infomercial on local TV networks.

210. *We urge the State Party to exert greater efforts to combat internal trafficking by increasing public awareness activities and vigorously prosecuting those exploiting victims. Greater effort must be conducted to prosecute and convict public officials who profit from or are involved in trafficking. There is also a need to train law enforcement officers and prosecutors on the implementation of the Anti-Trafficking law.*

Involvement of children in armed conflict

211. The Optional Protocol on the Involvement of Children in Armed Conflict requires ratifying governments to ensure that children under 18 years are not recruited compulsorily into their armed forces.

212. There are no indications of the Philippine Armed Forces formally recruiting soldiers below the age of 18, although there have been reports of government-backed paramilitary groups recruiting children for military training. In 2005 recruitment of two children by the Citizen's Armed Forces Government Unit (CAFGU) was reported in Negros Occidental by the Region VI (Western Visayas) Office of the CHR. The CHR informed the local military commander, who then sent the recruits home. However, no action appeared to have been taken against the military commander for having recruited the children. There were also reports that children who were captured or rescued from armed groups were subsequently used in CAFGU operations. Vigilante groups in Mindanao, set up by the military as village defense groups, recruited children from indigenous communities.¹⁰⁶ In 2004 children were also reported to have been recruited from ethno-linguistic sub-groups in Davao City, Mindanao, by vigilante groups set up by the military as part of its counter-insurgency efforts against the Communist Party of the Philippines New People's Army (CPP-NPA) in southern Mindanao.¹⁰⁷

213. Children, including possible child soldiers, have been killed during military operations to crush opposition forces, particularly members of the Moro Islamic Liberation Front (MILF). This prompted the DSWD to urge the Government to rescue soldiers who are under 18 years old, rather than send them to battle.

214. A UNICEF study in 2006 found that many children fighting with the MILF are orphans who have been militarily trained, expected to do auxiliary assignments, and defend the community when it is under attack.¹⁰⁸ Meanwhile, it also pointed to a large number of children at risk of being used as porters, cooks, and message carriers. The recruitment and use of children as soldiers by the MILF, the Abu Sayyaf Group and the New People's Army continued from 2005 to 2007.

215. *We urge the State Party to enact an enabling law in support of the Optional Protocol. The dialogue between the Government and various groups involved in armed conflict must be continued. We call everyone to respect the international law prohibiting the recruitment and use of children as*

¹⁰⁶ Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC) & Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS), Preventing Children's Involvement in Armed Conflicts in the Philippines: A Mapping of Programs and Organisations, November 2007, draft version.

¹⁰⁷ Philippine Human Rights Information Centre (PhilRights), Deadly Play Grounds: The Phenomena of Child Soldiers in the Philippines, 2005.

¹⁰⁸ UNICEF. Uncounted Lives: Children, Women and Conflict in the Philippines, Children, Women and Conflict in the Philippines: A Needs Assessment of Children and Women Affected by Armed Conflict, 2006.

combatants. Demobilisation, rehabilitation and reintegration programmes for child combatants need to be established and special provisions should be made to ensure that children involved in armed opposition groups have access to these programmes. Relevant government agencies such as the CWC, DSWD and CHR should monitor former child soldiers under the custody of the military and follow-up the situation of children already released to the DSWD or to their families.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

216. The evidence collected for this report has clearly shown that the State Party's compliance to the UNCRC is constrained by its own development agenda. Despite the focus on macro-economic concerns, data and analysis of the situation of children show that Philippine economic growth does not necessarily translate to growth and development in the lives of Filipino children.

217. The insistence of the government on debt servicing has deprived basic services such as health, education, and social services the much needed funding support. The lack of resources renders anti-poverty strategies as mere palliative and short-term solutions to the problems. These strategies are unsustainable and do not effectively address the burgeoning poverty affecting millions of children. Programmes and services only reach a small percentage of children and they fail to benefit the sectors that need these services the most.

218. Several macro-economic policies of the government have directly or indirectly affected children negatively:

- a) The reliance on overseas labour migration to sustain the national economy has eroded the children's fundamental support system in the family without providing for safety nets to protect them from the negative impacts of parental absence.
- b) The strategies to attract foreign investment gave license to certain mining companies to abuse the environment without fear of censure. Children have encountered health risks due to pollution. They have lost their homes through forced evictions. Children's right to life, survival and development is severely compromised.
- c) The government's aggressive promotion of tourism has exposed children to the dangers of sexual exploitation, prostitution and trafficking, but the mechanisms necessary for child victims to seek redress are not effectively installed.

219. Legislation has been touted as the cornerstone of the State Party's compliance to the UNCRC. Yet, previous legislative recommendations of the Committee on the Rights of the Child have not been addressed, such as the total ban of corporal punishment, the minimum age of sexual consent, and the protection of children born out of wedlock. Moreover, our analysis shows that legislation has failed to fully protect children. There are gaps in the law which do not cover specific concerns of children, do not protect them from discrimination and abuse and do not promote their best interests. The Philippines has been party to many international agreements but has failed to enact enabling laws to harmonise with these commitments.

220. Genuine compliance to the principles of the Convention should go beyond the enactment of laws. These should be supported by investments in funding, structural mechanisms and adequately trained personnel to enable proper, effective and efficient implementation. The glaring absence of budget allocations for children at the national and local levels reflects the State's lack of commitment to ensure that these resources are available to address children's concerns. There is a corresponding lack of serious enforcement of laws and policies in order to promote children's survival and development,

protection and participation in decisions, plans and programmes affecting them. Concerted efforts from NGOs and other civil society actors are integral in addressing this gap.

221. Majority of the people's views and perspectives show that children's rights in general are still not recognised because of ineffective information dissemination. Venues for children to be involved in planning, budget allocation, programme implementation and monitoring are limited in degree (token consultation) and scope (limited to children who work with NGOs who have direct collaboration with government and LGUs).

222. The State Party needs to take seriously its obligation to the UNCRC and exercise its political will in fulfilling children's rights. The challenge for the State is to go beyond minimum compliance by seriously placing children at the centre of the national development agenda. This shift in emphasis would have several important implications to government policies, programmes and ways of working. Placing children at the centre of the national development agenda means:

223. *That children's best interests are always considered in all matters of public policy.* The State Party needs to ensure that policies at the local and national level do not impinge on children's right to life, survival and development. It is in the children's best interest that laws enacted to protect and promote their rights be fully enforced. This also means that meaningful participation of children in matters affecting them needs to be ensured by the State Party.

224. *The necessary allocation of more resources for the realisation of children's rights and needs:* The economic growth experienced by the Philippines recently has not been translated into the improvement of the welfare of children and other vulnerable groups. The realisation of the provisions of the CRC requires substantial financial resources; thus, the state needs to prioritise children's needs and rights.

225. *Providing substantial investments in the social protection system, particularly within the education and health care sectors.* To ensure that all children are healthy, educated and safe, the state should strengthen social protection for the most vulnerable and excluded children and their families. Thus, children's vulnerability to poverty and other social problems will be significantly reduced.