



RECOMMENDATIONS FOR THE PHILIPPINE GOVERNMENT

CORPORAL PUNISHMENT	
ISSUE	1. Lack of a protection for children against corporal punishment in the home and family setting
SUMMARY	Despite laws that prohibit corporal punishment in school, in the juvenile justice system and in institutions, there is still no law that explicitly prohibits the use of corporal and humiliating or degrading punishment in the home and family setting. Existing laws even implicitly justify its use, allowing punishment as long as these are “just and reasonable” and “moderate in degree.” Our current laws also address only those forms of punishment that are excessive and which result in severe physical or psychological harm.
QUESTIONS	RECOMMENDATIONS
<p>What measures has the Philippine Government undertaken to prevent and respond to cases of corporal punishment experienced by children inside the home?</p> <p>What has the Philippine Government done to expedite the enactment of the Anti-Corporal Punishment Bill?</p>	<p>The Philippine Government should enact the Anti-Corporal Punishment Bill by the end of 2012, adopting the definition of corporal punishment in the CRC General Comment No.8; include in its 2013 plan and budget a comprehensive education and training program for parents, caregivers and service providers on positive and non-violent discipline of children; immediately enforce policies banning corporal punishment in schools and institutions; and establish functional and well-resourced Local Child Protection Councils in all barangays or villages by the first quarter of 2013 for raising awareness, prevention, monitoring and reporting cases of violence against children.</p>
JUVENILE JUSTICE	
ISSUE	1. Congressional bills proposing to amend the Juvenile Justice and Welfare Act to lower the Minimum Age of Criminal Responsibility (MACR)
SUMMARY	The Juvenile Justice and Welfare Act of 2006 has raised the MACR in the Philippines from 9 to 15 years old. However, after only six years of implementation, several bills have been filed and are pending in Congress calling for the amendment of the law, specifically proposing to lower the MACR.

The Philippine NGO Coalition on the UN CRC (NGO Coalition) is a network of 17 local and international non-government organizations and NGO networks that monitors the implementation of the Convention on the Rights of the Child (CRC) in the country. It was founded in 1993 and has been submitting periodic reports to the UN Committee on the Rights of the Child since 1994, following the Philippines’ ratification of the CRC in 1990. It also submits information to or participates in other human rights reporting mechanisms such as the NGO alternative reporting for the International Covenant on the Economic, Social and Cultural Rights. The members of the NGO Coalition are: Asia Against Child Trafficking (AsiaACTs), Child Hope Asia, ChildFund International, Consuelo Foundation, ECPAT Philippines, The ERDA Group, John J. Carroll Institute on Church and Social Issues (JICCSI), Lunduyan Foundation, National Council for Social Development (NCSD), Open Heart Foundation, Philippines Against Child Trafficking (PACT), Plan International, Salinlahi Alliance for Children’s Concerns, Save the Children, VIDES Philippines Volunteers Foundation Inc., Visayan Forum and World Vision Development Foundation.

QUESTIONS		RECOMMENDATIONS
What measures are being undertaken by the Government of the Philippines to maintain the MACR prescribed by the JJWA of 2006?		By the end of 2012, the Philippine Government should include in the agenda of the Legislative- Executive Advisory Council the withdrawal of all pending bills in Congress proposing to lower the MACR; and issue a strong policy statement upholding the current MACR and supporting the full implementation of the law.
ISSUE	2. The Revised Rule on CICL issued by the Supreme Court allows deprivation of liberty of children in jails	
SUMMARY	Section 18 of the Supreme Court Revised Rule on Children in Conflict with the Law permits the detention of children in city/district/provincial jails if there is no youth home/facility in the locality. Given that more than 75% of the local government units (LGUs; cities/provinces/municipalities) do not have facilities/services, accused children and those convicted (above 15 years old, with penalty of more than 6 years and who acted with discernment) are put in jails run by the Bureau of Jails and Management or the provincial government. This is contrary to the CRC and international standards relating to juvenile justice that require that deprivation of liberty should only be a measure of last resort.	
QUESTIONS		RECOMMENDATIONS
What measures are being undertaken by the Philippine Government to address deprivation of liberty of children, which conflicts with the JJWA, CRC and international juvenile justice standards?		The Philippine Government must harmonize its laws/policies to ensure that deprivation of liberty of children is a measure of last resort and that children are not held with adults. It should direct the Juvenile Justice and Welfare Council, the Council for the Welfare of Children and the Commission on Human Rights to closely monitor the compliance of the different stakeholders.
ISSUE	3. Lack of services and programs at the local level (i.e., prevention/diversion, reintegration and aftercare)	
SUMMARY	Stakeholders agree that the Juvenile Justice and Welfare Act is not yet fully implemented. The effective implementation of this law, particularly the prevention of children coming into conflict with the law and provision of services and programs, lies primarily in the hands of local government units, but reports for the past years indicate that a significant number of them have yet to fully comprehend the salient provisions of the law and comply with their functions under the law.	
QUESTIONS		RECOMMENDATIONS
What measures is the Philippine Government instituting to ensure the provisions of services and programs for children at risk and children in conflict with the law?		The Philippine Government should allocate in the 2013 National Budget at least PhP50 million as annual budget for the Juvenile Justice Welfare Council for the implementation of the Juvenile Justice Welfare Act, on top of the separate budget allocation of the national agencies directly involved with children. More than half of this should go to technical support (i.e., capacity building, provision of funds) to local government units and should include resources for a comprehensive information campaign on the law to the general public and especially among professionals working within the juvenile justice system.
CHILD PROSTITUTION AND SEXUAL EXPLOITATION		
ISSUE	1. Lack of domestic legislation addressing child prostitution	
SUMMARY	The provisions of the Anti-Child Abuse Act of 1992 addressing the prostitution of children are largely in line with Article 2 of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. However, this law does not explicitly stipulate that a child who is a victim of prostitution will be exempted from prosecution. Although it is reported that in practice children victims of prostitution are not prosecuted under these laws and are treated as victims, such a legal loophole could leave children involved in prostitution at risk of being prosecuted.	



QUESTIONS		RECOMMENDATIONS
What measures are being undertaken by the Government of the Philippines to protect children victims of prostitution?		By 2013 (before the end of the 15 th Congress), the Philippine Government should amend the Anti-Child Abuse Act of 1992 to ensure that a child victim of prostitution will not be prosecuted.
ISSUE	2. Lack of domestic legislation setting the age of sexual consent to ensure children's protection against statutory rape and commercial sexual exploitation	
SUMMARY	The Philippines has various laws protecting persons under eighteen from sexual abuse. However, the old Penal Law on statutory rape essentially defines that any form of sex with anyone under the age of twelve is automatically a crime. In the Philippines, a 12 year old can legally consent to sex. It is illegal if it is proven that the sex was for money or gain as a result of coercion by an adult when the child is under 18.	
QUESTIONS		RECOMMENDATIONS
What measures are being undertaken by the Philippine Government to raise the age of sexual consent?		By 2013 (before the end of the 15 th Congress), the Philippine Government must amend legislation to explicitly raise the age of sexual consent from 12 years of age to ensure adequate protection from and prevention of sexual abuse and exploitation.
ISSUE	3. Lack of extraterritorial laws covering offenses related to commercial sexual exploitation of children	
SUMMARY	Both the Anti-Child Abuse and Anti-Child Pornography Acts establish national jurisdiction over crimes related to commercial sexual exploitation of children. However, Filipino citizens who sexually exploit children in a foreign country and who escape prosecution in the country where the alleged acts were committed cannot be prosecuted under Filipino penal laws for such crimes as the Philippines have not yet enacted extraterritorial legislation which could be used by Filipino courts to prosecute and convict those offenders.	
QUESTIONS		RECOMMENDATIONS
What measures is the Philippine Government instituting to prosecute its citizens who sexually exploit children in a foreign country?		The Philippine Government should enact by 2013 (before the end of the 15 th Congress) extraterritorial laws covering all offenses related to commercial sexual exploitation of children.
ISSUE	4. Effective implementation of the newly-enacted legislation addressing child pornography	
SUMMARY	The Philippines enacted the Anti-Child Pornography Act of 2009, a comprehensive law that offers protection beyond the minimum requirements of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Act created the Inter-Agency Council against Child Pornography (IACACP) as the body that is primarily tasked to coordinate, monitor and oversee the implementation of the Act. Although the Anti-Child Pornography Act is already very comprehensive, its effective implementation remains challenged by the huge resources required especially for the provision of adequate assistance and support to child victims and training of law enforcement personnel.	
QUESTIONS		RECOMMENDATIONS
What measures is the Philippine Government putting in place to fully implement the Anti-Child Pornography Act?		The Philippine Government should ensure that implementing national agencies in the Inter-Agency Council against Child Pornography (IACAP) should include budget allocation in their 2013 budget to popularize the legislation to ensure that it is fully implemented. The Philippine Government should also ensure that the new Anti-Child Pornography Law is effectively enforced by adequately trained and equipped law enforcement personnel.
ISSUE	5. Implementation of children's right to protection against commercial sexual exploitation and trafficking	
SUMMARY	There have been minimal convictions for human trafficking cases. It is noted that the majority of victims of sexual exploitation and forced labor are children.	



QUESTIONS		RECOMMENDATIONS
What interventions by Philippine government are in place to protect persons from human trafficking and sexual exploitation?		The Philippine Government must improve efforts to prosecute and convict child trafficking offenders by continuously sensitizing and training prosecutors, judges and law enforcers about child trafficking and sexual exploitation. Law enforcers should be equipped with knowledge and practical skills in gathering and preserving evidence.
ISSUE	6. Assistance and support services for child victims of commercial sexual exploitation and trafficking	
SUMMARY	Although the Philippine Government has taken some efforts to develop assistance and support services for victims of trafficking and sexual exploitation, such services are not systematically available for all child victims. For instance, government-run temporary shelters for victims of all types of abuse are not sufficiently specialized, adequately equipped and staffed with specifically trained social workers to meet the specific needs of child victims of sexual exploitation.	
QUESTIONS		RECOMMENDATIONS
What measures are being undertaken by the Philippine Government to improve assistance and provision of services to victims of sexual exploitation and trafficking?		The Philippine Government must design a programmatic plan with corresponding budget allocation for rehabilitation and reintegration services for victims of trafficking in the 2013 budget of the Department of Social Welfare and Development to ensure that adequate support services are systematically made available to children victims of trafficking and any form of commercial sexual exploitation. A comprehensive research on all forms of trafficking and sexual exploitation needs to be undertaken to completely address the issue in the Philippines.

