



CSC-CRC

CIVIL SOCIETY COALITION ON THE
CONVENTION ON THE RIGHTS OF THE CHILD INC.

(formerly Philippine NGO Coalition on the UNC CRC)

Room 208 Benigno Mayo Hall, Social Development Complex, Ateneo de Manila University,
Katipunan Ave., Loyola Heights, Quezon City, Philippines

Joint CSC-CRC UPR Submission, 3rd Cycle – Philippines 27th Session (2017)

Member-Organizations



About the CSC-CRC

The Civil Society Coalition on the Convention on the Rights of the Child (CSC-CRC), formerly known as the Philippine NGO Coalition on the UN CRC, was established in 1993 by the child rights groups which are members of the CSC-CRC (i.e., ChildFund Philippines, Consuelo Foundation, ECPAT Philippines, ERDA Foundation, Salinlahi Alliance for Children's Concerns, and Save the Children) to monitor the implementation of the UN Convention on the Rights of the Child (UN CRC) in the Philippines.

To date, the CSC-CRC is composed of 17 local and international non-government organizations, namely, Child Hope Asia, Fundacion Educacion Y Cooperacion (EDUCO), Good Neighbors International Philippines, John J. Carroll Institute on Church and Social Issues (ICSI), Kindernothilfe Ev. Philippines (KNH), Open Heart Foundation, Philippines Against Child Trafficking (PACT), Plan Philippines, Unang Hakbang Foundation, VIDES Philippines Volunteers Foundation Inc., World Vision Development Foundation, Inc., and the six original founding organizations.

Through its advocacy and capacity building activities, the CSC-CRC leads civil society efforts towards strengthening government accountability for children's rights through systematic monitoring of the implementation of the UN CRC in the Philippines. It has been submitting periodic reports to the UN Committee on the Rights of the Child following the Philippines' ratification of the UN CRC in 1990. It also prepared a submission to the 2nd Cycle of the Universal Periodic Review (UPR) in 2012, and has contributed to civil society joint submissions/reports to the UPR, and other human rights monitoring mechanisms.



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Executive Summary

The submission of the CSC-CRC for the 3rd Cycle of the Universal Periodic Review of the Philippines covers 10 issues under the implementation of international human rights obligations by the Philippine Government. This submission includes the results of consultations with children across the country on various pressing issues that were conducted within the period of review.

Human Rights Obligations

1. *Persistence of SOGIE-based Bullying* – The Department of Education (DepEd) and the Council for the Welfare of Children (CWC) are urged to ensure protection of all children from bullying, particularly those belonging to the Lesbian, Gay, Bisexual, Transgender (LGBT) group who reported cases of bullying because of their Sexual Orientation, Gender Identity and Expression (SOGIE).
2. *Children Affected by the 'War on Drugs' Campaign of the Duterte Administration* – With the war on drugs affecting children and their families, including reported loss of lives of children, the Philippine Government is urged to continue protecting all children and ensure that they are not targeted nor adversely affected by the ongoing campaign.
3. *Protection of Children against Corporal Punishment* – To fully protect children against physical, humiliating and degrading, or corporal punishment, the Philippine Congress is urged to enact an anti-corporal punishment law and promote more positive forms of disciplining children.
4. *Trafficking of Children* – The Department of Justice (DOJ) is urged to continue its investigations to ensure that trafficking of children is abated and all perpetrators are brought to justice. Likewise, the Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Local Government Units (LGUs) and the Inter-Agency Council Against Trafficking (IACAT) are urged to conduct a massive information drive for the full implementation of Republic Act (RA) 10364 or the Expanded Anti-Trafficking in Persons Act in 2012.
5. *Protection of Children Online* – As the Philippine National Police (PNP) reported a high number of children who are lured into the cybersex industry, all concerned government agencies are urged to introduce measures to fully implement the Anti Child Pornography Act of 2009 and the Cybercrime Prevention Act of 2012.
6. *Children in Situations of Armed Conflict* – The Philippine Congress is urged to consider enacting a law to protect children in times of armed conflict.

7. *JJWA: Lowering the Minimum Age of Criminal Responsibility (MACR)*. Bills are filed in Congress proposing to lower the MACR under the Juvenile Justice and Welfare Act (JJWA) from 15 to 9 years old. The 17th Congress is urged not to lower the MACR but should instead retain the present age and provide ample support for duty bearers (i.e., funding for programs and facilities, capacity building) to fully implement the law.
8. *Quality, Accessible and Affordable Education for Marginalized Children* – The DepEd is urged to further strengthen its programs to make education inclusive, culturally sensitive and available especially to marginalized children.
9. *High Rate of Malnutrition Among Children* – The 2013 National Nutrition Survey (NNS) shows that malnutrition is still a pressing concern among Filipino children. To maximize the full potential of the growing up years of a child, the Department of Health (DOH) and LGUs are urged to collaborate and intensify measures to prevent all cases of malnutrition in the communities. The Philippine Congress also is also urged to consider the need to legislate the creation of plantilla positions and budget for frontline nutrition workers at the barangay, municipal and provincial levels.
10. *Early Pregnancy* – The high incidence of early pregnancy in the Philippines calls for Congress to consider amending Section 7 of RA 10354 or the Responsible Parenthood and Reproductive Health (RPRH) Law to provide children full access to sexual and reproductive health services.

Implementation of International Human Rights Obligations

A. Equality and Non-Discrimination: *Persistence of SOGIE-based Bullying*

11. Incidents of SOGIE-based bullying are on the rise as reported by LGBT children living in Metro Manila and nearby provinces who experienced bullying in their respective schools and communities due to their SOGIE. In a consultation organized by CSC-CRC and the ASEAN SOGIE Caucus in Manila in April 2016 that involved 23 LGBT children, 10 participants shared their experiences of verbal abuse by family members who usually uttered words that stigmatized their identity while 16 shared their experiences of verbal and physical bullying inside the classroom, emphasizing that the schools remain to be unsafe spaces for them despite the adoption of a Child Protection Policy (CPP) by the DepEd.
12. In a subsequent national consultation conducted by CSC-CRC with the education sector, Civil Society Organizations, and children in August 2016, participants mentioned that SOGIE-based bullying is the mixed result of various factors, which include the absence of open discussion on SOGIE or being LGBT at home and in the school, and lack of or poor support systems from parents, teachers, and friends – all of which have huge impacts on LGBT students. The results of the consultation also revealed that the DepEd's CPP comprehensively captures the government policies on bullying. Data on bullying in schools are included in the DepEd's comprehensive monitoring report, which is being continuously modified to capture all forms of bullying, including SOGIE-based. DepEd is thinking of ways to include SOGIE in the curriculum, tapping Gender and Development experts to support initiatives at the regional and division level.
13. **Recommendations**
 - a. **The DepEd integrate discussion on the rights of LGBT children and other excluded groups of children, i.e., children of indigenous peoples (IPs) and children with disabilities in the school curriculum.**

- b. The DepEd and LGUs consider formulating plans to implement awareness raising and education programs to sensitize service providers, adults and children on SOGIE rights.
- c. The CWC include programs to prevent and address SOGIE-based bullying in the National Plan of Action for Children and National Plan of Action on Violence against Children.

B. Right to Life, Liberty and Security of the Person

B.1 Children Affected by the 'War on Drugs' Campaign of the Duterte Administration

14. Human rights groups in the Philippines have expressed concern over the rising number of people killed, including children,¹ as a result of the war on drugs being waged by the Duterte Administration. There are no official data from the PNP or the Commission on Human Rights on the number of children killed. Non-Government Organizations (NGOs) have not yet come out with their own systematic documentation. In the absence of more reliable and disaggregated data, this submission cites general data from the monitoring being done by media organizations, which indicated that the death toll has reached 3,337 of which 2,140 (64%) were victims of extrajudicial or vigilante-style killings, as of September 20.² Moreover, the drug war lists 20,584 kids as 'users, pushers, runners'.³

15. Recommendations

- a. The Philippine Government, through the DOJ, as committed in the previous UPR, continues to investigate the killings (A/HRC/21/12, 2nd Cycle Review 129.13, Germany; France), especially those involving children, makes the report accessible to the public, and holds perpetrators and those responsible for the crime accountable.
- b. The Philippine Government invites the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions for a country visit to observe and gather information on the impact of anti-illegal drug campaign on children.
- c. The DSWD provides social welfare and protection services, such as psychosocial interventions and medical assistance, for the children and families left behind by victims of the anti-drug campaign, as well as children from families one or several of whose members are in a government-sponsored drug rehabilitation program.
- d. The PNP and the Armed Forces of the Philippines (AFP) review its protocols in dealing with children affected by police or military operations.

B.2 Protection for Children against Corporal Punishment

16. Children continue to experience corporal punishment in various settings. The preliminary findings of the National Baseline Study on Violence against Children reveals that 2 out of 3 children and slightly more boys experience physical violence, with spanking as the most

¹ Children's Legal Rights and Development Center (September 2, 2016) *Statement of CLRDC Against Torture and Extra-Judicial Killings in the Philippines Amidst the "War-on-Drugs" Campaign of the Current Government*. Available from <https://www.facebook.com/notes/i-defend-human-rights-and-dignity-movement/we-condemn-the-killings-of-children-clrd/1737472793169290> [Accessed 8 September 2016].

² Bueza, M. (September 22, 2016). *In Numbers: The Philippines 'War on Drugs'*. Available from <http://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs> [Accessed 22 September 2016].

³ Philippine Center for Investigative Journalism (September 2016). *Drug war lists 20,584 kids as 'users, pushers, runners'*. Available from <http://news.abs-cbn.com/focus/09/21/16/drug-war-lists-20584-kids-as-users-pushers-runners> [Accessed 22 September 2016].

common form. Mothers/stepmothers are the most common perpetrators of “milder” forms of physical violence and fathers/stepfathers, of severe physical violence in the home.⁴

17. In a 2015 survey conducted in Luzon by the Children Talk to Children (C2C) About the UNCRC (a national coalition of children’s groups doing child rights monitoring), 611 of the 1,145 children respondents (53%) said that they still experience corporal punishment from their parents. Subsequent nationwide consultations conducted by C2C, where 81 children participated, affirmed the results of the survey. According to them, spanking is the most common form of punishment that they received.
18. The Philippine government has supported the need to enact a law that explicitly prohibits corporal punishment in all settings and committed to address this gap in its UPR report (2nd cycle). Despite this, bills on anti-corporal punishment and the promotion of positive forms of discipline remain pending in Congress.
19. **Recommendations**
 - a. **The Philippine Congress is urged to pass the Anti-Corporal Punishment/ Positive Discipline Act within the 17th Congress, as committed in the previous UPR (A/HRC/21/12, 2nd Cycle Review, 129.24; Uruguay and Portugal) and promote more positive forms of disciplining children.**
 - b. **National line agencies and LGUs intensify the implementation of education and awareness raising campaigns to promote positive discipline among parents, service providers and caregivers, as promised in the previous UPR (A/HRC/21/12, 2nd Cycle Review, 129.24; Uruguay, Liechtenstein).**

B.3 Trafficking of Children

20. Cases of child trafficking still abound despite the enactment of RA 10364 or the Expanded Anti-Trafficking in Persons Act in 2012, which provides stiffer penalties for offenders. In 2014, around 25% of 1,395 trafficking victims served by the DSWD were children; the majority were subjected to forced labor. While the DSWD operates 26 temporary shelters for women and children victims of abuse, including trafficking, the facilities and services remained inadequate to address the specific needs of victims, especially male victims.⁵
21. Problems in the protection of child witnesses abound based on reports that child victims have been threatened and harassed after they participated in legal proceedings. Moreover, some families could not support their children because of the expenses incurred during the protracted legal process.⁶
22. **Recommendations**
 - a. **The Philippine Government implements commitments made in the previous UPR ((A/HRC/21/12, 2nd Cycle Review, 129.22, Norway; 130.3, Spain, Belarus, Holy See, Uruguay, Latvia).**
 - b. **The DOJ continues to investigate, prosecute and convict perpetrators of trafficking in all its forms, especially forced labor or labor exploitation, while establishing an effective and a responsive mechanism to ensure the full protection of children victims and witnesses, and their families.**

⁴ Ramiro, L. (2016). *National Baseline Study on Violence against Children Preliminary Findings*. Quezon City: Council for the Welfare of Children.

⁵ US State Department. “Philippines: Tier 1.” *Global Trafficking in Persons Report*, 2015. p. 281.

⁶ Asia Against Child Trafficking (2013). “*Stories from the field – A report on trafficked children and justice in South East Asia*”, p. 103. Available from <http://destination-unknown.org/stories-from-the-field-a-report-on-trafficked-children-and-justice-in-south-east-asia/> (Accessed 16 September 2016).

- c. **The Philippine Government increases the budget of the DSWD-run shelters which presently receive only P148.00/day (around US\$3.50). Likewise, the DSWD continues training the local social welfare development officers (LSWDO) as its own data shows that only 8.5% (91 out of 1,061 LGUs assessed) of LSWDO have fully functional social welfare programs.⁷ The DSWD shelters cater to child victims of trafficking and the training of LSWDO includes the handling of cases of child trafficking.**
- d. **The DILG and IACAT consider conducting a massive information drive and establish referral pathways, including mainstreaming gender awareness in the activities of barangays.**
- e. **All LGUs in the country put in place local programs and mechanisms to address trafficking, i.e. conduct capacity building of all personnel on RA 10364, and organize and strengthen the Local Councils for the Protection of Children (LCPC), and the Local Committees against Trafficking and Violence Against Women and Children (LCATVAWC), to combat trafficking.**
- f. **The IACAT considers full operationalization of the Philippine Anti-Trafficking Database as mandated under RA 9208 or Anti-Trafficking in Persons Act of 2003. The National Recovery and Reintegration Database, which was envisioned to provide such data, should be used by service providers at local levels.**

B.4 Protection of Children Online

- 23. The Philippines has high social media engagement rates in almost all platforms. Internet users (estimated through the Facebook users) are young – 20% are aged 13 to 17 years old. The high level of engagement of children in cyberspace, along with weak regulation of cyberspace use and content, makes them highly vulnerable to online violence.
- 24. Despite the enactment of RA 9775 or the Anti-Child Pornography Act and RA 10175 or the Cybercrime Prevention Act of 2012, and the establishment of an inter-agency body to oversee the full implementation of these laws, the Philippines continues to be considered a major global source for the child cybersex industry. The Philippine Judiciary System is also not fully equipped to handle cases involving cybercrime as this is still a relatively new jurisdiction.⁸ From April 2014 to December 2014, the US National Center for Missing and Exploited Children (NCMEC) documented 12,374 reports of child exploitation, where either the offended party or the offender is in the Philippines. All these NCMEC reports were shared with the IACAT and Inter-Agency Council against Child Pornography.⁹
- 25. In a 2015 survey involving 1,268 children aged 7-12 and 1,143 children aged 13-16, 90% reported that they are using the internet. It was also reported that 6 out of 10 have seen pornographic links via Social Media, 1 out of 10 knew any child who has been asked to strip naked online, and 1 out of 10 knew any child who stripped naked in front of the webcam in exchange for money or load (phone credit).¹⁰

⁷ Republic of the Philippines – Department of Budget and Management (2016). *Philippine Expenditure Program FY 2017*, Vol III, p. 142.

⁸ Awitan, W. (2016). *An Overview of Child-Safe Cyber Laws and Enforcement in the Philippines: Strengths and Gaps*. Quezon City: World Vision.

⁹ Republic of the Philippines - Department of Justice (2015). *Philippines 2014-2015 Cybercrime Report: The Rule of Law in Cyberspace*. Manila: DOJ, p. 25.

¹⁰ Stairway Foundation, Inc. and the Department of Education (2016). *Cybersafe Survey 2015*. Puerto Galera: Stairway Foundation, Inc.

26. The Barangay Councils for the Protection of Children (BCPC) are formed to promote and protect children's rights, but only 34% of BCPCs are functional.¹¹ Members of the LCPC are not given substantial training on cybercrime issues.¹²
27. ECPAT Philippines, a CSC-CRC member, cited in its alternative report to the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography that there is a lack of budget allocation for the full implementation of RA 9775 which hampers capacity building for law enforcers and provision of services for child victims of online sexual abuse and exploitation.
- 28. Recommendations**
- a. **The IACAT, PNP, and DOJ strengthen its inter-agency effort and coordination with LGUs through the LCPC, and the LCATVAWC's to combat cybersex in the community.**
 - b. **The DepEd intensifies its education sessions on child protection and safety in the internet to children and their families, schools and local officials, especially in cybersex-affected communities. Training sessions and information and education campaign materials can also be made accessible in the Deped website.**
 - c. **LGUs consider including child online protection issues in their executive and legislative agenda through ordinances and allocation of budget especially for the implementation of RA 9775.**

B.5 Children in Situations of Armed Conflict

29. During the Aquino Administration, 30 children have become victims of state-perpetrated extrajudicial killings in the context of militarization and armed conflict.¹³
30. The chronic conflict in Mindanao--involving not only the government armed forces and armed revolutionary groups, but also clan wars (*rido*), kidnap-for-ransom groups and private armies of political clans and corporations--has short- and long-term negative consequences for children. In a consultation conducted by the Mindanao *Tulong Bakwet*, Mindanao Emergency Response Network and Save the Children in Davao City on 24-26 January 2014, children shared that the conflict resulted in their parents losing their livelihood, resulting in lack of money for school needs. Children are forced to work after school, or even totally give up their schooling. The crisis also resulted in an increase in the prices of goods. The conflict also caused intense fear among the children. They were not able to go to school, study or play because it was not safe. Frequent displacement and evacuation also created fear among children of being separated from their families.
31. Section 25 of RA 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act does not provide sufficient protection for the rights of children in situations of armed conflict especially as it regards children who have been recruited by armed groups as combatants, couriers, spies or helpers as children in conflict with the law rather than as victims of war/conflict. In effect, these children do not receive the appropriate psychosocial, rehabilitation and reintegration services, and instead are arrested and dealt with through the juvenile justice system.

¹¹ Republic of the Philippines - Council on the Welfare of Children (2012). *Towards More Effective LCPCs in Child Rights Responsive Governance in the Philippines*, p. 4.

¹² Awitan, *op. cit.*, p. 8.

¹³ Salinlahi Alliance for Children's Concern (A Member of the CSC-CRC)

32. Recommendations

- a. The Philippine Congress considers enacting the law on the rights of children in situations of armed conflict, as a follow up to the commitments made in the previous UPR ((A/HRC/21/12, 2nd Cycle Review, 129.25, Chile).
- b. The Peace Negotiating Panels and the Office of the Presidential Adviser on the Peace Process consider children's concerns and consult children in the peace negotiation process between government and armed groups, and in policies, plans and programs related to the peace process, looking specifically at the impact of armed conflict on children.
- c. National line agencies, the regional government of the Autonomous Region in Muslim Mindanao and LGUs set up mechanisms to protect the rights of children in situations of armed conflict, including human-induced disaster and temporary displacement; ensure programs are in place and services made accessible to children including continued access to quality education, health care, child protection and social welfare services, and to rehabilitation and reintegration programs; and ensure that children are protected from any threat to their lives and from all forms of abuse, violence, neglect and exploitation, including recruitment into armed groups.

C. Administration of Justice, Including Impunity, and the Rule of Law: *RA 9344, as Amended – Lowering the Minimum Age of Criminal Responsibility*

33. Bills seeking to amend the JJWA, specifically to lower the MACR from 15 to nine (9) years old, were filed during the first regular session of the Philippines' 17th Congress. The MACR is the lowest age by which a person in a given country can be charged in court.
34. The lowering of the MACR has been opposed by big child rights network such as the Philippine Action for Youth Offenders, Child Rights Network and CSC-CRC due to the following reasons, a) lowering the MACR will result to increased number of children who will be detained for long periods of time, making them more likely to become hardened criminals, and b) emerging knowledge about cognitive, psychosocial, and neurobiological development in adolescence also provides evidence that young people should not be held to the same standards of criminal responsibility as adults. It has been argued that adolescents' decision-making capacities are diminished as they are less able to resist coercive influence.¹⁴

35. Recommendations

- a. The Philippine Congress considers all adverse effects on children of lowering the MACR and maintains the status quo, i.e. MACR at 15 years old.
- b. The PNP focuses on arresting the adult syndicates instead of implicating the children, who are clearly the victims in this situation, and intensify the penalty for adults who are found guilty of using children in carrying out illegal acts.
- c. The Philippine Government allocates budget to support capacity building for duty bearers and for LGUs to implement Comprehensive Juvenile Justice Intervention Programs to assist children at risk and children in conflict with the law, as follow up to an accepted recommendation to fully implement the JJWA (A/HRC/21/12, 2nd Cycle, 129.33, Norway).
- d. The LGUs consider strengthening BCPCs to prevent children from offending/re-offending and address cases of children at risk and children in conflict with the law at the community level.

¹⁴ Steinberg, L., & Scott, E. (2003). *Less guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*. American Psychologist, 58(12), 1009-1018.

- e. **The Supreme Court considers amending Section 18 of the Revised Rule on Juveniles in Conflict, which permits the detention of children in jails when there is no youth home in the locality, and makes it consistent with the provision of the JJWA.**

D. Right to Education of Minorities and Indigenous Peoples: *Quality, Accessible and Affordable Education for Marginalized Children*

36. Children in marginalized communities, such as those in informal urban settlements and relocation sites, hazard-prone areas and indigenous communities are faced with many barriers to education.
37. A study on the impact of urban relocation on children revealed that children living in off-city relocation sites walk long distances and spend a lot of money for transportation just to get to school, as there are still no schools in the new relocations sites. In some relocation sites, classrooms are heavily congested with the sudden huge increase in school population due to the relocation, indicating that the receiving schools are not prepared for the relocation. Children also report that they experience bullying from their new classmates. The sending and receiving schools also fail to coordinate in the transfer of school records. Thus, parents themselves attend to this, incurring transportation costs in the process. In some cases, children stop schooling for several days until their school records have been transferred. Children also noted that relocation often takes place in the middle of the school year.¹⁵
38. The DepEd recognizes that the IPs remain to be a marginalized sector because the education system is not culturally sensitive. It recognizes that the existing education system needs to be appropriate to the local context. It is not enough to provide educational facilities, but there is a need to provide culturally-appropriate facilities and quality of education to IPs. In General Nakar, Quezon, DepEd Order No. 62, s. 2011 adopting the National Indigenous Peoples Education Policy Framework is being implemented in pilot schools where an IP curriculum is used for teaching. However, while the IP curriculum is already developed, it is still not yet fully implemented because of budget constraints for reproduction of materials and training of teachers. The transition to the K-12 system also caused delay in the implementation. Many IP parents consider that the two more years added in school under K-12 means additional burden for them who are already having financial difficulty sending children to school.¹⁶
39. Natural disasters and conflict also hinder children's continuous access to education. In areas affected by Typhoon Haiyan, school attendance rates among girls dropped from 3% to as high as 78% mainly because of damaged schools, lack of physical safety, and lack of teachers. In armed conflict areas, schools are being attacked by armed groups, and damaged in the crossfire. The NGOs in Central Mindanao reported that IP schools have been subjected to attack, and used as camps by government armed forces.¹⁷
40. **Recommendations**
In accordance with commitments made by the Philippine Government in the last UPR (A/HRC/21/12, 2nd Cycle, 129.42, Saudi Arabia and the Holy See), the CSC-CRC recommends that:
 - a. **The DepEd develops a plan to ensure that schools in municipalities/cities include and protect the rights of children from relocated communities.**

¹⁵ John J. Carroll Institute on Church and Social Issues (2015). *Securing the Rights of Girls and Boys in Urban Poor Relocation Programs*. Quezon City: Save the Children and JJCICI, 201, pp. 13-24.

¹⁶ Anthropology Watch, Inc. (2015). *Indigenous Child Research in General Nakar, Quezon*. Unpublished Report. Pasig City: ChildFund.

¹⁷ Save the Children and the CSC-CRC (2015). *The Girl Child*. In the CSO Alternative Report on the Beijing Platform for Action +20, Edited by Jeanne Frances I. Illo, p. 7.

- b. The DILG ensures that local governments, both sending and receiving, work together to effectively bridge the gaps confronting relocated families as a result of resettlement.
- c. The DepEd ensures the availability of K-12 curriculum materials that are responsive to the needs of various IP children's groups throughout the country.
- d. The DepEd provides training on relevant laws, e.g. IPRA Law and DepEd Order No. 62, s. 2011, to teachers and other school personnel who cater to IP students.
- e. National agencies and LGUs implement the provisions of RA 10821 or the Children's Relief and Protection Act to ensure children's continued access to education and other basic services amid disaster and conflict.

E. Rights to Health

E.1 High Rate of Malnutrition among Children

- 41. The results of the 2013 NNS conducted by the Food and Nutrition Research Institute of the Department of Science and Technology show that malnutrition among Filipino children remains a great concern.
- 42. A 2014 study conducted by Educo²⁸ in 122 barangays in 10 municipalities across two provinces found that only 54% have the desired level of implementation of nutrition program. The study was patterned after the Monitoring and Evaluation of Local Level Implementation (MELLPI) of the National Nutrition Council. The Barangay Nutrition Committees scored low in budgetary allocation, programming and local policy. The barangays were constrained in allotting budget for nutrition services by government budget guidelines.¹⁸ Moreover, they did not explore options on how to generate additional revenues that can be used for nutrition. In addition, the lack of plantilla positions for nutrition at the municipal level and the co-terminus status of Barangay Nutrition Scholars with the Barangay Captains undermined government efforts to improve the nutritional status of children.
- 43. **Recommendations**
 - a. The Philippine Government reaffirms its commitment made in the previous UPR to provide more resources and adopt measures to promote the economic, social and cultural rights particularly of vulnerable groups (A/HRC/21/12, 2nd cycle, 129:38, Qatar, Vietnam; 129.39, Cuba, Pakistan). Thus, it is recommended that:
 - b. The Philippine Congress enacts the First 1000 Days Bill to ensure that effective nutrition programs are institutionalized and resourced to address the alarming rates of malnutrition.
 - c. The Department of Budget and Management and DILG revise the guidelines on the utilization of the Barangay Development Fund to prioritize critical social services for children such as sustainable nutrition programs.
 - d. The DOH adopts a policy making the conduct of MELLPI mandatory at all levels of the local government, from the provinces to the barangays; MELLPI results should be immediately shared to local nutrition committees to aid in program implementation.
 - e. The Philippine Congress considers enacting a law to create plantilla positions dedicated to nutrition at the provincial, municipal and barangay levels.

¹⁸ Department of Budget and Management – Department of Interior and Local Government. Joint Memorandum Circular 2011-1 on the use of the 20% of the Internal Revenue Allotment for development projects, which identifies physical infrastructure programs and projects as the priority expenditure items.

E.2 Early pregnancy

44. Early pregnancy is on the rise in the Philippines. Pregnancy among girls below 20 years old has increased by 65% in 2000-2010 and especially among adolescent girls aged 10 to 19. This was attributed to the increasing number of adolescents engaging in sexual intercourse coupled with the low usage of contraceptive and other forms of protection. The proportion of girls aged 15-19 who became mothers has doubled over the last ten years (from 6.3% in 2000 to 14% in 2013).¹⁹
45. The high incidence of teenage pregnancy has been attributed to adolescents' lack of access to age-appropriate and comprehensive sexuality education and to adolescent-friendly reproductive health services. Section 7 of RA 10354 of 2012 (RPRH) denies persons below 18 years old access to information and access to family planning services without parental consent, unless they are already a parent or has had a miscarriage. This is seen as a barrier to preventing early pregnancy since most Filipino parents do not openly discuss reproductive health with their children, nor send them to the health center for information. While sexuality education has been integrated in the school curriculum, its teaching is limited to adolescents in public schools, and is optional in private schools.²⁰
46. In 2014, a baseline study on the incidence of teenage pregnancy in 10 barangays in Guiaian, Eastern Samar was conducted by Medical Action Group, a health and human rights organization. The study documented 24 teenage pregnant girls covering the period 2012-2014. The profile of these teenage pregnant girls revealed the following, a) most of these girls stopped schooling at the onset of their pregnancy; b) these girls wanted to go back to school after giving birth; however, their role as young mothers prevented them to pursue such plan; and c) most of the girls lack the knowledge on neonatal care and were not aware of the implications of early pregnancy. Reproductive health services for teenage pregnant girls were not readily accessible and available at the Rural Health Unit as attested by most of the respondents. Due to lack of funds and limited knowledge in Adolescent Reproductive Health, the Municipal Health Officer (MHO) was not able to establish the program and services intended for teenage pregnant girls. Moreover, the MHO cited that maternal health services did not consider child protection needs and priorities, such as possible risks (e.g. high probability of maternal death, lifelong illness such as psychological and mental illness due to early pregnancy and child birth) that would be faced by teenage pregnant girls.
47. **Recommendations**
- The Philippine Congress considers removing legal barriers to girls' and boys' full access to sexual and reproductive health services, including human immunodeficiency virus counselling and testing by amending Section 7 of the RPRH Law, following up on its commitment to ensure universal access to sexual and reproductive health and rights and to information, education and counselling (A/HRC/21/12, 2nd cycle, 129:40, Sweden; 129.41, New Zealand).**
 - The LGUs collaborate with DepEd to strengthen the adolescent sexual and reproductive health (ASRH) education to public schools following existing DepEd curriculum. The same may be adopted by the private schools as provided in Section 14 of RA 10354.**
 - The MHO allots budget for services and programs on teenage pregnancy prevention and provides facilities (e.g. youth center) where young people can access information on ASRH.**

¹⁹ University of the Philippines-Demographic Research and Development Foundation, Inc. (2014). *Young Adult Fertility and Sexuality Study*. Quezon City: Demographic Research and Development Foundation, Inc.

²⁰ Save the Children and the CSC-CRC (2015). *The Girl Child*. In the CSO Alternative Report on the Beijing Platform for Action +20, Edited by Jeanne Frances I. Illo, p. 8.