

Updates from January - June 2020

In support of the

Still in the Sidelines: Children's Rights in the Philippines

The monitoring report of the Civil Society Coalition on the Convention on the Rights of the Child (CRC Coalition) on the Implementation of the United Nations Convention on the Rights of the Child (UNCRC) 2009 - 2019

INTRODUCTION

About CRC Coalition

1. On the 28th of February 2020, the Civil Society Coalition on the Convention on the Rights of the Child (hereafter, CRC Coalition) submitted its NGO Alternative Report to the United Nations Convention on the Rights of the Child (UNCRC) in the Philippines as accompaniment to the Philippine Government Report submitted in 2019. However, with the postponement of the 8th Pre-Session to end of September 2020 due to the COVID-19 pandemic, institutions were given the opportunity to submit updates from January to June of 2020. This document serves to provide updates as a support document to the comprehensive 2009-2019 report.
2. This NGO Alternative Report presents updates and information on key issues affecting the rights of children especially during the COVID-19 pandemic. This update draws information from (a) initial results from the on-going Child Rights Situationer during COVID-19; (b) thematic cluster reports prepared by CRC Coalition members; (c); and results of other consultations, workshops, and focus group discussions organized by CRC Coalition and its members from March to June 2020.
3. In December 2019, a new strain of coronavirus called SARS-COV-2 which causes the COVID-19 disease was reported to the World Health Organization (WHO) and has since made its impact globally. There are now 10,117,687 confirmed cases, including 502,278 deaths as of June 30, 2020 (World Health Organization, June 2020). This led to limited mobility and surfacing of various issues and challenges around the globe. The Philippines, like other countries worldwide, has been severely affected by the COVID-19 pandemic. As of June 28, 2020, there have been 35,455 confirmed cases of the disease in the country. Out of these cases, 9,686 recoveries and 1,244 deaths were recorded (DOH data). The Philippines has the third most number of cases in Southeast Asia, 15th in Asia, and 39th in the world as of June 28, 2020. ¹
4. According to the COVID-19 PH official website, as of June 30, 2020, there are 6.0% confirmed COVID cases that are 0-17 years old and 2.27% deaths that are 0-18 years old.² Despite these numbers, children bear the brunt of the impacts of the measures and actions taken by government to contain the spread of the virus.

¹ Ma. Teresa Montemayor, "Covid-19 cases now 35,455; recoveries rise to 9,686", Philippine News Agency, accessed June 28, 2020, <https://www.pna.gov.ph/articles/1107304>

² "Philippines Covid-19 – Data and Case Tracker," COVID-19 PH, Department of Health, accessed June 30, 2020, <https://covid19ph.com/>

Government Response to the Pandemic

5. At the onset of the pandemic, the Philippine leadership underplayed the threat of the new virus. Calls to close the border to travelers, especially those coming from Wuhan, China and other affected areas were heeded on January 23, 2020³. However, on the 14th of March, the government issued a “community quarantine” measure in the National Capital Region. The guidelines to the said quarantine were vague and the agencies in charge of public safety, health and order issued disjointed statements further confusing 12 million residents of the capital. As of June 30, 2020, the Philippine capital and selected cities and provinces are still under community quarantine, earning the country the distinction of having longest lockdown amongst the several countries most affected by the pandemic.

Public Health and Safety

6. The Philippine government launched a multi-sectoral response to the COVID-19 pandemic through its Interagency Task Force (IATF) on Emerging Infectious Diseases chaired by the Department of Health (DOH)⁴. The country adopted a suppression strategy through the use of social distancing, wearing of face masks and quarantines in controlling the spread of the virus. These measures are part of the Philippine government’s National Action Plan (NAP) Against COVID-19 strategic framework and its Prevention, Detection, Isolation, Reintegration, and Adopting the New Normal Program (PDITRA).⁵ However, after 100 days under lockdown, the World Health Organization reported that the Philippines still faces the challenge of “containing transmission of infection, mitigating the impact in high risks communities and confined settings, as well as ensuring the uniform enforcement of non-pharmaceutical interventions that are already in place.”

Political and Socio-economic Context

7. Under the country’s “Bayanihan to Heal As One Act,”⁶ the President is granted special powers to address the COVID-19 situation in the country. However, despite the pandemic being a health

³ “Philippines stops accepting flights from Wuhan, origin of new coronavirus,” CNN Philippines, accessed July 31, 2020, <https://cnnphilippines.com/news/2020/1/23/ph-authorities-new-coronavirus-efforts-.html>

⁴ Philippine Government Official Gazette, Inter-agency Task Force for the Management of Emerging Infectious Disease, accessed July 5, 2020, <https://www.officialgazette.gov.ph/downloads/2020/05may/20200312-IATF-RESO-11.pdf>

⁵ “100 days of COVID-19 in the Philippines: How WHO supported the Philippine response,” World Health Organization, accessed July 5, 2020, <https://www.who.int/philippines/news/feature-stories/detail/100-days-of-covid-19-in-the-philippines-how-who-supported-the-philippine-response>

⁶ “Republic Act No. 11469,” Senate of the Philippines, accessed July 29, 2020, <https://www.senate.gov.ph/Bayanihan-to-Heal-as-One-Act-RA-11469.pdf>

emergency, law enforcers and military personnel rather than health workers were seen in the frontlines implementing the national guidelines and enforcing quarantine protocols. Given the large amount of money reallocated for COVID-19 response, the people were left wanting for clearer and better accountability and monitoring measures for the funds.

8. Violations of quarantine rules such as failure to wear masks or being caught in the streets without a “quarantine pass” are met with arrests and detention. There is also a perceived lack of a comprehensive strategy to address the impacts of the pandemic and weak accountability measures to hold duty bearers to account. Messages from the government and the media where the people are blamed for the spread of the disease reveal a lack of understanding of the barriers that the people especially those in urban poor communities’ face in meeting physical distancing and other health protocols.

9. There are also perceived efforts to discourage dissent and criticism from civil society, further shrinking the space for civic engagement. This is in connection with the anti-terrorism bill being signed into law by the President on July 3, 2020),⁷ arrest of some citizens who have been demonstrating on the streets, shutdown of the country’s biggest media network⁸ and guilty verdict for the leader of Rappler, an online media agency.⁹

10. The Anti -Terrorism Act of 2020, which amends the Human Security Act of 2007, is feared by several groups given the possibility of increased red-tagging of groups who are critical of the government. Lawyers, civil libertarians and activists worry about the “chilling effect” of the inclusion of new crimes which can be abused and wielded upon dissidents and ordinary people who express views not in accordance with the views of the government.

11. In the first 11 days of the pandemic alone, police data show that 42,826 arrests were made due to alleged violations of quarantine policies such as curfew, mass gathering and social distancing. Among the most publicized one are the San Roque 21, who were arrested for violating quarantine protocol, disobedience and illegal assembly. However, stories surfacing from the families of those arrested show that the men and women protesting that the government’s promised food assistance has not reached them. Some of them are desperate for any source of food, given that they cannot work to earn for their daily subsistence to feed their children.¹⁰

⁷ “The Philippines’ anti-terror bill is poised to cause more terror,” Aljazeera, accessed July 29, 2020, <https://www.aljazeera.com/indepth/opinion/philippines-anti-terror-bill-poised-terror-200623145405529.html>

⁸ “ABS-CBN goes off air following NTC order,” CNN Philippines, accessed July 29, 2020, <https://www.cnn.ph/news/2020/5/5/ABS-CBN-off-air-NTC.html>

⁹ “Maria Ressa, Rey Santos Jr convicted of cyber libel,” Rappler, accessed July 29, 2020, <https://rappler.com/nation/maria-ressa-reynaldo-santos-jr-convicted-cyber-libel-case-june-15-2020>

¹⁰ “Poverty punished as Philippines gets tough in virus pandemic,” Aljazeera, accessed July 29, 2020, <https://www.aljazeera.com/news/2020/04/poverty-punished-philippines-tough-virus-pandemic-200413063921536.html>

12. Despite the COVID-19 pandemic, the Philippine government has not changed its security policy, with killings confirmed of drug suspects and human rights defenders in the first four months of the year. The campaign against illegal drugs have intensified following the easing of the community quarantine.¹¹

13. As a consequence of the pandemic, Filipinos suffered from loss of income and increased anxiety which contributed to further harm to people's mental and physical health.¹²

Updates on Children's Issues and Concerns

Children with Disabilities

14. The pandemic exacerbated difficulties faced by children with disabilities (CWDs). The restrictions imposed in response to COVID-19 "affected children with disabilities and their families through the lack of access to education services, child development centers or supervised neighborhood programs" as reflected in the online survey results with 40, 066 respondents.¹³

15. The national survey on the impact of the COVID-19 crisis on CWDs¹⁴ revealed that inability to access early childhood and basic education services, access to health clinics and rehabilitation services are among the primary impact of the quarantine measures. Access to both mainstream and disability-specific health services were interrupted as a result of the quarantine restrictions with 48% and 43% of the respondents reporting inability to access rehabilitation and general health services, respectively, while another 16% reported not having access to medicines, including life-saving maintenance medications such as anti-seizures for children. The common reasons identified are lack of transportation, financial barrier, unavailability of services, and inability to leave home.

¹¹ "Philippines drug campaign directive seen as 'permission to kill', UN News, accessed July 29, 2020, <https://news.un.org/en/story/2020/06/1065582>

¹² "Stress, Anxiety, Depression On The Rise Among Gen Z, Millennial Employees And Those Working From Home – Survey," One News Philippines, accessed July 29, 2020, <https://www.onenews.ph/stress-anxiety-depression-on-the-rise-among-gen-z-millennial-employees-and-those-working-from-home-survey>

¹³ "Plight of children with disabilities 'exacerbated' by COVID-19 lockdown – group," Inquirer Philippines, accessed July 29, 2020, <https://newsinfo.inquirer.net/1301026/plight-of-children-with-disabilities-exacerbated-by-covid-19-lockdown-group>

¹⁴ Council for the Welfare of Children-Subcommittee on Children with Disabilities. "Situation of Children with Disabilities in the Context of COVID-19: Results of Online Survey in the Philippines." Initial report based on preliminary analyses of raw data that will still require data quality assurance and cleaning to ensure integrity of the results, June 2020.

16. The same study¹⁵ shows that almost half (40%) of the respondents reported that CWDs experience some form of child abuse, primarily verbal/emotional (24%) and physical (13%). Around 26% report that information on COVID-19 transmission and prevention that are being disseminated in their communities are not accessible and not in multiple formats, citing the limited capacity of health workers to communicate with PWDs, absence or limited access to social media and other technology-based platforms, and information provided being not accompanied by qualified sign language interpretation and captioning, among others.

Administration of Juvenile Justice

17. During this COVID-19 pandemic, some children were arrested and detained for curfew violations, tortured and threatened with physical harm, while others were detained in a dog cage and forced inside a coffin.¹⁶ This is in violation of the Juvenile Justice and Welfare Act.

18. In a children's consultation conducted by Save the Children Philippines (SCP) in April 2020, children housed in detention homes said there is a lack of access to information.¹⁷ They get news from watching television which their center allows on schedule, but they have no idea how their families are doing since the start of quarantine. Restrictions on travel have hampered their families from visiting them. Court hearings are also suspended and release of eligible children are on hold until quarantine is lifted.

Commercial Sexual Exploitation, Trafficking, and Pornography

19. The Philippines is a leading source of child sexual exploitation materials globally, with around 2 out of every 10 children at risk of online sexual abuse and exploitation of children (OSAEC)¹⁸. Poverty, cheap and easy access to mobile devices and the internet, shift in parenting dynamics due to migration, weak enforcement of existing laws, and lack of monitoring systems in the communities, among others, have been cited as reasons why OSAEC persists in the country.

¹⁵ Council for the Welfare of Children-Subcommittee on Children with Disabilities. "Situation of Children with Disabilities in the Context of COVID-19: Results of Online Survey in the Philippines." Initial report based on preliminary analyses of raw data that will still require data quality assurance and cleaning to ensure integrity of the results, June 2020.

¹⁶ "Philippines: Children's rights must be respected while containing the COVID-19 virus," World Organisation Against Torture, accessed July 29, 2020, <https://www.omct.org/statements/philippines/2020/04/d25781/>

¹⁷ Save the Children Philippines. Unpublished report on a consultation on COVID-19 with children in youth homes, Bahay Pag-asa and Bahay Sandigan, Malabon City, 08 April 2020.

¹⁸ "SaferKidsPH advocates to stop online sexual abuse and exploitation of children," UNICEF Philippines, accessed July 29, 2020, <https://www.unicef.org/philippines/press-releases/saferkidsph-advocates-stop-online-sexual-abuse-and-exploitation-children>

20. Children's extended use of the internet during the enhanced community quarantine (ECQ), coupled with the families' loss of income and existing demand for child pornography raises the risk of OSAEC among children in poor families¹⁹.

21. During the quarantine, the prevalence of OSAEC was observed. A report of the Department of Justice on OSAEC stated that reported incidence of OSAEC tripled during the last three months of community quarantine with 279,166 cyber tips from March to May 2020 compared to 76,561 cyber tips over the same period in 2019.²⁰

Recommendations of CSOs and Children to the Government given the January to June 2020 Updates

22. Closely monitor the development of the implementing rules and regulations (IRR) of the Anti-Terrorism Act of 2020 because of the high probability of abuse and curtailing of freedom of speech and civic engagement of citizens, including children. Vigilance in monitoring potential abuses of the law is critical to avoid wrongful arrests of parents and their separation from their children.

23. Allocate a specific budget for children with disabilities at the local level and provide appropriate venues where they can avail themselves of programs and services, especially during the quarantine. This includes strict implementation of Republic Act No. 11070 mandating the establishment of Persons with Disabilities Affairs Office (PDAO) or the appointment of focal person/s in case of the fourth (4th), fifth (5th) and sixth (6th) class municipalities, in lieu of the creation of PDAO.

24. Appropriate charges should be filed against perpetrators of child abuse especially given the increased rates of abuse and exploitation, not only within their homes, but by national and local authorities and online entities. There should be registry of such cases to facilitate the monitoring of case status by third party monitors.

25. Prioritize the enactment of much needed laws and policies and implementation of programs that will address the urgent needs and concerns of children and their families in this time of the pandemic over infrastructure projects and passage of laws or measures that undermine human rights.

26. Ensure access to social protection measures for the most vulnerable children. Children benefiting from feeding programs and other school-based social protection measures should

¹⁹ "Keeping our children safe online during the COVID-18 crisis," BusinessWorld, accessed July 29, 2020, <https://www.bworldonline.com/keeping-our-children-safe-online-during-the-covid-19-crisis/>

²⁰ "Online child exploitation reports in PH surge amid Covid-19: DOJ," Philippine News Agency, accessed July 29, 2020, <https://www.pna.gov.ph/articles/1103852>

continue receiving these benefits in out-of-school settings. In addition, and given the exigencies of the COVID-19 pandemic, these feeding programs should be expanded to include all children, ages 4-9, from communities with a high incidence of poverty. With the heavier burden placed on parents given the suspension of face-to-face classes in many parts of the country, parents/caregivers should be provided with livelihood opportunities so they can more effectively fulfill their responsibilities and provide a safe, caring and protective environment for their children. Livelihood programs for parents can also be supplemented with orientation on how they can motivate and support children's learning at home while at the same time ensuring that children are protected at all times.

27. Provide mental health and psychosocial support to assist children and families. This may include the provision of free hotlines, online programs and counselling options or community outreach programs, when possible.

28. Ensure continued functioning of the child-friendly reporting mechanisms such as SOS hotlines to report incidents of child abuse, gender-based violence and exploitation (offline and online).

29. Maximize use of TV, radio, text messaging, and social media to disseminate relevant information to protect children during the community quarantine period. Curate content specifically targeting children and poor families particularly those who are marginalized.

30. Provide accurate and unbiased information and data on COVID in ways that are transparent and accessible to the public.

31. Communicate messages from national government clearly and consistently so as to avoid misinterpretation by local governments and the general public.