

## **Philippine Child Situationer 2021**

For the period covering July 2020 to November 2021

Report of the Civil Society Coalition for Convention of the Rights of the Children (CRC Coalition) Philippines

Funded by Save the Children Philippines (SCP) and Convention of the Rights of the Children (CRC) Asia

## **The Challenging Plight of Filipino Children: Children's Rights in the Philippines in the New Normal**

**December 2021**

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## INTRODUCTION

### Background

1. The Civil Society Coalition on the Convention on the Rights of the Child, formerly known as the Philippine NGO Coalition on the UN CRC (hereafter referred to as CRC Coalition), consists of twenty-four (24) non-government organizations (NGOs) working for children's rights. The CRC Coalition is committed to lead civil society efforts towards strengthening government accountability for children's rights through systematic monitoring of the implementation of the United Nations Convention on the Rights of the Child (UNCRC). It has been submitting NGO alternative reports to the CRC Committee since 1994.
2. This Child Situationer 2021 presents both quantitative and qualitative data from children and civil society organizations (CSOs) working on children's rights. It draws information from (a) desk review of reports from government, local CSOs, and international organizations (IOs) and (b) results of the five (5) regional consultations conducted in Luzon, Visayas, Mindanao, National Capital Region (NCR), and Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).
3. The aforesaid five (5) regional consultations gathered data from fifty (50) child participants, with ten (10) children from each regional consultation. Of the ten (10) children per region, at least five (5) come from the most excluded and vulnerable populations (i.e., children in street situations or CISS, children with disabilities or CWD, lesbians, gay, bisexual, transgender or LGBT, indigenous people groups or IPs, urban poor, children affected bullying, out of school youth or OSY, children engaging in labor, human trafficking survivors, Muslim, and/or low-income family, among others). In consideration of strict sensibilities in engaging the stakeholders, the respondents were further identified through referral and snowballing sampling techniques employing pre-approved criteria (i.e., has been previously engaged with or working with the Coalition or part of its members' initiatives, etc.).
4. The consultation design further upheld the child protection or safeguarding protocols and regulations employed by the Coalition under its commitment to safeguard and champion the rights of the children in all its endeavors. The consultations were conducted online. Accessibility, user-friendliness, and bandwidth consumption were considered in identifying the most suitable online tools and platforms to be used during the consultations for children to meaningfully participate in the discussions.
5. Given the methods employed to gather relevant, up-to-date data and to hear the voices of children from consultations, this Child Situationer does not claim to reflect the general situation of children nor does it represent the aggregate experiences and issues being faced by Filipino children. It does, however, aims to capture some of the experiences of children, especially those in vulnerable situations, and presents recommendations to further promote children's rights in the Philippines.

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### Overview of Children's Situation in the Philippines

#### Population

6. In May 2020, the total population of the Philippines was 109,035,343.<sup>1</sup> Philippine Statistics Authority (PSA) reported that based on the 2015 Census Demographics<sup>2</sup>, children aged 0 to 14 years make up 42.6% (or 42.97 million) of the total population.<sup>3</sup> with boys outnumbering girls by 1.2%. Meanwhile, for 15-17 years of age, the total population for both sexes is 6,208,091.<sup>4</sup>

#### Political Context

7. The human rights situation in the Philippines deteriorated in 2020.<sup>5</sup> The government's war on drugs continued to target mostly the urban poor and other vulnerable sectors of society. Unidentified gunmen and some members of the police allegedly committed thousands of extrajudicial executions that affected both adults and children that were suspected of being involved in illegal drugs. From July 2016 to September 2020, government agencies' tally of those who were killed in the war on drugs has reached 5,903. The UN Office of the High Commissioner for Human Rights reported as high as 8,663 were killed, while local human rights groups believe that the actual figure can be much higher than that.
8. During the imposition of COVID-19 travel and mobility restrictions in March 2020, several cases of unjust imprisonment were recorded. Meanwhile, police and local officials targeted vulnerable populations, including people with diverse SOGIE<sup>6</sup> and youth<sup>7</sup>, and in some cases used public humiliation and cruel treatment.
9. Attacks against activists and critics of the government occurred in the context of the government's campaign against the communist New People's Army insurgency. The military, national security agencies, and the police have actively used both online and

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<sup>1</sup> Philippine Statistics Authority (PSA), "2020 Census of Population and Housing (2020 CPH) Population Counts Declared Official by the President," PSA website, published 07 July 2021, <https://psa.gov.ph/content/2020-census-population-and-housing-2020-cph-population-counts-declared-official-president>.

<sup>2</sup> Philippine Statistics Authority (PSA), "National Quickstat for 2021," PSA website, published October 2021, <https://psa.gov.ph/statistics/quickstat/national-quickstat/all/>.

<sup>3</sup> Philippine Statistics Authority (PSA), "2020 Census of Population and Housing (2020 CPH) Population Counts Declared Official by the President," PSA website, published 07 July 2021, <https://psa.gov.ph/content/2020-census-population-and-housing-2020-cph-population-counts-declared-official-president>.

<sup>4</sup> Philippine Statistics Authority (PSA), "Philippine Population Surpassed the 100 million Mark (Results from the 2015 Census of Population)-Attachment 1: Philippine Statistical Table, Sub-Table 2," PSA website, 30 June 2017, <https://psa.gov.ph/population-and-housing/node/120080>.

<sup>5</sup> Human Rights Watch, "World Report 2021: Philippine Events of 2020," Human Rights Watch website, retrieved 18 November 2021, <https://www.hrw.org/world-report/2021/country-chapters/philippines>.

<sup>6</sup> ABS-CBN News, "Detention, misgendering, sexual violence: The case of Pride 20," ABS-CBN News website, published 30 June 2021, <https://news.abs-cbn.com/news/06/30/21/pride-month-2021-lgbtq>.

<sup>7</sup> Philippine Daily Inquirer (PDI), "Lockdown enforcement turns into 'torture' – CHR," PDI website, published 14 April 2021, <https://newsinfo.inquirer.net/1418678/lockdown-enforcement-turns-into-torture-chr>.

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- offline platforms to convey threats that have resulted in red-tagging as well as people being killed in the past year, including high school and college students<sup>8</sup>.
10. The passage of House Bill No. 7814 on 02 March 2021 is an attempt on the part of the government, led by President Duterte, to reintroduce the death penalty. The bill is aimed at strengthening the country's drug prevention and control.<sup>9</sup> However, the Commission on Human Rights (CHR) committed to tirelessly lobby against the death penalty noting that its reintroduction would violate international obligations made under the International Covenant on Civil and Political Rights and its Second Optional Protocol.<sup>10</sup>
  11. At the local level, the government's priorities (i.e., war on drugs, Build Build Build program) have shifted to respond to the COVID-19 pandemic. Unang Hakbang Foundation, Inc. observed that in communities where they are present, anti-drug initiatives at the local government level have taken a back seat to organizing social amelioration projects, ensuring residents are sheltering in place, and giving out cash assistance.
  12. In 2021, the LGUs focused on vaccination drives that have taken up a big chunk of the local budget. Feeding programs for very young children were also not aggressively pursued because the delivery of meals was through the day care centers and these were closed at the beginning of 2020. An alternative delivery system was not created or introduced until recently. The budget for supplementary feeding has remained in the DSWD budget but still not fully utilized.
  13. Months before the 2022 National Elections campaign season officially begins, Filipinos are already the unfortunate audience of the dynamics between traditional politicking and an unpredictable and swiftly changing health crisis.<sup>11</sup> More so, while the health impacts are significant, the state of democracy in the Philippines has also been negatively affected by the pandemic, as restrictions mitigating the spread of disease are preventing people from being able to register to vote.<sup>12</sup> In March 2020, rising COVID-19 cases prompted a six-month pause in voter registration, during which all Commission on Elections (COMELEC) offices across the country were closed. While national voter registration resumed in September 2020, registration in Metro Manila and four (4) neighboring provinces was suspended again from March 29 to May 14, 2021 in response to new lockdown measures.

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<sup>8</sup> University of the Philippines Diliman, "Statement of the UPD Chancellor on the Red-tagging of Former Student Leaders," University of the Philippines Diliman website, published 24 January 2021. <https://upd.edu.ph/statement-on-the-red-tagging-of-former-up-student-leaders/>.

<sup>9</sup> World Coalition Against the Death Penalty, "Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime," published 30 April 2021, <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

<sup>10</sup> Ibid.

<sup>11</sup> Rappler News, "How the pandemic is supercharging, and muting, 2022 electoral politics," Rappler website, published 14 August 2021, <https://www.rappler.com/newsbreak/in-depth/how-pandemic-supercharging-muting-2022-electoral-politics/>.

<sup>12</sup> Democracy Speaks, "COVID-19 is Already Negatively Impacting Election Integrity in the Philippines," Democracy Speaks website, published 16 July 2021, <https://www.democracyspeaks.org/blog/covid-19-already-negatively-impacting-election-integrity-philippines>.

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14. With the implementation of the Mandanas-Garcia ruling in 2022, particularly the granting of devolved functions along with the additional resources, LGUs will be enabled and empowered to target implementation and funding of local programs, projects, and activities (PPAs) and other initiatives crucial to address specific needs of localities to ensure holistic and sustained development.

### **Socio-Economic Landscape**

15. The Philippine Gross Domestic Product (GDP) posted a growth of 7.1% in the third quarter of 2021.<sup>13</sup> It is one of the fastest urbanizing countries in the East Asia and Pacific region. Although urbanization helps growth and poverty reduction, it also results in an environment of congestion, slums, pollution, inequality, and crime.<sup>14</sup>
16. In September 2021, the Social Weather Stations (SWS) survey results found that 45% of Filipino families rate themselves as *Mahirap* or Poor, 34% rating themselves as Borderline Poor (by placing themselves on the horizontal line dividing Poor and Not Poor), and 21% rating themselves as *Hindi Mahirap* or Not Poor.<sup>15</sup> This compares to June 2021 when 48% felt Poor, 29% felt Borderline Poor, and 23% felt Not Poor. The estimated numbers of Self-Rated Poor families are 11.4 million in September 2021 and 12.0 million in June 2021.<sup>16</sup>
17. Unemployment in the country increased from August 2021 to September 2021 with 3.88 million and 4.25 million accordingly. This has resulted in an unemployment rate of 8.9%, the highest since January 2021.<sup>17</sup> This unprecedented increase resulted in a lack of income and livelihood among parents and guardians compelling them to cope in ways that can be harmful to children. An earlier rapid assessment conducted by World Vision Philippines from May 16 to June 6, 2020, roughly ten weeks after the declaration of the state of health emergency,<sup>18</sup> 61% of its adult respondents reported losing their livelihoods or source of income. This loss of income has forced parents and caregivers to consider drastic measures that may affect their children's well-being, such as the 3% of adult respondents who said that they send their children to work. Measures implemented to contain the virus also led to food insecurity, closure of schools and daycares, immobilization of public transportation, and a higher risk of

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<sup>13</sup> Philippine Statistics Authority (PSA), "GDP posted a growth of 7.1 percent in the third quarter of 2021," PSA website, published 09 November 2021, <https://psa.gov.ph/national-accounts>.

<sup>14</sup> World Bank Group (WBG), "Philippines Urbanization Review," WBG website, published November 2021, <https://documents1.worldbank.org/curated/en/963061495807736752/pdf/114088-REVISED-PUBLIC-Philippines-Urbanization-Review-Full-Report.pdf>.

<sup>15</sup> Social Weather Stations (SWS), "Third Quarter 2021 Social Weather Survey: 45% of Filipino families feel Poor; 34% feel Borderline Poor, 21% feel Not Poor," SWS website, published 27 November 2021, <https://www.sws.org.ph/swsmain/artclidisp?page?artcsyscode=ART-20211127144913>.

<sup>16</sup> Ibid.

<sup>17</sup> Philippine Statistics Authority (PSA), "Unemployment Rate in September 2021 is Estimated at 8.9 Percent," PSA website, published 04 November 2021, <https://psa.gov.ph/content/unemployment-rate-september-2021-estimated-89-percent#:~:text=Unemployment%20Rate%20in%20September%202021,8.9%20Percent%20%7C%20Philippine%20Statistics%20Authority>.

<sup>18</sup> World Vision Development Foundation (2020). *Impact of COVID-19 to Children and Their Families*. Retrieved from [https://www.worldvision.org.ph/wp-content/uploads/2020/07/WVDF-Rapid-Assessment-Report\\_COVID-19-Impact-to-Communities.pdf](https://www.worldvision.org.ph/wp-content/uploads/2020/07/WVDF-Rapid-Assessment-Report_COVID-19-Impact-to-Communities.pdf).

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- domestic abuse.<sup>19</sup> In the throes of the COVID-19 pandemic, Save the Children and CRC Coalition's report cited that out of 438 children respondents, 15.3% said their parents have problems with job security while 28% need financial assistance.<sup>20</sup>
18. Part of the government's primary response to the COVID-19 pandemic is the enactment of the *Bayanihan* to Heal as One Act which created the Social Amelioration Program (SAP). In a 2021 UNICEF report on the effects of COVID-19 on child poverty and efficacy of social protection responses in the Philippines, it is crucial to note that without the introduction of the SAP benefit, as an immediate result of the COVID-19 lockdown, the national monetary poverty rate would have increased by between 4.6 and 17.6 percentage points.<sup>21</sup> Rural poverty rates would range between 32.2% and 48.8%, while urban poverty shows a range between 11.1% and 20.9%. Moreover, post COVID-19 poverty rates in the BARMM region would have been expected to stand between 66.9% (2.5 million persons) and 82.1% (3.1 million persons), representing an increase of between 8.4 and 23.6 percentage points.<sup>22</sup>
  19. The aforementioned World Vision Philippines rapid assessment also reflected that 41% of its child respondents confirmed that caregivers used either physical or psychological punishment to correct a child's behavior.
  20. Although 70% mentioned receiving financial assistance from their *barangays*, half of them (50.3%) said that this was not enough. With the pandemic, more is expected from the government in terms of vital socioeconomic services. At the same time, fewer government revenues can be expected due to the economic downturn.

### Environmental Concerns

21. Climate change poses a major threat to children and young people's health, nutrition, education, development, survival, and future potential. Compared to adults, children require more food and water per unit of their body weight, are less able to survive extreme weather events, and are more susceptible to toxic chemicals, temperature changes and diseases, among other factors.<sup>23</sup>
22. In August 2021, the Philippines placed 31st out of 163 countries in the Children's Climate Risk Index (CCRI) of the countries where children are most at risk. The Philippines CCRI score is 7.1 or Extremely High CCRI, with 8.9 points for Extremely High Exposure to Climate and Environmental Hazards (Pillar 1) and 4.0 points for High Child Vulnerability (Pillar).<sup>24</sup> The CCRI is structured according to two central pillars:

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<sup>19</sup> Civil Society Coalition on the Convention on the Rights of the Child (2020). *Joint CSC-CRC UPR NGO Mid-term Report Philippines (2020)*

<sup>20</sup> Save the Children and CRC Coalition (2021). *Child Rights Monitoring in Time of COVID-19*.

<sup>21</sup> UNICEF, "Effects of COVID-19 on child poverty and efficacy of social protection responses in the Philippines: Component 1," p.12, retrieved November 2021, <https://www.unicef.org/philippines/media/2791/file/UNIPH-2021-Effects-of-COVID-Child-Poverty-Social-Protection-MainReport-1.pdf>.

<sup>22</sup> Ibid.

<sup>23</sup> UNICEF, "FACT SHEET: COP26 - Children and climate change," UNICEF website, published 01 November 2021, <https://www.unicef.org/press-releases/fact-sheet-cop26-children-and-climate-change>.

<sup>24</sup> UNICEF, "The climate crisis is a child rights crisis: Introducing THE CHILDREN'S CLIMATE RISK INDEX," UNICEF website, published August 2021, [https://www.unicef.org/media/105531/file/UNICEF\\_climate%20crisis\\_child\\_rights\\_crisis-summary.pdf](https://www.unicef.org/media/105531/file/UNICEF_climate%20crisis_child_rights_crisis-summary.pdf).

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Pillar 1) Exposure to climate and environmental hazards, shocks and stresses and Pillar 2) Child vulnerability. This report provides the first comprehensive view of children's exposure and vulnerability to the impacts of climate change to help prioritize action for those most at risk and ultimately ensure today's children inherit a livable planet.<sup>25</sup>

23. Often hit first and hardest when disasters strike, children, and youth experience disproportionately large impacts to their physical and mental health; nutritional needs; access to education; economic opportunities; exposure to violence as well as many other limiting side effects.<sup>26</sup> Further, the Philippines ranked 17th in the world as the most affected country from extreme weather events in the Global Climate Risk Index (CRI) 2021. The country got a score of 26.67 using 2019 data.<sup>27</sup>
24. The COVID-19 pandemic, as a major environmental health concern, adds to the many vulnerabilities experienced by the different sectors, particularly the youth and children. While the crisis is still unfolding around the world, and will continue to evolve for some time, empirical evidence on the links between environmental challenges and COVID-19 is emerging.<sup>28</sup>

## GENERAL MEASURES OF IMPLEMENTATION

### *Legislation*

25. The country has always accorded high importance in safeguarding the rights of the children and other vulnerable groups through various laws, policy reforms and other related initiatives.
26. To ensure the protection and promotion of children's right to health, the Department of Education (DepEd) issued the Operational Guidelines in the Implementation of the School-Based Feeding Program (SBFP) providing Kindergarten to Grade 6 learners who were reported to be wasted or severely wasted with nutritious food products for at least 120 feeding days.<sup>29</sup> However, for SY 2021-2022, the DepEd released Memorandum Circular 031-2021 that provides for only 60 feeding days for hot meals/NFP and 33 days for pasteurized or sterilized milk are targeted, because of the extended implementation period of Fiscal Year (FY) 2020 due to the imposition of

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<sup>25</sup> UNICEF, "The climate crisis is a child rights crisis: Introducing the Children's Climate Risk Index," UNICEF website, published August 2021, [https://www.unicef.org/media/105531/file/UNICEF\\_climate%20crisis\\_child\\_rights\\_crisis-summary.pdf](https://www.unicef.org/media/105531/file/UNICEF_climate%20crisis_child_rights_crisis-summary.pdf).

<sup>26</sup> UNDRR, "Engaging Children and Youth on the Frontline Of Disaster Risk Reduction and Resilience," UNICEF website, retrieved November 2021, <https://www.undrr.org/engaging-children-and-youth-disaster-risk-reduction-and-resilience-building>.

<sup>27</sup> Congressional Policy and Budget Research Department (CPBRDP), House of Representatives, "GLOBAL CLIMATE RISK INDEX 2021," published February 2021, [https://cpbrd.congress.gov.ph/images/PDF%20Attachments/Facts%20in%20Figures/FF2021-09\\_Global\\_Climate\\_Risk.pdf](https://cpbrd.congress.gov.ph/images/PDF%20Attachments/Facts%20in%20Figures/FF2021-09_Global_Climate_Risk.pdf).

<sup>28</sup> Organization for Economic Co-operation and Development (OECD), "Environmental health and strengthening resilience to pandemics," published 21 April 2020, <https://www.oecd.org/coronavirus/policy-responses/environmental-health-and-strengthening-resilience-to-pandemics-73784e04/>.

<sup>29</sup> Council for the Welfare of Children (CWC), "Quick Data on Children's Situation During the Pandemic 2021," published August 2021, <https://drive.google.com/file/d/1spkTOOKiYmfNVas9WoMD9lrhO9eIHwHM/view>.



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- numerous lockdowns and the need to fully utilize FY 2021 funds by year-end in accordance with the cash-based budgeting system.<sup>30</sup>
27. The *Bayanihan* to Heal as One Act (*Bayanihan* 1), *Bayanihan* to Recover as One Act (*Bayanihan* 2) and the Social Amelioration Program (SAP), mandates the provision of subsidies and allowances to qualified families facing financial difficulties due to the COVID-19 pandemic.<sup>31</sup> Accordingly, for this purpose, six hundred million pesos (P600,000,000.00) for subsidies and allowances to qualified students of public and private elementary, secondary, and tertiary education institutions has been appropriated.<sup>32</sup>
  28. Child marriage is still prevalent in the country. Globally, the Philippines ranks 12th in the absolute number of child marriages, and 1 in 6 Filipino girls get married before they turn 18.<sup>33</sup> The recent approval at the House of Representatives, along with the Senate approval of a counterpart measure in November 2020, is a step towards eradicating child marriage in the Philippines.
  29. The amendment of the Anti-Trafficking in Persons Act (ATIP) Bill aims to hold internet intermediaries accountable for knowingly allowing their infrastructure to be used for acts of trafficking of victims of all ages, including children. It also introduces additional aggravating circumstances, notably when the crime is committed during a crisis, a public health concern (this includes a pandemic), a disaster, a humanitarian conflict or emergency situation, or when the trafficked person is a survivor of the same.<sup>34</sup>
  30. The Domestic Administrative Adoption and Alternative Child Care Act is still pending in the Congress. The bill seeks to abbreviate the waiting time of adoptive parents to six to nine months instead of years and to improve existing policies and processes on alternative child care, particularly the neglected and abandoned children, and to bring them into loving homes. Although the adoption process is simplified, procedural safeguards are included in the bill to protect the child's welfare, such as the requirement of a home study and case study by a social worker for each application for adoption.<sup>35</sup>
  31. Other pending bills on child rights in both chambers of Congress are as follows: (1) the amendment to increase the age of statutory rape from 12 to below 16 (House Substitute Bill No. 7836; Senate Bills Nos. 305, 622, 739, 762, 774, 1258, and 1853);

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<sup>30</sup> Department of Education (DepEd), DepEd Order 031-2021, published 09 August 2021, [https://www.deped.gov.ph/wp-content/uploads/2021/08/DO\\_s2021\\_031.pdf](https://www.deped.gov.ph/wp-content/uploads/2021/08/DO_s2021_031.pdf).

<sup>31</sup> Council for the Welfare of Children (CWC), "Quick Data on Children's Situation During the Pandemic 2021," published August 2021, <https://drive.google.com/file/d/1spkTOOKiYmfNVas9WoMD9lrhO9eiHwHM/view>.

<sup>32</sup> Ibid.

<sup>33</sup> Plan International Philippines, "Plan International Philippines commends House approval of Bill to Prohibit Child Marriage," published 09 September 2021, <https://reliefweb.int/report/philippines/plan-international-philippines-commends-house-approval-bill-prohibit-child>.

<sup>34</sup> Senate of the Philippines, "Sponsorship Speech of Senator Risa Hontiveros Anti-Trafficking in Persons Act (ATIP) Bill," published 24 November 2021, [https://legacy.senate.gov.ph/press\\_release/2020/1109\\_prib2.asp](https://legacy.senate.gov.ph/press_release/2020/1109_prib2.asp).

<sup>35</sup> Senate of the Philippines, "Senate approves bill simplifying adoption process for Filipino children," published 31 August 2021, [http://legacy.senate.gov.ph/press\\_release/2021/0831\\_prib1.asp](http://legacy.senate.gov.ph/press_release/2021/0831_prib1.asp).

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- and (2) work towards the revival of the positive discipline bill banning all forms of corporal punishment.
32. However, certain proposed measures have a detrimental effect on the rights of the Filipino children. For instance, there are bills in the House of Representatives that aim to amend the Juvenile Justice and Welfare Act of 2006 or Republic Act 9344 that includes the call to lower the minimum age of criminal responsibility (MACR) to 12 years old and even down to 9 years old (i.e., House Bills 864, 1376, 3127, and 6512). Meanwhile, The House of Representatives under Speaker Lord Allan Velasco is prioritizing the enactment of several bills calling for the revival of the mandatory Reserve Officers Training Corps (ROTC) program that may no longer need much discussion at the committee level to expedite its passage as it is one of the seven priority measures of Speaker Velasco that are eligible for the House' swift approval.<sup>36</sup>
  33. The CWC Legislative Agenda for Children in the 18th Congress includes the Creation of the Philippine Commission on Children with expanded mandates and more resources.

### *Recommendations from CSOs and Children*

34. **Enact into law the proposed measures to (1) amend existing laws to increase the age of statutory rape from 12 to below 16; (2) eliminate child marriage; (3) strengthen safety nets and penalize Online Sexual Abuse and Exploitation of Children (OSAEC) culprits and its intermediaries; and (4) ban all forms of corporal punishment. Particular, push for the passage of Senate Bill No. 2209 or the proposed Special Protections against Online Sexual Abuse and Exploitation of Children (OSAEC) Law that was already approved on the third and final reading last 27 May 2021. The proposed OSAEC Law intends to expand and improve government protections for children against online sexual abuse and exploitation. It also empowers law enforcers with additional tools to investigate and prosecute Filipino and foreign perpetrators of OSAEC, particularly those hiding behind the veil of anonymity provided by online platforms and applications.**
35. **Maintain position to not pass any policy reforms on lowering the MACR as well as the enactment of the mandatory ROTC for Grades 11 and 12 in private and public schools.**
36. **Increase representation of children/youth subgroups, especially those not often consulted, such as out of school youths, children with disabilities, those belonging to ethnic minorities and non-binary gender groups among others, in all policy consultations concerning the children and youth.**
37. **Ensure that the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) formulates and implements policies based on assessments of the impacts of the crisis that are particular to children. The**

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<sup>36</sup> Philippine Daily Inquirer, "ROTC revival among Velasco's priority bills eligible for swift approval," published 13 November 2020, <https://newsinfo.inquirer.net/1360147/rotc-revival-among-velascos-priority-bills-eligible-for-swift-approval>.

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**interventions should also be age appropriate. If such assessments are not available, policies must be formulated to direct the conduct of such assessments as soon as possible.**

38. **Increase the mandate and resources of the Council for the Welfare of Children through its transition to the Philippine Commission on Children.**

### **Coordination**

39. Coordinative relationships were maintained among relevant government bodies in child rights promotion, protection, and fulfillment. Mechanisms for child-friendly local governance (i.e., Seal of Child Friendly Local Governance, Inclusion of Youth Development criteria for the Seal of Good Local Governance in its 2021 implementation) were also established and efforts to strengthen the Local Councils for the Protection of Children (LCPCs) were taken. The Department of Interior and Local Government (DILG) further released the Memorandum Circular 2021-039 on 07 April 2021 to provide comprehensive guidelines for the establishment, strengthening, and monitoring of Local Councils for the Protection of Children (LCPCs). Prior to this departmental policy reform, LCPCs, including its Barangay counterpart, around the Philippines already took initiatives to strengthen the council in fulfilling its duties. For instance, the City of Iloilo provided a series of workshops to improve the function of barangay council for the protection of children (BCPCs) in addressing the needs of Children in Conflict with the Law (CICL) and Children at Risk (CAR) cases in all stages for its 180 BCPCs in 2018.<sup>37</sup> Meanwhile, the Local Government Unit of Magallanes through the Municipal Council for the Protection of Children (MCPC), conducted a Seminar-Workshop on Strengthening and Capability Building of 34 Barangay Council for the Protection of Children (BCPC) from November 11 to 15, 2019.<sup>38</sup>
40. To reinforce the implementation of the Republic Act No. 9262 or the Anti-Violence Against Women and Their Child Act, the DILG, DSWD, and DOJ released a Joint Memorandum Circular creating the Local Committees on Anti-Trafficking and Violence Against Women and Children (LCAT-VAWC).<sup>39</sup> The LCAT-VAWC aims to strengthen local structures to collaboratively address the problems of trafficking and VAWC. However, its functionality is yet to be determined.<sup>40</sup> Furthermore, the constant replacement of local officials due to election terms of service and barangay VAW desk focal persons who have been trained in giving appropriate interventions to VAWC victims hampers satisfactory provision of services for the victim-survivors.

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<sup>37</sup> Philippine News Agency (PNA), "Barangay council for protection of children strengthened," PNA website, 18 April 2018, [pna.gov.ph/index.php/articles/1032388](http://pna.gov.ph/index.php/articles/1032388).

<sup>38</sup> Local Government Unit Official Website, "Seminar-Workshop on Strengthening and Capability Building of Barangay Council for the Protection of Children (BCPCs) and School Child Protection Committee," LGU website, 15 November 2019, <https://www.magallanessorsoqon.gov.ph/seminar-workshop-on-strengthening-and-capability-building-of-barangay-council-for-the-protection-of-children-bcpcs-and-school-child-protection-committee/>.

<sup>39</sup> Philippine Commission on Women (PCW), "DILG, DSWD, and DOJ Joint Memorandum Circular 2010-01," published 18 October 2010, <https://pcw.gov.ph/assets/files/2020/04/JMC-2010-1-LCAT-VAWC-Province-City-Municipality.pdf?x45014>.

<sup>40</sup> Department of Interior and Local Government (DILG) Memorandum Circular 2020-006, published 20 January 2020, [https://dilg.gov.ph/PDF\\_File/issuances/memo\\_circulars/dilg-memocircular-2020120\\_75bad7dc97.pdf](https://dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-2020120_75bad7dc97.pdf).

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41. Improved coordination with key stakeholders and other development partners of the Council for the Welfare of Children (CWC) were observed. However, even with the existing plans and roadmaps to harmonize children's rights initiatives from concerned national agencies, the program implementation remains fragmented and, in some cases, unresponsive to the needs of the children on the ground.
42. Additionally, 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 several factors: a) miniscule financial resources; b) inadequate personnel; and c) inadequate clout to influence other national government agencies. With its roles and functions, the CWC must have a strong and assertive leadership to influence the different agencies in all matters pertaining to children.
43. Local Government Units (LGUs) are also required to allocate at least one percent (1%) of their Internal Revenue Allotment (IRA) to the strengthening of LCPC. The role played by the LCPC is crucial in ensuring that the Local Development and Investment Plan of LGUs include a comprehensive package of intervention programs that will address the issue of children in conflict with the law in their area of jurisdiction. Low compliance likewise plagues this aspect of the law. Only 1/3 or 33% of LGUs have such budget allocation.<sup>41</sup>
44. A reactive approach in dealing with child protection issues, with programmatic or legislative actions taken as "stand-alone" responses to a specific child protection issue remains. The presence of several inter-agency councils mandated to coordinate and oversee the implementation of various laws, despite the overlap of functions, citing this as one consequence of the "disconnect between the profusion of laws and the continuing incidence of child abuse." Poor coordination and integration between national and local levels of government has also resulted in fragmented and ineffective services. This has been exacerbated by the decentralized governance structure in the Philippines, with areas devolved to LGUs, particularly weak.<sup>42</sup>
45. Although LCPC has been institutionalized, the need for LGUs to assist is still crucial to strengthen and sustain the councils as it delivers its advocacy and programming efforts for and on behalf of children, particularly, the Children in Need of Special Protection (CNSP).
46. The CWC itself noted the weak coordination among member agencies or bodies within the LCPCs, and the low level of expertise, especially in poor areas. Programmatic gains are difficult to achieve as it is hindered by the three-year term limit of local chief executives (LCEs) with varying priorities in the LGUs, as well as the insufficient allotment of resources for LCPC strengthening. Retrogressions from functional to non-functional status of LCPCs are not uncommon. Being categorized as a "functional" LCPC is not synonymous to a council in operation nor does it imply results for children. There is no sanction for non-performance of LCPCs.

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<sup>41</sup> Senate of the Philippines, "Dissenting Vote of Akbayan Senator Risa Hontiveros on Senate Bill 2198/Committee Report 622," published 04 February 2019, [http://legacy.senate.gov.ph/press\\_release/2019/0204\\_hontiveros1.asp](http://legacy.senate.gov.ph/press_release/2019/0204_hontiveros1.asp).

<sup>42</sup> National Economic and Development Authority (NEDA) and UNICEF Philippines, "Situation Analysis of Children in the Philippines," 2018, <https://www.unicef.org/philippines/media/556/file>.

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47. In a Memorandum Circular 2021-074 dated 05 July 2021, the Department of Interior and Local Government (DILG) seeks to implement a 2021 Pilot Testing of the Seal of Good Local Governance for *Barangay* (SGLGB) to encourage and challenge the *barangays* to scale up performance and practices of good governance. Under the Essential Area 1 on Social Protection and Sensitivity, a key indicator to consider is the functionality<sup>43</sup> of the BCPC.
48. Since its enactment in 2006, the JJWA has not enjoyed the full support of the government. Compliance by local government units (LGU) is low. The JJWA mandates that local governments appoint a licensed social worker devoted to assisting children in conflict with the law (CICLs). However, only three percent (3%) of LGUs have designated a social worker who handles not only casework on children but of other social work tasks that the LGU assigns.<sup>44</sup> The absence of social workers creates a gap in the implementation of standard procedures (i.e., intervention and diversion programs) that leads to the general misconception that CICLs are not being made accountable for their misdeeds.
49. While institutionalization of CICLs should be the last resort, of the ideal number of 118 *Bahay Pag-asa* (BPA), which LGUs in highly urbanized cities and provinces are supposed to establish and manage, only 63 have been built. And of that number, only 58 are operational with 3 BPAs being managed by non-government organizations.<sup>45</sup> Only 13% of the operational BPAs are accredited by the Department of Social Welfare and Development (DSWD). CALABARZON, with 17, has the highest number of BPAs while Region 1 has the least at 1. NCR has 8, and most of the others have 2, 3 or 4.<sup>46</sup>
50. Local action in communities has often, despite lack of adequate funding and slow responses by governments, been dynamic and inclusive in dealing with the COVID-19 pandemic. The work and dedication of NGOs/CSOs strive to support child rights during the health crisis. For instance, the CRC Coalition and its members create measures and necessary adjustments to push through with their initiatives despite the health scare. Most of these efforts transitioned from face-to-face activities to online consultations and programs to ensure continued delivery of child rights support mechanisms and services.
51. As the COVID-19 pandemic continues to impact the country, the government has been forced to take a look at the spending and how to meet additional costs of pandemic response given an expected fall in revenue. Services for children have also struggled to continue to operate during the pandemic and face financial questions. Under Republic Act No. 11469 or the *Bayanihan* to Heal as One Act of 2020, appropriations for existing programs and projects of the government may be discontinued in order to

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<sup>43</sup> Based on DILG MC No. 2008-126, the LCPC, including the BCPC, shall be assessed on the functionality of the barangay council for the protection of children (BCPC) based on (1) Organization-10%; (2) Meetings-10%; (3) Policies, Plans and Budgets-30%; and (4) Accomplishments-50%.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

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utilize the generated savings to address the COVID-19 emergency. This may include crucial efforts and programs for children (i.e., Out-of-School Youth initiatives).

### ***Recommendations from CSOs and Children***

52. **Strengthen CWC by enacting the bill to make it a commission, with stronger authority and mandate, and more effective inter-agency coordination and multi-stakeholder participation, including mechanisms for children's participation.**
53. **Ensure continued consultation and coordination with civil society organizations and actors working in children's rights.**
54. **Allocate budget for child responsive policies and programs.**
55. **Institutionalize and systematize listening and consulting with children and youth to ensure effective and meaningful children and youth participation in the entire process of BCPC/LCPC planning, implementation, monitoring and evaluation, training, and advocacy.**
56. **Ensure that all LCPCs, including LCATVAWCs, are active and functional through added human resource capital at the local level, particularly professional social workers or community organizers who will be responsible for training and organizing the LCPCs.**
57. **Strengthen vertical and horizontal linkages among LCPCs– provincial-municipal, municipal-barangay, city-barangay, inter-barangay, inter-municipality, and inter-city as well its corresponding LCATVAWCs.**
58. **For better coordination and expedient creation of aforesaid linkages, the DILG and CWC may consider convening separate consultative meetings with the Union of Local Authorities of the Philippines (ULAP), Leagues of the Provinces of the Philippines (LPP), League of the Cities of the Philippines, (LCP), League of Municipalities of the Philippines (LMP), and Liga ng mga Barangay (LNB) with an agenda toward mapping out a strategic plan for strengthening LCPCs BCPCs, and other VAWC-related local structures nationwide based on their own experiences and insights.**
59. **Ensure protection commitments, systems, and mechanisms of local and national to withstand emergencies, such as the COVID-19 pandemic.**

### ***Comprehensive National Strategy***

60. **Now in its fifth year of implementation, the 3rd National Plan of Action for Children or NPAC for 2017-2022 has not yet been fully rolled out but has been evaluated by the CWC through a midterm review. The result of the review will feed into the development of the 4th NPAC in 2022 including the development of the results-based monitoring and evaluation, a component that hasn't been included in the 3rd NPAC.**

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61. The Philippine Plan for Action to End Violence Against Children (PPAEVAC) 2017 - 2022 was created as a product of the consolidation of commitments of all government and non-government duty bearers, including children and their families into a collective whole. The plan focuses on breaking the cycle of violence by addressing its root causes on the demand side, building the capacity of children to protect themselves, improving legislation, enhancing integrated services for preventing and responding to violence, and ensuring access to social services.
62. The PPAEVAC, through the CWC and the National Network to End Violence Against Children (NNEVAC) has reached various milestones through programs, projects and legislations. However, it is yet to develop a functional monitoring and evaluation system and is currently pilot testing the localization toolkit for subnational governments to utilize in creating local programs, projects, activities and policies in response to the call to end violence against children in the country.
63. There is no framework that focuses on all of the issues faced by children during the COVID-19 pandemic. The lack of a comprehensive plan of action that would serve as the guide for the development of policies affecting children, directly or indirectly, has led to policies issued by IATF and national agencies lacking crucial measures that would ensure that the rights of children are fully protected. A comprehensive strategy could also have strengthened the implementation of existing laws/policies addressing children's specific needs and concerns, and would have helped prevent or mitigate COVID's adverse impacts on children.<sup>47</sup> More so, the absence of an advocate for children/children's lens in the IATF proved to be a challenge as policies enacted have been blind as to how health protocols and restrictions impact the situation of children.

### ***Recommendations of CSOs and Children***

64. **Revisit the Philippine National Strategic Framework for Plan Development for Children for years 2001 to 2025 otherwise known as Child 21, National Action Plan for Children (NPAC), and Philippine Plan of Action to End Violence against Children (PPAEVAC) of the Republic of the Philippines (2017-2022) to re-evaluate and adjust key premises, assumptions, and course of action to target the new challenges brought by the current events, particularly the COVID-19 pandemic.**
65. **For the CWC to update and adapt to the COVID-19 pandemic the rollout of the 3rd NPAC at the local level, including establishing a clear framework/system for the meaningful participation of CSOs and children in NPAC monitoring; for DILG to provide guidance and technical support to LGUs to enable them to integrate this in their local plans and budgets; and for DILG to issue planning guidance to LGUs that includes using a stronger analysis of children's status at the local level as basis for planning and budgeting using sex and age disaggregated data**

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<sup>47</sup> Presented by the Sentro ng Alternatibong Lingap Panlegal (SALIGAN) and Save the Children during the Zoom virtual proceedings of the Research Forum on Children's Rights and COVID-19 dated 25-26 November 2020.

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- to analyze particular needs of different age and gender identities at the local level.**
66. **For the CWC to include children in the evaluation of the 3rd NPAC ending in 2022 and to set up a permanent mechanism for children's participation in the monitoring of the NPAC.**
  67. **As provided by Republic Act No. 11469 or the Bayanihan to Heal as One Act of 2020, discontinued appropriated programs may be implemented after two fiscal years. The Coalition encourages relevant government agencies, namely DILG, CWC, LGUs among others ample amount of time to strategize, in terms of implementation, monitoring, and evaluation, for the 3rd NPAC roll-out.**
  68. **Adjust and adapt the implementation of the PPAEVAC to emerging issues brought by the COVID-19.**

### *Cooperation with Civil Society*

69. There are various inter-agency committees that provide a venue for stronger coordination and collaboration between the government and civil society toward developing policies, strategies, and programs, such as the National Network to End Violence against Children (NNEVAC). NNEVAC, composed of national agencies and CSOs, developed the Philippine Plan of Action to End Violence Against Children (PPAEVAC). However, at the local level, local CSOs are usually not able to engage LGUs unless they are recognized, accredited to participate, and have representation in local governance processes, or unless they have a memorandum of understanding with the LGU. The accreditation process requires the CSO to register with one of the accrediting agencies, which most grassroots organizations or small CSOs (including children's groups) may not be able to meet, especially with the prevailing health restrictions brought by the COVID-19 pandemic.
70. The CWC together with CSOs and government agencies finalized the very first Philippine National Multi-Sectoral Strategic Plan on Children in Street Situations (PNMSSPC) 2021-2025 which is a program framework designed to holistically address the needs and concerns of CISS using a child-rights approach and strengthened multi-sectoral cooperation among various duty-bearers. The PNMSSPC is framed using the requirements and recommendations in the CRC General Comment 21 and aligned with the 3rd NPAC.
71. As of September 2021, the civic space in the country remains repressed.<sup>48</sup> While the government allows individuals and CSOs/NGOs to exercise their rights to freedom of association, peaceful assembly and expression, violations of these rights also take place. The Philippines is ranked 138th out of 180 countries in Reporters Without Borders' (RSF) 2021 World Press Freedom Index<sup>49</sup>.

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<sup>48</sup> Based on the live rating of CIVICUS Monitor, retrieved November 2021, <https://monitor.civicus.org/country/philippines/>

<sup>49</sup> The criteria used in the questionnaire to rank the freedom of the media and reporters are pluralism, media independence, media environment and self-censorship, legislative framework, transparency, and the quality of the infrastructure that supports the production of news and information.



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72. In recent months, activists have been arbitrarily arrested on trumped-up charges and even killed by security forces. The government is also adopting “drug war” measures against activists and there have been cyberattacks on human rights alliance Karapatan.<sup>50</sup> On a positive note, fabricated charges against other activists have been dropped.
73. In November 2021, Maria Salome “Sally” Crisostomo-Ujano, from CRC Coalition Member, Philippines Against Child Trafficking (PACT), was arrested for alleged rebellion in 2006. This, despite working alongside the government for years on top of the questionable circumstances of her arrest.<sup>51</sup>

### ***Recommendations of CSOs and Children***

74. **CWC to lead the development of a Localization Plan of the PNMSSPC and be rolled out to regional and cities with high numbers of Children in street situations (CISS).**
75. **National government agencies (NGAs) and local government units (LGUs) to create more participation and consultation mechanisms that accommodate children and CSOs/NGOs, and not just limit these to the formal representation where organizations need to be first accredited.**
76. **Policy reform to allow budget items for training and development of school student councils/governments under the special education fund. Children must be prepared to make use of the spaces for participation and consultation that is being advocated.**
77. **Finalize and fast-track the review of various social protection measures to include the COVID-19 context which is significantly affecting the lives of children and increasing their exposure to protection risks. The PPAEVAC to review its design and focus to appropriately respond to the situation of children.**
78. **Safeguard activists and advocates from red tagging through empowerment training that includes human rights defense skills.**

### ***Allocation of Resources***

79. The fiscal year (FY) 2020 is fraught with challenges that include the Taal volcano eruption and Typhoon Ambo; animal virus outbreak (i.e., African swine flu); and the devastating COVID-19 pandemic.

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<sup>50</sup> CIVICUS Monitor, “Assault on Civic Freedoms Persis in the Philippines Despite UN Joint Human Rights Programme,” published September 2021, <https://monitor.civicus.org/updates/2021/09/06/assault-civic-freedoms-persist-philippines-despite-un-joint-human-rights-programme/>.

<sup>51</sup> CRC Coalition, “Official Statement of CRC Coalition on the arrest of its member from Philippines Against Child Trafficking. Maria Salome “Sally” Crisostome-Ujano due to alleged “rebellion” in 2006,” Published November 2021, <https://www.csc-crc.org/news-events/maria-salome-alleged-rebellion-official-statement/>.

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80. Consistent with the provisions of the Constitution, the education sector received the largest portion of the national budget with PhP 751.7 billion allocation, or 16.7% of the FY 2021 budget. The Department of Public Works and Highways (DPWH) and the Department of Interior and Local Government (DILG) followed suit with PhP 695.7 billion (15.4%) and PhP 249.3 billion (5.5%), respectively.<sup>52</sup> The Department of Health (DOH), being the primary government arm in responding to the COVID-19 pandemic, received PhP210.2 billion which is 19.6% higher than its FY 2020 budget. This is followed by the Department of National Defense (DND) with PhP 205.8 billion, Department of Social Welfare and Development (DSWD) with PhP 176.9 billion, Department of Transportation (DOTr) with PhP 87.9 billion, Department of Agriculture (DA) with PhP 71.0 billion, The Judiciary with PhP 45.3 billion, and the Department of Labor and Employment (DOLE) with PhP 37.1 billion. This budget appropriations are expected to stimulate economic rebound through the revival of infrastructure development, mainly through the Build, Build, Build Program which is expected to generate 1.1 million direct and indirect jobs and catalyze business activities all over the country.<sup>53</sup>
81. The FY 2021 GAA has prioritized health-related COVID-19 response programs to address the continuing threat of the pandemic. It has also continued to aid vulnerable groups by funding programs such as the *Pantawid Pamilyang Pilipino* Program (PhP106.8 billion), Social Pension for Indigent Senior Citizens (PhP23.5 billion), Sustainable Livelihood Program (PhP4.3 billion) and the Supplementary Feeding Program (PhP3.8 billion), among many others.<sup>54</sup>
82. At the local level, DILG has issued guidelines for LCPC utilization of the budget (1% of the local government's national tax allotment (NTA) from the national budget) to ensure the LCPC budget is properly and effectively used in accordance with its intended purpose. Despite this, there are anecdotal reports from CSOs that LCPC budgets (and other budgets earmarked for children, such as education and health budgets) are not fully or properly utilized. Some LGUs admitted that they do not know how to program these budgets.
83. However, issues of corruption and mishandling funds marred the government's COVID-19 fund spending. Case in point is the alleged involvement of officials in greenlighting the purchase of overpriced personal protective equipment (PPEs) from Pharmally Pharmaceutical Corporation, which is still being investigated by the Senate as of writing, which got the biggest contracts for the government's pandemic supplies at PhP 10 billion. Further, the government awarded the pandemic contracts to the said corporation despite its being only several months old and having just PhP 625,000 in paid-up capital.<sup>55</sup>

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<sup>52</sup> Department of Budget and Management (DBM), "PRRD signs the P4.506 Trillion National Budget for FY 2021," Retrieved November 2021, <https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1778-prrd-signs-the-p4-506-trillion-national-budget-for-fy-2021#:~:text=President%20Rodrigo%20Roa%20Duterte%20today,The%20PhP4.>

<sup>53</sup> Department of Budget and Management (DBM), "PRRD signs the P4.506 Trillion National Budget for FY 2021," Retrieved November 2021, <https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1778-prrd-signs-the-p4-506-trillion-national-budget-for-fy-2021#:~:text=President%20Rodrigo%20Roa%20Duterte%20today,The%20PhP4.>

<sup>54</sup> Ibid.

<sup>55</sup> Rappler, "Frustrated doctors call for swift probe in PH pandemic corruption mess," published 08 October 2021, <https://www.rappler.com/nation/frustrated-doctors-call-swift-probe-philippines-pandemic-corruption-mess>.

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### ***Recommendations of CSOs and Children***

84. **Pass a law that will institutionalize the meaningful and genuine participation of NGOs/CSOs and marginalized groups, including children, in the planning and budgeting processes both at the national and local levels.**
85. **Strengthen existing policies on fiscal transparency in the budget process. Maximize the potential of government transparency and disclosure platforms (i.e., Freedom of Information - FOI, Open Government Partnership - OG OGP), Open Contracting, Mainstreaming of the Extractive Industries (EI) data through the Philippine Extractive Industries Transparency Initiative -PH EITI)**
86. **The Department of Budget and Management (DBM) and the whole of budgeting process to adopt child-rights-based budgeting and for DILG to intensify its efforts to raise LGUs' awareness of child-responsive planning and budgeting and build their capacity.**
87. **For CWC to lead a study to set the benchmark for public investment in child protection, including during emergencies.**

### ***Data Collection***

88. The State of the Filipino Children Report (SFCR), which the government is supposed to produce annually, has been discontinued. Latest SFCR available through the official CWC website is dated 2015 or 6 years ago. Similarly, the Survey on Children (SOC), a joint undertaking of the National Statistics Office (NSO), now the Philippine Statistics Authority (PSA), and the International Labour Organization (ILO), that aims to collect comprehensive information on the working children has not been updated. Its most recent conduct was in 2011 or more than a decade ago.
89. Comprehensive, disaggregated information on children is inaccessible as there is no effective information management system in place specifically on this. Disaggregated data on children in especially difficult circumstances (CEDC) are even more difficult to obtain. Statistics that do not count these vulnerable groups of children masks the real situation of deprivation and disparities prevailing in the country. This then renders ineffective policymaking, planning, and budgeting for child-focused services, hindering the equitable delivery of services.
90. National and local information systems are poorly integrated and weakly governed, leading to data gaps, redundancies and duplications. There are also unclear accountabilities for data collection at all levels of government. Moreover, data collection systems exist in sector 'silos', leading to an inability to track children through the relevant systems.

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### ***Recommendations of CSOs and Children***

91. **Lobby for creation of a robust and harmonized data collection and monitoring systems, and effective analysis and use of data to ensure that government policy and program priorities are well informed.**
92. **For PSA to provide technical assistance and supervision to LGUs for managing their monitoring systems as mandated in the Community-Based Monitoring Systems Act of 2018 (RA 11315).**
93. **For CWC to strengthen its monitoring and evaluation system, add more human resources to regularly collect and analyze data on children's situation (e.g., every five years), and revive the creation of the annual State of the Filipino Children Report. To make available high-quality, timely, and sex and age disaggregated data, the CWC must invest in technology and human resources necessary to collect and integrate data from multiple sources. These include developing a data-gathering tool for mapping children's situation at the local level and building capacity to ensure reliable data-gathering.**
94. **For LGUs and the CWC to produce a state of children report regularly and use information on the development of programs and policies for children.**

### ***Independent Monitoring***

95. Since issuing an En Banc Resolution A2 007-129 in 2007, the Commission on Human Rights (CHR) has served as the Ombudsman for Children through its Child Rights Center. In 2018, the CHR adopted a toolkit on monitoring UNCRC implementation to strengthen the Center's capacity to systematically monitor the human rights situation of children as one of its primary functions. CHR's budget slightly decreased from PhP 888,755,000.00 in 2020<sup>56</sup> to PhP 883,097,000.00 in 2021,<sup>57</sup> deeming its financial resource still inadequate given the national scope of the Commission.

### ***Recommendations of CSOs and Children***

96. **For CHR to disseminate the information on mandate and functions of CHR-CRC especially to children and CSOs and ensure its accessibility as a mechanism for children to report complaints (i.e., a hotline that is accessible to all children especially those who are marginalized).**
97. **Increase budget allocation for the CHR, especially the Child Rights Center, to enable it to regularly monitor children's human rights situation and adequately respond to and investigate reported cases of violations.**

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<sup>56</sup> Commission of Human Rights (CHR), "General Appropriations Act of 2020," published 06 January 2020, <http://chr.gov.ph/wp-content/uploads/2020/03/General-Appropriations-Act-2020.pdf>.

<sup>57</sup> Commission of Human Rights (CHR), "General Appropriations Act of 2021," published 28 December 2020, <http://chr.gov.ph/wp-content/uploads/2021/01/General-Appropriations-Act-2021-GAA-RA11518.pdf>.

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### *Dissemination, Training, and Awareness Raising*

98. Government information dissemination and awareness-raising initiatives involved lectures on UNCRC with government agencies and training on human rights for judges and court personnel. Law enforcement officers, particularly investigators at the National Bureau of Investigation (NBI), were trained on child development concepts and conducting child-friendly interviews of children in suspected abuse cases.
99. Awareness raising on children's rights is still mainly done by NGOs/CSOs. The lack of knowledge and appreciation for children's rights affects the prioritization of services for children especially at the local level. The stance of several legislators on child rights issues (i.e., favoring the lowering of MACR, not supporting the anti-corporal punishment/positive discipline bill) also reveals the lack of appreciation of children's rights within the many levels of the bureaucracy.
100. Advances in technology have led to wider reach and coverage in terms of information dissemination. The online platform has been utilized by both public and private entities to inform and influence the public. Government offices and officials, both at national and local levels, make use of social media applications (i.e., Facebook, Twitter, TikTok, Youtube, among others) for announcements and news on a variety of subject matter, including information on children's programs.
101. However, there are concerns on the safety and security of online platforms from phishing attacks, identity theft, cyber-hacking, among others. More so, the technological divide further highlights the inequality among and between sectors of the society. Another issue is on the veracity of information available on the digital space.

### *Recommendations of CSOs and Children*

102. **For CWC to take the lead in disseminating information about the UNCRC within government, and work with the media to popularize child rights information for the public, including children. Use of media should be maximized to disseminate information that is correct, promotes positive values based on Article 17 of the UNCRC, and cautions about practices that are harmful to children. The CWC should also monitor implementation of the Department of Justice (DOJ) Media Guidelines on reporting about children.<sup>58</sup>**
103. **Strengthen awareness-raising campaigns and ensure that such campaigns reach the rural and remote areas (i.e., Geographically Isolated and Disadvantaged Areas or GIDA), including children, especially those with vulnerabilities.**
104. **Engage the tri-media to widen the reach of information dissemination and awareness-raising. Encourage the media to develop more child-oriented knowledge products to provide better coverage while respecting the rights of**

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<sup>58</sup> Department of Justice, "Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children, Revised 2008," <https://www.doi.gov.ph/files/2016/THE%20GUIDE%20FOR%20MEDIA%20PRACTITIONERS.pdf>

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**the child, including the child's right to privacy, and to promote children's own participation in media efforts.**

### GENERAL PRINCIPLES

#### *Non-Discrimination*

105. Children remain to be an object of considerable discrimination in the Philippines. For instance, children with disabilities and the youth are more challenged to break barriers towards inclusion. They are more prone to domestic violence and abuse and experience exclusion in education as the system remains to have low capacity to accommodate specific or learning needs of students with disabilities.
106. The promotion of empowering children and youth yet remains low as cultural barriers still prevail in homes where parents do not recognize the evolving capacities of children and youth to participate in decision making concerning them.
107. In terms of exclusion within the community, indigenous children are considerably left behind in terms of access to social services such as health and education.<sup>59</sup> More so, children from the indigenous minorities are frequently the victims of discriminatory acts. Their opinions are valued less than their non-indigenous counterparts.
108. The Philippines may be the first in Southeast Asia to accede to the 1954 Convention Relating to the Status of Stateless Persons, but the issue and the people directly affected continue to be in limbo due to unclear definitions, vague and unresponsive interventions. In the Philippines, stateless people include unregistered children, foundlings, children of Filipino descent in migration situations, persons of Indonesian descent (PIDs), and the *Sama-Badjau* community. Apart from irregularities in the definition and recognition of stateless persons, there are very few organizations supporting the community.
109. Non-binary children are often forced into stressful circumstances—verbal harassment, neglect, sexual assault—often perpetuated by parents, siblings, or other relatives. These cases go unreported as children do not know where to report or fear that it would expose them to greater harm (retaliation from perpetrators).<sup>60</sup> Physical harm by being an LGBTQIA+ is also observed as a serious type of bullying in schools that requires attention. This results to LGBTQIA+ students to have low self-esteem and participation in school.<sup>61</sup>

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<sup>59</sup> United Nations - Department of Economic and Social Affairs (UN-DESA), "The State of the World's Indigenous People," UN website, 2018, Retrieved November 2021, <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/03/The-State-of-The-Worlds-Indigenous-Peoples-WEB.pdf>.

<sup>60</sup> ASEAN SOGIE Caucus, *Bata at Bahaghari: Experiences of LGBT Children*, ASC Discussion Series No. 1 (Quezon City: ASEAN SOGIE Caucus, 2017), <https://aseansogiecaucus.org/images/resources/publications/Bata%20at%20Bahaghari%20-%20Experiences%20of%20LGBT%20Children%20in%20the%20Philippines.pdf>.

<sup>61</sup> Gems Heart Outreach & Development, "Child-Friendly Accountability Survey," 2019.

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### *Recommendations of CSOs and Children*

110. **For DepEd to integrate discussions on the rights of non-binary children and other excluded groups of children (i.e., children of indigenous peoples and children with disabilities) in the school curriculum; and for DepEd and LGUs to formulate plans to implement awareness raising and education programs to sensitize service providers, adults and children on SOGIE rights.**
111. **For DepEd to also develop a comprehensive Gender-Responsive Education Plan or interventions which will serve as an implementing guide for schools to better address Gender-based Violence and implement the Safe Spaces Act in communities and schools.**
112. **For DepEd to assess new normal modes of education and collaborate with other stakeholders to improve mechanisms to reach children with disabilities, children from indigenous peoples groups, and other vulnerable children despite the challenges and limitations of the pandemic and limited internet infrastructure in the country.**
113. **Intensify Gender Sensitivity Training (GST) targeting all government service providers and front-liners, including monitoring plan and follow through GST sessions/training to sustain gender sensitivity-related efforts.**
114. **For Congress to address policy gaps in protecting children from discrimination, and to pass the SOGIE Equality Bill.**

### *Right to Life, Survival, and Development*

115. In 2020, the infant mortality rate for the Philippines was 18.42 deaths per thousand live births. Infant mortality rate of the Philippines fell gradually from 55.08 deaths per thousand live births in 1971 to 18.42 deaths per thousand live births in 2020.<sup>62</sup> While this represents major progress, more intense work is needed to further reduce infant and child mortality.
116. For nearly thirty years, there have been almost no improvements in the prevalence of undernutrition in the Philippines. One in three children (29%) younger than five years old suffered from stunting (2019), being small in size for their age.<sup>63</sup>
117. The country is ranked fifth among countries in the East Asia and Pacific region with the highest prevalence of stunting and is among the 10 countries in the world with the highest number of stunted children.<sup>64</sup> There are regions with levels of stunting that exceed 40% of the population. In Bangsamoro Autonomous Region in Muslim

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<sup>62</sup>World Data Atlas, "Philippines - Infant mortality rate," Retrieved November 2021, <https://knoema.com/atlas/Philippines/topics/Demographics/Mortality/Infant-mortality-rate>.

<sup>63</sup> World Bank Group, "Undernutrition in the Philippines: Scale, Scope, and Opportunities for Nutrition Policy and Programming," published 15 June 2021, <https://www.worldbank.org/en/country/philippines/publication/-key-findings-undernutrition-in-the-philippines>.

<sup>64</sup> Ibid.

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- Mindanao 45% of children below five are stunted, in Southwestern Tagalog Region (MIMAROPA) 41%, Bicol Region it is 40%, Western Visayas 40%, and in the south-central Mindanao Region (SOCCKSARGEN) 40%.<sup>65</sup>
118. Results of the Rapid Nutrition Assessment Survey conducted in 2020 revealed that 6 in every 10 households experienced moderate to severe food insecurity. Food insecurity was reported highest during April and May 2020 when Luzon was under the Enhanced Community Quarantine (ECQ).<sup>66</sup> Impact on food security was found to be highest in households with children (74.7%) and pregnant members (80.8%).
  119. Hunger in the Philippines rose sharply following the start of the pandemic. Social Weather Stations (SWS) surveys show that in September 2020, after seven months of community quarantine, 31% of families reported experiencing hunger in the past 30 days, and 9% were suffering severe hunger—in both cases, the highest levels recorded in more than 20 years.
  120. Additionally, the island-wide consultations of the CRC Coalition garnered real-life experiences of children relating to hunger and malnutrition. A respondent narrated that due to lack of food, she attends burials at the cemetery to get free food. If there are extra food packages, then she will bring it home to share with her family. Another respondent shared that scavenging is a normal way of living for their community. *“If there are leftovers, we will eat it because our parents don’t have income.”*
  121. The country’s Human Capital Index (HCI) of 0.52 indicates that the future productivity of a child born today will be half of what could have been achieved with complete education and full health.<sup>67</sup>
  122. The Philippines has recorded a total of 180,916 live births among adolescents aged 10 to 19 in 2019, according to the data from the Civil Registration and Vital Statistics System of the Philippine Statistics Authority (PSA). The figure is equivalent to 495 live births per day in the 10 to 19 age group.<sup>68</sup>
  123. Only 3% of all live births within the adolescent age group are fathered by men of the same age group, based on the January 2020 Policy Brief by the United Nations Population Fund Philippines. Such pregnancies, according to the briefer, may be a result of *“coercion and unequal power relations between girls and older men.”*<sup>69</sup> UNFPA echoes the sense of urgency demonstrated by NEDA and POPCOM, which

<sup>65</sup> World Bank Group, “Undernutrition in the Philippines: Scale, Scope, and Opportunities for Nutrition Policy and Programming,” published 15 June 2021, <https://www.worldbank.org/en/country/philippines/publication/-key-findings-undernutrition-in-the-philippines>.

<sup>66</sup> Food and Nutrition Research Institute (FNRI)-DOST: *Rapid Nutrition Assessment Survey on Food Security and Coping Mechanisms, and Nutrition Services Availed during COVID-19 Pandemic in Selected Areas in the Philippines*, FNRI-DOST Presentation, Quezon City, 2020, <http://enutrition.fnri.dost.gov.ph/site/uploads/RNAS%20Virtual%20Dissemination%20to%20Partners.pdf>

<sup>67</sup> World Bank Group, *supra* at 1.

<sup>68</sup> Population Commission (POPCOM) Region IV-A (CALABARZON), “EO 141: Teenage Pregnancy, a National Priority,” POPCOM R4A website. Retrieved November 2021, <https://rpo4a.popcom.gov.ph/2021/08/27/eo-141-teenage-pregnancy-a-national-priority/>.

<sup>69</sup> United Nations Population Fund (UNFPA), “#GirlsNotMoms: Eliminating Teenage Pregnancy in the Philippines,” UNFPA website, Policy Brief January 2020, [https://philippines.unfpa.org/sites/default/files/pub-pdf/UNFPA\\_Policy\\_Brief\\_Teenage\\_Pregnancy\\_%282020-01-24%29.pdf](https://philippines.unfpa.org/sites/default/files/pub-pdf/UNFPA_Policy_Brief_Teenage_Pregnancy_%282020-01-24%29.pdf).



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- recently dubbed the alarmingly high teenage pregnancy rate in the country as a “national emergency”.
124. A 2016 study by the United Nations Population Fund Philippines also found that adolescents lose an aggregate lifetime earnings of about PHP33 billion due to early childbearing. *“The number of adolescent pregnancies are expected to rise, as girls already living in dysfunctional homes spend more time with their households as a result of the COVID-19 pandemic and are thereby more exposed to abuse.”*
  125. A presidential directive has been issued as a mechanism for the review and resolution of cases of alleged extrajudicial killings (EJK) and other forms of grave violation of one’s right to life (Administrative Order No. 35 of 2012), but there is no specific measure implemented to protect and prevent killings of children in relation to the government’s anti-illegal drugs campaign.
  126. According to PDEA, 4,033 children from 4 to 17 years old have been involved in illegal drug activities and rescued from July 2016 - October 2021.<sup>70</sup>
  127. Among the effects of the drug war on children are (a) children running in conflict with the law and ending up at police stations or detention centers because syndicates use them in the illegal drugs trade; (b) children becoming traumatized from witnessing violence in their communities and thus are likely to develop mental health problems if left unassisted; and (c) children facing discrimination in their schools and community because their fathers and/or mothers were accused of drug use/peddling, which can lead them to drop out of school or leave their homes.
  128. In the context of COVID-19 pandemic, more children reported that they were not listened to, while one-third were not able to associate with friends.<sup>71</sup> Also, child respondents shared that they enjoyed more time with family, playing with gadgets online, doing chores, and reading while some reported being bored.<sup>72</sup> The children are most worried about getting infected and the dire consequences of the worsening of the situation.<sup>73</sup>
  129. Despite the overall gains and continuing efforts of the Philippine Government, Filipino children and their families still face challenges which compromise their human rights and benefits of development.

### **Recommendations of CSOs and Children**

130. **Under Executive Order (EO) 141 issued on 25 June 2021, President Duterte stressed the need to implement measures that will address the root causes of the rising number of adolescent pregnancies. Concerned national and local government agencies need to reactivate and mobilize existing coordinative and**

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<sup>70</sup> PDEA, “#RealNumbers PH Year 5,” Retrieved January 2022, <https://pdea.gov.ph/2-uncategorised/279-realnumbersph>.

<sup>71</sup> Presented by the Save the Children during the Zoom virtual proceedings of the Research Forum on Children’s Rights and COVID-19 dated 25-26 November 2020.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

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- legal mechanisms related to the prevention of adolescent pregnancies, strengthen the adolescent’s capacity to make autonomous and informed decisions about their reproductive and sexual health by ensuring access to comprehensive sexuality education and reproductive health and rights services, and ensure that resources are adequately allocated. The Coalition strongly recommends the passage of Senate Bill No. 161 or the Teenage Pregnancy Prevention Bill that seeks to provide full, comprehensive, age-appropriate, non-discriminatory access to quality health facilities, goods, and services sensitive to the needs of the adolescents, with special attention given to sexual and reproductive health and mental health.**
131. **National and local government offices are enjoined to empower their regional and field offices and strengthen coordinative mechanism with local government units, and NGOs/CSOs to reach adolescents in geographically-isolated and –depressed areas (GIDA) such as island municipalities, upland communities, hard-to-reach areas, and conflict-affected areas. Further, the youth councils (Sangguniang Kabataan) are also encouraged to develop interventions and implement programs to prevent all known causes of adolescent pregnancies.**
  132. **The Impact of COVID-19 on hunger and undernutrition has made it even more urgent for the Government of the Philippines to scale up its efforts to tackle undernutrition and malnutrition through programs under the Department of Social Welfare and Development (DSWD). It is also crucial to engage the National Nutrition Council (NCC), the government agency responsible for creating a conducive policy environment for national and local nutrition planning, implementation, monitoring and evaluation, and surveillance using state-of the art technology and approaches.**
  133. **The consultation participants recommended LGUs to pilot creation of local initiatives, such as community gardens and animal-rearing (i.e. chickens and pigs), to combat hunger and malnutrition.**
  134. **During the island-wide consultations, respondents also shared that the government must tighten its price control for basic goods. They noted, “food necessities should not be expensive”, the market must offer lower prices for nutritious foods to make it affordable for poor families.**
  135. **Strengthen the National Nutrition Council to provide the supervisory and oversight capacities needed for programs to run effectively and efficiently and be enabled to respond to gaps in program implementation.**
  136. **Build a strong and more coordinated partnership, with enough budget allocated for such, for nutrition as well as secure adequate financing for nutrition.**
  137. **Provide psychosocial interventions and medical assistance to children and families traumatized by having witnessed the death of their loved ones under the government’s bloody “war on drugs” including those whose families are**

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**experiencing drug dependencies and co-dependencies and who have been abused by a drug dependent family member.**

138. **The Philippine National Police (PNP) and Philippine Drug Enforcement Agency (PDEA) to review their protocols in handling children affected by the anti-illegal drugs campaign to ensure that children are always protected.**

### ***Respect for Child Views***

139. Under the United Nations Convention on the Rights of a Child, children have the right to give their opinions freely on issues that affect them. Adults should listen and take children seriously. However, the CRC consultation respondents underscored that children are still perceived as mere beneficiaries and not partners for development.
140. The *National Guidebook on Child and Youth Participation in the Philippines* was published in 2014, providing guidance on how CSOs and government agency workers could facilitate and support children's participation in different aspects, including in governance and at different levels. However, it has not been widely disseminated and it is still unknown to most and is far from being implemented.
141. The Sangguniang Kabataan (SK; local youth council) Reform Act raised the age range of those who can be elected as SK officials from 15-17 to 18-24 years old to protect children elected from exposure to corruption. Despite its good intention, the law abolished the direct representation of children in the LGU, even if they remain as voters. This may further marginalize the agenda of children within the SK, which is now youth dominated.
142. With the weakened representation of children in the SK, the inclusion of indicators on children's participation in the Revised CFLGA is a welcome move that will help institutionalize children's participation in local governance. The indicators include children's representation in the LCPCs and BCPCs, conduct of children's general assembly to select representatives and children's participation in the crafting of local development plans and sectoral plans of the LGUs.
143. In the context of disasters, children want to be systematically included as participants in disaster risk reduction (DRR) programs and to be consulted during hazard and risk assessment, post disaster needs assessment and evaluation. However, in most areas, children are not involved in community meetings to conduct risk mapping, create early warning systems, and plan for disaster preparedness and response.<sup>74</sup>
144. In 2016, the government enacted the Children's Emergency Relief and Protection Act (RA 10821), signifying its commitment to ensuring children are prepared, protected, and heard during emergencies and in DRR.<sup>75</sup> A result of collaborative efforts between

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<sup>74</sup>Sentro ng Alternatibong Lingap Panligal. "Voices of the Most Vulnerable," Strengthening Child Rights System in Rehabilitation/Disaster Risk Reduction in Haiyan Affected Areas Project, Quezon City, 2015, page 12.

<sup>75</sup>Section 4 (h), titled Comprehensive Emergency Program for Children, emphasizes the following: (a) ensuring children are provided with adequate access to age-appropriate information on their roles and responsibilities and those of government agencies before, during, and after disasters and other emergency situations; (b) providing an effective mechanism for training and meaningful

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civil society and government, the law includes among its salient features “increased child involvement and participation in DRR planning and post-disaster needs assessment.”<sup>76</sup>

### **Recommendations of CSOs and Children**

145. **For Congress, NEDA, DBM, DILG, CWC and LGUs to allocate resources to support children’s participation and child-led initiatives at different levels including training of children on analysing issues, basic research, genuine participation among others. For LGUs to partner with CSOs in order to engage children/children’s groups meaningfully in its decision-making processes. CWC and DILG should provide LGUs technical support to ensure that they meet the CFLGA indicators on child participation.**
146. **Children call for providing a venue in the LGUs where they could present updates on their own activities that should be supported by local authorities, and to support the formation of children’s organizations that could represent the real concerns of children in the community, and the creation of a counterpart adult organization that would guide them in their activities.**
147. **Children interviewed were interested to be involved in consultations and be allowed to articulate issues affecting them for consideration in project planning and problem resolution. LGUs should strengthen the LCPC and the SK to enable this. The SK should ensure children’s groups are represented in the Local Youth Development Council and have a strong voice in the *Katipunan ng Kabataan* (Youth Alliance). Barangay officials should support the suggestions of the SK instead of telling them what to do, respect the opinions of the youth, and not merely treat them as “props.”**
148. **For DSWD and DILG to monitor the implementation of RA 10821, especially efforts to institutionalize children’s participation in community DRR programs and emergency responses. LGUs should include child participation initiatives in their local DRRM plans. It is also crucial for these key government agencies to recognize that the law includes complex emergencies (i.e., simultaneous events of COVID-19 pandemic, man-made conflicts, and natural disasters). Without this paradigm shift, the magnitude of the complex emergencies may potentially undermine the whole DRRM system and structures.**

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participation of children in community disaster risk reduction program; and (c) consulting with the affected children on their needs and priorities for post-disaster relief and recovery. See Official Gazette, Republic Act No. 10821, <https://www.officialgazette.gov.ph/2016/05/18/republic-act-no-10821/>.

<sup>76</sup> Perfecto Raymundo Jr., “Gov’t assures child protection in emergency situations,” Philippine News Agency website, 11 October 2018, <https://www.pna.gov.ph/articles/1050737>.

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### CIVIL RIGHTS AND FREEDOMS

#### *Birth Registration, Name and Nationality*

149. More than 5 million Filipinos remain unregistered as of February 2019, 40% of whom were children aged 0 to 14 years.<sup>77</sup> The Child Rights Network (CRN) noted the largest number of unregistered Filipinos in Muslim communities and indigenous population groups. Plan International identified around 970,000 residents in the ARMM without birth certificates.
150. Congress has also been slow in enacting the CRVS Bill, which was proposed in the 16th Congress to amend existing CRVS laws and strengthen the civil registration system. Having a comprehensive, inclusive, and efficient CRVS in place means bringing birth registration closer to people, making the process culturally sensitive, standardizing and modernizing procedures, and removing or minimizing the fees required for birth registration.
151. In the Philippines, late birth registration happens for various reasons such as living in remote areas and illiteracy of parents. Moreover, if one is born poor, one does not have enough resources to avail of birth in a facility or transportation when one is from a far-flung village.
152. The pandemic has made the policy of not allowing home birth even more challenging. In the past, women who live in remote areas have had to arrange for transportation to the nearest appropriate health-care facility. Now, matters are even more complicated. With pandemic-related restrictions on transportation on affordable transport options like cabs and motorized tricycles, women who do not own a car have fewer choices.
153. Some regions of the Philippines will penalize a woman who gives birth at home when she comes to a hospital to register her baby. Other provinces do not fine the woman but may chastise her when she brings in her newborn to be registered.<sup>78</sup> Meanwhile, across the country, the law has had a chilling impact on midwives. If they assist at a home birth, they risk losing their accreditation.<sup>79</sup>
154. Children and young people have the same general human rights as adults, including rights that recognize their special needs. The UN CRC sets out the civil rights that must be realized for children to develop to their full potential. However, in a study conducted by Save the Children Philippines (SCP), it was found out that 65.1% of children were consulted about their situation while 56.4% of children do volunteer work through community and local groups.<sup>80</sup> More importantly, the study revealed that most

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<sup>77</sup> Angel Movide, "5 million Pinoys without birth certificate: PSA", ABS-CBN News website, published 27 February 2019, <https://news.abs-cbn.com/news/02/27/19/5-million-pinoys-without-birth-certificate-psa>.

<sup>78</sup> Xyza Cruz Bacani, "The Philippines Has A Policy Against Home Births. It's Not Playing Well In A Pandemic," NPR website, published 25 October 2020, <https://www.npr.org/sections/goatsandsoda/2020/10/25/925442135/the-philippines-has-a-policy-against-home-births-its-not-playing-well-in-a-pande>.

<sup>79</sup> Ibid.

<sup>80</sup> Save the Children Philippines, "Child Rights Monitoring in the Time of COVID-19," retrieved November 2021, [https://www.savethechildren.org.ph/resources/webdata/file/downloadables/1196\\_Child\\_Rights\\_Monitoring\\_-\\_Children%27s\\_Report.pdf](https://www.savethechildren.org.ph/resources/webdata/file/downloadables/1196_Child_Rights_Monitoring_-_Children%27s_Report.pdf).

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of the information that children receive is false information, which affects how they voice out their concerns and participate in volunteer groups.<sup>81</sup> It is important to have basic media literacy, how to spot fake news and communicate to trusted NGOs or organizations online that work for children's rights and concerns.

### **Recommendations of CSOs and Children**

155. **For PSA and LGUs to conduct regular culture-sensitive awareness raising among parents and caregivers about the importance of birth registration and the implications if a person does not possess this document. Budget should be allocated for capacitation of LGU personnel, community health centers, community health workers, and traditional birth attendants for recording and managing the demographic and biographic information of the residents, especially registering children. Household visits and interviews by barangay officials must extend to relocation areas.**
156. **Since many parents are not willing to forgo time for productive activities or childcare to attend to birth registration, faster processes must be instituted and be brought closer to them. The Barangay Civil Registration System (BCRS) needs to be established in all communities, especially in far-flung areas where accessing municipal services is a challenge to the residents because of the distance and the costs entailed.<sup>82</sup>**
157. **Fees should be waived for correcting information in birth certificates, such as spelling or sex, and for reconstructing birth certificates destroyed during emergencies, as cost is a primary factor affecting willingness to process birth registration.**
158. **For the government to facilitate the enactment of the CRVS Bill and remove the birth certificate among the requirements for accessing basic services, such as health care and education, especially for children of migrant workers.**

### **Corporal Punishment**

159. According to the National Baseline Study on Violence Against Children (NBSVAC), 3 of 5 child respondents (66.3%) had experienced some form of physical violence during their childhood, and 3 of 5 (59.2%) had been verbally abused, threatened, and/or abandoned by their parents or guardians. More than half of the physical violence happened in the home environment and was inflicted as a form of corporal punishment. Mothers were the most common perpetrators, but fathers were responsible for the most severe physical violence.<sup>83</sup> In school, a number of children

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<sup>81</sup> Save the Children Philippines, "Child Rights Monitoring in the Time of COVID-19," retrieved November 2021, [https://www.savethechildren.org.ph/resources/webdata/file/downloadables/1196\\_Child\\_Rights\\_Monitoring\\_-\\_Children%27s\\_Report.pdf](https://www.savethechildren.org.ph/resources/webdata/file/downloadables/1196_Child_Rights_Monitoring_-_Children%27s_Report.pdf).

<sup>82</sup> The BCRS was conceptualized to bring civil registration closer to the barangays, with barangay secretaries providing assistance in filling out forms, particularly to those who are illiterate and with language barriers, as well as visiting households that failed to report newly born babies for registration ([http://nap.psa.gov.ph/ncs/9thncs/papers/goodPractices\\_Making.pdf](http://nap.psa.gov.ph/ncs/9thncs/papers/goodPractices_Making.pdf)).

<sup>83</sup> CWC, *National Baseline Study on Violence against Children in the Philippines*.

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still claimed to be victims of physical violence (14.3%) and psychological violence (23%) despite DepEd's Child Protection Policy.

160. In the data gathering undertaken by Children Talk to Children (C2C) in 2009, 2011 and 2015, child victims of corporal punishment said their experience had caused them to have low self-esteem, attempt suicide, express anger toward their parents, and be aggressive toward other children. They also identified this as the root of other issues such as early pregnancy, trauma, dropping out of school, and non-participation in community activities.<sup>84</sup> Some children during the island consultation revealed the distress they experience from physical and verbal abuse by their elders, with others even saying they have developed resilience and tend to accept it "as a way of life."
161. The Anti-Corporal Punishment Bill had been ratified by Congress but was vetoed by the President 28 February 2019, a day before it lapsed into law.
162. The *Positive Discipline in Everyday Teaching* (PDET) Primer was developed through a cooperative effort between DepEd and CSOs.<sup>85</sup> This publication is intended to guide teachers in classroom management, with steps they can follow and scenarios they can use as reference in applying positive and non-violent discipline. Dissemination of this primer, however, is limited to trainers at the national level.
163. The COVID-19 pandemic also exacerbated the already vulnerable state of the children. Violence at home doubled when schools were closed, the reported rate was 17% compared to 8% when schools were open and the child was able to attend in person.<sup>86</sup>

### **Recommendations of CSOs and Children**

164. **For government to pass a law promoting positive discipline and banning corporal punishment, and engage more with CSOs in strengthening awareness raising and increasing access to information on positive discipline, particularly among parents. For LGUs to pass a local ordinance and allocate enough resources banning corporal punishment, promoting positive discipline and improving their capacities to perform the aforementioned advocacies.**
165. **Cascade training of PDET from the region to the school level, with DepEd allocating the necessary budget. The School Improvement Plan should include the rollout of PDET during school learning action cells. For teaching institutions to include PDET in their curriculum and in-service training.**

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<sup>84</sup> C2C, "Ulat ng Mga Bata Ukol sa Pagpapatupad ng Karapatang Pambata sa Pilipinas."

<sup>85</sup> Department of Education, E-Net Philippines, and Save the Children, *Positive Discipline in Everyday Teaching (PDET): A Primer for Filipino Teachers* (Bangkok, Thailand: Save the Children, 2015), <https://resourcecentre.savethechildren.net/sites/default/files/documents/4802.pdf>

<sup>86</sup> Save the Children, "Protect a Generation: The impact of COVID-19 on children's lives," published 08 September 2020, <https://reliefweb.int/report/world/protect-generation-impact-covid-19-childrens-lives>.

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166. **Strengthen dissemination of PDET to communities, schools and homes contributing to its integration into family culture, and prevention of domestic abuse and corporal punishment.**

## FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### *Children of Migrant Workers*

167. The Philippines is one of the world's leading source countries for migrant workers, which can be attributed to the lack of employment opportunities in the Philippines. In April–September 2018, PSA estimated the number of overseas Filipino workers (OFWs) to be 2.3 million of which 55.8% are females.<sup>87</sup> The material benefits of migration (i.e., remittances) to the family are known and well documented, but the social costs, particularly the impact on the family left behind, are seldom accounted for. Studies of the effects of international migration on Filipino families commonly found the children to be the most vulnerable and most affected.<sup>88</sup> Separation from the parent, especially the mother, can cause children emotional trauma, delay their psychological development, and give them a feeling of alienation. Lacking parental supervision, children left behind are also considered to be at “greater risk to suicide attempts, perpetrators of bullying, drug abuse, teenage pregnancy, psychosocial problems and violent behavior.”<sup>89</sup>
168. There is a lack of social welfare attachés in select countries to attend to children of migrants. Foreign Service Posts should be able to monitor and care for children of OFWs who are both unable to care for them or the parent who is available but is unable.

### *Recommendations of CSOs and Children*

169. **Initiate a comprehensive study of the effects of migration on children and develop appropriate programs that respond to the needs of children left behind, implement the recommendations detailed in the Country Migration Report of 2013, and address the challenges that hinder the development and implementation of the Shared Government Information System for Migration (SGISM).**
170. **Include in the pre-departure orientation for migrant workers the effects of the new setup on the family, especially the children, so they are aware of the measures they need to take to mitigate such effects.**

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<sup>87</sup> Philippine Statistics Authority (PSA), “Total number of OFWs estimated at 2.3 million (results from the 2018 Survey on Overseas Filipinos),” PSA website, 30 April 2019, <https://psa.gov.ph/content/total-number-ofws-estimated-23-million-results-2018-survey-overseas-filipinos>.

<sup>88</sup> Center for Migrant advocacy. “Contribution of Philippine Migrant NGOs and Other CSOs, Returned Domestic Workers, Wives of OFWs and Children of OFWs,” Submission for General Comment on the Rights of the Child in the Context of Migration, 29 February 2016.

<sup>89</sup> UNICEF, “Children and Migration,” Global Forum on Migration and Development website, n.d., [gfmnd\\_brussels07\\_contribution\\_unicef\\_children\\_and\\_migration\\_en.pdf](#).



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171. **Key government agencies to develop a program to provide psychosocial support/counseling services to the children, financial literacy for family members left behind so that they will wisely spend the money provided by their OFW loved one, scholarship opportunities or other forms of educational assistance for children of OFWs, and parenting education for parents/relatives caring for children left behind, to include ensuring children are timely, appropriately, and adequately informed/consulted and prepared for a parent's migration as early as the planning phase.**
172. **Ensure the availability of trained social workers in Foreign Service Posts and capacity building for their officials and staff on a human-rights-based approach. There should be sufficient resources, including facilities and funds, in order to respond to the needs of OFWs and other Filipino migrants and children.**

### *Children Deprived of a Family Environment*

173. According to UNICEF, about 1.8 million children in the country, or more than 1% of its entire population, are “abandoned or neglected.” They include victims of extreme poverty, natural disasters, and armed conflicts.<sup>90</sup>
174. In 2018, DSWD allocated PHP 2.3 billion for repairs, reconstruction, and rehabilitation of its 71 centers and residential facilities for underprivileged men, women, children and elderly.<sup>91</sup> While facilities are upgraded to accommodate more individuals, there remains a lack of comprehensive and reliable data on children in private and government-managed residential facilities, children without parental care, and children in foster care, more importantly, the situation of children in alternative care, the short and long-term effects of institutionalization.
175. Despite passage of the Foster Care Act of 2012, there is still a limited number of foster parents. In 2013, DSWD reported that there were 2,118 children in child-caring agencies needing foster parents.<sup>92</sup>
176. The United Nations Guidelines for the Alternative Care of Children (UNGL) call for the progressive elimination of institutions in the context of an overall deinstitutionalization strategy, while recognizing that residential care facilities, family-based care and family support complement each other in meeting the needs of children (Section 23 of the UNGL).
177. Aside from the implementation of the Policy on DI, the DSWD should also make sure that other forms of alternative care are fully reviewed so that it wouldn't be at risk of being closed down.

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<sup>90</sup> Jonathan Kaiman and Sunshine De Leon, “The Philippines has 1.8 million abandoned children—Here’s what keeps many from adoption,” Los Angeles Times website, 28 May 2016, <https://www.latimes.com/world/asia/la-fg-philippines-orphans-adv-snap-story.html>.

<sup>91</sup> DSWD, “DSWD upgrades centers, facilities for vulnerable sectors,” Philippine Information Agency website, 14, January 2019, <https://pia.gov.ph/news/articles/1017091>

<sup>92</sup> Balita, “The joy of being foster parents,” Balita website, 27 May 2013, <http://balita.ph/2013/05/27/the-joy-of-being-foster-parents-feature/>.

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178. The call for the closure of institutions has been globally accepted and steps have been progressively taken towards the elimination of institutional care. Nonetheless, DI has been given a simplistic interpretation as closing down all forms of residential care including Children's Villages, which are all mistakenly clubbed together under the umbrella of "institutions". This approach ignores the fact that DI is a progressive move away from harmful institutions or the institutional culture, which can exist in any form of care that fails to provide quality care to children, including family-based care.
179. The DI discourse also fails to recognize the importance of having a range of care options that meets the needs of each individual child. Currently, the care reform movement is heavily inclined towards family-based care, i.e., kinship and foster care, with a complete dismissal of the role that is played by quality forms of residential care including family-like type of care. This form of care is of utmost importance, given that it might be the most suitable option for a child depending on his/her own needs and interests, and especially for children for whom adoption and family or community-based care options may not be suitable or available due to various reasons. Localization should take into account COVID19 situation.

### ***Recommendations of CSOs and Children***

180. **For DSWD to ensure standards of all residential care facilities managed by government and private entities, and the quality of care provided by staff. A study should be conducted to determine the total number of children needing parental care, their situation in residential care facilities, and the impact of short and long-term institutionalization. And for DSWD to implement its Policy on Deinstitutionalization of Children (Memorandum Circular 22, series of 2004).**
181. **For DSWD to collaborate with DILG in promoting foster care and identifying qualified foster parents.**
182. **For the government's concerned agencies to provide holistic and integrated Case Management approach to child victims and his /her family and let the government Social Worker (DSWD) to be the lead/Case Manager, to be assisted only by NGO/private Social Worker after referral have been done.**

### ***Abuse, Neglect, and Maltreatment***

183. Government created mechanisms to support the implementation of the Anti-Violence Against Women and their Children Act, strengthened further by the launch of the Philippine Plan of Action to End Violence Against Children (PPAEVAC 2017–2022) in 2018. A response to the findings of NBSVAC,<sup>93</sup> the formulation of this plan involved the multi-sectoral effort of government agencies, NGOs, parents, and children, under the leadership of CWC and UNICEF.<sup>94</sup> The PPAEVAC spells out the commitment of all key actors in target result areas. However, there is some delay in its

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<sup>93</sup> Highlights of the findings are captured on page 5 of this report.

<sup>94</sup> Council for the Welfare of Children (CWC), "CWC, UNICEF, partner agencies launch 1st PH plan to end violence against children," CWC website,

<https://www.cwc.gov.ph/news/136-cwc-unicef-partner-agencies-launch-1st-ph-plan-to-end-violence-against-children.html>.

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- implementation. Now on its third year, the localization of the PPAEVAC is still being piloted in one province, one city and one municipality in partnership with the CRC Coalition, through the support of UNICEF. It is not clear if implementation in other areas are being monitored, documented and consolidated.
184. According to a Child Protection Network, University of Edinburgh, and University of the Philippines in partnership with UNICEF, violence against children in the home has three (3) main dimensions, namely: (1) Physical; (2) Sexual; and (3) Emotional.
  185. Findings show that violent discipline is the most frequent form of violence against both boys and girls in the home, driven by factors including social norms around the use of and effectiveness of discipline, authoritarian parenting, and parent's levels of education.<sup>95</sup> Other forms of physical violence are also common. Studies show that the combination of parental histories of physical abuse when they were growing up combined with financial stress and substance misuse create a 'toxic trio' of risk factors for physical violence in the home.<sup>96</sup> This scenario may result in children and young people perpetrating most of the physical violence against other children and young people.
  186. During the island-wide consultations, the children participants shared that "*abuse happens because of the power of the parents.*" In this case, the parents still perceive their children as their property.
  187. On the sexual aspect, the lack of supervision, single headed households and absent parents increases the vulnerability of children to sexual violence at home. Migration is a significant driver of absentee parenting, which increases children's risk of exposure to sexual violence at home.<sup>97</sup>
  188. Emotional violence from parents increases children's negative behavior, which increases their risk of experiencing violent discipline and perpetrating aggressive behavior towards others.<sup>98</sup> Parenting practices that include the use of coercion, threats, insults, and a frightening tone increase the risk of child maltreatment and set the stage for similar patterns of behavior in parent/child and other relationships.

### Recommendations of CSOs and Children

189. **Fast track localization of VAC-related laws, with corresponding budget allocated for this, and improve monitoring and implementation of PPAEVAC key strategies, involving children across all aforementioned activities. For CWC and DILG to intensify efforts to roll out the PPAEVAC outside of the pilot areas, support LGUs in incorporating PPAEVAC programs in local investment plans.**

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<sup>95</sup> Council for the Welfare of the Child, "DA Systematic Literature Review of the Drivers of Violence Affecting Children: the Philippines" CWC website, 2016, <https://drive.google.com/file/d/19XkRPCal-FrCycq4-Q7sdmkr2jLOGi6e/view>.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

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190. **Children recommend the implementation of more initiatives and policies to assist child victims of abuse, including the application of appropriate sanctions for the perpetrators. Also, they urge the government and the civil society to provide counseling to child victims of abuse and orient them on their rights and next steps when they experience abuse or maltreatment.**

## BASIC HEALTH AND WELFARE

### Children with Disabilities

191. Despite the relevant achievements reported by the government to secure their welfare, children with disabilities continue to experience challenges in accessing basic social services and protection. A UNICEF-commissioned study identifies key barriers and deprivations which keep them from exercising their rights fully: (1) lack of consistent and common understanding of disability in the country (see Magna Carta for Persons with Disabilities vs. IRR of RA 10070); (2) no common understanding and acceptance of the categorization of disabilities; (3) no consolidated comprehensive action plan for children with disabilities, with programs and services currently subsumed under the broader program for persons with disabilities; (4) inclusive programs for children with disabilities not part of DRR schemes (that is, mapping of households with children with disabilities are not a priority in the pre-disaster plan); (5) no clear plan for inclusive education and how this will be implemented in the country; (6) children with disabilities rarely targeted in national social protection programs despite the strong correlation between disability and poverty in childhood; (7) personal beliefs, misconceptions, and attitudes of parents and caregivers toward disability that limit the family's health-seeking behavior and access to social services; (8) lack of services for children with disabilities at the LGU level, especially those with learning and neuro-developmental disabilities; referral pathways for children with disabilities; community-based rehabilitation programs managed by non-government organizations exist, but not implemented on a national scale; and (9) limited number of development pediatricians with expertise to help children with disabilities.<sup>99</sup>
192. Based on a UNICEF Press Release dated 24 July 2018, PhilHealth estimates that one out of seven or around 5.1 million Filipino children are living with disabilities yet there is little information on the prevalence of disabilities among Filipino children<sup>100</sup> as they continue to be hidden from society even by their own parents, and suffer from sexual abuse, bullying, and difficult access to education and employment.
193. Not all municipalities were noted to have a Persons with Disability Affairs Office (PDAO), and while there is an executive order on community-based rehabilitation for children with disabilities, it does not have teeth, only "enjoining" LGUs to adopt such

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<sup>99</sup> UNICEF, "Children with disabilities: Finding the way to an inclusive service framework," UNICEF-Philippines Policy Brief No. 2018-06 (Manila: UNICEF, AusAID and DSWD), <https://reliefweb.int/sites/reliefweb.int/files/resources/CWDSitanPolicyBrief.pdf>.

<sup>100</sup> UNICEF, "No Child Left Behind: Study calls for better care of children with disabilities," new study advocates non-discriminating environment and responsive interventions, published 24 July 2018, <https://www.unicef.org/philippines/press-releases/no-child-left-behind-study-calls-better-care-children-disabilities>.

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- initiative and to allocate necessary funds. There were likewise not enough services targeting persons with intellectual and psychological disabilities.<sup>101</sup>
194. The implementation of the Magna Carta for Persons with Disabilities is weak and the budget support insufficient. Not all programs are inclusive of children with disabilities, and not all LGUs have a system in place to provide service to them.
  195. The 20% discount and exemption from value-added tax as provided for by law are helpful only to those who have access to the prescribed goods and services, such as hotel accommodations, restaurants, recreation facilities, and air travel. Infrastructure and transportation facilities remain largely inaccessible to children with disabilities.
  196. There is no uniform classification of disabilities in the country. According to UNICEF, the National Council on Disability Affairs identifies seven types of disability, but some government agencies and LGUs use their own categories. While there is data on the prevalence of disability from the national census of the population and households, the disability is not specified. There is also poor information dissemination on the process of newborn screening increasing the likelihood that many newborns are not screened.
  197. Absence of disability support service in government processes. Overall, there is limited provision of sign language interpreters, inclusive facilitators, sighted guides, and teacher aides for the effective participation of children with disabilities in government processes.
  198. Protection in situations of risk and humanitarian emergencies. Minimal attention is given to develop policies and programs responsive to the needs of children with disabilities.<sup>102</sup> Existing services available are geared towards aiding the general clientele; there is little or no reasonable accommodation for children with disabilities in humanitarian situations. There are very limited disability support services for children with disabilities in child-friendly spaces in areas of displacement. There are no available areas or services for children with psychosocial disabilities in the evacuation centers.<sup>103</sup>
  199. Access to justice, whether as respondents, witnesses, or complainants, children with disabilities are confronted with physical and institutional barriers against access to an effective justice system. Aside from the legal services provided by the Public Attorney's Office (PAO), parents and their children are not very much aware of other agencies or organizations that can provide free legal services to children with disabilities.<sup>104</sup>

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<sup>101</sup> Philippine Coalition on the U.N. Convention on the Rights of Persons with Disabilities, Parallel Report 2013: United Nations Convention on the Rights of Persons with Disabilities," submitted to the Committee on the Rights of Persons with Disabilities on the Implementation of the Convention in the Republic of the Philippines from 2008-2013, 6 December 2013.

<sup>102</sup> Kindernothilfe (KNH), "Child rights analysis in Asia 2021," Kindernothilfe website, retrieved November 2021, <https://www.kindernothilfe.org/Worldwide+Programming/Projects+and+Countries/Asia+and+Europe/Child+rights+analysis+in+Asia+On+an+equal+footing+with+girls+and+boys-p-2898.html>.

<sup>103</sup> Ibid.

<sup>104</sup> Presented by the Save the Children during the Zoom virtual proceedings of the Research Forum on Children's Rights and COVID-19 dated 25-26 November 2020.

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200. One of the most vulnerable groups impacted by the COVID-19 is the people with disabilities, which number around one billion worldwide.<sup>105</sup> As a response to the ongoing global impacts of the crisis to this group, the United Nations has generally called for its members to introduce measures to assist people with disabilities amid the crisis.<sup>106</sup> It encouraged its members to consent people with disabilities to work from home, pay leave to guarantee their financial security, and provide equitable adaptation to them. It further suggested establishing clear processes to ensure that, when medical resources are inadequate, access to health services does not put these people at a disadvantage.
201. Majority of persons with disabilities in the Philippines belong to poor families with minimum wage earners under the ‘no-work-no-pay’ scheme. They do not have enough money to stock up on basic food items, medicines, and other essentials, such as hygiene kits for women. Children with disabilities are also in situations of conflict, emergencies, and disasters but it appears that they are the least protected.<sup>107</sup> Existing services are designed broadly, and there is little or no customized approach in addressing the needs of particular sectors, such as women and children with disabilities, and for the different types of impairments.
202. In a survey conducted by UNICEF in partnership with the Council for the Welfare of Children — Subcommittee on Children with Disabilities, major concerns cited by children with disabilities include their inability to access essential services, specifically, child development, education services and learning resources services, habilitation and rehabilitation services, and general health services.<sup>108</sup>
203. In general, the outbreak of COVID-19 worsens the situation of persons with disabilities and exacerbates existing inequalities as more barriers emerge that hinder the fulfillment of their human rights.<sup>109</sup> The root cause remains that persons with disabilities are not part of decision-making to address the COVID-19 pandemic, in emergency response and relief operations, and that specific vulnerabilities and protection needs are not taken into consideration in the design of government interventions.

### **Recommendations of CSOs and Children**

204. **Strengthen government’s awareness campaign on the Implementing Rules and Regulations of the Act Expanding the Benefits and Privileges of Persons with**

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<sup>105</sup> Armitage, R., and L. B. Nellums. 2020. “The COVID-19 Response Must Be Disability Inclusive.” *The Lancet. Public Health* 5 (5): e257. doi:10.1016/S2468-2667(20)30076-1. Retrieved from [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(20\)30076-1/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(20)30076-1/fulltext).

<sup>106</sup> United Nations 2020. “Coronavirus and Human Rights: New UN Report Calls for Disability-Inclusive Recovery. UN News, Retrieved November 2021, <https://news.un.org/en/story/2020/05/1063242>.

<sup>107</sup> Commission on Human Right (CHR) “Human Rights Advisory Series on Human Rights in the Time of COVID-19 in the Philippines in Pursuit of the Right-Based Model of Disability amid the COVID-19 Pandemic in the Philippines”, CHR (V) A2020-009, <http://chr.gov.ph/wp-content/uploads/2020/05/Human-Rights-Advisory-HR-in-the-times-of-COVID-19-in-the-PHL-in-pursuit-of-the-rights-based-model-of-disability-amid-the-COVID-19-pandemic-the-in-the-PHL-CHR-V-A2020-009.pdf>

<sup>108</sup> UNICEF, “Situation of Children with Disabilities in the Context of COVID-19: Results of a Rapid Online Survey in the Philippines,” April 2020, <https://www.unicef.org/philippines/media/2476/file/Situation%20of%20Children%20with%20Disabilities%20in%20the%20Context%20of%20COVID-19.pdf>

<sup>109</sup> Commission on Human Rights. *Supra* at page 2.

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**Disability, targeting schools and communities. This should include disability sensitivity orientation in schools, barangays and other establishments, intensive training on handling children with disabilities for teachers, and capacity building of barangay health workers and child development daycare workers to teach them how to ask the right questions when assisting or interviewing children with disabilities.**

205. **Intensify the campaign against bullying of children with disabilities. This is a perennial issue that calls for awareness raising not just in schools, day care centers but in wider sections of communities as well.**
206. **Ensure implementation of RA 10070 on the creation of PDAO in all LGUs and task them to assist in collecting relevant and disaggregated data on children with disabilities. To ensure efficiency of data collection, PSA and DOH should train barangay health workers and field enumerators in the conduct of the survey.**
207. **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. These include creating a PDAO in all municipalities and setting up health centers near the communities, making them truly accessible, especially to those with mobility constraints.**
208. **Increase the number of PhilHealth-accredited hospitals offering the Z benefit package, which is intended for children with disabilities, mainly to “prevent the catastrophic spending of the poor and marginalized who are enrolled in the National Health Insurance Program while ensuring quality healthcare services.”<sup>110</sup> As of now, there are only two such hospitals, one in Quezon City in the National Capital Region and another in Davao City in Mindanao.**
209. **For LGUs to invest in community-based rehabilitation and in disability-friendly infrastructure to improve accessibility as well as enforce strict compliance with mechanisms for establishing Person with disability-friendly schools and classrooms, especially in the provinces.**
210. **Given the current situation, adequate information about the government response to the pandemic and the regulations, including advisories, to ensure the health and well-being must be given to the persons with disabilities. They must be part of consultations and decision-making processes for COVID-19 recovery to guarantee inclusive plans and initiatives that will equally benefit all the sectors of the society.**
211. **The Save the Children Philippines (2020) has generally called for innovations to include rehabilitation, medical, therapy, psychosocial, and counseling services for children with disabilities in the revised quarantine measures.**

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<sup>110</sup> Philippine Health Insurance Corporation, “PhilHealth Introduces Z Benefit Package for Children with Developmental Disabilities,” PhilHealth website, 2 March 2018, [https://www.philhealth.gov.ph/news/2018/zben\\_cdd.html](https://www.philhealth.gov.ph/news/2018/zben_cdd.html).

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212. **Ensure government compliance to the International Disability Alliance (IDA) ten practical approaches to address the main barriers that persons with disabilities face during the COVID-19 pandemic, to wit: (1) Persons with disabilities must receive information about infection mitigating tips, public restriction plans, and the services offered, in a diversity of accessible formats; (2) Additional protective measures must be taken for people with certain types of impairment; (3) Rapid awareness raising and training of personnel involved in the response are essential; (4) All preparedness and response plans must be inclusive of and accessible to women with disabilities; (5) No disability-based institutionalization and abandonment is acceptable; (6) During quarantine, support services, personal assistance, physical and communication accessibility must be ensured; (7) Measures of public restrictions must consider persons with disabilities on an equal basis with others; (8) Persons with disabilities in need of health services due to COVID19 cannot be deprioritized on the ground of their disability; (9) Organizations of Persons with Disabilities (OPDs) can and should play a key role in raising awareness of persons with disabilities and their families; and (10) OPDs can and should play a key role in advocating for disability-inclusive response to the COVID19 crisis.**

### ***Maternal Newborn and Child Health (MNCHN)***

213. Various maternal and child health care and nutrition interventions of government, such as the maternal, neonatal, and child health and nutrition (MNCHN) strategy in the first one thousand days of life (RA 11148) and extending maternity leave for working mothers to 105 days (RA 11210), and various other administrative issuances in support of child healthcare programs. The Philippine Plan of Action for Nutrition 2017–2022 was also launched, aiming to reduce protein–energy malnutrition in children, among its other objectives.
214. In 2011, the Department of Health (DOH) launched the (Maternal Newborn and Child Health) MNCHN Strategy Manual of Operations that seeks to ensure rapid reduction of maternal and child mortality. It is also intended to guide LGUs in designing approaches to deliver MNCHN services especially to populations that are most at risk from maternal and child deaths. In recognition of the differences in local conditions and constraints, the LGU should design the implementation of the MNCHN women-friendly strategy based on their local context.
215. In 2011, a Universal Health Care (UHC) strategy was launched in the Philippines.<sup>111</sup> In the strategy, attention was given to improving the overall health system and in protecting the poor from financial risks. A national government-led subsidy for the health insurance of the poor was not only seen as a means to increase healthcare utilization but also to ensure placement of sustainable healthcare financing.<sup>112</sup> The maternal and child health strategy in the Philippines was also aligned with the launched

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<sup>111</sup> Kalusugan Pangkalahatan Execution Plan and Implementation Arrangements, 2011

<sup>112</sup> Silfverberg R. The sponsored program of the Philippine National Health Insurance - analyses of the actual coverage and variations across regions and provinces Makati City, Philippines2014, Retrieved from <https://pidswebs.pids.gov.ph/webportal/CDN/PUBLICATIONS/pidsdps1419.pdf>



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UHC program – bringing the need to reduce unmet needs in family planning, facility-based deliveries and others in the national priority.

216. The CSOs, however, observe inadequacies of efforts to ensure child health and nutrition in some communities. There are public hospitals, for instance, that reportedly have no assigned pediatricians. The limited number of trained health workers hinders the coverage of emergency nutrition services and information on severe acute malnutrition cases. Moreover, not all communities are reached by supplementary food programs.

### ***Recommendations of CSOs and Children***

217. **Conduct awareness raising for both male and female community members on the importance of breastfeeding and provide support to lactating mothers, including the setting up of more breastfeeding stations in public places.**
218. **Allocate a budget for barangay health workers who can do regular house-to-house calls to promote breastfeeding, ensure the timely introduction of complementary feeding, and generally monitor the nutritional status of all 0–5-year-old children in their communities.**
219. **Improve identification of severe acute malnutrition of children in communities and ensure that there is relevant data for targeting children needing intervention. Give greater attention to children who are malnourished, underweight, and stunted so that they can receive the nutrition they need early on.**

### ***Child Immunization***

220. In its 2018 study, UNICEF pointed to low immunization coverage, even declining in some cases. From 2013 to 2015, this decreased from 89% to 62%. Consequently, there was also a higher incidence of vaccine-preventable diseases, such as rubella (2011) and measles (2014). Less than a fourth of children in ARMM were receiving all basic vaccinations (2017), unlike in other areas where coverage reached nearly 90%.
221. In the Philippines, childhood immunization<sup>113</sup> coverage has been declining sharply in recent years from 87% in 2014 to 68% in 2019, exposing children to vaccine-preventable diseases such as measles and polio.<sup>114</sup> The recent measles outbreak in the Philippines in 2019 saw a staggering 130% increase in cases compared to the same period in 2018. Polio re-emerged in the country in 2019 with 17 confirmed cases and health experts fear an increase as the polio outbreak response had to be suspended due to COVID-19.

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<sup>113</sup> In the Philippines, all basic vaccinations for children refer to Bacille Calmette-Guérin (BCG), three doses of Diphtheria-pertussis-tetanus (DPT), three doses of Oral Polio Vaccine (OPV) or Inactivated Polio Vaccine (IPV), and one dose of measles or MMR.

<sup>114</sup> UNICEF, “2 million Filipino children may miss out on vaccinations in 2020 amidst COVID-19,” UNICEF website, published 23 April 2020, <https://www.unicef.org/philippines/press-releases/2-million-filipino-children-may-miss-out-vaccinations-2020-amidst-covid-19>.

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222. The Department of Health (DOH) has identified routine immunization for children as an essential health service to prevent the spread and avoid outbreaks of vaccine-preventable diseases. The provision of routine vaccinations for children below one year old, including supplemental or catch-up vaccination for children, is maintained during the COVID-19 pandemic given strict compliance to safety health measures.<sup>115</sup>
223. In a 2021 news release, UNICEF Executive Director Henrietta Fore said *“for children, disruptions to immunization services have serious consequences. As we scale up delivery of COVID-19 vaccines, we have to ensure that this does not come at the cost of essential childhood vaccinations. We cannot allow today’s fight against COVID-19 to undermine our fight against measles, polio or other vaccine preventable illnesses. Prolonged immunization disruptions will have long-term consequences for children’s health. The time to catch up is now.”*<sup>116</sup>

### Recommendations of CSOs and Children

224. **For the government to properly allocate resources that will support the appropriate transportation and storage of vaccines in community health centers and enable the latter to provide free vaccines and medicines to children in a timelier manner.**
225. **For the government to lead in combating misinformation and improve public understanding of the critical importance and safety of vaccines and to provide psychosocial services to both parents and child victims, in order to regain the people’s trust in the government’s immunization programs.**

### Mental Health of Children

226. The Coalition acknowledges the efforts of the government to craft a comprehensive child and adolescent mental health policy, reinforced by the Philippine Mental Health Act, which was signed into law in 2017. The DOH further issued national guidelines on psychosocial support, which covers children with mental deficiencies, as well as created the National Program Management Committee and Program Development and Management Teams to ensure the sustainability of the government’s mental health programs.
227. The WHO Global School-based Student Health Survey of the Philippines reveals that mental health problems, most commonly depression or anxiety, will affect about 20% of adolescents in any given year.<sup>117</sup> In the 2015 survey of students aged 13–15 years, 11.5% disclosed having seriously considered attempting suicide in the past 12 months before the survey. Nearly the same proportion planned on how they would

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<sup>115</sup> UNICEF, “Vaccines protect children from life-threatening diseases, saving millions of lives each year,” UNICEF website, published 28 April 2021, <https://www.unicef.org/philippines/stories/routine-immunization-children-philippines>.

<sup>116</sup> World Health Organization (WHO), “COVID-19 continues to disrupt essential health services in 90% of countries,” WHO website, published 23 April 2021, <https://www.who.int/news/item/23-04-2021-covid-19-continues-to-disrupt-essential-health-services-in-90-of-countries>.

<sup>117</sup> Department of Health (DOH), “Global School-Based Student Health Survey (GSHS), Philippines, 2015: Country Report” (Manila: DOH), 2015, [https://www.doh.gov.ph/sites/default/files/publications/2015GSHS\\_PHL\\_FinalCountryReport\\_0.pdf](https://www.doh.gov.ph/sites/default/files/publications/2015GSHS_PHL_FinalCountryReport_0.pdf).

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attempt suicide, and a higher proportion attempted suicide once or more in the past 12 months. Nonetheless, the numbers were significantly lower than those from the 2003 survey, where 16.3% of the students seriously considered attempting suicide during the past 12 months prior to the survey.

228. In a Rapid Online Survey in the Philippines conducted by UNICEF and partner local organizations, a total of 14% of the children with disabilities respondents reported a decline in mental health, with 12% noting their inability to access mental health and psychosocial support (MHPSS) services.<sup>118</sup>
229. Research from Plan International Philippines entitled “Through Her Lens: The Impact of Covid-19 on Filipino Girls and Young Women”, which analyzed the impact of Covid-19 on Filipino girls and young women aged 13 to 24 years old from 20 April to 15 May of 2020, showed that mental and emotional health of children and youth have been directly affected by the pandemic.<sup>119</sup>

### ***Recommendations of CSOs and Children***

230. **For DOH to treat mental health assistance as a universal health service and give greater attention to mental health issues, considering the prevailing cases of depression and other mental health problems among children and youth. Support services and mechanisms should be developed for responding to children with mental health concerns, and surveys must be conducted to improve statistics on mental health. The Universal Health Care Bill should include mental health assistance, such as medicines and services, and the local government must provide mental health facilities as part of the rural health unit, especially since not all affected children and youth can afford the high fees of mental health professionals and medicines. The government should also consider working with private sectors and experts on mental health to provide support to parents and children in communities as well as include mental health awareness in the FDS under the 4Ps.**
231. **For DepEd to include life skills in their modules in response to the mental health care needs of children and youth.**
232. **In responding to the needs of children with disabilities in times of emergencies, especially in the present COVID-19 pandemic, it is important to not lose sight of the twin-track approach. This means addressing the needs of these children by both mainstream and disability-targeted interventions across all relevant sectors. In addition, tailoring the response to the needs of specific groups across vulnerability parameters, such as disability type, age, gender, ethnicity, and socioeconomic status, is important.**

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<sup>118</sup> UNICEF, “Situation of Children with Disabilities in the Context of COVID-19: Results of a Rapid Online Survey in the Philippines,” April 2020, <https://www.unicef.org/philippines/media/2476/file/Situation%20of%20Children%20with%20Disabilities%20in%20the%20Context%20of%20COVID-19.pdf>.

<sup>119</sup> Plan International Philippines, “Through Her Lens: The Impact of Covid-19 on Filipino Girls and Young Women,” October 2020, <https://plan-international.org/through-her-lens-impact-covid-19-philipino-girls-and-young-women>.

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### ***Adolescent Health***

233. The Responsible Parenthood and Reproductive Health Act (RPRH Law) was passed in 2012, but the Supreme Court pronounced some provisions as unconstitutional. The Supreme Court prohibits minors from accessing modern contraceptives without the written consent of a parent or a legal guardian, but allows them to receive RH counseling and information. A bill has been filed in congress, in support of a national policy on preventing teenage pregnancies and institutionalizing social protection for teenage parents.
234. According to the 2017 National Demographic and Health Survey, the incidence of adolescent pregnancies remains considerable, with about 9% of women aged 15 to 19 years reported to have already started childbearing.<sup>120</sup> This is reaffirmed by the respondents of the island-wide consultations noting that they know friends, neighbors, and acquaintances who got pregnant at an early age. A child observed that there are children aged 13 to 14 years old who are getting pregnant in their community. Children who got pregnant, mostly adolescent girls, stopped going to school when they started to get pregnant.
235. One child respondent to the consultation also noted that in her community, teenage pregnancy is becoming a trend. There is a tendency for a teenager to be influenced by his/her peers who are having relationships and getting pregnant. The child participant further explained that this situation will lead to poverty. The participant added her observation that victims of teenage pregnancy choose to work or have a family at an early age instead of pursuing their dream and going to school.
236. One child participant to the consultations said that teenage pregnancy occurs because of lack of knowledge on sex education and reproductive health and is ultimately a result of poverty.
237. In addition, an Indigenous People (IP) participant also pointed out that the parents of these young mothers-to-be do not care for the welfare of their children. Some respondents said that parents are occupied with work and are not able to guide their children.
238. In the context of BARMM and other Muslim communities, child marriage and teenage pregnancy is part of the culture and is considered normal.
239. The government is on the sixth phase of AIDS Medium-Term Plan (2017–2022), which includes among its targets increased knowledge of HIV transmission, prevention, and services among those aged 15 to 24 years to 90%, and the prevention of new HIV infections among people in this age group. It also passed the HIV/AIDS Policy Act allowing young people who are engaged in risky behaviors and are pregnant to undergo HIV testing without paying. Minors (or those aged 15 years to below 18) may also avail the service provided with parental consent, but with the assistance of a

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<sup>120</sup> Dom Galeon, "The pregnant teen: a growing problem?" Manila Bulletin website, 13 May 2018, <https://news.mb.com.ph/2018/05/13/the-pregnant-teen-a-growing-problem/>.

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licensed health worker or social worker. Written consent to perform HIV testing should also be obtained from the person taking the test.

240. The case is the same with children and youth suffering from HIV/AIDS. Limited knowledge of preventive methods and access to protective measures make them all the more vulnerable to contracting the disease. Number of diagnosed cases increased from 1 a day in 2008 to 38 a day in 2019. According to DOH, in April 2019, there were 840 newly confirmed HIV-positive individuals, 29% of which were aged 15 to 24 years.<sup>121</sup> Those who were newly-diagnosed were predominantly male.

### ***Recommendations of CSOs and Children***

241. **Enact the Adolescent Pregnancy Prevention Bill, which will strengthen reproductive health education among adolescents; capacitate teachers, parents and service providers on how to effectively educate adolescents; and establish local adolescent centers for health and development in every municipality or city.**
242. **Intensify comprehensive sexuality education in schools, as well as orientation on responsible parenthood and young pregnant mothers in the communities. For DSWD and DepEd to integrate into existing modules the strengthening of communication between parents and children so that they could discuss adolescent and reproductive health related issues with more confidence. The peer education program of DepEd, DSWD, DOH and Population Commission should likewise be intensified to prevent teenage pregnancies, with the corresponding budget provided for conducting the modules.**
243. **Localize the RH law and have an RH code in local areas. Local health service providers should be trained in adolescent-friendly approaches in dealing with children and young people seeking information and accessing reproductive health services. There has to be a safe space in health facilities where children could talk to service providers in confidence about these matters.**
244. **As part of strengthening the implementation of the Responsible Parenthood and Reproductive Health (RPRH) Law, the child participants recommended conduct learning sessions on the use of contraceptives, as well as its effects, in order for young people to be aware of the risks and consequences of using contraceptives, having sex, and getting pregnant at an early stage, most especially on the body of adolescent girls. The learning should also include sessions and modules on family planning.**
245. **A child respondent from the Luzon consultation even suggested an imposition of a limit or curfew for girls/women to curb teenage pregnancy incidence. Another recommendation from the same island consultation mentioned the inclusion of sex education and religion in class curriculums.**

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<sup>121</sup> Department of Health, Epidemiology Bureau, "HIV/AIDS & ART Registry of the Philippines (HARP)," April 2019, [https://www.aidsdatahub.org/sites/default/files/publication/EB\\_HIV\\_April\\_AIDSreg2019.pdf](https://www.aidsdatahub.org/sites/default/files/publication/EB_HIV_April_AIDSreg2019.pdf).

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246. **Implement the HIV/AIDS Policy Act, including provisions on the HIV testing of children, accessibility and availability of testing centers, and establishment of more testing centers that could be a partnership between LGUs and NGOs.**

### *Environmental Health*

247. In the Philippines, the climate crisis has already affected millions of vulnerable people, including children, making it difficult for the government to sustain its achievements in terms of children's rights. The government has issued significant legislation to support climate change adaptation. Mitigation projects initiated include disaster preparedness, water-related improvements to reduce child mortality and improve health, and promoting the purchase of products with minimal adverse environmental impact. The Philippines also ratified the Paris Agreement on Climate Change. In 2018, NEDA reported a 24% reduction in persons directly affected by disasters since 2015, highlighting the partnership between government and the academe in climate action initiatives, such as Project NOAH.<sup>122</sup>
248. In September 2009, typhoon Ondoy caused devastation in Metro Manila and some parts of Luzon, submerging many areas in floods. One of the worst natural disasters to hit the country, it affected nearly one million families and claimed hundreds of lives.<sup>123</sup> In the aftermath of the storm, relief efforts served to address the immediate needs of affected families, somehow overlooking the specific needs of children, especially in restoring normalcy in their lives.<sup>124</sup> A child rights impact assessment notes that the implementation of urban relocation programs has not done much to improve the quality of life of the families and the children.<sup>125</sup> Among the issues identified were lack of consultation with children before, during and after relocation, whether within the community or the household; poorly equipped resettlement sites with no electricity, lack of water sources, no nearby schools, and inadequate health centers; and lack of economic opportunities.
249. Typhoon Yolanda, which hit the country in 2013, affected nearly 6 million children.<sup>126</sup> Girls and boys faced risks of injury, illness, separation from families, psychosocial trauma, disruption to education, child labor, trafficking and even death. In the aftermath of the storm, all they wanted was to rebuild their homes, return to school, and restore electricity. The children were said to have played "a crucial role in the evacuation and

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<sup>122</sup> National Economic and Development Authority (NEDA), "NEDA reports PH accomplishments in SDG implementation," NEDA website, 19 July 2019, <http://www.neda.gov.ph/neda-reports-ph-accomplishments-in-sdg-implementation/>.

<sup>123</sup> National Disaster Coordinating Council, "NDDC Update: Final Report on Tropical Storm Ondoy and Tropical Storm Pepeng" (NDCC, Quezon City), 2009, [http://ndrrmc.gov.ph/attachments/article/1543/Update\\_Final\\_Report\\_TS\\_Ondoy\\_and\\_Pepeng\\_24-27SEP2009and30SEP-20OCT2009.pdf](http://ndrrmc.gov.ph/attachments/article/1543/Update_Final_Report_TS_Ondoy_and_Pepeng_24-27SEP2009and30SEP-20OCT2009.pdf).

<sup>124</sup> United Nations Children's Fund (UNICEF), "At a glance: Philippines — Restoring normalcy for children in aftermath of tropical storm Ondoy," UNICEF website, 19 October 2009, [https://www.unicef.org/emergencies/philippines\\_51459.html](https://www.unicef.org/emergencies/philippines_51459.html).

<sup>125</sup> John J. Carroll Institute on Church and Social Issues (JJCISI), "Securing the rights of girls and boys in urban poor relocation programs: A child rights impact assessment of the Philippine government's relocation program on children living in informal settlements along Metro Manila waterways," Final draft report prepared for Save the Children (Ateneo de Manila University, Quezon City), 2015, [https://resourcecentre.savethechildren.net/node/8778/pdf/final\\_draft\\_cria\\_report\\_2015.pdf](https://resourcecentre.savethechildren.net/node/8778/pdf/final_draft_cria_report_2015.pdf).

<sup>126</sup> Save the Children, Plan, World Vision and UNICEF, "After Yolanda: What children think, need and recommend," (Makati City: Save the Children Philippines), <https://reliefweb.int/sites/reliefweb.int/files/resources/after-yolanda-english.pdf>

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preparedness that saved thousands of lives before the storm, and many were taking on new roles and responsibilities to help their families and communities to recover.”

250. UNICEF’s 2017 Climate Landscape Analysis for Children in the Philippines, children from indigenous communities are among the most vulnerable to climate change impacts in the Philippines due to their high dependence on natural resources, their location in remote areas and their already marginalized situation.

### ***Recommendations of CSOs and Children***

251. **For the government to increase investment in renewable energy and lower carbon footprint. It should also revisit its climate change action plan to address the climate crisis urgently, taking into consideration recent information about the climate crisis.**
252. **For LGUs to work with barangay officials in communities that still have no access to clean water, and to provide proper dumpsites and promote sustainable practices in waste management. Better attention to maintaining proper sanitation, including toilets, should be prioritized.**
253. **Conduct awareness raising on RA 10821 and localize the Comprehensive Emergency Programs for Children. LGUs should provide venues for children’s participation in disaster assessment, planning, monitoring and evaluation. LGUs should be capacitated on developing quality DRRM plans, incorporating children’s concerns, and harmonizing them with the school DRRM plan. The children call on LGUs to hold sessions for children to help them recover from the trauma they have experienced during a disaster.**
254. **Observe judicious use of the 5% budget for DRMM in LGUs. Together with national agencies, LGUs should integrate protection risks, including gender-based violence in hazard and risk assessments, as a basis for DRMM planning. Investment must be made in the first two pillars of DRMM, which are prevention and mitigation, and preparedness.**
255. **Consider meaningful inclusion of CSOs in government’s strategic response planning (SRP). They are usually among the first to deploy first aid and relief during disaster and are thus valuable to the SRP process.**
256. **Assess the impact of massive relocations and similar development projects on children. There should be data on displacement resulting from the government’s Build, Build, Build Program. The National Resettlement Strategy needs to consider children’s concerns and make out-of-city resettlement a last option.**

### ***Standard of Living***

257. Filipino children continue to experience multiple deprivations and vulnerabilities that impede their rights. Aside from lacking in basic needs, some live in geographically isolated and disadvantaged areas (GIDAs), their physical or socioeconomic condition,

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or religious or ethnic identities, often having limited access to basic services. In 2015, 31.4% of children were reportedly living below the poverty line, with poverty rates twice higher in ARMM at 63.1%.<sup>127</sup> While staggering, the figure was nonetheless a decline from 35.2% in 2012. The World Bank attributed poverty rate declines to such factors as “expansion of jobs outside agriculture, government transfers, in particular to qualified poor Filipinos through the government’s Conditional Cash Transfer (CCT) program, and remittances.”<sup>128</sup>

258. The CCT program, also known as *Pantawid Pamilyang Pilipino Program* (4Ps), provides cash grants (health and education grants) to the poorest of the poor, on the condition that their children would stay in school and be taken to the community health care facility for regular checkups, growth monitoring, and vaccination.<sup>129</sup> According to the World Bank 2018 Poverty Assessment, the 4Ps accounts for a quarter of the total poverty reduction in the country, as well as increased school enrollment among children aged 12–17 years, reduction in enrollment gap between boys and girls aged 6–14 years, and increased access of poor women to maternal and child health services such as antenatal care.<sup>130</sup> The World Bank noted, however, that the 4Ps was falling behind the target in four of seven indicators, and raised its concern about the lower number of families covered as well as the inefficient distribution channels. There are also claims of discrimination and non-inclusion of the most vulnerable families in some communities. Moreover, the promised services to beneficiaries in exchange for meeting the conditions to qualify for the program were not all in place or of good quality, such as health centers and schools.
259. The COVID-19 pandemic has exacerbated the already precarious situation of Filipino children. In a study conducted by UNICEF, the findings showed that without SAP benefit, child monetary poverty could have increased by between 5.9 and 21.5 percentage points.<sup>131</sup> There is a significant difference in child poverty between urban and rural areas. Children in the BARMM region are more vulnerable than the national average, with poverty rates potentially reaching 73.7 and 87.1% representing an increase that would vary from 8 to 21.4 percentage points in comparison to pre-COVID-19 figures.<sup>132</sup>

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<sup>127</sup> UNICEF, “Situation analysis of children in the Philippines: A summary report,” page 15.

<sup>128</sup> The World Bank, “Philippines’ poverty rate declines; more well-paying jobs and opportunities needed,” *The World Bank Group website*, 30 May 2018, <https://www.worldbank.org/en/news/press-release/2018/05/30/philippines-poverty-rate-declines-more-well-paying-jobs-and-opportunities-needed>.

<sup>129</sup> Other conditions include prenatal care for pregnant women, use of professional health workers as birth attendants, attendance of parents or guardians in the monthly community-based Family Development Sessions to learn about positive child discipline, disaster preparedness, and women’s rights. Selection of beneficiary households is based on the National Household Targeting System for Poverty Reduction. Begun in 2008, the program is implemented by the Department of Social Welfare and Development, in partnership with the Department of Health, the Department of Education, and the National Economic and Development Authority. For more information on this initiative, see the Philippine Official Gazette on <https://www.officialgazette.gov.ph/programs/conditional-cash-transfer/>.

<sup>130</sup> The World Bank, “World Bank approves US\$300 million additional funding for the Philippines’ Conditional Cash Transfer Program,” *The World Bank website*, 27 June 2019, <https://www.worldbank.org/en/news/press-release/2019/06/27/world-bank-approves-us300-million-additional-funding-for-the-philippines-conditional-cash-transfer-program>.

<sup>131</sup> UNICEF, “Effects of COVID-19 on child poverty and efficacy of social protection responses in the Philippines: Component 1,” p.12, retrieved November 2021, <https://www.unicef.org/philippines/media/2791/file/UNIPH-2021-Effects-of-COVID-Child-Poverty-Social-Protection-MainReport-1.pdf>.

<sup>132</sup> Supra at page 13.



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260. Meanwhile, teenage pregnancy is mostly correlated to result of sexual abuse and aggressive sexual behaviors. Medical Action Group and SIKAT are two NGO partners of Kindernothilfe (KNH) that uses peer-to-peer education to increase knowledge and establish a protection mechanism and protective environment among children. The local governments are not prioritizing adolescent reproductive health as it usually has the most less and limited budget spending. Hence, teenage pregnancy is also triggered by cultural beliefs such as in Muslim and IP communities.
261. Based on the island-wide consultation conducted by the CRC Coalition, poverty is an overarching issue of children. Most, if not all, the respondents expressed concerns and experiences related to poverty. Respondents further shared that families strained by financial difficulties cannot cope with the increasing demands of child-rearing and sometimes even fail to provide them with adequate nutrition and education.
262. The consultation results also mentioned that child participants are aware of the contributory factors that result in poverty (i.e. corruption, unemployed parents, and lack of money to finance basic needs).

### ***Recommendations of CSOs and Children***

263. **For DSWD to regularly update the list of beneficiaries and improve targeting to reach the poorest households; ensure prompt disbursement of cash transfers. It should also review the CCT program approach to ensure equity in participation. This covers only up to three children per family. Families with numerous children are forced to choose which of their children can be the beneficiary of this program. It should also strengthen livelihood and economic empowerment programs for the poorest households to supplement 4Ps, and work closely with LGUs to ensure that children beneficiaries have access to quality services.**
264. **LGUs must learn and adopt better practices to community-based initiatives where they can increase spending to replicate and improve strategies to better address the issue of teenage pregnancy. For example, increase spending to expand the peer-to-peer education approach.**
265. **Key government agencies, in partnership with NGOs/CSOs should create the national child protection working group (NCPWG) to develop an Adolescent MHPSS Training Manual to address mental health issues of adolescents during COVID-19.**

### **EDUCATION, LEISURE, AND CULTURAL ACTIVITIES**

266. The CRC Coalition and its member organizations recognize efforts of government to achieve its goal of Education for All (EFA), including reducing school dropout rates; increasing the number of school and other learning facilities; implementing programs for out-of-school youth, children in remote areas and indigenous communities, and other vulnerable groups of children; and improving the quality of education through teacher training.

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267. The government, however, failed to achieve some of its EFA goals by 2015. In summary, the education system is still beleaguered by lack of school facilities, difficult access to the schools for those living in remote areas and children with disabilities, and indirect costs that parents could not afford. In schools, teachers, especially in the periphery and remote areas, are not enough for the number of students and lack training and incentives. Environment is not conducive for learning, and implementation of reform in curriculum has been a challenge. In addition to this, there are “low investments due to debt servicing, inefficiencies in spending the available budget, and disasters.”<sup>133</sup> Incidence of school-related gender-based violence, bullying and corporal punishment remains and children have no opportunity to participate in school governance and development.
268. In ECCD, the challenge remains in achieving 100% coverage among the poorest 0 to 5-year-olds, including children with disabilities. CSOs note that child development center facilities are generally not designed for inclusive education.
269. RA 10665 is another government initiative to address the issue of participation rate, bringing the schools to where the learners are. Also known as the Open High School System Act, it seeks to provide more learners with access to secondary education through the open learning modality. To date, however, the Implementing Rules and Regulations (IRR) for this law has yet to be issued.
270. Resource constraints highly contribute to the increasing school dropout rate. According to a respondent from the Luzon consultation, lack of available public transportation to and from schools and other learning centers along with the school proximity contribute in making education inaccessible.
271. During the COVID-19 pandemic, children are experiencing multiple difficulties and issues including access to gadgets, the Internet, as well as difficulty in completing modules.<sup>134</sup> It is important for children to make their concerns known to teachers and parents so that arrangements for class could be made better. This is echoed by all the respondents of the island-wide consultations. The child participants reiterated their difficulties in adapting to new learning modalities/systems (i.e., online but with no stable internet connection and reliable gadgets; modular and without sufficient guidance from the education providers) resulting in depression and mental instability.
272. Considering the impact which COVID-19 is anticipated to have on poverty, a surge in secondary school dropout rates is observed. In the BARMM region, the situation is even more concerning, as school enrolment levels in the region are already

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<sup>133</sup> Psychosocial Support and Children’s Rights Resource Center (PST CRRC) and Fundación Educación y Cooperación (Educo), *Factors in enabling rights to, in and through education: A Child Rights Situation Analysis (CRSA) of Bicol Region* (Legazpi City: Educo), 2018.

<sup>134</sup> Save the Children (SCP), “Child Rights Monitoring in the Time of COVID-19,” retrieved November 2021, [https://www.savethechildren.org.ph/\\_resources/webdata/file/downloadables/1196\\_Child\\_Rights\\_Monitoring\\_-\\_Children's\\_Report.pdf](https://www.savethechildren.org.ph/_resources/webdata/file/downloadables/1196_Child_Rights_Monitoring_-_Children's_Report.pdf).

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significantly lower than the national average.<sup>135</sup> Given the projected poverty increase in the poorest region of the country, a drop out of 2,241 to 6,280 students is estimated for BARMM children.

### ***Recommendations of CSOs and Children***

273. **Ensure the DepEd teacher assessment and provision of teacher professional development are addressing the unique and distinct needs of disadvantaged learners, such as those with disabilities, at risk of dropping out, who are multilingual, multi-grade, belonging to indigenous communities, in far-flung areas, in conflict areas, etc.**
274. **Increase the budget for hiring more teachers to provide a better learning environment for children, as well as non-teaching or support staff to give the teachers more time to prepare for their lessons and classes. Schools should be monitored as well if they provide child-friendly spaces and protective learning environments for children, and assess capacities to guide next steps.**
275. **Invest in the primary givers of care to children—the parents and teachers or service providers—by conducting awareness raising among parents about the importance of ECCD and capacity building among day care center staff, with special attention to teaching methodologies for inclusion. Explore further collaboration among DepEd and DSWD workers, national child development centers, daycare center workers, and relevant CSOs and NGOs for capacity building.**
276. **Implement the new Alternative Learning System Act, Republic Act No. 11510, which mandates the creation of community learning centers and provide programs for OSCY, such as the Dropout Reduction Program and ALS. Vocational training and ALS content should likewise be linked to jobs or provide pathways to lifelong learning or higher education. There is a need to strengthen the capacity of the government to collect, generate and use data to inform programming on OSCY.**
277. **Strengthen the DepEd Zero Dropout Policy through flexible learning sessions, value development and psychosocial intervention. Consider taking a whole-of-society approach, mobilizing not just the government but also the academe and the private sector, to address the needs and concerns of OSCY, including those who are working (private industry). At the micro level, this would entail ensuring the efficiency and effectiveness of local school boards (LSBs), which are mandated to include representatives from children, parents, teachers, LGU, schools and others. The LSBs should be expanded to include representatives from the academe and private sector.**

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<sup>135</sup> UNICEF, “Effects of COVID-19 on child poverty and efficacy of social protection responses in the Philippines: Component 1,” p.13, retrieved November 2021, <https://www.unicef.org/philippines/media/2791/file/UNIPH-2021-Effects-of-COVID-Child-Poverty-Social-Protection-MainReport-1.pdf>

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278. **Adopt the IRR for the Open High School System Act and restore the budget of open high school in alternative delivery modes for services.**
279. **Pass the law on inclusive education and remove barriers to learning among the most deprived and marginalized children, such as those with disabilities, children in conflict with the law, OSCY, those living in extreme poverty, belonging to indigenous communities, affected by armed conflict, and living on the streets, migrant and trafficked children, etc. This means teachers should also be capacitated on inclusive classroom management and teaching approaches, and ensure regular schools have sufficient and compliant centers or facilities supporting the needs of children with disabilities. Aside from the capacity building of teachers, programs need to include school management (to ensure the development of inclusive school improvement plans and equitable budget allocation), social and emotional learning (e.g., peer orientation, protection from bullying), physical protection, and parent and community engagement (e.g., sensitization and home support to children with disabilities).**
280. **Increase the number of teachers trained in SPED and those who can avail of DepEd scholarships offered for teacher training.**
281. **As violence in schools remains prevalent, DepEd should include modules on child protection (including psychological first aid) and positive discipline in their in-service training program for teachers and school administrators; ensure implementation of DepEd Order No. 40, s. 2012 (Child Protection Policy), DepEd Order No. 32, s. 2017 (Gender-Responsive Basic Education Policy), and Republic Act 11313 (Safe Spaces Act); and strengthen coordination with the barangay (village) mechanisms, such as the BCPCs, local DSWD and the women and children's desks, to ensure reported cases are addressed.**
282. **The Department of Education (DepEd) should work with the Department of Social Work and Development (DSWD) and NGOs/CSOs to review and create inclusive modes of education strategies. The LGU must take part in the implementation. Also, the DepEd needs to maximize the education cluster to review and maximize the capacities of cluster stakeholders to support and widen the reach of capacity building to parents and duty bearers.**
283. **According to the child participants of the island-wide consultations, the government must build a school near the premises of the communities, especially in far-flung areas/GIDA and/or provide free transportation services, to and from school, for those living in far-flung areas. This may also include road improvements. The Coalition also encourages the government to reinstate the budget for DepEd's Last Mile Schools Program, which had been cut to reallocate funds to the government's COVID-19 response, to its original amount.**
284. **Respondents from the Luzon and Mindanao consultations also expressed their desire for the government to resume the conduct of face-to-face class or, if to continue with the current learning modalities, to provide the necessary technological support.**

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285. **For local organizations and CSOs to initiate concerted efforts to complement the initiatives of the government to ease the burdens of current learning systems to both children and their families. For instance, one child suggested that local organizations should start teaching children. She shared the program she is part of called BMP or Bayanihan Magtutungan sa Pag-aaral teaches and assists children.**
286. **Another child respondent noted that one of the obligations of the government is to make sure that children have access to education, so she suggested that the government have programs on financial support (i.e., 4Ps, scholarship programs) that CISS or children without enough resources can avail.**

## SPECIAL PROTECTION MEASURES

### *Children in Armed Conflict (CIAC)*

287. The Coalition remains deeply concerned at the continuing and increasing displacement of children and their limited access to basic social services as a result of the adverse effects of internal armed conflict. Under the Oplan *Kapayapaan* (Peace), the government's counter-insurgency program, forcible evacuations, closure of schools, and fake and forced surrenders are happening in Mindanao. In June 2021, an estimated total number of 2,550 families (10,782 individuals) were displaced in Mindanao due to armed conflict (7,980 individuals), clan feud (1,995 individuals) and natural disasters (807 individuals).<sup>136</sup> Out of the 2,550 families displaced throughout the month, 33% (839 families) have returned to their places of origin by the end of May, leaving 67% (1,711 families or approximately 8,555 individuals) still displaced by the end of the reporting period. As of the 30th of June, an estimated total number of 27,599 families (approximately 135,870 individuals) are currently displaced in Mindanao.<sup>137</sup>
288. Around 96 families (480 individuals) are also displaced due to the AFP vs. NPA armed conflict in Iligan City in June 2020. Four years after the siege in Marawi, the displaced population remain in dire condition in various displacement sites. As of June 2021, around 17,446 families (approximately 87,230 individuals) belonging to the most affected areas remain displaced and in need of durable solutions. As per Task Force Bangon Marawi shared report, 4,166 families (approximately 20,830 individuals) are scattered in 13 transitory sites.<sup>138</sup>
289. While displaced families are still struggling to get back to normalcy after displacement, the COVID-19 crisis further exacerbated their situation. The following are the reported issues and needs of displaced individuals: (1) Lack of food and livelihood; (2) Poor sanitation and hygiene condition; (3) Access to water both for drinking and domestic

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<sup>136</sup> The United Nations High Commissioner for Refugees (UNHCR), "Mindanao Displacement Dashboard," UNHCR website, June 2021, [http://www.protectionclusterphilippines.org/wp-content/uploads/2021/09/Mindanao-Displacement-Dashboard\\_-JUNE-2021.pdf](http://www.protectionclusterphilippines.org/wp-content/uploads/2021/09/Mindanao-Displacement-Dashboard_-JUNE-2021.pdf).

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

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- use; (4) Access to livelihood (5) Access to food security; (6) Access to basic services; (7) Access to health services; (8) Access to education; (9) Camp Coordination and Camp Management (CCCM); and (9) Access to durable solution.<sup>139</sup>
290. Cases of *Rido* or clan wars, which stem from political disputes, contestations over land ownership, or even simple personal grudges, likewise pose a threat to the safety, security, and livelihoods of the affected communities. In some communities in Aleosan Cotabato, families had to leave their homes and children stopped schooling because of *Rido*. However, recent developments were made to address this. Such is the case of clan wars in Buldon, Maguindanao. In September 2021, members of big clans locked in decades-old clan wars in the area swear before the *Quran* (Islam sacred book) to never again resort to violence. At least six (6) families in the area met at the covered court of Barangay Dinganen to end their differences.<sup>140</sup>
291. Child soldiers are not uncommon in the Philippines. Some are trained as combatants while others serve supporting or political organizing functions. Children are convinced to join armed groups owing to a combination of the following factors: (a) poverty and government neglect; (b) membership and affiliation of other family members in the armed group; (c) victim of abuse and injustice; (d) belief in the political ideology; and (e) secessionist advocacy and support for the Holy War.<sup>141</sup> The United Nations verified the recruitment and use of 67 children (19 girls, 32 boys and 16 of unknown gender), teenage boys continued to be the most at risk. The main perpetrators were armed groups, namely NPA (23), the Maute Group (21), BIFF (17) and ISIL-inspired groups (5). One case was attributed to the Armed Forces.<sup>142</sup>

### Recommendations of CSOs and Children

292. **Disseminate information on the Special Protection of Children in Situations of Armed Conflict Act (Republic Act No. 11188) and ensure its full implementation.**
293. **The Department of Interior and Local Government (DILG) to review the policy and implementation of the Local Culture and Arts Council for alignment with Republic Act No. 11188.**
294. **The Department of Education's (DepEd) policy on the protection of children in armed conflict (Order No. 57 of 2017) must also be fully complied by all social actors. According to the National Policy Framework on Learners and Schools as Zones of Peace, in which the elements and guiding principles outlined in Republic Act No. 11188 are defined. By Order No. 57, the integration of conflict**

<sup>139</sup> The United Nations High Commissioner for Refugees (UNHCR), "Mindanao Displacement Dashboard," UNHCR website, June 2021, [http://www.protectionclusterphilippines.org/wp-content/uploads/2021/09/Mindanao-Displacement-Dashboard\\_-JUNE-2021.pdf](http://www.protectionclusterphilippines.org/wp-content/uploads/2021/09/Mindanao-Displacement-Dashboard_-JUNE-2021.pdf).

<sup>140</sup> Philippines News Agency (PNA), "Marines, LGU settle decades-old Maguindanao clan wars," 21 September 2021, <https://www.pna.gov.ph/articles/1154144>.

<sup>141</sup> Reuben James Barrete, "Children as combatants in the Philippines," Rappler website, 27 June 2017, <https://www.rappler.com/thought-leaders/174075-children-combatants-philippines>.

<sup>142</sup> United Nations Security Council, "Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict in the Philippines," 4 August 2020, <https://undocs.org/en/S/2020/777>.

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- sensitivity, a peacebuilding perspective and community engagement into education interventions must be institutionalized in order to prevent, mitigate, respond to and recover from armed conflict.**
295. **The Department of Social Welfare and Development (DSWD) to spearhead the updating of the procedure for the handling and treatment of children involved in armed conflict.**
  296. **For the Philippine National Police (PNP), through its Women and Child Protection Centre, to fully implement the child protection policy for the police created in October 2019.**
  297. **Provide opportunities for community involvement of children and youth (child participation) to prevent them from joining armed groups.**
  298. **Implement long-term programs for the recovery and rehabilitation of families affected by armed conflict, especially children. Programs and services should reach rural areas, which could include livelihood and educational assistance.**
  299. **On CSE, Trafficking and Child Pornography, in the context of the Mandanas Ruling where the DSWD's program for the recovery, reintegration and protection of trafficked persons, will be devolved to the LGUs, the DILG should establish a comprehensive plan and program, together with the DSWD and other relevant agencies, to develop the capacity of LGUs (human, material and financial resources) in adopting a comprehensive recovery, reintegration and protection program for trafficked persons. To be able to do this, the aforementioned must use the "Standards in Building Communities that Protect Children from Trafficking", which the IACAT and the DILG has adopted in 2017 and 2018 (DILG MC 2018-53), respectively.**
  300. **For LGUs to be able to establish an inclusive, child and gender sensitive temporary shelter for victims of child abuse and exploitation managed by competent and committed service providers.**
  301. **These services should include the setting up of a functional multi-disciplinary referral network and a well-coordinated prevention and protection (prosecution) work against child abuse and exploitation.**
  302. **For LGUs to be able to establish an inclusive, child and gender sensitive temporary shelter for victims of child abuse and exploitation managed by competent and committed service providers.**

### ***Economic Exploitation, including Child Labor***

303. **Despite the strong legal framework against child labor and its worst forms, child labor continues to persist in the country. The 2011 Survey on Children showed that 3.2 million children ages 15-17 engaged in child labor; 2 million of them worked in**

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hazardous conditions.<sup>143</sup> Of the 17 administrative regions, fourteen had at least one working child in every ten children. Northern Mindanao had the highest proportion at 22.1% while the National Capital Region had the lowest at 5.4%. Children land in this dismal state not just because of poverty, but also as a result of human trafficking and armed conflict.<sup>144</sup>

304. A 2016 situational analysis of child trafficking for labor exploitation showed that child respondents in selected areas engaged in various types of work, such as vending in the market/ streets, mining, farming, fishing, house help, and working in restaurants. Among the common reasons for working cited by the children were to help their families and to have money to support their own needs. More than half of the respondents said it was their own initiative to find work. It seemed acceptable to both children and their parents for children to work at a young age, since family incomes were scarce.<sup>145</sup>
305. Children's employment in extractive industries is considered one of the worst forms of child labor. In 2009, the International Labor Organization reported that over 18,000 girls and boys worked in Philippine mines. According to Human Rights Watch, children who work in these areas experience "back pain, skin infections, and muscle spasms consistent with symptoms of mercury poisoning."<sup>146</sup> Although the government has ratified treaties and enacted laws to combat the worst forms of child labor, it has yet to implement these on a scale that will have an impact. No monitoring is done on child labor in mining and employers are not penalized for violations of laws, nor are children withdrawn from these hazardous work environments.
306. Kindernothilfe (KNH) Philippines and Sentro para sa Ikauunlad ng Katutubong Agham at Teknolohiya Inc. (SIKAT), in a 2018 research on the Child-fishers in the Municipal Fishing Industry of Eastern Samar, reported that of the 539 child-fishers respondents only eight percent (8%) is attending school while the remaining ninety two percent (92%) is out-of-school children/youth.<sup>147</sup> More so, forty five percent (45%) of the child-fishers do fishing during day time while there are fifty five percent (55%) that do fishing at night.<sup>148</sup> The research also identified the following hazards faced by child-fishers in the case of Eastern Samar: (1) exposure to rain; (2) extreme heat/ humidity; (3) use of dangerous tools such as spear gun and knife; (4) extreme cold during night fishing; (5) carry inflammable materials; (6) work in slippery area; (7) work underwater; and (8)

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<sup>143</sup> Philippine Statistics Authority (PSA), "Survey on Children 15-17 years old". <https://psa.gov.ph/sites/default/files/2011%20Survey%20on%20Children%205-17%20Years%20Old%20%28Final%20Report%29.pdf>

<sup>144</sup> Philippine Statistical Authority (PSA), "Estimated Number of Working Children 5 to 17 Years Old Who Worked During The Past Week Was 3.3 Million: Final Results of the 2011 Survey on Children," PSA website, publish 09 December 2015, <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-on-children>.

<sup>145</sup> The selected areas were those identified as having high incidence of child labor. See Mayette Macapagal, "A Situational Analysis of Child Trafficking for Labor Exploitation in Selected PACT Areas," Full Research Report Submitted to Philippines against Child Trafficking (PACT), 2016.

<sup>146</sup> Mark Z. Saludes, "What ... if something went wrong?" Hazardous child labor in small-scale gold mining in the Philippines," Human Rights Watch, 29 September 2015, <https://www.hrw.org/report/2015/09/29/what-if-something-went-wrong/hazardous-child-labor-small-scale-gold-mining>.

<sup>147</sup> Presented by the Kindernothilfe Philippines and Sentro para sa Ikauunlad ng Katutubong Agham at Teknolohiya Inc. (SIKAT), during Annual SHA Forum at XYZ Hotel, Tacloban City dated 06 November 2019.

<sup>148</sup> Ibid.



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- carry excessively heavy loads.<sup>149</sup> Further, the research found out that family members, particularly parents, engage the children in fishing as a recreational activity and to be able to pass the fishing tradition to the next generation while others succumb to the societal norm that reinforces the current practice of child-fisher participation.<sup>150</sup>
307. While the government has established institutional mechanisms to enforce laws and regulations to combat child labor, gaps still exist in terms of the following: lack of resources to conduct inspections; limited number of inspectors especially in the rural areas where there are many unregistered vendors; insufficient enforcement of child protection in the informal sector, small-/medium-sized enterprises, and also in private homes where many children work as “*kasambahays*” (house helpers); lack of training of investigators; and insufficient programs to care for and rehabilitate child laborers.<sup>151</sup>
308. The Coalition is likewise concerned that the data on child labor in the Philippines is old and needs to be updated. Recently, DOLE identified three emerging forms of child labor in the country: own-use production work, unpaid trainee work, and volunteer work.<sup>152</sup>
309. During the COVID-19 pandemic, children in agricultural areas and in urban areas tend to find jobs to support their families whose sources of income are affected due to lockdowns. This is confirmed by respondents of the island-wide consultations. According to the child participants, children were forced to help their families earn additional income because parents either pushed them to earn money and bring home food for being the eldest, or irresponsible for letting their children work for them. Thus, it is identified in the consultations that the primary drivers of child labor are unhealthy family life and economic deprivation/poverty.
310. The child respondents to the island-wide consultations also noticed the connection between being out-of-school and child labor. Many children are forced to work rather than go to school due to lack of financial resources and their priority to have something to eat for a day. In their communities, the participants saw children as young as 8-year-old working. Respondents also observed these children selling sampaguita, working at a market, carrying ice, serving as a helper of vendors.
311. When asked if child labor could be eliminated, child respondents answered how it might not be possible to do so. They think that child labor is part of the culture to help their family earn enough money.

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<sup>149</sup> Presented by the Kindemthilfe Philippines and Sentro para sa Ikauunlad ng Katutubong Agham at Teknolohiya Inc. (SIKAT), during Annual SHA Forum at XYZ Hotel, Tacloban City dated 06 November 2019.

<sup>150</sup> Ibid.

<sup>151</sup> US Department of Labor. 2018 Findings on the Worst Forms of Child Labor: Philippines. <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/philippines>

<sup>152</sup> Mayen Jaymalin, "DOLE: New forms of child labor emerging," Philstar Global website, published 01 April 2019, <https://www.philstar.com/headlines/2019/04/01/1906323/dole-new-forms-child-labor-emerging>.

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### ***Recommendations of CSOs and Children***

- 312. Further review of RA 9231 (Anti-Child Labor Act) particularly the sanctions on violators among establishments and the inclusion of child workers in the informal sector. There should also be strict monitoring and implementation of this law, given that the problem of child labor continues to persist. LCPCs need to be strengthened, with the necessary funding allocation, so they could carry out their mandate in terms of combating child labor.**
- 313. Provide parents with livelihood/job opportunities and skills development so they can provide for their families, send their children to school and refrain from asking children to work. More so, the child respondents to the island-wide consultations recommended financial assistance to indigent families and provision of livelihood opportunities to the parents as solutions to address child labor. One participant noted that there should be an entity from the government that will assist adults to process necessary documents, papers, or requirements in getting a job, and an entity that will also give educational or training opportunities.**
- 314. Monitor child labor in mining, agriculture, households, the informal sector, and in the emerging areas of child labor such as own-use production work, unpaid trainee work, and volunteer work. Moreover, monitor child labor as a result of child trafficking (for economic or commercial sexual exploitation) and armed conflict.**
- 315. Establish a comprehensive services delivery system to assist child laborers and their families.**
- 316. Improve data collection on the number and situation of child laborers in various settings, especially those who are trafficked for economic and commercial sexual exploitation and those involved in the worst forms of child labor, by integrating data gathering of the aforementioned to the Community-Based Monitoring System (CBMS), a system intended to collect, process, and validate disaggregated data used for planning, program implementation, and impact monitoring at the local level to raise Filipinos out of poverty; this includes data related to employment, income, and education.**
- 317. Increase resources to conduct labor inspections and augment the number of labor inspectors, particularly in rural areas where child labor is prevalent.**
- 318. Address child labor protection for children employed in the informal sector, small-medium enterprises and in agricultural work.**
- 319. There is a need to a more converged actions from different actors to address the development needs as the root cause of child labor.**

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### *Children in Street Situations (CISS)*

320. There is no clear data on children in street situations (CiSS, or street-connected children), with government estimates of their number seemingly deceptively low. Rapid appraisals producing this data have focused on counting children congregating in highly visible roads and public areas and exclude many street-connected children in informal settlements and less-visible areas.<sup>153</sup> A 2002 UNICEF-commissioned study identified 250,000 CiSS, or 3% of children in the country,<sup>154</sup> while another noted the national prevalence to have increased from 250,000 to 1.5 million in the 1990s, with an estimation of 50,000 to 75,000 in Manila alone in 2002.<sup>155</sup>
321. While we commend DSWD and CWC for developing guidelines and protocols for serving and rescuing CiSS, including the requirement of social preparation of licensed social workers before “reach out” is conducted, there seems to be no significant effort to disseminate these new guidelines at the grassroots level. Violations continue to be committed by those taking part in the rescue/reach out operations, which are not sufficiently monitored.<sup>156</sup> The lack of a gatekeeping mechanism for taking children into protective custody exacerbates their vulnerability and exposure to risk.<sup>157</sup>
322. Conditions within government shelters remain a high concern, with children frequently complaining of physical and sexual abuse, inadequate services, and being detained, mostly against their will.<sup>158</sup> Moreover, not all shelters are able to meet the government-mandated ratio of social workers to CiSS, which is 1:15, owing to insufficient budget. The forced removal of children from the streets, without social preparation, and their subsequent placement in locked centers, often outside their city of residence,<sup>159</sup>

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<sup>153</sup> For example, the rapid appraisal of street children conducted by DSWD identified 4,000 children in key areas, all of which were highly visible areas. See Department of Social Welfare and Development (DSWD), “Report Street children for rescue via twitter @savestreetkids – DSWD,” DSWD website, 22 November 2012, <https://www.dswd.gov.ph/report-streetchildren-for-rescue-via-twitter-savestreetkids-dswd/>.

<sup>154</sup> Lamberte, Exaltacion E. *Ours to protect and nurture: The care of children needing special protection* (Manila: UNICEF), 2002, page 269.

<sup>155</sup> Coram International, at Coram Children’s Legal Centre, “Situation of Children in the Philippines,” a study commissioned by UNICEF Philippines (Manila: UNICEF Philippines), 2018, page 295.

<sup>156</sup> For example on 24 January 2019, a “reachout” was conducted in a playground in Manila at around 11:00 p.m., involving officials from the city of Manila as well as various barangay officials. The process of “reachout” violated nearly every requirement of the protocol even though there was a government social worker present. When asked, the government officials involved said they were not aware of the existence of the protocol.

<sup>157</sup> See for example, the case of “Frederico” in the Reception and Action Center, which is managed by the Manila Department of Social Welfare. He had been at RAC for seven months when a photo was taken of him severely malnourished and naked inside the center. This photo led to the closure of RAC by DSWD for failure to meet the standards of accreditation. See Fritzie Rodriguez, “Finding ‘Frederico,’” Rappler website, 30 October 2014, <https://www.rappler.com/move-ph/73464-rac-manila-frederico>.

A gatekeeping system can prevent children from being unnecessarily separated from their parents and families or placed in alternative care. It can help reintegrate children already in alternative care back into their own families and communities. Normally this would have appropriate checks and balances in place to make sure the children are not unnecessarily being separated from their families. It should also be subject to independent review. The way that rescue/reach out is conducted is completely arbitrary with random, untrained officials simply grabbing children and removing them from their families.

<sup>158</sup> See the documentary “Running from Rescue,” which provides first-hand testimony of children sharing about their experiences in detention.

<sup>159</sup> For example, in Manila, children are taken to a government-run shelter in Marikina City, which is inaccessible to parents due to the distance and high cost of transport. Moreover, even when parents make contact, the shelters are frequently unable to confirm if a child is in their custody, exacerbating the difficulties for families in locating their children.

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- without parental knowledge or consent, leads to the disruption of family connections and education.<sup>160</sup>
323. There have been incidences of children experiencing violence or torture in the hands of those detaining them for curfew violations and other offenses, as well as even in government-run shelters after they were “rescued.” In some cases, children were killed while in custody and no official investigation was made and no one was held accountable.<sup>161</sup>
324. Alternative care options for street-connected children are limited, as many shelters are not appropriately adapted to enable them to transition into residential care. While there are informal foster/adoptive families willing to keep the children, they are unable to make this arrangement legal because of the high threshold for licensing as a legal foster/adoptive family.<sup>162</sup> With no monitoring mechanism in place for monitoring these informal cases, children are left extremely vulnerable to exploitation and abuse.
325. In the context of the CiSS, child labor is still the least priority among LGUs despite the institutionalization of the action plan against child labor.
326. The National Network on CiSS (NNSC), now SCPWC or Sub-Committee on the Protection and Welfare of CiSS, has been officially reactivated by the CWC Board in July 2020.

### ***Recommendations of CSOs and Children***

327. **CWC to proactively lead the operationalization of the Philippine National Multi-Stakeholders Strategic Plan for CiSS from national, regional and local/LGU levels and ensure children’s participation across all its processes. Mechanisms such as the Street Children’s Congress (organized by NGOs) could be used as a forum for allowing street-connected children to be involved and help drive change.**
328. **Each shelter should have a child protection policy, meet government standards for accreditation, and have a centralized gatekeeping mechanism. DSWD also needs to monitor shelters it has accredited. All government agencies should follow in adopting this as well.**
329. **Abolish the imposition of curfew on children.**

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<sup>160</sup> Children are often absent from school for several weeks before they are released from government shelters. Normally, there is no formal education offered in government shelters.

<sup>161</sup> There was even a case of a child killed by other children in Manila’s RAC, which was documented in some national media post-Frederico. See Nathaniel R. Melican, “Boy beaten to death by other wards in Manila shelter for street children,” inquirer.net website, 18 November 2014, <https://newsinfo.inquirer.net/651335/boy-beaten-to-death-by-other-wards-in-manila-shelter-for-street-children>.

<sup>162</sup> Requirements to qualify as a foster/adoptive family are excessively rigid. These include financial capacity, housing, etc. Bahay Tuluyan has had cases with two professional parents living in their own house and earning two incomes, but did not meet the minimum requirements for fostering.

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330. **Implement targeted interventions for CISS and their families, with the highly specialized skills and services necessary to cater to their complex and diverse needs, such as harm reduction education, livelihood training, parenting capacity training, positive discipline, among others. Also establish more drop-in centers and night centers for CISS that will help them transition into alternative care. Helpful to this process is a centralized gatekeeping system for children in protective custody, with a regular review of individual cases by an independent body, together with children and an independent child advocate.<sup>163</sup> There should likewise be a system for recognizing, regulating, supporting, and subsidizing informal foster placements to prevent children from going back to institutions.**
331. **The CWC to strengthen commitment in coordinating policies and programs for CISS together with lined government agencies and CSOs/NGOs.**
332. **The DILG to establish a mechanism to accredit CSOs/NGOs who may be part of a resource pool to help in building the capacity of the LGUs in addressing CISS-related issues and concerns.**

### ***Commercial Sexual Exploitation, Trafficking, Pornography***

333. Commercial sexual exploitation of children (CSEC), often as a result of child trafficking, remains to be a serious problem in the Philippines. The NBSVAC found that 1 in 5 Filipino children are victims of different forms of sexual abuse and exploitation.<sup>164</sup> Women and children from rural communities, conflict and disaster-affected areas, and impoverished urban centers are most vulnerable to sex trafficking, domestic servitude, and other forms of forced labor around the country. Child sex tourism is also widespread in tourist destinations.<sup>165</sup> ECPAT Philippines recorded over 200 media reports of child sexual exploitation nationwide from 2013 – August 2019, more than half are girls. The actual number is presumably higher as some reports don't have information on victims.
334. The Philippines has been dubbed as “the global epicenter of the live-stream sexual abuse trade.”<sup>166</sup> It is the top global internet source of online commercial sexual abuse and exploitation of children (OSAEC). OSAEC is rampant that it has become a family business, where parents and relatives are identified as perpetrators. Children are induced to perform sex acts at the direction of paying foreigners and local Filipinos for live Internet broadcasts which usually take place in small Internet cafes, private homes, or windowless dungeon-like buildings commonly known as “cybersex dens.”

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<sup>163</sup> This refers to someone who will independently represent them as a child and his or her needs, not someone representing the state or the family. A comparable role in the US system is called a CASA/GAL – Court Appointed Special Advocate or Guardian Ad-Litem.

<sup>164</sup> National Baseline Study on Violence Against Children: Philippines (2015). [https://www.unicef.org/philippines/media/491/file/National%20Baseline%20Study%20on%20Violence%20Against%20Children%20in%20the%20Philippines-%20Results%20\(executive%20summary\).pdf](https://www.unicef.org/philippines/media/491/file/National%20Baseline%20Study%20on%20Violence%20Against%20Children%20in%20the%20Philippines-%20Results%20(executive%20summary).pdf).

<sup>165</sup> Department of State USA 2019 Trafficking in Persons Report, Narratives N-S, page 383. Available at <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

<sup>166</sup> United Nations Children's Fund (UNICEF), “Safe from harm: Tackling online child sexual abuse in the Philippines,” 3 June 2016, At a glance: Philippines, UNICEF website, [https://www.unicef.org/protection/philippines\\_91214.html](https://www.unicef.org/protection/philippines_91214.html).

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335. From March 1 to May 24, 2020 when the country was placed under lockdown due to the COVID-19 pandemic, the DOJ reported 202,605 cases of OSEC or a 265 percent increase compared with the same period in 2019.<sup>167</sup> Facebook reported 279,166 child sexual abuse images from the Philippines in the same period in 2020 while technology companies documented more than 1.29 million child sexual abuse materials produced in the country in 2020, thrice the number in 2019.<sup>168</sup>
336. OSAEC thrives in the country due to high incidence of poverty, familial obligation, cheap and easy access to mobile devices and internet connectivity, prevailing social norms (i.e., my child, my property; there is no physical contact anyway; it's a private family affair), shift in parenting dynamics (external and internal migration), high proficiency in English which makes it easier for perpetrators to communicate with clients, weak enforcement of existing laws, high demand for pornographic materials, barriers on wiretapping and privacy laws, lack of facilities, and inadequate capacity of law enforcement agencies in case and evidence management.<sup>169</sup>
337. Problems in combating CSEC and OSAEC in the country also stem from the lack of an efficient monitoring system to determine the real scope and magnitude of the problem in communities. The Philippines Anti-Trafficking Database, which is mandated by the Expanded Anti-Trafficking in Persons Act of 2012 to monitor trafficking cases in LGUs has not been operationalized. Executive Order (EO) No. 893, series of 2010 on upgrading the Information and Communications Technology (ICT) infrastructure of the Philippines, which can assist in monitoring and catching perpetrators, has not been fully implemented.
338. On a positive note, the National Cybersecurity Plan 2022 of the Department of Information, Communications, and Technology (DICT) is now rolling out cybersecurity infrastructure from hardware to software, including a capability building program for all the national agencies and local government units.<sup>170</sup> The plan aims to ensure effective coordination with law enforcement agencies as well as implementing cyber resiliency measures to enhance our ability to respond to threats before, during and after attacks.<sup>171</sup>

### ***Recommendations of CSOs and Children***

- 339. Implement Executive Order 893, series of 2010, on upgrading the ICT infrastructure of the Philippines to help monitor and catch perpetrators of OSAEC.**

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<sup>167</sup> Servillos, Neil Jayson, "The Filipino mothers selling their children for online sexual abuse," Rappler website, published 30 May 2021, <https://www.rappler.com/newsbreak/in-depth/filipino-mothers-selling-their-children-online-sexual-abuse/>.

<sup>168</sup> Ibid.

<sup>169</sup> Based on the presentation of Plan International at the Child Rights Network (CRN) session; See also Down to Zero 2016 Baseline report. [https://www.terredeshopressed.pdfmmes.nl/sites/tdh/files/uploads/baseline\\_report\\_dtz\\_28436.pdf](https://www.terredeshopressed.pdfmmes.nl/sites/tdh/files/uploads/baseline_report_dtz_28436.pdf)

<sup>170</sup> Department of Information and Communications Technology (DICT), "National Cybersecurity Plan 2022," DICT website, retrieved January 2022, <https://dict.gov.ph/national-cybersecurity-plan-2022/>.

<sup>171</sup> Ibid.

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340. **Conduct a national baseline study on the scope and magnitude of sexual abuse and exploitation of children in the Philippines (online and offline).**
341. **Establish a community-based quick response team dedicated to handling cases of sexual exploitation of children; and a comprehensive and proactive community-based healing and recovery program at the community level to ensure OSAEC victims are identified and able to access justice and legal remedies.**
342. **Strengthen capacities of law enforcers to manage OSAEC cases and increase budget allocation for collecting evidence of OSAEC.**
343. **Enact local ordinances mandating tourism establishments to develop child protection policies and mechanisms to respond to actual cases of sexual exploitation in travel and tourism.**
344. **Establish help desks in strategic public transportation terminals and capacitate personnel who will be assigned in these areas.**
345. **Conduct a massive information drive on the negative impact of sexual abuse and exploitation of children, online safety, and reporting mechanisms on CSEC and OSAEC, targeting schools, tourist destinations, churches, recreational facilities and the wider public. Establish referral pathways to provide services to victims of CSEC and OSAEC.**
346. **Strengthen collaboration between the Inter Agency Council Against Trafficking (IACAT) and the Inter Agency Council Against Child Pornography (IACACP) and with the CSOs and the private sector to combat child trafficking, sexual exploitation, and abuse.**
347. **IACAT to fully operationalize the Philippine Anti-Trafficking Database as mandated by the Anti-Trafficking in Persons Act. The National Recovery and Reintegration Database, which was envisioned to provide such data, should be used by service providers at the local level.**
348. **Pass the Human Trafficking Preventive Education Act to institutionalize public awareness on Trafficking in Persons (TIP) in schools and communities. Pass Senate Bill 2209 or Special Protection against Online Sexual Abuse and Exploitation of Children (OSAEC) which would institute stronger protection mechanisms against the abuse and exploitation of children through the use of digital or analog communication and ICT.**
349. **Increase the budget and manpower of DSWD-run shelters and enable them to cater to child victims of trafficking. Provide training for LSWDOs on case management of child victims of trafficking.**
350. **Continue to investigate, prosecute, and convict perpetrators of trafficking in all its forms and establish an effective and responsive mechanism to ensure the full protection of child victims and witnesses, as well as their families, including**

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### **the provision of financial support and appropriate interventions to victims throughout the legal process.**

#### ***Rape, Incest, and Sexual Harassment***

351. The Coalition wishes to highlight one key weakness of Philippine laws pertaining to the minimum age to determine statutory rape, which is currently pegged at 12 years old. This means that a child who is 12 to below 18 years is said to be mature enough to agree to engage in consensual sexual relations. The Philippines has one of the lowest age to determine statutory rape in the world. Perpetrators of sexual violence escape from prosecution because evidentiary requirements to prove rape are quite complex that victims often decide to drop their cases or not press charges for fear of stigma and the disruption that long arduous court proceedings will cause in their lives.
352. Moreover, boys who are victims of rape are not afforded equal protection under Philippine laws. Rape committed against boys is only considered rape through sexual assault. This carries a lesser penalty as compared to rape through sexual intercourse committed against girls. Penalties for rape committed against children, whether they are boys or girls, need to be equalized to protect all children from sexual violence.
353. Under the Rape Victim Assistance and Protection Act of 1998 (i.e., Republic Act No. 8505), DSWD, together with DOH, DILG, DOJ and NGOs are mandated to establish Rape Crisis Centers (RCC) in every province and city. These RCCs are to provide psychological counselling, medical & health services, and legal aid to rape victims. Sadly, many provinces and cities still do not have RCCs.<sup>172</sup>
354. In 2013, the DOH issued Administrative Order No. 2013-0011 instructing all government hospitals to establish Woman and Child Protection Units (WCPUs) to provide aid to abused women and children. The WCPU is a child-friendly and gender-sensitive facility manned by a multidisciplinary team that provides comprehensive services for victims of sexual violence. As of date, there are 106 WCPUs in 55 provinces and 10 cities in the country.<sup>173</sup> Twenty-six (26) provinces still do not have WCPUs.
355. Many child sexual abuse victims choose not to report their harrowing ordeal to proper authorities due to social stigma, fear of revenge from perpetrators,<sup>174</sup> apprehensions of being blamed for the offense,<sup>175</sup> and feelings of indebtedness to their offenders.<sup>176</sup>

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<sup>172</sup> Clara Rita Padilla, Dangerous times for women in a culture of rape in the PH, 2017, <https://www.rappler.com/thought-leaders/177403-dangerous-times-women-philippine-culture-rape>.

<sup>173</sup> Child Protection Network website. <https://www.childprotectionnetwork.org/wcpu-directory/>

<sup>174</sup> Apprentis d'Auteuil Foundation, CAMELEON Association Inc. (CAI), Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) and Action Against Violence and Exploitation, Inc. (ACTIVE), *Child Sexual Abuse and Sexual Exploitation in the Philippines (Joint Submission to the Universal Periodic Report 2017, 27th Session, Human Rights Council)*, September 2016, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js3\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js3_upr27_phl_e_main.pdf).

<sup>175</sup> Thailand Institute of Justice and University of Cambridge, *Women's access to justice: Perspective from ASEAN region*, 2016, [http://www.tijthailand.org/useruploads/files/womensa2j\\_asean\\_final.pdf](http://www.tijthailand.org/useruploads/files/womensa2j_asean_final.pdf).

<sup>176</sup> Apprentis d'Auteuil Foundation, CAMELEON Association Inc. (CAI), Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) and Action Against Violence and Exploitation, Inc. (ACTIVE), *Child Sexual Abuse and Sexual Exploitation in the*



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There is also the ‘secondary victimization’ often experienced by victims in reporting to law enforcement agencies that are not trained to handle cases of sexual abuse. The process of testifying in court can also be extremely traumatic to a child, since he or she is forced to recount the assault done against him/her in a public setting.<sup>177</sup> While Philippine courts are required to follow child-friendly procedures in securing the testimony of a child under the Supreme Court’s *Rule on Examination of Child Witnesses*, these processes are often not followed. Moreover, very few courtrooms use video conferencing technology that allows the testimony of the child to be collected in a place outside the courtroom, which can alleviate the trauma brought by testifying in a traditional courtroom setting.<sup>178</sup> Presently, there are 121 designated family courts in the country. Not all of them are filled. Moreover, judges need further training to properly handle cases of child sexual abuse.

### **Recommendations of CSOs and Children**

356. **Enact a law to increase the age to determine statutory rape from 12 to at least 16 years old. Equalize penalties for rape committed against girls and boys.**
357. **Establish more Child Protection Units (CPUs) in hospitals and in all provinces and provide a sufficient budget for their operation.**
358. **Appoint more family court judges and train them to properly handle cases of sexual abuse. Maximize the use of video-conferencing whenever children are required to appear in court to lessen their trauma during court proceedings.**
359. **Capacitate all barangays officials /BCPCs on how to handle cases of abuse.**
360. **Maximize SK/ youth groups to become peer educators by capacitating them through training/seminars.**

### **Administration of Juvenile Justice**

361. Children in Conflict with the Law (CICL) are put at risk because of constant efforts from Congress to lower the minimum age of criminal responsibility (MACR), the age at which an individual can be charged in court and be put behind bars. The Philippine National Police and some legislators continue to disproportionately highlight children’s involvement in crimes despite the reduction of CICL cases (from 14,387 recorded cases in 2016, to 11,324 in 2018) and the lower proportion of cases committed by children (less than 2%) relative to the total crime volume.<sup>179</sup>

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Philippines (Joint Submission to the Universal Periodic Report 2017, 27th Session, Human Rights Council), September 2016, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js3\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js3_upr27_phl_e_main.pdf).

<sup>177</sup> GS Goodman, et al., “Testifying in Criminal Court: Emotional Effects on Child Sexual Assault Victims,” *Monographs of the Society for Research in Child Development* 57, no. 5 (1992): 1-142, discussion 143-61, <https://www.ncbi.nlm.nih.gov/pubmed/1470193>.

<sup>178</sup> Apprentis d’Auteuil Foundation, CAMELEON Association Inc. (CAI), Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) and Action Against Violence and Exploitation, Inc. (ACTVE), *Child Sexual Abuse and Sexual Exploitation in the Philippines (Joint Submission to the Universal Periodic Report 2017, 27th Session, Human Rights Council)*, September 2016, [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js3\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js3_upr27_phl_e_main.pdf)

<sup>179</sup> 2018 report of the Juvenile Justice and Welfare Council presented to Congress during the Committee hearings

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362. Lowering the MACR from 15 to 9 or 12 years old is among the priority legislative agenda of the Duterte Administration and is being pushed by President Duterte himself, citing reports that girls and boys are being used by syndicates in illegal drug trade. Child rights and human rights advocates strongly oppose the proposal, believing that this will only criminalize children at a young age and would lead to children being put in facilities that lack appropriate programs and trained staff. This will mainly affect boys, as 94% of the 26,0907 children who surrendered as a result of the anti-illegal drug campaign within the period July 2016 to April 2018 are boys according to data from the Philippine National Police.<sup>180</sup> With pressure from the advocacy efforts of CSOs through the #ChildrenNotCriminals campaign, a movement mounted to block the lowering of the MACR, and negative public reaction on the issue, the 17<sup>th</sup> Congress did not pass the proposed bills to lower the MACR. Despite this, the MACR issue resurfaced in the 18<sup>th</sup> Congress. With the election of pro-administration legislators in the May polls, it is likely that many of them will vote in favor of lowering the MACR to follow the President's bidding. Still, there are champions in the Senate and in the House of Representatives that are resolved to maintain the MACR at 15 years old and would rather advocate for the effective implementation of existing juvenile justice laws.
363. While the Coalition welcomes the passage of the Juvenile Justice and Welfare Act of 2006 (JJWA), and its amendment (RA 10630) in 2013, the implementation of the law is slow and uncoordinated. Among the gaps identified include the lack of capacities of duty bearers to perform their responsibilities under the law especially the administration of community-based intervention and diversion programs, misconceptions of JJWA's provisions, insufficient Bahay Pag-Asa (BPA) to house and rehabilitate children, lack of licensed social workers to handle cases of children in the justice system, and the absence of updated data on the number of children in the justice system in the country.<sup>181</sup> The CHR also reported that hundreds of children were still detained with adult offenders in deplorable and congested prisons despite prohibitions under the JJWA.<sup>182</sup>

### *Recommendations of CSOs and Children*

364. **Block all moves to lower the MACR and instead fully implement the JJWA.**
365. **Hire more licensed social workers (i.e., one social worker per barangay) to assist children in the justice system and provide comprehensive training to all duty-bearers tasked to implement the JJWA.**
366. **Local governments include in their Annual Investment Plans (AIPs) policies, projects and activities that specifically cater to the needs of children in the justice system. Ensure that a minimum of 1% of their internal revenue allotment be earmarked to strengthening programs to benefit these children.**

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<sup>180</sup> Clarissa C. David and Ronald U. Mendoza. Children and "the anti-illegal drugs campaign: When the cure is worse than the disease." by ABS-CBN News, 2018, <https://news.abs-cbn.com/focus/09/13/18/children-and-the-anti-illegal-drugs-campaign-when-the-cure-is-worse-than-the-disease>

<sup>181</sup> 2018 Report from the Juvenile Justice and Welfare Council (JJWC) provided during committee hearings in Congress

<sup>182</sup> CHR report (2018) submitted to the Senate Committee on Justice during MACR hearings

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367. **Conduct comprehensive research to determine the number and actual situation of children in the justice system to aid in policy reforms and program planning and implementation.**

### ***Children belonging to Minorities and Indigenous Peoples***

368. Children belonging to minorities and indigenous peoples are at stake when it comes to issues related to ancestral domains. It is seen to be one of the biggest challenges because threats to their land, for example, affect their food security. Political conflicts threaten their communities' safety because insurgent or military groups often camp near their areas of residence. Access to education is also a prevailing issue for the Indigenous learners. There are instances wherein education takes a backseat because work is a priority. Other cultural practices related to their mobility and health also affect their education. For example, Indigenous Peoples who are mobile may face difficulties in schooling schedules. Food stability also influences their education.<sup>183</sup>
369. Implementation of Indigenous Peoples' Rights Acts (IPRA) remains a challenge owing to the lack of financial and human resources of the National Commission on Indigenous Peoples (NCIP). The lack of accurate data on indigenous children further makes it difficult to design evidence- and results- based programs for them.
370. The government's initiatives to improve the welfare of the minorities and IPs, such as the DSWD program for Badjaos and the support given by the local government of Mabalacat, Pampanga, to the Aetas is commendable. However, in DepEd textbooks, there is misinformation on the facts about minorities and IPs (e.g., geographical locations, dialects, and ethnic tribes). It was also noted that discrimination still persists and displacement occurred in the name of development of business establishments and mining companies.
371. With all the issues aforementioned, child marriages appear to be rampant as one of the solutions to poverty. While the Family Code of the Philippines sets the legal age of marriage at 18 years old, it allows child marriages to happen in indigenous and Muslim communities (see Sections 15 and 65-70 of IPRA and Articles 16 [1-3]; 137-159 of the Code of Muslim Personal Laws). A study on early marriage reports that in Region 12 (South Central Mindanao), the average age of marriage for females is around 13 years due to the practice of *buya*, or giving a baby girl away to a man as repayment for a loan; and marrying a girl to an older man with wealth in order to assure a high dowry (*sunggud*).<sup>184</sup> Early marriages have negative impacts especially to girls, who are susceptible to sexually transmitted disease and other health risks. They also experience mental health problems and gender-based violence such as marital rape and abuse at a young age.

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<sup>183</sup> Global Observatory for Inclusion, "Indigenous People in the Philippines: Perspective on Inclusion" 15 June 2016, <http://www.globi-observatory.org/indigenous-peoples-in-the-philippines-perspectives-on-inclusion/>

<sup>184</sup> Save the Children. "The Impact of Early Marriage Practices: A Comparative Study of Two Indigenous Communities in South-Central Mindanao (T'boli and B'laan) from a Human Rights Perspective." Unpublished Report.

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### ***Recommendations of CSOs and Children***

372. **The Coalition urges government to popularize the UNCRC in relation to its non-discrimination principles and the IPRA Law; intensify efforts to fully implement the IPRA Law; raise awareness of IPs of their rights; strengthen the NCIP; and adopt the culturally sensitive curriculum developed by SALINLAHI.**
373. **Enact a law banning early and forced marriages in the Philippines and penalize those who officiate such practices. Raise awareness among tribal leaders and IP communities on the negative impacts of early marriage on children especially girls.**

### **KEY RECOMMENDATIONS**

374. We urge the government to strengthen systems and mechanisms necessary to fulfil the UNCRC, starting with CWC and LCPCs. Their transformation requires increasing the workforce, enhancing capacities, and allocating appropriate funds for operations.
375. Institutionalize a child-rights based approach in planning and budgeting. Regular monitoring and evaluation must be conducted to determine effectiveness and efficiency of programs. We urge the government to apply the budgeting principles for the realization of children's rights (General Comment No. 19).
376. Mechanisms to systematically generate and analyze age and sex disaggregated data on children must be in place. We urge CWC to regularly analyze and disseminate child situational reports to the public.
377. We call on the government to increase opportunities for children to participate in discussions and decision-making on matters affecting them. More collaborative action between and among government and CSOs is recommended for a wider coverage of the UNCRC implementation and monitoring.
378. The 2021 poses greater challenges as the country reels from the prolonged consequences of the pandemic. These challenges continue to aggravate underlying issues in children and threaten to undermine the collective efforts of civil society in handling the pandemic. Given this, the government needs to allocate more resources to ensure that the country is on track in ensuring compliance to the UNCRC and that every Filipino child is accorded his/her Constitutional right for holistic and sustainable development.