



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/PHL/3-4  
20 March 2009

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third and fourth periodic reports of States parties due in 2007**

**PHILIPPINES\* \*\***

[18 January 2008]

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\* For the second periodic report submitted by the Government of the Philippines, see CRC/C/65/Add.31; and for the concluding observations on the second periodic report, see CRC/C/15/Add.259.

\*\* In accordance with the information given to States parties on the preparation of their reports, this document was not edited before being sent to the United Nations translation services.

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## Introduction

1. The Philippines is submitting as one consolidated document its third and fourth periodic reports on the implementation of the Convention on the Rights of the Child. As an exceptional measure, the Committee on the Rights of the Child had invited the Philippine Government to submit on 19 September 2007 a combined periodic report to enable the State party to catch up with its reporting obligations in full compliance with the Convention (Ref. CRC/C/15/Add.259, Concluding Observations: Philippines, 21 September 2005).
2. This report follows the revised general guidelines issued by the Committee on 29 November 2005 regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b) of the Convention (CRC/C/58/Rev.1). Based on the revised guidelines, the State party will provide, for each cluster of child rights or for individual articles where appropriate and relevant, information on the following: (a) follow-up measures taken with regard to the concluding observations adopted by the Committee in relation to the Philippine second periodic report; (b) updates on comprehensive national programmes and monitoring of progress of implementation; (c) allocation of budgetary and other resources; (d) disaggregated statistical data; and (e) factors and difficulties affecting implementation of the Convention as well as information on the targets set for the future.
3. The State party's second periodic report covered the period 1995-2000. This combined third and fourth periodic report covers the period 2001-2007 (specifically up to September 19, 2007 which is the due date for the fourth periodic report). During the Committee's consideration of the Philippine second periodic report in June 2005, some sets of data covering the period 2001-2004 were provided by the State party's official delegation. Therefore, some of these data will be repeated in this report but organized in a manner following the Committee's revised general guidelines.
4. The Philippines now stands in a critical point in time, faced with the challenges of realizing its commitments to the CRC, the MDGs, the WFFC goals and the vision of Child 21 or the Philippine National Strategic Framework for Plan Development for Children for the period 2000-2025. The current development context in the country presents complex and difficult issues. As of 2007, the country's population is estimated at 88,706,300. Of this number, 44,608,300 are male and 44,098,000 are female. 43.3 percent or 38.2 million are 18 years old and below. Growing annually at 2.35 percent (based on population trends for the period 1995-2000), the country's population is projected to reach 94.3 million by 2010 and 102.8 million by 2015.
5. The 2006 National Statistical Coordination Board (NSCB) data on poverty incidence in the Philippines show that 28.5 percent of the population was considered poor compared to 30 percent in 2003 and 33 percent in 2000. In terms of magnitude, this ratio signifies that about 25.2 million Filipinos today subsist below the poverty line. In 2003, around 3.4 million children ages 0-5 were underweight; 1.1 million children were not immunized for serious diseases; 9.3 million people were eating below the required food intake for proper nutrition; 1.4 million children of elementary school age were not enrolled, and 2,800 reported maternal deaths. To date, 36 out of 100 new elementary school children do not finish elementary schooling and 65 do not complete high school. Almost 50 percent of Filipino couples are not practicing family planning or responsible parenthood.

6. Income distribution in the Philippines remains largely unequal as measured by the Gini ratio (i.e., a measure of income inequality with a range from 0 to 1, the closer to 1 the more unequal). Compared to other Asian countries, the situation in the Philippines shows wider disparity in terms of income distribution (i.e., the income gap between the higher and lower income groups is larger). Inequality in the country has grown wider in eight (8) out of seventeen (17) regions as registered in increases in the Gini concentration ratios. Region V (Bicol Region), Region IX (Zamboanga Peninsula) and Region X (Northern Mindanao) had the most unequal income as of 2003; while Region I (Ilocos Region), Region III (Central Luzon) and ARMM (Autonomous Region in Muslim Mindanao) had the least unequal income.

7. Unemployment rate remained high at 11 percent in January 2004 notwithstanding the 3.2 million jobs generated from 2001 to 2004. Unemployment rate further increased to 11.3 in January 2005 but started to decrease to 8.1 percent in January 2006 and 7.8 percent in January 2007. Underemployment rate is at 22.0 percent in July 2007. Other serious problems in the country involve the provision of water and sanitation, destruction of natural resources, environmental degradation, and growing instances of violations of civil and political rights including extra-judicial killings, particularly of media men, social activists, and militant leaders of the peasants and workers. Extra-judicial killings have posed dangers to minors and young people as well.

8. The human rights situation has become a serious concern such that the UN Human Rights Council sent the Special Rapporteur on extra-judicial killings, Professor Philip Alston, to the Philippines in early 2007 to look into the situation. A year earlier, the President, despite an already existing Philippine Commission on Human Rights, issued in 2006 Administrative Order No. 157 creating an independent commission, popularly known as the Melo Commission, to probe the killings of media workers and activists. These instances of human rights violations are a big challenge to the government particularly in light of the State party's election in 2006 to two of the United Nations main organs - Human Rights Council and Economic and Social Council (ECOSOC).

9. The overall goal of eliminating extreme poverty and inequality and the progressive fulfillment of basic human rights, particularly children's rights, are consistent with the priority thrusts of the Medium-Term Philippine Development Plan (MTPDP) for the period 2004-2010. The strategies, policies and action plan of the MTPDP have largely been synchronized towards the achievement of the MDGs and the WFFC goals. For instance, the MTPDP chapter on macroeconomics states that the MDGs are considered not just top-priority goals and targets but a commitment to ensure a brighter prospect for all Filipinos, especially the poor. The chapter on education and youth also states that basic education is anchored on the national commitment to Education for All (EFA) goals. Likewise, the National Plan of Action for Children (NPAC) 2005-2010 has also focused priority interventions towards achieving child-related MDGs and WFFC goals and targets.

10. The MDGs aim to reduce poverty, disparity, chronic hunger, malnutrition, diseases, infant, child and maternal mortality and other forms of human deprivation faced by millions of Filipinos. But the Second Philippines Progress Report on the Millennium Development Goals prepared in 2005 indicated that the Philippines has lagged behind in terms of achieving the 2015 MDG targets, a number of which are child-related goals. These goals relate to eradicating extreme poverty and hunger indicated by the proportion of underweight children less than

five years of age, achieving universal access to basic education, and reducing maternal mortality rate. A more recent assessment on the progress of the MDGs shows that the country is likely to achieve its target on reducing poverty and the proportion of underweight 0-5 year old children. On the whole, however, there is a need to hasten development programmes and projects that will effectively address the above issues and problems.

11. The big and urgent challenge now lies in the political will and capacity of government at the highest level to mobilize broad-based actions and allocate the necessary budgetary resources to fulfill its commitments to the MDGs, the WFFC goals and targets, Child 21 and the National Plan of Action for Children (NPAC). With the May 14, 2007 national and local elections over, the government can now focus its energies and resources to achieve its development goals and targets and move towards achieving social justice and concern for the common good in order to promote, protect, and fulfill the basic human rights of all its citizens, particularly children, young people, women and other vulnerable groups.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

### **A. Continuing review and enactment of legislation in compliance with the Convention on the Rights of the Child**

12. The Concluding Observations issued on 21 September 2005 by the Committee on the Rights of the Child regarding the Philippine second periodic report highlighted a number of legislative gaps and issues that need review, reform or enactment. These legislative gaps include (a) minimum age of criminal responsibility, (b) minimum age of sexual consent, (c) prohibition of torture, (d) lack of a comprehensive juvenile justice system, (e) discrimination against children born out of wedlock, (f) use of children for pornography, and (g) corporal punishment, among others. The State party seriously looked into the existing legislative gaps and prepared a legislative advocacy agenda on children under the coordination of the Council for the Welfare of Children (CWC). The legislative agenda included, among others, the following: comprehensive juvenile justice system, foster care, child pornography, and proposed amendments to RA 7610 or the Child Protection Act of 1992. One of these was finally enacted into law on 23 April 2006, the Juvenile Justice and Welfare Act or Republic Act 9344.

13. The passage in 2006 of Republic Act 9344, "An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefor and For Other Purposes" otherwise known as the Juvenile Justice and Welfare Act (JJWA) has raised the minimum age of criminal responsibility in the country from nine (9) to fifteen (15) years. Section 6 of the law provides that "a child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability; however, the child shall be subjected to an intervention programme ... and that a child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention programme, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act".

14. The Juvenile Justice and Welfare Act of 2006 (a) prohibits torture and other cruel, inhuman or degrading treatment or punishment; (b) introduces restorative justice; (c) provides for diversion programmes for children in conflict with the law; and (d) prohibits detention of



youth offenders below the age of 15 in jails. More specifically, under Section 5, the law enumerates the rights of the child in conflict with the law including, among others, (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release; (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty, detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time; (d) the right to be treated with humanity and respect for the inherent dignity of the person ... and in particular, a child deprived of liberty shall be separated from adult offenders at all times.

15. Moreover, under Section 61, the law prohibits the following acts against children in conflict with the law: (a) employment of threats of whatever kind and nature; (b) employment of abusive, coercive and punitive measures such as cursing, beating, stripping, and solitary confinement; (c) employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child in conflict with the law, or forcing him/her to walk around the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and (d) compelling the child to perform involuntary servitude in any and all forms under any and all instances.

16. Soon after the passage of the Juvenile Justice and Welfare Act (JJWA), the Juvenile Justice and Welfare Council (JJWC) formulated and issued the JJWA Implementing Rules and Regulations (IRR) on 15 August 2006. The JJWC likewise has formulated a Comprehensive Juvenile Intervention Programme as required by law. The Comprehensive Juvenile Intervention Programme is now being localized in the local government units from provinces, cities, municipalities down to the barangays. Public dissemination, as well as orientation and training of the different pillars of justice, on the new law have been ongoing. The enforcement of the law and its IRR is expected to benefit close to 10,000 children in conflict with the law annually. As an immediate result of the enactment of the law, children who were 15 years old and below were released from jail. The number of children in jail managed by the Bureau of Jail Management and Penology of the Department of the Interior and Local Government (BJMP-DILG) was reduced by around 50 percent from more than 2,000 to just around 1,000. Separating children from adults in detention centers has also started but has not yet been completed in all centers. Moreover, the law will likewise pave the way for upgrading the facilities and services in the Center for Restorative Activities, Development, and Learning Experiences (CRADLE) managed by BJMP and other similar institutions.

17. Aside from the Juvenile Justice and Welfare Act of 2006, other important laws promoting and protecting the rights of Filipino children were enacted during the period 2001-2006, five years following the UN General Assembly Special Session on Children held in May 2002. Some of these laws are:

(a) *Republic Act 9208 or Anti-Trafficking in Persons Act of 2003*. This Act instituted policies to eliminate trafficking in persons especially women and children. It has also established institutional mechanisms for the protection and support of trafficked persons, and providing penalties for its violation. Since the passage of the anti-trafficking law, the number of cases filed for investigation and prosecution by the Department of Justice (DOJ) has steadily increased

from 12 in 2003 to 114 cases in 2005, indicating increased awareness and improved reporting of trafficking cases. An Inter-Agency Council against Trafficking (IACAT), chaired by the Department of Justice, has been coordinating efforts of government and NGOs in the campaign against trafficking of children and women.

(b) *Republic Act 9231 or Elimination of the Worst Forms of Child Labour Act of 2003.* This Act provides for stronger measures to protect working children and has amended RA 7610 or the Child Protection Act of 1992 and RA 7658, An Act Prohibiting the Employment of Children Below 15 Years. The law has taken into consideration the provisions and standards of ILO Convention No. 182.

(c) *Republic Act 9255, An Act Allowing Illegitimate Children to Use the Surname of their Father.* This Act provides that children born out of wedlock may use the surname of their father if their filiation has been expressly recognized by the father. The law aims to spare illegitimate children the shame and stigma usually attached to their status. It amends Article 176 of the 1987 Family Code of the Philippines which prescribes that children born out of wedlock should use the surnames of their mothers. The Family Code promulgates the requisites of marriage, legal separation, property relations between husbands and wives, among others.

(d) *Republic Act 9262 or Anti-Violence against Women and their Children Act of 2004.* This law protects women and their children from physical, emotional, sexual, psychological and economic abuses. The law penalizes men with imprisonment if they were found to have committed acts of violence against their wives, girlfriends, or partners. Before the passage of the law, many acts of violence were considered “domestic disputes” and were often left to parties to resolve among themselves. Section 8 of the law provides for the issuance of protection orders for the purpose of preventing further acts of violence against a woman or her child, minimizing disruption in the victim’s daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life.

(e) *Republic Act 9288 or the Newborn Screening Act of 2004.* The Act promulgates a comprehensive policy and a national system for ensuring newborn screening. It ensures, among others, that parents recognize their responsibility in promoting their child’s right to health and full development, within the context of responsible parenthood, by protecting their child from preventable causes of disability and death through newborn screening. The Department of Health (DOH) approved the Implementing Rules and Regulations on 4 August 2004. In support to DOH, the Department of the Interior and Local Government (DILG) advocated for newborn screening at the LGU level and enjoined local chief executives to adopt the PhilHealth Newborn Care Package. The first week of October each year has been designated as National Newborn Screening Week by Presidential Proclamation No. 540. On the whole, the Newborn Screening Act can have significant contribution to ensuring child survival.

18. While there have been fairly wide interest and support from various sectors in the initial implementation of these laws, current efforts are still inadequate to bring about the desired enabling environment for the fulfillment of children’s rights - a child-friendly, safe, protective and caring environment that these laws intend to create in the first place. These laws will be useless without translating them into concrete programmes for children with adequate budgetary allocations. In the medium and long-term, the real challenge lies in the sustained and effective

enforcement of these laws as demonstrated in terms of concrete programmes, increased budget, improved technical competence of personnel, and functional institutional mechanisms that are in place to follow through and monitor implementation of the CRC.

19. While the Philippines has made substantial progress in harmonizing domestic legislation with the principles, provisions and standards of the Convention on the Rights of the Child, the following gaps in legislation still have to be addressed: (a) the minimum age of sexual consent; (b) child pornography; (c) corporal punishment and other forms of violence in the home, school and the community; and (d) discrimination against children born out of wedlock. It should be noted that these gaps in legislation have already been prioritized by the Council for the Welfare of Children (CWC) in its Legislative Agenda for the 14<sup>th</sup> Congress (2007-2010) in partnership with the Philippine Legislators Committee on Population and Development (PLCPD).

### **B. National Plan of Action for Children**

20. As already reported, the State party formulated in 2000 the Philippine National Strategic Framework for Plan Development for Children for the period 2000-2025. More popularly known as Child 21, its goal is to build a “child-sensitive and child-friendly society” as the country’s promise to Filipino children in the 21<sup>st</sup> century. It is meant to serve as a road map, a guide to make plans and programmes for children more focused, following the provisions, principles and standards of the CRC. The vision of Child 21 has been concretized through the formulation of the National Plan of Action for Children (NPAC) for the period 2005-2010 aimed at reducing disparities in development indicators for children. Subsequently, there will be NPAC 2011-2015 (Catching up with the MDGs), NPAC 2016-2020 (Sustaining the gains) and NPAC 2021-2025 (Achieving Child 21 vision). NPAC translates the vision of Child 21 into “clear, actionable and time-bound plan within a shorter, five-year time frame” taking into consideration the World Fit for Children (WFFC) goals and the child-related MDGs and, of course, the principles, provisions and standards of the CRC. A Comprehensive Programme on Child Protection (CPCP), an elaboration of the child protection component of NPAC, was launched on 18 June 2007. The CPCP aims to build a protective and caring environment for children as the overall approach to protecting Filipino children from various forms of abuse, exploitation and violence.

21. Under the UNICEF-assisted 6<sup>th</sup> Country Programme for Children (CPC 6) covering the period 2005-2009, conscious and deliberate efforts have been made to localize the NPAC. To date, 67 percent of 81 provinces, 42 percent of 132 cities, and 29 percent of 1,496 municipalities nationwide have adopted local development plans and annual investment plans for children. These plans are the local translations of NPAC. In addition, 42 percent of provinces, 37 percent of cities, and 14 percent of municipalities have enacted local codes for children. Also in 2006, 39 percent of provinces, 17 percent of cities and 10 percent of municipalities delivered their local state of children reports. All four - local development plan for children, annual local investment plan for children, local code for children, and annual local state of children report - are the “four gifts” (should be read as obligations) for children that all local government units (LGU) are enjoined to provide for their children reflecting their contribution to the implementation of the CRC.

22. The Council for the Welfare of Children (CWC) and its regional sub-committees, National Economic and Development Authority Regional Social Development Committee (NEDA-SDC), Department of the Interior and Local Government (DILG), the Leagues of Municipalities, Cities

and Provinces and the Union of Local Authorities of the Philippines (ULAP) have been mainly responsible for facilitating the localization of NPAC with some technical and funding support from UNICEF. To serve as guide for LGUs in localizing Child 21 and NPAC, CWC and DILG issued in 2002 the manual on “Mainstreaming Child Rights in Local Development Planning: A Guide to Localizing Child 21”. A related tool, the “LGU Guide on MDG Localization” was issued by DILG in 2004. These guides have been reinforced in the budgeting guidelines issued by the Department of Budget and Management.

23. In accordance with guidelines developed by DILG, local councils for the protection of children (LCPC) at provincial, municipal, city and barangay levels have been organized, activated and strengthened to serve as institutional mechanisms for coordinating and monitoring CRC implementation at the local level. Data from the National Barangay Operations Office (NBOO) of DILG as of August 2007 show that 73 out of 81 provinces, 126 out of 132 cities, 1,365 out of 1,496 municipalities and 40,994 out of 41,994 barangays have organized local councils for the protection of children (LCPC). However, these LCPCs are in varying levels of functionality. Only 60 percent of provinces, 54 percent of cities, 36 percent of municipalities and 19.8 percent of barangays have functional LCPCs. To achieve a higher rate of functionality of the LCPCs requires, among others, a sustained community organizing strategy and process. Viewed simply, an LCPC is considered functional if it meets regularly and has minutes of meetings, has an action plan and an approved budget for children, and renders an annual report on children. The DILG, through its field officers, monitors the functionality of the local councils for the protection of children.

**Table 1. Status of local councils for the protection of children, 2007**

Governance level	Number	LCPC organized	%	LCPC functional	%
Provinces	81	73	90	49	60
Cities	132	126	95	71	54
Municipalities	1 496	1 365	91	548	36
Barangays	41 994	40 994	97	8 324	19.8

*Source:* National Barangay Operations Office (NBOO), Department of Interior & Local Gov't.

It is clear from the above data that there are serious challenges in organizing, activating, strengthening, and sustaining the local councils for the protection of children. As documented in cases studies on the BCPC, among the critical factors that make BCPCs work include (a) sustained community organizing (CO) strategy, (b) the presence of a dedicated champion for children, and (c) children's participation, among others. DILG and the local government units may therefore consider engaging the services of NGOs with long experience and good track record in community organizing to help make the LCPCs particularly at the barangay level become effective mechanisms for child protection and child rights promotion. In addition, CWC and DILG should coordinate the development of a BCPC toolbox (e.g., manuals and guides for barangay officials, leaders and volunteers in organizing and sustaining the BCPCs) in order to ensure institutionalization and sustainability of the BCPCs.

24. On the whole, a multi-level institutional mechanism - effectively linking the LCPCs at barangay, city, municipal, and provincial levels with the Council for the Welfare of Children (CWC) at national level through the 17 Regional Sub-Committees for the Welfare of Children (RSCWC) - has yet to be made fully operational and adequately provided with the necessary well-trained manpower and technical and financial resources towards better coordination, monitoring and evaluation of the implementation of NPAC as well as of the CRC and its Optional Protocols.

**C. The Council for the Welfare of Children and its role in coordinating policies for children and monitoring implementation of the Convention, including data collection**

25. The Council for the Welfare of Children (CWC) is the main institutional mechanism in coordinating the (a) implementation and monitoring of NPAC/Child 21, (b) formulation of all policies for children, and (c) monitoring CRC implementation. Republic Act 8980 or the ECCD Act of 2000 mandated CWC to also serve as the National Early Childhood Care and Development Coordinating Council (NECCDCC). As the lead agency for children of the Philippine Government, CWC is composed of seven line agencies, three coordinating bodies, three private individuals (one of the three is a child representative), and two ECCD experts. It is governed by a Council Board composed of Cabinet Secretaries or their duly designated representatives from the departments of social welfare and development, health, education, interior and local government, justice, labor and employment, agriculture, and economic planning, among others. The CWC Board provides policy guidelines and directions on all children's issues and concerns.

26. The CWC structures have been streamlined to make them more responsive to and more focused on the challenges of Child 21/NPAC and CRC implementation and monitoring. The Technical Management Group (TMG) - composed of the various bureaus and service heads of concerned agencies and heads of identified NGOs - assesses, prioritizes and recommends plans, policies, programmes, approaches and strategies on children for the approval of the Board. Sectoral committees and sub-committees, which are also inter-agency in composition with strong NGO participation, have been organized around the major cluster of child rights (e.g., family environment and alternative care, basic health and welfare, education and cultural activities, special protection measures, civil rights and freedoms, etc.) to assist the TMG in studying more specific areas of children's rights, formulate and recommend policies and strategies, monitor and evaluate programmes and projects as needed.

27. To ensure collaborative efforts in addressing children's rights and concerns at the regional level, CWC operates through the 17 Regional Sub-Committee/Committee for the Welfare of Children (RSCWC/RCWC). Structurally, the RSCWC/RCWC is lodged under the Regional Social Development Committee (RSDC), one of the regular committees of the Regional Development Council (RDC). The implementing rules and regulations of the ECCD Act of 2000 designated the RSCWC/RCWC as sub-national extension of the national CWC. As such, the RSCWC is the focal institution on children at the regional level and the essential link between the national government and the local government units. The RSCWCs receive cash and capacity building assistance from both the national CWC and UNICEF.

28. A review of the achievements of the RSCWCs conducted as part of the Mid-Term Review of the GOP-UNICEF 6<sup>th</sup> Country Programme for Children (CPC 6) showed the following results: (a) adoption of the Rights-Based Approach to Development Planning and Programming in the regions; (b) sustained support to national and sub-national campaigns on immunization, juvenile justice, and against child pornography and violence against women and children; (c) expanded coverage of the ECCD investment programme now implemented in 77 provinces and 29 highly urbanized cities as of March 2007; and (d) expanded RSCWC membership to include more NGOs, CSOs, FBOs, and child sector representatives. The 17 RSCWCs participated in the formulation of sub-national MDG reports and regional state of Filipino children reports under the leadership and coordination of the NEDA Regional Offices with assistance from UNICEF and UNDP.

29. While there was moratorium in 2004 and 2005 in order to review the criteria and processes of selection, the national CWC (with the involvement of the 17 RSCWCs and the LCPCs) has continued the search for “child-friendly” cities and municipalities as part of its advocacy for advancing the child-friendly movement in the country. As already noted, the child-friendly movement is the key strategy for achieving the vision and goals of Child 21/NPAC as well as for the GOP-UNICEF Programme of Cooperation for Children. The major challenge, however, is to bring down the search for “child-friendly” LGUs down to the barangay level where continuing violations of children’s rights urgently need effective and sustained action to promote, protect, and fulfill these rights.

30. Regarding data collection, CWC initiated in 2003 the Subaybay Bata Monitoring System (SBMS, literally, child surveillance and monitoring) with three components: (a) macro monitoring system, (b) micro monitoring system, and (c) project-based monitoring system. The macro monitoring system aims to monitor the CRC implementation and to support the production of the annual State of the Filipino Children Report (SFCR). Operational since 2003, it has 143 indicators for the seven (7) major clusters of child rights. Sixteen cooperating agencies have been linked to the macro monitoring system including the major national government agencies such as Social Welfare, Health, Education, Labor and Employment, Justice, Interior and Local Government, among others, as well as the government statistical agencies like the National Statistics Office (NSO) and the National Statistical Coordination Board (NSCB). Despite the installation of the system, data generation has remained slow and data available are not always up to date. Moreover, disaggregation of data by age, gender, ethnic group, rural or urban, and other appropriate categories still needs improvement.

31. The micro monitoring system, on the other hand, is presently being developed with the cooperation of NSO, UNICEF, Plan Philippines, the NGO Coalition on CRC Monitoring, and De La Salle University. It is through this system that disaggregated local level data on children, including children in need of special protection (CNSP), will be collected. Current efforts to develop a masterlist of CNSP, particularly in CPC 6 barangays and in 434 target barangays of Plan Philippines, have yet to show concrete results in terms of systematized and organized data for use in local advocacy and programming. Generation of disaggregated data at the local level therefore needs to be given higher priority in terms of manpower, technical and financial resources to enable all duty bearers and stakeholders to take the most appropriate responses in addressing violations of children’s rights at the level of families, communities and LGUs.

32. A related monitoring system lodged with the National Economic and Development Authority (NEDA) is an IT-based Social Development Management Information System (SOMIS) which is used to monitor the various international commitments of the country on human and social development, including the MDGs. Currently however, NEDA is using the DevInfo software, derived from ChildInfo software developed by UNICEF, as the repository of WFFC-related and MDG-related data.

33. The budget of the CWC for a three-year period from 2004-2006 amounted to Php 69.7 million broken down as follows: Php 36.7 million in 2004, Php 16.4 million in 2005 and Php 16.5 million in 2006. These amounts, however, do not include the funds for the ECCD programme being managed and coordinated by CWC amounting to Php 2 billion or Php 400 million annually for the period 2002-2006. But given its mandate and the continuing challenges in inter-agency and inter-sectoral coordination and monitoring of all efforts directed to the implementation of the CRC, the WFFC goals and targets, Child 21 and the National Plan of Action for Children (NPAC) for the period 2005-2010, the level of budgetary allocations for CWC has still remained inadequate. An increase in its annual budget is a critical factor in making CWC stronger and more effective in its policy advocacy, coordination and monitoring functions as the country's lead agency for children.

34. In order to strengthen and sustain the institutional mechanisms and processes for the progressive implementation of the Convention on the Rights of the Child, CWC will (a) aggressively advocate for its increased budgetary allocations; (b) continuously upgrade technical competencies of its staff; (c) expand and strengthen its partnerships and alliances with NGOs, FBOs, mass media, academic and research institutions, and other civil society groups including the NGO Coalition for CRC Monitoring; (d) launch in a timely manner its legislative agenda for children for consideration by the 14<sup>th</sup> Congress; (e) clearly delineate its role relationships and working arrangements with other government inter-agency bodies for children; and (f) create regional technical support networks in the context of the RSCWCs to organize, strengthen, and sustain LCPCs in all local government units around the country.

#### **D. Independent monitoring: Philippine Commission on Human Rights and its role in child rights promotion**

35. The Committee noted the limited mandate and resources of the Philippine Commission on Human Rights (PCHR) in the promotion and monitoring of children's rights and therefore recommended that its mandate be broadened and that it be provided with adequate resources to strengthen investigation of individual complaints filed by children in a child-sensitive manner. Article 13, Sections 17 and 18, of the Philippine Constitution provides for a fairly broad mandate for the PCHR to monitor compliance in all the State party's treaty obligations including the CRC and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict. However, a possible limiting factor is the fact that the Philippine Constitution does not make mention of economic, social and cultural rights but focuses more on civil and political rights as explicit mandate of the PCHR. This has implications in relation to its monitoring of the CRC which has combined both civil and political rights (CPR) and economic, social and cultural rights (ESCR).

36. Based on its original mandate, the PCHR had no prosecutorial powers; it can only investigate violations of human rights. As an interim measure, the PCHR designated

Commission lawyers to assist in the prosecution of violations of human rights including children's rights. Only recently, under Section 55 of RA 9372, "An Act to Secure the State and Protect Our People" or the Human Security Act of 2007, the PCHR was given prosecutorial powers in relation to human rights violations including terrorism and extra-judicial killings. PCHR has recently organized important consultations and workshops, including an institutional partnership with the Supreme Court of the Philippines, to convene important stakeholders in order to address the alarming incidents of extra-judicial killings and enforced disappearances. One of the important recommendations called for further enhancement of the Commission's investigative and prosecutorial powers.

37. The Child Rights Center, a component office of the PCHR handling child rights issues, has been mainstreamed within the Commission with all its 15 regional offices having a child rights unit and a focal person for children. The PCHR has entered into a three-year partnership with the Swedish Ombudsman for Children to further strengthen the Child Rights Center. This complements the legal mandate of RA 9344 or the Juvenile Justice and Welfare Act of 2006 which directs the Child Rights Center to ensure that the status, rights and interests of children are upheld in accordance with the Constitution and international instruments on human rights. An electronic data base is in the process of being installed to track cases of human rights violations involving children. The Commission has also established some remedies for breaches of children's rights to include legal aid services and financial assistance for education, psychosocial recovery and rehabilitation services to victims of abuse, armed conflict, and involuntary disappearances.

38. The PCHR has taken the lead amongst the national human rights institutions in the ASEAN to contribute more significantly in the advocacy for the establishment of a human rights mechanism in the region. The four national human rights institutions in the region have acceded to a Declaration of Cooperation with the ultimate goal of promoting respect for and protection of human rights. Identified by the different national human rights institutions in the ASEAN region as the initial five human rights areas of concern are pertinent to this report, namely:

- (a) implementation of economic, social and cultural rights and right to development;
- (b) enhancement of human rights education;
- (c) trafficking in persons especially women and children;
- (d) protection of the human rights of migrants and migrant workers; and
- (e) terrorism.

Through a stronger regional cooperation, the PCHR can share with and learn from other national human rights institutions effective approaches in promoting, protecting and fulfilling human rights particularly children's rights.

39. As part of its continuing advocacy for human rights, the PCHR in partnership with the Department of Education (DepEd) has developed interdisciplinary manuals on teaching human rights and peace building at elementary and secondary levels. It has facilitated the integration of human rights including the CRC in the curriculum for the training of police officers and military officials as well as judges, prosecutors and other pillars of justice. With the Department of Budget and Management (DBM), it has introduced rights-based approach to government planning and budgeting. It has pushed for the formulation of a new national five-year plan of action for human rights under the auspices of the Presidential Human Rights Committee (PHRC), towards making the executive branch of government more accountable in ensuring the



State party's compliance to all its treaty obligations. Through Administrative Order (AO) 163 issued by the President in December 2006, the major government agencies have been assigned a lead role in monitoring and reporting on the country's various human rights treaty obligations. It has been noted that except for CRC and CEDAW, reporting on the State party's compliance to all its human rights treaty obligations has been quite slow.

40. More deliberate and vigorous advocacy and lobbying efforts are needed to enact into law the proposed bill (House Bill No. 3176) on strengthening the functional and structural organization and increasing budgetary allocation of the PCHR. Its budget for 2005 and 2006 was only Php 210.6 million and slightly increased to Php 229.7 million in 2007. An additional Php 25 million was granted to the PCHR in 2007 to investigate extra-judicial killings, but such additional grant was not exclusively to address violations of children's rights. In the meanwhile, in view of its limited resources and the growing challenges in human rights advocacy and promotion, PCHR has derived additional resources and support through its partnership with NGOs, FBOs and other CSOs as well as international organizations such as UNICEF, UNDP, UNIFEM, SIDA, Asia Foundation and a number of European Foundations.

#### **E. Budgetary allocations for children**

41. That the State party has been allocating more than 30 percent of its national budget for debt service-interest payment while providing insufficient budgetary allocations for social development and children's programmes is a continuing human rights and development issue and challenge. For this reason, the Philippine Government made a proposal for "Debt-to-MDG Financing" to the United Nations in September 2005. UNDP showed interest in the proposal and therefore commissioned a study on "Financing the MDGs in the Philippines" in 2006. The study, conducted by the Philippine Institute for Development Studies (PIDS), looked into the possibility of debt reduction for MDG financing and recommended changing the concept of debt sustainability from "capacity to pay" to a "level of debt that allows developing countries to achieve the MDGs". This recommendation, if effectively carried out, may pave the way for debt relief funds being allocated to MDG financing as well as to funding programmes for the realization of children rights.

42. The Philippine Statistical Yearbook (PSY, 2002, 2004 and 2006) data on government expenditure programme by sector for the period 2002-2006 show that social services expenditures increased by 8.5 percent from Php 230.5 billion in 2002 to Php 250.2 billion in 2004 and again increased by 17.4 percent from Php 250.2 billion in 2004 to Php 293.9 billion in 2006. However, the share of social services in the total expenditures has been declining from 31.06 percent in 2002 to 28.9 percent in 2004 and then to 27.9 percent in 2006. On the other hand, it is noted that debt service-interest payment increased by 40.4 percent from Php 185.8 billion in 2002 to Php 260.9 billion in 2004 and again increased by 30.3 percent from Php 260.9 billion in 2004 to Php 339.9 billion in 2006. The share of debt service-interest payment in the total expenditures increased from 30.1 percent in 2004 to 32.3 percent in 2006.

43. In the social services sector, education has had the biggest share. However, this had declined from 51 percent in 2004 to 50 percent in 2006. The same trend had been observed in the share of the health sector which had declined from six (6) percent in 2004 to five (5) percent in 2006. As a ratio to total government expenditures, education had 14.9 percent in 2004 and 13.9 percent in 2006; while health had 1.7 percent in 2004 and 1.3 percent in 2006. Tables 2 and 3 below

show the trends in budgetary allocations for social services and for children's programmes. The data show the need for budget reform initiatives that will favor increased allocations for basic social services. In the education sector, this will call for reallocation of resources away from tertiary education in favor of basic education. In the health sector, budget reallocation will involve increasing the budget for public health and primary health care programmes by freeing up resources from government tertiary hospitals. Tertiary hospitals will be encouraged to institute increased cost recovery schemes while ensuring that the poor are protected through sufficient government subsidy for premiums of indigents in the social health insurance programme.

44. The increase in government revenues resulting from the implementation of the expanded value-added tax (VAT) since 2005 is expected to increase the allocations for social services especially in education and health. The Philippine peso has also appreciated against the US dollar resulting in savings from interest payments on foreign debts. Moreover, the improvement in the country's financial situation due to recent fiscal reforms, growing remittances from overseas Filipino workers (OFWs) estimated at US\$ 12 billion in 2006, and increasing foreign investments augur well for increased funding for programmes in the social services sector. However, these additional resources are still not enough to fully cover the resource requirements for achieving the MDGs, the goals and targets in the World Fit for Children (WFC) and the National Plan of Action for Children (NPAC) as will be shown later in this section.

**Table 2. Government expenditure programme by sector, 2002-2006 (in million pesos)**

Sector	2002	2003	2004	2005	2006
Social services	230 495	235 568	250 205	254 263	293 931
Educ., culture, & manpower dev't.	125 395	129 957	128 789	135 442	146 446
Health	14 489	12 981	14 478	12 923	13 657
Social security, welfare, employment	36 338	33 925	44 761	40 079	58 557
Housing & community development	769	1 691	1 599	1 739	2 752
Land distribution	2 855	517	7 355	4 422	4 422
Other social services	913	4 327	1 053	3 557	6 504
Subsidy to local governments	49 736	52 170	52 170	56 101	61 593
Economic services	151 255	164 108	168 226	157 994	197 175
Defense	38 907	40 645	42 683	44 173	52 427
General public services	132 878	134 944	139 320	141 868	161 497
Net lending	2 626	5 500	5 676	6 928	8 250
Debt service-interest payment	185 861	230 697	260 901	313 393	339 998
Total	742 022	811 462	867 011	918 619	1 053 278

*Source:* Department of Budget and Management/2004 and 2006 Philippine Statistical Yearbook.

**Table 3. Percentage distribution of Government expenditure by sector, 2004-2006 (in million pesos)**

Sector	Amount 2004	Amount 2005	Amount 2006	% 2004	% 2005	% 2006
Social services	250 205	254 263	293 931	28.9	27.7	27.9
Education culture & manpower dev't.	128 789	135 442	146 446	14.9	14.7	13.9
Health	14 478	12 923	13 657	1.7	1.4	1.3
Social security, welfare, employment	44 761	40 079	58 557	5.2	4.4	5.6
Housing & community development	1 599	1 739	2 752	0.2	0.2	0.3
Land distribution	7 355	4 422	4 422	0.8	0.5	0.4
Other social services	1 053	3 557	6 504	0.1	0.4	0.6
Subsidy to local governments	52 172	56 101	61 593	6.0	6.1	5.8
Economic services	168 226	157 994	197 175	19.4	17.2	18.7
Defense	42 683	44 173	52 427	4.9	4.8	5.0
General public services	139 320	141 868	161 497	16.1	15.4	15.3
Net lending	5 676	6 928	8 250	0.7	0.8	0.8
Debt service-interest payment	260 901	313 393	339 998	30.1	34.1	32.3
Total	867 011	918 619	1 053 278	100.0	100.0	100.0

*Source:* Department of Budget and Management/2004 and 2006 Philippine Statistical Yearbook.

45. At the sub-national level, a review of fiscal performance of 24 provinces and cities covered under the GOP-UNICEF 6<sup>th</sup> Country Programme for Children showed that these LGUs allocated between 20 to 30 percent of their budget to basic social services in 2005 and 2006. *Sanggunians* (local legislative councils) and Local Finance Committees (LFC) were engaged in sustained advocacy for increased resources and budget assistance to the Child-Friendly Movement (CFM). However, as in the national budget, the exact amount spent by the LGUs for programmes and services directed to persons below 18 years of age has yet to be determined.

46. Based on 2005 data from the National Economic and Development Authority (NEDA), the total amount of Official Development Assistance (ODA) received by the Philippines was US \$ 10.7 billion. Of this amount, the share for social reform and development was only nine (9) percent or US \$891 million. Sixty-nine (69) percent or US \$7.3 billion went to infrastructure development; seventeen (17) percent or US \$1.8 billion for agriculture, agrarian reform and natural resources; five (5) percent or US \$542 million for industry and services. Overall, the prevailing trend has been that the percentage of ODA allocated to social development and social services has been lower compared to physical infrastructure and economic development.

47. A 2007 study conducted by Rosario G. Manasan on "Financing the Millennium Development Goals: The Philippines" has estimated the resource requirements and resource gaps for attaining the MDGs for education, health, water and sanitation, and poverty reduction for the period 2007-2015. The estimates highlight the fact that the Philippine Government cannot afford to go on business as usual but needs to be more proactive and serious in generating the level of resources required for achieving the MDGs. The government must face the challenges of revenue generation and budget reform and management to enable it to increase the allocation for

MDG-related programmes in general and for children's programmes in particular. Tables 4, 5, and 6 below give a picture of the resources available, estimated resource requirements, and estimated resource gaps in attaining the MDGs from 2007 to 2015. Based on the 2007 Manasan study, the estimated total resource gaps for achieving the MDGs for the period 2007-2015 amount to Php 777.9 billion broken down as follows: Php 348.8 billion for education, Php 83.6 billion for health, Php 1.9 billion for water and sanitation, and Php 343.6 billion for poverty reduction including reduction of extreme hunger and malnutrition.

**Table 4. Resources available for the Millennium Development Goals in current prices, 2007-2015 (in million pesos, high cost assumption)**

Year	Education	Health	WatSan	Poverty red'n	Total
2007	144 273	6 148	710	66 849	217 980
2008	160 214	6 831	788	74 385	242 218
2009	179 326	7 648	882	83 323	271 180
2010	197 959	8 451	973	92 320	299 703
2011	223 153	9 525	1 097	103 996	337 771
2012	250 307	10 685	1 230	116 691	378 913
2013	280 943	11 994	1 380	131 000	425 317
2014	315 506	13 469	1 550	147 130	477 655
2015	354 228	15 123	1 740	165 210	563 302
Total	2 105 910	89 874	10 350	980 905	3 187 040

*Source:* Rosario G. Manasan, Financing the Millennium Development Goals: Philippines, 2007.

**Table 5. Resource requirements for the Millennium Development Goals in current prices, 2007-2015 (in million pesos)**

Year	Education	Health	WatSan	Poverty red'n	Total
2007	176 239	14 051	1 077	121 208	312 575
2008	196 484	15 089	1 141	127 723	340 437
2009	223 512	16 278	1 208	134 588	375 586
2010	251 285	17 561	1 278	141 822	411 946
2011	275 700	18 875	1 351	143 507	439 434
2012	300 388	20 365	1 429	151 242	473 424
2013	319 602	21 972	1 509	159 395	502 478
2014	343 761	23 707	1 594	167 988	537 049
2015	367 802	25 578	1 682	177 043	572 105
Total	2 454 773	173 477	12 269	1 324 516	3 965 035

*Source:* Rosario G. Manasan, Financing the Millennium Development Goals: Philippines, 2007.

**Table 6. Resource gaps in attaining the Millennium Development Goals in current prices, 2007-2015 (in million pesos, high cost assumption)**

Year	Education	Health	WatSan	Poverty red'n	Total
2007	31 966	7 903	367	54 359	94 595
2008	36 271	8 258	352	53 338	98 219
2009	44 185	8 631	325	51 265	104 406
2010	53 326	9 110	305	49 502	112 243
2011	52 547	9 350	255	39 510	101 663
2012	50 080	9 680	199	34 552	94 511
2013	38 658	9 979	129	28 395	77 161
2014	28 255	10 237	44	20 858	59 394
2015	13 574	10 455	(58)	11 833	35 804
Total	348 863	83 602	1 918	343 611	777 995

*Source:* Rosario G. Manasan, Financing the Millennium Development Goals: Philippines, 2007.

48. The study recommended several measures to raise resources to finance the MDGs, among which are: (a) improve tax collection by strengthening systems and procedures of revenue collection agencies; (b) mobilize local government units to allocate resources for the MDGs; (c) sustain budget reform initiatives such as shifting focus of the budget process from inputs and rules-based compliance to outcomes and results/performance orientation and promoting greater flexibility, transparency and accountability; (d) in the education sector, allocate resources away from tertiary education to basic education; (e) in the health sector, allocate more resources to public health/primary health care; (f) exert maximum effort to ensure that resources are utilized efficiently, i.e., improved government procurement system; (g) mobilize resources from the private sector; and (h) pursue a stronger population management policy and programme.

49. In the meanwhile, the Philippine Government has been implementing poverty reduction strategies and programmes which may impact on the implementation of Convention on the Rights of the Child as well as achieving some of the MDGs and the WFFC goals. These strategies and programmes include the following:

(a) The *Kapit Bisig Laban sa Kahirapan* (KALAHI) or Linking Arms Against Poverty is a national strategy of the Arroyo administration for reducing poverty in the country launched in 2001. It uses convergence of resources, programmes and projects, stakeholders and sectors as key ingredients for poverty reduction. This pro-poor strategy focuses on: (i) acceleration of asset and ancestral domain reforms; (ii) improving access to and quality of essential human development services and social protection interventions; (iii) employment, livelihood and entrepreneurial opportunities for the poor; (iv) security and protection for the poor and identified vulnerable groups; and (v) empowerment through fuller and meaningful participation of the basic sectors in governance and decision-making in all levels of government.

(b) The *Tindahan Natin* (TN, literally our store) project is a national government initiative for food security, job creation and livelihood through the provision of low-priced but good quality rice and noodles through a store jointly identified and endorsed by the Department of Social Welfare and Development (DSWD), the Barangay Development Council (BDC), the National Food Authority (NFA) and the City/Municipal Social Welfare and Development Offices. Under the project, a family ID cum passbook is issued by the local social welfare office to the beneficiaries which they use to purchase the quantity of rice equivalent to their weekly allocation of 14 kilograms for a family of six (6). The *Tindahan Natin* outlets, numbering 1,997 as of 2006 and 7,234 as of July 2007, are operated by entrepreneurs, community-based organizations, NGOs, LGUs, barangay councils and existing retail/sari-sari stores registered and accredited by regulating agencies. To date, more than 1.8 million low-income families in 60 provinces and cities and the National Capital Region (NCR) have benefited from the project.

(c) The Accelerated Hunger Mitigation Plan (AHMP) seeks to address hunger at both the supply-side or the unavailability or insufficiency of food to eat and the demand-side or the inability to buy food. Also, the Food for School Programme (FSP) under the AHMP is an immediate intervention in the form of food subsidy providing a daily ration of one kilo of rice to families of Grade 1 pupils, preschool, and daycare center children. As of June 2007, the FSP has reached 583,668 Grade 1 and primary school children. In May 2007, a supplemental budget was released by DBM to implement the day care center-based summer supplemental feeding to 45 provinces and the NCR reaching 204,984 children as of July 2007.

(d) The Philippines also has the Sponsored Indigent Programme, an insurance plan for indigent families being implemented by the National Health Insurance Programme (NHIP). Membership enrollment reached about 4.48 million indigent families which translates to 22.5 million poor Filipinos who are eligible to the benefits of the Programme. PhilHealth was also able to develop outpatient benefit packages in support of MDG 4, 5, and 6 although the implementing guidelines have yet to be finalized.

(e) The Department of Social Welfare and Development (DSWD) will pilot, starting October 2007, the first conditional cash transfer (CCT) programme in the country. It is a new strategy on poverty reduction and social assistance that covers poor households with children aged 0-14 years old. It provides money to poor households on condition that they make investments in human capital like sending their children to school and bringing them to health centers regularly. It shall address low educational achievement, high infant and maternal mortality rates, high malnutrition rate and child labour. For the pilot programme, DSWD has allocated Php 75 million to cover 6,000 households and 18,000 children. For 2008, the project will cover 20,000 households or 60,000 children from selected poor provinces and cities with an allotted amount of Php 298.6 million.

50. The above trends in the government expenditure programme, both at national and local levels, the estimated resource gaps in attaining the MDGs, as well as the continuing challenges

of reducing poverty and inequality indicate the need for continuing advocacy for bigger social and human development budgets in general and for child-friendly budgets in particular. The serious gaps in resources allocated to attaining the MDGs, the WFFC goals, Child 21 and NPAC goals in contrast to the bigger share given to debt service-interest payment, reflect the level of priority currently being given to children's rights and well-being. The situation, therefore, calls for a stronger political commitment and capacity at the highest level to put children and the fulfillment of their basic human rights at the center of the country's development agenda.

#### **F. International cooperation**

51. The GOP-UNICEF Country Programme for Children has consistently supported the vision of Child 21, NPAC goals, WFFC goals and the MDGs. The Sixth Country Programme for Children (CPC 6) covers the period 2005-2009 while the Fifth Country Programme for Children (CPC 5) was implemented during the period 1999-2004. Both CPC 5 and CPC 6 adopted the child-friendly movement as the key strategy to translate the principles, provisions and standards of the Convention on the Rights of the Child into concrete realities in the lives of Filipino children. CPC 6, in particular, aims to reduce disparities in the indicators of children's rights and well-being in selected twenty four (24) focus geographic areas (consisting of 19 provinces and five cities). Specific interventions are in six areas, which are: Communication, Local Policy and Institutional Development (LPID), Health and Nutrition, Education, Children in Need of Special Protection (CNSP), and HIV/AIDS. For both country programmes, the total costs of UNICEF assistance amount to US \$90,060,000 broken down as follows: \$46,490,000 for CPC 5 and \$43,570,000 for CPC 6. A National Steering Committee (NSC), composed of the major national government agencies, the Leagues of LGUs, and NGOs notably the NGO Coalition for CRC Monitoring, serves as the oversight, coordinating and monitoring body for the implementation of the Country Programme for Children. The NSC is lodged with the National Economic and Development Authority (NEDA).

52. The International Labor Organization (ILO), with financial contribution from the US Department of Labor, has likewise continued its support to the National Programme against Child Labour (NPACL) and the Philippine Time-Bound Programme (PTBP) on the Elimination of the Worst Forms of Child Labour being implemented by the Department of Labor and Employment (DOLE) in partnership with other national government agencies, NGOs, and local government units. For the period 2002-2006, a total amount of US \$5 million had been provided by ILO in support of the following major interventions: (a) improving the labour inspection system in order to protect working children from hazardous and exploitative work; (b) development of advocacy and communication materials with core messages on eliminating the worst forms of child labour; (c) strengthening and institutionalization of the Sagip Batang Manggagawa or SBM mechanism (literally, rescue the child laborer) to get children out of the worst forms of child labour; (d) providing opportunities for education and vocational training for child workers through both the formal and non-formal education systems and alternative learning systems; and (e) providing access to alternative livelihood and employment opportunities for parents and siblings of child laborers, among others.

53. Aside from the GOP-UNICEF programme of cooperation for children and the ILO-IPEC support for the national programme to combat child labour and the time-bound programme on the elimination of the worst forms of child labour, there were other completed projects for children, women and young people during the period 2001-2006. These projects included the following:

(a) *Educational facilities improvement project* implemented by the Department of Education (DepEd) with funding assistance (direct grant) from Japan International Cooperation Agency or JICA amounting to Jap Yen 947.0 million. Government counterpart amounted to Php 97.8 million. A total of 393 classrooms in 76 schools were constructed and provided with basic school furniture; and 22 science laboratory rooms were provided with science equipment and soft ware for in-house teachers training.

(b) *Measles control project* implemented by the Department of Health (DOH) with grant from JICA amounting to US \$ 7.40 million. Government counterparts were in kind. The project's objective was to eliminate and stop the transmission of measles by 2008.

(c) *Integrated family planning and maternal and child health programme* implemented by DOH with grant from USAID amounting to US \$ 92.375 million. The government counterpart was Php 1.853 billion. The objective of the project was to reduce the unmet needs for family planning and selected maternal and child health services particularly among poor families.

(d) *Philippines-Australia Basic Education Assistance in Mindanao (BEAM)* implemented by DepEd and EDPITAF with a grant amount of A\$ 4.853 million. The government counterpart was Php 38.85 million. The goal of the project was to improve the quality of teaching and learning in basic education in Mindanao targeting minority and isolated communities.

(e) *Philippines-Australia Quality Technical and Vocational Education and Training (QTVET)* implemented by the Technical Education and Skills Development Authority (TESDA) with a grant amount of A\$7.45 million. The government counterpart was Php 15.00 million. The project assisted in the establishment and operation of an industry-led approach to the development of a quality-assured TESDA framework for technical and vocational education and training.

(f) Two notable projects for children were granted loans: (a) *Early Childhood Care and Development (ECCD)* Project implemented by DSWD, DepEd, DOH and CWC with loans amounting US\$15.7 million and SDR 6.486 million from ADB and US\$ 19 million from the World Bank; and (b) *Third Elementary Education Project (TEEP)* implemented by DepEd with loans amounting to US\$ 93.3 million from the World Bank and Jap Yen 11.122 billion from JBIC. The ECCD project aimed at expanding coverage and improving technical quality of early child education. The TEEP aimed at increasing the participation and completion rates in elementary schools as well as increasing academic achievement.



(g) Other initiatives include the (a) Access to Justice for the Poor (AJP) project funded by the European Commission; (b) Strengthening Government Mechanisms in Mainstreaming Gender in Reproductive Health, Population, and Anti-VAWC programmes supported by UNFPA; (c) Support for Victims and Witnesses of Trafficking in Human Beings in the Philippines supported by the United Nations Office on Drugs and Crime (UNODC); (d) the ASEAN efforts in the development of Guidelines for the Protection of the Rights of Trafficked Children in the ASEAN region. The latter initiative was introduced by the Philippines during an ASEAN Senior Officials Meeting on Social Welfare and Development held in the country in 2006.

54. International non-government organizations (INGOs) such as the Save the Children-US, Save the Children-Sweden, Plan Philippines, World Vision Development Foundation (WVDF), Consuelo Foundation, Christian Children's Fund (CCF), International Movement against Extreme Forms of Poverty or the "ATD Fourth World", and the International Justice Mission (IJM), among others, have been partners of the Philippine Government in addressing the unmet needs and unfulfilled rights of Filipino children. Several of these INGOs have been active participants in the Philippine NGO Coalition for CRC Monitoring currently chaired by Save the Children Sweden. The NGO Coalition for CRC Monitoring is likewise now getting ready for an alternative report on CRC implementation.

55. INGO investments have provided substantial augmentation to government funds for children. Table 7 shows the budgetary allocations for children of three major INGOs for the period 2001-2006. These three INGOs have taken strong advocacy and leadership roles in the NGO Coalition for CRC Monitoring.

**Table 7. Selected international non-governmental organizations (INGO) budgetary allocations for children, 2001-2006 (USD)**

INGO	2001	2002	2003	2004	2005	2006	Total
CCF	4 368 542	4 255 159	4 635 257	5 538 035	6 242 214	6 439 774	31 498 981
Plan Phil.	4 519 968	1 144 825	5 303 663	5 606 749	7 028 967	9 980 357	33 584 529
World Vision			5 534 879	9 948 424	12 266 617	11 856 943	39 606 863

*Source:* Reports from CCF, Plan Philippines and World Vision Development Foundation to CWC, May-Aug 2007.

56. The INGOs also have a clearer picture in terms of their allocations for children. Plan Philippines, for example, invested a total of US\$ 33,584,529 for children for the period 2001-2006 distributed among major clusters of child rights. This manner of allocation provides an example for the Council for the Welfare of Children as it monitors allocation of budgetary resources for children's rights among all the relevant national government agencies as well as the local government units (LGUs). Plan Philippines' budget breakdown by major cluster of child rights for the period 2001-2006 is shown in Table 8.

**Table 8. Plan Philippines: budgetary allocations for children (USD)**

Cluster of rights	2001	2002	2003	2004	2005	2006	Total
General measures of implementation (governance, capacity building)	178 145	27 267	235 543	393 158	831 137	884 349	2 549 599
General principles (governance at local level, children's participation)	819 747	141 987	776 391	1 100 542	1 644 537	2 287 257	6 770 461
Civil rights and freedoms (birth registration)	79 292	86 860	450 888	487 070	779 552	1 473 634	3 357 296
Family environment and alternative care (ECCD interventions, parenting seminars, family counseling)	501 207	159 748	550 842	559 010	404 875	633 360	2 809 042
Basic health and welfare (health, water and sanitation, adolescent health)	1 303 980	285 985	1 707 901	1 551 333	1 399 820	2 077 995	8 327 014
Education, leisure and cultural activities (basic education, ALS)	849 641	266 221	936 078	1 003 523	1 140 540	1 067 254	5 263 257
Special protection measures (emergency, trafficking, child abuse, livelihood)	787 956	176 757	646 020	512 113	828 506	1 556 508	4 507 860
<b>Total</b>	<b>4 519 968</b>	<b>1 144 825</b>	<b>5 303 663</b>	<b>5 606 749</b>	<b>7 028 967</b>	<b>9 980 357</b>	<b>33 584 529</b>

*Source:* Plan Philippines report submitted to the Council for the Welfare of Children, May 20.

### **G. Cooperation with civil society**

57. CWC, as the government lead agency for children, has taken conscious and deliberate efforts to build, expand, strengthen and sustain partnerships and alliances with NGOs, FBOs and other CSOs under the umbrella of the child-friendly movement or the national movement for children's rights. NGOs have been represented in the various sectoral committees of CWC, namely: (a) Family and Alternative Parental Care; (b) Health and Nutrition; (c) Basic Education; (d) Civil Rights and Freedoms; and (e) Children in Need of Special Protection (CNSP). It is in the latter committee where a great number of NGOs are actively involved and have taken large amount of leadership in advocacy, research, programme development, capacity building and services provision - an indication of the growing issues and challenges in the area of child protection.

58. Moreover, NGOs and FBOs have also been represented in other inter-agency bodies on child protection other than CWC, notably the following: (a) the Special Committee for the

Protection of Children (SCPC) chaired by DOJ which was created in 1995 under Executive Order 275 to monitor implementation of RA 7610 or the Child Protection Act of 1992; (b) the Juvenile Justice Network (JJN) which actively advocated and lobbied for the passage of a comprehensive law on juvenile justice; (c) the Juvenile Justice and Welfare Council (JJWC) created in 2006 to oversee implementation of RA 9344 or the Juvenile Justice and Welfare Act of 2006; (d) the Inter-Agency Council Against Trafficking (IACAT) created to coordinate and monitor enforcement of RA 9208 or the Anti-Trafficking in Persons Act of 2003; and the Inter-Agency Committee on Children Involved in Armed Conflict (IAC-CIAC) led by the Office of the Presidential Adviser on the Peace Process (OPAPP).

59. The NGO Coalition for CRC Monitoring, composed of sixteen (16) major international and national NGOs involved with child rights promotion and protection, has also been involved in various initiatives for children. Among its critical roles in relation to the child-friendly movement include the following: (a) it sits in the National Steering Committee for CPC 6; (b) it participates in the CWC-organized working group tasked to develop the micro monitoring sub-system of the Child 21/NPAC monitoring system (Subaybay Bata Monitoring System); (c) it reviews and submits comments on the State party's periodic report on CRC implementation; and (d) it prepares and submits an independent report on CRC implementation; among others.

60. Finally, CWC has worked with UNICEF in facilitating the creation of the Philippine Inter-Faith Network for Children (PHILINC) which is a mechanism for the different faith communities and faith-based organizations (i.e., Christians, Muslims, Buddhists, Baha'i, and Hindus, among others) to work together for child rights promotion and child protection. Constituting the initial core group of bishop conveners of PHILINC are bishops coming from the Catholic Bishops of the Philippines (CBCP), the National Council of Churches in the Philippines (NCCP) and the Philippine Council of Evangelical Churches (PCEC). Both NCCP and PCEC have ongoing nationally-coordinated initiatives for children spearheaded by the Ecumenical Bishops Initiative for Children and Families (EBICF) and the Philippine Children's Ministries Network (PCMN) respectively. PHILINC's strategic thrusts and directions for the next three years include the creation of "child-friendly faith communities". A manual for the use of the different faith communities in making themselves child-friendly, as their contribution to the national child-friendly movement, is being developed and will soon be made widely available nationwide. PHILINC now sits as a member of the Special Committee for the Protection of Children (SCPC) co-chaired by the Department of Justice and the Department of Social Welfare and Development.

61. However, as PHILINC is still relatively new (it was formally created in a national inter-faith leaders' consultation on children in November 2005), there are emerging challenges to inter-faith coordination and collaboration which may slow down its work. One such challenge is to engage the active participation of the highest leadership of the Catholic Bishops Conference of the Philippines (CBCP) as an institution within PHILINC. This is considered a strategic move considering that 85 percent of Filipinos are Catholic Christians and that the present reach of the Catholic Church covers 89 ecclesiastical jurisdictions or dioceses and archdioceses, more

than 2,500 parishes and over 60,000 basic ecclesial communities (BEC) nationwide. An emerging model of a Catholic parish-based child protection programme following the child-friendly parish initiative (CFPI) has been implemented by the Salvatorian Pastoral Care for Children (SPCC) of the Sisters of the Divine Savior (SDS) in the Diocese of Novaliches in Quezon City. The Diocese is now in the process of strengthening its own Diocesan Pastoral Ministry for Women and Children (PMWC).

#### **H. Measures taken to make the principles and provisions of the Convention widely known**

62. In partnership with the UNICEF Communication Section and Programme under CPC 6, CWC has developed several IEC materials including radio and TV plugs for the continuing and massive dissemination of the CRC, particularly at the local level. These IEC materials were widely distributed and utilized particularly in 24 LGUs which are partners in the GOP-UNICEF 6<sup>th</sup> Country Programme for Children reaching about 3.4 million families and 7.9 million child population. Still with support from UNICEF, widest possible awareness and discussion of child rights through the child-friendly movement has aimed at reaching all local government officials and policy and decision-makers in 24 LGUs for them to create a safe, healthy, protective and caring environment for children especially those in the remotest and poorest communities, armed conflict affected communities, and communities where minority or indigenous children belong.

63. The DevInfo-based Knowledge Centers in the 24 LGUs have continued to disseminate information on children's rights and well-being, involving children through the Kabataan News Network (KNN). Supported under the Communication Programme of UNICEF, KNN is a half-hour television programme written and directed by 13-18 year old children reporters with technical guidance and support from adult producers. The children plan, shoot, report, conduct interviews, write the scripts and narrate video stories. KNN is aired on ABC 5 and NBN and some segments of KNN are also aired in the Nickelodeon channel. Currently, the show reaches an audience of 250,000 viewers each week. At least 67 half-hour episodes have been produced and aired by young people from different parts of the country. However, as KNN is an expensive undertaking, a big question remains regarding the cost effectiveness and sustainability of the project.

64. Through its "Bright Child" campaign launched in 2004, the CWC has mobilized and generated public awareness on children's rights with particular focus, initially, on twenty four (24) nutritionally-at-risk municipalities in Central Philippines. Teams of experts, organized for this purpose, helped in advocacy efforts for children's rights. To sustain and expand this initiative, Executive Order No. 286 was issued directing all relevant government agencies to actively support and implement programmes on the "Bright Child" initiative. As a continuing effort, IEC materials and core messages on children's rights have been disseminated through a "Bright Child" Junior Ambassador of Goodwill using various media outlets such as print, radio, TV as well as alternative media focusing on face-to-face interaction in different contexts including schools, neighborhood groups, community assemblies, and children and youth camps, among others.

65. Over the reporting period, the CWC and the Task Force on the Popularization of the CRC conducted annual advocacy and mobilization events focusing on the major clusters of child rights. To name some, in 2001, the following were notable events: "Say YES for Children"

campaign launching at Malacanang Palace, “Children’s Right to Yell (CRY)” concert, and nationwide advocacy activities leading to the National and East Asia Regional Ministerial Conference on Children. In 2002, advocacy events focused on the national awareness week on the prevention of child sexual abuse and exploitation, girl child week, adoption and family week, Asian youth day celebration, and mobilization for the participation of a Filipino child delegate to UNGASS, among others. In 2003 and 2004, advocacy highlights included the launching of the “Bright Child” campaign; advocacy on child-sensitive judicial practices; dialogues with children affected by war as part of advocacy initiatives for children and peace; and mainstreaming children’s agenda at LGU levels as embodied in Child 21, NPAC, and ECCD Act; among others. In 2005 and 2006, in addition to the continuing “Bright Child” campaign, advocacy activities included, among others the following: national consultation on violence against children, campaign for the passage of the bill on comprehensive system of juvenile justice, and the holding of the First Southeast Asian Children’s Conference with the theme “One Caring and Sharing Community for Children”. In all these advocacy events and activities, the CWC made it a point to involve the children and their organizations as meaningfully as possible.

66. In addition, the combined efforts of the network of FBOs and faith-based communities, national NGOs, notably the NGO Coalition on CRC Monitoring, as well as sub-national, local and community-based NGOs operating in various parts of the country, have brought CRC advocacy and awareness-raising down to the level of families and communities at the grassroots. Quite often, FBOs and NGOs have stronger presence in remote, disadvantaged and marginalized barangays and therefore are in a more strategic position to conduct continuing community-based education on children’s rights. For instance, NGOs like WVDF, ERDA, CCF and Plan Philippines have used children’s congresses as opportunities for popularizing the principles, provisions and standards of the CRC.

67. A 2007 multiple indicators cluster survey (MICS) conducted by the National Statistics Office (with support from UNICEF) in 24 provinces and cities covered under the GOP-UNICEF Sixth Country Programme for Children (CPC 6 2005-2009) asked mothers about their knowledge of children’s rights. The results in Table 9 showed the following percentage of mothers by knowledge of children’s rights.

**Table 9. Percentage of mothers by knowledge of children’s rights, Country Programme for Children (CPC) six areas, 2007 (weighted)**

Categories of child rights	Percent
To be born, to have a name and nationality	16.7
To have a family who will love and care for the child	40.0
To live in a peaceful community and a wholesome environment	19.4
To have adequate food and a healthy and active body	52.7
To obtain good education and develop the child’s potential	57.8
To be given opportunities for play and leisure	34.2
To be protected against abuse, exploitation, neglect, violence and danger	18.4
To be defended and given assistance by the government	3.0
To be able to express the child’s views	11.8
Cannot specify rights	10.4

*Source:* National Statistics Office, 2007 Multiple Indicators Cluster Survey.

The above data indicate that more than 50 percent of mothers are aware of their children's rights to education and health; and 40 percent recognize the importance of the family to the child. On the other hand, the rights of the child to birth registration; to special protection from abuse, exploitation and violence; and to be able to express his or views received very low recognition (16.7 percent, 18.4 percent and 11.8 percent respectively) among the mothers. Overall, the data imply a continuing challenge for massive dissemination and popularization of the Convention on the Rights of the Child and its Optional Protocols particularly in remote rural communities, conflict-affected barangays, communities of Muslims and indigenous peoples, and urban slums and informal settlements in the major urban centers.

### **I. Public dissemination of the second periodic report and concluding observations**

68. CWC produced and disseminated a popular version of the second periodic report on CRC implementation. Its dissemination and discussion, particularly at the LGU and local community levels, had been facilitated through the RSCWCs and LCPCs. Considering the large numbers of barangays in the country (41,994 spread across three major islands), there were not enough copies of the popular version of the report. Given the constraints in budgetary and manpower resources of CWC for this purpose, a strategy for distribution and dissemination need to be developed to maximize whatever materials are available.

69. In September 2005, the State party officially received the Concluding Observations from the Committee on the Rights of the Child on the country's second periodic report. Subsequently, the CWC convened all its sectoral committees and the different networks of organizations for children and discussed the implications for follow-up actions. A matrix of the major issues and recommendations organized by major clusters of child rights was prepared for guidance of and follow-up by the different sectoral committees. Discussions on the Concluding Observations were likewise held with the Commission on Human Rights (CHR), the NGO Coalition on CRC Monitoring, and the Regional Sub-Committees for the Welfare of Children (RSCWC) in the seventeen (17) regions around the country. Sharing and dialogue sessions with children's groups, organized through the National Coalition of Children's Associations in the Philippines (NaCCAP) and Children Basic Sector (CBS) of the National Anti-Poverty Commission (NAPC) were also held, focusing on the implications of the concluding observations to children and their organizations.

70. Open discussion of key issues and recommendations from the Committee on the Rights of the Child was made possible through series of radio and TV interviews and through meetings and conferences organized by NGOs and other civil society organizations. One such issue that received wide coverage and interest was the lack of a comprehensive juvenile justice system. The open discussion on the issue in media and with the active involvement of NGOs and civil society groups paid off in the eventual enactment into law of the comprehensive juvenile justice bill in April 2006.

### **J. Process of preparing the third and fourth periodic reports**

71. The process of preparing the 3<sup>rd</sup> and 4<sup>th</sup> periodic reports as a combined document can be described as consultative and participatory. Using the matrix of major issues and

recommendations, and guided by the revised general guidelines on the preparation of periodic reports on CRC implementation issued by the Committee on 29 November 2005, CWC prepared and sent letters to all concerned agencies and NGOs to submit their inputs to the preparation of the report. This data gathering phase took place from the last week of March 2007 to end May 2007, although more inputs were received towards the end of August 2007.

72. CWC convened three major consultations in the process of report preparation. The first consultation took place on 9 May 2007 involving all concerned national government agencies; international NGOs such as Plan Philippines, Christian Children's Fund, Save the Children-US, and World Vision; and national NGOs like ERDA, NCSD, and Autism Society of the Philippines (ASP), among others. The agencies and organizations were organized into workshop groups following the different clusters of child rights (i.e., general measures of implementation; general principles; civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures) and were updated on the revised general guidelines on CRC periodic reports.

73. The May 9 consultation focused on the review of the Concluding Observations, giving particular attention to the follow-up actions undertaken to address the Committee's major recommendations as well as on the identification of factors and difficulties in CRC implementation. All the participating agencies, especially those already involved in the CWC-initiated Macro Monitoring System on CRC implementation, were asked to submit statistical data and other indicators as required annex to the periodic report, including information on their agencies' budgetary allocations for children's programmes. Updates generated from the different agencies are also being used as inputs in the Annual State of the Filipino Children Report (ASFRCR).

74. The second consultation took place on 22 June 2007. This time, the consultation again involved both government agencies and NGOs together, including some members of the NGO Coalition on CRC Monitoring. With the first draft of the report already available, the consultation focused on gathering feedbacks and comments as well as additional information that were missed in the data gathering phase. The results of this consultation were taken as further inputs into the second draft.

75. The third was a children's consultation held on 07 and 29 July 2007 with participants from the NAPC-CBS child commissioners, officers and members of the National Coalition of Children's Associations of the Philippines (NaCCAP) as well as selected representatives from the list of children's organizations and NGOs who participated in the 2006 National Children's Congress as part of the ASEAN Summit hosted by the Philippines in early 2007 (originally scheduled in December 2006). They were asked the following basic questions:

(a) Based on your own experience, what rights of children are the most protected and fulfilled? What rights are the most denied and violated? Why do you say so?

(b) Based on your own knowledge and experience, what are being done by government, NGOs, church groups, community organizations, and your own families, among others, to fulfill your rights (i.e., health and nutrition; education, leisure and cultural activities; special protection from abuse, violence and exploitation; and participation in family and community affairs)?

(c) What more should the above groups and agencies do to protect and fulfill your rights more effectively?

(d) Give concrete suggestions on how children and young people should be involved in the continuing process of CRC implementation, monitoring and reporting.

76. The write-up on the results of the children's consultation is presented in a separate section in this report (Section X). Drawing from their concrete experiences and observations, this section presents the children's own voices on how their rights are being respected, protected, promoted and fulfilled on one hand; and how these are being denied and violated on the other hand.

77. Even while the report was being drafted, several opportunities were used by CWC to disseminate the major issues and challenges regarding CRC implementation such as the RSCWC island-wide conferences in Luzon, Visayas, and Mindanao as well as the Multi-Sectoral Policy Conference organized by the Philippine Legislators Committee on Population and Development (PLCPD) - all taking place during the month of August 2007. Specifically during the PLCPD multi-sectoral policy conference, the major legislative gaps on children's rights were presented and were later adopted by the PLCPD Secretariat and Technical Working Group as priority legislative agenda for the 14<sup>th</sup> Congress.

78. The draft report in progress was reviewed by the Technical Management Group (TMG) of the CWC Board during the week of 16-20 July 2007. Comments and suggestions of the TMG were integrated into the second draft of the report which was completed on 31 July 2007. The CWC Board reviewed the second draft during the week of 3-7 September 2007. The final draft was ready by 15 September 2007. Official submission by the State party of the combined 3<sup>rd</sup> and 4<sup>th</sup> report had been set on 19 September 2007.

## **II. DEFINITION OF THE CHILD**

79. The 2000 census found that 43.36 percent of the Philippine population was below eighteen (18) years old. The next general census of population is now ongoing and had started on 1 August 2007. Assuming the same proportion, the estimated population of persons 0-19 years old was 38.2 million as of 2005. Of this number, 19.5 million were male and 18.7 million were female. Table 10 shows the estimated child population by age and gender for a five-year period, 2001-2005. The population of persons 0-19 years old increased from 35.9 million in the year 2000 to 36.4 million in 2001, 36.8 million in 2002, 37.3 million in 2003, 37.8 million in 2004 and 38.2 million in 2005 showing a yearly increase of about half a million children and young people.



**Table 10. Estimated population of Filipino children, 2001-2005**

	2001	2002	2003	2004	2005
Age group/both sexes					
0-4	10 105 011	10 178 688	10 252 366	10 326 245	10 399 923
5-9	9 444 200	9 559 539	9 674 878	9 790 533	9 905 872
10-14	8 799 361	8 922 811	9 046 260	9 170 048	9 293 498
15-19	8 071 179	8 215 201	8 359 222	8 503 638	8 647 659
Age group/male					
0-4	5 162 926	5 201 300	5 239 674	5 278 153	5 316 527
5-9	4 862 309	4 909 684	4 957 058	5 004 563	5 051 937
10-14	4 508 217	4 579 359	4 650 500	4 721 837	4 792 979
15-19	4 091 422	4 173 154	4 254 885	4 336 841	4 418 572
Age group/female					
0-4	4 942 085	4 977 388	5 012 692	5 048 092	5 083 396
5-9	4 581 891	4 649 855	4 717 820	4 785 970	4 853 935
10-14	4 291 144	4 343 452	4 395 760	4 448 211	4 500 519
15-19	3 979 757	4 042 047	4 104 337	4 166 797	4 229 087

*Source:* National Statistics Office, 2000 Census-based Population Projections.

80. Since the last periodic report, one major update concerning the definition of a child under domestic law has to do with the minimum age of criminal responsibility. As already indicated earlier, RA 9344 or the Juvenile Justice and Welfare Act of 2006 provides under Section 6 that “a child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention programme pursuant to Section 20 of this Act”. It further provides that “a child above fifteen (15) but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention programme, unless he/she acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act”.

81. The Committee observed that the Philippines has no national laws that define the minimum age of sexual consent and the minimum age for purchasing and consuming alcohol. However, the latter issue, namely the minimum age for purchasing and consuming alcohol, has been addressed by Presidential Decree No. 1619 series of 1979 as well as by several local ordinances in many parts of the country. While it may not fully conform to the CRC norms and standards, the Revised Penal Code of the Philippines has defined the minimum age of sexual consent, which is 12 years old. Under Article 226-A of the Revised Penal Code, it shall be unlawful to have sexual intercourse with a woman below 12 years of age. The same law provides that sexual intercourse with a woman who is 12 years of age or above is unlawful only if it is non-consensual, i.e., done with force, violence, and intimidation. Preliminary workshops and roundtable discussions involving various sectors had already been undertaken to initiate serious study and process of determining a more appropriate minimum age of sexual consent that will meet the CRC standards. As already mentioned earlier, this issue has already been prioritized in CWC’s legislative agenda for the 14<sup>th</sup> Congress.

### III. GENERAL PRINCIPLES

#### A. Non-discrimination

82. In addition to the Child and Youth Welfare Code (Presidential Decree 603), the Family Code and RA 7610 or the Child Protection Act of 1992, several laws had been passed during the reporting period which address discrimination and violence against children. These are the (a) Anti-Trafficking in Persons Act of 2003, (b) Elimination of the Worst Forms of Child Labour Act of 2003, and (c) Anti-Domestic Violence Act of 2004. Despite these laws, however, children and women victims often face difficulties in seeking justice for discriminatory practices and crimes committed against them because of tedious litigation procedures, gender-insensitive court procedures, and anti-victim attitudes of some court personnel (these factors and difficulties persist despite ongoing efforts to make the legal and judicial system gender-sensitive and child-friendly).

83. Muslim children, indigenous and minority children, children living in poverty such as street children, children with disabilities and children in armed conflict areas, among others, continue to have poor access to and ineffective utilization of services in health, nutrition, education and other basic social services. Ongoing programmes in selected depressed provinces and municipalities in Mindanao such as the UNICEF-assisted 6<sup>th</sup> Country Programme for Children, and the AusAID-supported Basic Education Assistance in Mindanao (BEAM), among others, have yet to show sufficient impact in addressing the magnitude of the problem. In addition, the Gloria Macapagal Arroyo Administration has likewise committed to the following priorities aimed at addressing the situation of children, women and families in Mindanao and other remote, poor and armed conflict areas. But just like the aforementioned foreign-assisted initiatives, these government actions have yet to show substantial results as reflected in the day to day lives of the children, women and families in these communities:

- (a) Establish education programmes that foster a culture of peace and justice, stress tolerance and unity in diversity, and equality in gender-relationships;
- (b) Implement the Comprehensive Mindanao Education Programme which includes scholarships for Muslim and indigenous women and girls;
- (c) Accelerate the literacy of Muslim and indigenous women and girls;
- (d) Revise DepEd and CHED approved textbooks especially history to reflect the contribution of Muslim and indigenous people and women in nation-building; and
- (e) Protect women and children in armed conflict situation; find immediate solutions to the needs of these women, children and their families; pursue peace efforts and greater participation of women in negotiations and conflict-resolution.

84. The situation of girl children has been addressed through the Girl Child Plan (GCP) of 2000-2004, although the plan needs to be reviewed, assessed and updated. The Girl Child Plan can be seen as a bridge between the Philippine Plan for Gender Responsive Development (PPGD) and Child 21 or the Philippine National Strategic Framework for Plan Development for Children. The Girl Child Plan adopts a gender and development (GAD) framework for children

wherein gender sensitivity to girl child issues is supposed to be mainstreamed and operationalized through the rights-based and life cycle approach adopted by Child 21. It aims to address discrimination against the girl child and recognizes girl child rights as priority development agenda. For this to happen, the Girl Child Plan must be updated and mainstreamed in the programmes of national government agencies and localized in the LGU development plans. There is also a need for gender-disaggregation of data on all relevant child rights indicators at all levels of documentation and reporting. CWC will build this into its Subaybay Bata Monitoring System, both in the macro and micro systems. Moreover, CWC will also expedite the finalization of the micro monitoring system.

85. Some critical issues affecting Filipino girl children, particularly Muslim and IP children, have to do with: (a) cultural attitudes and practices prejudicial to girl children such as pre-arranged, forced, and early marriages; (b) discrimination against girls in education and skills training as manifested in refusal of admissions for pregnant adolescents and unwed adolescent mothers; (c) inaccessible and unfriendly youth health services and inadequate sexual and reproductive health care; (d) vulnerability to economic exploitation, sexual abuse and exploitation, trafficking, pornography and violence at home, in school and in other institutional settings; (out of 7,606 reported cases of child abuse in 2006, 70 percent of victims were girls); and (e) limited opportunities, compared to boys, for participation in decision-making in the family and the community.

86. Regarding the situation of children born out of wedlock, the State party has yet to address the discriminatory provisions of existing laws such as the Family Code and RA 9255, in particular their classification as “illegitimate” children and their unequal right to inheritance. Both CWC and the Presidential Human Rights Committee (PHRC), particularly its sub-committee on CRC Monitoring, in partnership with the PLCPD will strengthen their advocacy and awareness-raising efforts to eliminate the remaining aspects of discrimination against children born out of wedlock and create public acceptance of a legislation providing equal rights and protection to these children.

### **B. Best interests of the child**

87. In principle, upholding the best interests of the child is already well-established in the State party’s legal and judicial system. The continuing challenge, however, lies in the effective and consistent enforcement of laws, policies, rules and procedures, programmes and interventions in a manner that the best interests of children are given primary consideration under any and all circumstances. This calls for a continuing sensitization of families, communities, local government units, national agencies and institutions, and the public at large on the Convention on the Rights of the Child, a task that the State party must continue doing. It also calls for continuing capacity building of the pillars of the justice system and all service providers in both government agencies and non-government organizations particularly at local level, as well as empowering families and communities to better protect, promote and fulfill the rights of children.

88. Broadly speaking, the biggest long-term challenge in upholding the best interests of the child is to create the structural conditions conducive to the promotion, protection and fulfillment of human rights, most especially children’s rights. This requires strong and unrelenting political commitment and government capacity, as well as active civil society participation, to undertake

all necessary measures that will (a) effectively eliminate poverty, (b) reduce disparities in wealth and resources, (c) wipe out rampant graft and corruption, (d) put an end to armed conflict and other forms of organized violence, (e) generate food and job security for families, (f) provide opportunities for education as well as health, nutrition and other social services to all without discrimination, (g) care for and protect the environment, and (h) bring peace and stability among families and communities, among others. These are the same conditions necessary for the State party to fulfill its commitment to achieve the WFFC goals and the MDGs.

### **C. The right to life, survival and development**

89. Official data from the Philippine Commission on Human Rights (PCHR) as well as the report of Melo Commission (created under Administrative Order No. 157 on 21 August 2006) which investigated extra-judicial killings of media men and social activists do not indicate cases involving children and minors. However, a report from an NGO called Karapatan (which literally means rights) showed that out of 185 cases of extra-judicial killings from January to November 2006, seventeen (17) were minors, students, and youth. That there had been children and minors involved in extra-judicial killings had also been corroborated by Amnesty International (AI) and the Asian Human Rights Commission (AHRC) as well as the Philip Alston report on extra-judicial killings in the Philippines.

90. Extra-judicial killings in the country are undisputed facts as born out not only by NGO reports but also by the reports of the PCHR, the Melo Commission and the Special Rapporteur of the UN Human Rights Council on extrajudicial, summary or arbitrary executions, Professor Philip Alston. The figures vary according to the source. During the period 2001-2006, Karapatan had recorded 724 extra-judicial killings; Amnesty International, 244; and Task Force Usig of the Philippine National Police, 136. While the figures are varied, they indicate a very serious threat to the right to life, survival and development.

91. As extra-judicial killing in the country has become a very serious concern, the PCHR through its Child Rights Center must now take extra efforts to do continuing surveillance, monitoring, reporting, investigation, and prosecution of cases involving children and minors. As an independent human rights institution, it is expected to take the lead in bringing the perpetrators to justice and should stand ready under any and all circumstances to promote and protect the right to life, survival and development, particularly of children. Its ability to network with NGOs and grassroots organizations should be maximized to monitor violations of children's rights in remote and hard-to-reach barangays and conflict-affected communities.

92. The Supreme Court recently convened on 16-17 July 2007 a multi-sectoral summit to gather inputs on how the judiciary could fully use its expanded powers under the Constitution as a guardian of civil rights and freedoms. This move of the Supreme Court to define new rules that will enhance the civil liberties of the citizenry is viewed as a significant step in addressing extra-judicial killings that have been taking place in the country. The Chief Justice himself has been leading this process. On several occasions, he emphatically remarked that extra-judicial killings are not only serious violations of human rights but also an assault to the rule of law and an indictment of the judicial system. An end result of the multi-sectoral summit is to institute

appropriate measures to make the judicial system a more effective mechanism to protect human rights by making judicial rules and procedures more helpful to victims of extra-judicial killings, more forceful against the suspected perpetrators, and more demanding of government agents assigned to solve such cases.

93. On the issue of children sentenced with the death penalty, there were 36 minors (at the time of the commission of the offense) who were meted the death sentence since Republic Act 7659 or the Death Penalty Law of 1993 took effect. Fortunately, none of them were executed by lethal injection. Moreover, Republic Act 9346 which was enacted in 2006, while it did not abolish the death penalty, has prohibited judges from imposing death penalties. Instead of the death penalty, the judges shall impose life imprisonment without parole. However, 28 of the said minors are still detained at the New Bilibid Prisons in Muntinlupa; three (3) at the Metro Manila District Jail in Camp Bagong Diwa, Taguig; two (2) at the Iwahig Penal Farm in Palawan; and one (1) at the Correctional Institution for Women in Mandaluyong City. While the Public Attorney's Office has started to work on these cases, the Juvenile Justice and Welfare Council, through its concerned member agencies, will take the lead in pursuing appropriate and sustained actions on this situation.

94. Registration of newborn deaths and stillbirths needs further improvement by engaging all the more than 5,500 trained barangay civil registration agents and the local civil registrars (LCRs) in all the 132 cities and 1,496 municipalities around the country.

#### **D. Respect for the views of the child**

95. The CWC Board approved and adopted in 2004 "The National Framework for Children's Participation (NFPC): A Guide for Promoting and Upholding Children's Participation in the Philippines". The framework evolved from previous initiatives and experiences in promoting participation of children and young people in various contexts: family, school, churches or faith communities, barangays, local government units, and selected national agencies and institutions. Through a series of consultations at local and regional levels, the children culled out lessons from their experiences and identified good practices in meaningful and effective child participation. These had been integrated into the framework which is now being used as a guide by children's organizations, child-focused NGOs as well as government agencies.

96. Some of these good practices that the children and child-focused NGOs identified include the following:

(a) Family meetings and informal discussions during meals become venues for the children to express their thoughts, opinions and feelings. It helps when parents encourage their children to speak up in an open and caring atmosphere. On these occasions, family problems are discussed and decisions are made on schooling, career, finances, health needs and others. These are also venues to share significant events and stories about friends and school activities. Meaningful family discussions occur when the bond among family members is strong and if parents are aware of children's rights.

(b) The existence of student councils in schools proves that children's participation is institutionalized. Campus journalism helps promote and sustain participation among children and students. Students organize and manage various associations or organizations. These are

effective avenues towards building social responsibility and citizenship among children and students. There are schools that have established mechanisms in reporting child abuse and other violations of children's rights.

(c) In many church-related settings, it is important to sustain adult guidance in all children's activities. Often, there is strong partnership between adults and children. The adults provide a sense of security that enables the children to develop their capabilities. The formation of youth groups in the context of local church or faith community where they exercise different roles depending on their interests also helps in the development of children's capacity for meaningful and effective participation.

(d) Even children and youth out of school, including street children and working children, have shown capacities for meaningful participation as shown in the experiences of the National Network on Street Children (NNSC) and the National Programme Against Child Labour (NAPCL) through such initiatives as the city assemblies and national conferences of street children and the Global March Against Child Labour.

(e) Children's involvement in advocacy for child-friendly laws and institutions gives them opportunities to hone their skills such as writing letters and resolutions; developing information, education, and communication materials; producing tri-media presentations (i.e., theater-based presentations, community radio programme, mural making, photo exhibit, community billboard); conducting child-to-child community visits; participating in special and significant events; and participating in child-related government programmes and services.

(f) Coalition building is a significant activity that builds and strengthens children's negotiating skills at various levels - among children's associations, with NGOs, church groups or faith-based organizations, local government units, and national government agencies and institutions. They have already demonstrated their advocacy, lobbying and negotiating skills in their participation in the local councils for the protection of children (LCPCs), the Board of CWC, and in the National Anti-Poverty Commission Children Basic Sector (NAPC-CBS), among others.

97. In the review of the Communication component of the GOP-UNICEF 6th Country Programme for Children in May 2007, two key results on child participation were highlighted: (a) youth reporters of KNN in selected focus areas produce at least 180 segments to promote the rights of children in mainstream television; and (b) boys and girls in the focus areas exercise their right to express their opinions through the Sangguniang Kabataan (SK for short, which means youth council in English) and other associations and groups dealing with children's rights. Regular airing of KNN, a weekly TV magazine made by and for youth is broadcast weekly and provides a forum for children and young people to express their authentic opinions. Child participation in mass media and child participation in governance are two models of child participation which, if brought to scale, can generate broader public awareness of and respect for children's rights.

98. As already indicated earlier, the participation of children and young people has already been institutionalized at the local level through the Sangguniang Kabataan (SK) as provided for under RA 7160 or the Local Government Code of 1991. In addition, children and young people's participation has also been institutionalized in key national bodies such as: (a) the Council for the

Welfare of Children (CWC) as provided for under PD 603 as amended by RA 8980 or the ECCD Law; and (b) the National Anti-Poverty Commission-Children Basic Sector (NAPC-CBS) pursuant to the Implementing Rules and Regulations of RA 8425 or the Social Reform and Poverty Alleviation Act. A child representative already sits in the National Board of the CWC. In the case of NAPC, the children - officially recognized as a basic sector - are represented by fifteen (15) sectoral representatives who constitute the NAPC-CBS Sectoral Council. The NAPC-CBS Sectoral Council has formulated their sectoral agenda for the period 2005-2008 which spells out their priorities in advancing their rights to health and nutrition, education, special protection and participation in the overall context of the government's social reform agenda and poverty reduction programme.

99. Beyond all these spaces and opportunities for child participation already in place, there is still the deeper challenge of challenging and changing society's values, attitudes and norms which still tend to promote conformity and therefore discourage independent and critical thinking and decision-making which are so essential in the functioning of a truly participative and democratic society. This is where massive awareness-raising on the meaning and implications of Article 12 of the CRC becomes urgent and important. In the concrete, these efforts should be measured through a set of core indicators on effective and meaningful participation by children and youth.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Birth registration**

100. The Committee noted the difficulties encountered by the State party in ensuring timely birth registration, the fact that birth registration is not free and not equally accessible to all parents particularly those in remote areas and among minority groups and indigenous peoples, and the issue of simulation of birth certificates.

101. At present, there are 2.6 million unregistered children in the country. Majority are Muslim and IP children. The regions with the highest numbers of unregistered children are ARMM, Eastern Visayas, Central Mindanao, Western Mindanao, and Southern Mindanao. Seventy (70) percent of unregistered children are found in these five regions.

102. The first organized and targeted effort to address the issue of unregistered children was through the Unregistered Children Project (UCP) jointly implemented by Plan Philippines and the National Statistics Office (NSO) during the period 2000-2004. The UCP then covered 32 municipalities and two (2) cities where many unregistered Muslim and IP children and children in need of special protection (CNSP) were found. Building on the lessons learned from the UCP, a second phase called Birth Registration Project (BRP) has been implemented jointly by NSO and Plan for the period 2004-2007. The BRP has expanded to 127 municipalities in all the 17 regions of the country and has the goal of achieving 100 percent birth registration.

103. The specific objectives of the BRP include: (a) institutionalization of the Barangay Civil Registration System (BCRS) in order to make the civil registration system more accessible to the people, (b) using IEC strategies and tools, achieve nationwide awareness-raising on the right of children to name and nationality, (c) advocate for relevant laws, policies and procedures on birth registration, and (d) train civil registrars and civil registration agents to make them more

equipped, responsive and committed to the goal of 100 percent birth registration. As in the UCP, the geographic areas covered by the BRP are municipalities and cities where many Muslim and IP children and CNSP are located. UNICEF, through the 6<sup>th</sup> Country Programme for Children, augments the efforts of NSO and Plan under the BRP through its support to LGU training programmes for frontline health workers integrating modules on birth registration.

104. The following gains have already been achieved through the UCP and the BRP:

- (a) One hundred twenty (127) municipalities now have computerized birth registration systems;
- (b) As of 2006, there were 1,987 barangay chairmen; 2,405 barangay secretaries; and 5,508 barangay civil registration agents trained on the civil registration law and procedures of mobile birth registration;
- (c) 1,863,232 unregistered children have been registered broken down as follows: 970,304 boys and 892,928 girls as of 2006;
- (d) February 23, 2005 and every year thereafter has been proclaimed by the President as National Birth Registration Day;
- (e) Passage of Republic Act 9048, an act authorizing the city/municipal civil registrar or consul general to correct a clerical or typographical error in an entry and/or change of first name or nickname in the civil register without the need for a judicial order;
- (f) Issuance of Administrative Order No. 3 Series 2004, on the rules and regulations governing registration of acts and events concerning civil status of indigenous peoples;
- (g) Issuance of Memorandum Circular 2004-01 concerning birth registration for children in need of special protection; and
- (h) Establishment of Barangay Civil Registration System (BCRS) as a grassroots mechanism to facilitate and sustain 100 percent registration at all times.

105. Despite the above gains, there are still unregistered children out there and given the annual population growth rate of 2.11 percent, more than a million children need to be registered each year. In the meanwhile, the BRP must address existing barriers to birth registration which include, among others, the following: (a) lack of awareness among parents, particularly among Muslims and IPs, on the relevance of birth registration, (b) economic costs involved discourage poor parents from registering their children (while the civil registry law states that birth registration is free, some local ordinances on civil registration seek to generate revenues for local government units), (c) remaining gaps in civil registration law and procedures, and (d) physical and geographical barriers affecting families living in remote and hard-to-reach barangays, although the latter obstacle has been remedied by forming mobile civil registration teams in selected areas. There will be continuing training on the barangay civil registration system (BCRS) to reach more barangays, particularly those where Muslim and indigenous families are found and those which are inaccessible and affected by armed conflict.



## **B. Name, nationality and identity**

106. The number of documented overseas Filipino workers (OFWs) increased by 1.4 percent from 1,204,862 in 2005 to 1,221,417 in 2006. The OFWs are found in 197 country destinations, the top 10 of which are: Saudi Arabia, United Arab Emirates, Hong Kong, Kuwait, Qatar, Taiwan, Singapore, Italy, United Kingdom, and South Korea. Birth registration of children of OFWs born abroad has emerged as an issue that needs to be addressed. While Japan is not among the top 10 countries, an NGO report shows that there are about 100,000 Japanese-Filipino children who are not only discriminated upon on the basis of birth status but are most likely unregistered. They are therefore deprived of their right to name, nationality and identity as well as basic services.

107. Thus far, pursuant to the provisions of RA 8042 or the Migrant Workers and Overseas Filipinos Act, the key actions taken to address the situation of unregistered and undocumented children born abroad include the following: (a) overseas parents have been advised through the Philippine embassy or consulate in the country where they work to register their children born abroad; and (b) as part of their functions, lawyers and social workers assigned to the different Migrant Workers and Other Overseas Filipinos Resource Centers (MWOFRCs) conduct awareness-raising sessions with parents on the need and value of birth registration. To date, there are more than 20 MWOFRCs in countries with large concentration of Filipino overseas workers including Saudi Arabia, UAE, Hong Kong, Kuwait, Qatar, Taiwan, Singapore, Italy, United Kingdom, and South Korea, among others. In addition, the DSWD has strengthened its social welfare services in the above-named countries by assigning professional social workers who have been oriented and trained on the various issues and challenges in protection of children's and women's rights, including the right of a child to a name, identity and nationality.

108. A report from the National Statistics Office (NSO) in 2003 showed a total number of 1,669,442 registered live births which included the number of births of mothers residing abroad, but the report did not indicate the exact figures for children born abroad. Thus, the number of Filipino children born abroad whose births are properly registered and documented is not yet exactly clear, although the DSWD reported some 46 undocumented and overstaying Filipino children in Japan who were registered by Filipino social workers based at ISS-Japan in 2006. Likewise, the Center for Japanese Filipino Children's Assistance (CJFCA) which is composed of lawyers, Japanese and Philippine government agencies and NGOs such as the Development Action for Women Network (DAWN) has an ongoing birth registration programme. Despite these efforts, the task ahead is for the Department of Foreign Affairs (DFA), the Department of Social Welfare and Development (DSWD), the Commission on Filipinos Overseas (CFO), and the other concerned agencies to include the registration of birth of Filipino children born abroad as part of their priority concerns and institute the necessary processes and procedures to ensure registration of birth.

## **C. Torture and other cruel, inhuman or degrading treatment or punishment**

109. The Committee's concern about reported cases of torture and other cruel, inhuman or degrading treatment or punishment of children, particularly children in detention, has been

addressed legally through the enactment of RA 9344 or the Juvenile Justice and Welfare Act of 2006. To reiterate, the relevant provisions of RA 9344 prohibiting torture are found in Section 5 and Section 61. Section 5 enumerates the rights of the child in conflict with the law which includes, among others:

- (a) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) The right not to be imposed a sentence of capital punishment or life imprisonment without the possibility of release;
- (c) The right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) The right to be treated with humanity and respect for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times.

110. Moreover, Section 61 of the same law provides that the following and any similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore prohibited:

- (a) Employment of threats of whatever kind and nature;
- (b) Employment of abusive, coercive and punitive measures such as cursing, beating, stripping, and solitary confinement;
- (c) Employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child in conflict with the law, or forcing him/her to walk around in the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and
- (d) Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

111. The Juvenile Justice and Welfare Council has been conducting orientation and training seminars for the pillars of the justice system towards the effective implementation of the law. Thus far, 300 out of 2,195 prosecutors nationwide have been oriented and trained on the law and its implementing rules and regulations. Based on the inventory of the Juvenile Justice and Welfare Council, as of June 2007, the number of children in conflict with the law (CICL) nationwide decreased to 1,392 from 5,297 in December 2006. The cases of the rest of the CICLs are currently under review by the JJWC for proper disposition.

#### **D. Corporal punishment**

112. The Philippine report to the UN Study on Violence Against Children (VAC) underscored the need to address the issue of physical abuse, including corporal punishment, in the home, in

school, and other institutional settings like detention facilities, rehabilitation centers, and child-caring and placement agencies, among others. To date, there is still no comprehensive study on the nature and extent of corporal punishment in different settings, although there are existing agency reports which can serve as starting points for advocacy and programming.

113. For instance, the Child and Adolescent Psychiatrists of the Philippines, Incorporated (CAPPI) has estimated that between 500-800 child abuse cases are committed by teachers each year. According to a CAPPI survey in 2006, 50 percent of perpetrators of child abuse in the school setting were teachers, while small number involved janitors, bus drivers and other school personnel. These abuse cases happen despite the existence of a Service Manual for Teachers which provides that slapping, jerking or pushing a student, imposing tasks as penalty, and meting out cruel and unusual punishment constitute a cause for dismissal of a teacher. Teachers also account for five (5) percent of the perpetrators of physical abuse and three (3) percent of sexual abuse of children who were assisted by the Child Protection Unit (CPU) Network spearheaded by the University of the Philippine-Philippine General Hospital (UP-PGH) Child Protection Unit.

114. Save the Children Sweden's Comparative Research on the Physical and Emotional Punishment of Children (2005), which includes the perspectives of 3,322 children from eight countries in Southeast Asia and Pacific Region including the Philippines, revealed that physical and emotional punishment is widely used in these countries and, interestingly, the methods are very similar - spanking, hitting using specific objects like a stick or belt, punching, kicking and verbal assault. An unpublished study also conducted by Save the Children Sweden in the Philippines (2005) revealed that 85 percent of children interviewed said they are being punished in the home, with spanking as the most common (65 percent). Children are commonly punished for breaking house rules, misdemeanors and misbehaving, and failure to do chores or assigned tasks. Seventy-seven (77) percent of the children interviewed want their parents to use more positive ways of disciplining (e.g., explaining nicely, giving advice, teaching what is good, understanding and forgiving, caring for and loving the child, saying sorry, praising). A considerable number, however (33 percent) do not know or could not identify any other option for disciplining them.

115. There is also a need to look into the situation of children in child-caring or residential institutions such as orphanages, drop-in centers, half-way homes, and rehabilitation centers. In 2002, there were 117 licensed social welfare agencies operating 197 residential institutions with 8,339 children under their care. These increased to 787 licensed social welfare agencies serving 11,130 children in 2006. These residential institutions had been managed by DSWD, LGUs, and NGOs including faith-based organizations. It has been noted that there have been occasional reports of harsh treatment and punishment in these institutions, which therefore requires immediate attention and continuing monitoring by DSWD as part of its licensing and accreditation functions.

116. As the Committee on the Rights of the Child observed, while Republic Act 7610 broadly defines child abuse to include corporal punishment, there is yet no explicit law prohibiting corporal punishment in the home, in schools and other institutional settings, except for children in conflict with the law and children in detention who are now adequately given protection and more humane treatment under the Juvenile Justice and Welfare Act enacted in 2006. This fact has been reinforced by a 2006 Save the Children-UK study which reviewed and analyzed various

existing Philippine laws related to discipline and punishment of children within the family. The study found that current legislative provisions are too general and vague to guide parents in the exercise of their right to discipline children, and more importantly, to protect the physical integrity and human dignity of children.

117. In the meanwhile, following some recommendations of the Philippine VAC report, advocacy and public education campaigns and community-based education programmes on the harmful impact on children of corporal punishment and other violent forms of discipline have been prioritized by DSWD and the LGU social welfare officers. More specifically, the training modules on Parent Effective Services (PES) and Empowerment and Reaffirmation of Paternal Abilities (ERPAT) developed by DSWD in partnership with UNICEF and NGOs are being revised to make them explicitly rights-based and to include topics on positive and non-violent forms of discipline based on a deeper understanding of the psychosocial dynamics of Filipino children. The Inter-Agency Council on Violence against Women and their Children (IAC-VAWC) has already developed a Strategic Plan for the period 2007-2010 which addresses various forms of violence not only against women but also children.

118. More in-depth studies have been initiated this year by the CWC to look into violence against children in the home (in partnership with Save the Children-Sweden) and in the schools (in partnership with the Philippine Women's University and UNICEF). The results of these studies will serve as basis not only for the CWC's legislative advocacy for the 14<sup>th</sup> Congress but also for broader public awareness-raising on issues concerning discipline and corporal punishment and developing programmes to better protect children from abusive forms of discipline at home, in schools and other institutional settings.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental responsibilities**

119. As of 2006, the number of documented overseas Filipino workers (OFW) was 1,221,417 which increased by 1.4 percent from 1,204,862 in 2005. Given the migration data for the period 2001-2006, it is very likely that number of overseas Filipino workers will continue to increase annually. Several studies have shown that migration brings about disruptions and changes in the family situation, particularly in care giving arrangements which may have adverse effects on the emotional and psychological development of children. Children usually long for the presence of the migrant parent, especially if it is the mother who is away.

120. To address this situation, the Department of Social Welfare and Development (DSWD) has issued a series of administrative orders, the most recent of which is Administrative Order No. 05 series 2006 providing guidelines on the implementation of international social welfare services for Filipino nationals working or residing in foreign countries pursuant to the Implementing Rules and Regulations of RA 8042 or the Migrant Workers and Overseas Filipinos Act of 1995. The guidelines address the most common social welfare concerns affecting migrant Filipino workers which have to do with (a) labor-related issues such as non-payment of wages, (b) psychological, physical and sexual abuse, (c) trafficking, and (d) repatriation, among others. The core of social welfare interventions include social integration services, counseling, critical incident stress debriefing, provision of limited basic services, referrals, registration of children's birth, repatriation and humanitarian services.

121. As provided under RA 8042, in countries where there are at least 20,000 Filipino migrant workers, the Government will establish a Migrant Workers and Other Overseas Filipinos Resource Center which will provide the following services: (a) counseling and legal services, (b) welfare assistance, (c) registration of undocumented workers, (d) gender-sensitive programmes to assist particular needs of women migrant workers, (e) monitoring of the daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos, (f) and orientation programmes for returning workers and other migrants. As of December 2006, a total of 22,594 OFWs in crisis situations were provided with social welfare services by DSWD social workers.

122. An Inter-Agency Task Force for Deportees from Malaysia, composed of the Department of Foreign Affairs (DFA), Department of Health (DOH), Office of Muslim Affairs (OMA), Philippine Overseas Employment Administration (POEA), Department of Labor and Employment-Overseas Workers Welfare Administration (DOLE-OWWA), Philippine National Police (PNP), Technical Skills and Development Authority (TESDA), Department of Trade and Industry (DTI), and Department of Social Welfare and Development (DSWD), has been organized in accordance with the RP-Malaysia Joint Committee on Sabah Repatriates to monitor deportation of undocumented Filipinos in Malaysia. From 2003-2006, a total of 31,268 deportees had been recorded and assisted. Of this number, 11,108 were family members of registered adult deportees and 3,903 were children.

123. Another initiative to improve parental responsibilities in-country is the Responsible Parenting Movement (RPM) which calls for the orientation of couples to make them aware of their basic responsibilities as parents, awakening in them a sense of responsibility and commitment toward their family and to consider responsible parenting as a way of life toward the attainment of sustainable development. The movement targets 4.2 million couples from 2007-2010. Thus far, 3,686 classes on responsible parenting had been held in 3,810 barangays for 40,110 couples from January to July 2007. The RPM is coordinated by the Commission on Population.

#### **B. Recovery of maintenance for the child**

124. Up till now, the State party has yet to initiate sufficient and concrete efforts to ensure recovery of maintenance for the child, particularly from parents working abroad or parents who are foreign nationals. Within the country, there is a need to review and enforce relevant provisions of already existing laws such as the Family Code and the Child Protection Act of 1992 and make these as basis for instituting mechanisms for enforcement of maintenance orders. In addition, pertinent provisions of RA 8972 or the Solo Parents' Welfare Act of 2000 should be considered in ensuring benefits for the child including education, health and shelter assistance.

125. In so far as the recovery of maintenance abroad, the Center for Japanese-Filipino Children's Assistance (CJFCA) has undertaken networking and advocacy activities for child support and recovery of maintenance from Japanese fathers. Outside of this initiative for Japanese-Filipino children, efforts on recovery of maintenance from parents in other countries have been nil. Moreover, the Philippines has yet to ratify the Hague Convention of 2 October 1973 on the Law Applicable to Maintenance Obligations and the Hague Convention

of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations. The Philippines is seriously looking into the ratification of these Conventions so that it will have firm basis for making reciprocal arrangements on recovery of maintenance with the relevant countries.

### **C. Foster care and adoption**

126. Failure to enact the Foster Care Bill during the 13<sup>th</sup> Congress means that DSWD should intensify its advocacy efforts through the Legislative Advocacy Group coordinated by CWC and persistently lobby for its enactment during the 14<sup>th</sup> Congress. The proposed bill aims to provide an alternative to institutionalization of children through foster placement. It defines, among others, the procedures for recruitment and development of foster parents, issuance of license, matching, foster placement, and supervision of foster placement to ensure that children are provided appropriate care and protection. More than 11,000 children without primary caregivers who are staying in 691 residential care facilities registered with the DSWD nationwide will benefit from the passage of the law.

127. In the absence of a Foster Care Act, DSWD issued in 2004 Memorandum Circular No. 22, "Policy on De-Institutionalization of Children". It provides a framework for effecting de-institutionalization of children by providing alternative family care and other services as a facilitating scheme in the care, recovery, rehabilitation and development of children.

128. Regarding adoption, several measures were undertaken by DSWD to ensure compliance with the principles and provisions of the CRC and other international standards and to make sure that adoption procedures are conducted in the best interests of the child. As a matter of policy, both the domestic adoption law (RA 8552) and intercountry adoption law (RA 8043) provide that intercountry adoption is a last resort. These measures include the following:

(a) Department *Order No. 12 series of 2001* containing guidelines in the pilot-testing of the Adoption Resource and Referral Office (ARRO). This aims to facilitate and expedite the adoption process whereby staff assigned at the ARRO will solely handle adoption cases and other related functions of the office. As of December 2006, seven (7) Field Offices have established their respective units.

(b) Administrative Order No. 08 Series of 2004 contains guidelines in the implementation of Aruga at Kalinga sa Bata sa Barangay (Foster Care for Children in the Barangay). It was designed to establish a model barangay showcasing a pool of foster families providing foster care to abandoned and neglected children and other children in especially difficult circumstances. The model is being pilot-tested in two barangays and the final evaluation is scheduled in December 2007.

(c) Administrative Order No. 23 Series of 2004 provides guidelines on post-adoption services. This aims to establish and institutionalize a mechanism for the systematic delivery of post-adoption services that include comprehensive counseling, search and reunion, and heritage tours.

(d) *Administrative Order No. 18 Series of 2005* has to do with the turn-around period of local and inter-country adoption. It aims to establish and institutionalize a mechanism to fast track the turn-around period of local and inter-country adoption cases.

129. The Philippines has been hosting since 1993 the “Global Consultation on Child Welfare Services” which brings together foreign adoption agencies working with DSWD and the local child caring agencies for a consultative conference on child welfare services, particularly on issues regarding inter-country adoption. The most recent global consultation was held on 10-12 August 2005.

130. Aside from ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption in 1996, the Philippines through its Inter-Country Adoption Board (ICAB) has entered into Memoranda of Agreement with more than ten (10) countries to ensure protection and welfare of children being placed for inter-country adoption, bearing in mind that inter-country adoption is a last resort. These countries include Belgium, Canada, Finland, Ireland, Italy, Israel, Japan, Spain, Sweden, and the USA, among others.

131. Despite the above measures and guidelines, there are still delays in the processing of adoption cases which therefore prolong the stay of children in institutions. In the case of intercountry adoption, the Inter-Country Adoption Board (ICAB) reports that if all required documents, including a substantive Home Study Report (HSR), from a Prospective Adoptive Parent (PAP) are submitted complete, it normally takes a month to process and approve the application. However, the process of matching, child referral or allocation may take between nine (9) months to one (1) year depending on the PAP’s preference of a prospective adoptive child. As a matter of policy, ICAB requires that comprehensive HSRs are required from all prospective adoptive parents to ensure protection and proper placement for each and every child.

132. Quite recently, DSWD and ICAB successfully facilitated the issuance of Presidential Proclamation No. 72 Series of 2007 declaring the first Saturday of February of every year as “Adoption Consciousness Day”. This aims at encouraging local adoption so as to preserve the child’s identity and culture. It also emphasizes that intercountry adoption is a last resort for Filipino children who can no longer be placed in domestic adoption.

133. As already indicated in their future plans, DSWD, CWC and NGOs under the Committee on Family Environment and Alternative Parental Care will intensify their advocacy and lobbying efforts to ensure the enactment into law of the proposed foster care bill. Among other legislative gaps previously mentioned, the foster care bill will be top priority in CWC’s legislative agenda for the 14<sup>th</sup> Congress.

#### **D. Abuse and neglect, mistreatment and violence**

134. The number of reported cases of child abuse has been declining from 9,197 in 2004 to 8,336 in 2005 and 7,606 in 2006. These numbers refer only to cases served by the Department of Social Welfare and Development (DSWD) and therefore do not present the entire picture. The downward trend may not necessarily indicate a decrease in the number of child abuse cases. In the past two years, about 40 percent of the reported cases were sexual abuse (rape, incest, acts of lasciviousness) and sexual exploitation (child prostitution, pedophilia, and pornography). Reported cases of physical abuse and maltreatment in the home and in schools also remain high.

Child trafficking and violence against children still remain largely unreported. The nature of other forms of child abuse and exploitation such as child pornography and corporal punishment is likewise little understood and requires massive advocacy and awareness-raising among families, communities, LGU officials, and service providers. Table 11 provides data on reported cases of child abuse for the period 2001-2006.

**Table 11. Number of reported cases of child abuse served by the Department of Social Welfare and Development (DSWD) by type**

Type of abuse	2001	2002	2003	2004	2005	2006
Abandoned	985	1 079	1 134	1 026	936	1 039
Neglected	2 285	2 549	2 560	2 627	2 420	1 267
Sexually abused	3 980	4 129	4 097	3 416	2 939	2 803
Rape	2 192	2 259	2 395	1 981	1 634	1 526
Incest	1 245	1 332	1 189	1 084	1 018	921
Acts of lasciviousness	543	538	513	351	287	356
Sexually exploited	249	284	311	348	267	244
Victims of pedophilia	21	32	51	43	19	7
Victims of prostitution	224	245	247	294	242	236
Victims of pornography	4	7	13	11	6	1
Physically abused/maltreated	1 445	1 440	1 370	1 214	1 009	796
Victims of child labour	412	358	268	333	268	231
Illegal recruitment	21	21	30	54	24	14
Child trafficking	29	95	66	135	102	146
Abduction						
Victims of armed conflict	42	90	208	44	371	66
Total	9 448	10 045	10 044	9 197	8 336	7 606

*Source:* Department of Social Welfare and Development.

135. That child abuse, neglect, mistreatment and violence continue to happen at home, in schools, in religious institutions, in communities and barangays is a serious and urgent concern - especially if these happen in the family as shown by data reported to DSWD. The view that children in the Philippines and elsewhere are best protected and cared for in the family is being negated by reports on sexual and physical abuse being perpetrated by immediate family members. This situation calls for a serious study of the cultural context of child abuse. Culture is a critical element that has yet to be studied in-depth in order to build a protective and caring environment for children. The values, beliefs, attitudes, and practices prevailing in Philippine society that contribute or lead to various forms of child abuse, exploitation and violence have to be seriously studied, openly discussed, persistently challenged, and eventually changed with the active involvement of various sectors particularly the faith communities and faith-based organizations, mass media and other civil society organizations.

136. Aside from reports from DSWD, data from the Child Protection Unit (CPU) Network show an increasing number of reported cases of child abuse. In 2004, the CPU Network recorded 3,797 cases in 17 member CPUs. This number increased to 4,034 in 2005 and 4,120 in 2006. For the three-year period from 2004-2006, seventy (70) percent of reported cases were sexual abuse. Other NGOs that have their own data on child abuse are Bantay Bata, Center for



the Prevention and Treatment of Child Sexual Abuse (CPTCSA). In order to get a complete picture of the nature and magnitude of child abuse around the country, CWC needs to consolidate data through its macro monitoring system.

137. DSWD has taken the lead in holding series of consultations to study possible amendments to RA 7610 or the Child Protection Act of 1992 in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children, and incest, among others. Among such proposed amendments proposed include the following:

- (a) Definition of child abuse, to include any act or deed which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being; or any act or deed which results to a negative effect on the child's psychological state, well-being and sense of security;
- (b) Decriminalization of children in prostitution, treating them more as victims of especially difficult circumstances who should not be prosecuted nor held liable for their involvement in the trade;
- (c) Increased penalties for those who will encourage or force children to engage in prostitution and those who will pay for their services;
- (d) Punishment for individuals and groups for possession of pornographic materials involving children;
- (e) Inclusion of new forms of human exploitation such as cyber pornography and cyber prostitution;
- (f) Providing more authority and responsibility to local government units to curb child abuse, neglect, exploitation and discrimination in business establishments.

138. Moreover, the Department of Social Welfare, aside from advocating for the passage of RA 9262 or the Anti-Violence Against Women and their Children Act of 2004 and chairing the formulation of its Implementing Rules and Regulations, had issued on 07 August 2006 an Administrative Order No. 4 concerning "Standards in the Implementation of Psychosocial Services to Women Survivors of Violence and their Children in Centers and Residential Facilities". It has also established Therapy Centers for Child Victims of Abuse and Exploitation in three Field Offices, namely the National Capital Region (NCR), Region VII in the Visayas, and Region XI in Mindanao with the following components: therapy, training, research, and supervision. A general evaluation and assessment of insights and lessons learned from the Therapy Centers for wider replication will be conducted in 2007.

139. Regarding the Committee's observation on alleged sexual abuse of children in the framework of religious institutions, DSWD reported that as of December 2006, there was only one (1) instance of a reported sexual abuse case against an institution managed by a religious community. The perpetrator is currently in jail.

140. The Catholic Bishops Conference of the Philippines (CBCP) estimated that as of 2002, there were 200 of the country's priests who could be guilty of sexual misconduct and abuse occurring over the last 20 years. In July of the same year, the CBCP issued a Pastoral Letter entitled, "Hope in the Midst of Crisis". The pastoral letter could be interpreted as a confession by

and apology from the CPCP as regards “cases of grave sexual misconduct by clerics and religious in the Philippines”. The following year, in September 2003, the CBCP released the Pastoral Guidelines on Sexual Abuses and Misconduct by the Clergy. The document was unequivocal in recognizing that “clergy who engage in any form of sexual misconduct are violating their vows and the ministerial relationship. They are misusing their authority and power and are taking advantage of the vulnerability of those who are seeking spiritual guidance”.

141. Existing child protection laws in the country, such as RA 7610 of the Child Protection Act of 1992 does not cover sexual abuse of children committed in church premises or properties; but it details sanctions for establishments or enterprises which promote, facilitate or conduct activities constituting sexual and other kinds of abuse and gives limited examples such as a sauna, travel agency or a recruitment agency. The law is therefore inadequate in this regard. The other source of dilemma is the notion that the clergy and the religious are primarily covered under canon laws or church laws and their liability under the State party’s civil and criminal laws may not be exactly clear; although there had been reports in the media about rape and sexual abuse cases filed against priests and pastors. But often the criminal cases are withdrawn by the complainants apparently because of out-of-court settlements. This situation has been reinforced by the issuance in April 2001 by the Holy See of an Apostolic Letter entitled *Sacramentorum Santitatis Tutela*. The Apostolic Letter directs all bishops of the world to inform the Congregation for the Doctrine of the Faith if they receive an allegation of child sexual abuse by a cleric. The Apostolic Letter also prohibits bishops or any other church authorities from taking any action beyond preliminary investigation of the allegation without further direction from the Holy See’s delegate.

#### **E. Children in prison with their mothers**

142. Although there have been reports on children in prison with their mothers, the exact number of affected children is difficult to establish since these are not officially recorded by BJMP and the provincial, municipal, and city jails. Despite the data gap, the issue needs serious attention. Based on a series of jail visitations conducted by the Philippine Commission on Human Rights (PCHR) from 2003-2006 covering twenty-four (24) provincial, municipal and city jails around the country, the prison conditions have remained way below international standards as established under Article 37 of the CRC and the other UN Standards on Juvenile Justice. The PCHR report described the prison conditions as overcrowded, poorly ventilated, with poor health services, inadequate water and sanitation facilities, inadequate food, and insufficient opportunities for recreation, education, and training - conditions that have adverse effects on children’s health and development.

143. While there is no explicit provision on babies and young children in prison with their mothers under RA 9344 or the Juvenile Justice and Welfare Act of 2006 and therefore such issue may not be within its mandate, the Juvenile Justice and Welfare Council (JJWC) will nevertheless coordinate with the DSWD, the Bureau of Jail Management and Penology (BJMP) and the Bureau of Corrections towards formulating policies and guidelines on the care and protection of these children. Such policies and guidelines will be formulated guided by the convictions that (a) keeping a baby or a young child in prison is inadvisable, (b) the greater use of non-custodial sanctions for women offenders be explored; and (c) female offenders with young children could be better managed in the community. In this way, the female offender will undergo whatever appropriate sanctions without being separated from her baby or young child.

## VI. BASIC HEALTH AND WELFARE

### A. Children with disabilities

144. The National Council for the Welfare of Disabled Persons (NCWDP) has estimated about eight (8) million Filipinos with disabilities based on the WHO assumption that 10 percent of every country's given population has some form of disability. But the 2000 census of population and housing estimated that there were 948,098 persons with disabilities or a mere 1.23 percent of the population (75.3 million) that same year. Seventy (70) percent of persons with disabilities were found in rural and remote areas of the country. Out of the 948,098 persons with disabilities as per 2000 census, 191,680 were children 18 years old and below with 103,435 males and 88,245 females. Table 12 shows the distribution of children with disabilities by age group and type of disability.

145. The existing database and monitoring system on children with disabilities need further improvement. Currently available data are not disaggregated enough (i.e., by gender, rural or urban, ethnic group, etc.) and therefore do not lend themselves to more focused advocacy and programming. The National Council for the Welfare of Disabled Persons (NCWDP), which gathers and consolidates data on persons with disabilities nationwide, needs to strengthen its focus on children with disabilities and improve its data collection system in partnership with relevant government agencies such as the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd), the Department of Health (DOH), the National Statistics Office (NSO), as well as the local government units (LGUs).

**Table 12. Children with disabilities by age group and type of disability as of 2000 census**

Type of disability	Under 1	1-4	5-9	10-14	15-19
Total blindness	428	2 041	3 455	2 921	2 798
Partial blindness	716	3 260	4 449	4 646	4 272
Low vision	817	3 776	4 716	5 864	6 089
Total deafness	260	1 526	3 683	4 387	3 589
Partial deafness	193	1 079	2 322	2 707	2 230
Hard of hearing	46	331	992	1 312	1 001
Oral defect	797	3 575	7 071	7 482	5 895
Loss of one or both arms/hands	674	2 822	3 515	3 258	3 021
Loss of one or both legs/feet	150	1 019	2 952	2 884	2 785
Quadriplegic	206	2 517	5 524	5 498	4 402
Mentally retarded	199	2 439	7 793	10 743	9 077
Mentally ill	1 195	4 516	4 644	5 638	5 680
Multiple impairment	225	1 359	2 229	2 232	1 987
Total	5 906	30 260	53 345	59 532	52 826

*Source:* National Statistics Office, Special Report on Persons with Disability, 2001.

146. The Department of Health (DOH) has identified malnutrition and unsanitary living conditions as a result of extreme poverty as the most significant causes of disability, especially among children. The DOH reported that prevalence of disability among children 0-14 years old

is highest in urban slum communities and in rural areas where health services are limited, if not inaccessible. Another cause of disability cited is the failure of expectant mothers to go for prenatal check-ups due to lack of knowledge on its benefits as well as the concentration of hospitals and health clinics in cities and municipal urban centers that are not accessible to majority of poor families living in rural and remote areas. Vehicular accidents and the continuing armed conflict, particularly in Southern Philippines, may also have contributed to the incidence of disability among children, although there are no reliable data on these cases.

147. In August of 2006, the Secretary of the Department of Health (DOH) revealed that “blindness affects close to half a million people in the country and about a hundred Filipino children lose their eyesight every week.” The situation was found alarming by the World Health Organization (WHO). He cited poor nutrition, measles and premature birth as the leading cause of blindness among children and said that these were preventable if properly treated and on time. This situation has presented a major challenge to the DOH in terms of expanding and sustaining coverage of its immunization, Vitamin A supplementation, nutrition education, promotion of the use of iodized salt, prenatal and postnatal care, and other preventive programmes. Despite efforts, coverage of immunization and other preventive programmes is constantly weakened by the inability of the health delivery system to reach children in poor, remote, and highly-dense populated areas.

148. The NCWDP, in response to Presidential Proclamation 240 issued on 21 August 2002, had taken the initiative to rationalize all disability-related efforts by formulating a Comprehensive National Plan of Action which translates into action the: (a) objectives of RA 7277 otherwise known as the “Magna Carta for Disabled Persons”; (b) provisions of RA 9442, an Act Amending RA 7277; (c) provisions of Batas Pambansa Bilang 344 also known as the “Accessibility Law”; and (d) the commitments of the Philippine Government under the Biwako Millennium Framework for Action Towards an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific (1993-2002) which has been extended for another decade covering the period 2003-2012. The Comprehensive National Plan of Action for Disabled Persons for the period 2003-2012 was formulated in a consultative and participatory manner involving both national and local government agencies as well as NGOs and grassroots organizations of disabled persons.

149. Its implementation, to date, has been hampered by: (a) lack of adequate resources actually allocated for priority programmes and projects despite Presidential Proclamation 240 which requires all relevant government agencies to allocate at least one (1) percent of their annual budget for persons with disabilities; (b) continuing difficulties in collecting disaggregated data on persons with disabilities, particularly children, despite efforts on the part of the NCWDP to set up its monitoring and profiling system for persons with disabilities; (c) existing gaps in technical competencies and skills of professionals working with and for children with disabilities such as medical personnel, teachers, and social workers, among others; and (d) the migration of professionals such as speech pathologists, developmental pediatricians, and special education teachers.

150. Changing negative attitudes and prevailing prejudices against children with disabilities has been done through continuing public awareness-raising campaigns. The observance of the National Disability Prevention and Rehabilitation Week (NDPRW) under Proclamation No. 361 declaring every third week of July (which culminates on the birthday of the national hero and

Sublime Paralytic Apolinario Mabini on July 23 each year) is the country's major vehicle to raise public awareness on disability issues and concerns. Advocacy and IEC strategies and tools are used such as radio/TV plugs, photo exhibits, information caravans, puppet shows, and painting, photography and other forms of talent competitions.

151. The Department of Education (DepEd) has been promoting inclusive education which mainstreams children with disabilities in regular classes. Annually, about 500 deaf and blind children are mainstreamed in regular schools. However, DepEd has difficulties reaching the target under the Biwako Millennium Framework that 75 percent of school age children with disabilities should complete at least elementary schooling. To date, only about three (3) to five (5) percent of children with disabilities have completed elementary education. In absolute figures, the number of children with special needs enrolled in both elementary and secondary schools nationwide during school year 2002-2003 and 2003-2004 totaled 136,523 and 130,161 respectively. DepEd has also been conducting training of public school teachers on special needs education and 4,590 public school teachers had been trained for the period 2003-2004. The Department of Health supports the DepEd by establishing a health sector alliance for children with learning disabilities. The priority thrust of the alliance is inclusive education and the specific roles of the health professionals are in terms of screening and diagnosis.

152. The Department of Social Welfare and Development (DSWD) issued two administrative instructions in 2003. Administrative Order No. 61 provides guidelines for the implementation of the "Tuloy Aral Walang Sagabal" project (TAWAG, which literally means continuing education without barriers). Its major objective is to mainstream 3-5 year old children with disabilities in the regular day care services and has been ongoing in 21 provinces, 19 cities, 23 municipalities and 851 barangays as of 2004. Administrative Order No. 85 spells out the guidelines on the implementation of community-based social laboratory for children and youth with disabilities. The social laboratory aims to build capacities and upgrade competencies of day care workers, parents and siblings towards mainstreaming children and youth with disabilities into normal community life.

153. In support of community-based rehabilitation (CBR), the NCWDP developed the Philippine Handbook on Community-Based Rehabilitation which has been used by both government agencies such as DSWD and DOH as well as NGOs. DOH, through its National Center for Disease Prevention and Control, maintains a registry for persons with disabilities as part of a national registration and reporting system for specific types of disabilities. KAMPI, a national federation of 240 organizations of persons with disabilities, operates and maintains 60 community-based centers for children with disabilities ages 0-14 years called Stimulation and Therapeutic Activity Centers (STAC) 14 provinces and 118 municipalities. Approximately 8,000 children with disabilities have been served through STAC for the period 2001-2006. KAMPI is also a major partner of DepEd in providing training and orientation on special needs education to public school teachers. Other NGO partners involved in CBR include (a) NORFIL Foundation, which had provided rehabilitation services to 2,102 children with disabilities in 2006; (b) the Resources for the Blind, Inc.; (c) the Christoffel Blinden Mission (a German-based NGO); and (d) Simon of Cyrene Children's Rehabilitation and Development Foundation, Inc. and (e) the Philippine Foundation for the Rehabilitation of the Disabled, Inc. which also supports a mobile training programme for Special Education (SPED) teachers.

154. NCWDP also developed training manuals for use of member organizations in the network. These are: (a) Preventive Pediatrics and Genetic Counseling and Timely Intervention: A Training Manual on Improving the Quality of Life of Children with Disabilities; and (b) Training Manual on Multiple Intelligences: An Approach to Teaching and Learning for Children with Disability. Both training manuals were developed for the purpose of upgrading technical competencies and skills of professionals working with and for children with disabilities. UNICEF provided and facilitated technical and funding support in the development of the manuals. These manuals have been reproduced and distributed to the different regions nationwide.

155. To ensure sustainability, programmes and projects on prevention and rehabilitation of children with disabilities must be linked with broader development initiatives such as poverty reduction and social equity promotion. In mainstreaming disability issues and concerns in the total development process, four major aspects must be emphasized: inclusion, participation, access, and quality. By inclusion, children and persons with disabilities become visible in policy and decision-making, strategy formulation and programme development. Through effective and meaningful participation, children and persons with disabilities will have their voices and opinions heard. By access, barriers are removed and opportunities are created so that children and persons with disabilities will enjoy their right to basic social services. Lastly, children and persons with disabilities deserve a quality of life through knowledge and capacity building.

### **B. Health and health services**

156. The Philippines generally has enjoyed better health over the past 20 years indicating probability of achieving the MDG health targets by 2015, but this does not necessarily mean that poor Filipino families will benefit from these improvements considering that the Philippine Gini index of income inequality at 0.46 in 2003 is one of the highest in Asia. Illnesses and deaths usually occur among the poor families in both urban slums and remote rural areas where living standards remain inadequate and health care and other social services are largely unavailable or inaccessible.

157. Overall, infant mortality (IMR) and under-five mortality (UFMR) rates dropped from 46/1000 live births and 72/1000 live births in 1998 to 24/1000 live births and 32/1000 live births in 2006 respectively. The annual rates of IMR and UFMR reduction for the past 18 years is about 2.6 percent and 3.0 percent respectively. The decline in both IMR and UFMR is the result of programmes and services for children such as the expanded programme on immunization (EPI), Vitamin A supplementation, injury prevention, newborn screening, and improvement in case management such as the Integrated Management of Childhood Illnesses (IMCI). If these rates of reduction continue, the MDG targets on IMR and UFMR reduction could be achieved. The Philippines has adopted the Western Pacific Regional Strategy for Child Survival (UNICEF/WHO, 2006) which is viewed as a useful strategy for the country to meet the MDGs on health and nutrition. Among the most effective health interventions which have been recommended include: (a) breastfeeding (initiation within the first hour, exclusive for the first six months, and continued up to two years); (b) complementary feeding from six months onwards; (c) safe delivery; (d) Vitamin A supplementation; and (e) appropriate treatment of diarrhea, pneumonia, and neonatal sepsis, among others. These interventions, if carried out effectively, will reverse the current health situation described below.

158. In terms of absolute numbers, every year, 82,000 Filipino children still die before their 5<sup>th</sup> birthday. This makes the Philippines one among 42 countries accounting for 90 percent of deaths of under-five children worldwide. While in past years, under-five mortality rate was steeply decreasing, it has leveled off in the recent decade. On the other hand, neonatal mortality reductions have been particularly sluggish; half of which occur in the first two days of life.

159. Improving breastfeeding and complementary feeding of Filipino infants and young children could prevent 16,000 deaths, primarily from diarrhea, pneumonia, neonatal sepsis and hypothermia. As of 2003, only half initiated breastfeeding within the first hour of life, 16 percent exclusively breastfed at 4-5 months, 57.9 percent were breastfeeding plus using appropriate solid and semi-solid food at 6-9 months, and 33.3 percent were breastfeeding at 20-24 months. Almost 40 percent of Filipino infants use formula. Overall, families spend Php 21.5 billion purchasing infant formula. Over Php 4.5 billion are invested annually in advertising milk substitutes (this amount is almost half the total annual DOH budget).

160. Appropriate treatment of diarrhea and pneumonia could prevent 9,425 deaths of Filipino young children. Currently, however, only 46.3 percent of children with pneumonia seek treatment from a health provider; and 58.9 percent receive oral rehydration therapy for diarrhea. Seventy-six (76) percent of under-three year olds receive Vitamin A supplements.

161. Improved antenatal care, emergency obstetric care (EmOC), facility-based delivery, newborn care and added care for premature babies could prevent 10,300 Filipino neonates annually. Delivery in health facilities has marginally increased from 28.2 percent in 1993 to 37.9 percent in 2003. However, 61.4 percent still deliver at home and 39.7 percent deliver without a health professional attending delivery. Ninety (90) percent of poor Filipino children are born less than two years apart which places them at 2.5 times the risk of dying than those born three or more years apart.

162. The 2002 Maternal and Child Health Survey (MCHS) reported a decrease in the number of children fully immunized before they turn a year old. In 2002, sixty-two (62) percent of all children aged 12-23 months were fully immunized a decrease of almost three percentage points from 65 in 2000. The percentage of fully immunized children in urban areas was higher (66 percent) than those in rural areas (59 percent). The seemingly decreasing trend in the number of fully immunized children was attributed to: (a) inadequate outreach particularly in remote and hard-to-reach areas; and (b) shortages in vaccines in 2000-2001 due to untimely deliveries brought about by changes in the procurement system.

163. To build on the gains achieved in immunization and to help protect children from immunizable diseases, professional health workers and service providers were trained on: (a) EPI Mid-Level Management Course; (b) Cold Chain Management, and (c) Reaching Every Barangay (REB) Strategy. The REB strategy, in particular, is intended to reach the un-reached population and to improve immunization coverage through the use of tools like a local health facility assessment checklist and monitoring system for child survival, among others - following the recommendations of a comprehensive EPI review conducted in January 2006. UNICEF and WHO provided technical and funding support for trainings on the strategy, aside from supporting DOH in the procurement of quality vaccines and ensuring vaccine security in the country. It should be noted that measles cases decreased by 96 percent and measles deaths by 99 percent after the 2004 Ligtas Tigdas campaign mounted by DOH. The Western Pacific Regional Office

of WHO estimated that the campaign prevented 6,000 deaths per year. With the REB strategy in place, the DOH will again undertake measles elimination campaign in October 2007 with the objective of eliminating measles by 2008. It should be noted that the Philippines was certified polio-free since the year 2000.

164. Maternal deaths declined very slowly from 209 per 100,000 live births in 1990 to 162 deaths per 100,000 live births in 2006. This translates to about 1.4 percent annual reduction rate. The present MMR level is very high given the MDG target of 52 maternal deaths per 100,000 live births in 2015. To achieve the MDG target on MMR, the Philippines must have an annual reduction rate of 12.2 percent up to 2015. About 3.1 million pregnancies occur each year in the Philippines and nearly half of these pregnancies are unintended. Annual abortion cases are estimated at 473,000 with an estimated 800 women dying per year due to complications of unsafe abortion (2004 Study on Unintended Pregnancy and Induced Abortion in the Philippines).

165. To address the fragmented and insufficient efforts to reduce MMR, a national framework and strategic plan on maternal and newborn care is expected to be developed and finalized in 2007. In the meanwhile, efforts had been done to address the lack of an updated evidence-based standards and tools on Safe Motherhood. UNICEF, JICA, UNFPA, WHO, POGS and PPS supported the DOH in harmonizing tools and training materials on Safe Motherhood. These collaborative efforts resulted to the development of (a) the Philippine version of the WHO manual on Pregnancy, Childbirth, Postpartum and Newborn Care (PCPNC); (b) an eleven-day Basic Emergency Obstetric Care (BEmOC) Skills Training Tool Guide; and (c) Community-Managed Maternal and Newborn Care (CMMNC) Manual and Training Guide. The PCPNC has integrated the four essential elements of newborn care, namely, clean cord care, newborn resuscitation, newborn temperature management, and initiation of breastfeeding within one hour after delivery.

166. Another major milestone achieved was the formulation of the National Policy and Plan of Action on Infant and Young Child Feeding (IYCF). The plan of action includes, among others, (a) revitalization of the advocacy and campaign for breastfeeding nationwide; (b) training on breastfeeding counseling; (c) establishment of baby-friendly settings (school, workplace, health facilities, industry, public places, community); (d) celebration of national breastfeeding week every first week of August each year; (e) re-launching of the mother and baby-friendly hospital initiative (MBFHI) and revision of the IRR of the Milk Code; and (f) training on Milk Code monitoring. On the issue of the Milk Code monitoring, a coalition was formed in support of the DOH consisting of 150 national NGOs, 100 international non-profit organizations and concerned individuals, as well as UN agencies such as UNICEF. Vigilance is needed to counteract the persistent move of milk companies to obstruct the breastfeeding campaign.

167. The nutritional status of children showed varying patterns over the past decade. The proportion of underweight, stunted and wasted 0-5 year old children decreased slightly from 1993 to 2005. An annual decline of 1.1 percent among underweight children was registered in 2003-2005 which indicates the possibility of achieving MDG target of 50 percent reduction by 2015. Stunting rate is likewise declining but given present level this still translates to about 3.1 million preschool children. Among children 6-10 years old, the prevalence of underweight decreased from 30.5 percent in 1993 to 22.8 percent in 2005. However, stunting remained high at 32.0 percent in 2005.



168. A national and two regional nutrition stakeholders meeting were conducted towards re-thinking and re-positioning the nutrition strategy in the development agenda of the national government and the local government units. These meetings resulted to the following major agreements: (a) refocus cost-effective nutrition interventions to pre-pregnant, pregnant and lactating women and the first three years of life; (b) adoption of IYCF strategy as the key strategy; and (c) vigorous advocacy to leverage local resources for nutrition cost-effective interventions.

169. Other nutrition-related interventions that have been ongoing include the following: (a) Accelerated Hunger Mitigation Programme which makes available food ration to day care center and preschool children; (b) Action for Nutrition Improvement (ANI) Concept formulated by the National Nutrition Council (NNC) which aims to fuel economic activity at the grassroots level by creating linkages between food production, processing and utilization with the end in view of improving the nutritional status of children; (c) Garantisadong Pambata campaign held every April and October to promote essential health services for children including Vitamin A provision, deworming, promotion of breastfeeding and iodized salt utilization, and immunization; (d) Bright Child Campaign coordinated by CWC which includes interventions in nutrition, early education, and immunization, among others; (e) implementation of the Philippine Plan of Action for Nutrition (PPAN), 2005-2010 which includes food fortification, nutrition education, micronutrient supplementation, food assistance, food production and livelihood assistance, and nutrition in essential maternal and child health services.

170. Promotion of the ASIN Law resulted to only 75.4 percent of households utilizing iodized salt (FNRI Survey, 2005). This is still below the target of 85 percent as of 2006. There is a need for sustained advocacy and monitoring of the ASIN Law particularly at the level of local government units (LGUs). Moreover, there is need for continuous monitoring of business establishments, salt producers, and salt distributors making sure that the salt they are producing and distributing is properly iodized. The capacity of the salt industry to iodize salt must be looked into by strengthening the Association of Salt Producers, Traders, and Allied Industries and providing them the know how on proper iodization. Above all, "Patak sa Asin" and other advocacy and awareness-raising activities on the importance of the use of iodized salt must be sustained. On food fortification, while it is mandatory under Republic Act 8976 or the Philippine Food Fortification Act of 2000 to fortify staples such as rice, flour, sugar and oil, the full implementation of the law has not yet been achieved.

171. The growing urbanization in the country brings about large numbers of marginalized and disadvantaged families residing in urban slums and informal settlements. As the delivery of basic health services remains largely facility-based, community-based preventive health care and services are still limited and therefore do not effectively reach families in the urban slums as well as families living in rural and remote areas, particularly conflict-affected areas and communities of indigenous peoples. What makes the situation worse is that the Philippine health sector continues to be under-funded. While the share of health expenditure to GNP increased from 2.66 percent in 1991 to 3.2 percent in 2004 (National Health Accounts, 2004), this figure is still below the five (5) percent standard set by the World Health Organization (WHO) for developing countries. Another factor affecting the performance of the Philippine health sector is the outmigration of health professionals. To date, the Philippines is probably the major exporter of nurses to the world and second to India on physicians. This has reduced not only the quantity but also the quality of available health professionals in the country today.

172. The State party needs to take significant steps in pushing further the effective implementation of its Health Sector Reform Agenda (HSRA). The HSRA is a very and the most comprehensive response so far to the health sector challenges with five (5) major areas of reforms, namely: (a) fiscal autonomy to government hospitals to reduce dependency on direct subsidies from government; (b) secure funding for priority public health programmes, using multi-year budgeting to guarantee continuity in resource availability; (c) promote the development of local health systems by engaging LGUs in cooperative cost-sharing arrangements, organizing them into inter-local health zones and providing them with technical assistance to enhance capacity for governance of health systems; (d) strengthening the capacities of health regulatory agencies with emphasis on BFAD; and (e) expand the coverage of social health insurance especially to the poor.

173. The present administration adopted Formula One (F1) as the implementing strategy to actualize the HSRA focusing on tangible results in the immediate and medium-term plans as captured in the National Objectives for Health (2006-2010) and the Medium-Term Philippine Development Plan (MTPDP) and in fulfillment of MDG commitments. The F1 strategy aims to identify and implement critical programmes and projects and activities grouped under four categories, namely, (a) financing, (b) good governance, (c) regulation, and (d) service delivery with speed, precision, and effective coordination that will deliver efficiency, effectiveness and equity of health care delivery. A comprehensive maternal and child survival strategy has already been developed with extensive consultation with stakeholders. This strategy will be launched in November 2007 which will provide guidance for local government units to implement the F1 strategy. All these will be done in the context of a devolved set up in the delivery of health and other basic social services.

### **C. Environmental health**

174. Air pollution remains a problem in Metro Manila and major urban centers for the past twenty (20) years, a situation which has serious effects on children's health and development. On the level of total suspended particulates (TSP), data gathered in 2003 from monitoring stations nationwide showed that air quality was not within the standards. It is projected that the volume of air pollutants will continue to increase due to greater industrial activity, heavy traffic and the large number of vehicles plying the streets, many of which are smoke-belching public utility vehicles. As early as 1995, WHO reported that the increasing air pollution in the Philippines contributed to the high incidence of upper respiratory tract diseases in major urban centers like Metro Manila. As of 2000, close to 80 percent of Metro Manila residents were exposed on a regular basis to TSP levels that exceed standard levels. The banning of leaded gasoline resulted to significant improvement in blood lead levels among children in Metro Manila since 2000, when the unleaded gasoline policy has been implemented. However, the lead levels are still a health concern since there are other sources of lead in the environment.

175. The supply of fresh water is diminishing due to over-extraction of ground water, water pollution, denuded forests and watersheds and the lack of catchment basins and, occasionally, the El Nino phenomenon. About half (48 percent) of water pollutants are domestic waste, a third (37 percent) are agricultural wastes, and the remainder are industrial wastes (15 percent). Pollution of rivers, streams and lakes contaminates ground and surface water exposing the

population to environmentally-related diseases. Heavy loads of inorganic pollutants in water have made it increasingly a threat to life. WHO cited a rise in morbidity rate caused by gastro-intestinal diseases from 502 per 100,000 population in 1992 to 5,151 per 100,000 in 1996. Other water-borne diseases are also expected to increase as water quality deteriorates.

176. In 2001, there were 845,526 reported cases of diarrhea mostly among children under five years old, 15,757 cases of typhoid, 6,736 cases of hepatitis, and 333 cases of cholera. All of these diseases are preventable with the provision of adequate water supply and sanitation facilities and proper hygiene practices. That these diseases persist means that more efforts must be done to expand the coverage and improve the quality of water supply and sanitation facilities as well as intensify information, education and communication (IEC) activities on environmental health issues. As of 2004, 85 percent of the Philippine population had access to improved drinking water sources (87 percent in urban areas and 82 percent in rural areas) and 72 percent were using adequate sanitation facilities (80 percent in urban areas and 59 percent in rural areas).

177. The country has adequate laws and policies on environmental health including: (a) Cabinet Resolution No. 37 on the Philippine Strategy for Sustainable Development; (b) PD 856 or the Sanitation Code of the Philippines; (c) Administrative Order No. 341 on Philippine Health Promotion Programme Through Healthy Places; (d) RA 6969 or the Toxic and Hazardous Waste Act of 1990; (e) RA 8749 or the Philippine Clean Air Act of 1999; (f) RA 9003 or the Ecological Solid Waste Management Act of 2002; and (g) RA 9275 or the Philippine Clean Water Act of 2004. An Inter-Agency Committee on Environmental Health (IACEH) was formed in 1991 under Executive Order 489. Chaired by the Department of Health, the IACEH has following functions:

(a) Formulate policies and guidelines and develop programmes for environmental health protection;

(b) Coordinate, monitor and evaluate environmental health programmes and development projects initiated by the government and private agencies to achieve environmental protection for health promotion;

(c) Undertake information dissemination and education campaigns on environmental health programmes to create greater awareness on environmental health control measures;

(d) Coordinate and assist in the conduct of research and relevant activities on environmental maintenance and protection.

178. Within the Department of Health, there is an Environmental and Occupational Health Office (ECHO) with two divisions: (a) Water and Sanitation Division; and (b) Health Care, Waste and Toxic and Hazardous Substances Division. Working with the DOH and the IACEH are NGOs such as: (a) Healthcare without Harm; (b) Eco Forum (c) Partnership for Clean Air; (d) Manila Observatory and (e) Philippine Business for the Environment (PBE). Other environmental NGOs include (a) Haribon Foundation (HF), (c) Green Forum Philippines (GFP), (d) Crusade for Sustainable Environment (CSE), (e) Lingkod Tao and Kalikasan (LTK), and (f) Wild Life Foundation of the Philippines (WLFP), among others. Working with both the government and the NGOs are trained environmental health workers and professionals. As of 2004, there were 3,000 sanitation inspectors and 122 sanitary engineers.

179. With the enactment of RA 7160 or the Local Government Code of 1991, environmental health functions and services were devolved to the local government units (LGUs). Likewise, Administrative Order No. 18 Series of 1992 issued by the Department of Health (DOH) spelled out further the devolution of health services to LGUs, including environmental health services. With devolution, the performance of the health system is generally considered to have deteriorated due to fragmentation of the health care system, the failure of LGUs to maintain the level of health expenditures prior to devolution, and the lack of innovative ways of LGU resource mobilization despite autonomy. The IACEH needs to revisit its strategy and enlist the active participation of the Department of Interior and Local Government, the Leagues of Cities, Municipalities and Provinces and the Union of Local Authorities of the Philippines (ULAP) to mobilize LGUs and local officials towards improved environmental health care and protection.

#### **D. Adolescent health**

180. Based on the 2000 census of population and housing, 23 percent of the population belongs to the 10-19 age group and 20 percent, 15-24 age groups. The average age of sexual debut among Filipino adolescents and youth is 18 years old. Mean age at menarche is 13.44. The number of young people engaging in premarital sex (PMS) has steadily increased over the last decade, from 18 percent in 1994 to 23 percent in 2002. Usually, PMS experience has accelerated the process of marriage. About 10 percent of young females with PMS experience related that their first sexual experience happened without their consent. Despite this trend, the UP Population Institute (UPPI) which conducted the Young Adult Fertility and Sexuality Surveys for the period 1994-2002 stated that premarital sex behavior of young Filipinos can still be considered conservative when compared to the levels found developed countries and some other countries in the Asian region.

181. Contraceptive use is low among sexually active adolescents; 74 percent or about 1.8 million do not use any contraceptive method. Condoms are the most used contraceptive method. The youth have poor knowledge and low utilization of contraceptive methods (i.e., 27 percent think that the pill must be taken before or after sexual intercourse). Only four (4) percent of young females have been found to be knowledgeable on the subject of contraceptives and family planning. According the State of the Philippine Population Report of 2000, many adolescents engage in PMS without adequate knowledge of means of avoiding pregnancy and sexually transmitted infections (STI), yet majority of them are unwilling and still unprepared to become parents.

182. Filipino youth marry at an early age, before 20 years old. One-fourth of all Filipino women begin childbearing by age 20. Early pregnancy is disturbing because of the health problems associated with it. One of the major reasons why young females aged 15-19 die is not drugs, alcohol, or drunk-driving; but complications related to early pregnancy. Filipino teenage mothers account for 20 percent of all maternal deaths in the country and 17 percent of fetal deaths are attributed to teenage mothers.

183. While illegal in the Philippines, abortion has been taking place. It is estimated that about 400,000 abortions are performed every year. In a study conducted on hospital cases of

abortion complications, 36 percent involved young women 15-24 years old. Moreover, 17 percent of women in reproductive ages of 15-24 have had at least one abortion. Metro Manila has the highest abortion rate in the country. Complications from abortion are one of the leading reasons for admission to government hospitals. (Philippine Population Research for Policy Initiatives, Series 2001).

184. Prevalence rate of gonorrhea and Chlamydia is higher among young people. Most cases of HIV infections among females happen at a younger age compared to males. About 47 percent of infected females are between 20 and 29 years of age. Awareness of AIDS is high; 95 percent of all Filipino adolescents stated that they have heard of AIDS. However, there is an ongoing misconception among them that AIDS can be cured (23 percent in 2002).

185. Increasingly, young females are trying risky sexual behaviors, from 17 percent in 1994 to 30 percent in 2002. Young people's consumption of alcoholic beverages and use of illegal drugs has increased, from 6 percent in 1994 to 11 percent in 2002. Many local studies had asked what adolescents and young people are concerned about and their responses included the following: STI, substance abuse, smoking, alcoholism, living conditions, malnutrition, lack of access to education, poverty, lack of jobs, rape, incest, sexual harassment, early marriage, teenage pregnancy, abortion, juvenile delinquency, youth criminality, patronage of pornographic materials, bad peer influence, lack of parental guidance, homosexuality, and multiple partners.

186. Counseling, information and education, referrals and some medical services are available to adolescents and youth. The Department of Health (DOH), together with other line agencies of government and NGOs, launched in 2001 the Adolescent and Youth Health and Development Programme (AYHDP). It aims to integrate adolescent and youth health and development services into the health delivery system. It should increase coverage of basic health services, including counseling for adolescents and youth, to 70 percent nationwide. It should also establish specialized services for occupational illnesses, victims of rape and violence, and substance abuse in 50 percent of DOH hospitals. Lastly, it will establish resource centers or "one-stop-shops" for adolescents and youth in each province. For its part, the DSWD has published modules on "Unlad Kabataan" (Development for the Youth) tackling the various youth health and development issues, with particular focus on children and young people out of school.

187. The DSWD's Unlad Kabataan programme is used by the Pag-asa Youth Association of the Philippines (PYAP) to achieve its project goals. The PYAP is a barangay-based organization of out-of-school youth (OSY) aged 15-24 years old. It aims to provide leadership trainings, give orientation on HIV/AIDS prevention, facilitate self-employment trainings, engage the youth in government internship programmes, conduct peer counseling, spearhead advocacy projects for the environment, and grant educational assistance for its members. As of June 2007, 4,869 local PYAPs have been organized nationwide with 119,124 young people as members.

188. Based on DOH observations, the Population Commission (POCOM) and other organizations implementing Adolescent Reproductive Health (ARH) programmes focus more on sexuality and peer education than on medical and clinical services. To complement these existing ARH initiatives, the DOH programmes address issues such as sexually transmitted infections (STI), maternal and child health, violence against women, nutrition and abortion. DOH has developed materials on these programmes and has disseminated them to regional health offices and LGUs. Direct services are then provided at the LGU level.

189. Most of the NGOs involved in ARH implement programmes and projects that provide counseling services and information and education seminars for adolescents and youth. Some of these NGOs are the Foundation for Adolescent Development (FAD), Kaugmaon Foundation and Tambayan Center in Davao City, Baguio Center for Young Adults (BCYA), PLAN Philippines, Christian Children's Fund, World Vision, Maryknoll Foundation Kasambahay Programme for Out of School Youth, Caritas Manila, Prolife Philippines, and CHILDHOPPE, among others. In sum, there are more ARH education and information programmes than there are ARH services. There are a total of 76 ARH programmes around the country. Out of these, 33 are purely educational; 17 provided services; and 26 offered a combination of education and services. Most innovative programmes and projects, although limited in scope, are being implemented by NGOs. Government programmes have the widest reach, but these are not yet implemented well at the local levels.

190. In terms of the overall policy environment for the promotion of adolescent and youth health and development, several laws are already in place. RA 8044, an act creating the National Youth Commission, aims at establishing a comprehensive and coordinated national programme on youth development. While RA 8044 focused on adolescents but it was Administrative Order No. 43 or the Reproductive Health Policy that really paid attention to the youth and adolescents' reproductive health development. In 2000, Administrative Order No. 34-A or the Adolescent and Youth Health Policy was issued by DOH. It is a response to the identified need to develop a programme that will specifically address the unique needs of adolescents (10-19 years old), youth (15-24) and young people (10-24) who are considered special population groups. It aims to develop the total health, well-being, and self-esteem of adolescents and youth by promoting a safe and supportive environment, providing information, building skills, and providing youth-friendly health services.

191. Furthermore, a proposed bill on Reproductive Health Care (House Bill 4110 and Senate Bill 2325) has reached second hearing at the Committee on Appropriations and has already been approved at the Committee on Health. It is a response to certain reproductive health realities: (a) high rate of maternal and infant mortality; (b) high unmet need for family planning; (c) high incidence of abortion; (d) increasing cases of violence against women and young people; (e) infertility and sexual dysfunctions; (f) more cases of reproductive tract infections (RTI), sexually transmitted infections (STI), reproductive tract cancers, gynecological conditions, and male RH disorders. It is also in response to the high incidence of RH problems and sexual activity among the young, few of whom receive treatment or use medical and family planning services.

192. The proposed bill has specific focus on adolescents and youth welfare because it aims to decrease teenage pregnancies, to educate and inform the youth on sexuality and RH concerns, to include education on gender issues and sexual responsibility, and to address young people's RH needs. While proponents of the proposed bill argue that it is not about contraception and abortion, there is tremendous opposition from the Catholic Church and the conservative sectors of Philippine society, including some legislators. They are actively lobbying against the passage of the bill because they see it as a possible step towards legalizing abortion and institutionalizing a contraceptive mentality in the country.

193. Aside from continuing advocacy for the passage of a law on Sexual and Reproductive Health Care with specific provisions for adolescents and young people, the following priority actions, among others, need to be undertaken: (a) there should be real human sexuality education undertaken by different institutions such as schools, families, and churches because they all reach adolescents; (b) expand life skills training for adolescents to improve their thinking processes and decision-making abilities, to empower them, to guide them to adopt positive and healthy lifestyle, and make them more participative in community affairs; (c) teen centers should be established in every city and municipality so that adolescents and youth can avail of services and have a venue for learning more about ARH; (d) Sangguniang Kabataan (Youth Council) members should be oriented on youth health and development issues and be motivated to use SK funds for ARH-related projects; (e) there should be careful consideration of how to work with the Catholic Church to address ARH concerns because the Church has institutions that can be used as vehicles for educating parents, adolescents and young people, and service providers.

#### **E. HIV/AIDS**

194. As of December 2006, there were 2,719 HIV cases reported of which 1,966 (72 percent) were asymptomatic and 753 (28 percent) were AIDS cases. Of the latter, 298 (40 percent) were already dead at the time of the report due to AIDS-related complications. The leading mode of transmission is still through sexual intercourse at 87 percent of the cases. Other modes are through mother-to-child transmission (37 cases), blood transfusion (19 cases), injecting drug needles (7 cases), and needle pricking (3 cases). Though the prevalence of HIV/AIDS has been described as low and slow, the number has increased over the past decade. With only 475 reported HIV/AIDS cases beginning 1984 to 1993, it tripled to 1,526 cases from 1994 to 2003. Of the total number of HIV/AIDS cases, only 1.7 percent are younger than 10 years old. Based on the 2005 consensus workshop, it was estimated that more than 11,000 persons ages 15-49 were living with HIV and this translates to an overall national prevalence of 0.03 percent.

195. While the Philippines is experiencing low prevalence of HIV/AIDS compared to its Asian neighbors, the Philippine National AIDS Council (PNAC) has recently characterized the HIV/AIDS situation as hidden and growing due to the following factors: (a) the growing sex industry; (b) condom use remains low even among high risk groups (among registered female sex workers, 28 percent; free lance sex workers, 26 percent; men having sex with men, 19 percent; and injecting drug users, 2 percent); (c) high rate of STI among both vulnerable groups and the general population; (d) increasing risky sexual behaviors among adolescents and youth; and (e) increasing number of injecting drug users, among others.

196. The State party had enacted RA 8504 or the AIDS Prevention and Control Act of 1998 as its response to the HIV/AIDS situation. The AIDS Law has the following aims: (a) promulgate policies and prescribe measures for prevention and control of HIV/AIDS; (b) institute nationwide information and education programme; (c) establish a comprehensive HIV/AIDS monitoring system; and (d) strengthen the Philippine National AIDS Council (PNAC). The Philippine National AIDS Council (PNAC) was established in 1992 through Executive Order

No. 39 as a multi-sectoral advisory body to deliberate and decide on key issues and recommendations on HIV/AIDS prevention and control for submission to the President for approval. RA 8504 contains provisions on education and information, safe practices and procedures, health and support services, monitoring, confidentiality, discriminatory acts and policies, and prohibition of compulsory HIV testing. However, the provisions of RA 8504 still need to be popularized and widely circulated as well as the thrusts and priorities of the AIDS Medium-Term Plan.

197. PNAC has been localized at LGU level through the creation of the Local AIDS Councils (LAC). This had been facilitated by providing a comprehensive orientation of local chief executives and legislators on the provisions of RA 8504 and on the importance of HIV/AIDS prevention and control and how they can mainstream this into their local response plan. As of 2006, a total of 1,609 local legislators were oriented on HIV/AIDS issues and were challenged to provide leadership in the local response against HIV/AIDS. To date, there are 24 LACs nationwide. Through the LACs, capacity building workshops on strengthening advocacy and local response against HIV/AIDS had been conducted with support from UNICEF particularly in the CPC 6 provinces and cities. Several LACs have passed resolutions and local ordinances providing budgetary allocation for HIV/AIDS prevention, compulsory registration of all entertainment centers and sex workers, and establishing 100 percent condom use programme in their entertainment centers.

198. Information, education and communication (IEC) activities addressed to children and young people were given priority. With support from UNICEF, the following activities were conducted:

(a) In 2005, awareness-raising and education activities were conducted in five (5) major cities and three (3) provinces through NGO partners. A variety of activities, such as theater arts presentation, poster making, educational booths, candlelight parade, street theater and symposium on HIV/AIDS were conducted with the participation of more than 3,000 children and young people and reaching more than 15,000 other young people through these information and education activities;

(b) Also in 2005, an MTV “Staying Alive” Music Summit for HIV/AIDS held under the auspices of the Communication component of CPC 6 reached a total of 85,000 young people who received HIV/AIDS information messages at the concert. More young people were exposed to HIV/AIDS information through more than 1,000 radio and TV announcements, newspaper ads, streamers, banners, road shows and talk shows organized for two months prior to the event;

(c) In 2006, the IEC activities had been scaled up under the Global Campaign “Unite for Children, Unite against AIDS”. An estimated media coverage of five (5) million individuals was reached through radio and TV plugs aired at national and local TV and radio stations. In addition, 360,000 young people were reached by interactive communication particularly those in CPC 6 areas;

(d) World AIDS Day celebration in 2006 with the theme, “Stop AIDS, Keep the Promise”, provided opportunities for children and young people to participate in a forum on AIDS and Sexuality;



(e) IEC activities targeting children in school were done through the integration of HIV/AIDS modules in the training of the teachers on the Child-Friendly School System (CFSS) initiative. This resulted to schools in 14 provinces and cities launching their own IEC campaigns in December 2006 including a symposium on HIV/AIDS where more than 30,000 children and young people participated;

(f) IEC activities targeting most-at-risk and vulnerable adolescents and young people were conducted in eleven (11) cities and provinces during 2005-2006. Over 18,000 most-at-risk and vulnerable adolescents and young people participated in life skills education and peer education sessions. STI and HIV/AIDS information had been integrated into the training of 37 facilitators on life skills education and 72 peer educators coming from 25 NGO partners.

199. In terms of capacity building, UNICEF together with the UN Theme Group on HIV/AIDS supported the following activities:

(a) Development of interim guidelines on “Integrated Management of Pediatric HIV Infection and AIDS” and its initial implementation in three (3) major hospitals in Metro Manila in cooperation with an NGO, Precious Jewels Ministry. This is a new initiative in the country on pediatric care and treatment of HIV/AIDS. The project provides a model of care for infected and affected children, including access to ARVs, psychological and social support through a network of partners;

(b) Development of training module on “Voluntary Confidential Counseling and Testing” which provides opportunity to scale up the standard harmonized VCT training in the country;

(c) Revision and enrichment of training module on “Life Skills Education” targeting most-at-risk and vulnerable children and young people. The revised module covers information and skills needed to prevent and/or reduce risks and vulnerability related to STI, HIV/AIDS, abuse, violence and exploitation;

(d) The “Female Functional Literacy” training module has been enhanced with the inclusion of HIV/AIDS topics. Through the enhanced module, health workers are provided guidance on how to disseminate STI and HIV/AIDS to illiterate women;

(e) In 2003, 112 teachers in primary and secondary schools under the Department of Education and 37 vocational-technical teachers under the Technical Education and Skills Development Authority (TESDA) were trained on “Life Skills Based Approach to HIV/AIDS Prevention”;

(f) The Pre-Pregnancy Operations Manual, now being pilot tested in two LGUs, has incorporated the provision of HIV/AIDS counseling and voluntary HIV/AIDS testing in the package of services to be offered to pre-pregnant women;

(g) DSWD implements a project called “Care and Support for Persons with HIV and AIDS and their Families and Children” which focuses on the prevention and management of risks related to HIV/AIDS. The project promotes prevention interventions through reprinting of manuals and information, education and communication (IEC) materials. It conducts capacity

building for service providers such as government social workers and NGO workers. It also enhances the capacity of persons with HIV/AIDS (PHA) and their families through livelihood training and referrals for employment and scholarship or educational assistance for qualified children of PHAs. The project will run from 2008-2008 and is expected to benefit PHAs and their families in Region 3 and the National Capital Region;

(h) UNICEF, in partnership with WHO and UNAIDS, supported the National Epidemiology Center to strengthen national monitoring and evaluation system to fill in the gaps in data collection and reporting to the National AIDS Registry. The system will now capture data on adult and pediatric ARV, data on opportunistic infection treatment, information on mother-to-child transmission, and data on HIV affected children. Availability of data on children and HIV will give us the opportunity to develop evidence-based advocacy and better programming for children and young people in the Philippines;

(i) At the local level, UNICEF continues to support training of health workers on comprehensive STI management and basic HIV/AIDS prevention and control. More than 500 health workers in CPC 6 areas were given a refresher course on comprehensive STI management; 1,120 staff were trained on basic HIV/AIDS prevention and control; and 13,000 health workers received training on HIV/AIDS integrated into the training on Infant and Young Child Feeding.

200. Despite all the above efforts, the following challenges have to be met: (a) strengthening monitoring of HIV/AIDS incidence in each government agency and in the LGUs; (b) strengthening HIV/AIDS education, both school-based and community-based; (c) improving access to care, support and treatment including psychosocial support and alternative parental care; (d) developing and maintaining database on most-at-risk and vulnerable populations; and (e) increasing civil society involvement and participation.

## **F. Standard of living**

201. As stated earlier, 28.5 percent of the Philippine population was considered poor as of 2006, a decrease from thirty (30) percent poverty incidence in 2003. This means that close to three (3) out of ten (10) Filipinos were living below the poverty line. In 2003, 3.4 million children ages 0-5 years were underweight; 1.1 million children were not immunized for serious but preventable diseases; 1.4 million children of elementary school age were not enrolled in school. In 2001, 4 million Filipino children were working to augment family income. Their work conditions exposed them to health risks and disrupted their regular schooling. In that same year, approximately 246,000 children in the major Philippine cities were out on the streets to survive and were therefore increasingly separated from their families, were out of school, and vulnerable to various forms of abuse, exploitation and violence.

202. To address the impoverished situation of 25.2 million Filipinos and their children, the State party embarked on a comprehensive poverty reduction programme. RA 8425 or the Social Reform and Poverty Alleviation Act was enacted in 1998. The law seeks to institutionalize social

reform and poverty alleviation involving area-based, sectoral and focused interventions so that every Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psychosocial integrity. Social reform shall be a continuing process that addresses the basic inequities in Philippine society through a systematic package of social interventions. The National Anti-Poverty Commission (NAPC) was created by virtue of RA 8425 to serve as the coordinating body and secretariat for Kapit-Bisig Laban sa Kahirapan or KALAHATI (Linking Arms Against Poverty) which is the strategic framework and programme for poverty reduction of the Arroyo administration.

203. During the period 2001-2005, the Arroyo administration had realized various accomplishments that benefited the poor. In asset reform, this included: (a) distribution of 2.9 million hectares of private and public lands to landless farmers; (b) distribution of ancestral domain titles covering 367,440 hectares to indigenous peoples; (c) security of tenure to 268,861 households and housing services to over 115,000 low-income households; and (d) proclamation of nearly 310 hectares of urban land as socialized housing sites under the asset reform programme. More specifically, the Community Mortgage Programme (CMP) benefited 59,456 families for the same period. The National Government Center (NGC) East-West Projects and the North and South Rail Relocation Projects benefited 12,249 and 12,186 families respectively.

204. The government also delivered human development services that included, among others, the following: (a) provision of security of land tenure to 710,203 households from 2000-2006 through the Housing and Urban Development Coordinating Council (HUDCC) and the private sector; (b) construction of school buildings in 607 school-less barangays; (c) provision of electricity to 3,600 barangays; (d) supply of medicines to 300 hospitals nationwide; (e) enrolment of nearly seven million beneficiaries under the National Health Insurance Programme of the Philippine Health Insurance Corporation; (f) operation of 500 rolling stores carrying low-priced rice and other basic commodities nationwide; and (g) provision of emergency rice and food assistance to about 250,000 coconut farmers. In terms of employment and livelihood, the government provided: (a) 600,000 agriculture-related jobs in rural areas; (b) microfinance assistance to more than one million women borrowers; and (c) about 1.7 million workers with jobs through job placement and referral schemes of the Department of Labor and Employment (DOLE).

205. The wholesale portfolio of the People's Credit and Finance Corporation (PCFC), which is tasked to mobilize resources and deliver financial services to microfinance institutions (MFIs), grew significantly with funding support from external sources. As of end 2004, the government financial institutions and government-owned and controlled corporations - National Livelihood Support Fund (NLSF), Technology and Livelihood Resource Center (TLRC), Small Business Guarantee and Finance Corporation (SBGFC), Bangko Sentral ng Pilipinas (BSP), with the PCFC as the main lending arm - had released a total of Php6.88 billion of microfinance loans to

more than 1.5 million poor clients. Capability-building needs of MFIs had also been supported through several donor-funded programmes like the NAPC-UNDP Microfinance Sector Strengthening Project (MSSP), the USAID-funded Micro-enterprise Access to Banking Services (MABS), and the Cooperative Union Empowerment and Strengthening (CUES) Project.

206. As part of DSWD's KALAHI-CIDSS (Comprehensive and Integrated Delivery of Social Services) programme, 4,216 barangays in 183 municipalities, 42 provinces and 12 regions were provided with basic social services in health, water and sanitation, education, and day care services, among others, for the period 2004-2006. Under its Self-Employment Assistance sa Kaunlaran (SEA-K) Programme, DSWD had also provided interest-free capital assistance for micro-enterprises to more than 122,000 families amounting to Php 522 million for the period 2001-2006. It has also launched and supported 1,997 Tindahan Natin (TN) outlets in 2006 and provided food subsidy to poor families with children in pre-school and day care centers. These TN outlets increased to 7,234 as of July 2007 serving 1.8 million low-income families in 60 provinces and cities and in the National Capital Region.

207. There are several poverty alleviation programmes undertaken by NGOs and faith-based organizations. Among others, these initiatives include that of Gawad Kalinga and the Catholic Church, particularly the Archdiocese of Manila. As of April 2007, Gawad Kalinga (which means to give care) has helped build 21,759 homes in 1,253 communities since it started in 1995 as a small effort of the Couples for Christ to rehabilitate juveniles in conflict with the law in an informal settlement in Metro Manila. The major objectives of Gawad Kalinga are: community empowerment, massive mobilization of volunteerism, and partnership in nation building. Its major programmes include: shelter (tatag), education (sibol), health (lusog), livelihood (sikap), and community development (kapitbahayan). A Gawad Kalinga community has the following aspects: faith community, peace zone, productivity center, tourist spot, and environmentally healthy community.

208. The Pondo ng Pinoy Foundation (PNPF), an initiative started by the Archdiocese of Manila, has raised Php 150 million on its third year anniversary through small daily donations (only 25 centavos a day) from the Catholic faithful to fund poverty alleviation projects in parishes around the country. In 2006, the PNPF fed over 64,000 malnourished children, built 34 homes or over 200 people, sponsored education of 174 children and young people, provided microfinance loans to 870 small-scale entrepreneurs, livelihood assistance to 7,600 persons and healthcare assistance to 1,700 persons. The PNPF is expected to grow into a massive programme with focus on health and nutrition, education, housing, and livelihood support for the disadvantaged sectors. There are 14 Catholic dioceses actively participating in the programme over the last three years.

209. Despite the above poverty alleviation initiatives, poverty incidence remains high and income disparity remains wide. As of 2006, 24 out of 100 Filipinos still live below the poverty line. The following challenges and priorities for action should be addressed: (a) fast tracking the asset reform programme; (b) prioritizing job creation and micro-enterprise development; (c) localizing poverty alleviation efforts; and (d) strengthening civil society capacity in governance; and (e) empowering grassroots families and communities towards their effective and meaningful participation in the development process.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. Education, including vocational training and guidance

210. Access of 3-5 year old children to early childhood care and development (ECCD) services remains low at 34 percent composite (19.6 percent for 3-4 year olds; 60 percent for five year olds). While more and more barangays (79 percent of 41,994 barangays as of mid 2007) have put up day care centers and the DepEd, NGOs and FBOs have expanded public and private pre-schools, these facilities have reached only one of three children. Aside from the low coverage of ECCD services, the quality of existing ECCD programmes, materials and facilities needs further improvement. Both the low coverage and low quality of ECCD services explain the phenomenon of low school readiness among Grade One entrants. The result of the School Readiness Assessment done in 2006 reveals that only 35 percent of Grade One entrants were found to be school ready. The school readiness scores of Grade One entrants also indicate that boys perform generally lower than girls.

211. In basic education, the gross enrolment rate for SY 2001-2002, SY 2002-2003, and SY 2003-2004 registered at 110 percent, 109.8 percent, and 107.4 percent respectively. This enrolment rate exceeds other Asian countries' averages and highlights a strong demand for education. However, these notable achievements are eroded by poor internal efficiency, low quality of basic education, and wide disparities in education inputs and outcomes. The Philippine Education for All (EFA) Plan 2015 cites that for every 1,000 entrants to Grade One, about 312 will leave school before finishing Grade Six, most of them in the first two grades; 439 will graduate in primary school in the ideal length of six years while 249 will finish the six-year grade school in an average of 9.6 years due to repetition of some grade levels two to three times. For every 1,000 entrants to the First Year high school, only 248 will graduate within the required four years; about 389 will leave school without completing the four years; and 353 will graduate after repeating two to three times, averaging 6.7 years before completion. Boys are twice more likely than girls to repeat or drop out of school. There is also serious concern about the increasing number of children who are not able to go to school currently estimated at 4.2 million.

212. The school system has to cope with the requirements of a growing student population. Every year, the number of school children increases by 200,000. Yet the government investment in education has not been adequate to address the growing requirements of the school system. Although increasing at an average rate of 5.2 percent over the last ten (10) years, the proportion of the education budget to the national budget has steadily declined over the years from 16 percent in 1998 to 12 percent in 2007. This falls below the internationally recognized 20 percent investment for education that a country must provide to be able to address the education needs of its children and young people. Classroom shortage has likewise been a perennial problem of the Department of Education. For the current school year, the estimated backlog in the number of classrooms is placed at 20,742 under a double-shifting arrangement. Many of the existing schools lack not only adequate water and sanitation facilities but also books, teaching devices, and other teaching and learning materials.

213. RA 8980 or the ECCD Law institutionalizes an integrated and comprehensive system for early childhood care and development. The National ECCD Council, the mandated coordinating body for the implementation of the ECCD Law, has been actively steering policy formulation and programme development at the national level. However, at sub-national levels, many local ECCD coordinating committees have yet to be formally organized and mobilized. Furthermore, an integrated Management Information System and Monitoring and Evaluation System have to be strengthened to improve planning and programming. Even while these systems are being put in place, ECCD local plans of action had been developed in 29 cities and 77 provinces as of March 2007.

214. The government has invested Php 2 billion or Php 400 million per year for a period of five years from 2002 to 2006. The funds are used for strengthening of institutions led by CWC, policy formulation, standards development and human resource development. On a cost-sharing basis with LGUs, the funds have also supported the expansion and upgrading of day care centers and services, barangay health centers, nutrition-related ECCD facilities and services, and parenting education programmes. However, the utilization of the ECCD funds has been constrained by stringent bureaucratic procedures and requirements for funds management both at central and local levels.

215. UNICEF has likewise provided technical and funding support for the development and strengthening of the five systems component of the ECCD Law. These component systems include the following:

(a) *ECCD curriculum.* CWC has been coordinating and facilitating the development and validation of ECCD standards to monitor the developmental readiness of children. These standards are the basis for developing an integrated and holistic ECCD curriculum, assessment tools and training programmes for ECCD service providers. In this regard, the Philippines has set the precedent in Asia and is only one of a few countries globally to undertake this initiative;

(b) *Parent education and involvement.* The Department of Social Welfare and Development (DSWD) and the Department of Health (DOH) have been developing tri-media materials for parent education programmes. In CPC 6 areas, capacity building of parents and parent volunteers is supported to enable them to become better caregivers and to be able to facilitate parent education classes and initiate supervised neighborhood play groups for children;

(c) *Human resource development.* CWC has developed a comprehensive human resource development programme for ECCD workers intended to upgrade their level of knowledge and skills as well as provide them with career advancement opportunities. Capacity building efforts also aim at bringing improvements towards the accreditation and expansion of day care centers, expanding coverage and upgrading quality of preschools, and improved implementation of home-based ECCD services. More than 23,000 ECCD workers have been trained on the core competencies on ECCD to enable them to fully support young children's growth and development;

(d) *ECCD management.* CWC, with support from the Local Policy and Institutional Development (LPID) Section of UNICEF, has coordinated and facilitated the processes of putting ECCD management system in place at the level of local government units (LGUs). About 97 percent of provinces and highly urbanized cities are in varying degrees of establishing ECCD management systems at their level;

(e) *Quality standards and accreditation.* The Department of Social Welfare (DSWD) and the Department of Education (DepEd) have developed and refined ECCD standards, accreditation and monitoring tools, both for center-based ECCD and home-based ECCD. The current monitoring tools such as school readiness assessment tools are continuously being analyzed and refined to make them more relevant and responsive to monitoring young children's growth and development.

216. In the UNICEF-assisted CPC 6 areas, as of mid-2007, 186 municipalities have organized local ECCD coordinating committees and 10,791 day care centers have been operational. 6,809 ECCD centers now have improved capacity to provide ECCD services, having trained ECCD workers and adequate ECCD materials and equipment, monitoring health and nutrition status of young children and referring cases needing special attention. A total of 5,488 day care centers in CPC 6 areas have been accredited. Over 20,000 3-5 year old children have been participating in home-based ECCD; 230 of these children belong to indigenous communities. Alternative modes of delivery of ECCD services such as the Mobile ECCD and ECCD on-the-air have increased the outreach in urban and remote areas with close to 110,000 parents benefiting from these alternative and innovative approaches.

217. In addition to the 10,791 day care centers that had been operational in the CPC 6 areas, there were 34,020 day care centers in non-CPC 6 areas as of June 2007. This brought the total number of day care centers nationwide to 44,811 being manned by 44,024 day care workers serving 1,441,877 children. As of 2007, sixty-six percent of day care centers (29,820) and also sixty-six percent of day care workers (29,283) had been accredited. A total of 3,173 ECCD workers were given orientation on Standards for Day Care and other ECCD Centers and on the Service Providers/Users Manual as of June 2007.

218. Despite the combined coverage of center-based ECCD services and home-based ECCD services, the ECCD programme has only reached 34 percent of 3-5 year old Filipino children, a long way to go to achieve the target of 70 percent by 2009. The potentials of the home-based ECCD services in reaching greater numbers of children in rural and remote areas, in densely populated urban poor communities, as well as in armed conflict communities and communities of indigenous peoples should be seriously studied. Partnership with faith-based organizations which have access to these areas can increase the coverage of ECCD services including birth registration, immunization, nutrition interventions, psychosocial stimulation and early learning.

219. Some adjustments have to be made in order to reach ECCD goals and targets. In selecting barangays, priority should be given to (a) barangays with the highest population of children with the least access particularly the urban slums and informal settlements; and (b) barangays with the

highest incidence of poverty such as the communities of landless tenants and small farmers, small fishermen, and indigenous peoples. Second, there should be a stronger and sustained advocacy to scale up ECCD interventions and elevating it from a project to a programme and ensure that no child will be left out. The latest ECCD directional plan prepared in 2007 has taken these issues and recommendations into consideration.

220. Regarding basic education, the decentralization thrust of the Department of Education (DepEd) was given impetus with the passage of RA 9155 or the Governance of Basic Education Act of 2001. The law sought to decentralize decision-making from the national and regional levels to the division and school levels. This thrust was followed in the formulation of the Education for All (EFA) Plan 2015 which aims to provide basic competencies to everyone to achieve functional literacy for all. The EFA Plan has four outcomes: (a) universal coverage of out-of-school youth and adults in the provision of basic learning needs; (b) universal school participation and elimination of drop-outs and repetition in the first three grades; (c) universal completion of the full cycle of basic education schooling with satisfactory achievement levels by all at every grade or year; and (d) total community commitment to attainment of basic education competencies for all.

221. In 2006, DepEd pursued a package of policy reforms referred to as Basic Education Sector Reform Agenda (BESRA) that will enable the sector to attain the EFA goals by 2015. Adopting a sector-wide approach to programming, BESRA is expected to revolutionize the delivery of basic education and transform the culture within DepEd. Its five key result thrusts (KRTs) are: (a) KRT 1: continuous school improvement facilitated by active involvement of stakeholders; (b) KRT 2: better learning outcomes achieved by improved teacher standards; (c) KRT 3: desired learning outcomes enhanced by national learning strategies, multi-sectoral coordination, and quality assurance; (d) KRT 4: improved impact on outcomes resulting from complementary ECCD, alternative learning system (ALS) and private sector participation; and (e) KRT 5: institutional culture change in DepEd to facilitate school initiatives and assuring quality. BESRA is now in the implementation stage. The UNICEF-assisted Child-Friendly School System (CFSS) initiative under the 6<sup>th</sup> GOP-UNICEF Country Programme for Children firmly supports the policy and programme reform agenda of BESRA.

222. Overall, the basic education outcomes show declining rates for net enrolment, completion and achievement in primary schools based on data for the period 2002-2005. Table 13 shows this trend in basic education outcomes. If this trend continues, the country will have difficulties in achieving EFA 2015 goals and targets. DepEd data for 2006, however, show some improvement in basic education outcomes.

**Table 13. Education outcomes in public primary schools**

Basic education outcomes	2002	2003	2004	2005	2006
Net enrollment rate	83.30	81.72	79.53	76.86	84.44
Cohort survival rate	69.47	63.57	64.87	62.58	68.70
Achievement rate			58.73	54.66	59.94

*Sources:* Basic Education Information System and National Education Testing and Research Center, DepEd.



223. In order to reverse the above trend, greater efforts need to be exerted in building a nationwide network of child-friendly schools which are empowered to raise the level of enrolment, reduce the number of out-of-school children and school leavers, improve student achievement, and respond strategically to the unique realities and needs of children in their respective locales. Particular attention should be given to poor barangays in rural and remote areas, conflict-affected communities, communities of indigenous peoples, Muslim communities and urban slums and informal settlements.

224. The participation of NGOs such as Oxfam and Plan Philippines, which have adopted the child-friendly school system (CFSS) philosophy and framework being espoused by UNICEF through the GOP-UNICEF Country Programme for Children, must be tapped in expanding the network of child-friendly schools. At present, about 5,000 or 58 percent of primary schools in CPC 6 areas have adopted the CFSS philosophy and practices. These schools are serving over a million schoolchildren. In addition, the modeling of CFSS in the secondary level has already reached 61 pilot high schools as of 2006. The number of adolescents being reached by these pilot schools is over 123,000. Given the slow pace of the modeling process, the desired education outcomes may not be achieved on time unless more manpower, budgetary, and other resources are provided to DepEd.

225. Some positive accomplishments on the CFSS initiative can be cited. It should be pointed out that the CFSS strategy complements and contributes to the BESRA KRT 1 and 5. As already indicated earlier, the CFSS philosophy and framework has been adopted by other partners. Within the Department of Education, the CFSS initiative has supported the expansion of tested educational innovations or alternative delivery modes meant to address education gaps. One innovation is Project IMPACT (Instructional Management with Parents, Teachers and Community) used in multi-grade settings. Another is the MISOSA (Modified In-School and Off-School Approach) which uses a distance education scheme and can be adapted to address congestion in schools, the unique realities and needs of working children and street children, or constant school disruptions owing to peace and order problems - currently being implemented in 48 elementary schools reaching about 4,000 pupils in Grades Four, Five and Six. As of 2006, more than 60 primary schools have been implementing Project IMPACT in collaboration with SEAMO-INNOTECH. These schools are currently serving about 91,500 children. Donor partners such as AusAID and USAID have started to support selected schools in adopting MISOSA and/or Project IMPACT as appropriate.

226. Through the CFSS strategy, UNICEF has supported several capacity building and training activities to enhance teachers' effectiveness in ensuring quality education for all. A total of 323 supervisors, school heads and master teachers have been trained as trainers for teacher mentoring, partly in collaboration with US Peace Corps Volunteers. Feedbacks from the field have revealed that the classroom teacher is the key factor in making the teaching-learning environment child-friendly. Various training activities were conducted such as: (a) teacher mentoring on creative teaching strategies; (b) training on effective teaching-learning processes; (c) training on CFSS for pilot high schools; (d) orientations and study visits on the alternative delivery modes; (e) training of guidance counselors and school nurses on life skills, STI and HIV/AIDS; and (f) training of trainers on CRC, CFSS goals, assessment, and multi-grade teaching. These capacity building activities complements BESRA KRT 2 and 3 which address teachers' competencies and learning strategies for core areas of learning.

227. About 58 percent of primary schools have seen improvements in terms of: (a) training of teachers and school heads on CRC and CFSS; (b) provision of teaching-learning packages such as the CFSS modules, CFSS posters, 100-book library sets, science kits, modules for alternative delivery modes; and (c) installation of water and sanitation facilities in selected schools. A package of essential services for children and families on conflict-affected areas and vulnerable towns and barangays in Mindanao has provided deworming tablets for more than 39,000 primary schoolchildren, kitchen utensils and school garden implements for about 112 schools. Student body organizations (SBOs) and parent-teacher-community associations (PTCA) have been given orientation on CRC and the CFSS towards empowering children, their families and communities in fulfilling their right to education. The advocacy for child and community participation in making schools child-friendly is consistent with BESRA KRT 1, 3 and 5.

228. As in ECCD, adjustments in the basic education sector have to be made to achieve EFA goals and targets. The continuing downward trends in key basic education indicators will not be reversed unless there will be substantial increases in the education budget. Based on a study on MDG financing, the resource gap for education for the period 2007-2015 is Php 348.8 billion in order to achieve MDG education target. Adequate resources must be made available to ease the lack of teachers and classrooms and provide sufficient school inputs to meet the requirements of new entrants. Furthermore, the MDG cost estimate for education also includes the cost of additional programmes to improve the quality of basic education. In anticipation of additional budgetary allocations for education, a strategic plan for scaling up the CFSS strategy should now be formulated. The expanded CFSS strategy will build on lessons learned and gains achieved during CPC 5 and 6 and will likewise take into consideration the successes in the modeling of innovative and alternative modes of delivery. The support of UNICEF, bilateral donors and even international NGOs must be sought.

229. In the field of technical-vocational education and training (TVET), there are about 1,400 TVET schools or centers, over 80 percent of which are in the hands of the private sector. There are only 200 state-run TVET institutions. The National Technical Education and Skills Development Plan for the period 2000-2004 noted that half of programmes offered by TVET schools and centers have not met the minimum standards set by TESDA (Technical Education and Skills Development Authority). The major issues affecting TVET include: (a) poor quality of training; (b) internal inefficiency of TVET schools; (c) inadequacy of laboratory equipment; and (d) mismatches of TVET graduates with employment opportunities.

230. Data on TVET enrolment, graduates and employment after graduation are shown in the table below.

**Table 14. Technical, vocational and educational training (TVET) enrollees, graduates and employment**

Number enrolled/graduated/employed	2001	2002	2003	2004
Number enrolled	637 500	701 300	771 400	848 500
Number graduated	385 000	424 200	466 600	513 300
Proportion of graduates employed	52%	53%	55%	60%

*Source:* Technical Education and Skills Development Authority.

231. Given the population of children 15-18 years old (8.01 million total, 4.01 million males, and 3.9 million females) who are most likely to undergo technical-vocational education and training, the above figures clearly indicate the big gap in reaching this population group. Yet the potentials of TVET are great particularly in the development of adolescents and young people and in the prevention as well as rehabilitation of children in need of special protection (i.e., out-of-school youth, abandoned and neglected children, children with disabilities, working children, street children, children in conflict with the law, children affected by armed conflict, and even children victims of sexual abuse, trafficking and commercial sexual exploitation).

232. TESDA should revisit its policies to address the issues of poor quality of TVET, internal inefficiency of TVET schools, and mismatch between technical-vocational education and employment opportunities. There must be good information system on employment opportunities and skills required or demanded by leading industries. The quality of technical-vocational education and training must be improved through accreditation and certification. Lastly, subsidy must be provided to poor and disadvantaged adolescents and young people. Privately owned and managed TVET schools and centers must likewise be motivated to make their programmes and course offerings relevant and responsive to the unique needs and circumstances of poor, disadvantaged and marginalized populations of children and young people.

### **B. Aims of education, with reference also to quality of education**

233. The Philippine Education for All (EFA) Plan of Action 2005-2015 adequately addresses the provisions of Article 29 of the Convention on the Rights of the Child, which are: (a) “the development of the child’s personality, talents and mental and physical abilities to their fullest potential; (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) the development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origins; and (e) the development of respect for the natural environment”.

234. Anchored on the World EFA goals and mindful of Article 29 of the CRC, the Philippine EFA Action Plan aims to provide basic competencies to everyone in order to achieve functional literacy for all. This goal relates to the four main pillars of education constituting the new functional literacy which are: learning to know, learning to do, learning to be, and learning to live together. The Congressional Education Commission (EDCOM) has described the ideal of an educated Filipino as someone (a) who respects human rights, (b) whose personal discipline is guided by spiritual and human values, (c) who can think critically and creatively, (d) who can exercise responsibly his rights and duties as a citizen, (e) whose mind is informed by science and reason, and (f) whose nationalism is based on a knowledge of our history and cultural heritage.

235. What does it take to attain universal functional literacy and basic competencies by everyone and realize the EDCOM ideal of an educated Filipino? The above EFA goals can be accomplished through the achievement of four component outcomes, namely:

(a) Universal coverage of out-of-school youth and adults in the provision of basic learning needs. This outcome involves reaching and educating up to about 9 million functionally illiterates as of year 2003;

(b) Universal school participation and elimination of drop-outs and repetition in the first three grades. This outcome involves reaching about 5.7 million children aged 3 to 5 years old, with about 20 percent of these (1.2 million children) comprising those least likely to enter Grade 1 and most likely to repeat or drop out between Grade 1 to 3;

(c) Universal completion of the full cycle of basic education schooling with satisfactory achievement levels by all at every grade or year. This outcome involves a school-age population of 12.6 million children aged 6 to 11 years old (elementary schooling) and another 7.6 million children aged 12 to 15 years old (high school). This also involved getting everyone of the almost 40,000 elementary schools (36,000 public and 4,000 private) and the almost 8,000 high schools (5,000 public and 3,000 private) to perform above a desired minimum level of effectiveness;

(d) Total community commitment to attainment of basic education competencies for all. Achievement of this outcome requires a mass movement that reaches and engages every community of the country. This outcome involves organizing a community-level effort in each of 81 provinces, 132 cities, 1,496 municipalities and possibly 41,994 barangays.

236. The EFA Action Plan enumerates nine major tasks to achieve the above outcomes. These are: (a) make every school continuously perform better, (b) make expansion of ECCD coverage yield more EFA benefits, (c) transform non-formal and informal interventions into an alternative learning system yielding more EFA benefits, (d) get all teachers to continuously improve their teaching practices, (e) adopt a 12-year cycle for formal basic education, (f) continue enrichment of curriculum development in the context of the pillars of new functional literacy, (g) provide adequate public funding for country-wide attainment of EFA goals, (h) create network of community-based groups for local attainment of EFA goals, and (i) monitor progress in effort towards attainment of EFA goals.

237. The Child-Friendly School System (CFSS) initiative under the GOP-UNICEF Sixth Country Programme for Children (CPC 6) has provided a model towards accelerating the achievement of the EFA goals. In addition, the CFSS framework provides for the promotion of a school environment that (a) reflects respect for human rights and children's rights; and (b) promotes a spirit of understanding, peace, tolerance and friendship regardless of ethnic or religious affiliations. Specifically, peace education in schools and in communities particularly those in conflict-affected communities in Mindanao has been supported under the CFSS initiative. In practice, therefore, it has become clear that to make the schools child-friendly also means creating a safe, protective and caring environment for children. In short, the CFSS initiative has been contributing to the enhancement of schools as zones of peace, which supports the UN Development Assistance Framework (UNDAF) thrust of conflict prevention and peace building. A major constraint to achieving the EFA goals and targets and making the schools more fully child-friendly and enhancing them as zones of peace is the inadequate budgetary allocation to the education sector compared to allocation for debt service-interest payment.

238. NGOs like the World Vision Development Foundation (WVDF) have likewise supported educational activities in selected Mindanao provinces promoting a culture of peace and

non-violence - thus providing children opportunities to understand sub-cultural differences and to become their own advocates for peace. These are done through children's assemblies, peace camps, arts and creativity workshops, among others.

### **C. Rest, leisure, recreational and cultural and artistic activities**

239. As the Committee on the Rights of the Child had noted, there are adequate facilities and opportunities for play, leisure, cultural and artistic activities for children who have access to the school system. In addition to opportunities within the schools, schoolchildren can have access to the facilities and programmes of the National Commission on Culture and Arts (NCCA). The NCCA promotes culture as a human right; adheres to the principle of promoting culture of, by, and for the people characterized as independent, equitable, dynamic, progressive, humanistic, pluralistic, democratic, non-partisan, liberating and nationalistic; and ensures that the creation of artistic and cultural products shall be disseminated to the greatest number of Filipinos.

240. The NCCA has an attractive and interactive children's corner online and all children with access to the internet can engage in discovering Philippine arts and culture. It has the following sections: (a) our country, the Philippines, (b) learn about our alphabet, (c) get to know our national artists, (d) read a story, (e) pambihira or wonders of Philippine culture, (f) I can do it, and (g) fun page. While it is an effective tool for cultural and artistic education and enrichment, children who are out of school, children living in poverty, children in extremely difficult circumstances such as street children and child labourers, among others, may not have access to such a facility.

241. As already mentioned in the second periodic report, the Museo Pambata was specially designed and established for children by a private foundation inspired by the principles and provisions of the CRC. The Museo Pambata is a children's interactive museum which is the first of its kind in the Philippines. It is in a sense an alternative to the formal classroom environment where learning resembles a one-way street - the teacher imparts knowledge and the students absorb it. In Museo Pambata, children can use their total senses and learn various concepts at their own pace. It excites the minds of the young, inspires them to learn more, and most importantly revitalizes what child learning should be - fun and exciting! An average of 180,000 children and adults visit Museo Pambata every year. Yet, the fact remains that it may not be accessible to poor and disadvantaged children unless their visits are subsidized. Already, the Museo Pambata has been providing discounts on admission fees and has arranged for free visits for Manila residents every Tuesday.

242. The opportunities for play, leisure, recreational, cultural and artistic activities for children living in poverty, children who are out of school, and children in difficult situations such as street children and child labourers, and children with disabilities, among others, have therefore remained inadequate except in cities and urban municipalities and barangays with enough resources to put up parks, playgrounds and mount occasional sports and recreational activities. In every barangay with organized Sangguniang Kabataan (youth council), sports and recreation as well as occasional cultural activities are usually on top of their agenda. It is through these SK-organized activities that poor and disadvantaged children can have equal right to engage in play, sports, recreational and cultural activities.

243. NGOs such as Childhope Asia-Philippines, Pangarap Shelter, Lingap Pangkabataan Children's Laboratory for Drama in Education, ERDA, Kanlungan sa ERMA, NCSD and its member agencies, and the local task forces on street children in 22 major cities nationwide, among others, who are involved with out-of-school children, street children, child labourers, and children with disabilities, have included opportunities for leisure, recreation, cultural and artistic activities in their regular programmes and interventions. Street children theaters, street children mini-Olympics, street children choirs, street children summer festivals, and arts competition, among others, are concrete examples of activities undertaken for these children. At the local government level, the Quezon City Government, for example, holds an annual sports festival for children with disabilities in cooperation with the Division of City Schools. Likewise, the Philippine Sports Association of Differently Abled (PHILSPADA) has also given greater attention to the right of children with disabilities to engage in play, leisure, sports, recreational and cultural activities. Despite these initiatives, there is a need for additional investment to support implementation of the children's right to engage in play, leisure, sports, recreation, and cultural and artistic activities, particularly the poor and the disadvantaged.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

244. The number of children displaced by armed conflict every year during the last four years is estimated at around 30,000 to 50,000. These children have lost the security of their normal family and community relationships, the familiarity of their surroundings, suffer serious psychosocial stress, experience school disruption, and have to seek refuge in overcrowded evacuation centers without adequate health and water and sanitation services. Children living in conflict areas also experience the threat of human rights violations, particularly those who are suspected of giving support to armed groups and whose parents and siblings are suspected members of insurgent or rebel groups.

245. Involvement of children in armed conflict is still being reported despite denials of the state armed forces and non-state armed groups. Both the government forces and the non-state entities maintain a policy of non-recruitment of children for direct hostilities; however, children have been involved in non-combat duties and mobilization for "self-defense" and "jihad". There has been no evidence of systematic or forcible recruitment of children by the New Peoples Army (NPA) of the Communist Party of the Philippines (CPP) and the Moro Islamic Liberation Front (MILF), yet the children volunteer their support mainly because of the influence of family, peers, and community members. Based on reports from combined sources (DSWD, DND, AFP and NGOs), there were 186 children involved in armed conflict (CIAC) for the period 2001-2006. Of this number, 174 children have been demobilized and reunited with their families and brought back to school. The Department of Labour and Employment (DOLE) also implemented the Community Sala'am (Peace) Corp Project wherein 300 children between the ages of nine (9) and seventeen (17) years old were given education, skills training, employment and livelihood assistance for the period 2005-2006.

246. The Philippine government continues to pursue a comprehensive peace process to address armed conflict with rebel groups. This presently involves the implementation of a National Peace

Plan, which is chapter 14 of the Medium-Term Philippine Development Plan. Among the efforts being undertaken with significant contribution to preventing and stopping the recruitment of children in armed hostilities are as follows:

(a) The peace process with the Moro Islamic Liberation Front (MILF), which includes security through cessation of hostilities, rehabilitation and development of conflict-affected areas, and negotiations on the issue of ancestral domain;

(b) Implementation of the interim peace agreements with two (2) local communist movements (the RPMP-RPA-ABB and the RPMM), particularly in terms of rehabilitation of conflict-affected communities, cessation of hostilities, reintegration, and protection of civil and political rights particularly of the alleged political offenders and political prisoners;

(c) Continuous monitoring of and advocacy on the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Philippine government and the Community Party of the Philippines-New Peoples Army-National Democratic Front (CPP-NPA-NDF);

(d) Complementary measures to reduce the level of violence on the ground such as support to local and indigenous peacemaking and peacekeeping mechanisms including peace zones, and support to the implementation and civilian monitoring of ceasefire agreements;

(e) Efforts to complete the implementation of existing final peace agreements with the Moro National Liberation Front (MNLF) and the Cordillera Peoples Liberation Army (CPLA);

(f) Efforts to mainstream former rebels through reintegration and rehabilitation programmes, including the President's issuance in March 2007 of Administrative Order No. 172, creating the National Committee on Social Integration under the Office of the Presidential Adviser on the Peace Process (OPAPP). The Social Integration Programme includes the process of arms management, forces management, and the transition of former rebels to civilian life;

(g) Rehabilitation, development and healing of conflict-affected areas through various local and ODA-funded programmes and projects.

247. The peace process at the regional level has been strengthened through the issuance of Executive Order No. 569 on 26 September 2006, mandating the Regional KALAHI Convergence Groups (RKCG) and Presidential Assistants as peace process mechanisms and Regional Peace Advisors respectively. Their tasks include, among others, activating a quick response mechanism to help prevent the outbreak and escalation of armed conflicts, and to address the humanitarian needs and other urgent concerns arising from ongoing hostilities.

248. More specifically, the government has pushed further the implementation of a Comprehensive Programme for Children Involved in Armed Conflict (CP-CIAC) which was launched through Executive Order No. 56 on 26 November 2001. Led by OPAPP and the Council for the Welfare of Children (CWC), the programme seeks to prevent the recruitment of children in armed hostilities, as well as rehabilitate and reintegrate those who have surfaced or been recovered. At the present, the programme is implemented by 18 government agencies. Among the efforts undertaken under the programme are: (a) policy development and

coordination, (b) database development, (c) case monitoring, (d) provision of services to CIAC, (e) development and implementation of training modules, and (f) development and use of advocacy and IEC materials. Also integral to the programme is strengthening the peace constituency and promoting a culture of peace through peace education, promotion of interfaith dialogues, peace forum, and media-based information and education campaign.

249. Through the CP-CIAC, the Department of Social Welfare and Development (DSWD) provides a package of social services and interventions designed to protect and rehabilitate children affected directly or indirectly by armed conflict. This package includes provisions for the special needs of girl child soldiers. To provide guidance to various agencies and levels of government participating in the CP-CIAC, the Department of Social Welfare and Development issued in 2002 Administrative Order No. 84, "Procedures in the Handling and Treatment of Children Involved in Armed Conflict". The procedures apply to children involved in armed conflict either as courier, guide, spy, combatant, or any similar capacity. On the other hand, OPAPP monitors compliance of concerned agencies, including the Armed Forces of the Philippines, to existing guidelines on the handling and treatment of rescued and recovered CIAC.

250. DSWD also takes custody of CIAC based on a "Memorandum of Understanding in the Handling and Treatment of Children Involved in Armed Conflict" forged between and among the Department of National Defense (DND), the Armed Forces of the Philippines (AFP), the Department of the Interior and Local Government (DILG), the Philippine National Police (PNP), the Department of Social Welfare and Development (DSWD), the Department of Justice (DOJ), the Department of Health (DOH), the Commission on Human Rights (CHR), the Office of the Presidential Adviser on the Peace Process (OPAPP), and the National Programme for Unification and Development Council (NPUDC) signed on 21 March 2000.

251. The Emergency Operation Philippines-Assistance to Conflict-Affected Mindanao (EMOP-ACAM) joint initiative of DSWD and the UN World Food Programme also supports the peace process in Mindanao by addressing the food security needs of its vulnerable population living in conflict-affected communities. The project benefits families in five provinces, namely, Lanao del Norte (Region 10), North Cotabato and Sultan Kudarat (Region 12), Lanao del Sur and Maguindanao in ARMM. As of July 2007, the project scaled up implementation as follows:

(a) Food for Education. This component reaches 306,594 school children for take-home ration and 19,226 children for on-site feeding;

(b) Mother and Child Nutrition. Food baskets have been provided to 43,448 pregnant and lactating women and 37,709 children below two years old;

(c) Food for Work (FFW) and Food for Training (FFT) activities reached 15,174 and 23,052 beneficiaries respectively;

(d) Food for Internally Displaced Persons (IDP). This covered 34,182 affected families in North Cotabato and 68,130 displaced families in Maguindanao;

(e) Sulu Emergency Operation for IDPs. More than 276,500 affected families were provided with food assistance.



252. Regarding displaced children as a result of armed conflict, various programmes and projects are being implemented to ensure that these children are protected and have access to basic services, including Days of Peace (DoP) campaign. The agreement with the MILF to conduct the Days of Peace campaign has been a result of continuing CRC education and awareness-raising with partners on the ground involving LGUs, NGOs and FBOs. With support from UNICEF and with the involvement of OPAPP, DOH, DILG and DepEd, the DoP campaign launched in April 2007 aims at creating a corridor of peace and reaching out to around 250,000 under-five children, 50,000 children less than one year old, and 60,000 mothers in 70 conflict-affected barangays in Mindanao. The services provided include immunization, micronutrient supplementation, de-worming, breastfeeding counseling, birth registration and distribution of basic school supplies. As a rolling campaign, it shall expand its areas of coverage in other peace agreement areas and the UNICEF-assisted CPC 6 areas in Luzon and Visayas.

253. Also under the GOP-UNICEF 6<sup>th</sup> Country Programme for Children 2005-2009, special protection measures and basic social services to boys and girls affected by armed conflict have been provided and supported. As of mid-2007, more than 20,000 children in 64 conflict-affected barangays (45 in Mindanao, 15 in Visayas and 4 in Luzon) had been provided basic services such health and nutrition, early childhood care, basic education, and technical-vocational education and training. Other measures undertaken were youth organizing, rights advocacy, community-based peace education, and disaster management. Moreover, in the conflict-ridden regions of Sulu, Samar, Surigao del Sur, Quezon, North Cotabato and Maguindanao over 10,000 families who were displaced because of escalating hostilities between government forces and non-state actors were given emergency relief and psychosocial support services (e.g. art therapy); 3,000 pupils received school packs; and around 60,000 internally displaced persons (IDP) were provided with medicines and water purifiers. The provision of these services were facilitated through NGO partners involved in community organizing (CO) in rural, remote and hard-to-reach areas. A sustained CO strategy helps empower disadvantaged families and build community resilience and capacity to cope with emergency situations. To enable children and their families to cope with disasters and emergency situations, WVDF has introduced the concept of a child-friendly space (CFS). A CFS provides a protective environment for children ensuring their safety and continuous healthy physical, psychosocial, moral and spiritual development despite adverse circumstances.

254. The Philippines recently agreed to join the Monitoring and Reporting Mechanism (MRM) initiative following the UN Security Council Resolution No. 1612. Resolution No. 1612 asks for the establishment of MRM on six grave violations of children's rights in situations of armed conflict in countries where recruitment of children is still being reported. With support from UNICEF, the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC-CAACD) of the Council for the Welfare of Children has pushed for the establishment of MRM on children involved in armed conflict.

## **B. Children in situations of exploitation**

### **1. Economic exploitation, including child labour**

255. With 24.4 million of the population living below the poverty line, many families rely on their children's contribution to the family income. The 2001 survey on working children reported that there were 4.0 million children engaged in an economic activity during the period

October 2000 to September 2001. Of this number, about 2.3 million working children (58.5 percent) were found in agriculture and were living in rural areas. More than half, approximately 2.04 million (51.2 percent) worked for one to four hours per day. About 2.4 million working children or 59.4 percent were exposed to hazardous environment. Despite their work, 2.6 million or 65.9 percent attended school during the school year 2001-2002. While there are no exact figures, there has been increasing involvement of children in armed conflict, trafficking, and prostitution, which are classified under ILO Convention 182 as the worst forms of child labour.

256. In the Philippines, the following have been classified as among the worst forms of child labour: (a) mining and quarrying, (b) deep sea fishing, (c) children in commercial agriculture particularly sugarcane plantations, (d) children in domestic work, (e) pyrotechnics, and (f) commercial sexual exploitation. The US Department of Labour through ILO-IPEC and World Vision has provided US \$10 million to support the implementation of the Philippine Time-Bound Programme (PTBP) on Eliminating the Worst Forms of Child Labour from 2002-2007. To give more teeth to the elimination of the worst forms of child labour, RA 9231 or “An Act Providing for the Elimination of the Worst Forms of Child Labour and Affording Stronger Protection for the Working Child” was enacted on 19 December 2003. The DOLE spearheaded the formulation of the law’s implementing rules and regulations (IRR) issued through Department Order No. 65-04 Series 2004.

257. Six (6) regions, namely, Regions 3, 5, 6, 7, 11 and the National Capital Region are covered by the PTBP on the Elimination of the Worst Forms of Child Labour. As of April 2007, more than 40,000 children had been prevented and withdrawn from the six (6) worst forms of child labour through the provision of various services such as education, both through the formal system and through the alternative learning system (ALS), psychosocial counseling, rehabilitation assistance, basic health care, legal assistance, and livelihood alternatives for their families.

258. The core activities implemented under the PTBP on the Elimination of the Worst Forms of Child Labour include: (a) development of advocacy and IEC materials such as video series on child labour in DVD form and TV and radio plugs addressing the six (6) worst forms of child labour; (b) provision of opportunities for education, both through the formal system and through alternative learning systems (ALS), and vocational skills training; (c) livelihood generation using appropriate technology and micro-enterprise development for families of child labourers; (d) training on basic life skills for children and promoting occupational health and safety; (e) capacity building and training on child labour monitoring; (f) strengthening and sustaining the Sagip-Batang Manggagawa (SBM, literally means rescue the child laborer) mechanism to rescue children from the worst forms of child labour; and (g) expansion of the labor force survey to include data on working children and inclusion of child labour concerns in DOLE’s labour standards enforcement framework; (h) master-listing of 23,922 children in the worst forms of child labour, 3,243 siblings of child labourers, and 21,924 children at risk; and (i) institutionalization of child monitoring systems.

259. The Sagip-Batang Manggagawa (SBM) rescue mechanism has been operational in 16 regions around the country. To date, there are thirty-three (33) SBM Quick Action Teams (QATs) in seven (7) provinces and eight (8) cities. From 1998 to 2006, a total of 601 rescue operations were conducted with a total of 2,161 child labourers rescued. Of the 2,161 rescued

child labourers, 1,100 were girl children rescued from various worst forms of child labour including prostitution. As of November 2006, DOLE had closed down four (4) establishments pursuant to RA 9231 for employing minors in lewd or obscene shows.

260. On the preventive side, another NGO partner called ERDA (Educational Research and Development Assistance) had extended educational assistance to 27,554 working children as of June 2005. As of 2006, the World Vision Development Foundation, Christian Children's Fund (CCF), ERDA and Plan Philippines provided educational assistance to 31,349 child labourers (16,304 girls and 15,045 boys) under its project Pag-aaral ng Bata Para sa Kinabukasan (Educating Children for the Future). From 2004-2007, Winrock International, through its CIRCLE project in partnership with local NGOs, provided direct services including education that led to the withdrawal of 1,741 children from the worst forms of child labour. During the period 2004-2005, the Visayan Forum Foundation assisted a total of 18,135 child domestic workers with various services such as health and medical care, legal assistance, counseling and psychosocial services, referral, education and vocational training, among others. The Regional Office No. 1 of the Department of Labour and Employment, as part of its Eliminating Child Labour in the Tobacco Industry Project provided educational assistance to over 100 child labourers for the period 2003-2005.

261. Other major actors in the elimination of the worst forms of child labour include the Trade Union Congress of the Philippines (TUCP) and the Employers Confederation of the Philippines (ECOP):

(a) TUCP conducts workers education and performs child labour monitoring as its contributions to the elimination of the worst forms of child labour. As of October 2006, TUCP was able to withdraw 60 child labourers from three (3) haciendas or sugar cane plantations in Negros Oriental; assisted 93 victims of trafficking; rescued six (6) girls from prostitution and prevented the employment of 100 children in the sex industry. As part of its public information and media campaign, TUCP conducted five (5) anti-labour mall shows in Manila reaching about 20,000 people. The local level orientation it has been conducting at barangay levels has reached 185,052 individuals, 3,868 organizations in 2,565 villages in 15 regions;

(b) ECOP, as part of its corporate social responsibility (CSR) programme, instituted the annual recognition for child labour-free and child-friendly firms to encourage employers to stop child labour in their businesses and supply chains. ECOP had awarded 24 companies recognized as child labour-free and child-friendly in 2006 and 33 companies and organizations in June 2007. Its CSR programme also includes provision of direct services to children through a "return to school" programme and children's referral to health care service providers and to institutions offering alternative education and technical-vocational education and training.

262. As part of their own advocacy and public awareness-raising on their plight and their attempts to take part in their own protection, child labourers have actively participated in various advocacy events, notably the Global March against Child Labour and the World Day against Child Labour celebrations. On 12 June 2007, in celebration of the World Day against Child Labour, about 1,000 child labourers organized under a national coalition of child workers in commercial agriculture gathered at the Quezon Memorial Circle in Quezon City to campaign against child labour in agriculture. The theme of the celebration was "Harvest for the Future: Agriculture without Child Labour". On 14 June 2007, a document providing for a Call to Action

on the elimination of child labour in agriculture was signed by the Department of Labour and Employment (DOLE), the Department of Agriculture (DA), the Department of Agrarian Reform (DAR), the Employers Confederation of the Philippines (ECOP), the Trade Union Congress of the Philippines (TUCP), and the Federation of Free Workers (FFW). Likewise, a Forum on Child Labour in Agriculture was conducted to (a) raise awareness of child labourers in the agricultural sector, and (b) take action to ensure that children do not carry out hazardous work in agriculture. The forum served as a venue for sharing some programme initiatives to eliminate child labour in agriculture such as child labour in sugar cane and tobacco plantations.

263. Despite the above accomplishments, it cannot be denied that there is still a big number of working children out there who have not been reached. As of date, DOLE has only been allocating about Php 500,000 annually to activities preventing child labour and eliminating the worst forms. Given the magnitude of Filipino working children (4.0 million as of 2001) and with DOLE's limited resources, there has been dependence on external resources to address the situation (e.g. ILO-IPEC, US Department of Labour, and UNICEF, among others). However, the DOLE is now doing its best efforts to allocate resources from the national budget and from other local sources to fund initiatives to combat child labour and therefore gradually reduce its current dependence on external assistance.

264. The child labour problem, as it is, is a complex problem that needs to be addressed through the convergence of resources, initiatives and good practices from among government, non-governmental, church or faith-based organizations, academe and even international organizations. These multi-sectoral partners comprise the network that implements the National Programme against Child Labour (NPACL), with DOLE acting as the lead agency. The NPACL represents the best efforts of the country's network of multi-sectoral partners in harnessing the collective action of individuals and organizations for eliminating the worst forms of child labour and transforming the lives of child labourers, their families and communities towards their own empowerment and development. The NPACL will therefore be strengthened and sustained by making more resources available to the programme. Very recently, on 31 August 2007, DOLE adopted the new Philippine Programme against Child Labour Framework for the period 2007-2015 based on a performance assessment of the NPACL for the period 2001-2006.

## **2. Sexual exploitation, child pornography and trafficking**

265. The Philippines is recognized as a source, transit and destination country for cross-border trafficking of women and children for the purpose of sexual exploitation and forced labour. Due to the clandestine nature of trafficking, pornography and prostitution, and the lack of strong data collection mechanism, it is difficult to determine the number of child victims although the concerned government and non-government organizations have estimated the number of prostituted children between 60,000 to 100,000. According to a 2005 Situation Analysis of Child Trafficking in the Philippines, trafficked children are generally female, between 13 to 17 years old, coming from large and poverty-stricken families, and with some years of schooling at elementary level and at least first year of high school.

266. While there is absence of systematized and disaggregated data on child trafficking, pornography and prostitution, several studies on these issues had been conducted between 2001 and 2006. These studies include, among others, the following:

(a) *Rapid Appraisal of Child Pornography in the Philippines* commissioned by UNICEF and conducted by the UP Center for Integrative Development Studies Psychosocial Trauma and Human Rights Programme (UP-CIDS-PST) in 2004. The study uncovered an increasing incidence of child pornography in the country although it failed to specify the magnitude. It also underscored the lack of effective laws addressing pornography including the use of the internet;

(b) *Endangered Generation: Child Trafficking in the Philippines for Sexual Purposes* was a study conducted by ECPAT Philippines in 2004. It generated data and information on profiles of child victims and perpetrators, modus operandi, situation of child sexual exploitation, and the status of law enforcement in seven (7) high risk areas in the country;

(c) *Local Trafficking of Filipino Girls for Employment: The Case of Girl Children Trafficked for Entertainment Work, Domestic Service and Factory Work* was a study conducted by the Institute of Labor Studies (ILS) of the Department of Labor and Employment (DOLE) and UNICEF. The study documented the experiences of 24 trafficked children ages 14-17 at various stages of the trafficking process. It recommended the following: (a) community-based information campaign to provide informed choices to children and parents; (b) activating barangay councils for the protection of children; (c) strengthening labour inspectorate system and surveillance and rescue mechanisms; (d) formulation of a comprehensive programme framework against child trafficking;

(d) *Integrating Indigenous Knowledge and Practices into the Psychosocial Help and Support for Child Survivors of Trafficking and Sexual Abuse* was another study done by the UP-CIDS-PST and ILO-IPEC on present and existing paradigms which determine healing responses to the child survivor. The study argued for a new paradigm which emphasizes utilizing children's inherent competency and resiliency in resisting and surviving sexual abuse and exploitation. It promotes the active participation of the child victim in the healing process in the context of his/her subculture and normal network of family and community relationships.

267. In May 2003, RA 9208 or the Anti-Trafficking in Persons Act was signed into law. This is a comprehensive legislation that institutes policies and programmes to eliminate trafficking in persons, especially women and children. It identifies and criminalizes acts of trafficking and also institutionalizes mechanisms for the protection and support of trafficked persons. As of January 2005, there were 24 cases filed in court for violations of RA 9208 while 31 cases were at the preliminary investigation stage. There have been at least eight (8) convictions of trafficking cases since the passage of the law. The law includes provisions on victim compensation, recognition of the right to privacy of trafficking victims, and witness protection, among others. As provided for under the law, the Inter-Agency Council against Trafficking (IACAT) has been created and has been tasked to monitor and coordinate implementation of the law. The IACAT is chaired by the Secretary of the Department of Justice and co-chaired by the Secretary of the Department of Social Welfare and Development.

268. A National Strategic Action Plan against Trafficking in Persons 2004-2010 has been adopted by IACAT and covers the key components of prevention, protection, recovery and reintegration. The strategic actions that will be employed are advocacy and social mobilization, capacity building, data collection and management, provision of essential services, alliance building and networking, research and documentation, and strengthening institutional mechanisms. An earlier but closely related programme document that had been in place but

needs updating and revision is the National Framework of Action Against Commercial Sexual Exploitation of Children 2001-2005 (FA-SACSEC) which was developed following the Declaration and Agenda for Action and the Global Commitment at the World Congress against Commercial Sexual Exploitation of Children. The FA-SACSEC served as a guide for local government units and other stakeholders in the formulation, implementation, and monitoring of policies and programmes relevant to child trafficking, pornography and prostitution. As in the Anti-Trafficking Strategic Action Plan, the FA-SACSEC had key components on prevention, protection, recovery and reintegration and a fifth component on child participation.

269. Significant specific core activities addressing sexual exploitation, child pornography and trafficking include, among others, the following:

(a) The Department of Tourism (DOT), in partnership with Child Wise Tourism Australia, has adopted the Child Wise Tourism Campaign in the Philippines and continues to enjoin hotels, resorts, tour operators, and other actors of the private tourism industry to report suspected cases of child sex tourism. DOT's launching of the Child Wise Tourism in the Philippines has received support from the embassies of Australia and New Zealand as well as from travel agencies and tour operators. DOT has also established partnership with Sea Air and Globe for this purpose. Maximizing its existing partnerships, DOT trains the private sector on how to detect cases and where to report them;

(b) The Philippine Center on Transnational Crime (PCTC) created under Executive Order No. 62 is in charge of formulating and implementing a concerted programme of action for all law enforcement agencies, intelligence agencies and other relevant bodies for the prevention and control of trafficking in women and children. Through improved coordination, the PCTC is likewise directed to undertake research and maintain a data bank on trafficking;

(c) With support from UNICEF, the Department of Justice has trained a pool of 30 state prosecutors to handle trafficking cases involving women and children, including focus on gender-sensitive and child-friendly investigation procedures and effective gathering and handling of evidences against alleged perpetrators. The Philippine National Police (PNP) has likewise trained 230 police investigators on the investigation of child trafficking, pornography and prostitution;

(d) A total of 1,570 Women and Children's Desks (WCDs) set up in 98 percent of all major police stations around the country are manned usually by women police officers who have been trained on child-sensitive and child-friendly investigation procedures. More than 60 percent of police officers assigned to WCDs in CPC 6 areas were trained on the proper investigation of crimes involving women and children, and on investigation procedures for cases of child trafficking and on-line child pornography. The Violence against Women and Children Division (VAWCD) and the Anti-Human Trafficking Division (AHTRAD) within the National Bureau of Investigation (NBI) are also tasked to investigate cases involving women and children including trafficking, prostitution and pornography. The NBI has fourteen (14) "one-stop-shop" woman and child-friendly investigation studios in selected cities and regions in the country. NGOs like the International Justice Mission (IJM), the Child Justice League (CJL) and Women LEAD help in the prosecution of trafficking cases;

(e) The Department of Social Welfare and Development (DSWD) implements the following projects on child trafficking: (a) *Support for Victims/Witnesses of Trafficking in Human Beings* (in partnership with UNODC) which aims to provide rehabilitation, counseling, temporary shelter as well as vocational training for victims and witnesses of trafficking and is being implemented in Regions 3, 8 and 9 reaching 1,556 cases as of June 2007; and (b) *Developing Systems, Tools and Capacities to Improve Delivery of Recovery and Reintegration Services to Victims of Trafficking* (in partnership with ILO) which aims to improve the delivery of recovery and reintegration services to rescued trafficking victims as well as build capacities of service providers through skills training and development of database system on recovery and reintegration of trafficked victims. This project, which started in 2007, will be implemented for the next eighteen months in Regions 1, 3, 4-A, and NCR;

(f) The Filipino Initiative against Trafficking (FIAT) is an advocacy activity against trafficking in persons through partnership with NGOs. The project has three components: road show; orientation and training for law enforcers and prosecutors; and training and capacity building of social workers, medical officers, psychologists and other service providers from government and NGOs;

(g) Asia ACTS (Asia against Child Trafficking) has led the regional campaign against trafficking in Southeast Asia including the Philippines. Asia ACTS has been conducting community-based education sessions on trafficking in selected barangays, along with ECPAT Philippines (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and the network of agencies under PACT (Philippines against Child Trafficking). About 800 village communities all over the country have been reached by Asia ACTS through almost 1,000 community-based education sessions that it has conducted so far;

(h) The Philippine Children's Ministry Network (PCMN) of the Philippine Council of Evangelical Churches (PCEC) has also been conducting community-based and church-based training on how to prevent and control child trafficking and commercial sexual exploitation. PCMN has particularly targeted pastors, deaconesses and church workers for their preventive, community-based education programmes. Childhope Asia-Philippines (CHAP), on the other hand - in partnership with other NGOs such as Pangarap Shelter, Sun for All Children, FCED, and city social welfare offices - has focused on community-based advocacy, mobilization and networking against child prostitution in Pasay, Manila, Caloocan, Quezon City and other parts of Metropolitan Manila;

(i) The Visayan Forum Foundation (VF), in collaboration with the Philippine Ports Authority and with support from UNICEF, opened a half-way house at the Manila South Harbor, Sorsogon, Davao, and Batangas ports to assist and protect women and children stranded at the port and thus prevent the possibility of trafficking. The half-way home provides information to disembarking migrants about travel, employment, and tracing support networks; 24-hour hotline assistance and reporting desk for stranded children; and temporary shelter, food, and recreation activities. The programme already assisted a total of 14,618 victims and potential victims of trafficking for the period July 2001 to March 2007. Of this number, 147 trafficking victims filed criminal cases against the recruiters, traffickers and/or employers. Psychosocial recovery and social reintegration services, especially for girls involved in sexual slavery, are likewise provided. The Visayan Forum Foundation has also been engaged in mobilization and capacity building of partners through the Anti-Trafficking Task Force at the Port with assistance from

UNICEF. To prevent trafficking, VF has advocated in source communities and transit routes by disseminating information through tri-media and lobbying for local ordinances. VF also implements the Stop Trafficking and Exploitation of People through the Unlimited Potential (STEP-UP) project in partnership with Microsoft by providing IT skills training to current and potential victims of trafficking and helping them to find better access to employment opportunities. This is facilitated in three VF centers and is coursed through the Community Technology Learning Centers (CTLIC) run by twelve (12) local NGO partners nationwide. During the period June 2006 to May 2007, the project had 3,109 enrollees where 2,313 of them already graduated from computer training with 1,183 already employed;

(j) Plan Philippines, together with Visayan Forum and the Philippine Ports Authority has also established the operation and management of a half-way house in Matnog, Sorsogon which is a transit point for trafficking women and girls from the Visayas to Metro Manila and the rest of Luzon. An integral component of the RBA-PORT (Rights Based Approach in Protecting Victims and Organizing Responsive Task Forces against Trafficking) project, the half-way house was established in 2005 and since then has been catering to the needs of intercepted trafficked victims. As of 2006, a total of 2,043 trafficked children, mostly girls, had been served by the half-way house and the RBA-PORT project;

(k) The Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA), in partnership with the Department of Education (DepEd), had piloted the Personal Safety Lessons (PSL) project in twelve schools in seven (7) provinces during the period 2001-2004. The PSL, which is a strategy for primary prevention, is designed to protect children from abuse, specifically sexual abuse. The PSL aims to empower children to take part in their own protection by giving them information, skills, and self-esteem. The basic components of PSL include (a) age-appropriate information, (b) skills to handle the information, and (c) build self-esteem for the courage to practice the skills based on the information. The pilot project reached an average of 6,000 students annually through 154 trained teachers and seven (7) organized support teams. The successful pilot implementation of the PSL (e.g., as shown in more children and students gaining more knowledge, skills and capacities to distinguish between safe and unsafe adult touches) has encouraged both DepEd and CPTCSA to expand to twenty four (24) schools in 2006;

(l) Stairway Foundation Inc. has developed an animation tool kit for the prevention of child sexual abuse in cooperation with CPTCSA, DSWD, and Childhope Asia-Philippines, among other organizations. The first animation film entitled "Daughter" is a story of incest developed in 2003. The second animation film produced in 2005 is a story of pedophilia entitled "A Good Boy". These animation films come with printed booklets on how to use the animation and how to deal with disclosures from child victims. A third animation film currently being produced is on child trafficking and child pornography. The animation tool kit has been found useful as an advocacy material aimed at breaking silence on the issue of child sexual abuse. Stairway Foundation is currently exploring partnership with the Philippine Inter-Faith Network for Children (PHILINC) to extend its advocacy for the prevention of child sexual abuse to the network of church communities and faith-based organizations. Stairway Foundation also conducts workshops for children and caregivers combining children's rights and prevention of child sexual abuse.



270. With UNICEF support, the CWC Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation (SC-SACSEC), in partnership with IACAT and other interagency networks for children, has paved the way for an organized and systematic approach to the issue of child pornography through the conduct of regional conferences and multi-sectoral dialogues. A new partnership between UNICEF and Netopia, one of the largest internet café services in the Philippines with over 200 shops all over the country, on internet safety and anti-child pornography campaign augurs well for an expanded network for the prevention and control of child pornography and sexual exploitation on cyberspace. Partnerships and alliances with faith-based organizations, under the umbrella of the Philippine Inter-Faith Network for Children (PHILINC) has likewise widened the reach of anti-pornography and trafficking initiatives, particularly community-based education and prevention programmes.

271. USAID has also supported a number of trafficking in persons initiatives in the Philippines over the last two to three years. These initiatives focus on: (a) prevention through awareness raising and educational campaigns; (b) protection through provision of direct services to victims and potential victims; and (c) prosecution through support for the effective implementation of the anti-trafficking law. In support of these initiatives, USAID allocated the amount of US \$ 605,000. These projects include the following:

(a) A one-year grant to the National Office of Mass Media (NOMM) and a local non-government organization for the project “Trafficked! The Selling of Our Women”. The project is conducting a media and public information campaign on trafficking in persons. The project’s activities include daily radio drama, radio and television spots, TV documentaries, press articles, texting services, and website development;

(b) A three-year grant to the Coalition against Trafficking in Women - Asia Pacific (CATW-AP) for the project “Campaigning against Trafficking in the Philippines”. The project focuses on the following activities: (a) conduct of preventive education seminars in communities most vulnerable to trafficking, (b) conduct of consultations with appropriate government agencies to promote cooperation on trafficking cases, (c) conduct of a vigorous campaign for the implementation of the Anti-Trafficking Law, (d) promotion of sustained and systematic documentation of trafficking cases, (e) conduct of an educational campaign targeting young men in selected areas, and (f) sharing of best practices in combating trafficking and sexual exploitation;

(c) A three-year grant to End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT-Philippines) for the project “Continuing Community Empowerment against Sexual Exploitation of Children”. The project aims to raise community awareness on trafficking of children in selected high-risk communities and seeks to empower children and youth through development workshops. It also documents the exploitation of children in tourism, child trafficking, and child pornography;

(d) An eight-month grant to the Visayan Forum Foundation (VFF), a local NGO for the project “Protecting Victims and Potential Victims of Trafficking in Persons towards Effective Investigation and Prosecution of Traffickers”. The project focuses on internal trafficking and provides direct services to victims and potential victims of trafficking through the operation of halfway houses. As already indicated earlier, the halfway houses directly provide temporary shelter, repatriation, referral, and counseling to intercepted victims of trafficking at the Manila,

Davao, Batangas, and Sorsogon ports. Other activities include: (a) development of anti-trafficking information, education and communication materials, and dissemination in all ports covered by the project; and (b) conduct of training on anti-trafficking for law enforcement agencies and selected family and regional trial courts.

272. Despite all the above efforts, and assuming the existence of a well organized network of child traffickers and exploiters locally, nationally and globally, the State party should take proactive steps in order to better protect its children and women from the forces of trafficking, prostitution and pornography. Some of these steps include: (a) increase investment in and support for community-based, preventive interventions addressing poverty, income inequality, and low access to basic social services among the poor and disadvantaged families; (b) tap the networks and resources of faith communities and faith-based organizations to undertake initiatives on parenting and family life education, children and youth participation and empowerment, life skills education, and vocational training, among others; (c) organize, activate, strengthen and sustain local councils for the protection of children (LCPC) equipped with capacity to build and manage database on children at risk, to do community action planning, resource generation, and programme implementation, monitoring and evaluation; (d) continue process of review and reform of child protection laws, determining gaps based on the principles and standards of the CRC and other international standards. Regarding the latter, serious work should now be done to formulate proposed bills on child pornography, including pornography on cyberspace, and on the minimum age of sexual consent, and then mount vigorous advocacy and lobbying campaign for their enactment into laws.

273. It should be noted, however, that the Philippines has been upgraded in the annual US Department of State Trafficking in Persons (TIP) report from tier three watch list in 2004 and 2005 to tier two in 2006. Tier two includes countries whose governments do not fully comply with the minimum standards of Trafficking Victims Protection Act but are making significant efforts to bring themselves into compliance with these standards. As of 2007, the Philippines remains in tier two of the TIP watch list.

### **3. Drug and substance abuse**

274. In 2003, there were 1.8 million drug users in the country, with shabu being the favored drug. This number almost doubled in a span of one year with 3.4 million drug users in 2004. The Philippine Drug Enforcement Agency (PDEA) reported in 2002 that 3,489 barangays (or eight percent of the total) were drug-affected. That same year, PDEA identified 215 local drug syndicates. Currently, over 200 major drug syndicates operate in the Philippines, more than 24 of them are foreign, most of which are Chinese.

275. Statistics from the Philippine National Police (PNP) show that 65 to 75 percent of heinous crimes are drug-related. In terms of illegal drugs seized the Philippines ranks 6<sup>th</sup> among Asian nations. It is no longer just a transit point for illegal drug; it has become a major manufacturing center for shabu as well as a major consumer. Likewise, in the 2004 report of the United Nations Office on Drugs and Crime, the Philippines ranked third in the world as a top producer of methamphetamine hydrochloride.

276. The Philippines is a signatory to a number of international agreements, (e.g., the Single Convention on Narcotics Drugs and the Agreement on Psychotropic Substances) designed to

achieve coordination and uniformity in the war against drug abuse. The Dangerous Drugs Board was created, through RA 6425 or the Dangerous Drugs Act of 1972, to serve as the national policy making and coordinating body of the government on all matters pertaining to drug abuse prevention and control. RA 6425 was amended on 7 June 2002 with the passage of RA 9165 or the Dangerous Drugs Act of 2002.

277. Street children and urban working children are among the categories of children in need of special protection who are most vulnerable to drugs and substance abuse. Of the estimated 246,000 street children in the major Philippine cities as of 2001, about 54 percent had experiences of drugs and substance abuse. A participatory study conducted for ILO in 2004 by the Department of Sociology and Anthropology of the Ateneo de Manila University covering three urban poor communities in Metro Manila looked into the profile of street children and urban working children who were using drugs. They are generally male ages 9-15 years; out-of-school or school drop-outs; and they come from large and impoverished families where there is high level of violence and vices.

278. The reasons for their initiation into drugs include curiosity, need to assert one's identity and power, need to belong, peer influence, and escape from family problems and tensions. They are initiated and recruited to the drug network by people close to them such as their peers (barkada); family/relative; neighbors engaged in drug use, sale and trafficking. While peer influence is key in drug initiation, the children are mainly used by adults as runners or watchers. They earn more from these drug-related activities than when they sell newspapers or wash and wash cars.

279. There are only 64 rehabilitation centers all over the country; 46 of which are accredited and the rest have temporary permits to operate. There are 23 outpatient centers nationwide; only 13 are accredited and 10 with temporary permit. Given the increasing number of drug users in the country, these rehabilitations centers are not enough. Moreover, all these facilities serve the general population of drug abusers and not necessarily meant for young people only.

280. The strategies adopted by the PDEA to address the drug problem include supply reduction, demand reduction, and civic awareness, among others. Supply reduction takes away the drugs from potential users through effective law enforcement and regulatory compliance. Demand reduction is geared towards reducing the users' demand for drugs and other substances through preventive education, treatment and rehabilitation, and research. Preventive education is done in schools, in workplaces, and in the communities. Civic awareness includes massive advocacy and IEC campaigns on the evils of drugs.

281. For preventive education and civic awareness campaigns, PDEA has reached the following in 2006: (a) 3,398 students and youth; (b) 3,240 out-of-school youth; (c) 831 barangay and community leaders; and (d) 153 persons from various professional associations. It has also launched the following initiatives:

(a) *Project Himagsik*, which brings together government agencies with youth and student organizations, religious groups and faith communities, and the rest of civil society to generate public awareness on the evils of illegal drugs;

(b) *Barkadahan Kontra Droga*, launched in early 2004 by the Dangerous Drugs Board to prevent young people from involvement with illegal drugs and other substances;

(c) *Kontra Droga 2004*, which was the government's general anti-illegal drugs campaign which brings together various groups and agencies in the war against drugs.

282. Other government agencies involved in drug abuse prevention and control include the Department of Education (DepEd) and the Department of Labour and Employment (DOLE). DepEd has coordinated with DARE (Drug Abuse Resistance Education) to provide education, training and awareness-raising programmes for in-school children and young people. DOLE, on the other hand, has been responsible in implementing workplace-based prevention and control of drugs, alcohol and other substances. The DSWD has been implementing the following programmes: (a) Family Drug Abuse Prevention Programme (FDAPP), which aims to educate and prepare families and communities on the effects of drug abuse following relevant provisions of the Comprehensive Drugs Act of 2002; and (b) Special Drug Education Center (SDEC), being piloted in Region 5 and NCR, is a community-based facility that promotes developmental services for out-of-school youth and street children as preventive strategy against drug abuse.

283. NGOs like Childhope Asia-Philippines (CHAP), the National Council for Social Development (NCSO) and its member agencies particularly in Metro Manila, among others, have been implementing life skills education to prevent drug and substance abuse among street children and urban working children. CHAP has utilized the child-to-child approach through the training of Junior Health Workers (JHWs) among the street children who in turn will facilitate provision of health and other social services to their peers on the streets.

284. The challenges in addressing drug and substance abuse, particularly among young people, have increasingly become more complicated and difficult. It is in this context that the Philippines had participated in the UNODC/WHO Global Initiative on Primary Prevention of Substance Abuse during the period 1998-2003. Best practices and lessons learned from the Philippine experience under the Global Initiative have been used to develop and implement programmes on primary prevention of substance abuse. Despite all efforts, there is an urgent need for scaling up and sustaining best practices in order to reduce the numbers of children and young people being trapped into drugs and other dangerous substances.

285. The changing landscape on the drug situation and challenges in the Philippines can be aptly describe in the slogans used by the government in its campaign against illegal drugs over the years. During the 1980s and 1990s, the slogan was "Save the User, Jail the Pusher". This has now changed to "Report the Pusher. Report Drug Labs. Rehabilitate the User" - an indication that the current campaign against illegal and dangerous drugs recognizes the vulnerability of children and minors being introduced, and eventually trapped, into drug abuse. Focus on community-based prevention education programmes involving the families, schools, local church communities, and neighborhood organizations, among others, has been given priority attention.

### **C. Children in conflict with the law**

286. Children in conflict with the law (CICL) are likewise vulnerable to abuse and violence and other instances of human rights violations. Based on reports of the Department of Social Welfare

and Development (DSWD), there are approximately 10,000 CICL who are provided services by the department annually. More than 1,200 CICL are being served in the eleven (11) regional rehabilitation centers for youth (RRCY) and about 9,000 are provided community-based interventions by local social welfare and development offices. Ninety (90) percent of children in conflict with the law are male. The majority of these children are 14-17 years of age; they come from poverty-stricken families, and have minimal education.

287. Based on records of the Philippine National Police (PNP) crimes committed by CICL are mostly property-related and are therefore linked to conditions of deprivation and poverty experienced by the children. More than 70 percent of the crimes committed by children are non-serious crimes that could be best handled through non-judicial measures. Unfortunately, children are oftentimes detained with adults in cells that are overcrowded and where sanitation is poor, food is inadequate and health care and educational programmes are non-existent. The delays in the hearing of cases in court and the tendency of judges to order detention of children even for petty offenses work to the disadvantage of the children.

288. The passage on 23 April 2006 of RA 9344 or the Juvenile Justice and Welfare Act (JJWA) of 2006 has been a great leap forward in improving the legal and judicial protection of children. However, information on and proper understanding of the law has yet to be widely disseminated not only to the general public but especially to the major implementers of the law, some of whom are not yet fully aware of its provisions and its implementing rules and regulations. But with the passage of the law, the number of children detained with adults has already decreased. As of September 2006, there were 1,102 CICL detained in jails managed by the Bureau of Jail Management and Penology (BJMP). Efforts have been made to provide for completely separate detention facilities for these children, but this has been fully achieved only in Metro Manila and in Cebu City (i.e., Operation Second Chance). While the conditions in these separate facilities are not ideal, they are much better than the conditions in the ordinary jails where children are detained together with adults.

289. Records of the Juvenile Justice and Welfare Council (JJWC) - which was created under RA 9344 to oversee the implementation of the law and to advise the President on all matters and policies relating to juvenile justice and welfare - showed that the number of CICL has decreased from 5,297 in December 2006 to 1,392 in June 2007. The data indicate that the relevant government agencies including the Department of Justice and the Public Attorney's Office have acted on the situation of CICL pursuant to RA 9344 and its IRR and Executive Order No. 633 providing for the immediate release of detained CICL as declared under RA 9344. Table 15 shows the breakdown of CICL by region and institutions as of December 2006 and June 2007.

290. To date, out of a total of 2,195 state prosecutors, only thirteen (13) percent or 300 prosecutors have been oriented and trained on the provisions of RA 9344 and its implementing rules and regulations (IRR). Other pillars of the justice system including law enforcers, public attorneys, judges, social workers likewise have to be oriented and trained on the JJWA and its implementing rules and regulations. The JJWC still has a big challenge of getting the law properly understood and implemented, particularly at the level of local government units (LGUs).

**Table 15. Inventory of children in conflict with the law (CICL) by region as per records of the Juvenile Justice and Welfare Council (JJWC), 2006 and 2007**

Region/Institution	No. of CICL as of Dec 2006	No. of CICL as of June 2007
Region 1	276	70
Region 2	123	6
Region 3	257	6
Region 4-A	418	60
Region 4-B	251	9
Region 5	89	30
Region 6	416	8
Region 7	456	83
Region 8	174	8
Region 9	412	58
Region 10	158	63
Region 11	478	11
Region 12	518	11
CARAGA	102	33
CAR	102	24
ARMM	23	6
NCR	155	80
BuCor	355	428
CRADLE	179	171
MOLAVE	103	91
MYRC	80	113
Pasay Youth Home	10	23
BJMP Nat'l	162	
<b>Total</b>	<b>5 279</b>	<b>1 329</b>

291. A national juvenile intervention programme has already been developed by the JJWC in consultation with relevant government agencies, NGOs and youth organizations. But this national juvenile intervention programme has to be localized and instituted at the LGU level from the provinces down to municipalities, cities and barangays. Given the number of provinces (81), municipalities (1,496), cities (132) and barangays (41,994), this will take considerable period of time. Section 15 of the juvenile justice law provides for the creation and strengthening of the local councils for the welfare of children (LCPC) which will serve as the primary agency to coordinate the formulation and implementation of the juvenile intervention programme at the LGU level. As stated in earlier sections of this report, the number of functional LCPCs nationwide remains low. Only 58 percent of provinces, 49 percent of cities, 34 percent of municipalities, and 17 percent of barangays have functional LCPCs. Given this scenario, the JJWC needs unrelenting support and cooperation of all concerned agencies and sectors.

#### **D. Children living or working on the streets**

292. A study commissioned by UNICEF in 2001 estimated the number of street children at 246,000 in the major Philippine cities with Metro Manila, Metro Cebu and Metro Davao having the largest numbers. Out of this number, about 50,000 were considered "highly visible

street children” who spend most of their time on the streets, have little or no family contacts, and are highly vulnerable to various risks such as substance abuse, accidents, hazardous work, sexual abuse and commercial sexual exploitation, sexually transmitted infections (STI) and HIV/AIDS, and involvement in organized crime, among others. More than 67 percent of street children in the Philippines are male, with an average age of 14.6 years old. All are impoverished and mostly malnourished, with minimal education and high drop out rates. Their survival strategies on the streets, some of which the public consider as anti-social activities, include begging; selling newspapers, cigarettes, flowers and chewing gums; washing and watching cars; shining shoes; carrying baggage for grocery and market goers; scavenging for recyclable materials; and even pick pocketing, snatching and involvement in drug pushing and prostitution.

293. To address the plight of street children, a National Network for Street Children - an inter-agency body composed of relevant national government agencies such as DSWD, DepEd, DOLE, DOH, CWC, NEDA and national NGOs like Childhope Asia-Philippines (CHAP), National Council for Social Development (NCSD), and Children’s Laboratory for Drama in Education and with 22 local task forces in 32 cities nationwide - has been in existence for about 20 years. With the devolution of services for street children to the LGUs, the local task forces became directly responsible for coordinating and monitoring programmes and services for street children at the city and barangay levels. Several preventive actions, protective, and rehabilitative services have been provided by the member agencies of the NNSC and the local task forces. These preventive, protective and rehabilitative services include: basic education and vocational skills training; parenting education seminars for parents; livelihood and employment opportunities; life skills education; non-formal education, alternative education, street education, and other alternative learning schemes; counseling and psychosocial services; and legal and judicial protection measures, among others.

294. For a ten-year period from 1996 to 2006, the combined programmes and services of the member agencies of the local task forces in 32 cities nationwide and the NNSC had reached a total of more than 65,000 street children as of December 2006. While the programmes and services did not necessarily bring about a decrease in the number of street children, remarkable changes in the lives of individual street children have taken place because of the joint efforts of the local task forces and the NNSC. Documentation of success stories among street children who managed to change their lives for the better with the support of the network is available at the DSWD Street Children Programme Unit, Childhope Asia-Philippines and NCSD (e.g., a former street boy trapped in drugs becoming a traffic policeman, a sexually abused girl turning into a successful social worker, an ambulant vendor cum child scavenger becoming a school teacher, and former street children now serving as effective street educators, among others) . It is unrealistic to expect a reduction in the number of street children since by design the street children programme does not address the root causes of the street children phenomenon, i.e., poverty, injustice, inequality, and family dysfunctions, among others. Only through broader development initiatives and structural changes in the economic, political and cultural systems of Philippine society can we bring about a reduction in the number of children living on the streets and other children in need of special protection for that matter.

295. When linked with community-based prevention programmes directed at urban poor families in slums and informal settlements, street-based interventions such as the Street Education Project (SEP) being implemented by Childhope-Asia Philippines (CHAP) can effectively save and improve lives of street children who when left unattended can become

vulnerable victims of drug abuse and drug pushing, juvenile offending, sexual abuse and exploitation, trafficking, pornography, and prostitution. Sooner or later, deprived of opportunities and better choices in life, the street children will eventually embrace these activities as their strategies for survival on the streets. But with CHAP's street education programme, which is now on its tenth (10<sup>th</sup>) year of implementation, about 2,500 street children are helped annually through interventions like education, particularly alternative education; vocational skills training and financial education; health and nutrition services; counseling and psychosocial interventions, including referrals; legal protection assistance; leadership development, values formation, and building self-esteem; and seminar-workshops on human sexuality and HIV/AIDS prevention, substance abuse prevention education, among others. These interventions are provided by a pool of thirty (30) trained street educators - some were former street children, others are professionally trained social workers - operating in 26 locations in Manila, Pasay, Caloocan, Makati, Paranaque, Quezon City, and other parts of Metro Manila. CHAP maintains close linkages and collaboration with both community-based programmes such as the Families and Children for Empowerment and Development (FCED), the Salvatorian Pastoral Care for Children (SPCC) as well as center-based programmes like Sun for All Children, Pangarap Shelter, and Tahanan Sta. Luisa. Beginning in 2005, the street organizing and street education initiatives of CHAP have been reinforced by the introduction of two Mobile Education Vans (MEVs).

296. The local task forces have even involved the street children themselves in some activities and interventions for their own protection and development. The local task forces, particularly the NGO members, created spaces and provided opportunities for street children's participation in making decisions on programmes and services that serve them. Looking back, it was through the National Network for Street Children (NNSC) that the first local and national assemblies of children were held in the country. These street children assemblies (1991, 1995, 1998, 2001, and 2003) provided the early experiences and lessons learned on children's and young people's participation gradually evolving towards the development of the National Framework for Child Participation (NFCP): A Guide in Promoting and Upholding Children's Participation in the Philippines. The NFCP, while finalized by adults, was formulated with the active participation of various organizations of children federated under the National Coalition of Children's Associations in the Philippines (NaCCAP).

297. As early as 1987, the NNSC has already emphasized a three-pronged strategy to respond to the unique needs and circumstances of street children. These are: (a) community-based preventive actions; (b) center-based services; and (c) street-based interventions. The community-based interventions are directed to street children who still have families and have maintained regular contacts with their families and communities. They constitute about 75 percent of the street children population. Only about five (5) percent of the street children are abandoned or are deprived of a family environment; they are primarily the targets of the center-based programmes and services. The remaining twenty (20) percent are those who spend most of their time on the streets and are engaged in various street-based economic activities for their survival. They are the focus of street-based interventions such as street education, street organizing and street-based health services. All three approaches are still being implemented although in varying degrees of effectiveness and success in all the cities participating in the National Network for Street Children and the local task forces.



298. As part of the GOP-UNICEF 6<sup>th</sup> Country Programme for Children 2005-2009, UNICEF has continued its support to the NNSC as well as to NGOs and LGUs providing preventive and protective services for street children. Aside from providing support to advocacy, capacity building for social workers and service providers, parenting education for families of street children and other CNSP, data collection and data base building, and research and documentation, UNICEF provided educational supplies, formal and informal educational assistance, vocational skills training, alternative learning system (ALS) and street education. Street children and out-of-school youth were also provided opportunities for life skills education (i.e., life planning and goal-setting sessions, leadership formation, interpersonal relationships, values clarification), alternative education programmes (e.g., gender sensitivity, substance abuse, adolescent sexuality, STI and HIV/AIDS), as well as paralegal assistance, counseling and psychosocial services. As of May 2007, close to 30,000 street children and out-of-school youth from the urban poor benefited from these services.

299. UNICEF also supported the evaluation on the NNSC conducted in early 2007. The evaluation process was aimed at revisiting the terms of reference (TOR) of the NNSC, its vision, mission and goals in light of changing social realities. As a result of the evaluation, the NNSC needs to focus its role in terms of the following: (a) advocacy and policy development, (b) coordination and networking, (c) training and capacity building, (d) innovation, piloting, and model-building, (e) organizing for participation and empowerment, and (f) monitoring and evaluation. The lodgment and secretariat of the NNSC has transferred from the Department of Social Welfare and Development (DSWD) to the Council for the Welfare of Children (CWC) following its revised terms of reference. The NNSC had recently formulated a three to five-year strategic plan based on the revised terms of reference. The priority thrusts identified include, among others, the following: (a) reactivation and strengthening of the city task forces on street children and clustering them into region-wide or island-wide networks for improved coordination, information exchange, and technical support; (b) investing more efforts and resources to organizing, strengthening, and sustaining local councils for the protection of children; (c) improving database at city and national levels; and (d) creating more spaces and opportunities for effective and meaningful participation of street children in decision making and programme development to make these more responsive to their realities and needs; and (e) building and strengthening family stability through effective parenting education sessions and support for livelihood activities; and (f) ongoing documentation of good examples of innovative strategies for wider dissemination and replication.

300. The NNSC study has noted that in terms of the sustained collective response to the situation of street children in the Philippines, the NGO community and faith-based organizations (FBOs) have been providing critical leadership both at national and local levels. About 70 percent of the memberships of the local task forces on street children are NGOs and FBOs. But while they are many in numbers, their combined outreach still remains limited. On the other hand, the government machinery has broader outreach although government services still do not adequately address the issues and problems confronting urban slums and squatter settlements. Therefore, a more deliberate and aggressive strategy of GO-NGO/FBO collaboration must be pursued, strengthened and maximized.

301. Experiences in working with street children of NGOs such as Consuelo Foundation, Christian Children's Fund (CCF), World Vision Development Foundation (WVDF), Educational Research and Development Assistance (ERDA), National Council of Social Development

(NCSD) and its member agencies, and Childhope Asia-Philippines (CHAP), among others, as well as NGOs operating at the sub-national and local level, must be assessed in order to draw lessons for policy adjustment and strategy and programme development. More specifically, existing conflicts in policies and strategies between the government and the NGOs (e.g., government rescue or removal of street children from the streets vs. the NGO strategy of street organizing, street education, and protected work opportunities on the streets) in addressing the street children phenomenon have to be threshed out and resolved to achieve the desired outcomes under the NNSC initiative.

302. Moreover, both the government and the NGO community need to link their programmes and services for street children and their families with broader social development efforts aimed at reducing urban poverty; promoting equitable distribution of wealth, income and opportunities; ensuring security of land tenure and housing; promoting alternative livelihood, micro-credit and employment opportunities; and facilitating effective access to basic social services such as education, health and nutrition.

### **E. Children of indigenous peoples**

303. The population of indigenous peoples (IPs) in the Philippines comprises between 10 to 15 percent of the total population or about 12 million representing 110 ethno linguistic groups who can be found in more than 50 of the country's 81 provinces. The National Commission on Indigenous Peoples (NCIP) estimates that sixty one (61) percent of the indigenous peoples live in Mindanao, while one third reside in Luzon. The remaining six (6) percent are scattered among the Visayan Islands. Of the total 12 million population of IPs, approximately 5.1 million are 18 years old and below.

304. Although the exact figures are not readily available, mortality rates (infant mortality rate, child mortality rate and maternal mortality rate) among IPs are higher than among the majority population. Birth registration is considerably lower since the bulk of the 20 to 30 percent of unregistered children come from the IPs. Availability and access to health, nutrition, water and sanitation services among IP children and their families remain inadequate. Likewise, IP children's access to education has remained a major issue despite an ongoing educational assistance programme being implemented by NCIP. Records of NCIP showed that during school year 2003-2004, a total of 11, 222 IPs were provided educational assistance; of this number, 5,252 were 18 years old and below. This is less than one (1) percent of the estimated IP child population, which means that millions of IP children are not in school.

305. The IP sector remains "invisible" in programme design for basic services provision which explains their continuing lack of effective access to basic social services. In addition, IP children and their families occasionally find themselves in extremely difficult situations. Because of military operations as part of the government's fight against the insurgents or as part of clearing operations to give way to agro-industrial ventures or development projects on indigenous lands, IP children and their families experience various instances of human rights violations including: (a) land dispossession, (b) forced displacement, (c) destruction of houses, (d) arbitrary detention and torture, and (e) some instances of summary executions. For instance, based on a report of the

Unrepresented Nations and Peoples' Organizations (UNPO) General Assembly, out of 97 reported cases of extra-judicial killings involving Filipino IPs in 2006, there were five women and 12 minors. In sum, IP children are often caught not only in situations of poverty, malnutrition and ill-health but also suffer from acts of abuse, exploitation, violence, and discrimination.

306. To address the above plight of indigenous peoples, particularly the most vulnerable members like women, children and young people, there is a need to effectively enforce RA 8371 or the Indigenous Peoples' Rights Act of 1997. Towards this end, a Medium-Term Philippine Development Plan for Indigenous Peoples (MTPDP-IP) had been formulated covering the period 2004-2008. The MTPDP-IP defined the sectoral agenda of indigenous peoples which are: right to ancestral lands and domains; right to self-governance; social justice and basic human rights; right to preservation and protection of culture, traditions, and institutions; and right to basic services. The plan identified key strategies to address basic services for the IPs such as: (a) investing in education and training, promoting health and nutritional status, and meeting housing needs; (b) protecting vulnerable groups among the IPs; and (c) promoting sustained peace and development in IP communities particularly in Mindanao.

307. The MTPDP-IP underscored the need for IP-sensitive needs assessment for basic services as well as the importance of opening windows for convergences of services responsive to the needs and circumstances of the IPs. Specific core activities and targets had been formulated: (a) setting up authentic scholarship programme for IPs; (b) curriculum development integrating indigenous knowledge, skills and practices (IKSPs); (c) promotion of non-formal education targeting about 260 NFE programmes per region per year; (d) establishment of IP community primary and secondary schools with at least one school per ethnographic region; (e) providing health insurance programme with at least 6,000 IP families enrolled per year; (f) setting up of at least 60 IP community health centers and more than 700 ECCD centers. The plan also called for the non-recruitment of IP children to serve as child labourers and child soldiers.

308. Based on 2005 NCIP report, the following activities had been conducted to address the education needs of IPs:

(a) A generic and culture-sensitive curriculum for IPs was developed in 2005 in partnership with DepEd's Bureau of Alternative Learning System (BALS) and pilot-tested during school year 2005-2006;

(b) The Institute for Indigenous Peoples' Education (IPE) was formed in response to clamor of IPs for holistic and culturally relevant IP education in Mindanao with Region 11 as pilot area. The initiative was meant to increase access and improve quality of education for the IPs. The participating agencies include NCIP, Philippines-Australia BEAM, MEDCo, MindanaWon, MINCODE, LumadsDev, and Assisi Development Foundation;

(c) Holding of a series of national forum on indigenous education called SIKAT (Schools for Indigenous Knowledge and Traditions) sponsored by the Asian Council for Peoples' Culture (ACPC) and the NCIP. The forum provided venues for dialogue with DepEd and other relevant partners towards the development of framework and guidelines for indigenous education in the context of ancestral domain sustainable development and protection plan

(ADSDPP). The forum is in keeping with the UN Declaration of the period 01 January 2005 to 31 December 2014 as the Decade of Education for Sustainable Development which recognizes the importance of indigenous education in concretizing goals of sustainable development.

309. The NCIP's planned five-year budget for basic social services and special protection amounts to Php 892.69 million broken down as follows: Php 51.9 million for health and nutrition, Php 826.7 million for education, and Php 14.09 million for elimination of recruitment for child labour and child soldiers out of a total MTPDP-IP planned budget of Php 3.7 billion. However, the implementation rate has been slowed down by bureaucratic procedures, weak institutional mechanisms within NCIP, and the constraints of inter-agency coordination in the implementation of the MTPDP-IP and the provisions of IPRA. The following actions need to be done: (a) capacity of NCIP must be strengthened in terms of adequate institutional, human and financial resources; (b) NCIP should further improve its coordination with other government agencies and build stronger partnership with NGOs and civil society organizations; and (c) ensure widest possible participation of IPs in NCIP activities at all levels.

## **IX. OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD**

310. The Philippine Government ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in May 2002 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in August 2003. As per provisions on reporting obligations of the Optional Protocols, the Philippines was due to submit report of compliance to the Optional Protocol on the sale of children, child prostitution and child pornography in 2004 and the Optional Protocol on the involvement of children in armed conflict in 2005. Thus far, only the report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been submitted in March 2007.

### **A. Optional Protocol on the sale of children, child prostitution and child pornography**

311. The government report on compliance to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has been delayed for five years now. The report is currently being prepared by the CWC Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation of Children (SC-SACSEC) and is expected to be submitted before the end of 2007. While there will be a separate and more detailed report on the Optional Protocol, highlights of actions taken to implement its major provisions are included in this report.

312. Even prior to the State party's ratification of the Optional Protocol in 2002, there were relevant laws protecting children from the sale of children, child prostitution and child pornography such as Republic Act 7610 or the Child Protection Act of 1992. However, there had been problems in the enforcement of the law due to lack of budgetary resources and weak coordination among the pillars of the justice system. Moreover, there are inadequacies in certain provisions of the law as pointed out earlier. These inadequacies have been identified and

proposed amendments have already been formulated and incorporated into CWC's legislative agenda for the 14<sup>th</sup> Congress. In addition, proposed bills addressing gaps in legislation particularly on child pornography in its various forms (including pornography on the internet) will be top priority.

313. Aside from Republic Act 7610, other relevant laws as mentioned earlier were passed since the State party's ratification of the Optional Protocol in 2002. These are: (a) Republic Act 9208 or the Anti-Trafficking in Persons Act of 2003; (b) Republic Act 9231 or the Elimination of the Worst Forms of Child Labour Act of 2003; and (c) Republic Act 9262 on the Anti-Violence against Women and their Children Act of 2004. Much earlier, in 1995, Republic Act 8043 or the Inter-Country Adoption Law was enacted not only to ensure the protection and promotion of the rights of every neglected and abandoned child but also for the purpose of preventing and deterring the sale, trafficking and further abuse of children overseas in the guise of adoption. The State Party had also ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption in 1996.

314. The enactment of the above-mentioned laws had enhanced the roles and functions of key government agencies, NGOs, FBOs and other civil society organizations in the prevention of, and the protection of children from, the sale of children, child prostitution, and child pornography. The roles and functions of selected government agencies are as follows:

(a) The Department of Justice (DOJ) is responsible for the prosecution of persons accused of trafficking, designating and training special prosecutors who will handle and prosecute cases of trafficking, establishing a mechanism for free legal assistance for trafficked persons in coordination with other organizations, and convening the Inter-Agency Council Against Trafficking (IACAT) as chair;

(b) The Department of Social Welfare and Development (DSWD) is responsible for implementing recovery, healing and reintegration programmes for trafficked persons and for developing a system for accreditation among NGOs for purposes of establishing centers and intervention programmes particularly at LGU and local community levels;

(c) The Department of Labour and Employment (DOLE) is responsible for ensuring the strict implementation and compliance with rules and guidelines relative to the employment of persons locally and overseas, monitoring, documenting and reporting cases of trafficking in persons. The Overseas Workers Welfare Administration (OWWA) is in charge of ensuring the generation of resources and provision of welfare benefits of overseas Filipino workers and their families to include victims of trafficking and illegal recruitment;

(d) The Bureau of Immigration (BI), the Philippine National Police (PNP) and the National Bureau of Investigation (NBI) are responsible for enforcing laws and measures, undertaking surveillance, investigation and arrest of suspected traffickers - both local and foreign - and coordinating closely with various law enforcement agencies for effective and sustained implementation of laws concerning sale of children, child prostitution and child pornography;

(e) The Department of the Interior and Local Government (DILG) is responsible for conducting information and advocacy campaign against trafficking among local government

units; monitoring, documenting and maintaining databank on trafficking cases; and guiding LGUs and barangays on how to monitor illegal recruiters and suspected traffickers; and promoting family and community empowerment to prevent and suppress trafficking. Local government units are responsible for passing local ordinances to curb trafficking and protect trafficking victims.

315. Notable among the NGOs and FBOs and other civil society organizations involved in various initiatives against the sale of children, child prostitution and child pornography are the following:

(a) The NGO Coalition on CRC Monitoring, composed of 16 major international and national non-government organizations, has been involved in putting together a joint initial report on the status of implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography scheduled for submission before the end of 2007. Earlier, it also submitted in 2004 an alternative report to the second periodic report of the Philippine Government on the status of CRC implementation;

(b) The Asia ACTs (Asia against Child Trafficking) is a regional campaign to fight child trafficking in Southeast Asia as part of the International Campaign against Child Trafficking (ICaCT) coordinated by Terre des Home Germany and the International Federation of Terre des Home. Asia ACTs launched a four-year campaign against trafficking in Southeast Asia beginning 2002 by bringing together efforts of NGOs, governments, international agencies and people's organizations across countries in Southeast Asia. A source book entitled "Asia's Children in Peril" was published by Asia ACTs drawing attention to trafficking of children and women as the third most profitable criminal activity in Asia and the rest of the world, next to illegal drugs and arms trafficking. Asia ACTs is a member of the NGO Coalition on CRC Monitoring;

(c) Childhope Asia-Philippines (CHAP) continues to implement its Community Mobilization against Child Prostitution Programme in various urban communities particularly in the cities of Pasay and Caloocan in Metro Manila. Meant to reduce the incidence of prostitution among the street children initially reached, this programme has been enhanced to include prevention of prostitution of children; protection, care and rehabilitation of victims; and building capacities of families and communities including children to address child prostitution. CHAP is also an active member of the NGO Coalition on CRC Monitoring;

(d) Another active member of the NGO Coalition on CRC Monitoring is ECPAT Philippines (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) is part of a global network of agencies and individuals working together across all sectors of societies towards the elimination of all forms of commercial sexual exploitation of children, with the active participation of young people. ECPAT Philippines is the representative of the children's sector in IACAT. ECPAT Philippines is also the campaign focal agency of the Philippines against Child Trafficking (PACT) since 2003 as part of Asia ACTs and ICaCT;

(e) The Visayan Forum Foundation (VFF) has been actively involved in national and global efforts in mobilizing social partners as the Philippine and Southeast Asian Secretariat for the Global March against Child Labour Movement, Convener of the Multi-Sectoral Network

against Trafficking in Persons, Convener of the Anti-Trafficking Task Force at the ports, Member of the ILO Convention 182 National Monitoring Team, and Vice Chair of the NGO Coalition on CRC Monitoring;

(f) GABRIELA, which is the National Alliance of Women's Organizations in the Philippines, is actively involved in massive awareness campaigns to prevent the trafficking of women and girls from the Philippines;

(g) AKAP of the Ateneo Human Rights Center has been providing legal assistance to children, or to persons acting on their behalf, who have become victims of abuse and exploitation. It also conducts paralegal seminars and lectures for various groups in order to equip them with basic knowledge and skills necessary for handling cases of violations of children's rights;

(h) The Third World Movement against the Exploitation of Women (TW-MAE-W) addresses issues of exploitation and responds to the needs of sexually exploited persons. It was one among the first to take up the issue of sex tourism nationally and internationally;

(i) Community-based education and awareness raising activities on the sale of children, child prostitution and child pornography have been facilitated by Asia ACTs and PACT since 2003. Thus far, only about 10 percent of 41,995 barangays have been reached. The need for wider dissemination of the provisions of the Optional Protocol remains a big challenge.

316. In terms of cross-border cooperation, the Philippines cooperates with countries such as Malaysia, Indonesia, Australia, and the United Kingdom, among others, in combating transnational crimes including trafficking, child prostitution and other forms of commercial sexual exploitation of children.

317. The Department of Social Welfare and Development has a joint project with the UN Office on Drugs and Crimes (UNODC) called "Support to Victims and Witnesses of Trafficking in Human Beings in the Philippines". The project has four components: (a) restoration of the physical and mental well-being of trafficked persons; (b) vocational training and support for reintegration into the community; (c) support for victims and witnesses who assist in the prosecution of offenders; and (d) community education and development activities in selected communities. UNODC also supports the Philippine Government in the implementation of the National Strategic Action Plan against Trafficking in Persons coordinated by the Inter-Agency Council against Trafficking (IACAT) chaired by the Department of Justice.

318. With support from UNICEF, research and database development on the sale of children, child prostitution, and child pornography have been ongoing. The DSWD has taken the lead in establishing and maintaining disaggregated data on children served, especially those in need of special protection and victims of prostitution, pornography, and the worst forms of child labour, among others. Up till now, however, a comprehensive and disaggregated database covering the major issues provided for in the Optional Protocol has yet to be completed and made operational.

319. With support from USAID, the Trafficking Watch Group (TWG) was formed composed of 17 national government agencies and 18 trade unions, civil society organizations and advocacy groups. The group developed a website ([www.trafficking.org.ph](http://www.trafficking.org.ph)) which contains some

data and relevant publications that include primers on the Philippine Anti-Trafficking in Persons Act in English, Pilipino and other local languages. The TWG also developed a sample local ordinance against trafficking which local government units have used as a guide in enacting local laws such as in the provinces of Bataan, Cavite, Eastern Samar and Leyte - all provinces identified as source, training, transit and destination areas for trafficking victims. More efforts are needed to get other LGUs actively involved in various initiatives against trafficking.

### **B. Optional Protocol on the involvement of children in armed conflict**

320. The Philippine report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of -children in armed conflict was submitted in March 2007. Some highlights of that report will be mentioned here. On the whole, the Government of the Philippines has already adopted and implemented several measures to fulfill its obligations to the Optional Protocol. Major CIAC-related policy and legislative measures had already been formulated and enforced (some even before the Philippines ratified the Optional Protocol in August 2003). Some of these policy measures include the following:

(a) The National Strategic Framework for Plan Development for Children 2000-2025 or Child 21, which established a rights-based, open, consultative and participatory process for the implementation of programmes for child protection and development;

(b) The National Plan of Action for Children (NPAC) 2005-2010, which is a five-year strategic plan based on Child 21, aims at reducing disparities in indicators of rights and well-being of children across regions in the country. A companion document of NPAC is the Comprehensive Programme on Child Protection (CPCP), 2006-2010 which aims at creating a safe, protective, and caring environment for children;

(c) Executive Order No. 56 or the Comprehensive Programme Framework for Children in Armed Conflict was issued on 26 November 2001. This complementary framework outlines and promotes rescue, recovery and reintegration of CIAC in the Philippines. It has been implemented through the Comprehensive Programme for Children Involved in Armed Conflict (CIAC) supervised by the Office of the Presidential Adviser on the Peace Process (OPAPP) in tandem with the Council for the Welfare of Children. The programme includes an advocacy component which aims to create awareness on the CIAC issue and educate the different sectors of society through various media and activities such as peace education, peace camps, and peace forums;

(d) Also underpinning the policy environment in the Philippines for peace and development is Executive Order No. 3 of 2001 which defines policy direction and administrative structure for the government's comprehensive peace agenda vis-à-vis the basic issues and contexts related to the armed conflict including the phenomenon of CIAC. The law calls for, among others, the protection of civilians in armed conflict situations; reintegration, rehabilitation and reconciliation programmes for former combatants; and peace education and advocacy programmes including human rights education.

321. The main thrusts of government action towards child protection and compliance to the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict include the following:



- (a) The government has taken legislative and administrative steps to both prohibit and punish compulsory recruitment into the armed forces of children less than 18 years of age;
- (b) The government has prohibited compulsory or voluntary recruitment, and any use of children less than 18 years of age by armed groups distinct from the national armed forces through legislative, administrative and other measures;
- (c) The government has raised the minimum age for voluntary recruitment from that set in the CRC; described safeguards to prevent forced recruitment; and set minimum safeguards to include legitimacy of voluntary recruitment;
- (d) The government has prohibited, prevented and criminalized recruitment of children for use in hostilities by non-state armed forces (NSAs);
- (e) The government has taken steps to implement and promote the Optional Protocol and to provide for the demobilization, recovery and reintegration of persons recruited or used in hostilities;
- (f) The government has provided legislative and administrative measures to ensure that any child arrested, detained or interned for reasons related to the conflict enjoy the special protection provided by the Optional Protocol, the CRC, and the IHL;
- (g) The government is seriously enhancing local capacities for compliance to the Optional Protocol through technical and financial cooperation and other arrangements with national and international organizations;
- (h) The government has been setting the groundwork for concrete interventions at the community level through the implementation of necessary programmes, projects and activities;
- (i) The government has laid down the framework for pursuing comprehensive and lasting peace in the country, including addressing issues concerning CIAC through the implementation, coordination, monitoring, and integration of all government peace initiatives with the participation of civil society organizations and non-state duty bearers.

322. Despite the above efforts, the government still needs to consider and improve on the following aspects in order to fully comply with the Optional Protocol:

- (a) The state's policy of prohibiting the recruitment of children and their employment in combat and related activities is only a starting point in the prevention of CIAC. The tasks of creating, developing and strengthening institutional consciousness on human rights and international humanitarian concepts, especially those enshrined in the CRC and the Optional Protocol on CIAC must be continuously pursued in order to help the country's defense and security forces to properly respond to CIAC issues;
- (b) The legal and administrative mechanisms on non-recruitment and non-participation of minors in armed conflict have to be reinforced by the implementation of education and training programmes whose objectives, content, methods and strategies must be geared towards clarifying and strengthening institutional policies as well as instilling human rights, especially child rights, and humanitarian concepts;

(c) Training and education programmes are futile when these are not translated into observable positive changes. The country's police and military forces who receive training and education must show identifiable indications of effective learning in their values, attitudes, skills and knowledge especially in actual conduct and disposition regarding CIAC. The steps and procedures to track, assess, and make responsive actions regarding noted changes must form part of the framework in addressing gaps in compliance to the Optional Protocol;

(d) The proper government agencies must undertake serious investigations and researches especially in remote areas where children are reportedly being recruited into paramilitary structures to provide security and protection against ordinary criminal elements such as cattle rustlers, thieves and other armed bandits. These paramilitary organizations are also often field to fight guerilla insurgents. Notable of these organizations are the Civilian Volunteers Organizations (CVO) and the Civilian Armed Forces Geographical Units (CAFGU) which are also being organized and trained for civil military operations such as social investigation, counter-propaganda, and other counter-insurgency functions;

(e) The government must explore possible and acceptable ways to include the issue of child soldiers in all negotiations and peace talks. It recognizes that including the issue of child soldiers in the current peace talks entails the authorized government agencies to design and situate programmes and projects under the National Peace Plan in the context of the Optional Protocol on CIAC;

(f) The government must take all necessary measures to provide adequate human, financial and technical resources for the effective implementation of the Comprehensive Child protection Programme and towards full compliance with the Optional Protocol on CIAC. The government must seriously study ways and means to reduce its debt service-interest payments so that adequate resources can be allocated to child protection initiatives.

## **X. VOICES OF CHILDREN**

323. Two consultation meetings were held with children and children's organizations on 07 and 29 July 2007. Child participants in the two consultations were: (a) the child commissioners from the Children Basic Sector of the National Anti-Poverty Commission (CBS-NAPC); (b) officers and members of the National Coalition of Children's Associations of the Philippines (NaCCAP); and (c) children from various NGO and government programmes including urban poor children, street children, working children and children with disabilities. All together, more than 60 children participated in both consultations. The consultations were organized and facilitated by the Technical Staff of the Council for the Welfare of Children.

324. Although the children have had various assemblies and conferences on the CRC at local, regional and national levels, they stated that this was the first time they were consulted in the process of the CRC report preparation. Using VIPP cards (visualization in participatory planning), the children expressed their own reading of the status of CRC implementation in the country in small workshop groups as well as in plenary. The children were asked three basic questions:

(a) Based on your experiences and observations, what rights of children are (i) the most respected, protected and fulfilled, and (ii) the most denied and violated? Why do you think so?

(b) What do you think are currently being done to respect, protect and fulfill your rights by the following: (i) government, both national and local; (ii) non-government organizations, both national and local; (iii) schools; (iv) churches or faith communities and faith-based organizations; (v) families; and (vi) barangays?

(c) What more can and should be done by these agencies and institutions to better respect, protect and fulfill your rights?

325. Before answering the three questions above, the children were asked to list down in VIPP cards what they think and believe are their basic human rights. With the VIPP cards displayed on the wall, the children were asked to cluster their rights. The children themselves classified their rights into the four broad categories below:

- (a) Survival rights: health, food, nutrition, clothing, shelter;
- (b) Development rights: education, leisure, recreation and cultural activities;
- (c) Protection rights: being free from harm, abuse, neglect, exploitation and violence;
- (d) Participation rights: having their views listened to, being consulted on issues that affect them, and participating in making decisions in family and community matters.

326. Consistently and almost unanimously, the children considered survival and development rights as the most respected, protected and fulfilled - although they said that there are still many Filipino children who are living in poverty, hunger, ill-health and malnutrition; are out of school or drop-outs from school; and are deprived of opportunities for play, leisure, recreational and cultural activities. When asked further why this is so, they qualified their assessment by saying that perhaps these rights are still not the "most respected, protected and fulfilled" at the moment but that compared to protection and participation rights, survival and development rights are the least denied and violated.

327. The children pointed out that there have been increasing opportunities for them to be listened to, to be consulted, and to participate in meetings and conferences on issues affecting them. Yet, they were aware of many children from urban slums, from remote and hard-to-reach barangays, and from IP communities who are still deprived of these opportunities. In addition, they also know that there are various levels of participation and that some may end up just being used and manipulated under the guise of children's participation. They said that the process of organizing barangay children's associations (BCAs) is a good thing and therefore should be continued and supported. The BCAs can be the base for children's participation in local governance, particularly in the local councils for the protection of children (LCPC).

328. Considered by the children as most denied and violated and therefore most challenging are the special protection rights. They were aware of increasing numbers of children becoming victims of physical abuse, sexual abuse, trafficking, commercial sexual exploitation, drugs and substance abuse, armed conflict, children living on the streets, working children and the worst forms of child labour. Child participants from an NGO involved with persons with disabilities

added that among the most deprived, marginalized and discriminated against are children with disabilities. They said that these children are further disadvantaged, marginalized and discriminated against if they come from IP and Muslim communities.

329. The children made the following recommendations for the protection and fulfillment of their rights: (a) the government should increase its budget for children's programmes at national and local levels; (b) all local government units should have local development plans for children, annual investment plans for children, local codes for children, and annual reports on children; (c) strengthen the local councils for the protection of children particularly the barangay council for the protection of children (BCPC); (d) improve and expand provision of basic services especially health, nutrition, education and vocational training; (e) expand programmes for child protection especially for victims of sexual abuse, trafficking, commercial sexual exploitation, drugs and substance abuse; (f) effective enforcement of existing laws; (g) provide support for parenting education and family development; and (h) provide more opportunities for effective and meaningful participation of children in the family, school, church, government institutions and the larger society.

330. Finally, when asked how they can continue to be involved in CRC monitoring and reporting, the children said that they will avail of all existing structures and mechanisms open for their participation such as the Sangguniang Kabataan (Youth Council), the Children Basic Sector (CBS) of the National Anti-Poverty Commission (NAPC), the local councils for the protection of children (barangay, city, municipal and province), and the national Council for the Welfare of Children. They further said that to ensure organized representation of children in these structures and mechanisms, barangay children associations (BCAs) should be organized, strengthened and sustained in all the 41, 994 barangays around the country.

331. With the National Framework for Child Protection (NFCP) in place, the relevant government agencies such as CWC, NAPC, DILG and the local government units as well as the NGO community, faith-based organizations (FBO) and other civil society organizations (CSO) can now work together to create more spaces and provide more opportunities for genuine, meaningful and effective participation by children and young people in different institutional settings and at various levels of society. A core set of indicators on genuine, meaningful and effective child participation should also be developed and finalized. The children, on the other hand, can expand and strengthen their current involvements not only in local and national governance but also in the different social institutions such as the family, the school, and the church or faith community.

332. The children have spoken and have taken advantaged of opportunities provided for them to articulate their views. Although some may think that children's participation may be difficult - particularly its integration into mandated decision-making structures and relevant programmes, as well as ensuring its continuity and sustainability - there are now existing opportunities for meeting these challenges. For one, children's organizations have emerged as important venues for children to speak up and be heard. Children's organizations have served as effective channels for raising their issues and concerns not only at local and national levels but also at Asian regional and global levels. The adult citizens only need to be open and continue to support and nurture these initiatives for children's participation.

## Acronyms

ACPC	Asian Council for People's Culture
ADB	Asian Development Bank
AFP	Armed Forces of the Philippines
AHMP	Accelerated Hunger Mitigation Programme
AHTRAD	Anti-Human Trafficking Division of National Bureau of Investigation
AHRC	Asian Human Rights Commission
AI	Amnesty International
AIDS	Acute Immune Deficiency Syndrome
ALS	Alternative Learning System
ANI	Action for Nutrition Improvement
ARH	Adolescent Reproductive Health
ARRM	Autonomous Region for Muslim Mindanao
Asia ACTS	Asia Acts Against Trafficking
ASEAN	Association of Southeast Asian Nations
AusAID	Australian Agency for International Development
ARRO	Adoption Resource and Referral Office
ASFCR	Annual State of the Filipino Children Report
ASP	Autism Society of the Philippines
ATD	Aid in Total Dignity
AYHDP	Adolescent and Youth Health and Development Policy
BALS	Bureau of Alternative Learning System
BCPC	Barangay Council for the Protection of Children
BCRA	Barangay Civil Registration Agent
BCRS	Barangay Civil Registration System
BCYA	Baguio Center for Young Adults
BDC	Barangay Development Council
BEAM	Basic Education Assistance in Mindanao
BEC	Basic Ecclesial Community
BEmOC	Basic Emergency Obstetric Care
BESRA	Basic Education Sector Reform Agenda
BFAD	Bureau of Food and Drugs
BJMP	Bureau of Jail Management and Penology
BRP	Birth Registration Project
BuCor	Bureau of Corrections
CAPPI	Child and Adolescent Psychiatrists of the Philippines, Incorporated
CARHRIHL	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Laws
CBCP	Catholic Bishops Conference of the Philippines
CBR	Community-Based Rehabilitation
CBS	Children Basic Sector
CCF	Christian Children's Fund
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFM	Child-Friendly Movement
CFPI	Child-Friendly Parish Initiative
CFSS	Child-Friendly School System

CHAP	Childhope Asia-Philippines
CHED	Commission on Higher Education
CICL	Children in Conflict with the Law
CIDSS	Comprehensive and Integrated Delivery of Social Services
CIRCLE	Community-Based Innovations to Reduce Child Labour Through Education
CJL	Child Justice League
CMMNC	Community-Managed Maternal and Newborn Care
CNSP	Children in Need of Special Protection
CFO	Commission on Filipinos Overseas
CP-CIAC	Comprehensive Programme for Children Involved in Armed Conflict
CPC	Country Programme for Children
CPCP	Comprehensive Programme on Child Protection
CPLA	Cordillera People's Liberation Army
CPP	Communist Party of the Philippines
CPR	Civil and Political Rights
CPTCSA	Center for the Prevention and Treatment of Child Sexual Abuse
CPU-Net	Child Protection Unit Network
CRADLE	Center for Restorative Activities, Development, and Learning Experiences
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
CTLC	Community Technology Learning Centers
CUES	Cooperative Union Empowerment and Strengthening
CWC	Council for the Welfare of Children
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DAWN	Development Action for Women Network
DBM	Department of Budget Management
DepEd	Department of Education
DILG	Department of the Interior and Local Government
DND	Department of National Defense
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labour and Employment
DOT	Department of Tourism
DSWD	Department of Social Welfare and Development
EBICF	Ecumenical Bishops Initiative for Children and Families
ECCD	Early Childhood Care and Development
ECHO	Environmental and Occupational Health Office
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ECOP	Employers Confederation of the Philippines
ECOSOC	Economic and Social Council
EDCOM	Education Commission
EDPITAF	Educational Projects Implementing Task Force
EFA	Education for All
EPI	Expanded Programme on Immunization

ERDA	Educational Research and Development Assistance
ERPAT	Empowerment and Reaffirmation of Paternal Abilities
ESCR	Economic, Social and Cultural Rights
FAD	Foundation for Adolescent Development
FBO	Faith-Based Organization
FCED	Families and Children for Empowerment and Development
FFW	Federation of Free Workers
FNRI	Food and Nutrition Research Institute
FSP	Food for School Programme
GAD	Gender and Development
GCP	Girl Child Plan
GFP	Green Forum Philippines
GOP	Government of the Philippines
HF	Haribon Foundation
HIV	Human Immunodeficiency Virus
HSR	Home Study Report
HSRA	Health Sector Reform Agenda
IAC-CIAC	Inter-Agency Committee for Children Involved in Armed Conflict
IACAT	Inter-Agency Council against Trafficking
IACEH	Inter-Agency Committee on Environmental Health
ICAB	Inter-Country Adoption Board
IEC	Information, Education, and Communication
IPE	Institute for Indigenous People's Education
IJM	International Justice Mission
IKSP	Indigenous Knowledge, Skills and Practices
ILO	International Labour Organization
ILO-IPEC	International Labour Organization-International Programme for the Elimination of Child Labour
ILS	Institute of Labour Studies
IMPACT	Instructional Management with Parents, Teachers and Community
IMR	Infant Mortality Rate
INGO	International Non-Government Organization
IP	Indigenous Peoples
IPRA	Indigenous Peoples' Rights Act
IRR	Implementing Rules and Regulations
IYCF	Infant and Young Child Feeding
JBIC	Japan Bank for International Cooperation
JICA	Japan International Cooperation Agency
JJWA	Juvenile Justice and Welfare Act
JJWC	Juvenile Justice and Welfare Council
KALAHI	Kapit-Bisig Laban sa Kahirapan (Linking Arms Against Poverty)
KAMPI	Kapisanan Ng Mga May Kapansanan sa Pilipinas (Organization of Persons With Disabilities in the Philippines)
KNN	Kabataan News Network
KRT	Key Result Thrusts
LAC	Local AIDS Council
LCPC	Local Council for the Protection of Children

LFC	Local Finance Committee
LGU	Local Government Unit
LPID	Local Policy and Institutional Development
MABS	Micro-Enterprise Access to Banking Services
MBFHI	Mother and Baby-Friendly Hospital Initiative
MCHS	Maternal and Child Health Survey
MDG	Millennium Development Goals
MICS	Multiple Indicators Cluster Survey
MILF	Moro Islamic Liberation Front
MISOSA	Modified In-School and Off-School Approach
MMR	Maternal Mortality Rate
MNLF	Moro National Liberation Front
MWOF	Migrant Workers and Overseas Filipinos
MWOFRC	Migrant Workers and Overseas Filipinos Resource Centers
MTPDP	Medium-Term Philippine Development Plan
NAPC	National Anti-Poverty Commission
NAPC-CBS	National Anti-Poverty Commission-Children Basic Sector
NaCCAP	National Coalition of Children's Association of the Philippines
NBI	National Bureau of Investigation
NCCA	National Commission on Culture and Arts
NCCP	National Council of Churches in the Philippines
NCIP	National Commission for Indigenous Peoples
NCR	National Capital Region
NCSO	National Council for Social Development
NCWDP	National Council for the Welfare of Disabled Persons
NDPRW	National Disability Prevention and Rehabilitation Week
NDF	National Democratic Front
NECCDCC	National Early Childhood Care and Development Coordinating Council
NEDA	National Economic and Development Authority
NFCP	National Framework for Child Participation
NFE	Non-Formal Education
NGO	Non-Government Organization
NHIP	National Health Insurance Programme
NNC	National Nutrition Council
NNSC	National Network on Street Children
NPA	New People's Army
NPAC	National Pan of Action for Children
NPACL	National Programme against Child Labour
NSC-CPC	National Steering Committee for the Country Programme for Children
NSCB	National Statistical Coordination Board
NSO	National Statistics Office
ODA	Official Development Assistance
OFW	Overseas Filipino Workers
OPAPP	Office of the Presidential Adviser on the Peace Process
PACT	Philippines against Child Trafficking
PAP	Prospective Adoptive Parent
PBE	Philippine Business for the Environment



PCEC	Philippine Council of Evangelical Churches
PCFC	Peoples Credit and Finance Corporation
PCHRC	Philippine Commission on Human Rights
PCMN	Philippine Children's Ministries Network
PCPNC	Pregnancy, Childbirth, Postpartum and Newborn Care
PCTC	Philippine Center for Transnational Crime
PDEA	Philippine Drugs Enforcement Agency
PES	Parent Effectiveness Service
PHILINC	Philippine Inter-Faith Network for Children
PHILJA	Philippine Judicial Academy
PHRC	Presidential Human Rights Committee
PLCPD	Philippine Legislators Committee on Population and Development
PMWC	Pastoral Ministry for Women and Children
PNAC	Philippine National AIDS Council
PNP	Philippine National Police
POGS	Philippine Obstetrics and Gynecological Society
POPCOM	Population Commission
PPAN	Philippine Plan of Action for Nutrition
PPGD	Philippine Plan for Gender-Responsive Development
PPS	Philippine Pediatrics Society
PTBP	Philippine Time-Bound Programme on Child Labour
QTVET	Quality Technical and Vocational Education and Training
RA	Republic Act
RDC	Regional Development Council
REB	Reaching Every Barangay Strategy
RSCWC	Regional Sub-Committee for the Welfare of Children
RRCY	Regional Rehabilitation Center for Youth
RSDC	Regional Social Development Committee
SBMS	Subaybay Bata Monitoring System
SBGFC	Small Business Guarantee and Finance Corporation
SCF-UK	Save the Children-United Kingdom
SCF-US	Save the Children-United States
SCF-Sw	Save the Children-Sweden
SC-SACSEC	Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation of Children
SCPC	Special Committee for the Protection of Children
SEA-K	Self-Employment Assistance sa Kaunlaran
SFCR	State of the Filipino Children Report
SIDA	Swedish International Development Agency
SIKAT	Schools for Indigenous Knowledge and Traditions
SOMIS	Social Development Management Information System
SPCC	Salvatorian Pastoral Care for Children
STAC	Stimulation and Therapeutic Activity Center
STI	Sexually Transmitted Infections
TEEP	Third Elementary Education Project
TESDA	Technical Education and Skills Development Authority
TLRC	Technology and Livelihood Resource Center

TMG	Technical Management Group
TUCP	Trade Union Congress of the Philippines
UCP	Unregistered Children Project
UFMR	Under-Five Mortality Rate
ULAP	Union of Local Authorities of the Philippines
UNAIDS	United Nations AIDS Programme
UNDP	United Nations Development Programme
UNDAF	United Nations Development Assistance Framework
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNPO	Unrepresented Nations and Peoples' Organization
UP-CIDS	University of the Philippines Center for Integrative Development Studies
UPPI	University of the Philippines Population Institute
USAID	United States Agency for International Development
USI	Universal Salt Iodization
VAC	Violence against Children
VAWC	Violence against Women and Children
VAWCD	Violence against Women and Children Division
WCD	Women and Children's Desk
WFFC	World Fit for Children
WFP	World Food Programme
WHO	World Health Organization
WVF	World Vision Foundation

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