



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Second periodic reports of States parties due in 1997**

**PHILIPPINES\* \*\***

[23 April 2003]

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\* For the initial report submitted by the Government of the Philippines, see CRC/C/3/Add.23; for its consideration by the Committee, see documents CRC/C/SR.185-187 and CRC/C/15/Add.29.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Introduction

1. The Initial Report of the Philippines was submitted to the Committee on the Rights of the Child in 1993 following the country's ratification of the Convention on the Rights of the Child (CRC) on 26 July 1990. A Supplemental Report in response to the issues raised by the Committee thus updating the Initial Report, as of 1994 was submitted prior to the dialogue with the Committee in January 1995. This Second Report covers the period from 1995 to 2000, five years thereafter as required by Article 44 of the UN Convention and in accordance with the **General Guidelines Regarding the Form and Contents of Periodic Reports**. (CRC/C/58, 20 November 1996). Economic, social and political conditions that affected the implementation of the Convention during the period have to be considered. The gross national product (GNP) and gross domestic product – adjusted for inflation – showed an upward trend with real growth rates of 4.4 and 3.8 per cent, respectively. There was relative peace. Socio-economic reforms espoused in the country's Medium Term Philippine Development Plans as well as the Social Reform Agenda and the *Poverty Alleviation Act (RA 8425)* were prominently pursued, reducing the unmet minimum basic needs of disadvantaged families and promoting children's right to survival and development.

2. Internal armed conflict between government troops and armed rebel groups, although lesser in occurrence continued to adversely affect southern Mindanao. Another extremist group, the Abu Sayaff, had surfaced. This political instability has been aggravated by kidnappings of a few children in southern Mindanao and Metro Manila. Concomitant violations of the rights of the displaced children during these armed encounters and the involvement of children as combatants, couriers, guides, spies, medics and in other similar capacity, have retarded the progress achieved in their survival and development. The children were threatened with death or injury, diseases and malnutrition, interrupted schooling, separation from the family and homelessness, and the damaging psycho-social effects of the violence. A study has confirmed the long-term effects for which corresponding measures like stress debriefing and psychosocial restoration have been tested.

3. Considering the geographical diversity and dispersal of the population and the wide disparities of economic and social conditions, the devolution of delivery of health and social welfare services to the Local Government Units (LGUs) was seen as necessary. Monitoring of progress made was deferred but implementation continued. The indicators for each cluster of child rights in the Philippine Plan of Action for Children to 2000, were not effectively used to evaluate the impact of the policies and programmes adopted in view of adjustments to the devolution of service delivery to local government units. Intensive training of local officials and professionals concerned with the provisions of CRC, specifically on how each profession would participate, took precedence during the period covered.

4. Disaster preparedness to mitigate the effects of natural disasters, including an experiment of a device to predict an earthquake, has been accelerated, especially at the village level and in remote areas. During the period, the country experienced La Niña and El Niño weather disturbances that left significant toll on the country's poor and disadvantaged, especially the children. Further, a section as to the impact of the Asian financial crisis on children must be reported, for instance: significant progress achieved by the Philippines in improving the quality of lives of the Filipino people, especially children, was threatened by the impact of the 1997 Asian financial crisis experienced in the region.

5. This Report also provides information on the actions relative to the concerns in the Concluding Observations and other recommendations of the Committee during its consideration of the Initial Report in January 1995. These are presented in the succeeding paragraphs and the relevant chapters mentioned.

6. Steps taken to bring certain legislative concerns into full conformity with the Convention include the following:

(a) **The minimum age of criminal responsibility.** The proposed comprehensive juvenile justice bill raised the age of criminal responsibility of the child from nine to twelve years old;

(b) **Minimum age for sexual consent.** There is no law that specifically pegs a minimum age for sexual consent. Although there are various laws that make reference to certain ages where consent is material or immaterial. *Republic Act 8353 Anti Rape Law of 1997*, expanded the definition of rape, imposing death penalty when the victim is below 12 years old or is demented. Under the Family Code, a person 18 years of age can marry with parental advice and age 25 without parental advice;

(c) **Minimum age of access/admission to employment.** *Republic Act 7658*, prohibits employment of a child below 15 years of age, except in two cases:

1. When the child works directly under the sole responsibility of his/her parents or legal guardian who employs members of his/her family only: provided, however, that the employment does not endanger the child's life, safety, health and morals and does not impair his/her normal development, and that the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; and
2. Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: provided that the employment contract is concluded by the parents or legal guardian with the approval of the Department of Labor and Employment (DOLE), that the employer shall first secure a work permit from DOLE before engaging such child, and that the employment does not involve advertisements or commercials promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products or exhibiting violence;

(d) **Compulsory schooling age.** Enrolment in the first grade of children aged six years has been required by the Department of Education, (Department Order 65) starting 1994. A system of free and compulsory elementary and free secondary education is provided for in the Constitution. An out-of-school child can enter a grade or year level based on the results of an examination to accredit admission;



(e) **Status of children born out of wedlock.** There is public support for increasing sanctions on adultery or concubinage of parents and improving the validation of paternity claims. But a child born out of wedlock does not have the right to use the surname of the putative father, has no equal successional rights to inheritance and is still classified as illegitimate. The child is entitled to all other rights;

(f) **Prohibition of torture.** *RA 7348, An Act Defining Certain Rights of Persons Arrested, Detained or under Custodial Investigation*, prohibits law enforcement and investigation units of government from using torture to extract information. Presidential Decree (PD) 603, *The Child and Youth Welfare Code*, stipulates criminal liability of a parent who inflicts cruel punishment to the child. Parent includes a guardian or head of child caring institution, or a school;

(g) **Intercountry adoption.** The Philippines ratified The Hague Convention on 2 July 1996. As a sending country, the government of the Philippines has a reciprocal relationship with all the receiving countries that are also State Parties in complying with the safeguards for the rights of the adoptive child. A Memorandum of Agreement on Inter-Country Adoption is entered into with adoption agencies accredited for their competence by the central authority even if the receiving country has not yet ratified The Hague Convention. The same provisions of this Convention are invoked. Details are stated in attached documents from the Inter-Country Adoption Board, enclosed as Annex i-a1 and i-a2;

(h) **Legislation on the administration of juvenile justice.** *RA 8369, Family Courts Act of 1997* granted exclusive original jurisdiction over child and family cases in the family courts. A draft bill on the comprehensive juvenile justice system has been endorsed for consideration. The bill adopts the framework of diversion, restorative justice which aims at rehabilitating the child, providing restitution in favor of the victim, and fostering peace in the community. It also adopts the principles of: (1) prevention of juvenile delinquency; (2) deprivation of liberty as a last resort; (3) prohibition of harsh treatment; (4) prohibition of unlawful or arbitrary deprivation of liberty; (5) access to legal assistance; and (6) limitation on restrictions of liberty. A bill has also been filed to decriminalize vagrancy.

7. **Mechanisms to monitor the CRC implementation.** The lack was of a better mechanism to monitor the situation of children with the unsuccessful pilot implementation of the PPAC monitoring system in 1996. The situation was remedied through the following mechanisms:

(a) **Child 21.** The Philippine National Strategic Framework for Plan on Children: (2000-2025) or CHILD 21, as a sequel of PPAC of 1991-2000, was prepared to remedy the situation through the issuance of Executive Order 310 in year 2000. CHILD 21 lays the foundation for a “rights-based and evolving capacity” approach to planning and programming. This requires the interfacing of critical interventions at the various stages of the child’s development and the rights and tasks corresponding to the evolving capacities of the child. Based on Child 21, continuing five year plans beginning 2001 will be prepared to conform with Article 44 (b) of CRC. The inadequacy of the mechanisms to monitor the situations of children was initially addressed through a **Multiple Indicator Cluster Survey (MICS)** (Annex i-b). Selected key indicators mentioned in the Philippine Plan of Action when available were used in this Second Report;

(b) **Monitoring System.** The Technical Management Committee (TMC) of the Council for the Welfare of Children (CWC) is currently developing a monitoring system on CRC, integrating all relevant child-related indicators based on the Reporting Guidelines. This involves the designing of standard reporting forms that are user-friendly for implementers at the village otherwise known as *barangay* (doctors, nurses, health workers, social workers, teachers, police, etc.) and useful at the municipal/city and provincial levels for collation and evaluation, and at the regional and national levels for programming, planning, and legislation. The monitoring system considers the existing structures of implementation in the *barangays* and the operationalization difficulties: (a) lack of baseline data on certain indicators; (b) devolution of most basic services to the LGUs; (c) lack of proxy indicators; (d) absence of monitoring structure at levels closest to children and their families; (e) lack of qualified personnel at the *barangay* level for both government and NGOs;

(c) **Monitoring child protection.** The Special Committee for the Protection of Children, co-chaired by the Secretary of the Department of Justice (DOJ) and Secretary of the Department of Social Welfare and Development (DSWD), con-current chairperson of the CWC, was created in 1995 to oversee implementation of a comprehensive program relative to child protection rights. Tracking of cases in court is being done by the DOJ. However, the problem of duplicated counts exists in reports given by law enforcement agencies and the courts. To date, a technical group is working on the design of this unified reporting and monitoring system to be completed by mid 2003;

(d) **Processing the Second Report.** A series of consultations were held in 1998 to start generating information for the initial draft of this Second Report in the absence of the monitoring system, using **CRC/C/58 General Guidelines Regarding the Form and Contents of Periodic Reports**. These consultations were participated in by governmental and non-governmental representatives through the Task Forces involved in specific clusters of child rights. The NGOs held separate consultations on their own implementation of CRC and on their observations of the performance of the government on the CRC implementation. The process in the preparation of this Report is presented under the chapter on **General Measures**;

8. **Budgetary allocations.** A Study on Resource Allocation Trends for Children, by the Policy Studies Group of the Senate of the Philippines, showed that the budgets for children have consistently increased, from Php 46.4 billion in 1996 to Php 84.1 billion in 2000. However, the study showed that the 20 per cent anticipated allocation from 1996 to 2000 was not met for the following sectors: education, health, nutrition, child protection and participation. An average of 12.85 per cent of the national budget which was spent for these sectors during the said period was below the 20 per cent. On the other hand the following actions were taken to maximize utilization of the budget allocations:

(a) **Education.** The hiring and retention of personnel of the Department of Education (DepEd) central office was deferred as it took relatively much of the education budget. Cost-sharing schemes were adopted by committed local government units and communities to address the school facilities shortage. Infrastructure support (electricity, roads, communications and transportation, etc) was focused in rural areas. Teacher training on gaps in curriculum content development was prioritized in compliance with CRC Article 29 on the Aims of Education;

(b) **Primary health care.** More barangay health stations were established and health workers with upgraded skills were dispersed to the village level. Preventive rather than curative measures were implemented for more cost-effectiveness;

(c) **Basic nutrition.** Nutrition policy, programs, and projects continued to be integral to development efforts, coordinated at the national and local levels. Stronger advocacy on the consumption of fortified foods was undertaken, together with universal supplementation of Vitamin A for children 1-5 years old;

(d) **Water supply and sanitation.** Budgetary allocation was realigned for more potable water systems and adequate sanitation facilities to prevent the spread of water-borne diseases;

(e) **Low cost housing.** The private sector participation was harnessed into socialized housing;

(f) **Social welfare.** A comprehensive and integrated delivery of social services project under the Social Reform Agenda generated additional budget allocation for social welfare especially for the depressed areas;

(g) **Child protection and participation.** Budgetary allocation for child protection and alternative care was augmented by concerned NGOs, both local and international. UNICEF, the International Programme for the Elimination of Child Labour (ILO-IPEC), and the World Bank provided grants/loans. The *Sanguniang Kabataan* fund was committed for the promotion of child participation.

9. **Birth registration of children.** The Civil Registrar General and the Plan International in the Philippines undertook a pilot project on birth registration in the areas that have the highest under-registration with due consideration to eliminating discrimination of children who belong to indigenous cultural communities and children living in remote areas. Four major strategies were utilized, namely, (a) conduct of mass registrations during village assemblies; (b) mobile registration; (c) house to house visits; and (d) establishment of registration centers in the village for children who were not registered otherwise. Local authorities were also encouraged to eliminate registration fees.

10. **Rights of certain categories of children.** Included under Chapter VIII **Special Protection Measures** of this Report are the following categories of children: children in situations of armed conflict, street children, working children in situations of economic exploitation, children involved with the system of juvenile justice, children in situations of sexual abuse and sexual exploitation, girl-children, children of minority or indigenous cultural communities:

(a) Issues on special protection rights were dealt with by the **National Task Force for Children in Need of Special Protection (CNSP)** composed of the Chairpersons of the sub-task forces for the above categories of children. This task force operates under the Technical Management Committee of the Council for the Welfare of Children where most NGOs participate;

(b) Measures relative to the rights of the disabled child and the child with HIV/AIDS are discussed in Chapter VI **Basic Health and Welfare Measures**;

(c) The rights of children of mixed marriages and children of overseas workers are included in Chapter V **Family Environment and Alternative Care**;

(d) The enactment of RA 7610, *Special Protection of Children Against Child Abuse, Exploitation and Discrimination* provided the rights for special protection of the above mentioned categories of children.

11. **Existence of child abuse including sexual abuse within the family.** Intensified media campaign against child abuse created a heightened awareness on the subject, evidenced by the increased incidence/reporting of these cases from 1995-1998 with a gradual decrease in 2000. (Please refer to Annex i-c for the corresponding data.):

(a) To address the incidence of rape of children, incest, maltreatment, abandonment and run-away children, the Family Violence Prevention Programme included preparing family members to manage resolution of conflicts within the context of family relations and protect children from an environment of violence. This programme is discussed in Chapter V **Family Environment and Alternative Care**;

(b) The Revised Penal Code provides specific penalties for acts of maltreatment, battering (verbal or physical). Executive Order 56 series of 1986 assigned more responsibilities to the DSWD in providing protection to these children.

12. **Violence and ill-treatment of children.** Family/community education at the *barangay* level has been on-going but surveillance mechanisms to determine effectiveness have not been developed. Intensified efforts were undertaken on the judicial resolution of cases even involving the police, military personnel and prominent personalities including foreign pedophiles:

(a) Data on the level and incidence of violence and ill-treatment of children, especially within the family, are presently limited. These are with the exception of cases that got the attention of the media and through the “hotlines”;

(b) More children are aware of their rights to be protected against abuse, violence, neglect and ill-treatment. Concomitant with strengthening of efforts on advocacy and the establishment and maintenance of *Barangay Councils for the Protection of Children* (BCPCs) in all villages, there are more reported cases, but which have not been disaggregated due to errors in mechanisms of reporting mentioned earlier.

13. **Residential group care for the rehabilitation of child-victims**, including psychological, psychiatric and medical services, para-legal assistance and other court related interventions was further developed. Therapy centers were tested in the National Capital Region (Metro Manila), Region VII (Visayas) and XI (Mindanao). The children were reintegrated with their families or in substitute homes and learned to confront their future development. More information is presented in Chapter V **Family Environment and Alternative Care**.

14. **Right to education.** Initiatives were taken to reverse the discrimination against the girl-children, children in rural areas, and children affected by armed conflict, as inferred through the trend of enrolment in government schools. In addition to the construction of new classrooms, the creation of multi-grade classes under one teacher was done. However the quality of education is subject to evaluation. Gender parity enrolment was relatively successful as shown in the Table below: More detailed information are included in Chapter VII of this Report.

#### Gender parity enrolment

School Year	Male	Female	Total
1995/96	5 443 934	5 188 928	10 632 82
1996/97	5 592 866	5 350 313	10 942 179
1997/98	5 788 701	5 493 185	11 281 886
1998/99	5 895 029	5 637 286	11 532 315
1999/2000	6 013 110	5 740 851	11 753 961

*Source:* Philippine Department of Education (2000).

For children under armed conflict, mobile classrooms were provided. The children were reintegrated into the regular classes after their return to the communities. **Critical Incidence Stress Debriefing** among others, is done to enable the children to benefit from schooling.

15. **Drop-out rate in primary and low enrolment in secondary education.** The Drop-out Intervention Programme was undertaken, including the provision of multi-level materials (MLMs), school feeding programme, distribution of school supplies and parent teacher partnership. The multi-level materials cover modules on the subjects for English, Mathematics, and Filipino, designed to meet all the needs in the classroom for these subjects. The school feeding included the daily provision of a free meal for all pupils in the schools where the problem prevailed. The parent-teacher partnership (PTP) involved teachers and parents working jointly to improve conditions for learning at home and in the school:

(a) There was an increase of enrolment in the secondary schools: 4,454,908 students in SY 1992-1993 to 5,167,553 in SY 1999-2000). This was largely due to the **Free Secondary Education Act** brought about by the implementation of the Secondary Education and Improvement Project (SEDIP) as well as the Project EASE (Effective and Affordable Secondary Education), among others;

(b) SEDIP is a seven-year foreign assisted project, jointly funded by Asian Development Bank (ADB) and the Japan Bank for International Cooperation (JBIC). The goal of which is to improve equitable access to quality secondary education in the fourteen (14) poverty-affected areas;

(c) The Project EASE is an alternative learning system for secondary school students who are enrolled and would want to finish high school but could not attend classes regularly because of their disadvantaged situations. Among the disadvantaged situations include students who: (1) are fully or partially employed; (2) have to leave school for some time because of job opportunity; (3) live in areas inaccessible to regular public transportation; (4) have travel problems because of physical disability; (5) are over-aged and so are uncomfortable with much

younger classmates; (6) are married, have children and have to stay at home most of the time; (7) are needed in the farm or at home during planting and harvest seasons; are fast learners and can learn more, better and faster through a home study program; and (8) have personal or family problems that cause them to leave school;

(d) Evaluation of the Projects have not been undertaken since the same is still at its pilot stage and limited to first and second year levels.

16. **Vocational training.** Opportunities were included in the curriculum on the subjects of: Agricultural Arts, Home Economics and Entrepreneurship, among others. For the children who cannot cope with academic work and prefer vocational training, these are vocational schools that specialized in the trade or course which the child chooses. These courses were available on a Study-Now-Pay-Later scheme or with scholarship from the private sector.

17. **Children forced to live and/or work in the streets (child exploitation).** In a DSWD/UNICEF commissioned study, in 1999 a formula was adopted which estimates the streetchildren in the country at three per cent of children below 18 years old with 20 per cent indicated as “highly visible” on the street for an average of nine hours. Details of the study are attached as Annex i-d:

(a) The dynamics of the developmental stage of adolescence had to be considered – the importance of the peer group, adventure, liberation from family, among others. In these cases, “education on the street”, coupled with activities that met the need for peer group interaction like out-of-school youth movements, vocational training, scholarships, gender sensitivity and family life education, was tested by NGOs, like Child Hope. Based on the findings that these children have dropped out of school and live with non-relatives, educational assistance was extended. Family counseling for the return of the child to his/her own home was provided. Where the child was contributing to the family income the responsibility for livelihood was shifted to unemployed adult members of the family. Measures through ILO-IPEC (International Programme for the Elimination of Child Labour) were applied;

(b) For the street children who indulged in substance abuse, about 15.4 per cent was admitted in rehabilitation centers. Casual sex between and among streetchildren is also a cause of concern among streetchildren. Corresponding services addressing the identified psycho-social factors, especially in relation to drug use and sexual promiscuity were strengthened. The majority of those in drug use (59.7 per cent) stayed in the center for period of one month to one year. When found or brought to the attention of Department of Social Welfare and Development, these children are separately brought to the institutions. The youth is treated as a youth offender and brought to the rehabilitation center for such. The girl if without parents is brought to the home for girls for further corresponding counseling and psychosocial services.

18. **Sexual exploitation.** Concomitant with the problem of street children, is the issue of sexual exploitation of children among others. A Five-year Framework of Action against the Commercial Sexual Exploitation of Children was adopted in November 2000. This was in line with the country’s commitment to the 1996 Stockholm Agenda for Action Against Commercial Sexual Exploitation of Children for 2001-2005:

(a) The training of investigators and police officers was initiated, to include the subject on surveillance and how they can respond to the rights of children who are sexually exploited;

(b) The Department of Tourism increased awareness by including a module on the rights of the child against sexual exploitation in the orientation of travel and tour operators, the hotel bar and restaurant managements, and the community in tourist destinations;

(c) The Center for the Prevention and Treatment of Child Sexual Abuse, an NGO partner, trained a core of 400 teachers in the proper handling of disclosures of school children who are already victims of sexual exploitation. They are expected to train other teachers;

(d) Child Protective Behaviour Program of DSWD is designed to empower children to protect themselves. It provides them practical skills to help them safe from any form of abuse and assault.

19. **Juvenile justice system.** The Family Courts Act, passed in 1997, provided that all juvenile and domestic relations cases are heard by family courts to be established in every province and city in the country. The Supreme Court has designated 71 regional trial courts as Family Courts as of December 2000:

(a) In 1999 the Philippine government entered into bilateral agreements with the United Nations Office of the High Commissioner on Human Rights (UN-OHCHR) and the Royal Netherlands Embassy for technical assistance in the training of police, prosecutors, judges, lawyers, social workers, correction personnel. The training included understanding of the evolving capacity of the child at different ages, and the handling of the professionals' own attitudes toward children involved with the system of juvenile justice. The Dutch government also assisted in the construction of child friendly investigation studio mentioned in p.33 #62 of this report;

(b) In December 2000, the Supreme Court issued the Rule on the Examination of a Child Witness, which maintains an environment that minimizes trauma, allows the child to give reliable and complete evidence, and encourages him/her to testify in legal proceedings through a live-link television where the child does not have to testify from the witness stand in the courtroom, among other provision.

20. **Family life education programmes.** These were being implemented by social workers of the LGUs, NGOs, nationwide, as well as by the churches and the schools:

(a) **Parent Effectiveness Service (PES);** modules include understanding the rights of the child and his/her evolving capacities and corresponding developmental tasks as well as the development of the knowledge, attitudes and skills of parents and care givers over the demands of parenting;

(b) **Empowerment and Reaffirmation of Paternal Abilities (ERPAT)** emphasizes the father/male role in parenthood, his knowledge, attitudes and skills;

(c) **Family Life Development Service** promotes the social, psychological, and moral integration of the family as a unit;

(d) **Marriage Counseling Service** was extended to couples contemplating marriage to arrive at an informed decision about marriage; and enrich the conjugal relationship; Married couples were aided to resolve conflicts; and married couples who file a petition for legal separation were enabled to arrive at a decision for the best interests of the children;

(e) **Solo Parenting Service** enabled a single parent to cope with parenthood.

21. **Child-rights oriented training of professionals.** Programmes to provide continuing education of the professionals on child rights relevant to the strategies and services they would implement included the following besides others mentioned in other sections of this Report:

(a) **Integration of Basic Principles of Child Rights**, namely non-discrimination, best interests of the child, right to life, survival and development, and child participation, into the other provisions, for the orientation of all professionals and agencies;

(b) **Behavior for the Prevention of Child Sexual Abuse**, attended by social workers from the DSWD and LGUs, NGOs, teachers, doctors;

(c) **Handling Child Victims of Abuse** for social workers, law enforcers assigned at PNP Children and Women's Desk, lawyers, medico legal officers, psychologists, judges, and *barangay* officials;

(d) **Providing Parent Effectiveness Service** attended by LGU social workers and community volunteers;

(e) **Family Violence Prevention** attended by LGU social workers and members of the Barangay Council for the Protection of Children;

(f) **Domestic and Inter-Country Adoption**, attended by child care givers, lawyers, judges and social workers of DSWD, NGOs and court social workers;

(g) **Integrated Early Child Care Survival Growth and Development Workshop** for LGU mayors, social workers, teachers, doctors, child care givers implementing the UNICEF-assisted Fifth Country Program for Children (CPC V);

(h) **Handling of court cases of children**, for family court social workers, prosecutors, lawyers, judges, DSWD, LGU, NGO;

(i) **Psychosocial Intervention for children affected by armed conflict** attended by care givers, local government social workers, local government social workers;

(j) **Training for Trainors of Volunteers of Barangay Councils for the Protection of Children** attended by LGU social workers;

(k) **Training on After Care of Substance Abuse Victims** for LGU, NGO, and DSWD social workers;

(l) **Training on Day Care Service** attended by day care workers, and social workers of LGUs;



(m) **Development of Identification Tools for Children in Need of Special Protection** attended by teachers, social workers;

(n) **Gender Sensitivity Training** for teachers, social workers; police officers, lawyers, doctors;

(o) **Surveillance over Sexual Exploitation** attended by police investigation officers;

(p) **Handling of Disclosure of Children - Victims of Sexual Exploitation** attended by teachers, social workers, police; and

(q) **Handling of children involved in the system of juvenile justice** attended by police, prosecutors, judges, lawyers, correction personnel, social workers.

22. **Dissemination of initial report, concluding observations.** In 1993, two thousand of the Initial Report were printed by the UNICEF. The Council for the Welfare of Children reproduced two thousand copies of the Report including the Supplemental Report, the Concluding Observations of the UN Committee on the Rights of the Child, in 1995. Advance copies were provided the national agencies, LGUs and NGOs especially at the 1,500 cities and municipalities. With the limited budgetary allocations, expenses for publications had low priority.

## I. GENERAL MEASURES OF IMPLEMENTATION

### A. Continuing review and enactment of legislation in compliance with CRC

23. The need to address the gap between the enactment of laws and the enforcement of these laws is acknowledged. It is evident that the continuing lack of awareness, understanding and appropriate attitudes toward child rights, has greatly hampered basic services implementation. The passage of Republic Act 7160 or the Local Government Code (1991) which devolved implementation to the local governments and the corresponding changes in leadership and stakeholders during this period further delayed the enforcement of these laws.

24. *The Philippine Constitution, the Child and Youth Welfare Code (Presidential Decree 603), the Family Code (Related Provisional Executive Order 209), Civil Code, Barangay Level Total Development and Protection of Children Act (Republic Act 6972), Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act 7610), among others, were referred to in the Initial Report as bases to ensure compliance with the Convention. Studies were done to further review these laws and enact other precepts to conform with the principles of CRC. These were focused on: (a) minimum age of sexual consent; (b) age of compulsory education; (c) age of discernment; (d) effect of residential care on displaced children; (e) gender socialization; and (f) awareness of the situation of indigenous children concomitant with defining a legislative agenda to continuously harmonize measures with the Convention.*

25. New laws that were passed and amendments of existing legislations are presented as relevant to the chapters of this Second Report. Gaps in legislation which were identified in the Initial Report relative to rights against illicit transfer and non-return of children, sale, trafficking

and abduction, have not been adequately corrected. The principle of “the best interests of the child” is still not defined in the law and jurisprudence. The application of this principle mainly depends on the specific context presented in each case or each action involving the child.

26. The Supplementary Report mentioned the possibility that the provisions of the Convention can be directly invoked before the courts. As a treaty, CRC would constitute part of the Philippine laws although it is not superior to an enactment of the Congress of the Philippines. Following are the laws on children enacted by Congress from 1993-2000. Please refer to Annex I-A. Laws and Issuances on Children, CWC 2000.

27. No provisions of existing legislation are considered more conducive to the realization of the rights of the child. However, Child 21 or the Philippine National Strategic Framework for Plan Development of Children, 2000-2025 which will guide the Philippines into the new millennium, may generate such developments.

### **B. Judicial decisions applying CRC**

28. “The Convention on the Rights of the Child and the Philippine Legal System”, published in 1997 by the Ateneo University Human Rights Center, provides illustrative cases of judicial decisions of the Supreme Court on the Convention. Please refer to Annex I-B. Subsequent studies will be published and made available in 2002:

(a) Currently being done by the same Center is an interdisciplinary analysis of jurisprudence on child sexual abuse in the Philippines. The analysis covers Supreme Court decisions on rape, seduction, acts of lasciviousness, and violations of *RA 7610*, the law on Special Protection of Children;

(b) A comprehensive legal analysis of the gaps between CRC and pertinent Philippine laws was conducted to monitor compliance with the CRC and generate a continuing legislative agenda on children;

(c) Another policy study of the Center is on refugee and other displaced children. These children’s rights will also be defined in the Philippine context under the Convention on Refugees and other human rights instruments.

### **C. Remedies in cases of violations of child rights**

29. The Commission on Human Rights, an independent constitutional body, monitors the government’s compliance with international treaty obligations on human rights including the Convention on the Rights of the Child. This is done through *Barangay* Human Rights Action Centers (BHRAC) in 14,408 or 34 per cent of 41,943 *barangays* to which complaints are submitted/reported and which investigate the cases. Likewise, Women’s/Children’s Desks were established by the Philippine National Police (PNP) with trained police women to assist child victims, as well as monitor the violations of their male counterparts when indicated.

30. Children can seek redress for violations of their rights through their parents or guardians if the parents are not the violators. The DSWD, has the legal right to file complaints in the courts on behalf of the child. The court, meanwhile, admonish the contrite parent or guardian.

31. Another mechanism is the Children Basic Sector Council headed by a Child Commissioner with 15 child members coming from the various regions of the country who were appointed by the President. These members represent their respective children's associations from villages with support from child-focused NGOs. These children participate in local policy-making bodies as they bring issues/concerns on child rights for action. Policy issues needing national action are elevated to the national government agencies concerned.

32. The aggrieved child can also seek assistance from legislators through the congressional committees that investigate the case especially in aid of legislation. However, the child who lives in a remote/rural area has limited access to this mechanism in seeking redress.

#### **D. National strategic framework for children's rights**

33. The Philippine Plan of Action for Children (PPAC) referred to in the Initial Report was drafted as the national strategy to implement the provisions in the Convention on the Rights of the Child up to 2002. As such, this Second Report covers the five year period 1995-2000.

34. A long-term development planning framework that builds on the gains and lessons from PPAC implementation was evolved for the period from 2001-2025. This *National Strategic Framework for Plan Development for Children or Child 21* which was mentioned in the Introduction, copy furnished as Annex I-C, introduces the **rights-based/evolving capacity approach**. It weaves in child rights with the child's stages of development and corresponding capabilities and tasks. Child 21 serves as the blueprint for national government agencies, local government units and non-government organizations, in planning measures/interventions and for budget allocations as well as goals related to specific articles of CRC towards the 21<sup>st</sup> century and for the next five year period: 2001-2005.

#### **E. Mechanisms to ensure implementation of the CRC**

35. Steps to ensure coordination of socio-economic, development plans, policies and programs which include child rights implementation is also done by the Social Development Committee under the National Economic and Development Authority (NEDA) Board. All of concerns over child rights are coordinated through the Council for the Welfare of Children (CWC) where department heads, including the representative of the NEDA, serve as a Board with the DSWD Secretary as chairperson:

(a) The DSWD is the national government department primarily responsible for coordinating policies and development of measures on the rights of the child to the family and alternative care. It is also concerned with the rights of children in need of special protection from sexual exploitation, sexual abuse, from sale, trafficking and abduction, and other forms of exploitation and the rights of children belonging to an indigenous group, victims of armed conflict and natural/manmade disasters and children involved in juvenile justice system;

(b) The Department of Labor and Employment (DOLE), Department of Justice (DOJ), the Department of Agriculture (DA), Department of National Defense (DNP), and the Philippine National Police (PNP) similarly focus within their areas of competence on the rights of children needing special protection, respectively, - economic exploitation including child

labour, children involved in the system and administration of juvenile justice or deprived of their liberty, children in rural communities, in armed conflict, sale, trafficking and abduction, among others;

(c) The Department of Education (DepEd) ensures that measures on the child's rights to education, leisure and cultural activities are consistent with the CRC;

(d) The Department of Health (DOH), the Government Service Insurance System (GSIS) and the Social Security System (SSS), are similarly mandated to develop, monitor, and evaluate the measures on the rights of the disabled child, the child victim of drugs and the rights of all children to basic health and welfare to social security and a standard living;

(e) The Department of Justice (DOJ) is also charged with the implementation of the civil rights and freedoms of the child.

36. Implementation of the PPAC and the measures developed by the national/central departments mentioned above were devolved to LGUs during the period under review (1995-2000). Accredited NGOs also implemented corresponding measures within their expertise and geographical areas of coverage. CRC concerns of the DepEd were retained for implementation by the same Department, through its field offices.

37. Steps taken to ensure coordination between national and local governments and NGOs within a province/city municipality were realized through the mandate in the Child and Youth Welfare Code. Local Councils for the Protection of Children (LCPC) should coordinate with the national Council for the Welfare of Children. Effectiveness of these LCPCs is dependent mainly on the political will of the local officials and commitment of the various stakeholders especially NGOs to pursue the fulfillment of children's rights.

38. The Department of the Interior and Local Government (DILG) issued Memorandum Circular 94-14 directing all provincial governors, city and municipal mayors to adopt the "Implementing Guidelines for the Organization/Reorganization of Local Councils for the Protection of Children". As of 2000, LCPCs were organized in 31 or 40 per cent of the 77 provinces, 20 or 24 per cent of the 84 cities and 205 or 13 per cent of the 1,525 municipalities. It is envisioned that NGOs would comprise at least 25 per cent of the membership of these local councils. Sixteen Regional Sub-committees for Welfare of Children were organized, with a child-member of the Children Basic Sector Council sitting as ex-officio member (Annex I-D).

39. Every *Barangay* Council which is the lowest level of the local government authority, organized a Council for the Protection of Children (BCPC). A total of 26,002 BCPCs of the 42,000 barangays have been organized although only 17,465 or 67 per cent are active and functional.

40. The Supplementary Report submitted to the Committee on the Rights of the Child in 1995 clarified the membership, organization, and functions of the Council for the Welfare of Children (CWC) as well as the inclusion of representatives of two federations of NGOs concerned with children and of a youth organization. The CWC is the governmental institution that ensures the effective coordination of the pilot testing and development of measures on child

rights. The Council en banc and through its structures, like the secretariat and task forces or committee monitors, evaluates, and conducts researches on the implementation of concerns which were devolved to LGUs:

(a) The DILG has its representative in the Council to coordinate the operations of LGUs in the implementation of CRC provisions which were transferred to these local authorities according to the Local Government Code;

(b) Currently the Child Commissioner of the Children Basic Sector of the National Anti-Poverty Commission (NAPC) sits in representation of the children, as ex-officio member of CWC;

(c) A proposal has been submitted to the current Congress for the creation of a legislative-executive oversight body that would monitor violations of child rights;

(d) With the increasing child participation in the media and in the management of national and local governments, children's access to these mechanisms would be improved.

41. There was a need to map location of NGOs to find out how NGOs can relate with government agencies at the village level where child rights is best protected. This has been done vertically from national NGOs to their *barangay* base and horizontally among NGOs existing in the *barangay*:

(a) A change was effected in the selection of the two representatives of the NGOs in the CWC following their separate dialogue with the UN Committee on the Rights of the Child before the presentation of the Initial Report. A broader nomination process was initiated, involving the National NGO Coalition for Monitoring the CRC;

(b) The two representatives in the CWC Board communicate the concerns of the NGO community, participate in decision making, inform NGOs concerned with the decisions and monitor implementation;

(c) All Task Forces and Technical Working Committees of the CWC now also include representatives of the corresponding child-focused NGOs.

42. Other coordinating bodies where the relevant departments and NGOs are represented include the **National Commission on Indigenous Peoples (NCIP)** that is concerned with the rights of indigenous children. The **National Council on the Welfare of Disabled Persons (NCWDP)** similarly coordinates concerns of departments competent with aspects of disabilities in children. The **National Disaster Coordinating Council (NDCC)** allocates responsibilities over children in situations of emergency including armed conflict. The **National Nutrition Council (NNC)**, and the **National Early Childhood Care and Development Coordinating Council (NECCDC)** whose concerns are inferred from the titles include the same relevant departments and NGOs. Except for NCIP and NDCC, all the other coordinating councils mentioned are represented in the Council for the Welfare of Children (CWC).

43. A **Special Committee for the Protection of Children** was created in September, 1995 by *Executive Order 275* to complement the work of the Council for the Welfare of Children. Jointly chaired by the Secretary of Justice and the Secretary of Social Welfare and Development,

it is tasked to coordinate inter-agency and GO-NGO efforts to implement the national laws that protect the victims of various forms of child abuse including victims of commercial sexual exploitation, trafficking, abduction, among others. One of its major mandates is to direct agencies to respond to cases reported to them. As of 2000, the Special Committee through the Department of Justice National Prosecution Service has conducted nationwide training of prosecutors and local officials on how to deal with child related cases. It has continuously monitored specific cases such as child abuse and child labor cases. It has also coordinated with agencies to issue administrative orders to further strengthen protective mechanisms for children.

44. The Secretariat of the Council for the Welfare of Children also serves as Secretariat for the Special Committee for the Protection of Children to maintain continuing coordination between the two inter-agency bodies. However, the CWC has the authority to call upon and utilize any other department, bureau, agency, instrumentality of government, an NGO and the private sector when necessary for coordination.

45. Whether or not the Child Commissioner and the 15 child-members of the Children Basic Sector Council who were appointed by the President served as child ombudspersons has to be evaluated. The feasibility of electing *barangay child* ombudspersons who can act on complaints of children immediately within the village will be under study. To date, complaints of violence and ill treatment of children are acted upon in 67 per cent of the villages with organized *Barangay* Councils for the Protection of Children.

#### **F. Interim monitoring mechanisms**

46. The following mechanisms to collect data and appropriate indicators to monitor and evaluate performance on specific children's rights are existing among others as bases for policy making. However, these systems were not coordinated or unified and are now the subject of study:

(a) Minimum Basic Needs (MBN) Monitoring System is a village mechanism to gather and analyze data on the minimum basic needs of families with reference to: (1) survival (food and nutrition; water) health and sanitation; clothing, shelter, security to include income, peace and order; (2) basic education and literacy; participation in the community; and (3) family care, freedom from domestic violence and neglect. As an annual indicator system the MBN was utilized by the LGUs in monitoring the quality of life, including the measures to implement CRC;

(b) Family Income Expenditures Survey (FIES) is undertaken nationwide every three years, on income distribution. Thus the right of the child to a standard of living can be monitored;

(c) Annual Poverty Indicators Survey (APIS) is conducted annually for a more frequent monitoring of poverty conditions. It covers variables other than income and expenditures, hence, providing more comprehensive indicators of poverty than could be generated from FIES. Please refer to Annex I-E for APIS;

(d) Other than studies on the situation of Filipino children made in 1997 and 1999, the Children Basic Sector of NAPC presented a situationer with an agenda for legislative action to the Senate President during the 10<sup>th</sup> year celebration of the CRC ratification. The situationer and agenda for legislative action are attached (Annex I-F);

(e) A more systematic and exhaustive annual gathering of data by the LGUs has been tested to include indicators specific to each article of the Convention, expanding the evaluation tool in identifying child friendly cities and municipalities. Please refer to Annex I-G for the indicators;

(f) Social Development Management Information System (SOMIS) also serves as an institutional mechanism and tool for policy planning and program development, monitoring and evaluation in the context of international human development goals, commitments, and targets contained in the Regional Social Development Agenda, World Summit for Children, and the Programme of Action of the World Summit for Social Development (WSSD).

47. To start periodic evaluation of implementation by the LGUs, quarterly reports were submitted to the CWC through the field offices of the DILG. The Regional Directors monitored and evaluated compliance of the Philippine Plan of Action for Children by the LGUs. However, due to the lack of experience of LGUs in the recent devolution of CRC implementation, disaggregation of data by age, gender, rural/urban location, social ethnic origins, has not been achieved:

(a) The CRC National Monitoring System will be tested in 2002. This system calls for an agreement by the relevant departments including the DILG, on the indicators based on the five areas of concern under the UN CRC Guidelines for Reporting;

(b) No comprehensive report on the implementation of CRC has yet been submitted to the Philippine Congress periodically. However, in the budget hearings for each Department, the annual reports that include achievements on CRC are among documents submitted.

48. The NGO Coalition prepared an independent report evaluating the implementation of the Convention. This was integrated through the participation of the sectoral NGOs in the relevant Task Forces that reviewed and consolidated this Second Report. In submitting the Initial Report, the Coalition presented a separate preliminary report direct to the UN Committee. This tended to segment the monitoring, partialized action to be taken, and created mistrust where coordination was desired. Professional groups have not as yet been involved except through agencies where individual professionals work. The participation of professional associations, e.g. Philippine Medical Association, Association of Social Workers, etc., in evaluating their respective expertise, will be explored.

### **G. Budgetary allocations**

49. To ensure that the rights of children are taken into consideration to the maximum extent of available resources, social services for children have been getting an increasing share of the national government expenditures. From 11.15 per cent of the national budget in 1996, this has increased to 13.37 per cent in 2000. Please refer to Annex I-H.

50. National government allocation on social expenditures for children, not to mention local government expenditures, which cannot be included for lack of data, has been approaching the prescribed 20/20 initiative, in spite of the financial crisis and the ensuing fiscal deficit. On the other hand, international donors have allocated only about five per cent of the total Official Development Assistance (ODA) to health services, low-cost water supply and sanitation and basic education. To increase resources for the delivery of other basic social services, the Comprehensive Agenda of Action (CAA) for the 20/20 Initiative for the 21<sup>st</sup> century was approved.

51. Budgetary allocations to clearly commit availability of resources from public funds are recorded through the concerned departments which comprise the Council for the Welfare of Children, i.e. Department of Education, Department of Health, Department of Social Welfare and Development, Department of Agriculture, Department of Labor and Employment, Department of the Interior and Local Government. Annual plans and budgets which provide justifications for the necessity of incorporating these funds in the national budget were submitted to Congress. The process was repeated by the local government units with subsidies from the national departments. The current efforts of mainstreaming child rights in local government development plans (using CRC/ Child 21 as the framework) are expected to yield more resources allocated for children in the next five years and thereafter.

52. As inferred from the Table (Budget Allocation for Children's Welfare) in Annex I-H, arrangements for budgetary analysis of the national allocations by cluster of child rights are in place, through the Policy Studies Group of the Philippine Senate. Corresponding analysis of local government budgets is envisioned for 2001 – 2005 when the transfer of implementation of child rights to the local government units of the provinces, cities, and municipalities down to the *barangay* council would have been completed.

53. One measure to ensure that the best interests of children is upheld in budgetary allocation and policy making poverty being the most critical barrier to the fulfillment of the rights of the child, was through the creation of a Poverty Alleviation Fund (PAF). The fund initially amounted to PhP4 billion (US\$ 148 million) in 1996. Annex I-I shows the distribution of the Poverty Alleviation Fund by Region as of December 1999. Through the Social Reform Agenda, which was mentioned in the Introduction, the requirements of the families in the 20 poorest provinces were given priority, to reduce disparities in the provision of social services in the face of economic crisis.

54. To further augment the resources made available through the Annual General Appropriations Act and ensure that disparities among groups of children are bridged, other special funds were secured:

(a) PhP8 million fund from the Office of the President for social services to street children in the National Capital Region where the most number of street children are found;

(b) Legislative Special Funds for the construction of day care centers, financing of early childhood care and development, purchase of television sets for public schools and financing of programmes for other children needing special protection. The amount provided has not been ascertained from Congress for this Report.



55. Another component of the Social Reform Agenda which was mentioned earlier is the Minimum Basic Needs (MBN) Approach. MBN defined the basic minimum criteria for the promotion of child survival, development, and special protection. The approach committed the local governments to the best interests of the children in their evaluation of priorities given the various rights and limited budgetary allocations.

56. To further ensure that a mechanism exists in addressing the needs of the children in the poorest families and communities, a Comprehensive and Integrated Delivery of Social Services (CIDSS) was implemented from 1994 to the present. The approach is grounded on participatory community involvement starting with the process of child rights assessment at the *barangay* level. This is followed by joint planning, with the *barangay* council and NGOs, and implementation with the active participation of the families concerned. As of December 2000, CIDSS has covered 3,247 villages in 1,083 municipalities of 79 provinces which were considered priority areas for funds under the Social Reform Agenda.

57. Likewise, *Executive Order 421*, series of 1997 ensured that children of the most disadvantaged families were protected from budgetary reduction of the social sector. It provided for the creation of a separate child basic sector. The Children Basic Sector Council composed of 15 children headed by a child commissioner and two alternate commissioners, was mentioned earlier. They were appointed by the President for three years without reappointment to serve within the National Anti-Poverty Commission together with representatives of the National Economic and Development Authority, among others.

#### **H. International cooperation**

58. The total cost of UNICEF assistance for the Fourth and Fifth Country Programmes for Children (CPC IV & V) was US\$ 106.5M from 1994-2003. The UNICEF is also operationally based in the country and is extensively involved with the government in pilot-testing programmes and strategies, mostly on the rights of the child to a family and special protection. International cooperation, where no other UN body is mandated should devolve on UNICEF as a matter of policy of the United Nations Committee on the Rights of the Child, in accordance with Article 45 of CRC. Loans and grants for a total of US\$ 107.7M were provided by international funding agencies such as the World Bank and the Asian Development Bank from 1994 – 2005 for the Early Childhood Development Project, Urban Health and Nutrition Project and the Women's Health and Safe Motherhood Project.

59. In 2000, the country programme witnessed the formulation of the Local Development Plans for Children for the 25 CPC V areas, extending even to non-CPC V areas. Results of the Multiple Indicator Cluster Survey (MICS) conducted in 1999 were also made known in year 2000. Topics covered by the MICS are household population, education, maternal and infant health care, child health, salt iodization, birth registration, child labor, awareness on HIV/AIDS and on the CRC. The First National Summit on Children was also conducted where about 1,500 children participated. The National Summit was also an opportunity for the State of the Filipino Children's Report, 2000 and Child 21 delivered presented by the Chief Executive.

60. As in the previous country programmes, various capacity-building training sessions on the different component programmes on Health and Nutrition, Education, Children in Need of

Special Protection, Gender and development, Communication, Local Policy and Institutional Development and Coordination, Monitoring and Evaluation were conducted in 1999 and 2000 at the local, regional and national levels.

61. Another area of cooperation is the International Labor Organization - International Programme on the Elimination of Child Labor (ILO-IPEC) which was implemented with a total of US\$ 1.279 million. ILO-IPEC has also contributed significantly to research and analyses leading to a better understanding of the complex issues in child labor and the life conditions of children who work especially in hazardous and intolerable forms of labor. With the extension of the programme to December 2001, efforts to eliminate child labor and its inclusion in local government development plans, were intensified.

62. In response to the Philippine Government request for assistance in the training of law enforcement personnel and other officials of juvenile justice, (also mentioned in the Introduction of this Report) the United Nations Office of the High Commissioner on Human Rights conducted a needs assessment mission in July 1996. This was followed by a project formulation mission in 1998. In year 2000 capability building was started for trainers of law enforcement professionals. For this \$410,990 was committed to include information, education and communication (IEC) materials and manuals. The Government of Netherlands provided eight child friendly investigation studios costing \$64,000.

63. International NGOs support child rights's programmes mostly for alternative parental care, through the provision of funding and technical assistance to local NGOs. Among these international NGOs are Christian Children's Fund, the International Save the Children Alliance, *Terre des Hommes*, Plan International, and Holt International.

### I. Dissemination of the principles/provisions of CRC

64. In addition to measures mentioned in the Initial Report to disseminate the principles and provisions of the CRC, the Convention has been translated into the national language. In view of the cost involved, translation in the minority languages has been deferred. The Filipino version is incorporated in several publications which address specific groups and which have practical applications, among which are: (a) "Children Are Little People Too"; (b) "In their Best Interests"; (c) "14K" a Filipino translation of the leaflet on Questions Parents Ask About the United Nations Convention on the Rights of the Child; and (d) a small booklet on the Rights of the Child in Filipino (FCED).

65. A **Task Force for Popularising the UN Convention** has been organised shortly after the dialogue of the Philippine delegation with the Committee on the Rights of the Child in January 1995. Photo exhibits on the Convention were held in different venues such as schools, malls, and parks. NGOs used the preparatory activities for the World Conference on Commercial Sexual Exploitation through photo exhibits and workshops to inform children and the public especially about the special protection rights of children. The ILO-IPEC, the DOLE, and their NGO partners such as *Kamalayan* Foundation, *Visayan* Forum and the Philippine Children's Television Foundation (PCTVF) also mounted several exhibits on child labor. The popularization work has continued through photo and art exhibits and posters in shopping malls, stations, lobbies of government agencies, hospitals, banks, churches, and *barangay* halls.

66. Conferences and workshops wherein the principles and provisions of the CRC have been discussed, include among others: (a) World Summit for Social Development (WSSD); (b) GO-NGO Workshop on WSSD + 5: Common Agenda and Action Plan; and (c) National Workshop on the Establishment of a Social Development Management information System (SOMIS). Other meetings specific to each cluster of child rights are indicated in the corresponding sections of this Report.

67. The extent to which the CRC has been made known to children at the day care centers, is reflected in the daily session plans of the day care workers. For the parents, the revised Parent Effectiveness Service Manual includes a module which contains a general discussion of the CRC. As stated in the Supplementary Report 1995, child rights and responsibilities are discussed in the textbooks of the elementary schools for the subject on Civics and Culture. The teaching of child rights in secondary high school is integrated in gender sensitivity courses and the curriculum on Social Studies and Home Economics.

68. Professional groups working with children and for child rights in the different departments and agencies of the government and NGOs were trained as mentioned earlier, and accordingly by their respective offices:

(a) Training for law enforcement officials and local government executives was done through the Leagues of Cities and Municipalities, the UNICEF, and members of the NGO Coalition;

(b) Members of the judiciary were oriented through the Special Committee for the Protection of Children, the Philippine Judicial Academy, the Task Force on Child Protection of the DOJ;

(c) For social workers, day care workers, institutional care workers, training was done by the DSWD and LGUs;

(d) The teachers were oriented through the DepEd and professional associations of educators;

(e) Nurses and doctors, midwives, nutritionists, village health workers were trained through the DOH.

69. In the 2000 training on juvenile justice, there were 31 sessions focused on CRC. The participants included members of Congress and legislative staff, law enforcers, lawyers, social workers, penal and corrections personnel, local government administrators and operations officers. Several publications are now available for use by lawyers and members of the justice system as well as by child advocates:

(a) "Opening Doors: A Compilation of Laws Protecting the Filipino Child Workers" (1995);

(b) "The Convention on the Rights of the Child and the Philippine Legal System" (1997); and

(c) “The Child in the Justice System” which provides detailed procedures to be followed in the investigation, prosecution, and trial of cases where the complainant is a child.

70. The principles and provisions of the Convention were integrated in the academic curriculum for law students through the **Ateneo Human Rights Center** and in the courses of teachers, nurses, doctors, social workers, and other disciplines) through the **Commission on Higher Education** and the corresponding colleges and universities. It is envisioned that the **Professional Regulations Commission (PRC)** would include in the Board Examinations, questions to test the extent of knowledge and the attitudes on child rights of social workers, teachers, doctors, nurses, and other health professionals if not all the professions, to qualify for their respective professional licenses. The results would correspond to an evaluation of the academic curricula on the Convention which are taught by the universities and colleges.

71. Various fora and training sessions were organized for media practitioners to increase their understanding of CRC. Reporters have become more aware of the need to protect children’s rights in media coverage. Children’s identities are concealed. In response to media practitioners’ need for more reference materials about CRC, the CRC Media Toolkit was developed. Aside from presenting the basic rights of children to be considered in media production, the toolkit gives examples of good and bad media practices about children. Likewise, the Special Committee for the Protection of Children issued the Media Guidelines.

72. The broadcast media (radio and television) took the lead in addressing the rights of children, which needed more attention namely the right to protection from abuse and maltreatment, exploitation, including child labor, as well as the rights of all children to express their views:

(a) These were undertaken in cooperation with the National Association of Broadcasters (KBP), the 4As and the Creative Guild;

(b) The Philippine Information Agency (PIA), a government agency, produced and broadcasted television plugs on children’s rights to special protection from abuse and exploitation with a focus on sexual abuse, physical abuse, and child labour;

(c) UNICEF also commissioned the production of three animation TV spots on children’s rights.

73. The Association of Broadcasters and Media Practitioners set up its own monitoring system. Volunteers view a number of TV programmes, noting violations of the Association’s Code of Ethics. Because of this system, more violations were processed. To encourage the production of appropriate media for children by scriptwriters, producers and directors, the annual “Alay sa Kabataan” Awards was set up for radio and TV programmes. There has been an increase in the number of entries for the awards over the last five years, particularly from the provinces. This indicates more motivation to produce child rights programmes.

74. A system was also devised to recognize and promote viewing of child-friendly TV programmes. The “Anak-TV Seal” was launched, to guide parents in the choice of appropriate programmes for children to watch. Aside from aiding parents, the Seal encouraged producers to continuously improve the productions for children.

75. Non-governmental organizations were involved extensively in awareness and advocacy campaigns on the CRC, among others through sponsorship of a daily television programme for children of “*Batibol*”. This is presented in the Filipino language to educate children about their rights, using other children as informants. A TV programme on CRC entitled “Parents’ Guide” is also shown daily. Both are produced by the Philippine Children’s Television Foundation, Inc. and are broadcasted nationwide on GMA–Network, a leading national TV network. Another children’s television programme, “5 and Up” focuses on the rights of children to participation and self-expression through media.

76. The **Asian Summit on Child Rights and the Media** was held in the Philippines. A group of Filipino children from the Community of Learners Foundation School for Children submitted a 7-point “wishlist” for the media, which served as guidelines in continuously making the principles and provisions of CRC known, more specifically in respecting the views presented by the children, as follows:

(a) We want high quality programmes made just for us – programmes that will not use us as subjects to sell products or ideas. We want to learn as well as to have fun;

(b) We want to express our ideas on these programmes. We want to talk about our families, friends, and communities. We want to share what we know about ourselves and others;

(c) We want to hear what other children are going through, – what games they play, what songs they sing, what problems they have to solve in their own parts of the world;

(d) We want programmes that will make us confident so that we can handle the process of growing up, no sex scenes or violence, please!;

(e) We want programmes considerate of our needs that we can watch at regular time slots;

(f) We want support from everyone to allow these programmes to be the best that they can be;

(g) Listen to us. Take us seriously. Support these programmes and protect our rights!

77. Radio programmes like *Talakayang Musmos* wherein children themselves are the broadcasters have been found to be effective in increasing public awareness on child rights. Children broadcasters have likewise pioneered in producing their own radio programmes.

78. Development communication programmes would focus on information dissemination through the traditional mass media. The use of community or folk media channels would be explored to increase participation of children and parents. Special attention would be given to Mindanao, the most information-deprived region in terms of infrastructure and content.

79. The participation of children has been assessed in terms of the media through which they are reached. According to the McCann Youth Study 2000, children are involved through: watching television (88 per cent) for an average of 8 hours a week, listening to radio (73 per cent) for 6 hours/week; reading books (50 per cent) and newspapers (52 per cent),

reading magazines (37 per cent), watching videos (37 per cent) and going to the movies (23 per cent). Results also showed that Mindanao seemed to be a disadvantaged area. More details on the findings of this Study are included in attached Annex I-J. These findings will serve as a guide in determining the media where the continuing publications on child rights will be located.

80. These activities to promote understanding of the CRC principles and provisions were not monitored in terms of actual number of audiences, listeners, viewers disaggregated by age, gender, rural or urban location, social or ethnic origin, and corresponding impact due to the lack of consciousness over the need to monitor same. However, there is now a greater awareness and understanding of CRC among media practitioners themselves and children as shown in improved coverage of children's issues and independent, private-sector initiatives.

### **J. Preparation of this Second Report**

81. This Second Report, completed in the second quarter of 2002, was collated based on the **General Guidelines Regarding the Form and Contents of Periodic Reports (CRC/C/58)** by the CWC sectoral panels/task forces, with the earlier participation at the regional level by local government representatives concerned with the implementation of devolved services. Representatives of children within municipalities and cities also participated:

(a) Results of program review, consultation workshops, focused group discussions, special studies/researches and agency records were used in preparing the drafts of the different clusters of this Report;

(b) The number of NGOs that participated in the task forces/sectoral panels varied according to the cluster of rights to which their programmes relate. There was no registration of the extent of participation. However, as mentioned in the Introduction, the NGOs had separate consultations on their own implementation, at which even the smaller NGOs were involved.

82. Members of the Technical Management Committee of the CWC, reviewed the drafts based on the same Reporting Guidelines namely (a) **civil rights and freedom**, with the Department of Justice taking the lead; (b) **family environment and alternative care**, with the Department of Social Welfare and Development; (c) **basic health and welfare**, Department of Health; (d) **education, leisure and cultural activities**, with the Department of Education; (e) **special protection measures for children in situations of emergency**, Department of Social Welfare and Development; (f) **children involved with the system of administration of juvenile justice**, Department of Justice, (g) **children deprived of their liberty**, Department of Justice; (h) **children in situations of economic exploitation**, including child labour, Department of Labor and Employment; (i) **drug abuse**, Department of Health; (j) **sexual exploitation and sexual abuse**, Department of Social Welfare and Development; (k) **sale, trafficking and abduction**, Department of Justice; (l) **children belonging to a minority or an indigenous group**, Department of Agriculture and the National Commission on Indigenous People. For the cluster on **General Measures**, the National Economic and Development Authority took the lead and for the **Definition of the Child** the Department of Justice.

83. An inter-departmental task force reviewed the summary of actions taken on the **Concluding Observations and Recommendations** of the CRC Committee as presented in paragraphs 5-22 in the **Introduction**. The members of the **NGO Coalition for Monitoring the CRC** convened four regional assemblies in 1995, to inform the NGOs concerned about the Concluding Observations, to consult them regarding their observations on the implementation of the CRC in their respective areas, as well as explore what action each NGO would take on the recommendations of the CRC Committee.

84. Short of a CRC National Monitoring System through which data could be collected, implementing evaluated, and for this Report to have been processed periodically, according to the **CRC Reporting Guidelines** and the **Philippine Plan of Action for Children**, referring back to a five year period of administrative reports and records of activities was difficult and the process took over a year. It is with more determination that the Monitoring System should work for the next five years (2001-2005) and the local governments should be better prepared for the system based on their experiences this period 1995-2000.

85. As this Second Report was being completed, reproductions of the drafts were distributed to members of the Task Forces and Sectoral Panels including the NGOs and the Departments composing the Technical Management Committee of the CWC, the Report was reviewed in its entirety since each Task Force and Sectoral Panel drafted only the cluster over which it had main substantive responsibility.

86. The Secretaries of the Departments concerned collectively through the Council Board had the responsibility to approve and authenticate the Report to be comprehensive and responsive to the contents of periodic reports as outlined by CRC/C/58 20 November 1996, prior to its publication.

87. This Second Report will be made available to the public initially in the English language, through the congressional districts and directly to the children through the schools and children's organizations and through announcements of the availability of the Report. Considering the priority given to implementation of measures to uphold the rights of the child and in view of limited financial resources, the publication and translations explaining the Report, as widely as possible may not be realized.

88. A more deliberate involvement of the Legislative Branch in monitoring implementation is envisioned since enactment of legislative measures refers to the area of responsibility of said branch of government. The Chairperson of the Committee on Social Welfare of the House of Representatives of Congress was a member of the delegation that presented the Initial Report to the UN Committee. It is expected that the same representation would be available for this Second Report.

## II. DEFINITION OF THE CHILD

89. As of 1997 RA 6809 lowered the age of majority to 18 when parental authority over the child terminates. However, other legislative and administrative measures define the minimum legal age which corresponds to the evolving capacity of the child at which certain rights are deemed to prevail.

90. **Legal and medical counseling, medical treatment or surgery without parental consent.** Parental authority is exercised by the parents or legal guardians of a child. Under Republic Act 7610, a child may file a case by himself. Medical counseling or consultation does not need parental consent. However, the same is needed for surgery except in emergency.
91. **End of compulsory education/admission to employment.** The age for compulsory schooling is defined by Department of Education Order 65. Age six is the child's entry to grade one. Elementary education of six years is completed at eleven years of age. With four years in high school, free education ends, at age fifteen, which is also the minimum age for admission in any undertaking except in employment that endangers the child's life, safety, health, morals or impair his/her normal development.
92. **Marriage/sexual consent.** The Family Code provides that contracting marriage shall require parental consent until the age of twenty-one. There is now no difference between girls and boys age of marriage without parental consent.
93. **Participation in armed conflict.** For a child to qualify for conscription into the regular force of the Armed Forces of the Philippines, he/she should not be less than eighteen years old. Voluntary enlistment in the armed forces is at eighteen years.
94. **Criminal responsibility.** Minimum age for exemption from criminal liability, unless the child acted with discernment, has been recommended to be raised from nine to twelve years old in the proposed Comprehensive Juvenile Justice Bill. Presidential Decree 1179 amending certain provisions of the Child and Youth Welfare Code defines a young offender as a child who is over nine years old but under eighteen at the time of the commission of the offense.
95. **Deprivation of liberty by arrest, detention, imprisonment.** Presidential Decree (P.D. 603) as amended stipulates that the young offender defined in paragraph 92 as a child nine years old and under eighteen, if unable to furnish bail, shall be committed to a detention center/rehabilitation center or jail separate from other detainees. The court may release the young offender on recognizance to parents or other suitable person. If the court finds that the young offender has committed the crime, the court shall submit him/her to the care of DSWD, or a duly licensed training institution, or a foster family, until he/she reaches twenty-one years of age or a shorter period for good conduct.
96. **Capital punishment and life imprisonment.** Article 197 of Presidential Decree 603 provides that only when the young offender reaches the age of twenty-one, while in commitment, would the court determine or pronounce the judgment of conviction. No capital punishment or life imprisonment is imposed before age twenty-one.
97. **Giving testimony.** The Philippine Supreme Court's *Rule on Examination of a Child Witness* (Annex II) defines the child witness as one who is below eighteen years old or he/she may be above 18 years but is unable to take care of himself/herself. This Rule prescribed how the child can participate in proceedings. As stated in the Initial Report, no minimum age has been set by law for a child to testify in court. If a child is to testify he/she should be able to express himself/herself with discernment and should be physically and mentally capable of handling the rigors of the court proceedings.



98. **Lodging complaints.** No minimum age has been prescribed by law for a child to directly lodge complaints before a court or any relevant authority without parental consent. Children may seek redress before a court or file complaints to relevant authorities but these are done with the guidance of their parents or a significant adult. On the other hand, the **Supreme Court's Rule on Examination of A Child Witness** presumes that every child is qualified to be a witness and the court is mandated to conduct a competency examination, *motu proprio* or on motion of a party when it finds that substantial doubt exists regarding the ability of the child to perceive, remember, communicate, distinguish truth from falsehood or appreciate the duty to tell the truth in court.

99. **Giving consent to change of identity, including adoption.** The practice of giving consent to adoption by the adoptee or adoptive parents' children has been set at the minimum age of ten years (Article 188 Title VII, Family Code).

100. **Legal capacity to inherit.** Based on Civil Code of the Philippines, a person can take full right to inheritance or make decisions on his/her own property, or enter into legal and property transactions at age eighteen.

101. **Create/join organizations.** Participation is one area of child rights that is being developed and tested. Child leaders aged 9-15 years were appointed by the President as members of the Children Basic Sector Council in 1999. PD 603 stipulates that youth associations are one of the community bodies which involve the child below twenty one years of age. Similarly the children in school could organize and join student organizations.

102. **Choosing a religion.** There is no legislation that provides for the minimum legal age for a child to choose a religion or attend religious school teaching without parental consent.

103. **Consumption of alcohol and other controlled substances.** As stated in the Initial Report, there is no legislation establishing a minimum age when a child may consume alcohol or other controlled substances. However, there are local ordinances which prohibit the child below 18 years old from purchasing or drinking any alcoholic beverages.

### III. GENERAL PRINCIPLES

#### A. Non-discrimination

104. The Initial Report has indicated the legal bases for ensuring that there is no discrimination of the child in any form. The **Child and Youth Welfare Code (PD 603)** provides that all children shall be entitled to the rights set forth in the Code without discrimination as to their legitimacy, gender, social status, religion, political antecedents or any other factor.

(a) The same principle is upheld in the **Special Protection Act** which provides that special protection shall be ensured for the child against all forms of discrimination and that the state shall intervene on behalf of the child in such condition. The Act specifically protects the children of indigenous cultural groups against discrimination, and prescribes penalties for violations;

(b) The **Family Code** specifically supports non-discrimination of the child born through artificial insemination, and provides an increase in the inheritance of illegitimate children;

(c) The **Magna Carta for Disabled Persons** mandates the removal of all social, cultural, economic, environmental, attitudinal barriers relative to the person with disability;

(d) In a pending bill of the 12<sup>th</sup> Congress, children born to Vietnamese refugees could become permanent residents in the Philippines.

105. Government efforts to ensure that discrimination is prevented in the enforcement of laws and in the implementation of programmes for children, include changing negative attitudes of government workers in the various line agencies:

(a) Standards used in licensing NGOs ensure that services are non-discriminatory. Policies and guidelines within multi-sectoral and inter-agency organizations through the CWC are periodically reviewed to assess if these are inadvertently prejudicial to non-discriminatory rights of children;

(b) The CWC collectively or NGOs and government agencies or citizen groups individually also monitor and articulate positions on pending legislations in the Philippine Congress. For example, a bill entitled “The Kindergarten Act” filed in the Tenth Congress, which requires a year of preschool education preparatory to Grade One would inadvertently discriminate against the entry of the poorest children into the formal school system. This bill was not passed.

106. Measures to reduce economic, social and geographical disparities to prevent discrimination against the most disadvantaged children are as follows:

(a) Special attention has been focused on children in the remote rural communities where there are many indigenous cultural communities. The Third Elementary Education Programme (TEEP) provides, among others, resources for school improvement in these poorest communities. Chapter VII on **Education** describes TEEP in more details;

(b) For children with disabilities the community-based rehabilitation approach was introduced. By enhancing community participation, it is envisioned that the prevailing negative attitudes on the part of families and service providers toward disabled children will be changed;

(c) The Comprehensive and Integrated Delivery of Social Services (CIDSS) was implemented in areas where families were displaced because of mine spills, the constructions of dams and other economic development projects, and in areas affected by armed conflicts. Further, through CIDSS, there was a 72 per cent average reduction of unmet minimum basic needs of the children of poor families; to include education, day care services, health, food and nutrition, water and sanitation, livelihood of the parents, housing, and other socio-economic infrastructures, such as farm-to-market roads, micro-credit financing schemes and electrification.

107. Presidential Proclamation No. 759 series of 1996 was issued to address social and cultural factors that tended to discriminate the girl child. The fourth week of March, 1996 and every year thereafter is celebrated as “Week for the Protection and Gender-Fair Treatment of the Girl-Child”. This week would focus on the situation of the girl child in the family, in school, in the society.

(a) Based on a study on **Child Rearing and Gender Socialisation in the Philippines** discrimination depended on the following socialization areas in the family: (1) parental preferences for the boy child; (2) parental expectations of sons vis-a-vis daughters, (3) rearing of daughters in contrast with sons, (4) preferential investment of resources on sons; (5) parental modeling indicated by differences in the child-rearing behaviors of mothers and of fathers. The education of children and parents on gender issues to address the deep-seated cultural practices and attitudes took precedence for the elimination of discrimination against girls. One module of the Parent Effectiveness Service is devoted to strengthening husband-wife relationship through gender sensitive partnership;

(b) An Inter-agency Task Force on the Girl Child was organized to work on the formulation of the “Medium-Term Strategic Development Framework”, starting 2002 as mandated by the Presidential Proclamation No. 759, to minimize discriminatory practices against the girl child;

108. There has been no cause to be alarmed by the presence of foreign migrant groups of discrimination on the basis of race and color. Children of Chinese origin have been smoothly integrated in schools and in society for centuries. The few children born out of marriages between Europeans or Americans and Filipino parents have preferential attention, arising from their better physical features.

109. Similarly no information is available on incidents of discrimination or punishment of children because of the status or beliefs of their parents. However, the monitoring system being established will include collection of this information.

110. The main problem in the implementation of non-discriminatory programmes for children is related to the availability of funding. Given the limited resources, there has always been a need to prioritize, to some extent, tend to discriminate against other children who happen to belong to the non-priority groups. However, for the categories of children given priority, the principle of non-discrimination is applied to the programmes, i.e. education, health, special protection, civil rights, coordinated through the Board of the Council for the Welfare of Children, where government, non-government organizations, and the Child Commissioners deliberate and decide.

111. Aside from the disaggregation of data from administrative reports of programmes and projects, implemented by agencies, the National Statistics Office conducted researches on social and ethnic, gender, age, and rural/urban disaggregation. The same guiding principle has been considered in the monitoring system being established for the Plan of Action covering the next five years (2001-2005) and Child 21.

### **B. Best interests of the child (art. 3)**

112. As stated in the Initial Report, the principle of the best interest of the child is explicitly provided in the **Child and Youth Welfare Code** and the **Special Protection of Children Act**, echoing the **Constitution**. Courts of law have likewise applied the principle in cases involving each child:

(a) The most recently adopted rule that considered the best interests of the child was the Philippine **Supreme Court's Rule on Examination of a Child Witness** which took effect in December 2000 (Annex II). Legislations, executive issuances, and administrative guidelines that have been approved from 1989 had taken the Convention on the Rights of the Child as the framework and rationale for the same;

(b) Guidelines of government agencies implementing programs and services for children explicitly consider this principle, with operationalization of same, specific to a child which definitely is difficult to monitor. However, indicators on this principle are under study for inclusion in the monitoring system being established. Compliance is verified in case reviews and surveillance by professional groups, if not through the mandated government and non-governmental agency, including children associations.

113. Concerned citizen groups and child watch networks have been involved in the advocacy for the **best interest principle** in their respective areas of coverage. Specifically, addressed to public and private social welfare agencies, the courts, legislative bodies, consciousness of this principle has been maintained resulting in measures reported in other sections of this Report.

114. The State, in its role as *Parens Patriae*, takes over through due process, the responsibilities of parenting and child care when the child's biological parents and relatives are unable to uphold the best interests of the child:

(a) Limitations on this assumption of role lies in the extent of poverty of the family and in the limited resources with which the State operates and, at times, the magnitude of the problem which the State is expected to assume through the mandated Departments of the government;

(b) Budgetary allocations for children are presented in paragraph 8 of the **Introduction** and the Table on Budget Allocation for Child Welfare, annexed to I. **General Measures of Implementation**;

(c) The manner with which the "best interests" of the child have been given primary consideration in family life, social life, adoption, and placement in institutions could be inferred in Chapter V on **Family Environment and Alternative Care**, but this information would be better known through the indicators being worked out;

(d) The best interests in school life would be implied from Chapter VII. **Education Leisure and Cultural Activities**;

(e) The primary consideration of the best interests of the child in the administration of justice could be read in Chapter VIII. **Special Protection Measures B. Children Involved with the Administration of Juvenile Justice**;

(f) Concern over the child's best interest in social security is included under Chapter VI. **Basic Health and Welfare, C. Social Security.**

115. Residential care facilities are required to conform with the standards for the best interests of the child set by the Department of Social Welfare and Development. DSWD Department Order 1 Series of 1996 entitled "*Rules and Regulations in the Accreditation of Social Welfare Services of Government and Non-Government Agencies*" and Administrative Order 148 Series of 2001, entitled "*Guidelines in the Management of Residential Care Services*" set the minimum standards in the accreditation of residential care services. The Department of Social Welfare and Development, Bureau of Standards, is committed to the licensing and accreditation of both government and non-governmental agencies operating child care facilities in the spirit of the best interests of the child as follows:

(a) The organization shall include guidelines on the organizational purpose, governing board, human resource and development, management, staff-children ratio, financial and material resource management, and support services that support the best interest of the child;

(b) Facilities shall promote the physical, emotional and psychosocial well-being of the children, and include safety and emergency measures and waste management system;

(c) Programmes and services shall include standards on the social welfare services, home life, educational, health services, skills training/vocational counseling, recreational and other cultural activities, spiritual enhancement, family reunification, community participation collectively addressed to the appropriate treatment for psychological recovery and social reintegration; and

(d) Case management records and records of periodic review of placement as well as evidence of competent supervision are required.

116. As stated in the Introduction paragraph 20, child rights oriented training of professionals, starts with the integration and review of the general principles of child rights. The "*best interest of the child*" is the rallying point and objective of the other principles of non-discrimination, the right to life, survival and development, and respect for the views of the child. While the different trainings listed in the Introduction are addressed to the desired knowledge and skills for each specific profession, the application of the "best interest" of each child is ensured through case analysis and corresponding case management.

117. Putting *Children First* in all actions related to children remains as a challenge and an objective for those who have not been reached by information and education on child rights. There is a need to continue child rights education especially with persons and professionals directly working with children:

(a) The consistency and sustained adherence to the best interest principle has to prevail when an actual situation of a child confronts a CRC-trained professional. Competing priorities and interests other than those of the child in relation to the family as a unit remain to be a challenge in spite of training and education;

(b) There are still times when limited resources, authority and seniority take precedence over the child's interest. The critical mass of child advocates among officials in responsible positions specifically in local governments has to multiply so that societal norms can take absolute and positive turns for the best interest of children;

(c) There is promise in the Child Friendly Movement in the country to effect this much needed societal change within the decade.

### **C. The right to life, survival and development (art. 6)**

118. The Philippine Constitution provides that the State shall equally protect the life of the mother and the unborn child and prohibits induced abortion. The Revised Penal Code penalizes anyone who may cause an abortion. Closely related to the preservation of life of the unborn child has been the adoption of an integrated and comprehensive approach to health development. Updates on programmes that ensure child survival and development are extensively discussed especially in chapter VI. **Basic Health and Welfare**. Conditions of children have generally improved as shown in the improving status on child health.

119. Registration of vital events like births, marriages and deaths are in place. Each of the more than 1,400 municipalities and over a hundred cities have local civil registrars that keep records of all these occurrences. With regard to deaths, a certificate duly signed by a licensed physician is required before burial. However, identification of the underlying cause of death has to be specified:

(a) Deaths of new born or still-births have not been efficiently reported where parents do not have access to civil registrars or cannot afford burial expenses. This issue has to be addressed though the improved system of coverage by civil registrars;

(b) While the system of reporting suicides of children is wanting, media practitioners have been vigilant in highlighting such occurrences through their coverage/reports. Taking information from said reports, incidences of self-inflicted harms by children are generally much less than those which are inflicted by another person;

(c) Suicide as a cause of death is not reported as such, but instead is registered based on the immediate cause, like gunshot, stab wound, fall, etc. Measures to prevent children's suicide, especially among the adolescents are lacking, except for the availability of school guidance counselors to whom a child-at-risk may be referred. The phenomenon of run-away children may have deterred the suicidal tendency of the child. However, this is subject to study and identification of alternatives to ensure the child's right to life.

### **D. Respect for the views of the child (art. 12)**

120. One of the matters affecting the child for which his/her views are expressed is through Section 9, article III of the **Domestic Adoption Act of 1998** (RA 8552) reconfirming the provisions of the *Family Code* with respect to the consent of the child on adoption. The adoptee and the legitimate/illegitimate sons and daughters of the adoptive family, who are ten years and

over and living with the adopter have to give their written consent to the adoption after proper counseling and information on their rights. Other than RA 8552, five other measures are in place respecting the views of the child:

(a) RA 8044 creating the National Youth Commission stipulated the convening of the **National Youth Parliament** every two years. This assembly of youth leaders/representatives includes those who are 15-18 years of age, and serves as a venue to validate youth issues and to formulate resolutions which were considered by the government and Congress;

(b) The courts have started considering the child's right to be heard with minimal stress and trauma, through its recently promulgated **Rules of Court on Child Witnesses**. The Rules apply to the judges, prosecutors, social workers, defense lawyers;

(c) In school, students are involved in decision-making on the management of the school and extra-curricular matters through the Student Councils;

(d) In practice **changes in family life** where the children are more involved in family affairs, have resulted in their freedom to express themselves. No longer are children just seen and not heard from;

(e) The challenge for government is to promote adherence to this principle beyond the courts, and parents, and ensure that other **persons in authority** like teachers, doctors, police, child care givers who regularly interact with children, comply with this principle.

121. The opportunities where the child can be heard in the judicial and administrative proceedings have increased. More judges, court social workers, prosecutors, defense lawyers, police officers in children's desks, and jail officers are being trained on child-friendly and child-sensitive procedures in preparation for and within court proceedings. Court appointed special advocates (CASA) and guardians ad litem (GAL) have been trained to assist children to intervene in the courts.

122. Currently the Child Commissioner and Child-Members of the Children Basic Sector Council participate in decision making at the Council for the Welfare of Children. The Philippine experience applying the principle of respect for the views of the child has evolved from the movement of non-government organizations, called **Expanding Children's Participation in Social Reform (ECPSR)**. Children were organized as a sector. Children association leaders from various provinces in the country were appointed by the President of the Philippines in 1999 to constitute the 15 member Children Basic Sector Council headed by a Child Commissioner. This Council is one of the recognized basic sectors in the National Anti-Poverty Commission created under *Republic Act 8425* and chaired by the President of the Philippines.

123. The media has been a very active partner in child rights advocacy and particularly on the respect for the views of the child. This right is exercised by selected children who had opportunities to host programmes on children aired weekly to cover news and events on children. To date, there are a number of television and **radio programmes that have children as hosts**.

These programmes usually run mornings or early evenings for magazine and feature stories. However, participation of children at the grassroots which is limited to one representative of the youth in the *Barangay* Council for the Protection of Children, would be expanded.

124. **Child committed professionals** especially teachers and social workers were trained to encourage children to express their views and give their views due weight. But the number of hours given to child-oriented courses for lawyers, doctors and the police specifically on the evolving capacity of the pre-school child and the adolescent, are insufficient to develop their attitudes to allow the children to express their views.

125. In the series of national consultations done by the Children Basic Sector Council of the National Anti-Poverty Commission, the **children's views have been raised to the CWC Board** and to the President. Examples of policies formulated with the participation of children are Child 21, the Country Statement and Agenda for Action to the General Assembly Special Session on Children.

#### IV. CIVIL RIGHTS AND FREEDOM

##### A. Name and nationality (art. 7)

126. The Initial Report stated that only 70 per cent of the total child births were registered. For the period 1995-2000, the National Statistics Office (NSO) estimated that 80 per cent to 85 per cent of children were registered. Measures undertaken to ensure that every child is registered after birth included the following:

(a) To improve the registration of births, **Proclamation 326** was issued in 1994 declaring the free registration of births, foundlings, marriages, and deaths. Fifty per cent of all local government units repealed the imposition of the registration fees;

(b) As stated in the Introduction of this Second Report **accessibility was ensured** through a mobile registration system and out-of-town reporting of births, to include Philippine embassies that registered children born within their jurisdiction. House-to-house visits were conducted to saturate the villages in case of possible cultural barriers or distance from the civil registrars office;

(c) To further prevent non-registration of children immediately after birth, the following **social and cultural obstacles had to be dealt with** especially among the ethnic communities:

1. **Lack of sense of urgency.** Birth registration is not important unless there is an immediate need for the documentation;
2. **No tradition of written records.** Documentation, like a birth certificate, is not necessary where a written language does not exist;
3. **Lack of sanctions.** While the indigenous communities impose sanctions for violation of mores and customs, non-registration of vital events is one type of behavior which does not carry corresponding traditional sanctions;



4. **Preference for child birth at home.** Child birth is assisted by family members themselves, or by traditional birth attendants. This is not monitored by field personnel of the Department of Health. Thus, there is a lesser chance the birth is reported for registration;
5. **Post-partum taboos.** There are certain taboos upon the delivery of the child. The mother is prohibited to leave the house for three days after birth, and five days for the father. It is impossible for the parents to report the event within three to five days from the birth of the child unless the relatives would do the same except that there are other cultural barriers. Thereafter the parents tend to forget;
6. **Practices and taboos regarding the naming of the child.** Normally a child is named only when an extraordinary event occurs as the child grows up. This delay in naming a child results in a delay in registering the birth.

(d) The Plan International and National Statistics Office started another measure to ensure that every child is registered. The **Unregistered Children Project (UCP)** was aimed at the delayed birth registration of children below eighteen years old who belong to minority groups. Registration of the newborns was addressed through raising the awareness of the parents and improving the access to the registration system;

(e) *Administrative Order 2 of 1992* which established a **Civil Registration System for Muslim** Filipinos was fully implemented. Civil Registrars and Provincial Statistics Officers of the National Statistics Office were evaluated annually to enforce stricter compliance;

(f) Article 172 of the Family Code stipulates that besides a birth certificate the **child's filiations can be established** through a handwritten instrument signed by the parent. **Rule 12 of Administrative Order 1 of 1993**, prescribed the delayed birth registration of all children who were still unregistered. One difficulty with a delayed registration of birth is the possibility that the informant does not know the facts of birth of the child when the biological parents cannot be located;

(g) Sections 13 and 14 of RA 8552 provide that in the case of an adopted child the **Decree of Adoption** shall be recorded in the Civil Registry within thirty days after the issuance of the final judgment of the court and an amended certificate of birth shall be issued to the child;

(h) The right of the child to identify with his/her biological parents and genealogical roots which is violated by the practice of the simulation of birth. The Revised Penal Code considered simulation of birth as a criminal offense. Penalties for simulating birth are also provided under Article VII, Section 21 of *Republic Act 8552* known as the *Domestic Adoption Act of 1998*. In order to encourage those who have previously simulated the birth of a child to correct their acts for the best interest of the child, Section 22 allowed a five-year amnesty period to register the birth and petition the child for adoption.

127. To advocate and sensitize parents on the need for the child to be registered immediately after birth, the Philippine Information Agency (PIA) produced television, radio and cinema plugs. On the other hand other measures were taken:

(a) Developmental messages on children's rights to a name and nationality were broadcasted in the six major networks, fourteen cable networks and about one hundred radio stations nationwide;

(b) Face-to-face communication through public dialogues and folk media, especially addressed to ethnic and cultural communities were conducted, using indigenous leaders as change agents;

(c) Various media interviews were held by the local print and broadcast media in the municipalities;

(d) The children in school served as advocates in their own families to register the new-born siblings;

(e) Civil Registrars and the doctors, midwives, nurses, health workers, the medical records clerks, involved in the civil registration system were trained with the impetus from NGOs and LGUs in coordination with the National Statistics Office, Office of Muslim Affairs, the National Commission of Indigenous Peoples, the Philippine Medical Records Association and the Philippine Records Management Association.

128. As stated in the Initial Report, the elements of the child's identity, included in the birth registration are **the date and hour of birth, place of birth, gender, the given name, surname** (which is the same as that of the father), **civil status of parents, the parents names, nationality and religion**:

(a) However, if child is born out of wedlock the surname follows that of the mother. If the father is unknown, only the pertinent information on the mothers is registered;

(b) The birth certificate as formulated is needed for its evidentiary value in legal proceedings aimed at determining the inheritance due to legitimate and illegitimate children from the father. This protects the rights of the legitimate child but does not necessarily discriminate the child born out of wedlock. The Family Code has already provided for an increase in the share of inheritance of the latter to one-half of the share of the former. In case of foundling certificate is secured to establish identity and name of the child;

(c) The CWC and the Child Rights Center of the Commission on Human Rights conducted consultations nationwide to determine whether or not prevailing public opinion on the legal distinction between legitimate and illegitimate children is discriminatory. Philippine society may not be ready for an outright removal of the legal distinction between legitimate children and children born out of wedlock, but remedial measures are aimed at 2001-2005. One of the outcomes of the consultations is the suggestion to re-label the stigmatizing classification of "legitimate" and "illegitimate" children, and other discriminatory references to children's names;

(d) There are evidences of the social integration of children born out of wedlock in society as many of them excel to overcome the stigma. In the rural areas, the indigenous communities, where social stratification is not obvious, the stigma of being illegitimate is inconsequential;

(e) There is a practice in the Muslim community of using the father's first name, which needs further study relative to the right of the child to a name as there seems to be no stigmatization attached to the practice;

(f) Changing of an undesirable first name or correction of clerical errors in a person's name has been made easier through administrative procedures.

129. The Child and Youth Welfare Code (PD 603) and Domestic Adoption Act of 1998 provide the legal measures to the programmes that ensure the child's right to know and be cared for his/her parents:

(a) Article 59 of the *Child and Youth Welfare Code (PD 603)* attaches criminal liability to any parent who conceals, sells, neglects, maltreats, exploits, or abandons the child as to make him/her lose civil status, and deprive the child of love, care, and protection. Concomitant assistance is provided to the parents to ensure that the child can be cared for by them. Even when a child is in foster care or in residential care, visitation by the parents is required;

(b) RA 8552 The *Domestic Adoption Act of 1998*, Article III, Section 4, ensures the child's right to know and be cared for by his/her parents. No binding commitment to an adoption plan is permitted before the birth of the child. Counseling is provided for the parents before and after the birth of the child. A period of six months is mandated for the biological parents to reconsider any decision to relinquish the child for adoption. The Child and Youth Welfare Code, Article 32 also stipulates that steps be taken by the courts to prevent parents from making hurried decisions caused by strain or anxiety to give up the child. All measures to strengthen the family are exhausted to ensure that the child is cared for his/her parents.

130. The Initial Report referred to the *Revised Naturalization Law* which ensures the right of a child to acquire a nationality including a child born out of wedlock. A child who is born to parents who are naturalized automatically becomes a Filipino citizen (Annex IV-A).

#### **B. Preservation of identity (art. 8)**

131. As stated in the Initial Report, the *Civil Code* prevents any change of the name or surname or any elements in the birth registration of the child without judicial authority:

(a) The change maybe allowed only when the name is ridiculously tainted with dishonor, is extremely difficult to pronounce or write, or the child is legitimated. The court decrees the change and is recorded in the Civil Register;

(b) The *Child and Youth Welfare Code* provides that the record of a child's birth is strictly confidential except on the request of the child, the parents, direct ascendants or legal guardians, the court or public officials when necessary to determine the child's identity. Crimes, such as simulation of the child's birth, concealment, or abandonment of the child are punishable as mentioned earlier.

### C. Freedom of expression (art. 13)

132. Preparatory to children's participation in measures to uphold their rights to freedom of expression, the Council for the Welfare of Children, concerned NGOs and the UNICEF, conducted capability building activities to enhance their advocacy and facilitating skills and knowledge of CRC:

(a) *Executive Order 421* (June 20, 1997) which created a separate children sector, encouraged the representation of children in all relevant political, social, and cultural structures of the government. Children participated in the lobbying for the ratification of ILO 169, the enactment of R.A. 8369-*Family Courts Act of 1997* the formulation of the National Strategic Framework for Plan Development for Children (Child 21) and the National Anti-Poverty Agenda;

(b) Child-representatives participated in the national conferences preparatory to the 1996 World Conference on Commercial Sexual Exploitation (Stockholm), the 1997 Child Labor Conferences (Netherlands and Oslo), the National Conference on Child Abuse in Manila on 17-19 April 1997. The National Youth Commission convened a media conference entitled "Youthspeak '97" in November 1997 after the Asian Summit on Child Rights and the Media in 1996 to maximize the use of various forms of media and dialogues with media practitioners. Children also participated in the panel discussion of the National Educators Congress that was attended by 1,200 educators and leaders of public and private educational systems which was focused on the CRC;

(c) For the first time on Philippine radio, children are cruising the airwaves, with their wit, creativity and talent in a children's production, titled **Talakayang Musmos** (Children's Forum). Simulcast on a magazine format, it brings an hour of news and features. Each episode delivers seven regular segments that tackle a particular theme every week. "**Balitang Paslit**" delivered news updates. Through "**Kesong Bilog**" the children conducted interviews on different topics such as health and nutrition, child abuse and child rights education with a distinguished individual or group. "**Sa Aming Palagay**" presented commentaries of children on issues concerning them. "**O Di Ba?**" is all about trivia, "**Galing Tsikiting**" gave recognition to child-achievers. "**Munting Tinig**" presented children reading poetry and short stories and "**Musikong Pambata**" featured music about children;

(d) Through **Children's Hour with the President** children in need of special protection held periodical dialogue with the President and members of the Cabinet to articulate their views and to ask questions about the government's plans and commitments;

(e) Children's congresses were convened annually at the local levels/villages and once every two years at the national level. Topics during the First National Congress collated from the villages, were focused on five major areas of concerns (1) health – limited medicines/doctors and other health staff; "no deposit, established admission system" in the hospitals to improve the poor children's access to hospital services; (2) education – too many requirements for admission in schools, e.g. birth certificates, extra curricular expenses, overcrowded rooms, "non-teaching roles" of teachers, (3) justice system the absence of a separate detention center for child offenders; (4) environment – the need for safe and clean surroundings; and (5) peace and order, specifically the armed conflict in Mindanao;

(f) The fulfillment of the children's rights to receive information on their views expressed at the National Congress was manifested through the **Children's Hour with the President**. National government agencies and local government units concerned were directed to review their policies, programs and services and ensure that issues presented by the children were responded to:

1. School requirements for enrolment were waived, supplies of free and affordable medicines were increased, in the hospitals;
2. The *Family Court Act* was passed to improve the justice system for children;
3. The Rules of Court were revised to ensure a child-friendly litigation of cases;
4. A *Memorandum of Agreement on the Handling and Treatment of Children Involved in Armed Conflict* was signed on March 20, 2000;
5. The Office of the Presidential Adviser on the Peace Process has taken the initiative to include children concerns in its program "The Six Path to Peace".

(g) The LGUs have expanded the convening of children's congresses in more villages to broaden participation of children and, ensured that the activity was a continuing part of the implementation of children's rights;

(h) The Children Sector was represented in the Beijing Ministerial Conference and will be represented in the Youth Forum and the UN Assembly Special Session on Children in June 2002 as members of the official country delegation.

#### **D. Freedom of thought, conscience and religion (art. 14)**

133. The Constitution upholds the free exercise of religion and worship and does not allow discrimination arising therefore. Any public official/employee or private individual who impedes this freedom shall be liable for damages. Families assume the primary responsibility for the religious education of their children in collaboration with their respective churches:

(a) Article 4 (1) of the *Child and Welfare Code* stipulates that the child shall lead a virtuous life in accordance with the tenets of his/her religion and his/her conscience over which he/she has the right. The child may choose his/her religion when he/she reaches the age of reason or discernment;

(b) The public school curricula promotes freedom of religion through optional religious instruction as stated in the Department of Education *Orders 39, s.1987, 94 s. 1991, and 13 s. 1998*. The public school system integrates values education to prepare the child for the right to freedom of thought and conscience. The public schools are non-sectarian but promote values founded on respect for human rights from Grade I to VI. Using the values clarification strategy pupils is given the opportunity to develop critical thinking;

(c) Parents who can afford the costs of private education choose schools with religious orientation similar to theirs. Parents who send their children to these elementary and secondary private schools put their children in a situation, which may not allow the right of the child to choose a different religion.

134. To illustrate the child's freedom to manifest his/her religion is a case wherein children were granted exemption from participating in the flag ceremony since for them, it was "idolizing" the Philippine flag which the teachings of their religion prohibit. Muslim children in non-Muslim schools observe the practices of their religion. The principle of ecumenism has released the divisiveness of the churches and goes well for the promotion of the rights to freedom of religion. The rights of cultural minorities and indigenous groups to manifest their beliefs are discussed in Chapter VIII. **Special Protection Measures.**

#### **E. Freedom of association and peaceful assembly (art. 15)**

135. As stated in the Initial Report the Constitution guarantees the freedom of association and peaceful assembly to form unions which are not contrary to law:

(a) Articles 52-53 of the *Child and Youth Welfare Code* specifically require parents to encourage the child to associate with other children for the development of common interests. Parents shall give the child opportunity to form or join social, cultural, educational, recreational, religious organizations. It shall be their duty to know the child's associates and their activities and prevent him/her from falling into bad company or staying out late at night to the detriment of his/her health and studies, or morals;

(b) Children 15 to 18 years old, who are employed in industries can join labor unions provided they belong to the bargaining unit comprised of the rank and file and their supervisors, as stipulated under Article 212 M. of the *Labor Code*. However, these children cannot organise themselves as a separate unit;

(c) A recent survey by the National Youth Commission (NYC) indicated that, only a small percentage of children are members of any association (educational, cultural, social, sports, political or work-related, Annex IV-B). Youth development advocacy and organizing children and youth into productive groups in the areas of environment, entrepreneurship, and social participation are undertaken by NYC;

(d) The Department of Education continues to monitor schools to strengthen children's organizations and associations. Children who have participated in various local, regional, and national conferences have repeatedly stressed their desire to establish or strengthen their existing organizations. This was not pursued because resources are limited;

(e) Article 89 of the Child and Youth Welfare Code instructs the *Barangay* Councils which are the government units at the village level to encourage memberships in children's organizations other than those in the schools, especially for the out of school children. In proper cases, the funds of the *Barangay* Councils shall be used for these organizations. There is lack of motivation and support from the elders and capability of the children to organize at the village level. The Basic Child Sector is concerned with these issues.

#### **F. Protection of privacy (art. 16)**

136. Further to the provisions of the Constitution to protect the right to privacy, the *Child and Youth Welfare Code*, as stated in the Initial Report, stipulates the confidentiality of records of birth, adoption, and of the administration of juvenile justice:

(a) The *Special Protection Act* provides that it is unlawful for the editor, publisher, reporter, announcer, producer or director to cause undue and sensationalized publicity of the case of a child which results in his/her moral degradation and suffering. Steps were taken against the media concerned when their coverage of the trial of a legislator accused of child abuse and rape violated the child's right to privacy. Close surveillance to shield the child victims from cameras is now in place;

(b) As earlier mentioned, the DSWD and non-government organizations have engaged print and broadcast media practitioners in dialogues and in letters to editors and news directors of television networks regarding the media coverage of cases involving children. Most media practitioners have been responsive. Guidelines were agreed upon with the National Association of Broadcasters and the Philippine Press Institute. The National Association of Broadcasters, included in their *Code of Ethics*, the principle of the best interest of the child which balanced the rights of the child to privacy, press freedom, and the public's right to information. (Annex IV-C);

(c) Manuals for use of heads and staff members of child care agencies provide for, confidentiality of all cases. Visiting family members, broadcast media, students, researchers, volunteers, and other visitors shall be properly informed of rules on confidentiality and respect for the privacy of children in care. Interviews, picture taking, access to records as well as publication regarding the information on the children in care are not allowed, unless approved by the child when capable of discerning his/her right to privacy, and by the authorities for the best interests of the child.

#### **G. Access to appropriate information (art. 17)**

137. The Initial Report mentioned the prohibition for a child below 18 years of age to gain admission into a movie house or theatre showing a motion picture or performance restricted for adults only. *Republic Act 8370, The Children's Television Act* deals with the children's right to appropriate information. A National Council for Children's Television was established to develop a comprehensive media plan for children, to promote high-quality and developmentally appropriate children's programmes. It works closely with the television broadcast industry on standards and monitoring mechanisms:

(a) The Council together with the Philippine Children's Television Foundation, Inc. and the Goethe-Institute, Manila sponsored a symposium in October 1997 to discuss the prevalence of sex violence in the media and its influence on children. A media forum on children was organized by the Special Committee for the Protection of Children and National Council for Children's Television, in October 2000;

(b) Regular dialogues with the decision-makers in the broadcasting and advertising industry continue to be necessary in light of the fact that the media industry is predominantly private-owned. The follow-up activities to the 1996 Asian Summit on the Child Rights and the Media continue to give impetus to such initiatives. In 1998, the National Association of Broadcasters proposed additional provisions for the *Code of Ethics* that also protected children as an audience ensuring their rights to access appropriate information. (Annex IV-D Television Code of the National Association of Broadcasters);

(c) Publishing houses have invested their resources in increasing sale of high-quality Filipino children's books and literature. In 1997, the Philippine Children's Television Foundation, in cooperation with UNICEF Philippines published a series of 10 children's picture books on the Rights of Children. These books were distributed for free to public schools and day care centers all over the country. A prestigious national competition for literature, the Palanca Awards, continued to include a Children's Literature category in the awards. A category for young writers was introduced. The National Association of Broadcasters also conferred an annual award on child friendly media;

(d) While 70 per cent of children's programmes in media are from the United States and are therefore mostly in English, there was an increase of programmes in the Filipino national language that reflect the culture and social context most relevant to Filipino children;

(e) International cooperation is non-existent in the production, exchange, and dissemination of information and material of social and cultural benefit for the child in accordance with the spirit of Article 29 of the Convention on the Aims of Education. In this regard, assistance is sought.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

138. The right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, in the family, in school or in child caring institutions is protected by the following provisions of law and through the training of professionals concerned:

(a) Article 59 of the *PD 603* imposes criminal liability on any parent who inflicts cruel and unusual punishment upon the child or deliberately subjects him/her to indignities and other excessive chastisements that embarrass or humiliate the child;

(b) Article 166 also of *PD 603* requires all hospitals, clinics or other institutions as well as private physicians providing treatment of any child who is maltreated, to report in writing within 48 hours to the City/Provincial Fiscal, or the Local Council for the Protection of Children or the nearest *DSWD* office, regarding the case. Penalties for violation of the foregoing provisions are imposed;

(c) The Supplementary Report of 1995 states that corporal punishment is not allowed in schools or other institutions for children. The Service Manual for Teachers specifies 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;

(d) The *DSWD* strictly enforces the policy that corporal punishment is prohibited in dealing with children in residential care. This policy is invoked in the accreditation/licensing of child caring agencies;

(e) The Commission on Human Rights maintains a Child's Desk to ensure that children are not subjected to torture or any inhuman punishment by adults;



(f) To prevent torture or other cruel, inhuman or degrading treatment or punishment of children, the Special Committee for the Protection of Children in cooperation with non-government organizations, organized child-focused training activities, which emphasized the Convention and the national laws and policies for the protection of children, especially the right not to be subjected to torture:

1. Some 2,000 judges and prosecutors were trained;
2. Roughly 22,320 police personnel or 18 per cent of the entire police population throughout the country have undergone short courses related to child protection, child sensitivity, juvenile justice. The British government provided instructors from the Durham Constabulary in the United Kingdom for this programme;
3. A similar training programme was provided by the Australian Government for child relations officers;
4. The Commission on Human Rights provided child rights education through the *Barangay* Human Rights Action Center. Participants included teachers, child care givers, barrio officials and residents, religious and lay workers, media practitioners, police officers and the military;

(g) Human rights groups and non-government organizations actively monitored the situation of children in detention to ensure that reports of illegal detention and torture of children are immediately investigated. Complaints of other violations are filed with the *Barangay* Councils for the Protection of Children, *Barangay* Human Rights Action Center, the Media Child Watch;

(h) Most of the children who have been tortured or otherwise ill-treated are placed in residential care for treatment. It is through this environment that physical and psychological rehabilitation is undertaken by a team of doctors, social workers, residential caregivers, even psychiatrists. Social reintegration is done with the parents who also have to be treated, if they are the perpetrators.

## V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### A. Parental guidance (art. 5)

139. Measures were strengthened to preserve the nuclear family in the face of increasing incidence of the legal separation of parents, co-habitation of parents, unwed mothers, unwed fathers, absentee parents and stepparents. The nuclear family for purposes of this Report refers to the social unit composed of a father and mother who are related by marriage and their common biological or adopted child/children. These measures were developed to ensure respect for the responsibilities rights and duties of parents and the extended family in providing appropriate guidance to the child consistent with his/her evolving capacity. The following family counseling and parent education programmes are in place in every municipality/city. Family counseling services and parent education programmes have been extended through the

social workers of the Local Government Units and the parent-teachers associations of the schools, the doctors, nurses and midwives of the Department of Health and concerned NGOs as well as the churches and religious organizations:

(a) **Pre-marriage counseling (PMC)** is provided pursuant to article 16 of the Family Code to prepare couples applying for the marriage license to assume their responsibilities as parents. PMC enables the couples to gain insights into their attitudes about children and family, their personhood and self-worth and learn about each one's obligation for family life; to acquire techniques in effective communication; to understand the rights of the child, with due consideration of the child's evolving capacities at each stage of development. PMC provides the couple with the bases for making an informed decision whether to marry or not or postpone the marriage until they are ready to assume their responsibilities. Since the implementation of this programme has not been monitored, its effectiveness cannot be ascertained but it is required legally;

(b) The programme on the **Empowerment and Reaffirmation of Paternal Abilities**, mentioned in mentioned earlier, is addressed to the fathers for a gender sensitive partnership with the mother in upholding the rights of the child. Distributing or complementing responsibilities on child rearing according to interests, skills, ability and competence, and not according to gender as dictated by culture. Fathers association as support group where organized in the neighborhood. On the other hand there are religious movements, like Couples for Christ, Marriage Encounter to sustain the father's role in the family;

(c) **Parent Effectiveness Service** provides knowledge and develops the skills of parents and other caregivers on their responsibilities in providing a family environment and alternate care for children, respectively, through the following modules: (1) understanding self-esteem, as a parent; (2) understanding the Filipino family; (3) challenges of parenting, including laws on parenting, strengthening husband-wife/parent and parent-child relationships, raising children with spiritual values; (4) child development and evolving capacities at each stage of development including the principles of non-discrimination, best interests, right to life, survival and development respect for child's views, civil rights of the child; (5) building children's positive behavior including theories on child behavior, management techniques on discipline; (6) keeping the child safe from abuse and maltreatment; (7) rights of the child to basic health and welfare, keeping a healthy environment for the child; and 8) time and financial management at home and basic parenting stress management;

(d) **Family Casework and Counseling** is provided to resolve conflicts that adversely affect family life among members of the family: husband-wife, parent-child, siblings, members of the extended family or other significant members of the community and prevent breaking up of the family;

(e) Adolescent boys and girls are also prepared for parenthood through the population awareness and family life orientation sessions under the **Unlad Kabataan Programme (UKP)**. The UKP is designed specifically to promote the total development and gender socialization of the disadvantaged out of school adolescents at the village level. Those in school learn through the subjects on Social Studies and Religion when these are offered. Special attention was

focused on the socialization of the male child, as the future father, and the father himself, adopting the programme on **Empowerment and Reaffirmation of Paternal Abilities or ERPAT**;

(f) **Family Life Development Service** is addressed to the social, psychological and moral integration of the family as a unit;

(g) Pre-school age children are subliminally prepared to become future parents and members of the family through the play activities, stories, songs, dramatization or role play and feeding conducted through the **Day Care Service**. Parents follow-up the activities of their children at home in collaboration with the day care workers to reinforce their knowledge about the development of the evolving capacities of the child aged three to five years. Parent education through **Parental Effectiveness Service** complements the Day Care Service to ensure that there will be follow-up activities in the home with the parents having acquired knowledge on developmental needs of their children;

(h) *Republic Act No. 8972, Solo Parents Welfare Act of 2000*, ensures the total development of the one-parent family through a comprehensive and integrated package of social welfare and development services to provide appropriate guidance to the child when the nuclear family is not available or cannot be restored. The *Solo Parents Welfare Programme* enables the unwed mother, the widow/widower, and other single parents in handling the psychological, emotional, and social deterrents to the development of a family environment for the child;

(i) *Article 17 of the Child and Youth Welfare Code* as amended by Article 211 and 212 of the Family Code provides that in case either parent is absent or dead, the surviving parent shall continue to exercise parental authority, but in case of re-marriage the court appoints another person as guardian. However, no child under seven years of age shall be separated from the mother, unless the court finds compelling reasons to do so (*Article 213 of the Family Code*);

(j) The rights and duties of the extended family as stated in *Article 18 of the Child and Youth Welfare Code* refer to grandparents being entitled to respect/reverence and to be consulted, when practicable on all important questions. *Article 214 of the Family Code* provides that in case of death, absence or unsuitability of the parents, substitute parental authority shall be exercised by the surviving grandparent designated by the court. *Article 216 of the Family Code* provides that the care and custody of children below seven years, in the absence of the separated mother, belongs to the maternal grandmother, the paternal grandmother, the sister and aunts. Substitute parental care shall devolve upon the father and the nearest paternal relatives in case of the failure of the above mentioned relatives to assume responsibility;

140. The following annual campaigns were carried out to create awareness on the rights of the child to a family life. These special events provided opportunities to forge family unity and cohesiveness, focused attention on the rights and responsibilities of all family members including the extended family of grandparents, aunts, uncles, cousins, and increased awareness on family issues in the government and the private sector. The LGUs through their social workers, doctors, nurses, midwives and other professionals of the NGOs undertook tasks through the local steering committees in celebrating these special events namely, (1) *Presidential Proclamation 60* declared the last week of September of every year as **Family Week**; (2) *Presidential Proclamation 847* sets every fourth Sunday of September as **Family Thanksgiving Day**;

(3) *Proclamation 266* designated every second Sunday of May as **Mother's Day** and the third Sunday of June as Father's Day; (4) *R.A. 6949* prescribes a **Women's Month** celebration in March, to include fora on child rights vis-a-vis women's right; and (5) *Proclamation 759* also requires the celebration of the **Girl Child Week** every 4<sup>th</sup> week of March:

(a) Beyond these campaigns the training of professionals, especially social workers, on the Convention and Family Counseling Services and Parent Education was mentioned in the Introduction. However, no evaluation has as yet been made of the competencies and effectiveness of the trained social workers. It is envisioned that para-professionals both in government and NGOs could be trained to handle the Parent Effectiveness Service, under technical supervision of social workers, and cope with the need to reach parents at the village;

(b) The DSWD in cooperation with the Philippine Children's Television Foundation, and support from UNICEF developed a second series of parent education radio programmes which utilised the UN Convention as a framework and taught parents about the Convention in the context of family life and child-rearing especially during Family Week. These radio programmes were broadcast nationwide through the use of audio tapes, entitled "**Parent Effectiveness Service on the Air**". Cassette tapes were provided the LGUs;

(c) NGOs comprising the **National Council for Social Development**, the **Association of Child Caring Agencies of the Philippines** and other NGOs accredited by DSWD, offer Parent Education, Family Counseling and Day Care Service, in areas not covered by LGUs, not only during the campaigns but on a sustained basis;

(d) There were also church-based groups besides NGOs that provided guidance as well as parenting education and day care services. These include the **Center for Family Ministries (CEFAM)**, **Iglesia ni Cristo (INC)**, **National Council of Churches of the Philippines (NCCP)**, **The Church of Jesus Christ of Latter Day Saints**, **Couples for Christ** and **Council for the Laity of the Philippines** among others.

141. To ensure respect for the principles of the best interests of the child and the right to survival and development, as well as uphold the child's civil rights, the **Child and Youth Welfare Code**, **Family Code** and **Civil Code**, stipulate the rights and duties of parents:

(a) Under *Article 45, PD 603* parents have the right to discipline the child only as may be necessary for the formation of his/her character, and only therefore require from him/her obedience to just and reasonable rules, suggestions and admonitions;

(b) Under *Article 46, PD 603* parents have the following responsibilities toward their children: (1) to give affection, companionship and understanding; (2) extend the benefits of moral guidance, self-discipline and religious instruction; (3) supervise their activities, including recreation; (4) inculcate the value of industry, thrift and self-reliance; (5) stimulate interest in civic affairs, teach the duties of citizenship; (6) advise properly on any matter affecting his/her development and well being; (7) always set a good example;

(c) To ensure respect for the views of the child, *Article 47* of the *PD 603*, mandates that parents allow the child to participate in the discussion of family affairs, especially in matters

that particularly concern him/her. In cases involving discipline the child is given the chance to present his/her side. Under *Articles 48 and 49*, parents endeavor to win the child's confidence and is encouraged to consult with them on problems and activities;

(d) If the child does not live with the parents because of school location or other causes, the parents should communicate and/or visit regularly. They see to it that the child lives in a safe and wholesome place under responsible adult care and supervision to also ensure continuing development of the child (*Article 49, PD 603*);

(e) The parents shall endeavor to discover the child's talents or aptitude; to encourage and develop them, report the fact to the National Center for Gifted Children so that official assistance is extended (*Article 50, PD 603*). Further, *Article 50 and 51* requires parents to cultivate the reading habit of the child. Parents shall guard against the introduction of pornographic and other unwholesome media exposure;

(f) The same *Child and Youth Welfare Code (Articles 59 and 60)* and Special Protection Act (RA 7610, Section VI) attaches criminal liability to the parents when they abandon the child under such circumstances as to deprive him/her of the love, care, protection needed in the foregoing statements. Such acts shall be punishable with imprisonment at the discretion of the Court as provided by the Child and Youth Welfare Code and the *Revised Penal Code* and/or the involuntary commitment of the child. Measures to provide appropriate assistance to parents in their responsibilities are presented in preceding paragraph 139;

(g) *Article 194 of the Family Code* requires that parents, (including the grandparents and other members of the extended family) shall provide adequate support indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family;

(h) *Article 320 of the Civil Code* requires that parents administer the property of the child, if any, according to his/her best interests.

#### **B. Parental responsibilities (art. 18, paras. 1-2)**

142. *Article 17 of the Child and Youth Welfare Code and Article 211 of the Family Code* take cognizance of the just and reasonable exercise of parental responsibility and authority jointly by the father and mother over their common legitimate or adopted children. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary. In order to enhance the role of father in child rearing and familial responsibilities, the programme on **Empowerment and Reaffirmation of Paternal Abilities**, or **ERPAT**, mentioned in paragraph 131 was developed. Besides enabling fathers for a gender-sensitive partnership with the mother to carry out the mandate of joint responsibility, the programme promotes the organization of support groups for the fathers to ensure continuing capability building and the management of the individuals stress, when indicated. The programme has trained fathers in 6 Regions who volunteered to expand coverage for the period 2001-2005.

143. Besides the programmes on Parent Education and Family Counseling, parents are assisted in their rearing responsibilities through the promotion of the child's health which begins with the adequate **pre-natal** and **post natal care** both for the child and the mother in the health

centers and hospitals. **Special financial assistances** for income generating enterprises are provided families living in extreme poverty, including **skills training** for employment opportunities and maintenance of the families. To ensure that the children belonging to the most disadvantaged families can acquire at least an elementary education, free school fees, school supplies, and school lunches are provided:

(a) *Republic Act 8187* was enacted to provide that all legally married fathers can avail of seven days leave from work to assist in child care during the birth of four legitimate children by the legal wife;

(b) *Republic Act 8972, The Solo Parents Welfare Act of 2000* has provided a comprehensive package of social welfare and development services, to include flexible work schedule, educational and housing benefits, and medical assistance for the single parent, to enable him/her to perform child rearing responsibilities;

(c) Substitute parental care, i.e. **adoption, foster care, residential or group home care** is available when parental care is not suitable or possible. The type of care depends on the (1) age and evolving capacity of the child; (2) degree of deprivation of parental care and support; (3) the inability of parent to exercise parental responsibility unaided;

(d) **Special schools** are available for children who are physically handicapped and the specially gifted. **Day care centers** are for every village to assist working mothers with the care of their pre school age children. Similarly, day care centers are provided by employers at the work place. Domestic child care givers are available but a system of accreditation is non-existent.

144. As stated in the Introduction and General Measures, disaggregated data by gender, age, rural/urban location, social and ethnic origin of children benefited by any of the above mentioned measures are not available. There are 1,943,190 widowed individuals, with 24 per cent male and 76 per cent female while 332,729 are separated/divorced parents, 35 per cent male and 65 per cent female from which **data on the social** conditions of the children can be inferred. As of year 2000, there is a total of 37,505 day care centers in 88 per cent of all villages assuming the presence of at least one day care center per village. For the past five years, a total of 8,309,547 pre-school age children have benefited from the Day Care Service. 28.67 per cent are three years old. 39.11 per cent are four years old, 31.95 per cent are five years old and 55.83 per cent are female and 44.16 per cent are males.

### C. Separation from parents (art. 9)

145. To ensure that the child is not separated from the parents except when the separation is for the child's best interests, there are programmes mandated by the *Child and Youth Welfare Code*. The programmes were implemented but coverage is limited where resources from the LGUs are lacking and subsidy from the national government is not available:

(a) Financial assistance, microfinance especially for self employment activities to generate family income for the maintenance of the children in their own homes and prevent their placement elsewhere, has been extended (*Article 63 Child and Youth Welfare Code.*) The Social Reform Agenda, which was referred to earlier, augmented LGU resources;

(b) Whenever a parent is found to be neglectful, as in the case of children who beg or work in the streets and are brought under police custody, the **child is returned home and the parents are admonished** by the *Barangay Council for the Protection of Children (Article 61)* and where indicated, *Family Casework* is provided by a social worker to resolve any conflict in the family that brings about neglect by the parent and prevent the separation of the child from the family. The ILO-IPEC resources shifted responsibility to the parent;

(c) In case a child has to be placed in a foster home or under institutional care because of imprisonment/ hospitalization or any temporary separation of the parents from the child, or for the child's own rehabilitation, the *Child Welfare Code* prohibits the alienation of the child from the parents (*Article 70*), psychologically the substitute parent;

(d) *Article 213* of the *Family Code* provides that in case of separation of the parents, **parental authority** shall be exercised by the parent **designated by the court**. The court shall take into account all relevant considerations, especially the choice of the child who is over seven years of age unless the parent chosen is unfit;

(e) **Counseling services** are provided to parents before and after the birth of the child to ensure that **no hurried decisions** are made about relinquishing of parental responsibility (art. 32, Child and Youth Welfare Code). **Simulation of birth** by parties interested in adopting the child is prevented and penalty is imposed (Section 22, Article VII, Family Code);

(f) Relative to cases of abuse and family conflicts where the child may be separated from the family, the **Family Violence Prevention Programme** has been developed as a community based mediation strategy to prevent the child's separation and/or resolve issues/conflicts affecting family relationship. **The Family Group Conference** is one strategy that provides an opportunity for the parents and children to identify possible solutions to the problem;

(g) The competent authorities that decide when the child may be separated from the parents, his/her place of residence, or the type of substitute parental arrangement for his/her best interests include a social worker, who conducts the case study on the needs of the child and suitability of the family environment, and the choice of alternative care when indicated. The judge of the family court decides the case.

146. In the proceedings to separate a child from the parent, the child's feeling of safety as supported by collateral informants and observations of the social worker, are given consideration, especially when the offending party is one of the parents. Having access to the child, lack of capability of the other parent to provide the necessary protection, are assessments usually generated from the child during the intake interview, or during rescue and/or during the case conference where the child, capable of discernment and expression, is asked to participate in the discussions. In the case of adoption, the following process is observed:

(a) Pre-adoption counseling services are extended to the prospective adoptee and the children of the adopting parents, to ensure that they understand the nature and effects of adoption and are able to express views on adoption in accordance with his/her level of discernment. (*Article II, Sec. 4 of RA 8552*);

(b) The social worker helps the child to understand his/her parents' inability to care for him/her, and his/her feelings about the separation and to undergo the process of bereavement;

(c) A child who is ten years old or above and available for adoption is required to provide a written consent pursuant to *Art. III, Sec. 8 of RA 8552*.

147. In cases of children who are under the protective custody of DSWD in residential facilities, in foster care, or in rehabilitation centers parents have to visit their children to maintain the child's personal relationships when it is for the best interests of the child. A **family day** is designated to give the child and his/her family to get together during which time **family therapy sessions** are conducted by social workers. Children are also encouraged to write their parents to maintain regular contact. Visitation rights however, are curtailed for offending parents particularly when the child refuses to see them because of fear and tendency of some parents to put the children under stress e.g. pressuring the child to withdraw the case against the parent-perpetrators, or for other adverse reasons:

(a) Visits to the children on substitute parental care are however not pursued on a regular basis by some parents due to their inability to pay the cost of transportation to and from the centers or foster homes, which are distant to their residence since facilities are lacking. In cases like these, parents are provided **transportation assistance**. But most often, the parents want to be relieved of responsibility or are unreasonably critical of the care givers. In these cases, volunteer lawyers help social workers in the resolution of the problems and for the best interests of the child, commitment is attained and adoption is processed or placement in long term foster care or group homes is considered;

(b) The extended family of grandparents, aunts, uncles, even ceremonial kins e.g. godparents, is still operative culturally and legally, as provided by Article 214 of the Family Code. In case of the separation of the child from the parents, the extended family takes over parental responsibility;

(c) As mentioned in an earlier statement, when a child does not live with his/her parents because of his/her studies or for other causes the latter shall communicate with the child regularly and visit as often as possible. This is mandated legally (*Article 49, Child and Youth Welfare Code*). Violations of this provision, like all other situations of neglect or abandonment, are reported immediately to the *Barangay Council for the Protection of Children* or to the Department of Social Welfare and Development;

(d) Permanent separation of a foundling from parents is forestalled by the social worker through media announcements and intensive search procedures within six months by the police and the *Barangay Council for the Protection of Children* while the child is in a residential facility or with a foster family;

(e) In instances where the mother is detained or imprisoned, the pre-school child is allowed to remain with the mother through special arrangements with the authorities.

148. In the case of an action initiated by the state when the child is separated from parents as in adoption, the adopted children who desire to connect with their biological parents are assisted to trace them. As such records are available to the children when requested by both the child and



the adopting family, unless the information would be detrimental to the child. It is currently a practice that some children adopted in other countries come for a homeland tour and are escorted in visiting their relatives, if not their parents.

149. While disaggregated information by age, gender, ethnic and social origin of children who are separated from parents due to adoption detention, imprisonment, and other situations of separation from parents are not available, data would be retrieved through the monitoring and evaluation system that is being established for the period 2001-2005.

#### **D. Family reunification (art. 10)**

150. To ensure that applications by a child or parents to enter or leave the country for reunification, *Article IV Section 8 of RA 7610*, has stipulated that the DSWD shall issue a **Travel Clearance** to an unaccompanied child traveling abroad as a measure against illicit transfer or trafficking of a child.

151. Unlike an unaccompanied child traveling abroad, a child who travels with the parents does not need a Travel Clearance, where the parents have been granted passports and the corresponding visas. However, when only one parent is traveling with the child, the remaining parent has to execute a parent's permit to prevent possible abduction of the child and grant parental responsibility to the traveling parent.

152. Cases of unaccompanied and asylum seeking children from Vietnam have been closed, with their repatriation and reunion with parents and relatives in Vietnam or their resettlement with their parents in other countries in coordination with UNHCR. On the other hand, Filipino children who were abandoned or neglected in other countries were repatriated and returned to their relatives in the Philippines through the assistance of the International Social Service, religious organizations abroad and foreign embassies. These children were left in children's institutions and unauthorized families in host countries. For the period 1996-2000 a total of 125 children were repatriated to the Philippines and assisted to re-establish relationships and overcome the trauma of separation. Most of the children have parents who were overseas workers and were left in the country where the parents were employed for one reason or the other.

#### **E. Illicit transfer and non-return (art. 11)**

153. There is no agreement reached with another country on matters of illicit transfer of children, although the government operates with the participation of the foreign embassies and the Philippine embassies abroad on case to case basis. The following administrative measures and mechanisms have been established through the Department of Social Welfare and Development, the Department of Justice, the Philippine National Police, Philippine Coastguard, Port Authority, the National Bureau of Investigation, the Bureau of Customs and Immigration, and the Interpol. These measures also covered children who were victims of illegal adoption, or employment, including prostitution:

(a) The DSWD maintained a Desk at the international airports in the country to monitor the travel of children. An unaccompanied child or child traveling with an unauthorized person and who has been inadvertently granted a passport and visa is not allowed by the Bureau

of Immigration personnel at the port of embarkation to depart for a foreign destination without the DSWD Travel Clearance or Parental Travel Permit. One hundred nineteen unaccompanied children were not allowed to leave the country in 1997 alone. Most of them were bound for Japan as tourists and would have become victims of child prostitution. A number were leaving for Hongkong as domestic helpers. Some were bound for Germany, Canada, the USA and Saudi Arabia;

(b) The Philippine Coastguard and the Port Authorities monitored travel by boat. Social workers at the seaports of Zamboanga were able to prevent the illicit movement of children to Malaysia which is easily accessible by boat from Mindanao.

154. One difficulty in the prevention of illicit transfer and possible-non return of children is the deliberate participation of some parents themselves who use their children as instruments for the envisioned betterment of their financial situation. Other than parents themselves, employment agencies with connections abroad and pedophiles were identified as perpetrators. No legal actions could be taken since no documentary evidences were available. The perpetrators knew the rights of the children concerned and knew how to avoid criminal liability when caught. Disaggregated data as to gender, age, place of residence, family status of the child-victims were not available.

#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

155. In cases of legal separation where the court decides maintenance for the child, the manner of collecting same is stipulated to prevent evasion of payment. Where the separation of father and mother is mutually agreed upon, court litigation is a last recourse when the parent having financial responsibility evades payment. On the other hand, where the erring parent is irresponsible, the court decision may not be sufficient to ensure recovery of maintenance for the child. In this situation, assistance under the **Solo Parents Act** is provided.

156. As stated in the Introduction, no legal measures explicitly define the general principles including the application of this right to recovery of maintenance. Judges and other professionals have no agreement on what the best interests of the child is in the recovery of maintenance, but the judge makes every effort to apply the principle when making the decision. Unless there is a contest, the decision is followed. The amount involved is not always large and is not paid in full and usually through paycheck withholding.

157. One of the difficulties affecting the recovery of the child's maintenance even with a court decision is particularly in collecting from the parent who lives abroad. Actions were handled on case to case basis through the Philippine embassies.

#### **G. Children deprived of their family environment (art. 20)**

158. Alternative care facilities are mandated by Article 117 of the *Child and Youth Welfare Code* for the protection of children deprived of family environment. To ensure the best interests of children in care no facility shall be established without a license from the DSWD and registered in accordance with the Philippine laws. The purpose or functions of the agency shall

be clearly defined in writing and shall include the description of the children to be accepted for care, the services to be provided, and the geographical area to be covered. The child caring facilities are classified as follows:

- (a) **Child caring institution** to provide 24-hour resident group care services for the physical, mental, social and spiritual well-being of nine or more mentally gifted, abandoned, neglected, handicapped or disturbed children;
- (b) **Shelter care institution** provides temporary protection and care for children requiring emergency reception due to fortuitous events, sudden abandonment by parents, dangerous condition of neglect or cruelty in the home, being without adult care because of crisis in the family, i.e. hospitalization, imprisonment, etc., or court order holding the child as material witness;
- (c) **Receiving home** is a family type home that provides temporary shelter of from 10 to 20 days to not more than nine children under observation and study for eventual placement;
- (d) **Nursery** provides care for 6 or more children below six years old, for all or part of a 24 hour day in the absence of parent;
- (e) **Reception and study center** receives children who have behavioral problems to determine their appropriate care and treatment in other child welfare agencies, in foster care, adoption or returned to their own families;
- (f) **Detention home** includes a 24 hour short term resident care and support services for child awaiting court decision;
- (g) **Rehabilitation center** caters to child having infringed the penal law or other for treatment and psychological recovery and social reintegration.

159. As a policy, provision of alternative family care is a last recourse. Foster family care is preferred to residential care due to the possible adverse effects of institutionalization on the child if the residential facility is not managed to prevent this condition. Article 67 of the Child and Youth Welfare Code stipulates that foster homes shall be operated by married couples who shall be licensed as having the character motivation and competence to act as substitute parents:

- (a) The foster care placement is decided on a case to case basis with due consideration of the child's stage of development and his/her situation at the time of reception into care. The problems of child abandonment and neglect are critical issues and require programmes that provide continuity and stability in the lives of children to remedy what they missed while they have lived in these adverse family environment. Since visitation by the biological parents is required when appropriate, the child is placed in a foster home as near as possible to the parents residence. *House Bill No. 12031* and *Senate Bill No. 1977* were filed during the 11<sup>th</sup> Congress to strengthen foster care. The bills recognize the role of the child-placement agencies and LGU social workers in supervising foster homes and tackle the lack of government's financial support to the foster care program. The Council for the Welfare of Children Board through the Task Force on Family and Alternative Parental Care advocated for its refiling and passage into law during the 12<sup>th</sup> Congress;

(b) Adoption is provided for the child who is permanently deprived of family environment and the parental authority and responsibility of the biological parents is terminated by the court. On the other hand, *Article 64, Presidential Decree 1083* provides that no adoption in any form shall confer on the child the status and rights of a legitimate child under Muslim law, except that the child may receive a gift. Adoption is discussed more lengthily under **H. Adoption.**

160. To ensure that the general principles of non-discrimination, the best interests of the child, and the child's rights to life, survival, and development, the psychosocial resources including the attitudes of the members of the foster family to a non-related child, are matched with the needs of the child, his/her religion and language. Further, the placement is under supervision by a licensed child-placing agency:

(a) The existence of the different types of institutions is intended to meet the varying circumstances for which alternative care is needed for the best interests of the child and ensure his/her development, and when appropriate with consent of the child;

(b) Commitment of the child for alternative care is either voluntary on the part of the parents or involuntary through court decisions for a temporary or permanent period (*Article 141 (4), article 142-167, Child and Youth Welfare Code*) based on the best interests of the child, assuming participation of the child.

161. The circumstances of children who are deprived of their family environment include the following. But disaggregated data on the children by gender, age, social/ethnic origin, language, religion and the type of alternative care applied, are not available:

(a) **Extreme poverty** where parents or no other member of the family could provide physical care even with financial aid;

(b) **Neglected child** whose basic needs have been deliberately unattended by parents;

(c) **Child voluntarily** committed by parents to relinquish responsibility for the best interests of the child;

(d) **Involuntary commitment** of child due to physical maltreatment, economic exploitation, sexual abuse or sexual exploitation ascertained by the court;

(e) **Abandonment or desertion**, including foundling with no trace of parent or relative for six continuous months or without relatives capable of caring for the child;

(f) **Child runs away from home, lives, begs or works in the street** and whose basic needs are deliberately unattended;

(g) **Child in moral danger** or exposed to prostitution, and sexual aberrations at home;

(h) **Emotionally disturbed, mentally retarded, physically handicapped child** who cannot be cared for by parents;

- (i) **Child infected with HIV/AIDS** for observation and treatment;
- (j) **Displacement from family due to armed conflict relocation and natural disasters**, absence of parent;
- (k) **Child involved with the system of juvenile justice** who is awaiting court disposition, detained or is under rehabilitation;
- (l) **Child under custody supervision** or whose case is dismissed but whose parents or relatives are not capable of providing after care;
- (m) **Child not yet legally free for adoption** or is awaiting transfer to adoptive home but has to be prepared for the life style and language as close as possible to the adoptive family.

162. There are definitely less foster homes and residential care facilities supervised by both the government and NGOs than the children for whom alternative care is desired. Further there is a lack of licensed social workers as the predominant profession sanctioned by law to manage cases of children deprived of their family environment. Family privacy and parental loyalty are ideological constraints to involuntary commitment. The last but not the least of these difficulties is the residual nature of alternative family care which puts the social work profession in a bind when faced with the primary right of the child to a family environment – a decision wrought with conflicting attitudes.

#### **H. Adoption (art. 21)**

163. To ensure that the best interest of the child is of paramount consideration in adoption, the following measures have been put in effect:

- (a) The R.A. No. 8552 provides procedures in domestic adoption and stipulates the necessary services to be provided for the biological family, prospective adoptive family and prospective adoptee. The authorities mandated to authorize the adoption of the child include the social worker for the child who has managed the case and conducted the biopsychosocial study on the child and the social worker for the adoptive family who similarly had managed case and conducts the psychosocial study on the adoptive parents and members of the family, the extended family and the community which the adoptive child will join. Both social workers submit their social case studies with their recommendations to the judge of the family court who has jurisdiction of the case. Lawyers participate in ensuring the legal rights of both the child and adoptive family. Doctors' sworn medical clearances on the child and the members of the adoptive family respectively were submitted to the court, and when necessary the doctors testify in court;
- (b) *Section 9, Article III of RA 8552, Domestic Act of 1992* stipulates the right of the adoptive child, ten years old and above and the biological children of the adopting parents also aged ten and above to consent to the adoption, as well as the biological parents of the adoptive child if available and appropriate;
- (c) Pursuant to the consideration of the best interests of the child, only children who have been neglected and voluntarily committed by parents or declared as abandoned and who have been involuntarily committed to the State through the courts, can be adopted;

(d) Social workers counsel the parents who give up their children for adoption to allow for other options. To ensure that the decision has been carefully considered *Article 32 Child and Youth Welfare Code* mandates the court to prevent hurried decision of the parents to give up the child for adoption. All measures to strengthen the family are exhausted and it is ascertained that any prolonged stay of the child with the family is inimical to his/her welfare. The consequences of the termination of parental rights and the rights of the child to participate in the process, when indicated are ascertained. Children from age ten are encouraged to express their opinions and desires in writing, e.g., whether or not they want to be adopted or to remain in an institution, and to express their preference in the selection of an adoptive parent;

(e) When selecting an adoptive family for a child, it is the child's interests which are considered and not the prospective adoptive family's choice. The process is basically matching the child's physical, social, and emotional needs with resources of a family. The selection and approval of adoptive families include the assessment of their capability to provide parental care and opportunities to support the total development of the child and the stability and continuity of the family through the child's adulthood. Case studies and progress reports prepared on the child before the adoption include all information about the child, i.e., gender, age, social or ethnic origin, language, religious background, pertinent health, social and psychological status to determine child's stage of development and evolving capacity and anticipated needs;

(f) The matching process in adoption is handled by a Child Welfare Specialist Group, an interdisciplinary team, that decides the best possible adoptive family for the child;

(g) During the "supervised-trial custody" of at least six months (*article 35, Child and Youth Welfare Code*) to evaluate the situation of the child placed in adoption the following mechanism is in place. Weekly monitoring visits are conducted by the social worker during the first two months of placement and monthly visits thereafter. Written reports on these monitoring visits serve as the bases for providing assistance to the adoptive family. In all cases, the child's adjustment and bonding with the family, including possible prognosis of the later development of the child serve as the primary guiding principle in assessing the adoptive situation and recommending issuance of the Decree of Adoption;

(h) *Article 189 of the Family Code* prescribes the effects of adoption on the child. He/she shall be deemed as a legitimate child of the adopter and acquires the reciprocal rights and obligations arising from the relationship of parent and child including the use of the surname of the adopter. The parental authority of the biological parents over the child shall terminate and is vested in the adopters. The adopted shall remain an intestate heir of the biological parents and other blood relatives, in case of any inheritance.

164. In all cases of inter-country adoption the Inter-Country Adoption Board (ICAB) whose members are appointed by the President is mandated as the Central Authority in accordance with RA 8043 to decide that the foreign adoptive family is the best placement for the child and that the child will not experience discrimination, abuse, exploitation, trafficking or any practice that is detrimental to him/her. Inter-country adoption is done only through foreign adoptive agencies accredited by the ICAB:

(a) To ensure that the child is protected, the *Implementing Rules of RA 8043 on Adoption* (Annex i-a2) prescribes that no institution or individual involved in the adoption process benefits from any inappropriate financial gain. The Inter-Country Adoption Board had entered into agreements with 18 accredited adoptive agencies through the Child Welfare League in the United States and 11 agencies in Europe accredited by the Central Government Authorities of signatories to **The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption**. Monitoring of the status of accreditation is considered periodically through country/agency visits by designated members of ICAB, based on the attached Standards of Accreditation (Annex V-A);

(b) The mechanism to monitor the situation of the child placed under inter-country adoption starts 15 days after the arrival of the child in the adoptive home, with the report of the adoption agency that supervises the child's placement and assumes the trial custody of the child:

1. Thereafter, three post placement reports are provided by the foreign adoptive agency to the Inter-Country Adoption Board every two months for a minimum period of six months. These reports are based on the health of the child and the adoptive family, the financial status of the family, monitoring and counseling visits made by the social worker, focused on the extent of bonding of the child with the members of the family, the psychosocial adjustment and emotional readiness for the adoptive union, as well as the social work intervention to prevent disruption of the placement before the Decree of Adoption;
2. The agency is expected to report the disruption of placement within 72 hours to ICAB, while the child is prepared for the separation and entry into a new relationship, to which the consent of the child, if ten years old and above shall be obtained;
3. The ICAB decides on the replacement of the adoptive family from the roster of adoptive applicants; or the adoption agency may propose a replacement family for the consideration of the ICAB. The child shall be repatriated, if this is for his/her interest;

(c) If a satisfactory pre-adoptive relationship has been ascertained, between the child and the family, the ICAB transmits the written consent to the agency, thirty days after the receipt of the latter's request. The petition for adoption should be filed by the adoptive family with the proper court abroad within six months after the completion of the trial custody.

165. As stated in the Introduction the Philippines ratified **The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption** on January 8, 1996. It was entered into force on November 2, 1996.

#### **I. Periodic review of placement (art. 25)**

166. Alternative care arrangements mentioned in paragraph 150, included a variety of residential placements in specifically designed environment in which the daily living activities are used in the treatment and rehabilitation of the children in care. The circumstances of the

child, the plan of treatment, and the progress of the psychological recovery and social reintegration are the bases for case management review. Case management review is part of the social-workers responsibility as verified by the supervisor and the judge, when relevant as in court cases. Surveillance and pressure from the media has partly ensured the review of these placements.

167. The annual licensing and accreditation mechanism to maintain a non-governmental child caring agency in operation requires the concurrent review of placement of children in care as one proof for accreditation. The licensee shall be the subject of evaluation to determine if the continued stay of a child in care is necessary and services are provided appropriately. (*Article 124 of the Child and Youth Welfare.*) The Regional Offices of DSWD conduct quarterly reviews of the placement of children in the child caring institutions.

168. The basic circumstances taken into account by the social worker and the judge, when relevant, in deciding the placement of the child in care is the absence or unsuitability of the “family environment”. The decision is based on verified “information that the family cannot cope with the child at home even with social work intervention, considering the best interests of the child and respect for the views of the older child (*Articles 142/143 Child and Youth Welfare Code*).

169. Retrieval of data has been included in the monitoring system, for the required disaggregation of data on ethnic and social origin, duration of placement in cases where children are returned to the family or transferred to another type of placement after a case review. However, the mechanism of tracing the movement of cases to ensure unduplicated count in the disaggregation is under study as this has been difficult to develop.

170. Reception into care of a child, because of physical neglect and mobility as in the case of children who live in and work on the streets compared to the extreme poverty of the family and the lack of caring facilities/foster families, is one difficult decision that social workers have to face in periodic reviews of placement - the goal being the assessment of the best interest possible for the child at each period of review of “off and on” the street. A Special Task Force to work on these issues has been created.

#### **J. Abuse and neglect including physical and psychological recovery and social reintegration (arts. 19 and 39)**

171. To protect the child from abuse and neglect, *Presidential Decree 603, Article 59* mandates **criminal liability for a parent** who neglects, abandons, exploits the child as in begging and other acts inimical to his/her best interest and welfare. Any parent is also criminally liable when he/she inflicts cruel and unusual punishment, or subjects the child to indignities and other excessive chastisement that embarrass or humiliate him/her. In these instances, the penalty of imprisonment and/or fine at the discretion of the court would be imposed. (Article 60). **Involuntary commitment for alternative care** is imposed by the court for the child who is emotionally neglected (Article 141). This also applies to the child who is maltreated, raped or seduced; exploited, overworked or made to work under conditions not conducive to good health, or is made to beg in the streets and public places, or the child who is in moral danger, exposed to gambling, prostitution, illegal drugs and other vices:



(a) *Republic Act 7610, An Act for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for Its Violation, and for Other Purposes* passed in 1992 (Annex V-B) reinforced the corresponding provisions of the *Child and Youth Welfare Code*. Besides defining the child who is abused and/or neglected and providing penalties for the perpetrators, the law mandated the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD) to carry out a **comprehensive programme for the prevention of maltreatment both physical and emotional and of neglect and other conditions prejudicial to the child**. Further, to protect the child against abuse and neglect, a programme of crisis intervention, including substitute parental care, has been stipulated;

(b) Failure to provide medical treatment and other needs to ensure a child's survival is defined as part of child abuse in *Republic Act No. 7610*, which also reflects most of the provisions of the *Child and Youth Welfare Code*. This *Act* does not limit child abuse to the offense perpetrated by parents and persons who provide substitute parental care, like the foster family, child caring institution, but also includes the members of the extended family;

(c) Further, RA 7610 clarifies what constitute the abusive acts by any person against a child whether habitual or not. These include psychological abuse, neglect, cruelty, sexual abuse and emotional maltreatment, corporal punishment at school and torture of the child involved with the juvenile justice system which will be discussed in the appropriate chapters. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being and unreasonable deprivation of his/her basic needs for survival such as food, clothing and shelter, constitute abuse and neglect of the child which are punishable by RA 7610;

(d) Other existing legal safeguards are stipulated under *Articles 263, 265 and 266* of the *Revised Penal Code* on "Physical Injuries". These include punishment for child battering. Sexual abuse is punishable under "*Acts of Lasciviousness, Rape and Seduction*". Verbal or physical assaults which debase the dignity of a child may be the basis for prosecution under "Libel" and "Slander by Deed". Persons who are guilty of neglect and abuse that can put a child's life in danger or result in a child's death are punishable under *Article 276*. Under *Article 277* of the *Code*, a person entrusted with the care of a child who delivers the latter to an institution without the consent of the person who entrusted the child, can be found guilty of the crime of Abandonment of a Minor by a Person entrusted with His Custody.

172. As mentioned in the Introduction pursuant to the Concluding Observations of the UN Committee on the Rights of the Child, complaint mechanisms have been installed and procedures were developed in case where the child requires protection:

(a) **Children's Desks** were established by the Philippine National Police within their jurisdictions. The Desk ensures confidence on the differential treatment of the child by women police officers;

(b) **The Child Watch Hotline** has expanded coverage to remote municipalities now with access to telephones, especially cellular phones;

(c) **The *Barangay* Councils for the Protection of Children** were organized in 67 per cent of 42,000 villages;

(d) **The *Barangay* Human Rights Action Centers** under the Commission on Human Rights, a constitutional body, continued to discharge their functions of investigating cases of child abuse;

(e) Lately a **National Child Commissioner** and fifteen Regional Child Commissioners were appointed by the President from among children nominated by the children's associations, to monitor actions taken on behalf of children victims;

(f) Procedures were developed for intervention by authorities to protect the abused or neglect child. **Section 28 of R.A. 7610** stipulated the immediate placement of the child-victim under the **protective custody of the DSWD**. In the regular performance of this function, the social workers shall be free from any administrative, civil or criminal liability. Custody proceedings shall prosper according to the provisions of the *Child and Youth Welfare Code* for placement of the child in appropriate care;

(g) *Executive Order 56* signed in 1986 already assigned to the DSWD the responsibility to prevent further abuse and ensure the child's safety. This is done in coordination with the police and the National Bureau of Investigation to ensure physical surveillance;

(h) When there is resistance from the perpetrator, **rescue operation** ensues with the law enforcement in the frontline and the social worker at the receiving line to ensure that the psychological impact of the process of rescue, besides the abusive and neglectful environment, is minimized. The rescued child is then brought for temporary shelter in DSWD centers or non-government child caring agencies;

(i) When there is a threat to life, the child is referred to the Department of Justice (DOJ) to avail of the benefits under the Witness Protection Law;

(j) While assessment of the child's need is being undertaken at the center, the social worker simultaneously conducts assessment of the child's family for eventual reintegration, when indicated.

173. To strengthen the implementation of *Articles 47, 59 and 60* of the *Child Youth and Welfare Code* and *Section 4* of *R.A. 7610* which seek to prevent abuse and protect children, educational measures, were adopted:

(a) To promote non-violent forms of discipline and parent effectiveness in preventing abuse, a module on "Appropriate Approaches to Discipline at Home" under the **Parent Effectiveness Service (PES)**, was implemented at village level by NGOs and the LGUs. PES also includes the modules on Child Development, Keeping Your Child Safe from Abuse, Building Children's Positive Behaviour, Challenges of Parenting, among others as deterrents to child abuse and neglect;

(b) Another educational measure to promote positive and non-violent forms of discipline, care and treatment of the child was conducted through the **Day Care Programme** in fulfillment of *R.A. 6972, Barangay Level Total Protection of Children Act*. **A child rights**

**socialization module** was introduced in the day care programme and in the training of day care workers. The Day Care programme, which is implemented in the day care centers in every barangay by LGUs is an integral part of the National Early Childhood Development Programme aimed at preparing preschoolers subliminally as future parents. The programme involves both parents and day care workers who are trained in early childhood development;

(c) The National Street Children Project with partner NGOs in various cities and municipalities has also promoted **child rights education among “street children”** themselves, the street educators and law enforcer. The education of street children is an integral component of the programme for child abuse prevention;

(d) Modules and materials about children’s personal safety with a special focus on the prevention of child sexual abuse were developed. The same materials are used in the **Child Protective Behavior Programme (CPBS)** which began in 1999 as a result of a three week training of social workers in Adelaide Australia. The CPBS empowers children to protect themselves from abuse through provision of simple and practical skills to keep them safe and to develop communication, problem solving, and decision-making skills;

(e) The Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA), has developed a **child abuse prevention curriculum within the school system**. The Philippine Children’s Television Foundation (PCTVF), with support from the Child and Youth Foundation has published an **educational kit**: “Healthy Child, Safe Child”, a set of teaching videos with a facilitator’s guide for use in schools and community-based children’s centers.

174. Information and awareness raising campaigns were held. NGOs have assisted LGUs in advocacy and motivation for the organization and strengthening of *Barangay* Councils for the Protection of Children (BCPC) and surveillance within the neighborhood over identified children at risk of abuse and neglect. NGOs like Christian Children’s Fund, Childhope, and Plan International, among others, have promoted the active participation of children themselves. *Proclamation No. 731* was passed declaring the **National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation** every second week of February.

175. There is no centralized mechanism to monitor the extent of violence against the child, especially within the family in welfare and the schools, except through administrative reports of each department concerned. As such the national data disaggregated in terms of age, gender, family situation, social and ethnic origin, rural/urban location are not available. However, what can be reported is an increasing number of children served from 3,064 cases in 1996 to 8,932 in 2000 (Annex i-c: Consolidated Statistics on Child Abuse, DSWD). Empirical evidence suggests that there is a tendency to tolerate various forms of disciplinary actions bordering on maltreatment, of the child which the community and the schools do not report:

(a) As stated in the Supplementary Report submitted to the Committee prior to the dialogue in 1995, a number of NGOs have conducted some small studies on sexual abuse of children. Findings are limited and cannot be used as indicators;

(b) The DSWD prepared a profile of child victims currently in protective custody with the tentative data, namely, (1) average age was twelve years old; (2) most were female; (3) abuse was experienced at an early age; and (4) most were in elementary school. The DSWD

research agenda referred to in the Supplementary Report include an in depth study on incest. (Annex V-C) The first phase was exploratory to include demographic profiling, review of related literature and finding out the factors that lead to incest. The second phase of the research is the study on the impact of incest on the child victims which would require a stipulated time frame and the availability of the respondents;

(c) There are disjointed reporting of data on specific concerns and jurisdiction, namely, the Child Health Intervention Protection Service (CHIPS), Child Protection Unit of the Philippine General Hospital, the DOLE, Child Laborer Rescue, ILO-IPEC, and NGOs dealing with child labor. The Special Committee for the Protection of Children has established a central data and reporting system as part of the Comprehensive Programme for the Protection of Children;

(d) It is envisioned that an evaluation of the effectiveness of the measures, i.e. legislations, policies, programmes, to prevent child neglect and abuse and protect the child victims could be done for the next reporting period 2001-2005 in addition to developing a centralized data bank in the context of the Reporting Guidelines and the National Monitoring System being developed.

176. In compliance with the mandate to formulate a comprehensive programme for stronger deterrence and special protection against child abuse, *Section 4 of R.A. 7610*, the DSWD and non-governmental child caring agencies responsible for providing preventive approaches and appropriate treatment and rehabilitation for the children under their custody, have experimented on certain interventions for varying age groups:

(a) Protective custody and care were provided the child 0-6 years old in special foster homes under close supervision;

(b) The psychosocial recovery of the older child who is in residential care and traumatized by the experience included social groupwork activities and when indicated, referral to psychiatrist;

(c) Social reintegration was achieved through the organisation of support groups in the community. Behavioral change in parents of victims was tested through psychological and psychiatric interventions when parent effectiveness counseling failed;

(d) The National Family Violence Prevention Programme is a community based strategy of preparing family members to manage resolution of conflict within the context of family relations. Likewise the programme mobilizes the communities and inter-agency groups to support families at risk or who are prone to family violence. However, such effort need to be strengthened.

177. Article 166 PD 603, as well as the Implementing Rules and Regulations of RA 7610, prescribes the procedure for the identification, reporting and referral of cases of maltreatment:

(a) The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician or nurse, is required to report to the DSWD within 48 hours either in writing or orally regarding the examination and/or treatment of a child who appears to have suffered abuse (Section 4, of the Implementing Rules and Regulations of RA 7610);

(b) *Section 5 of Implementing Rules and Regulations of RA 7610* likewise requires all government workers, especially teachers, to report to the DSWD incidence of abuse and neglect in schools including truancy. The social worker of DSWD, not later than 48 hours after receipt of the report shall immediately proceed to the home, school, or establishment where the alleged child victim is found, interview said child, if indicated, and conduct a social case study, determine whether an abuse was committed and when necessary assume protective custody of the child and forward the social case study to the provincial or city fiscal then to the court for the Declaration of Involuntary Commitment when indicated.

178. Special training provided for relevant professionals was focused not only on the handling of the child victims, but also in dealing with the perpetrators:

(a) The issue of child abuse was integrated in the two-year training of the officials and men of the Philippine National Police (PNP). The provisions of *R.A. 7610 Special Protection Act* and gender sensitivity also included the regular curriculum of the Police Academy. These sessions were complemented by skills enhancement conducted by foreign police experts on **Child Protection** from the Scotland Yard and Durham Constabulary of the United Kingdom. The Australian Federal Police Agency conducted a course on **Sexual Assault Investigation**, and the French National Police on **Child Abuse Treatment Course**. The PNP also coordinated with the Philippine Public Safety College (PPSC) for the integration of modules on child abuse in the programme of instruction in the regular police courses. The following manuals were prepared to support these courses:

1. **Handbook on the Management of Cases of Children in Especially Difficult Circumstances** was used by the officers of the Women and Children Concerns Division of the PNP;
2. The PNP Directorate for Investigation and Detective Management also published a **PNP Handbook on Child Abuse and Neglect** which deals with child interview techniques and the dynamics of child sexual abuse and corresponding its medico-legal implications;
3. A **Comprehensive Manual on Child Protection** was published to serve as a major reference on dealing with children.

(b) The training of social workers of DSWD, the LGUs and NGOs was focused on approaches to working with perpetrators of abuse and violence, including those who are not family members. The DSWD has also developed modules in the conduct of therapy sessions and psychosocial interventions which were used in the training of senior social workers and supervisors;

(c) The training of social workers, prosecutors and members of the judiciary as a team focused on child protection. This training was supported by the British Government. A two-week course on Child Protection by Scotland Yard was held July 1996;

(d) The British Government spearheaded a European Union effort to train personnel of the Anti-Child Abuse Division (ACADED) of the National Bureau of Investigation, and provided corresponding equipment;

(e) The British Embassy in the Philippines organized a study tour for State Prosecutors to observe how child abuse cases are handled in the UK.

179. After several years of experience with court cases involving children as victims, complainants or as witnesses, it has become evident that present legislations and programmes should be reassessed in the context of the differentiated situations of children with single parents and the economically disadvantaged parents vis-à-vis the issue of neglect:

(a) Collecting unduplicated count of children by gender, age, family situation, social/ethnic origin, urban/rural location, and corresponding intervention pose as much difficulty as the concern for legislation and interventions. This difficulty has been addressed in the proposed National Monitoring System;

(b) Cooperation and interventions/responses at the *barangay* and neighborhood shall be strengthened for the early detection and prevention of neglect and abuse of children;

(c) Delineation of tasks and clarity in functional roles among professionals would be addressed including the relevance of their continuing education and training on the issue of child neglect and abuse;

(d) Bullying of children in the schools and the maximization of cooperation with the parent-teacher associations, student councils and the Association of Private Schools and school administrators, for the prevention of abuse would be explored.

## VI. BASIC HEALTH AND WELFARE

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3)

### A. Disabled children (art. 23)

180. The results of the 1995 census were made available after the consideration of the Initial Report. The census showed that children comprised 14 per cent of the total population with disabilities. The number of children with disability disaggregated by age, gender, and type of disability can be gleaned from Annex VI-A. The goal has been to limit the prevalence of disability in the general population to 4 per cent starting with the children. Articles 168-188 of the **Child and Youth Welfare Code**, and the **Act to Enhance the Mobility of Disabled Persons** were referred to in the Initial Report, as the primary legislative measures addressed to the rights of children with disability.

181. The enjoyment of the child with disability to his/her rights without discrimination is affected by some cultural/ethnic beliefs and practices. There are beliefs that disability is a form

of retribution for unknown sins of parents or ancestors - something that the family would hide. On the other hand, if luck comes to the family when the child with disability is born, the family may refuse medical attention for the child to ensure that the good fortune remains. It is recognized that both practices are discriminatory when the child is denied appropriate care. The prevalence of these problems has not been ascertained:

(a) In view of the above issues community support for attitudinal change has been tested. Counseling was offered when the belief is deeply rooted. One of the future directions of the child's right to non-discrimination is the expansion of community-based rehabilitation areas to minimize geographical barriers to information and facilities. At present, community-based rehabilitation can be found in 53 per cent of 78 provinces 13 per cent of 82 cities;

(b) To ensure the disabled child's right to move freely and independently and without cultural/attitudinal discrimination, the Accessibility Law which was mainly addressed to adults with disability was amended to include mobility for the child. This was done by reducing structural impediments and incorporating access facilities in schools and other learning institutions and centers. Corresponding budgets were allocated annually for government schools. Partnership with concerned operators of school buses and public conveyances was forged by the government to provide the child with disability access to transportation facilities. Stickers that convey preferential accommodation for the child with disability were posted. Parking spaces allotted for persons with disabilities included the vehicle owner or driver with a child passenger who is with disability;

(c) There is still a need to advocate/promote the use of the "white cane" as a special mobility aid for the child with impaired vision, especially in the rural areas.

182. The Social Mobilization Programme, has promoted the active participation in the community of the child with disability, where there were more enlightened parents encouraging the socialization of their children in the neighborhood. However, there is a need to change parents' attitude of exposing the severely handicapped children to the community.

183. The effective access and integration of the child with disability to early childhood development programmes mainly depended on the National Council on the Welfare of Disabled Persons (NCWDP). The Council coordinated the policy making, programme development and monitoring of implementation by the component government departments, NGOs, the private sector:

(a) Special education, or regular schooling and the attendance of children in day care centers has been impeded by the lack of knowledge and skills of the teachers and day care workers in the handling of children with impairments. Refer to Annex VI-B, showing the enrolment of children classified by type of disability and school level. Special Education (SPED) resources in terms of the number of SPED schools, teachers, and classes for the 125,283 children with disabilities enrolled as of the end of the period, year 2000, are reflected in Annex VI-C. Special education classes and trained teachers are insufficient in 9 out of 16 Regions, and especially in rural areas. Majority of the special schools are located in the National Capital Region. There are 101 registered private schools with SPED Programmes, for the elementary and secondary school levels mostly in the cities. The following remedial measures were adopted:

1. The employment of trained roving day care workers and teachers was considered;
2. More teachers were hired and trained;
3. Special education classes have to be opened in existing public schools in the other Regions for 2001-2005;
4. The SPED Programme, in response to the increasing number of children with disability, has admitted the hearing-and visually-impaired as the initial focus at the secondary level. In the succeeding period, multi-handicapped students, slow learners and autistic children will be attended to as well. It is planned that a Bureau of Special Education will be established to focus on the educational needs of children with disabilities.

(b) The child's access to health care and rehabilitation services was achieved through increasing awareness of disability, the expanded coverage of the immunization programme and micronutrient supplementation, and the following strategies:

1. There are 186 rehabilitation centers nationwide, 21 per cent of which are at the National Capital Region where the population density was one factor to consider. To augment these centers, physical rehabilitation units were integrated in sixteen government hospitals in ten regions. Nine hospitals were accredited for their orthopedic departments and eight sanitarium with vocational rehabilitation service including a prosthetic factory. A system for accreditation of rehabilitation centers has been developed;
2. Management of conditions which caused disabilities was improved through specialists intervention. Psychiatric wards in eleven government hospitals and ten special/ private hospitals mostly found in Metro Manila catered to the mentally disabled child. Psychiatrists are available in 15 out of 16 regions of the country. There are residential institutions that provide care, training and rehabilitation of the mentally retarded and autistic children but are limited to the cities. This situation poses the problem of visitation by non-resident parents;
3. Newborn screening of congenital metabolic disorders which if left untreated may lead to disabilities, was one of the recent thrusts of early detection and access to health care and the prevention of disability. In January 2000, an Administrative Order was issued for the nationwide implementation of newborn screening. There are 161 participating hospitals in the Newborn Screening Programme at present. The thrust for 2001 is to expand this to more hospitals and increase the coverage of newborns being screened;
4. A system of accrediting community-based rehabilitation centers was established thus increasing these centers which were more accessible and less threatening to the families.



184. Measures to integrate children with disabilities with children without disabilities started with the training of parents on the development of daily living skills and use of assistive devices for the children. Other measures included the following:

(a) A strategy referred to as **Inclusive Education**, integrating children with disabilities in the regular schools is being tested. At the tertiary or college level, the Commission on Higher Education allots five per cent of its Private Education Scholarship Fund Assistance to qualified students with disabilities, who want to pursue college degree or vocational/technical courses in the regular schools;

(b) **Reception and Study Centers for Children** in all Regions, accommodated children with impairment and also provided services to those with disabilities in the same institution;

(c) The integration of rehabilitation centers in hospitals provided opportunities for children with disabilities to be exposed to other children;

(d) The Social Mobilization Programme promoted the involvement of children with disabilities in community activities;

(e) Integration of children with disabilities in day care centers is another possibility but is limited to centers with day care workers who were trained to care for these children;

(f) Vocational rehabilitation was provided for the older children to prepare them for employment. This was made available in centers exclusive for the disabled. Few were admitted in technical schools;

(g) Breaking Barrier Philippines, served children with cerebral palsy, polio, Down's syndrome, speech problems, delayed motor development, hearing impairment, located in five most disadvantaged Regions. Stimulation and Therapeutic Centers provided comprehensive rehabilitation services and social reformation of families and caregivers. Mainstreaming children with these categories of disability with non-disabled children was of lesser priority to their concentrating on specialized treatment and rehabilitation. Support groups involving professionals and parents were organized. Among these are the Down's Syndrome Association, the Autism Society, the Parents of the Hearing Impaired, the Philippine Association for the Gifted.

185. The NCWDP with membership from organizations for disabled children, e.g. Autism Society of the Philippines, Cerebral Palsy Association of the Philippines, Society of the Deaf, Philippine Band of Mercy, has advocated the establishment of an Office for Persons with Disabilities Affairs (OPDA) in LGUs. The OPDA will serve as the focal point for all disability issues and concerns including the child's right to special care by their parents:

(a) A proposed local resolution/ordinance on the creation of OPDA with a Child's Desk is under consideration for adoption by the Leagues of Provincial Governors, Leagues of Municipality and City Mayors;

(b) Agreements to expand pilot projects for children with disabilities have been concluded between the national government and LGUs.

186. All government services to children whose parents are indigent are free of charge. An NGO, **Breaking Barriers for Children** provided free physical and social rehabilitation services to more than 3,600 children and will continue to do so until the end of the project in 2003. This target is based on the resources provided in cooperation with the Danish International Development Agency through the Danish Society of Polio and Accidental Victims. Fund drives and soliciting of donations were undertaken by the private sector for extraordinary situations of children with disabilities to augment the resources of the government.

187. The NCWDP, as the focal point for all disability issues, organized Committees for the Welfare of Disabled Persons in sixteen regions and corresponding provinces, cities and municipalities. In the interim, these local committees with representatives of LGUs as members served as the monitoring and coordinating body at the local level. These local committees conducted annual assessments on the implementation of the Magna Carta for Disabled Persons which stipulates the rights-based needs of children with disability. The implementation by LGUs and NGOs of program and services of mandated national agencies, is monitored and assessed for continuous consultations and deliberations among all sectors and representatives of the parents of children with disabilities. Copies of the Convention on the Rights of the Child, translated into the national language, were distributed at the villages to enable more parents and caregivers to understand better the rights and needs of children with disabilities and eventually assist in monitoring its full implementation. This system of monitoring will be integrated into the National Monitoring System. Pilot/demonstration projects among others were undertaken to generate data on specific situations of children with disabilities to ensure an effective evaluation and monitoring system:

(a) The **Programme Implementation Review (PIR)** of the 5-year Pilot Project on Social Mobilization of Persons with Disabilities, served as another measure to determine the number and profile of children with apparent disabilities and those with signs and symptoms of disability. Further, it was through this PIR that the gaps and limitations of the interventions were assessed and appropriate policy directions and programme development were threshed out preparatory to the transfer of implementation to the local governments;

(b) The **Programme on Community-Based Rehabilitation**, as an approach in the delivery of services, was also used to experiment with data generation;

(c) An **Automated Profiler System** has been installed in 6 regions out of 16 (38 per cent) as a comprehensive pool of data on all persons with disability. It is electronically organized, reflecting the respective personal profiles of the person. It has been developed as a system to locate and identify the children and to start a monitoring mechanism through which evaluation of the current situation of these children could be done.

188. To ensure adequate specialized training for those responsible for the care of children with disabilities the following measures were taken:

(a) Families and communities were oriented on the basic processes of identification of the disabilities to improve the early detection and screening of children with disabilities and to encourage early intervention;

(b) The training of the **day care workers** included topics on working with parents of pre-school children with disabilities and identifying symptoms of disability in order children enrolled in the day care center. Resources for these training programmes are limited. However, a Manual was developed on how to handle children with disabilities, understanding their behaviour and evolving capacities, and the use of activities for rehabilitation;

(c) Teachers were trained on the use of the Multiple Intelligence (MI) concept in understanding the capacities of children with disabilities. The corresponding Manual on Multiple Intelligence was developed for the use of **trainors**. Promotional and advocacy campaigns on the use of the approach had been undertaken to encourage more teachers to go on training;

(d) The Multidisciplinary Child and Adolescent Unit, which provides development screening of the disabilities in the newborn has given priority to the **training of pediatricians** of Metro Manila. However, some pediatricians and other health professionals who were trained in Metro Manila were assigned to work in other parts of the country and served as trainors;

(e) A task force on newborn screening was organized in 1999 and a series of training for **regional coordinators** and **participating hospital coordinators** were conducted;

(f) Further, the Manual on Preventive Pediatrics and Genetic Counseling as well as the Manual on Sports for Persons with Disability were developed.

189. To further improve knowledge and skills of professionals in handling children with disability, international cooperation relative to the exchange of information and technology was undertaken. However, there is a need to classify the materials and expand utilization of same:

(a) Participation in 15 international disability forums generated information which kept concerned exchange participants aware of the latest disability issues and trends;

(b) Hosting of the "International Conference of Coordinating Committees" participated in by thirteen countries, promoted the Agenda on Action for the Decade of Disabled Persons;

(c) Hosting of 117 visiting disability experts from fifteen countries who were oriented on and guided for field visits provided reactions to the Philippine community-based rehabilitation;

(d) Information from websites, were packaged in the form of newsletters and brochures for distribution to educational/vocational institutions;

(e) Information materials were received from foreign sources and four Philippine statistical brochures and materials were distributed to foreign/partners; and

(f) The Directory of Rehabilitation Resources, Directory of Experts/Resource Persons in the Field of Disability and Directory of Employers of Persons with Disabilities were prepared.

190. Annex VI-A includes disaggregated data on type of disability, age and gender of children but not according to social, ethnic origin or financial resources allocated. Programs and services provided include medical intervention which appeared to be the primary consideration.

### **B. Health and health services (art. 24)**

191. The Initial Report emphasized the Constitutional guarantee for the child's nutritional health and well being. Concomitant legislative measures started with the *Child and Youth Welfare Code* which promotes the child's health, beginning with adequate prenatal and postnatal care and ensures the right of the child to the highest attainable standard for survival and health, and made specific by the following measures:

(a) The **Rooming-In and Breastfeeding Act (RA 7600)**, aims at the provision of safe and adequate nutrition of infants through the promotion of breastfeeding. *Executive Order 51 on the National Code on Marketing of Breastmilk Substitutes (Milk Code)* ensures the proper use of breastmilk substitutes and supplements and calls for intensification of breastfeeding information. Said measures promoted a support system for appropriate breastfeeding and lactation management by the mother in the hospital or clinic after delivery;

(b) The **Barangay Level Total Development and Protection of Children Act (RA 6972)** stipulates a referral and health care system at the village for the pregnant mother, delivery of the infant, and neonatal care. As such no child should be deprived of the right of access to health services and facilities;

(c) The **Generics Act** aims at reducing the cost of drugs, thereby making quality drugs affordable and the child is not discriminate upon because of poverty. On the Generic Act, the reasons/conditions behind its enactment include the following: a) the government has the responsibility to ensure that quality drugs are dispensed to the citizenry; b) physicians and all persons authorized to dispense drugs must be made sensitive to the cost factors of acquiring medication; and c) the need to foster competition within the pharmaceutical industry, specifically, with respect to prices, so that the public would benefit from the increased affordability of good quality drugs;

(d) Republic Act No. 7846, amends Presidential Decree No. 996, requiring compulsory immunization against Hepatitis B for infants in addition to the basic immunization services (which include BCG against tuberculosis; diphtheria, tetanus, pertussis (DPT) vaccination; oral polio vaccine (OPV) against poliomyelitis; immunization against measles and rubella) and appropriating funds to carry out the provisions of the Act. Proclamation No. 6 (1986) implements a United Nations goal on Universal Child immunization by 1990. Presidential Proclamation No. 46 (1992) reaffirms the commitment to the Universal Child and Mother immunization goal by launching the Polio Eradication Project. Two more proclamations were passed, Presidential Proclamation No. 147 (1993) declaring National Immunization No. 4 (1998) launching the Philippine Measles Elimination Campaign. Poliomyelitis, neonatal tetanus and measles are three of the vaccine-preventable diseases, which are now targeted for eradication and elimination.

192. To ensure that no child is denied the right of access to health care services and reduce inequities, five measures were adopted. The measures mentioned here are actually the general reform areas under the Health Sector Reform Agenda (HSRA). It is expected that these reforms will lead to a significant improvement in health status through a greater and more effective coverage of national and local public health programs, to increased access to health services especially by the poor and the disadvantaged and to reduces financial burden on individual families. It should be noted that these reforms are not yet fully implemented in some areas. In fact, the DOH is just starting on what they call convergence areas for HSRA:

- (a) Greater fiscal autonomy was given to government hospitals;
- (b) A more active effort to secure funding for prevention of health problems and for health promotion, was prioritized;
- (c) The capacities of health regulatory agencies were strengthened to ensure quality health care in the light of the devolution of health service delivery to the LGUs where there is a need to assist local health networks to meet their responsibilities; and
- (d) The local systems for efficient and effective delivery of health care services were institutionalized, i.e. cost sharing between national and local governments, provision of funds for upgrading health facilities, building capabilities on program management and provision of incentives for the private sector in health care delivery;
- (e) The fifth area to be addressed by the health reform agenda is the widening the coverage of the universal health insurance program through the financing of health services. The benefits under the national health insurance program were made more attractive to enroll more members so as to have a stronger leverage for better program performance.

193. While legislative measures, management reforms and budget allocations were updated since the submission of the Initial Report, changes and the impact on the health of the children as well as the indicators on the progress achieved were not available. Disaggregated data or service coverage were limited to infant and child mortality. Data on children morbidity and the involvement of NGOs and the private medical practitioners were likewise not available. Administrative reports did not have this information. During the period under review the delivery of health services was being devolved to LGUs in compliance with the Local Government Code.

194. The Philippines ranks 93<sup>rd</sup> in the listing of 189 countries in terms of low under-five mortality rate in 1996. Government efforts have paid off in reducing the under-five mortality rate from 80 per 1,000 in 1990 to 48 in 1998, exceeding the year 2000 goal of 50. Infant mortality rate considerably declined from 49 per thousand live births in 1995 to 35 in 1998:

- (a) The continuing decline in infant mortality rate was attributed partly to the Expanded Program on Immunization (EPI) which was mentioned in the Initial Report. The Philippines was declared as polio-free during the Kyoto meeting on Poliomyelitis Eradication in the Western Pacific Region in October 2000. The government was able to finance 88 per cent of routine vaccines against tuberculosis, diphtheria, pertussis, tetanus, hepatitis B and measles. However, the coverage rate declined, not only because of the adjustment to the devolution of

health services to the local governments, but also due to the deterioration of cold chain equipment, the confusion that the tetanus toxoid for pregnant mothers may be a contraceptive, and lack of supervision;

(b) Other difficulties persisted. There are more deaths among males than among females. Infants who live in the rural remote areas received less and lower quality health services. Hospitals and other health care facilities are still concentrated in urban centers and parents cannot afford the cost as in a country with 60 percent who are poor in spite of the stipulations of RA 6972 **Total Development and Protection of Children**. Government and NGOs have to focus on high risk areas. Similarly, supplemental budgets from donor organizations were allocated to high risk provinces. Institutional and capacity building efforts as well as logistical assistance were targeted at these areas.

195. Interventions in the delivery of health services were standardized to ensure the balance between curative and preventive health care. Under the Health Sector Reform Agenda, investments in primary health care were increased while essential drugs and supplies for the management of childhood illness were maintained:

(a) New strategies which integrate health services for children were pilot tested and replicated in remote areas in the attempt to promote preventive health care in these communities. The expansion of primary health care was aimed at reducing disparities due to rural locations among others;

(b) Generally, coverage of pre-school age children increased as more mothers knew the importance and availability of health services in the community. Priority given to the under five year olds tended to discriminate health services for the older child although health care in school was improved;

(c) Data on children having access to and benefiting from medical assistance and primary health care, disaggregated by gender, age, ethnic and social origin, which usually could be generated through administrative reports from branch offices of the Department of Health, were not available because of the previously stated devolution of service delivery to LGUs. The National Monitoring System with corresponding indicators would be in place by 2001-2005. However, baseline data on a number of national health objectives (2001-2004) have been established through various researches conducted.

196. Immunization improved with an increase from 86 per cent to 88 per cent coverage in 1999. These rates represent children immunized at government health facilities. Those immunized in private clinics were not included, however, these were captured in the National Demographic Health Survey, 73 per cent of children are completely immunized through the following measures:

(a) The Philippines succeeded in eliminating neonatal tetanus (NT) nationwide with a rate of less than one case per thousand live births. The proportion of newborns whose mothers received two or more doses of tetanus toxoid has decreased from 42 per cent in 1993 to 38 per cent in 1998, while those who were given one dose of the vaccine increased from 22 per cent to 31 per cent in 1998. Continuous dialogue with the church and Pro-life groups on studies done on the issue that the tetanus toxoid is an abortifacient resulted in a clearance from the Vatican;

(b) The Philippine Measles Elimination Campaign, dubbed “*Ligtas Tigdas*”, Campaign drastically brought down the number of outbreaks and measles cases to the lowest level compared with previous years. The *Ligtas Tigdas* campaign in 1998 achieved a high coverage of almost 95% measles immunization among the 9 months up to 15 years of age. However, there are pockets of low coverage where measles have been reported. Measles information campaign continues with the objective to achieve 100% coverage among 12-24 months old children with measles vaccination. Measles cases in 1998 were 23,591 compared to 6,987 in 1999, the lowest ever achieved;

(c) More effective training of midwives and other health workers and the recent purchase of cold chain equipment has improved coverage of immunization;

(d) Despite the fact that the Philippines had been declared as polio-free there remains the risk of acquiring the poliovirus from other countries. Measures for sustained vigilance which include strengthening of the surveillance system and capacity for rapid response to outside contamination, adequate laboratory containment of wild poliovirus, continuing routine immunization until global certification is achieved.

197. The overall situation of disease and malnutrition is summarized hereunder, but disaggregation by gender, age, location, social/ethnic origin is not available. The extent of poverty in the country reflects the persisting disparities in the control of disease and malnutrition. Legislative issuances, presidential proclamations, and areas of reforms for effective coverage were adopted to continuously pursue the highest available standards for children's health and nutrition, which were presented as priorities for 1995-2000 in the initial report.

198. Republic Act 8172 or the **Act for Salt Iodization Nationwide**, which provides for the mandatory fortification of all human-grade salt with iodine. The full implementation of the law promises to reduce significantly pregnancy wastage as well as the risk of children from being born with lower IQ points or with physical and mental abnormalities and disabilities. Republic Act 8976 or the **Food Fortification Act** compensates for the nutritional inadequacies of the Filipino diet, which are more pronounced among young children. The law provides for the mandatory fortification of staples, i.e. rice with iron, flour with iron and vitamin A, sugar and cooking oil with any combination of vitamin A, iron or iodine:

(a) Based on the 1998 national nutrition survey, the child population affected by malnutrition include 0-5 years old with 32 per cent who were underweight, 34 per cent stunted and 6.0 per cent wasted. Of the 6-10 year olds, 30.2 per cent were underweight and 40.8 per cent were stunted. Data on underweight and wasting were slightly higher than those reported in 1996 for both age groups. However, a **slight decrease in the prevalence of stunting among children 0-5 years old can also be noted. Supplementary feeding with indigenous food** was extended to children under six years old, reaching an annual average of about 0.7 M between 1995 and 2000. About 0.6 M six years old and above who were in school were included in milk and fortified food, breakfast or hot soup feeding programs. **Home and school community food production and nutrition education**, like the rest of the programmes, were implemented by LGUs and NGOs;

(b) Iodine deficiency remained high, with 35.8 per cent of children 6-12 years old having urine iodine excretion levels of moderate to severe levels, based on the 1998 national

nutrition survey. Since this age group is used as an index group, the chances are high that others in the population, especially women and other children are also affected. To address this situation, about 11.0 M women and childbearing age received iodized oil capsules in 1995. From 1996-1997, **iodine supplementation** was limited to areas endemic to iodine deficiency, reaching about 4.2 M women in these areas. The use of iodized salt was also promoted, especially after the passage of the law on **mandatory salt iodization**. However, only 25 per cent of households consume iodized salt in spite of an 80-90 per cent awareness on the value of its use. Issues related to the production, distribution, and pricing of iodized salt are challenges that will be addressed;

(c) The 1998 national nutrition survey reported that anemia continued to be prevalent in the population (30.6 per cent), with prevalence rates being higher among infants (56.6 per cent), pregnant women (50.7 per cent) and lactating women (45.7 per cent). The situation was addressed through iron supplementation reaching about 0.6 M and 1.5 M infants and preschoolers, and pregnant and lactating women respectively. The DOH, a few LGUs and NGOs were key players in this regard. Fortification of foods was also strategy to address the deficiency. An important development in the period is the passage of the law that requires the iron fortification of rice and flour;

(d) The provision of Vitamin A capsule with a coverage of more than 90 per cent has reduced this vitamin deficiency from 10.4 per cent to 8.2 per cent in 1998. Supplementary feeding with indigenous food was extended to the under six years old. The six years old and above who were in school were included in a fortified feeding programme, breakfast feeding or hot soup feeding. Health and nutrition posts for growth monitoring and nutrition counseling were set up. Home, school and community food production like the rest of the programmes were implemented by LGUs and NGOs;

(e) In spite of the plans of action on the control of acute respiratory infections and the control of diarrheal diseases, (mentioned in the Initial Report), complications arising from pneumonia, measles, malnutrition, and low birth weight continue to be the top health problems of children. **Integrated Management of Childhood Illness (IMCI)** is an integrated approach to management of the most common childhood illness in children. It combines curative as well as preventive aspects of immunization, malnutrition and important factors influencing child health including maternal health;

(f) There was an improvement in the availability of safe drinking water. Access to safe water supply and sanitary toilet facilities improved with 87 per cent of households having safe water, and 80.4 per cent with sanitary toilets. This was achieved through the **Water Supply, Sewerage and Sanitation Sector Master Plan** which included education at villages. Families were trained to maintain their water supply facilities themselves. Significant urban-rural differences still exist however. A study on knowledge, attitudes, and practices revealed a wide gap between knowledge and hygienic practices since a change in attitude has to be attained. Even handwashing is promoted actively through the school children, as advocates to their own families for the practice, especially in rural areas;

(g) Concern over the dangers of environmental degradation and pollution was backed by the recently passed **Ecological Solid Waste Management Act** and the **Clean Air Act**. **Home based segregation of waste and composting, community recycling** of non-biogradable



discards into livelihood projects and, ecologically acceptable methods of handling toxic waste from hospitals, factories, and other establishments, were some of the measures to prevent environmental pollution. Besides reforestations initiated by the Department of Environment and Mother Earth Unlimited, an NGO **mini forest parks** were established in open spaces, at housing areas, near schools. Further, religious organizations initiated a change in culture and attitude of families to restore the integrity of God's creation/nature and peace with the inner and outer environment.

199. The 1998 National Demographic and Health Survey showed the status of pre-natal and post-natal care. Majority of mothers (77 per cent) complied with the recommended prenatal visit of one for every trimester of pregnancy. For almost half of the births, the first prenatal visit was made in the first three months. Only 33 per cent were informed about the danger signs of pregnancy. About 34 per cent delivered in a hospital while the rest at home or some other place. While 86 per cent of pregnant women go to a health professional for consultation, only 56 per cent were assisted by these health professionals during delivery. Three in five of the postpartum mothers received care after delivery, with 75 per cent having received iron supplementation during pregnancy:

(a) A redirection of the prenatal and post natal care programme was undertaken through a comprehensive approach of providing preventive, promotive and curative health care to mothers during pregnancy, delivery, puerperium and interpregnancy period. Part of the approach was the expansion of initiatives in stimulating women's appreciation of their own capacities. One such initiative included **Female Functional Literacy (FFL)** in the different dialects as springboard for the acquisition of knowledge and skills for self-care and child care;

(b) Implementation of pre and post natal health care having been transferred to the LGUs, developing expertise of the health professional is a continuing activity. One such initiative is the maternal death review, especially as it is attitudinal and relates to the rights of the unborn-child, and the prevention of abortion;

(c) Advocacy and social mobilization efforts were expanded on the relevance of pre natal and post natal care of the mother to the social cost of maternal death as this affects the rights of the child to a family. These efforts were directed not only to the health professionals but also to the mothers themselves and their communities, the NGOs, civil society, the religious sector, donors and funding agencies. Disaggregation of data as to location (rural/urban) and social and ethnic origin would be considered for the succeeding Report.

200. To ensure that all segments of society have access to information and use basic knowledge on child health and nutrition, hygiene and environmental sanitation and prevention of accidents, the following strategies were implemented:

(a) Fathers were gradually involved in the health care and nutrition of their children through gender sensitive partnership with the wife, besides the Neighborhood Parent Effectiveness sessions which support them in the use of the acquired knowledge;

(b) School-based health and nutrition programmes have been among the most successful mechanisms to provide basic knowledge. These included the (1) integration of nutrition concepts in the school curriculum; (2) teacher-child-parent nutrition education;

(3) establishment and maintenance of kitchen gardens in schools; and (4) the family gardening to promote minimum vegetable and fruit consumption especially in rural areas. The Philippines also adopted the new Nutritional Guidelines for Filipinos (NGF) as a guide for nutrition education programs and activities. The NGF consists of ten messages on proper nutrition and healthy lifestyles. The former emphasizes the importance of breastfeeding, proper complementary feeding practices, and growth monitoring;

(c) Preschoolers Health Week Campaign was conducted twice a year to promote child caring practices. This campaign was launched for parents to be further informed on immunization. Children who missed their routine immunization and post natal care were attended to. The other component includes advocacy in the use of safe toys, prevention of household accidents, and dental health. In addition, the Parent Effectiveness Programme was enriched through the modules on Keeping a Healthy Environment; For Your Children's Health and Nutrition. Health and nutrition posts that facilitated growth monitoring of children and nutrition counseling of their parents or caregivers were also set up in provinces in the country as part of the Philippine-UNICEF programme of cooperation;

(d) The Baby Friendly Hospital Initiative mentioned in the Initial Report has been the main strategy in the promotion of breastfeeding. A total of 1,200 government and private hospitals where rooming-in and breastfeeding are promoted were certified as baby-friendly. NGO breastfeeding support groups provided wet-nursing for babies whose mothers are working. In 1996, 33 per cent of infants aged 0-3 months were exclusively breastfed;

(e) Family gardening to augment household food security, and food fortification were intensified. More food producers and manufacturers had fortified their products that are popularly consumed by children, like powdered drinks, instant noodles, sardines, margarine and snacks, including dietary staples: rice, sugar, flour and cooking oil, and have educated the public on the nutrition value of same;

(f) Concomitant capacity building for health workers was conducted especially for the rural midwives, village health volunteers, and traditional birth attendants. The training was focused on ensuring safe pregnancy, delivery and postpartum care, breastfeeding counseling, and strategies for post natal follow-up of mothers. The **Midwives Manual on Maternal Care** was developed and distributed.

201. The Integrated Management of Childhood Illness Programme included preventive health care aspects of immunization, nutrition, and growth monitoring, prenatal/postnatal care of mothers. The government's service delivery network for this programme extends to the *barangay* health stations which are geographically accessible to the clientele. Service delivery is augmented by NGOs, also based at the village level. Data on the population covered and corresponding disaggregation have been compromised similarly by the transition in the transfer of service delivery to the provincial/city health offices of the LGUs.

202. The Population Commission, with funding support from the United Nations Population Fund (UNFPA), spearheaded a project on adolescent health. The project aimed to, among others, reduce the incidence of reproductive health problems especially early pregnancy of the adolescents. The approach is behaviouristic within the context of the rights of the adolescent and

her/his evolving capacity, human sexuality, family life, and the well-being of the child who would be born. The subjects are integrated in the curricula according to the level of comprehension in the elementary grades and high school.

203. Another programme that impacts on the health of children particularly the adolescents is the Reproductive Health Programme. This programme was developed with the aim of providing clients with quality care by considering their perspective in the selection and delivery of services. It addresses the reproductive health needs not only of women but also the underserved groups such as men and adolescents. It covers the following priority health care services: family planning, maternal child health and nutrition, prevention and management of abortion complications; prevention and treatment of reproductive tract infections including STDs, HIV and AIDS; education and counseling on sexuality and sexual health; breast and reproductive tract cancers and other gynecological conditions; men's reproductive health; adolescent reproductive health; violence against women; and prevention and treatment of infertility and sexual disorders.

204. As of 1999 thirty-eight children aged eighteen years and below were reported as HIV positive. Twenty-two of these were children below thirteen years old, 50 per cent are female. There are sixteen children aged 13-18 years, twelve are female and four are male. **The National AIDS Prevention and Control Programme** (NAPCP) was established in 1998 together with the creation of the Philippine National AIDS Council through RA 8504 or the Philippine AIDS Prevention and Control Act of 1998. The National AIDS Prevention and Control Programme has at the same time integrated the Sexually Transmitted Disease Control Programme:

(a) Prevention of transmission and reduction of HIV/AIDS were priority strategies of the above mentioned programme. The *Bahay Lingap*, a halfway home of asymptomatic HIV positive children was established since 1995 when the Philippine National HIV/AIDS Strategy was adopted. Presidential Proclamation 888, declared 1997 as the National AIDS Prevention Year. In 1996 several foreign-assisted projects were started, including the: (1) European Union support for the prevention of HIV/AIDS and sexually transmitted diseases; (2) A model community health/STD facilities established in commercial-sex areas through Australian Assistance for International Development (AUSAID); (3) Japan International Cooperation Agency Project for the prevention and control of STD; and (4) South East Asian Ministerial Educational Organization-GTZ (SEAMEO-GTZ) Control of HIV/AIDS/STD partnership Project in the Asian Region which monitors STD/AIDS service delivery;

(b) To assess the occurrence of HIV infection and AIDS, children born of HIV infected mothers are closely followed-up to evaluate possibility of prenatal transmission. Children who are sexually exploited are likewise examined. To date there are three government hospitals, based in Metro Manila that assess the occurrence of HIV infection and AIDS in children; San Lazaro Hospital, Ospital ng Maynila and Research Institute for Tropical Medicine;

(c) Measures to ensure protection and assistance to orphaned children as a result of AIDS include continuing surveillance over possible infection, out-patient cure and alternative treatments for the child. In the absence of relatives, substitute parental care, or residential care is available. Financial assistance and counseling are provided for the care giver, and guardians are informed about the current research findings, on HIV-AIDS;

(d) Campaigns to prevent and combat discriminatory attitudes against children with HIV or AIDS were started in 1997. The children in AIDS Network (CHAIN-Philippines), composed of children, young adults and workers spearheaded the 1<sup>st</sup> Satellite Symposium on Children, Youth and AIDS in Asia and the Pacific. This symposium provided a venue to discuss issues on affected children. An Agenda for Action, signed by the children themselves, was formulated during the symposium. Memorandum Order 495 was implemented, integrating HIV/AIDS education in all schools nationwide. Republic Act 8504, prescribes a monitoring system and prohibits any form of discriminatory act. It provides that no educational institution shall refuse admission, segregate, deny participation, benefits or services to, or expel any student on the basis of his/her actual, perceived or suspected HIV status.

205. There are traditional practices prejudicial to the child's health for which changes in attitude and practice are to be addressed:

(a) In some places, cultural norms dictate against giving the first breastmilk (colostrum) to the infants, although it contains a high concentration of antibodies that protect children against certain infectious diseases. The programme on rooming in and breastfeeding through hospital deliveries has reduced this traditional practice since the mother is under supervision of nurses and midwives. The extent of success in the rural areas has not been ascertained;

(b) Almost all indigenous communities are observed to have practiced "arranged marriages". The problem with proving this claim, however, is that there is a dearth of documentation of the existence of such practice. Girl children aged nine to ten, who have not attained biological/reproductive maturity (menstruation) are coerced by their parents to get married in consideration of the customary dowry. The establishment of the National Commission on Indigenous Peoples is expected to abolish this traditional practice. However, no study has yet been done on the issue;

(c) Diseases are believed to be due to the too hot or too cold temperature or some spirits. Health education in school and the rural health clinics, mass media coverage of immunization relating childhood diseases to corresponding causes are among the strategies to combat this belief.

206. International and bilateral cooperation to achieve realization of the right of the child to health and health services and the areas addressed and where available the financial assistance received are as follows:

(a) The Fifth Country Programme for Children (CPC V), the programme of cooperation between the Philippine Government and the UNICEF for 1999-2003, aims at progressively achieving full realization of the rights of the child to health through a Child Friendly Movement, which fosters health and nutrition caring behaviors in families and communities and awarding success of the community.

**CPC-V Budget 1999-2003 (UNICEF) in US\$ '000**

Project/Subprojects	1999	2000	2001	2002	2003	Total
Maternal Health and Nutrition	1 114	1 185	1 371	1 462	1 431	6 553
Child Health and Nutrition	1 469	1 265	1 465	1 706	1 517	7 422
Micronutrients Deficiency Control	470	810	760	550	550	3 140
Total	3 053	3 260	3 596	3 718	1 498	17 125

(b) The National Early Childhood Development Project, a comprehensive and integrated strategy to ensure the rights of the pre-school age child to survival and development was implemented in collaboration with World Bank and Asian Development Bank. A total of US \$58.8 million is involved with World Bank providing \$19 million, ADB \$21.7 million, and Government of the Philippines \$18.1 million;

(c) Non-governmental participation in child health, funded by international non-governmental organizations have not been quantified due to inadequate data. Contributions though can be inferred from the activities during this reporting period (1995-2000) as follows (among many others):

1. The Christian Children's Fund (CCF) through its Integrated Health, Nutrition, and Environmental Sanitation Project covered the following:
  - Supplemental feeding micronutrient supplementation with fortified foods, nutrition education, promotion of fortified food;
  - Promotion and establishment of weighing posts, growth monitoring, mobilization of health monitors to follow up immunization;
  - Food production through backyard gardening;
  - Caregivers training and counseling at home, in the centers;
  - Provision of materials for construction of water-sealed toilet; bowls and septic tanks;
  - Water systems installation; and
  - Participation in the national campaigns on health.
2. PLAN International Philippines, through its Integrated Child Survival and Nutrition Project sponsored:
  - Immunization against hepatitis B;
  - Cooking demonstrations, and promotion of backyard food production and school garden;
  - Provision of micro-nutrient-fortified nutripacks supplementation;

- Installation of 930 hand water pumps, construction of 41 water catchments, and 712 household water connections,
  - Integrating hygiene and watershed management;
  - Installation of 4,600 units of sanitary latrines with cash or in kind counterpart from the families; and
  - Life skills training on the prevention of early pregnancy and substance abuse and promotion of access by adolescents to rural health services.
3. The Pearl S. Buck International, Inc. (PSBI), initiated a Partners for Health Child Survival Project in one province. The activities included:
- Nutrition interventions through organization of mother support groups;
  - Promotion of bio-intensive gardening;
  - Establishment of weighing posts;
  - Training on the basic learning package on child growth and development;
  - Training of traditional birth attendants;
  - Tetanus toxoid immunization; and
  - Establishment of barangay emergency obstetrical plan and child spacing.
4. World Vision sponsored children for annual medical and dental check-up, medical treatment of children with harelip, epilepsy, dengue fever. Malnourished children were provided with supplemental feeding and vitamin A supplement. The consumption and production of Vitamin A rich food, was promoted. Communities were motivated to cultivate backyard gardens. Water systems were installed in selected communities.

### **C. Social security and child care services and facilities (arts. 26 and 18, para. 3)**

207. Parents who are employed by private companies or self-employed and/are members of the Social Security System (SSS) or those employed by government and/are members of the Government Service Insurance System (GSIS) have health insurance benefits for their children. *The National Health Insurance Act of 1995 (RA 7875)* created the National Health Insurance Program (NHIP) and the Philippine Health Insurance Corporation (PhilHealth) which consolidated the Medicare Programs under one organization, eliminating whatever disparities there were under SSS and GSIS. PhilHealth took over medical coverage from the GSIS in October of 1997 and from SSS in April 1998:

(a) Coverage includes all children below twenty one years of age whether legitimate or (legitimated) illegitimate, adopted, and acknowledged. Children of an active member of PhilHealth enjoy in-patient hospital care or out-patient care, including services of health/medical professionals, diagnostic, laboratory, and other medical examinations, prescription drugs and biologicals, emergency and ambulance services, based on the parents' regular monthly contributions. Maternity benefits are provided through a 60-day period for normal delivery, when the child enjoys full time care by the mother. Mothers who deliver through a caesarean section enjoy a 78-day benefit;

(b) Only mothers who are employed can avail of the maternity benefits but only four childbirths are covered. A female member who becomes unemployed but continues to be an active member of the SSS, may avail of all the benefits as long as she meets the minimum qualifying conditions as follows:

1. She has paid at least three monthly contributions within the 12-month period immediately preceding the semester of her childbirth;
2. She has given the required notification of her pregnancy; and
3. She has given the required notification prior to the date of separation from work.

To ensure non-discrimination for the fifth and subsequent children parental responsibility is invoked through an increase in the contribution rate from the parents. The manner in which the benefit to the 5<sup>th</sup> child is granted needs further study.

(c) In the event of member's retirement, death or permanent total disability, a dependent's pension shall be paid to each dependent child conceived on or before the date of contingency, again but not exceeding five children.

208. Programme under which the children are entitled to social security measures through the parents are as follows:

(a) The GSIS offers affordable educational opportunities for children of active members of GSIS/SSS. These include scholarships, educational assistance loans, college education assurance plan;

(b) Private companies offer pre-need education and health plans, or even burial/cremation services for the child through the parents.

209. Law has no specific provisions on the matter of children themselves applying for social security benefits directly or through a representative:

(a) However when a working minor, sixteen to eighteen years of age, applies for membership with the SSS, he/she can be accepted if a work permit is issued by the Department of Labor and Employment. Once enrolled and actively paying, he/she can enjoy the benefits provided by the System, subject to the pertinent qualifying conditions required for adult members. These conditions vary depending on the nature of the benefits in the occasion of sickness, unemployment, disability or death;

(b) The Magna Carta on Child Labor which would legitimate the practice mentioned above, was filed as Senate Bill No. 750 this 12<sup>th</sup> Congress. It provides that working children, aged sixteen to eighteen, shall be provided, among others, the same social security benefits that adult employees enjoy. Employers or subcontractors found not complying with this policy shall be punished with a fine of ten thousand pesos (PhP 10,000.00) minimum or one hundred thousand pesos (PhP 100,000.00) maximum, imprisonment of six months minimum or six years maximum, or both, if so ordered by the court.

210. To ensure that children of working parents have the right to child care services and facilities, RA 6972 known as the *Barangay Level Total Development and Protection of Children Act*, in Section 3 (c) stipulated the establishment in every *barangay* of night care or day care centers for pre-school age children of working mothers. Article 69 of PD 603 mandates that day care service and other substitute parental arrangement shall be provided a child whose parents and relatives are not able to care for him/her during the day. Article 132, Title III of the Labor Code similarly stipulates the provision of day care arrangements for the child six years and below while the mother is working:

(a) Executive Order 340 issued on February 5, 1997 directed national government agencies and government owned and controlled corporations to provide day care services for under-five children of government employees;

(b) The Social Security System came up with the Day Care Service Programme to provide supplemental parental care to children (below five years) of SSS employees;

(c) The Philippine National Police (PNP) Regional Offices have established day care centers for children of mothers who are working with PNP;

(d) A pilot project on workplace-related child care programmes with five participating private corporations was established preparatory to expanding the programmes in factories and other workplaces.

#### **D. Standard of living (art. 27, paras. 1-3)**

211. To ensure the right of every child to a standard of living adequate for the child's physical and social development, poverty reduction measures such as the Social Reform Agenda, using the Minimum Basic Needs indicators, and the Comprehensive and Integrated Delivery of Social Services including, Self-Employment Assistance and Parent Effectiveness Service which were mentioned in the **Introduction** and **General Measure**, have been adopted:

(a) The following relevant indicators were used to assess/evaluate an adequate standard of living for children: (1) number and percentage of household below the poverty line; (2) change in the number of households below the poverty line; (3) budget for government programs and services intended to assist poor households; and (4) incremental household income derived from livelihood programmes;

(b) The annual average expenditure of the Filipino family is Php 99,537.00 (as of 1997). The average income is Php 123, 168 per annum. The report on the 1997 Philippine Human Development Index (HDI) reveals that the quality of life has relatively



improved in 1997. During that year, the Philippines registered an HDI of 0.625, which is 1.7 per cent higher than the 1994 index of 0.614. The HDI is constructed using the average of three development outcomes for each province. These include: (1) health as measured by life expectancy; (2) level of knowledge and skills measured by the weighted average of functional literacy and combined elementary and secondary net enrollment rate; and (3) access to resources as measured by the level of real per capita income. The Annual Poverty Indicators Survey (APIS) conducted by National Statistics Office in 1998 shows that nearly six million (5.75 million families out of 14.37 million families) belong to the lowest 40 per cent income group while 8.62 million belong to the highest 60 percent income bracket;

(c) Assistance programmes to maintain the standard of living for families belonging to the most disadvantaged groups, those living below the food threshold of Php 7,710.00 included credit and livelihood support combined with counseling. Republic Act 8972 providing for benefits and privileges to solo parents and their children” was passed in November 7, 2000;

(d) Outside of government, there are several NGOs that provide livelihood assistance, vocational/skills training and accessing families to micro-credit institutions as well as other resources in the community. Parents are taught basic management skills and are encouraged to go into family enterprise, which also strengthens relationships while family members are working together.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. Education, including vocational training and guidance (art. 28)

212. The Constitution and corresponding legislative measures to recognize and ensure the right of the child to education which were stated in paragraphs 167 to 182 of the Initial Report and paragraphs 30 and 31 of the Supplementary Report form the background on which this Second Report is submitted to achieve this right progressively.

Key measures to strengthen Philippine education, are embodied in the country’s Education for All (EFA) Programme of Action (Annex VII-A). Up to 2000 the Programme included: (1) the institutionalization of early childhood education; (2) improvement in the quality and efficiency of basic education; (3) continuing education and literacy in the vernacular; and (4) provision of knowledge, skills, and values that allow out-of-school youth to improve the quality of their life.

213. To further ensure equal opportunities to education and reduce existing disparities, the following strategic initiatives were taken in 1995–2000. The gap in the access and quality between public and private schools was bridged by the implementation of the Republic Act No. 6728, Government Assistance to Students and Teachers in Private Education (GASTPE), another strategy to improve education access and completion rate for children especially in rural areas:

(a) Every child in the *barangay* should have access to elementary education. As of CY 2000, there were still 1,612 *barangays*, 4 per cent without access to elementary schools.

They will be prioritized for establishment of new schools such that by 2004, all *barangays* will have access to elementary schools. Programs on continuing education and literacy in the vernacular and provision of knowledge, skills and values need to be strengthened;

(b) To improve the quality of education, teacher competencies at the basic education level were expanded beyond their knowledge of the subject matter. These competencies include the ability to teach reading and comprehension, initiative and creativity, and values, and the use of information technology.

214. The Philippine Constitution mandates that the State shall assign the highest budgetary priority to education. Its share of the total budget has grown from 13.3 per cent in 1991 (PhP 32.9 billion) to PhP 102.32 billion representing 15.7 per cent and for 2000, the total education budget amounted to PhP 85.2 billion representing 14.24 per cent of the national budget in 2000. The increase was brought about by the standardization of teachers' salaries and the increasing demand for more teachers which tapered off in 2000 when these expenditures were stabilized. For CY 2000, the combined enrolment of public and private schools by level is 514,113 for pre-schools, 12,680,936 for elementary and 5,167,553 for secondary. Still the education budget was considered the highest among the sectors after debt servicing. Please refer to Annex VII-B Table 1 for the budget, SY 2000 by Regions and number of children, at different school levels. The following mechanisms were developed to fulfill the constitutional mandate:

(a) All legislative districts were provided a minimum level of funds for educational development by establishing an objective mechanism that would make equitable the allocation of the Department of Education (DepEd) for capital outlay;

(b) With the passage of RA 7880 Fair and Equitable Access to Education Act, 30 per cent of the total capital outlay during the first year of its effectivity shall be allocated, according to each legislative district's population in relation to the total student population of the country. On the second year and every year thereafter, fifty per cent of the total capital outlay shall be allocated according to each legislative district's student-population in relation to the total student population. The total amount allocated shall be used exclusively for capital outlay pursuant to the educational priorities of the legislative district, provided that the primary objective shall be to eliminate classroom shortages.

215. Given the 1999 allocation, the per capita cost for the education of an elementary pupil and secondary student was estimated at PhP 4,540.00 and PhP 5,456.00, respectively. This does not cover the private cost incurred by the family for each student which is equated at PhP 2,500.00 on the average. Please refer to Annex VII-B Table 2 for the cost incurred by the family for the child in elementary and in secondary yearly from 1995-2000:

(a) The problem of poverty and the difficulty of meeting the costs of schooling which the family must shoulder (expenses for food, transportation, uniforms, school supplies that amount to an average of PhP 2,500.00 a year per child in urban centers) is partly being addressed through educational assistance programmes implemented both by the government and non-government organizations. The Educational Service Contracting (ESC) and Tuition Fee Supplement (TFS) are two programmes being implemented;

(b) Under the ESC, the government and private school enter into a contract for the purpose of accommodating students in private schools who, otherwise, cannot be enrolled in public schools because of lack of teachers, space or facilities or similar reasons or whose families cannot afford enrollment in private schools. Student grantees are entitled to receive Php 2,500.00 subsidy yearly from the government until such time that the Student Assistance Council (SAC) will increase and approve the subsidy to a more realistic one to cope with the inflation;

(c) Under the TFS, the students enrolled in a school participating in the programme which charged tuition and other fees less than Php 3,500.00 are entitled to receive a voucher representing the amount of Php 500.00 as subsidy from the government.

216. The Measures to ensure that children are taught in local indigenous and minority languages during the early phase of their learning have been tested. A pilot project called the Lingua Franca Project was developed to test how the children may be taught in the local language prevalent in the Region (usually Tagalog, Ilocano or Cebuano) as medium of instruction to acquire basic literacy and numeracy skills. The Project was expanded on its third year of implementation. The focus was the production of instructional materials in the vernacular when indicated, and teachers were trained to do this. Furthermore, under the Functional Education and Literacy Project (FELP), basic literacy materials were translated into seven dialects (Ilocano, Hiligaynon, Bicol, Cebuano, Waray, Tausog and Maguindanao). Please refer to Annex VII-B Table 3. *Lingua franca* used by Region, Province, and Experimental School, and languages used in printing are shown in Annex VII-B Table 4:

(a) Grade I subjects are taught in the lingua franca. Filipino and *Wika* (language) are taught orally but pre-reading and reading skills are taught in one of the *lingua franca* of the Region;

(b) In Grade II, Ilocano, Cebuano or Tagalog is used as the medium of instruction in all subjects. Filipino, the national language and English are taught as subjects;

(c) As of June 2000, initial assessment of the strategy revealed that children on the *lingua franca* classes have the edge over the control groups in Science and Mathematics;

(d) For the English subjects, the children in the control groups have higher mean scores than the *lingua franca* group;

(e) *Wika* (Language) and *Pagbasa* (Reading) control groups have higher mean scores;

(f) For *Sibika* (Civics) the control and *lingua franca* groups have almost the same mean scores;

(g) In both subjects, those taught in the Tagalog *lingua franca* have numerically higher mean scores than the control group.

217. To ensure access of all children to education the role of the private sector in the delivery of basic education services was recognized. RA 8585, Adopt-a-School Programme, was passed to provide a mechanism for the private sector to underwrite basic education facilities to include

among others school buildings learning materials, and training of teachers, among others. Private foundations and corporations provided scholarship funds for students from poor families and children in especially difficult circumstances who were not accommodated in government schools:

(a) The government-administered scholarship and educational assistance programmes were extended to special groups of children. These included the **Selected Ethnic Groups Educational Assistance Programme, Southern Philippines National Integration Study Grant, National Reconciliation and Development, Work Study Grant Programme**, and the **Study Now Pay Later Plan**. Also, the RA 7610, Section 18, the Department of Education is mandated to develop a culturally relevant educational system for the children of Indigenous Communities and establish mechanism to ensure the accessibility of these services. The said law also mandates DepEd to recognize the existing indigenous educational system for both formal and non formal education that are initiated by NGOs and Pos;

(b) On October 1997, RA 8371, **Indigenous People's Rights Act**, was passed into law to provide the indigenous children the right to all levels and forms of education. Further an alternative system of education was developed for children of indigenous cultural communities. This system was culture-specific and relevant to the needs and situation of the children in their communities. RA 7610, **Special Protection of Children Act** provides special education for children who are victims of child abuse, exploitation, and discrimination;

(c) Another measure to ensure children with special needs to education is Project EASE or **Effective and Affordable Secondary Education**, that complemented the formal educational system at the secondary level. The programme allowed students to study their lessons within the confines of their homes or workplaces. These children included those who cannot attend classes due to inaccessibility to public transportation, being overage, married below age eighteen, or being needed in the farm, employment, other personal or family problems. Evaluation of what has been learned takes place before students can go back to the secondary level mainstream. As of 2000, there is one school per region that participated. The Autonomous Region of Muslim Mindanao (ARMM) did not participate in the programme. Assessment is not available since the program is still at its pilot stage;

(d) Another mechanism to ensure access to education is the Continuing Science Education via Television (CONSTEL) and the development of corresponding construction materials. CONSTEL has stopped airing but the tapes are available in VHS format;

(e) Access to schooling is partly addressed by an increase in the availability of schools offering the complete elementary and secondary education programmes. Elementary schools were established in 96 per cent of the *barangays* (villages) and high schools were made available in all municipalities except three.

218. To ensure that there are sufficient teachers and to enhance their competence and quality of teaching **Centers of Excellence in Teacher Education** to handle pre-service training were established. The National Educational Evaluation and Testing (NEAT) System was developed to evaluate the extent to which quality, relevance and other educational goals are met. A body has been proposed to coordinate and harmonize various efforts, and assume responsibility for educational assessment at all levels:

(a) Teacher training continues to be a priority and resources were committed from the general appropriations of the government, grants from UNICEF, UNESCO loan from the World Bank for the Third Elementary Education Project (TEEP). The National Educators Academy of the Philippines (NEAP) is the training arm of the Department of Education. However, the Bureau of Elementary Education (BEE) and the Bureau of Secondary Education conduct training of teachers and other education stakeholders *vis-à-vis* the programmes and projects of their Curriculum Development Division and Staff Development Division;

(b) Courses in the teaching of Science and English have been developed and production work began in 1996. A national system establishing centers of excellence for teacher education was in place pursuant to RA 7784 **Excellence in Teacher Education Act** to further ensure quality education for all children;

(c) The following measures were also undertaken to ensure that teachers are continually trained and their competencies are enhanced. The **Professional Development Programme** provided major scholarships for teachers of elementary and secondary schools. Subject area training were organized to update teachers with developments in their respective fields, through the Project on Basic Education with Australia, the Project RISE with the Department of Science and Technology, and the Science and Mathematics Package Cooperation with Japan;

(d) With loan assistance from World Bank and Japan Bank for International Cooperation, policy research related activity, student assessment, educational management evaluation were conducted. Division superintendents, district supervisors, principals, regional management teachers were trained in management and administration.

(e) The growing demand for the right of the child to quality education requires an increase in manpower complement. As of December 2000, there were 439,518 teachers in both levels of the government-run public schools, indicated in Annex VII-B Table 5. There was a deficit of 19,426 or 4 per cent. Due to budgetary constraints, there were limited teacher items funded by the national government. Although, it is not within the responsibility of the LGUs to implement education programmes, the local school boards, financed the salaries of extension teachers as shown in Table 6 of Annex VII-B. The local governments also assisted in the construction of school buildings and supported school activities specified under the Local Government Code;

(f) To ensure that teachers remain in the public school system their compensation was upgraded to make it more competitive with that of the private schools. In 1997, the gross average monthly salary of public school teachers was raised to PhP 8,333.00. Public elementary school teachers were getting 1.8 times more than their private school counterparts. Public secondary school teachers enjoyed a 1.65 proportional advantage. Effective January 2000, school teachers were granted 10 per cent salary adjustment by the government or at least PhP 9,466.00 monthly;

(g) Salary loans and policy loans were made available through the Government Service and Insurance System and the Philippine Veterans Bank Financial Assistance

Programme. Other financial incentives like housing assistance, commissary privileges, cooperative business ventures and hospitalization benefits, were extended to teachers to ensure that sufficient teachers remain in the public school system.

219. Measures to provide that adequate educational facilities are accessible to all children, schools in depressed areas served as the focal point of efforts to improve the educational system in recognition of the need for diversity and ownership:

(a) The **Third Elementary Education Project** (TEEP) is in place to test (1) decentralization of authority to the divisions and schools; (2) cluster-based and needs-based in-service training for teachers and school administrators; (3) provision of grants to encourage projects on school innovation and improvement; (4) support to teachers on student assessment; and (5) local government partnership and participation in school building construction;

(b) The **Multigrade Project** aimed to democratize access to and improve the quality of elementary education through (1) curriculum and materials development; (2) staff development; (3) monitoring and supervision/research and evaluation; and (4) community support scheme;

(c) The government budget for the school building program was PhP2 billion as of year 2000. A total of 6,558 classrooms were constructed 5,411 for the elementary; 1,147 secondary level. Details are shown on Table 7 of Annex VII-B. The EFIP supported the construction of science laboratories and provided science equipment and even toilets for some schools which were considered more disadvantaged. Details are shown in Table 8 of Annex VII-B;

(d) Textbook-to-pupil ratio in all subjects improved from 1:6 in school year 1998-1999 to 1:5 in 1999-2000. The textbook-to-pupil ratio in priority academic subjects was improved from 1:4 to 1:2 in both public elementary and secondary education levels between SY 1999-2000 and SY 2000-2001. To acquire more textbooks for public school children the procurement procedures especially for textbooks were revised and international competitive bidding was adopted to bring down the cost of textbooks. Local and foreign assistance through the local school boards and TEEP were secured and procurement was focused on the priority subjects;

(e) The Dropout Intervention Project helped improve the quality of elementary education through various interventions such as breakfast feeding, use of multilevel materials, parent-teacher partnership and the provision of school supplies.

220. The literacy situation improved based on the results of the **Functional Literacy Education and Mass Media Survey** (FLEMMS). Simple literacy rate rose to 93.90 per cent in 1994 while functional literacy rate improved by 83.80 per cent within the same period. In 1999, there was no survey conducted, hence no data of literacy rate can be compared for 2000.

221. Out-of-school youth including school dropouts, ages 15 to 18, in the pilot project on **Nonformal Education Accreditation and Equivalency (NFE A&E) System**, were benefited through the Learning Support Delivery System (LSDS). This system of non-formal education

commenced in 1995 with funding assistance of US \$31.5 M from the Asian Development Bank, pilot tested on the basis of low functional literacy rates and school participation rates, in 24 provinces, 82 municipalities and 2,905 *barangays* of the 9 regions of the country:

(a) Service providers for the **Learning Support Delivery System** were contracted mostly from non-governmental and church based organizations that were accredited for their programmes on functional education and literacy, continuing education, and lifelong learning. The system was initially designed to respond especially to the needs of the female out-of-school youth in cultural communities;

(b) Another system for non-formal education was the **Alternative Learning System** (ALS). Linked to this was the **Continuing Education Programme** (CEP), an equivalency program which is comparable to the formal school system. A “radio-based” programme, which as a distance education intervention, focused on lessons in English, Filipino, and Social Studies. It also involved a facilitator within the community who leads the discussion groups and stimulates learning for those who are preparing for the NFE A&E tests in the elementary and secondary levels;

(c) The “**Unlad Kabataan Programme**” for the youth is conducted by barangay-based youth workers or social welfare officers. The organization of the *Pag-Asa* Youth Association and the development of a Peer Support System are two major strategies of this non-formal education programme. There are three core interventions: (1) **economic productivity**, (consisting of educational assistance for vocational and technical skills training, interest-free and collateral-free capital loans for livelihood projects, and pre-employment services such as business management seminars to enhance the entrepreneurship skills of the youth; (2) **personality enhancement and positive lifestyle promotion**, to assist the youth in their transition from childhood to adolescence focusing on values development; and (3) **leadership training and social responsibility** to develop the capacities of youth as community leaders. Peer counselor training and youth community actions are facilitated through this latter component. These activities encourage collective actions so that the youth themselves can be advocates for the protection of children’s rights in their own communities. The youth also get involved in other issues affecting the community such as consumer protection, voter education, clean and honest elections, and environmental protection;

(d) The Philippine Educational Placement Test (PEPT) is a paper–pencil test which measures and accredits the non-formal learning experiences of the out–of–school youth so that they can qualify for re-entry and placement in the formal school system.

222. Recognizing the fact that most of the children who enter primary school did not have access to some form of early childhood education, an eight–week early childhood curriculum for first grade students was introduced. The initial support was from UNICEF in terms of printing and distributing the curriculum to selected schools. A total of 1.1 million children aged six years old participated in this programme for the SY 1995–1996:

(a) The entrance age having been suddenly changed to six years during the SY 1999-2000 only, 70.60 per cent of six year old children enrolled in Grade I had attended an Early Childhood Care and Development (ECCD) Programme. Teacher training and the provision of teacher’s reference and classroom learning materials as well as the payment of

salaries, comprised the key inputs with a yearly appropriation of more than P100 million. The knowledge and competencies of these preschool teachers and their supervisors were, regularly monitored and evaluated;

(b) The Early Childhood Development Programme (ECDP) evolved as a six-year national plan covering the period from 1998-2003. It outlines the broad policy direction to be pursued and defines basic interventions and/or services. Services will be delivered in an integrated system with the schools being concerned with pre-elementary education, the health units take care of health and nutrition requirement of the pre-school child, and the day care centers will take care of the psycho-social development of the children three to five years old in the absence of parents and relatives;

(c) As of 2000, there were 1,428 pre-school classes under the DepEd programme benefiting a total of 308,667 pre-school children nationwide. For 2001–2005 DepEd targets the enrolment of all five-year old children in the early childhood care and development programme. In the areas under the Social Reform Agenda, 1,000 classes were organized in the 5<sup>th</sup> and 6<sup>th</sup> class municipalities. Table 9 of Annex VII-B shows the percentage of pre-schoolers who attended some form of organized early childhood development programme, disaggregated by regions, gender, urban/rural areas, management (public/government or private/NGO);

(d) The DSWD will ensure that day care centers are established in every *barangay* and mother's workplace for the psycho-social development of children aged 0-5.

223. In addition to the developments in facilities, budgetary allocation, enrolment, and literacy mentioned earlier, changes that have occurred in the education system, in terms of quality and relevance, are implied from the achievement of children completing the elementary school level. The achievement was measured by National Elementary Achievement Test (NEAT) and indicated by Mean Percentage Score (MPS) which increased from 46.44 per cent in SY 1994-1995 to 51.73 per cent in SY 2000-2001. Similarly, the overall achievement of students from high school as measured by National Secondary Achievement Test (NSAT) and indicated by MPS increased from 44.94 per cent in SY 1994-1995 to 54.43 per cent in 1999-2000:

(a) However the performance of students in both levels in three subject areas – English, Science and Mathematics indicated the need to strengthen instructions in these subjects, with emphasis on reading comprehension skills. Reading is a tool in the learning process and unless students comprehend what they read, they cannot develop other higher thinking skills;

(b) Educational reforms in the past years have also been consistent with the goals of the EFA Plan, which call for complementary, alternative strategies with a four-fold focus on (1) early childhood development; (2) quality basic education; (3) continuing education; and (4) literacy programmes in the vernacular languages;

(c) Another change was the deregulation of private education. Private schools were encouraged to undergo voluntary accreditation in terms of academic and curricular aspects and general administration of courses. Accreditation provided schools with a means of differentiating themselves in terms of quality.



(d) The duration of the school year was extended through RA 7797 resulting to increased contact time with the students from 200 to 220 class days for better quality of education and academic excellence;

(e) The total enrolment in elementary and secondary education increased from 16.388 million in SY 1995-1996 to 17.848 million in SY 1999-2000 or an 8.91 per cent increase. At the elementary level, the enrolment rose by 2.04 per cent from 11.505 million. The secondary level enrolment grew by 1.16 per cent from 4.883 million in SY 1995-1996. A significant shift in enrolment away from the private to the public schools in both levels was noted. The trends could indicate the social impact of the Asian financial crisis and the long-term effect of the *El Nino* and *La Nina* phenomena;

(f) In the same period, participation rate in elementary level improved from 92.70 per cent to 95.95 per cent and from 63.38 per cent to 65.44 per cent in the secondary level. The 1999 figure for elementary level slightly surpassed the Medium-term Philippine Development Plan (MTPDP) target of 95.49 per cent;

(g) On the other hand the cohort survival rates continued to be a cause for concern. The cohort survival rate at the elementary level SY 1994-1995 was 67.16% and at the secondary level, 72.97 per cent. For SY 1999-2000, the cohort survival rate at the elementary was 69.29 per cent and at the secondary, 71.02 per cent. The fact that a significant number of children were unable to complete both elementary and secondary schooling can be attributed to: (1) the inability of the family to meet the expenses for schooling; (2) poor school performance and achievement (3) difficulty of the child in coping with the demands of school because of an inadequate foundation in the early childhood years, poor nutrition and health or the heavy combination of work and schooling; and (4) poor quality of instruction or inadequacies in school management;

(h) The number of students who passed the NEAT and NSAT increased from 72.09 to 73.21 percent (elementary) and from 94.40 to 94.76 per cent (secondary) in 1998 and 1999. Furthermore, the disparity in student performance between public and private schools are seen to be narrowing down in both levels with public school children registering higher average level of improvement rate in test scores over their private school counterparts. Moreover, in 1999, there was a dramatic increase in the number of public schools reaching the top ten in NEAT and NSAT. Nine of ten top scores in both NEAT and NSAT were public schools;

(i) Last but not the least of the changes, RA 7798 amended the Education Act of 1982 to guarantee the right of students especially to free expression and participation.

224. While the monitoring mechanism has not been developed and it remains one of the difficulties faced, to minimize, if not entirely eliminate the other difficulties that hamper the quest for quality and relevance of Philippine education is to **fast track** the delivery of educational services in terms of the following for SY 2001-2005:

(a) Improving the textbook-student ratio of 1:1 or at least 1:2 even in the remotest public high schools in the country;

(b) Hiring of more competent teachers especially in the core subject areas;

- (c) Extensive in-service training for teachers on innovative methods of instruction and on the use of alternative classroom-based assessment to improve teaching-learning processes;
- (d) Providing more incentives to teachers who excel in their profession as evidenced in the NSAT performances of their students (i.e., at least 85 per cent of their students obtain 85 per cent or more correct responses in each of the five learning areas);
- (e) Requiring school managers and district/division supervisors to do rigid monitoring, evaluation and supervision of teachers even in remote schools;
- (f) Requiring Master Teachers in Leader Schools to orient/assist/supervise new teachers including those in nearby satellite schools;
- (g) Exempting teachers from so many non-instructional activities such as Clean and Green Movement, census-taking, launching fund drives for whatever purpose, electoral responsibilities, etc.;
- (h) Launching a relentless advocacy for the active involvement of all stakeholders (PTCAs, LGUs, GDs, NGOs, policy makers, curriculum planners, and education implementors) in the realization of education goals; and
- (i) Accelerating the construction, repair, renovation, rehabilitation of schoolrooms in remote *barangays* and get them adequately equipped with desks, teachers tables and chairs, chalkboards and the like.

225. The 1987 Constitution of the Philippines states that public education in elementary and high school levels are free and compulsory. Department of Education Orders No. 22 series of 2001 and No. 12 series of 2002 prohibit collection during enrolment in public schools. Collection of authorized contributions will be done only on a specified collection period during the school year. In cases where birth or baptismal certificates could not be presented during enrolment, an affidavit attesting to the enrollee's age would suffice.

226. Different forms of secondary education are available although these are not accessible to children in rural areas. Secondary schools may either be regular secondary schools or technical-vocational schools. Regular secondary schools offer general education programmes from first to fourth year while technical-vocational schools follow the general education programme too, with specialized technical-vocational courses, where specializations are given longer time for study and higher unit credit. As of 2000, there are 163 technical-vocational schools in the 15 regions (ARMM not included) per DepEd-TESDA Joint Memorandum 1, s.1998. All public secondary schools are covered by the provisions of the free public secondary education. As of SY 1999-2000, there are 4,195 public high schools and 2,935 private high schools or a total of 7,123 high schools in the Philippines:

- (a) The Technical Education and Skills Development Authority (TESDA) was created under Republic Act No. 7796 of 1994 to oversee technical and vocational education. The law calls for stronger participation of the private secondary schools in vocational and technical education to make such form of education available to every child. State policy is

defined in the law as the provision of “relevant, accessible, high quality and efficient technical education and skills development of the child. TESDA seeks to realize this partnership through consultations with industries for occupational and job analyses as a part of the curriculum development process;

(b) RA 7686, *Dual Training Act of 1994* provides for the adoption of a dual training system for vocational and technical education in secondary schools. Operationalizing this dual training system relies heavily on the nature of partnership between the government and the private sector, particularly the business sector that will need to participate actively in planning and implementing the dual training programme.

227. To make higher education accessible on the basis of the child's capacity, one of the components of the Non Formal Education Accreditation and Equivalency (NFE A&E) System is the **NFE A&E Learning Support Delivery System (LSDS)**. The LSDS is designed to provide learners, among others, competencies in taking the NFE A&E Tests. After passing the NFE A&E test, the secondary level eligible can proceed to college in any of the member schools of the Philippine Association of State Universities and Colleges (PASUC):

(a) Successful graduates of the different professions orient graduating high school students to guide them in their choice of a degree or vocation;

(b) Modules are being developed for 2001-2005 as the academic bridging courses to prepare those who will enroll in college.

228. To encourage regular attendance at school and reduce drop out rates, mainly due to poverty, educational assistance programmes have been developed. These programmes includes tuition fee supplements, scholarships, school feeding, distance education, special schools for children with disabilities, mobile schools. Research and collection of disaggregated data on the effectiveness of these programmes are scheduled for 2001 - 2005.

229. Education for the children deprived of liberty in rehabilitation centers, children in armed conflict, working children, street children, children belonging to cultural communities, pregnant girls, children with disability or children infected by HIV/AIDS has been one of the areas of concern/difficulties. On the other hand, non-governmental organizations and private schools have been providing non-formal as well as formal educational programmes, for some of these categories of children depending on the focus of the donor. In order to achieve its goal of implementing more effective solutions to the educational needs and problems of children needing special protection measures, the first Comprehensive Public School census was conducted to identify who and where these children are within the school system. There were over 600,000 children, who were enrolled. Policies and interventions to ensure that the needs of these children who are already in the public schools will be addressed concomitant with the psychological recovery and social reintegration done through DSWD. The monitoring mechanism has to be developed together with the targets for 2001-2005.

230. One measure to ensure that school discipline is administered in a manner consistent with the child's dignity is embodied in Section 75, Article XIV of the **Manual of Regulations for Private Schools**. It provides that no cruel or physically harmful punishment shall be imposed or

applied against any pupil or student. It also stipulates that no disciplinary sanction shall be applied upon any pupil or student except for cause as defined in the rules and regulations of the school and after due process shall have been observed:

(a) If a complaint is filed against a public school teacher for allegedly inflicting a cruel, physically harmful punishment on any student or pupil, the school authority shall immediately cause the conduct of an investigation to determine the existence of a “*prima facie*” evidence against the respondent teacher. A formal charge would be filed and formal investigation follows if there is evidence, unless the respondent-teacher waives his right for the formal investigation, in which case the same will be resolved on the basis of the documents available;

(b) Disciplinary measures are commensurate with the nature and gravity of the offense. Three types of penalties are imposed on erring students or pupils, namely suspension, exclusion and expulsion, but these penalties can only be imposed after a hearing wherein the concerned student or pupil is given the opportunity to be heard or present his side;

(c) Republic Act No. 8049 (*An Act Regulating Hazing and Other Forms of Initiation that can Lead to Violence in Fraternities, Sororities and Organizations and Provide Penalties*) provides for the regulation of hazing and other forms of initiation that can lead to violence in fraternities, sororities and organizations, and provides penalties thereof;

(d) Regional offices of the Department of Education are required to monitor the administration of discipline, submit reports on the status of administrative cases pending in their offices periodically.

## **B. Aims of education (art. 29)**

231. The aims of education as stated in the Philippine Constitution and the Child and Youth Welfare Code are basically consistent with the principles of the Convention:

(a) Article 3 stipulates the rights to which all children shall be entitled and to which education is aimed at:

1. Art. 3 (3) – Every child has the right to well rounded development of his/her personality, the gifted child, given the opportunity to develop special talents; physically or mentally handicapped to be educated as required by his/her condition;
2. Art. 3 (6) – Every child has the right to education commensurate with the child’s abilities and development of skills for the improvement of his/her capacity for service to himself and fellowmen;
3. Art. 3 (7) – Every child has the right to full opportunities for safe and wholesome recreation, activities and use of his/her leisure hours;

4. Art. 3 (12) – Every child has the right to grow up as a free individual in atmosphere of peace, understanding, tolerance and universal brotherhood and with the determination to contribute his/her share in the building of a better world;
5. Every child has the right to be brought up in an atmosphere of morality and rectitude for the strengthening of his/her character;

(b) Article 4 provides that the child has responsibilities for which he has to be prepared through education:

1. The child has to undergo formal education suited to his/her abilities so that he/she is an asset to society;
2. The child has to respect elders, customs, and traditions, the duly constituted authority, the laws, principles and institutions of democracy;
3. The child has to observe individual human rights, freedom and the promotion of world peace;
4. The child has to lead a virtuous life in accordance with the tenets of his/her religion; and
5. The child has to participate in civic affairs and the promotion of the general welfare;

(c) Article 10 promotes the child's enjoyment of special protection and opportunities and facilities by law and education to ensure his/her fullest development physically, mentally, emotionally, spiritually and socially in a healthy and normal manner, and in conditions of freedom and dignity appropriate to his/her corresponding developmental stage;

(d) Article 12 stipulates that the schools and other entities engaged in non-formal education shall assist the parents in providing the best education for the child;

(e) Article 14 mandates that high moral principles should be instilled in the child, particularly in the home, the school, and the church to which he/she belongs;

(f) Article 16 stipulates that the child shall be brought up in an atmosphere of universal understanding, tolerance friendship and helpfulness and in full consciousness of his/her responsibilities as a member of society.

232. In response to the aims of education pursuant to CRC Article 29, the Department of Education with program support from UNICEF, is implementing the Child-Friendly School System (CFSS). It seeks to transform elementary schools into child-friendly schools that ensure fulfillment of the aims of education at said level. It is a system which recognizes and respects the capacities of the child aged 6-12 years, his/her corresponding rights and responsibilities, provides an environment that allows him/her to grow healthy, and equips the child with knowledge and skills that can be used in adult life:

(a) To be responsive to CFSS within the context of the aims of education as stipulated by CRC the New Elementary School Curriculum has been focused on the development of a wider range of goals: humanism, sense of nationhood, work ethic and similar values:

1. Civic and Culture (Grades I-III) deals with the study of the child's relationships to family, society, and government; roles, duties and responsibilities, rights and privileges as a citizen of the *barangay*, country, and the world. It also deals with the development of moral and spiritual values, pride in one's cultural heritage, the natural environment and ecology, proper nutrition, desirable health habits, and creative self-expression through music, arts and sports;
2. History for Grades IV-VI deals with the study of the evolution of human society with the individual as the central figure in this process of evolution, i.e. how the family, ideas and events in the past helped shape the present and how one manages the present in order to attain a desired future. The student is enabled to develop potentials to live effectively in his/her family, and in the economic, political, and cultural environment;

(b) The New Secondary Education Curriculum was developed with respect for the environment, waste management and the ecosystems as part of the learning competencies in Science and Technology and in Social Studies;

(c) The Early Childhood Curriculum directed to the preparation of the child for the formal school, aims to develop his/her social, motor and other readiness skills for school. The media used include poems, field trips, games, songs, movements, stories, drama, and other play activities focused on making children aware of their rights. These are selected to make children feel that schooling can be pleasant and enjoyable and anticipative of the school environment.

233. The training of teachers to ensure that the new curricula would achieve the goals as intended through the Child Friendly School System started with the **Training of Trainors on Effective Teacher-Learning for CFSS**, and the **Workshop on the Development of CFSS Monitoring Instruments**. These were participated in by school administrators, principals, and teachers in twenty targeted provinces and 5 cities to identify and understand the needs of learners, to develop partnership with parents and community and to try out samples of activities that can be incorporated in the curriculum.

234. Limited peer education was achieved through selected students of some private schools serving as substitute teachers to lower-grade-level students, under supervision of the classroom teacher. Peer counseling was done where students were fielded for village immersion to experience social contacts with less privileged children in the community. These measures to further develop the child's personality will be implemented in all secondary schools by 2001-2005.

235. The Student Councils were increasingly involved in decisions on school expenses and extra-curricular activities. However, Student Councils should be strengthened to cope with their participations in other decisions affecting their education, e.g. curriculum, teacher-student relationships.

236. A system has been set for the licensing and accreditation of non-governmental educational institutions according to minimum standards prescribed by DepEd. The standards include safety and protection of health of the children in school, the qualifications of teachers and the teacher-child ratio, supervision and monitoring scheme to ascertain compliance with the aims of education.

237. To ensure respect for the principle of non-discrimination, DepEd Order 103 series of 1997 directed all private schools to discontinue practicing discriminatory acts against children specifically in refusing to accept children who have single or separated parents or those who come from broken homes for enrollment in their schools. The Order likewise directed the close monitoring of private schools by the Schools Division Superintendents and Education Supervisors in this regard. The prevalence of micronutrient malnutrition problem among school children has been noted with alarm. Department of Education Memorandum No. 373 series of 1996 likewise directed school health and nutrition personnel to monitor school canteens to see whether healthy and nutritious foods are sold and to encourage the selling of fresh fruits and / or vegetables in shake / juice form, root crops and cereals, meat and poultry products, milk / dairy products and soup. Department of Education Memorandum No. 11 series of 1998 was issued to pursue a vigorous advocacy campaign to eradicate the problem in the school system.

### C. Leisure, recreation and cultural activities (art. 31)

238. For most children who are in school, the inclusion of Physical Education courses in the school curriculum is one way of ensuring that they have regular time and opportunities for play and activities that develop their physical skills and enhance their health:

(a) The **Philippine Sports Commission**, however, points out the following difficulties which have been encountered in the development of a more well-rounded and fully functioning sports programme: lack of sports facilities; lack of funds for participation in national or international sports; and inadequate support from parents and community. These issues are being addressed in their plans 2001-2005;

(b) While the laws pertaining to zoning in most *barangays* require the provision of space for children to play, the extent to which this is implemented varies tremendously depending upon the leadership provided by local government officials and the resources available in the communities. The **Leagues of Municipal/City Mayors** are considering the problem in the annual meetings starting 2002;

(c) The private sector, the government agencies tasked to organize cultural events such as the **National Commission for Culture and the Arts** and the **Cultural Centre of the Philippines**, have initiated cultural activities for children. Various cultural presentations are organized through NGOs annually for schoolchildren and for street children. Among the NGOs who are actively involved in organizing theater and other cultural activities such as interactive exhibits are the **Philippine Theater Association of the Philippines**, the **Museo Pambata Foundation**, **Philippine Foundation for Science and Technology** and the “**Lunduyan Para sa Pagpapalaganap, Pagtataguyod at Pagtatanggol ng mga Karapatang Pambata**”.

239. To ensure that cultural appreciation among children from indigenous and cultural communities is implemented without discrimination, the **Youth Cultural Immersion and Outreach Programme** and the **Youth Cultural Festival** were developed and operational since 1996. Relevant data on the children benefited disaggregated by age, gender, ethnic origin or cultural community, are not available like all other data on this Chapter. However the same have been included in the National Monitoring System being developed for 2001-2005.

## VIII. SPECIAL PROTECTION MEASURES

### A. Children in situations of emergency

#### 1. Refugee children (art. 22)

240. The Initial Report mentioned the measures taken to ensure that the child seeking asylum or was considered a refugee enjoyed his/her rights, which were provided in cooperation with the UNHCR, through a Task Force on International Refugee Assistance and Administration (TFIRAA). The Task Force included the Department of Foreign Affairs, the Bureau of Immigration, the DSWD and the Community and Family Services International, an NGO. The children were Vietnamese nationals, both accompanied by parents and others who were unaccompanied. The Philippines maintained four transit camps for these Vietnamese refugees and asylum seekers, 68.7 per cent were recommended for repatriation and the rest for resettlement in other countries:

(a) The camps were administered like a community with housing facilities, medical and health care, food, socio cultural, sports, and recreational activities, spiritual services, psychological and psychiatric treatment, guidance and counseling, formal education, and vocational training courses. The children whose families were eligible for resettlement attended language and cultural orientation courses suited to their country of destination. Unaccompanied children were placed with trained foster parents and care-givers from among the families in the camp while their parents and relatives were traced;

(b) In February 1995, the Philippines, Vietnam and UNHCR signed an agreement for the orderly repatriation of those who did not qualify as refugees. Those who rejected repatriation were allowed to stay for humanitarian reasons until better solutions are found;

(c) The Catholic Bishops Conference of the Philippines spearheaded the construction of a Vietnamese Village in Puerto Princesa City with funds generated by the church. The DSWD and UNHCR continued to provide the remaining Vietnamese nationals, medical and health care, counseling for voluntary repatriation, or resettlement under the Family Reunification Programme, legal assistance, and livelihood assistance. They are free to travel, live or study in any place as long as they carry their Certificate of Registration;

(d) House Bill 1272 to be known as Vietnamese Refugee Social Integration Act was introduced to the 12th Congress. It would cover asylum seekers who arrived in the Philippines January 1, 1989 to December 31, 1995. Children born of parents who are granted permanent residence, shall become permanent residence upon proper registration with the Bureau of Immigration.



241. The Philippines acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees on 22 July 1981. However, only the following national legislations and administrative regulations and procedures specifically provide for direct recognition of refugee rights or prescribe distinct treatment for refugees:

(a) The legislative measures that were passed prior to 1995 which deal with refugees, included Commonwealth Act No. 613, Philippine Immigration Act of 1940 which allowed the President under Article 47 to admit aliens who are refugees for humanitarian reasons and when not opposed to the public interest. Republic Act No. 8239, Philippine Passport Act of 1996 authorized, under Section 13 (a), the issuance of a travel document to a stateless person or a refugee granted such asylum in the Philippines;

(b) Administrative orders have been promulgated during the period to govern the matters relating to Vietnamese asylum seekers. Administrative Order 44 (December 21, 1998) created an Inter-Agency Committee to resolve issues on the refugee or the asylum seeking status of all remaining Vietnamese nationals. Executive Order 304 of 31 August 1987 authorized the TFIRAA and the Department of Foreign Affairs to issue identity papers and travel documents to the refugees. Administrative Order 44 remains in effect while Executive Order 304, while not expressly repealed, has been impliedly superseded with the issuance of Department Orders 94 series of 1998;

(c) Department Order 94 of the Department of Justice (01 April 1998) established a procedure for processing applications for the grant of refugee status. Department Order 25 (series of 1996) of the Department of Labor provided guidelines for the issuance of Alien Refugee Employment Permits (AREP) to non-Indochinese refugees, as an exception to Article 40, Paragraph 2 of the Labour Code of the Philippines. Department Order 12 of the Department of Labor, providing omnibus rules to govern the issuance of Alien Employment Permits (AEP) to all aliens (including refugees), has superseded Department Order 25 in the year 2001.

242. Standards of treatment of refugee children and their rights were viewed in the light of laws generally applicable to Filipino children, and were implemented accordingly. There are no legislations or administrative procedures prescribing a different standard of treatment or specifically addressing the needs and ensuring the rights of asylum seeking and refugee children:

(a) Foster care placements were arranged and supervised so that the unaccompanied child was not discriminated upon. At that time, there were approximately 27 unaccompanied children. Psychosocial interventions to deal with their fears, anxieties and problems of relationships, including psychiatric treatment were provided, while tracing their parents and relatives and arranging reunions. Legal assistance was also extended. The rights of the children to express their views were limited by the ability of professionals dealing with them to speak Vietnamese or French, as they depended only on interpreters. Work on the rights of the child who is a refugee or is seeking asylum being new and the child's culture being different, professionals and officials had to learn on the job;

(b) The remaining 200 families and their children were processed and assisted to reach final resettlement in other countries. Intensified diplomatic efforts were pursued;

(c) Processing for the safe and orderly repatriation of asylum seekers who were screened out as economic migrants had to be dealt with differently. The rights of the children to non-discrimination and to survival and development were primary considerations in the negotiations.

243. The best possible arrangements were made to ensure the fulfillment of the general principles of non-discrimination, respect for the views of the child and the rights to survival and development. All the children, whether with their own families or unaccompanied of primary and secondary school age were provided with special education in view of the language barrier. Children who were resettled in English speaking countries had more intensive lessons in English to prepare them to express their views. Both refugees and asylum seekers especially the children, were provided medical assistance and health care in the camps. The employable asylum seekers 15 years and above were given employment permits and capital assistance for self-employment.

244. Data on the number of asylum seeking children and on refugee children, disaggregated by categories, age, and gender, and whether accompanied or unaccompanied, are included in Annex VIII-A. The UNHCR and the Inter-agency Committee created by Administrative Order 44, December 21, 1989, charged with resolving issues involving the remaining refugees and asylum seekers, were also responsible in monitoring the implementation of relevant services mentioned. Registration of all remaining Vietnamese nationals, was required by the Committee. About 1,900 registered and were issued Certificate of Registration. Five options were offered, namely: (1) permanent resident status; (2) resettlement in the United States; (3) resettlement in another country; (4) Filipino citizenship; and (5) voluntary repatriation. The DSWD was responsible for counseling relative to voluntary repatriation of 100 persons who were repatriated. Those with immediate family or sponsor abroad were able to leave under the Family Reunification Programme.

245. Cooperation with the UNHCR and an NGO, the Community and Family Services International, exists to the present with the latter taking over the remaining cases.

## **2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

246. Aside from the CRC, there are other international agreements, to which the Philippines is a State Party, that have provisions prohibiting the use of children in armed conflict, as well as protecting them from armed conflict:

(a) **Article IV (3) of the Protocol II** of the Geneva Convention which provides that children shall be protected from perils and provided with care in case of armed hostilities, is applicable in the Philippines;

(b) The **Optional Protocol to the CRC on the Involvement of Children in Armed Conflict** increases the minimum age for recruitment into the armed forces, as well as participation in the armed conflict, from fifteen to eighteen years of age. It also prohibits governments and armed groups from using children under the age of eighteen in hostilities, compulsory military services or voluntary recruitment. Being a contracting party to the CRC,

the *Optional Protocol to the CRC on the Involvement of Children in Armed Conflict* was signed by the Philippines on 08 September 2000 during the Millenium Summit for Children. The Protocol is still being reviewed in preparation for ratification by the Philippine Senate;

(c) The *International Labour Organization Convention No. 182* defines and prohibits the forms of child labour, which include the forced or compulsory recruitment of children for use in armed conflict;

(d) Article X of the Special Protection Act (RA 7610) as mentioned in the Initial Report and the Supplementary Report has been the basis of subsequent measures in support of the international instruments to ensure rights of children to protection, survival and development in situations of armed conflict. These measures are presented in the appropriate section in response to issues raised in the Reporting Guidelines (CRC/C/58).

247. The Armed Forces of the Philippines estimated that around 13-18 per cent of the total strength of armed rebel groups are children. The civilian population and relief workers confirmed the presence of fighters who were believed to be between 13 to 17 years old, about 55 per cent boys, 45 per cent girls, most of them are children of poor farmers and are elementary school drop outs. They served also as couriers, spies, or guides. Psycho-social intervention was provided to 24 per cent of the rescued children as of December 2000. They underwent stress debriefing, reunion with their families, values inculcation, and reintegration in schools. Similarly, the parents were provided additional source of income and attended Parent Effectiveness Sessions, especially understanding the needs of adolescent children.

248. Protection of children from recruitment into the armed forces is embodied in Section 14 of the 1991 *Act Providing for the Development Administration, Organization, Training, Maintenance and Utilization of the Citizen Armed Forces of the Philippines* which limits the registration for military service to men aged eighteen to twenty-five years of age. Article X (22)(b) Republic Act 7610 also provides that children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups. They are not allowed to take part in fighting, or used as guides, couriers or spies. Children are defined in Section 3(a) of this Act as persons below eighteen years of age or those who are older but unable to fully take care of themselves:

(a) However, basic military training is compulsory for all boys and girls in high school. Two years military training is compulsory for male college students starting age seventeen for the Reserve Officers' Training Corps (ROTC);

(b) The members of the Citizen Armed Force Geographical Units (CAFGU), are subject to military law and regulations. However, a month's military training into CAFGU is voluntary. There are no data on the enlistment and participation of children;

(c) The minimum age for entry into the Philippine Military Academy is seventeen years. Upon acceptance, the cadet becomes a member of the armed forces and receives a monthly pay but in practice does not participate in armed conflict. Female cadets make up about five per cent of the total number. Candidates for the Philippine Air Force Flying School, must be at least eighteen years;

(d) In the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines (including the New Peoples Army), special attention to the physical and moral integrity of women and children is stipulated. Children are not be allowed to take part in hostilities.”;

(e) A Joint Monitoring Committee was created to ensure the implementation of the Agreement. In spite of the Agreement, several cases of minors were documented having been wounded and rescued during military encounter as of 1998. However, in February 2000, the New Peoples Army, a rebel group, announced that regional commands were ordered to raise the minimum age for recruits from fifteen to eighteen years old but allowed children below the age of eighteen to join medical teams and non-combat operations;

(f) It has also been reported that another rebel group, the Moro Islamic Liberation Front (MILF) included children from thirteen years of age in their recruitment of soldiers and allowed both boys and girls aged twelve to undergo training.

249. Armed conflict forced displacement of children mostly belonging to the poorest families in 433 villages, in Mindanao. The situation aggravated malnutrition, poor health and diseases, inadequate schooling, homelessness, and damaged child development. This was validated in a **Baseline Study** conducted by the Child Rights Center of the Commission on Human Rights of the Philippines and the Board of the Council for the Welfare of Children:

(a) In the areas covered by the study, there was significantly low coverage of all child-specific indicators suggesting the inadequacy in the delivery of basic services needed to protect and care for the children who are affected by armed conflict. Each of the municipalities had only 1 to 2 professionals trained to undertake psychosocial interventions;

(b) A Comprehensive Program Framework for Children Involved in Armed Conflict was formulated based on RA 7610 and on the baseline study. The Framework has three components, namely: (1) prevention which seeks to fight poverty and promote peace, facilitate the delivery of basic social services; (2) advocacy which shall call on various sectors of society to protect children from armed conflict as well as prevent their recruitment by armed groups; and (3) rescue, psychological recovery and social reintegration which aim to provide services for children involved in armed conflict to restore them into, the family and society.

250. In addition to the statements made in the Supplementary Report of 1995, the concept of children as “Zones of Peace”, as embodied in Republic Act 7610, Article X, Section 22, was implemented through three phases of response with corresponding procedures and intervention as follows:

(a) Pre-Emergency Phase focused on prevention, mitigation, and preparedness for an impending danger from armed conflict. It calls for immediate action from the Municipal Peace and Order Council, Barangay Council for the Protection of Children, and the Barangay Relief and Rehabilitation Service Committee to identify friendly evacuation centers and resources for the children and their families, assess vulnerable areas, formulate plans, and undertake preparatory activities for the safe evacuation of children;

(b) Emergency Phase referred to the immediate assistance extended and response to the needs of the children in evacuation centers. The Policy on the “corridors of peace” and “days of tranquility” mentioned in the Supplementary Report of 1995 to ensure the safety of children and service providers was reinforced to allow service delivery to flow as follows:

1. Supplemental feeding for malnourished children and provision of safe drinking water, priority provision of food for the children and nursing women and clothing appropriate to climatic conditions at evacuation site;
2. location of parents/relatives of unaccompanied children or relatives of families desiring to join them;
3. Supervision of substitute parental care (foster care for children unaccompanied by parents/relatives);
4. Maintenance of environmental sanitation and sanitary waste disposal;
5. Continuing day care services and other group activities for early childhood development for children below 7 years old;
6. Priority access to health services, through mobile clinics e.g. medical check-up, and treatment, immunization;
7. Temporary attendance in accessible schools or mobile classrooms for school-age children or other alternative educational activities; and
8. Holding of parent effectiveness counseling in armed conflict situations;

(c) Rehabilitation Phase included preparation to return home or for resettlement. Critical stress incident debriefing was extended to children for them to express their fears, and anxieties about their experiences and as appropriate enable the resolution of their bereavement. It is also at this phase that the child's reintegration in regular school was achieved. Continuing parent effectiveness sessions are conducted and restoration of livelihood activities for the families, housing and resettlement as appropriate were carried out.

251. Disaggregated data of child casualties, and displaced children by region, gender, age group, social/ethnic origin, and various relief and rehabilitation activities are not available as indicators of the consideration given to the general principles of non-discrimination, the best interests of the child, and the right to life, development and survival to the maximum extent. On the other hand these principles have been cited in legislations mentioned in this Section of the Report. Data disaggregation on children affected and provided assistance during armed conflicts is being developed for the next reporting period. The following data refer to professionals involved in the psychosocial recovery of the children, including the para-professionals who assisted:

(a) The number of professionals of the provincial and municipal social welfare offices and the NGOs who were trained for psychosocial interventions and to handle critical incidence stress debriefing for children who were emotionally hurt was limited to an average of

two in each municipality. This is not considered adequate with an averaging of only about 34 per province. Further, very few among them, about six per province, have the capacity to train other service providers who should assist the professional social workers;

(b) The presence of community-based workers - teachers, *barangay* health workers, rural health midwives, day care workers, trained traditional birth attendants - is necessary to ensuring the sustainability of interventions, especially addressing the psychosocial effects of armed conflict. As such more investments are envisioned in the recruitment and training of community-based workers and in team-building efforts to ensure effective coordination in service delivery. These training activities should focus not only on the rights of the child but also on education for peace to prevent armed conflicts and promote reintegration of children who underwent psychological rehabilitation.

252. One of the pressing issues on the demobilization of child soldiers was in handling those “captured” during armed encounter between the military and the rebel groups. In this connection the *Memorandum of Agreement on the Handling and Treatment of Children Involved in Armed Conflict* was issued on March 21, 2000 with the following provisions:

(a) Children involved in armed conflict as combatants, couriers, guides, medical aides, spies or in any similar capacity, referred to as “rescued” or “surrendered” are to be treated as victims with no criminal charges filed against them;

(b) Rescued/surrendered minors are to be immediately turned-over to the Department of Social Welfare and Development for appropriate psychosocial intervention;

(c) Rescued/surrendered children shall not be subjected to tactical military interrogation or any similar investigation for use in military operation;

(d) The identity of the minor shall be protected by limiting media exposure which would affect their healing, recovery and reintegration.

253. To promote the social reintegration of the children involved in armed conflict, a *Comprehensive Programme Framework* has been drafted by the Board of the Council for the Welfare of Children. It gave priority to the provision of educational opportunities for children in conflict areas. Vocational/skills training, culturally sensitive non-formal education and other alternative learning systems were made available for those unable to go into formal education. The framework was adopted based on the following studies that have been conducted on the situation:

(a) A study conducted in 1994 states that internal armed conflict accounts for nearly 81 per cent of the total number of cases of displacements documented. The implications of displacement on the development of the children will be addressed especially due to armed conflict where the child is caught between warring relatives. **Reported Displacement Incidents from January to August 2000**, included in Annex VIII-B. It was confirmed that the children's continuing displacement and, in most cases, continued exposure to violence, threatened their survival and development. They comprise a generation of children who are physically and psychosocially weakened, deprived of access to basic social services especially education, and the stability of homes and communities;

(b) The study also identified the need to improve the local monitoring systems related to the occurrence of armed conflicts for more accurate documentation of these incidents which included: (1) government troops and rebel movements; (2) harassment and surveillance; (3) encounters or ambushes; (4) displacements and evacuations; (5) salvagings or arson; (6) bombings, shelling or strafing. Displacements lasted for a maximum period of six months;

(c) Another study reported that there was an improvement in the peace and order situation. But the disparity between the “better-off” and “poorer” communities is cause for concern. The study noted that availability of basic services depended heavily on the classification of municipalities according to revenue. Eighty-one per cent of the villages included in the survey are located in the lowest 5th or 6th class municipalities.

254. While legislative and programme mechanisms are in place to protect the rights of children in situations of armed conflict and prevent their recruitment and involvement, however, the following difficulties have been encountered:

(a) In most cases, areas where these children live are remote and are the same places where military operations are on going. The development of these remote areas are being given priority;

(b) Most of the families are Muslim. Cultural and religious beliefs have to be dealt with. The involvement of children in Jihad (Holy War) is acceptable to the Muslims. Family feuds and tribal rivalries exist for which children are prepared. As such armed conflict may be a life style where a child has to carry a weapon to be ready for any eventuality. Thus, the government is continuously promoting public awareness on the issue of children in armed conflict. Training of Muslim social workers and other caregivers was, and will still be the top concern for the next five (5) years recognizing the gap in the provision of psycho-social care for Muslim children survivors and rescued child soldiers, and in changing attitudes where religious and cultural beliefs are involved.

255. The Philippines is a disaster prone country. Other than the children in situations of armed conflict, the National Disaster Coordinating Council (NDCC) has also monitored the occurrence of natural disasters such as typhoons, earthquakes, tornados, volcanic activities, floods, landslides, tidal waves, droughts (*El Niño/La Niña* episodes), fires, bomb explosions and others with 7,290,900 families or an estimated 25,190,018 children affected. A child-friendly policy on disaster management has been adopted based on NDCC Memorandum entitled, “Policy Guidelines on the Delivery of Basic Services to Displaced Children in Disaster Situations”.

## **B. Children involved with the system of administration of juvenile justice**

### **1. The administration of juvenile justice (art. 40)**

256. To ensure that the child involved in the administration of juvenile justice would be treated with a sense of dignity and worth, Republic Act no. 8369, *Family Courts Act of 1997*, was enacted in October, 1997. *Section 5 (a)* prescribed that said court shall assume exclusive original jurisdiction to hear and decide criminal cases involving children nine to below

eighteen years of age at the time of the commission of the offense, presuming that the judges are especially trained for the purpose. It provided further for the automatic suspension of sentence without need of application by the accused and contingent to rehabilitation. An Administrative Order was issued in February, 2000 designating 69 Regional Trial Courts as Family Courts. As stated in the Introduction there were 71 as of December 2000. Rule on the Examination of a Child Witness of Court promotes an environment that would minimize the trauma of the court proceedings for the child as a witness or the accused. The Philippines ensures the protection of its children in its domestic legal framework for the child involved with the juvenile justice system:

(a) To ensure a child-oriented system, Article 189 of the Child and Youth Welfare Code (PD 603) stipulates that a child nine years of age and under at the time of the offense shall be deemed to have acted without discernment and is exempt from criminal liability. He/she shall be committed to the care of his/her father or mother or the nearest relative or family friend, subject to the supervision of the court;

(b) The child involved with the system of the administration of juvenile justice has the right to a thorough physical and mental examination and treatment when indicated, immediately after his/her apprehension (Article 190 of PD 603);

(c) Article 191 of PD 603 as amended by the P.D. 1179, prescribes that the child for trial or with pending appeal, shall be committed to the care of the DSWD or the local rehabilitation center if unable to furnish bail. In the absence of a center within a reasonable distance from the venue of the trial, the child shall be provided separate quarters from the adult detainees, not only to protect him/her from bad influences, but to maintain his/her dignity and self-worth;

(d) To further protect the children involved in the administration of juvenile justice to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, Article 200 of PD 603 provides that all records of the case shall be destroyed. The child shall not be held guilty of perjury or misrepresentation for failure to recite any fact related to the case thereafter.

257. The following measures reinforce the child's respect for the human rights and fundamental freedom of others:

(a) The proposed Comprehensive Juvenile Justice System bill adopts the principle of restorative justice. This principle entails the active involvement of the child-offender in bringing that state of society where he and his victim can live and deal with each other on the basis of mutual respect and reciprocal acknowledgement of their dignity and rights;

(b) Article 4 of PD 603 states the responsibilities of the child with focus on respecting others, the observance of individual human rights, the strengthening of freedom and furtherance of peace. These are the goals of the child's rehabilitation and social reintegration. The Philippine Human Rights Plan: 1996-2000 sets the multi-sectoral human rights agenda which included as a priority area the rights of children.



258. The proposed juvenile justice bill raised the age of criminal liability from nine as stipulated by Article 189, PD 603, to twelve years old. This takes into account the desirability of promoting the child's reintegration in society at an age when he/she is not considered criminally liable. It also provides **for diversion** as an alternative measure to court proceedings. The three levels of diversion are at the **village council**, the level of the **law enforcer**, and the **prosecution**. Diversion facilitates reintegration into the mainstream of society as the child is not removed from the community.

259. The following measures were taken to partly fulfill the general principles of the Convention, namely, non-discrimination, the best interest of the child, and respect for the views of the child:

(a) To ensure non-discrimination of children whose parents cannot afford or are not willing to support the child involved in the administration of juvenile justice, the **Public Attorney's Office**, the human rights organizations of lawyers such as the **Free Legal Assistance Group** (FLAG), Child Justice League, KKK (Karapatan ng Kababailhan) and members of the various chapters of the **Integrated Bar of the Philippines** (IBP) provided their legal services "pro bono";

(b) In December 2000, the Supreme Court promulgated the **Rule on Examination of a Child Witness** (Annex II), referring to children who are victims of a crime, accused of a crime, or witnesses to a crime. It upholds the best interests of the child through the procedures specifically designed for the pillars of justice in dealing with the child according to his/her evolving capacities;

(c) Section 5 of the Rule states that the Court shall appoint a **guardian ad litem** (GAL) to protect the best interests of the child;

(d) Section 8 of the Rule provides that the examination of a child witness presented in a hearing or any proceedings shall be done in open court and the answers of the witness shall be given orally. The Rule further provides in Section 22 that corroboration on the testimony of the child is no longer needed. This gives due respect for the views of the child.

260. To further protect the rights of children involved with the juvenile justice system, the UN Standard Minimum Rules for the Administration of Juvenile Justice or the **Beijing Rules**, the UN Guidelines for the Prevention of Juvenile Delinquency or **Riyadh Guidelines**; and the **UN Rules for Protection of Juveniles Deprived of Their Liberty** formed the framework of the proposed legislation on the Comprehensive Juvenile Justice System and are invoked in applicable situations in support of Article 209 of PD 603 and the Revised Penal Code:

(a) No child is alleged as, accused of, or recognized as having infringed the penal law for acts or omissions that were not prohibited by law when these were committed. Article III, Section 1 of the Philippine Constitution prescribes that no person shall be deprived of life, liberty... without due process of law, nor shall any person be denied the equal protection of the laws. Similarly, Rule 7 of the UN Standard Minimum Rules for the Administration of Juvenile justice applies;

(b) Article III, Section 14 of the Philippine Constitution guarantees that the child would not be held to answer for a criminal offense without due process of law, and is presumed innocent or is not considered in conflict with the law, until proven guilty according to the law. Rule 115 of the **Revised Rule of Criminal Procedures** specifies that the accused shall be presumed innocent until the contrary is proven beyond reasonable doubt. Such rule also defines the rights of the accused among others, not to be compelled to be a witness against himself/herself, to confront and cross examine adverse witnesses, and have the compulsory process to secure the attendance of witnesses and the production of other evidences on his/her behalf;

(c) Section 4 and 5 of the Rules and Regulations on the Apprehension, Investigation, Prosecution, and Rehabilitation of Youth Offenders (Annex VIII-C) mandates the manner and time-limit of not more than eight hours within which the child and/or parents or guardians are informed of the charges. Section 6, 7, 8 refer to the assistance to the child by a legal counsel, doctors and social workers as indicated;

(d) Section 9 of the above mentioned Rules provides for the immediate action by a prosecutor or judge as required, within the periods prescribed in Article 125 of the Revised Penal Code as amended by Executive Order 272 (Annex VIII-D) Section 15 stipulates the appointment of a guardian *ad litem* for the child to help expedite action.

261. Rule 115 of the Revised Rules of Criminal Procedures defines the rights of the accused among others, not to be compelled to be a witness against himself/herself, to confront and cross examine adverse witnesses, and have the compulsory process to secure the attendance of witnesses and the production of other evidences on his/her behalf.

262. The child who is considered to have infringed the penal law can have the decision reviewed. The Supreme Court has issued directives for all regular courts to expedite disposition of cases involving children. Based on the 1987 Constitution, Section 15, Article 8, all cases or matters filed with the Supreme Court must be decided or resolved within 24 months, 12 months for the Court of Appeals, and three months for the lower courts. Social workers of the DSWD regularly visit the jails to monitor status and ensure prompt action on cases involving children.

263. Section 9 on the **Rule on Examination of a Child Witness** (Annex II) requires the appointment by the court of an interpreter for the child when he/she does not understand the Filipino language or English or is unable to communicate due to fear, shyness, disability, or similar reason. Section 10 also provides that a facilitator may be appointed to pose questions to the child likewise.

264. The protection of the privacy of the child is mandated by Section 31 of the **Rule on Examination of the Child**. It covers the confidentiality of records to include the files of any police, government agency, or the court, the prohibition of publicizing the identity of the child and the destruction of videotapes or audiotapes five years after the date of entry of judgment on the case. Section 23 refers to excluding the public when the child testifies; Sections 25, 26, 27 regulate the use of live-link television testimony; and one way mirrors, and video tapes, to further ensure the privacy of the child.

265. In order that a child involved in the juvenile justice system is dealt with in a manner appropriate to his/her well-being and proportionate to the child's circumstances and the offense, the following dispositions and assistances were considered:

(a) **Release on recognizance** seeks to free the child from detention if he/she committed a minor offense, i.e. simple theft, vagrancy, violation of municipal ordinances with the penalty of arresto menor or one day to 30 days imprisonment. The court may release the child on recommendation of the DSWD, to the custody of the parents or other suitable person, who shall be responsible for his/her appearance, when required by the court. (Article 191 PD 603);

(b) **Mediation and diversion** are provided whereby a child who committed an offense is diverted from the juvenile justice system through amicable settlement. Psychological recovery and social reintegration is provided while he/she is with parents, foster home, or legal guardian;

(c) **Custody supervision** provides the child with the opportunity to serve a suspended sentence and to undergo rehabilitation within the community;

(d) **Free Legal assistance** is provided for the child who was not properly represented by a legal counsel during the trial and that the case is on appeal or the child is unable to afford the services of private counsel;

(e) **Counseling** is extended to facilitate psychological recovery;

(f) A volunteer intervention programme has been established wherein volunteers from the community were mobilized and trained as support groups for the social reintegration of the children;

(g) Continuing formal education, vocational training and livelihood assistance are extended when indicated;

(h) Arts and crafts, communication other cultural and recreational activities through which the child can express his/her views and talents are provided.

266. Professionals involved with the system of juvenile justice: judges, prosecutors, lawyers, law enforcers/police, social workers, medical doctors, teachers were oriented on the provisions of the Convention on the Rights of the Child, the Beijing Rules, The Riyadh Guidelines and the UN Rules for the Protection of Juveniles Deprived of their Liberty. More specific trainings were conducted by the Department of Social Welfare and Development. The members of the five pillars of the justice system, including court social workers, members of the Barangay Councils for the Protection of Children, community volunteers, and staff of the Bureau of Jail Management and Penology, were trained on the following modules:

- Dynamics of children involved in the juvenile justice system;
- Behaviour management and milieu therapy;
- Management of juveniles in detention;

- Techniques in social rehabilitation;
- Case management skills;

(a) Aside from the above mentioned training, consultation dialogues were held on juvenile justice in four major cities in the National Capital Region (Caloocan, Pasay, Manila, Quezon City) and in Puerto Princesa City, where the incidence of children involved with juvenile justice had increased. The issues raised included the situation of the children in jails and how to prevent their being deprived of their liberty, coordination and networking, roles and responsibilities of the five pillars of justice (the court, prosecution, law enforcement, correction and the community);

(b) Many of the regular courts could not effectively handle cases of children, whether as alleged offenders, as complainants, or witnesses. Special training and professional commitment were needed in order to appropriately and effectively serve the child's best interest in these diverse situations. The same concern was raised by the Committee in the Concluding Observations on the Initial Report. This is a continuing challenge;

(c) The Special Committee for the Protection of Children organized seminars for judges, court officials and, other personnel. A national conference on the theme "Justice for Children" was organized in November 1998 and regional conferences on the same theme were held subsequently. These conferences were held to ensure that international standards in the administration of juvenile justice and the Convention will not only serve as theoretical frameworks but will be concretely applied in all situations where children are involved with juvenile justice.

## **2. Children deprived of their liberty, including any form of detention, imprisonment or placements in custodial setting (CRC Act. 37 (b)-(d))**

267. Articles 189-204 of Presidential Decree 603 otherwise referred to in this Report as the Child and Youth Welfare Code, ensure that no child is deprived of his/her liberty unlawfully or arbitrarily. However, between the availability of the law and its implementation, certain issues were tackled:

(a) Based on monitoring visits of the DSWD there were 114 minors committed to the National Penitentiary instead of being on suspended sentence. A private lawyers' group reviewed the cases and remedial legal actions were taken. NGO social workers were assigned to handle the psychological recovery and material needs of the minors and prepared them for reintegration with the families. The DSWD with the management of the National Penitentiary established a more efficient partnership for easy review and immediate action on cases of the children who were committed to them erroneously;

(b) There were five minors who were meted the death sentence by the lower courts. It was later found out that during the trial there were no documentary evidences to prove their minority, among others. On representation with the Supreme Court the acquittal of one minor and the commutation of sentence of another were achieved. Continuing review is being done on the three remaining cases;

(c) The situation of children in detention is aggravated by the slow resolution of cases by the courts. This delayed the rehabilitation process through either the child's release on recognizance, or the suspended sentence. It is expected that with the full establishment of Family Courts, these adverse situation would be minimized;

(d) There is inadequacy of social welfare services which were devolved to the municipal and city government units under the Local Government Code, Section 17 (b) (2) iv. To address these concerns, the DSWD has accelerated the development of the awareness, knowledge, and skills of the professionals involved in the administration of juvenile justice at the LGUs through technical assistance and consultation.

268. To ensure that arrest or detention of a child is a measure of last resort and for the shortest appropriate time, Article 191 of PD 603, requires that the child, from the time of arrest, shall be committed immediately to the DSWD, and upon the recommendation of the DSWD, the court in its discretion shall **release the child on recognizance** to the custody of his/her parents or other suitable person.

269. In addition to the release on recognizance of the child, paragraph 255 included mediation or diversion and custody supervision as proposed alternatives to deprivation of liberty of the child involved in the juvenile justice system. Data on the frequency with which release of the child on recognizance was used, including the age, gender, rural/urban location, social origin of the children benefited are not presently available. The children of the Vietnamese asylum seekers and refugees, including the unaccompanied children were not deprived of their liberty. They lived with their families or foster families, respectively, in camps as a community. Social workers, teachers, doctors were available in camp to assist them with their needs.

270. To prevent the imposition of indeterminate sentences, Articles 192, 195, 196 of PD 603, stipulate suspension of sentence and commitment of the child to a rehabilitation center up to twenty one years of age, or for a shorter period as the court may deem proper, based on the recommendations of the DSWD. The recommendation is submitted every four months or oftener, focused on the intellectual, moral, social, emotional, and physical progress of the child and on his/her capability to be a useful member of the community.

271. From 1995 – 2000 there were 52,576 children involved in the juvenile justice system who were monitored as having been deprived of their liberty in detention placement, under custodial setting, through suspended sentence. Although there were no disaggregated data according to ages, social/ethnic origin, location of families as rural or urban, and reasons for the deprivation of liberty, records show that there were more boys than girls. To date, there are ten Regional Rehabilitation Centers for the Youth (RRCY) operated by the DSWD. The LGUs are still in the process of setting up the rehabilitation centers within their areas of jurisdiction based on the Local Government Code.

272. The RRCY implemented the programme and treatment plan for each child to prepare him/her for reintegration into the family and to society. This was done through group living experiences, academic and vocational training, counseling and guidance, values inculcation, and above all enhancing the child's right to freedom of thought, conscience, religion, and expression:

(a) Religious guidance and counseling as part of the psychological recovery of the child were provided by civic and religious organizations during weekends. The children are free to participate, depending upon their religious orientation. The schools, provided elementary, and secondary education, adult literacy classes and vocational courses such as electronics, refrigeration, tailoring;

(b) The youth offenders are also encouraged to participate in work projects in the community as part of the rehabilitation and treatment programme, as long as they are physically and mentally fit to perform the assigned jobs. These work programmes include livelihood activities with corporations like Samsung Philippines;

(c) Expenses for the care and maintenance shall be borne by the parents, except when the parents cannot pay, the municipality in which the offense was committed pays one-third, the province to which the municipality belongs pays one-third and remaining one-third is borne by the national government, chartered cities pay two-thirds;

(d) Every child is allotted 60 pesos daily for food ration. Two studies revealed that the food rations are inadequate and the quality of the food is poor. The child often has to rely on the family members to bring him/her food which is encouraged to promote sustained bonding with the family. The basic facilities for sleeping and toileting needs were also inadequate. The situation is being addressed through the pending Comprehensive Juvenile Justice Bill.

273. The rehabilitation team is composed of professionals from various disciplines which include a psychologist/psychiatrist, medical staff, teachers, houseparents, care givers, and social worker. The social worker being the case manager looks into the needs of the child through regular collegial consultations with the team on the bio-psycho-social well-being of each child as basis for periodic treatment planning and the report to the court on the corresponding recommendations for the earlier termination of the custodial placement, when indicated:

(a) The case management process and the case conference system involving the rehabilitation team - social worker, psychiatrist, medical doctor, teacher, caregiver, director of RRCY - are measures to ensure that the child in custodial placement is treated in a manner which takes into account his/her evolving capacity as ascertained through the different disciplines. The review process takes cognizance of the individual child and the social environment of the rehabilitation center, the family and community to which the child would return, when applicable. The process also reflects the after-care follow up for the child's social reintegration;

(b) The case conference also serves as the mechanism for airing of complaints by the child. The DSWD central office conducts periodic review of the operations of the RRCY and the local government units.

274. Out of 1,454 municipalities, 83 cities and 79 provinces, there are only 40 per cent with separate detention centers for children. For those cities and municipalities without detention centers for children who cannot be released on recognizance separate quarters were improvised. There are no separate provisions for girls. DSWD conducted dialogues with the LGUs for the inclusion of funds in their budgets for the construction of separate detention facilities and the provision of social welfare services.

275. Family members and registered friends are allowed supervised visits 5 times a week except for Fridays and Saturdays. The children are allowed to receive and send mails subject to review by authorities to prevent the entry of contraband items and information detrimental to the security of the children.

### **3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))**

276. While Section 1 of PD 1179 amending Article 192 PD 603, stipulates the **suspension of the sentence** of the child found guilty of the charges against him/her, the Family Courts Act which already makes suspension of sentence automatic or without need of application. Instead of pronouncing judgment of conviction, the court upon application of the youth offender, finding it for his/her best interest and that of the public suspends further proceedings. The minor is then committed to the custody and care of DSWD until he/she shall have reached twenty-one years of age, or for shorter period as the court may deem proper, based on the reports and recommendation of the DSWD:

(a) The benefits of Article 192 do not apply to a youth offender who has **once enjoyed suspension of sentence** or to one who is convicted of an offense punishable by death or life imprisonment;

(b) Further, Section 1 of PD 1179, amending Article 193 of PD 603, indicates that the order of the court denying an application for suspension of sentence under the provisions of Article 192, shall not be appealable.

### **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

#### **1. Economic exploitation of children including child labour (art. 32)**

277. **The National Programme against Child Labour (NPACL)** was established with the Bureau of Women and Young Workers, DOLE coordinating all efforts on child labour concerns. The National Statistics Office (NSO), with support from the ILO-IPEC, conducted the first National Survey of Working Children as part of the July 1995 labor force survey (Annex VIII-E). The results served as an administrative measure to create an awareness of the national situation of Filipino working children ages five to seventeen. The survey used a broad definition of child work (i.e., children who work occasionally, those who work for their own parents, and those who work during school vacations and weekends) and the results are as follows:

(a) Working children comprise 16 per cent of the population of 3.7 million children; 50 per cent are from ages five to fourteen years old, 65 per cent are boys. Most of them come from rural households working for their parents. It is expected that the highest number of working children in urban areas come from cities with high economic growth;

(b) In terms of proportion to the regional population, agricultural regions have the highest share of working children, with 64 per cent involved in agriculture, 16.4 per cent in sales, 9.2 per cent in production work and 8.8 per cent in service trades including domestic servants;

(c) The study also revealed that 60 per cent of working children are engaged in unpaid family work in their own households and establishments and in the farm;

(d) About 2.2 million of the 3.7 million working children are exposed to hazardous environment. Seven out of ten are males;

(e) A study was conducted by the Occupational Safety and Health Center (OSHC) of the Department of Labour and Employment to ascertain the risks to which working children are exposed. The review underscored the child's vulnerability in terms of his/her anatomic, physiologic, and psychological characteristics. The OSHC also conducted case studies to validate the survey findings of the NSO on the hazardous environment of the working children;

(f) To complement the information gathered through the national household survey and to more systematically identify those who need immediate assistance and can benefit from concrete actions at the community level, there has been increased investment in **community-based surveillance**, and monitoring on the situation of working children.

278. The **Omnibus Rules Implementing the Labor Code** defined non-hazardous work as an activity which does not put the safety and health of the child in danger. Further, the Secretary of Labour based on this definition periodically issued a list of hazardous work for the protection of children 18 years of age and below:

(a) DOLE Order 4, series of 1999 classifies into five categories, hazardous work for children below 18 years old and prohibits their involvement thereof:

1. Work which exposes children to physical, psychological or sexual abuse;
2. Work underground, under water, at dangerous heights or unguarded heights of two meters and above, or in confined places;
3. Work with dangerous machinery, equipment and tools, or which involves manual handling or transport of heavy loads;
4. Work in an unhealthy environment which may expose children to hazardous processes, i.e. temperatures, noise levels or vibrations damaging to their health, to toxic, corrosive, flammable, and combustible substances or composites, to harmful biological agents; or to other dangerous chemicals including pharmaceuticals; and
5. Work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer and which interferes with his/her education;



(b) More than 1.8 million of the 2.2 million working children (80 per cent) were exposed to unhealthy physical work conditions, e.g. temperature or humidity of the work place as well as psychosocial hazards. Table 30 of Annex VIII-E indicates the 1.8 million of children who were exposed to hazardous physical work conditions by kind of exposure and by sex. Action on this condition was given priority.

279. The National Survey on Child Labour mentioned earlier has served as an important tool for advocacy. Advocacy materials were also developed by the OSHC based on the case studies conducted. These were addressed to the children themselves, parents, communities, and agencies concerned. The Philippine Information Agency (PIA) launched a nationwide multi-media campaign against child labour. PIA and Kapisanan ng mga Broadcaster sa Pilipinas (KBP) committed air time for substantive discussions of child labour issues. To intensify these efforts, articles on child labour issues were featured regularly in the Philippine Labour, a news publication of DOLE and in the newsletter which was developed and published by the DOLE's Institute of Labour Studies. A pastoral letter on child labour was issued by one Archdiocese which would be replicated in other archdioceses. The Global March against Child Labour, which started in Manila on 17 January 1998, mobilized working children and child rights advocates to show support for the international and national campaign. Based on the latest survey conducted by the Social Weather Station (SWS) awareness on child labour in the country rose from 59 per cent in 1995 to 71 per cent in March 2000. The following measures were taken to address the increased awareness over the issue of child labour:

(a) DOLE Department Order 226 (series of 1997) addressed child labour concerns in the regular inspection of business establishments as a preventive action. The Bureau of Working Conditions (BWC) has developed a supplemental inspection form on child labour inspectorate program. A specialized training for labour inspectors has been undertaken;

(b) **Program Implementation Committees on Child Labor** (PICs) were organized at the local level. These PICs paved the way for the organization of different sectoral groups. Sixty-nine core groups of children with one hundred fourteen core groups of parents were initially organized in all fourteen Regions as advocates against exploitative and hazardous child labour. Local inter-agency councils or committees which include religious organizations, NGOs, street educators, were also organized;

(c) The organization of PICs resulted in the inclusion of child labour programme activities in the allocation of budgets in local development plans of some local government units. The members of these groups underwent regular orientation on children's rights and development of skills on community organization. Children sectors were able to draft ordinances/resolutions addressing the child labour problem in their respective municipalities and cities;

(d) The Special Committee for the Protection of Children has given special attention to cases involving the intolerable forms of child labour, especially sexual exploitation as well as to monitor cases filed against abusive employers. The Task Force on Child Protection of the Department of Justice handled fifteen cases on the prostitution of children and two exploitative and illegal forms of child labour. Four cases are currently on trial. There are ten child labour

cases pending in court. There were four convictions. Other complaints are handled at the administrative level. It is expected that such actions would serve as deterrents to address the situation of child labour, especially since these cases are publicized;

(e) The situations of child workers especially the domestic workers, are monitored in the community through the **Community Child Watch**, initiated by the Visayan Forum (VF), among others. The *Samahan at Ugnayan ng mga Manggagawang Pantahanan ng Pilipinas* (SUMAPI), an association of child domestic workers, has been organized as a venue for seeking assistance in response to their problems;

(f) The National *Sagip Batang Manggagawa* (SBM) Task Force composed of representatives of DOLE, DSWD, PNP, NBI DOJ, Solicitor-General's Office, Philippine Judges Association, Philippine Coast Guard and other concerned offices (based on the case on hand) has been created to respond to assess need and special and expectations attention. On the other hand, the Regional SBM Quick Action Teams were organized with a community-based mechanism for detecting, monitoring and reporting hazardous forms of child labour, and rescuing children;

(g) A long term and more permanent solution to the child labour issue is the intensive implementation of compulsory education. Financial assistances were provided. Remedial classes were conducted for the children who dropped out of school to learn the age-appropriate basic competencies for higher levels of schooling;

(h) An essential measure that was taken is developing the skills of parents and other adult members of the families to earn more and free their children from working. The **Self-Employment Assistance Programme** (SEAP) of DSWD, the **Women Workers Employment and Entrepreneurship Development Programme** (WEED) of DOLE and the **ILO International Programme for the Elimination of Child Labour** were made available to parents and adult siblings of working children. The Working Youth Programme provided skills development of eligible siblings of the child.

280. To ensure fulfillment of the general principles of CRC vis-à-vis the children in situations of economic exploitation, the following measures were adopted in addition to those mentioned in the preceding paragraphs:

(a) Capacity-building efforts were initiated relative to the understanding and application of the principles on the best interests of the child, non-discrimination, the right to express views, the right to life, survival and development. Case studies were presented to illustrate the principles;

(b) The government agencies and NGOs involved recognize the need to further study the implication of rescue operations on the best interests of the children, given the intrusive nature of these operations. It was observed that these rescuers need to proceed with caution so as not to alienate the children who are being rescued. In cases where the rescue operations have been conducted with efficient coordination, with utmost secrecy and upon the children's own requests, the results were felt by these children to have served their best interests. More deliberate efforts were taken to replicate the process;

(c) After-care programmes were tested to sustain the psychological recovery and social reintegration of the child rescued from an exploitative situation;

(d) Free legal services were provided relative to the investigation and resolution of child labor cases, when the child because of poverty may be discriminated in the absence of legal representation;

(e) The Philippine Information Agency with assistance from UNICEF, conducted *Training of Advocates Against Child Labour* to sustain surveillance over situations of exploitative and hazardous employment and monitor a complaint mechanism for children adversely affected;

(f) Various trade unions and NGOs have focused on community organizing efforts as an entry point for working on child labour issues and monitoring same. The Philippine Rural Reconstruction Movement is concerned with children involved in gold mining, while the Community Organization and Research Advocacy Institute (CO-TRAIN) works with children involved in quarrying. The Federation of Free Workers has organized a child labor action network in farming and fishing communities. The Trade Union Congress of the Philippines through community and trade union volunteers, organized the Trade Union Anti-Child Labor Advocates. Other NGOs such as the Streetchildren and Childworkers Support Centre have also established networks of child labor advocates.

281. The following measures were adopted in particular relative to the minimum ages for admission of a child to employment and the conditions of such employment:

(a) RA 7658 - *An Act Prohibiting the Employment of Children Below 15 years of Age in Public and Private Undertakings* provides exceptional cases when a child below fifteen years of age may be employed, i.e. under sole responsibility of parents and such does not endanger his/her life safety, health, morals, and the child goes to school. The child may be employed in public entertainment when such is essential and when the child agrees and the contract is concluded by the child's parents and approved by the DOLE. The employer should ensure the protection, health, safety, moral and normal development of the child. The employer should institute measures to prevent the child's exploitation or discrimination, taking into account the level of remuneration, the duration and arrangement of working time. The employer shall implement a continuing programme of skills acquisition for the child;

(b) Articles 107 – PD 603 stipulates the conditions under which children aged fifteen may be employed; Articles 108 and 109, refer to the duty of the employer to submit report and maintain a register of children employed with data of birth, written consent of employment, educational and medical certificates. Article 110 provides for the support by the employer for the education of an employed domestic helper who is below sixteen years old;

(c) Article 112, PD 603 stipulates close collaboration between employment and management of the condition of employment and management of the condition of employment for working children; Article 113, allows time off without loss or reduction of wages for working children with special talents to enable them to pursue formal studies. Article 114 provides that welfare programmes be undertaken by management for working children. These measures are implemented to prevent economic exploitation of children sixteen to eighteen years of age.

282. The important milestones in the efforts of the Philippine Government to protect working children were the ratifications of ILO Convention 138 in October 1997 and ILO Convention 182 in November 29, 2000. Both ratifications were results of years of dialogue between the executive and legislative branches of government and the multi-sectoral alliances for child labor. Efforts are now underway for other measures to conform with said ILO conventions:

(a) The enforcement of laws has been one of the concerns raised by the Committee in its Concluding Observations on the Initial Report as well as by the ILO representative during the pre-sessional meeting of the Committee to discuss the government's report and the NGO report in 1994. It remains as a concern but with better direction from the ratification of ILO Convention 138 and ILO Convention 182 and improvements on the monitoring system;

(b) There are only 250 inspectors responsible for inspecting 80,000 establishments annually. However, the National Program Against Child Labor has established community surveillance systems for information and data-gathering to identify cases of child labour. Children who have been kept in almost slave-like conditions have been rescued through the efforts of NGOs, in cooperation with the "quick action teams" of the Department of Labor and Employment and the National Bureau of Investigation;

(c) Six bills are currently pending in the Philippine Senate's Committee on Labor and Employment including Senate Bill 1530, An Act Providing Stronger Deterrence and Special Protection Against Child Labour. Several initiatives related to child labour were also filed with the House of Representatives: Resolution No. 950 called for a congressional oversight investigation, in aid of legislation, into the implementation of Article VIII Sections 12-16, R.A. No. 7610; and House Resolution No. 1047 also called for an investigation, in aid of legislation, on the apparent increase in the incidence of child labour. House Bill 8862 provides among others, protection to children aged 15-17 years old who are employed as domestic workers. It bans children below 15 years to be employed as domestic helpers. Another House Bill proposes amendments to R.A. 7610 and R.A. 7568.

283. To strengthen the monitoring mechanism on the enforcement of child labour laws, the Department of Labor and Employment and the ILO-IPEC considered labor inspection systems as a priority concern. Special training for labour inspectors was sponsored by ILO-IPEC in 1996. As a result of the renewed focus on the improvement of the labour inspectorate, DOLE Administrative Order 47 was issued by the Department of Labor on 18 February 1997, directing all labour inspectors to give priority to the inspection of establishments employing children, security agencies, construction, shipping, and other establishments classified as hazardous or high risk.

284. Relevant programmes of technical cooperation and international assistance from ILO were established. The **Specialized Training for Labor Inspectors** was conducted using the ILO Training Manual. The participants drafted a training manual adapted to Philippine conditions on child labor inspection. The Institute for Labour Studies in coordination with ILO-IPEC conducted an intensive and comprehensive training on the **Design, Management and Evaluation (DME) of the Child Labor Programme**. The DME training program resulted in the creation of a fourteen-member national training pool. In November 1998, a **communications strategy workshop** was also conducted by PIA, with ILO-IPEC support to standardize advocacy and message plans for the Child Labour Programme.

## 2. Children involved in drug abuse (art. 33)

285. The problem of substance abuse, is considered a priority issue in light of the apparent increase in drug abuse. Efforts were intensified to enforce the laws particularly with regard to curbing the supply side through the launching of campaigns, legislative inquiries, investigation, and apprehension of drug dealers and traffickers. Aside from these activities, the rehabilitation of children already involved in drug abuse and preventive efforts through the education of children about the harmful effects of drugs were strengthened. The following are some of the legislative measures to protect children from the illicit use of narcotic drugs:

(a) The maximum penalty shall be imposed when a prohibited drug or even a regulated drug is administered, delivered or sold to a minor who is allowed to use the same; (Section 5, Article II and Section 15-A, Article III, R.A. 6425)

(b) Section 28, Article V, RA 6425 – *Supervisors and Teachers of Schools*. “For the purpose of enforcing the provisions of Article II and III of this Act, all school heads, supervisors and teachers shall be deemed to be persons in authority and, as such are hereby vested with the power to apprehend, arrest or cause the apprehension or arrest of any person who shall violate any of the said provisions;

(c) To prevent the use of drugs by children, Section 29 Article V, R.A. 6425 stipulates that instruction on the adverse effects of dangerous drugs, including their legal, social and economic implications, shall be integrated into the existing curricula of all public and private schools, whether general, technical, vocational or agro-industrial.” “The Secretary of Education shall cause the publication and distribution of materials on dangerous drugs to students and the general public;

(d) Republic Act No. 7624 prescribes the integration of the ill effects of drug addiction and drug dependence in the intermediate and secondary curricula as well as in the Non formal and Indigenous Learning curricula not only in public and private schools, but also in the non-formal, informal and indigenous learning programmes. All instructional materials are supplied by the Department of Education.

286. To raise awareness among children, school-based activities such as symposia on drug education and drug abuse prevention were organized. Students were also briefed on the Programme Oplan Drug Alert through the compulsory Citizens’ Military Training (CMT) and scout leadership training: (Annex VIII-F)

(a) In 1999, the Preventive Education Training and Information Division of Dangerous Drug Board conducted activities to raise awareness of the problem of drug abuse through the following: (1) Youth Outreach Programme Against Drug Abuse; (2) Seminar Workshop on Drug Abuse Prevention for Street Children; (3) Youth Life Enrichment Program; (4) National Youth Congress; (5) National KID (*Kalaban ng Iligal na Droga*); (6) *Listo* Search; (7) Training of Trainers for Youth Leaders; (8) Seminar-Workshop on Drug Abuse Prevention, Advocacy Reporting for Secondary School Campus Journalists; (9) Poster and Slogan Making Contest; (10) Training of Scout Leaders on the Integration of Drug Abuse Prevention in Scouting Kit; (11) TOYOMM One-day Camp; and (12) Drug Awareness Symposia in Schools;

(b) Drug education and prevention has been strengthened through the regular public school programme starting with the elementary level and more especially at the secondary level where peer pressure is a problem. This provided an effective way of reaching large numbers of children in a sustained manner, within the context of health education, social studies, and values education;

(c) Media campaigns on the harmful effects of drug use have been implemented through broadcast media (television and radio), through institutional advertising and public service messages.

287. Programmes to assist children who were drug victims include comprehensive rehabilitation in 22 residential centers and 6 out-patient treatment centers in 1996. As of January 2000, these increased to 45 residential centers and 21 out-patient treatment centers. The fifteen to eighteen years old rank third among the groups that were confined in the residential treatment centers. Besides residential treatment, other programmes were available:

(a) Another priority concern is the high incidence of substance abuse (glue and solvent sniffing) among streetchildren. The Special Fund for streetchildren for 1996-1997 was used partly to enable NGOs to strengthen the drug abuse rehabilitation programme for street children. A drug abuse rehabilitation center specifically for street children was inaugurated last February 2000, initially to pilot test the treatment and rehabilitation of children-victims of glue and solvent sniffing;

(b) The Growth Centre for Youth uses recreational, leisure and other facilities for the early treatment and prevention of drug abuse. The Drug Abuse Prevention Programme includes group dynamics and other group activities such as sports, income-generating projects and skills-training to promote peer pressure against drugs.

288. Other measures to assist children and their families to ensure the physical, psychological recovery and social reintegration of the child-victim of drug use will be derived from a follow up of the children who were treated in both the residential center and the out-patient clinics:

(a) The Dangerous Drugs Board is committed to undertake researches appropriate for the monitoring of drug abuse relevant to the protection of children. No information is available on the involvement of children in the illicit production and trafficking of drugs in much the same way that the problem cannot be ascertained in the general population;

(b) A study conducted by the University of the Philippines (1994) showed that Filipino boys and girls now tend to start smoking and drinking at 16-17 years old. An estimated 4.7 million youth drink alcohol one of the most common forms of abused substances among the children.

### **3. Sexual exploitation and sexual abuse (art. 34)**

289. To protect the child from all forms of sexual exploitation and sexual abuse, the following legislative and social measures were adopted, mainly based on R.A. 7610, *An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation*:

(a) Article III, Section 5 RA 7610, Child Prostitution and Other Sexual Abuse, stipulates that a child, who for money, profit or any consideration or due to the coercion or influence of any adult, syndicate, or group indulges in sexual intercourse or lascivious conduct, is deemed to be sexually exploited in prostitution and other sexual abuse. The penalty of reclusion temporal in its medium period to reclusion perpetual shall be imposed;

(b) The child shall be protected from those who engage in or promote, facilitate, or induce child prostitution, which include: (1) acting as a procurer of a child prostitute; (2) inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means; (3) taking advantage of one's influence or relationship to procure a child as a prostitute; (4) threatening or using violence towards a child to engage him/her as a prostitute; and (5) giving monetary consideration, goods, or other pecuniary benefit to a child with the intent to engage; such child on prostitution;

(c) The child is further protected from those who commit the act of sexual intercourse or lascivious conduct as in prostitution or other sexual abuse. When the child is under twelve years of age, the perpetrators shall be prosecuted for rape under the Revised Penal Code. The penalty for lascivious conduct when the child is under twelve years of age shall be reclusion temporal in its medium period;

(d) Likewise, the child is protected from those who desire profit or advantage, whether as manager or owner of the establishment where the prostitution takes place, or the establishment which serves as a cover, or which engages in prostitution in addition to the activity for which the license has been issued;

(e) The exploitative use of the child in prostitution or other unlawful sexual practice is prevented through Article III, Section 6 of RA 7610 which defines the attempt to commit prostitution as follows: (1) When any unrelated person is found alone with a child inside the room or cubicle of a house or hotel, motel or similar establishments, vessels, vehicles or any secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse; (2) When any person is receiving services from a child in a sauna parlor, or bath, massage clinic, health club, or other similar establishments. A penalty lower by two degrees than that prescribed for the consummated felony shall be imposed upon the principals of the attempt to commit the crime of child prostitution under RA 7610 or in the proper case, under the Revised Penal Code;

(f) Section 9, Article V of RA 7610 *Obscene Publication and Indecent Shows* stipulates that any person who shall hire employ, use, induce or coerce a child to perform in obscene shows or model in pornographic materials shall suffer the penalty of prison mayor in its medium period. If the child used as performer is below twelve years of age, the penalty shall be imposed on its maximum period;

(g) Section 1 of Executive Order 56 mandates that any minor who is apprehended by any police officer or by duly authorized officer for engaging in prostitution or other illicit conduct should be immediately delivered to the protective custody of the DSWD or its authorized representative within a particular jurisdiction and should be provided suitable programmes for his/her rehabilitation.

290. The problem of commercial sexual exploitation has been intensively addressed in collaboration with civil society:

(a) In 1995, a public hearing in aid of legislation was convened by the House Committees on Population and Family Relations, Civil, Political and Human Rights and Justice as a result of House Resolution No. 117. The hearing was done to investigate the proliferation of commercial sexual abuse and to determine the level of prevention and implementation of specific measures by the concerned government agencies. The hearing was participated in by child-victims whose testimonies created a significant impact on the legislators. Another House Resolution was filed to investigate syndicates involved in white slavery, sex tours, and substance abuse that corrupt minors. At the Senate, a Resolution was also filed, directing the Committee on Women and Family Relations to conduct an immediate inquiry on the extent of pedophilia in the country and on the measures implemented by law enforcement agencies;

(b) From high level advocacy with concerned Department Secretaries of the Cabinet, the government leadership has demonstrated the political will to take more concrete steps to address this problem. For the first time, in 1996-97 the subject of commercial sexual exploitation of children was placed on the agenda of several Cabinet meetings;

(c) Preparations for the World Congress on Commercial Sexual Exploitation paved the way for the holding of constructive dialogues also with children who were victims of commercial sexual exploitation and with NGOs such as Eliminate Child Prostitution in Asian Tourism-Philippines (ECPAT-Phils.), PREDA Foundation, "Bahay Tuluyan" and Virlanie Foundation, working on advocacy and information campaigns as well as providing support service;

(d) A series of dialogues with the Association of Hotels and other tourism-related establishments were jointly held by the Department of Social Welfare and Development and the Department of Tourism to conscientize the members of these industries and to seek their support for the fight against the sexual exploitation of children. The Special Committee for the Protection of Children also conducted dialogues on the proliferation of brothels and entertainment spots where children are sexually exploited. Surveillance operations were conducted jointly by the National Bureau of Investigation and the Department of Tourism to verify reports of child prostitution;

(e) The Special Committee for the Protection of Children, with the active participation of NGOs mentioned above as well as STOP Trafficking of Filipinas,, Children International Philippines, gave special emphasis on monitoring and prosecution of cases involving the sexual exploitation of children as directed by Executive Order 275;

(f) Proactive coordination and discussions were held with the foreign embassies in Manila to pursue the cases of expatriate pedophiles as well as those who had already left for their own countries. Germany, the Netherlands and Australia had enacted legislations to prosecute offenders in their territories, resulting in the conviction of offenders in their own countries;



(g) Government efforts to prosecute a member of Congress, a former legislator, a mayor as well as cases of sexual abuse involving fathers, step-fathers and relatives were publicized in order to educate the public about the seriousness of these crimes against children and demonstrate the political will of the government;

(h) In 1998, a coalition of NGOs and government agencies concerned with child abuse spearheaded the activities for the **Child Sexual Abuse Awareness Week**. Presidential Proclamation No. 731 declaring the second week of February each year as Child Sexual Abuse Awareness Week was issued in February 1996. Efforts geared toward the prevention of child abuse through education were intensive:

1. National and local information campaigns on child sexual abuse, the UN Convention, and related laws were launched for various sectors;
2. Schools integrated the topic on sexual abuse in classroom discussions, with the objective of teaching children about sexual abuse and how they can protect themselves;
3. Non-government organizations like the Centre for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) developed modules, materials and guidelines for teachers to use in teaching elementary schoolchildren;
4. The Philippine Children's Television Foundation, in cooperation with the Child and Youth Foundation of the Philippines, produced a video and print guide for child sexual abuse prevention for use in schools, center-based and community-based programmes for children. Segments from the daily television programme BATIBOT were broadcasted as a means to prevent child abuse. The Consuelo Alger Foundation (Phil.) published an information kit on child sexual abuse;
5. Module 6 entitled **Keeping the Child Safe from Abuse** is included in the Manual on Parent Effectiveness used in parent education prior to marriage and during parenthood. This is implemented through DSWD and social services departments of the LGUs, the churches, and NGOs.

291. A **Child Abuse Data Monitoring System** was established by the Philippine National Police in coordination with the revitalized and expanded *Bantay Bata* (Childwatch) sector of the Department of Social Welfare and Development and its partner NGOs. Media-based groups such as the **RPN-9 for "Helpline sa 9"**, ABS-CBN 2 for rescue efforts are part of the monitoring mechanism. **The Barangay Councils for the Protection of Children** cover the villages. The relevant indicators for use in monitoring are being tested as part of the National Monitoring System which is under consideration.

292. RA 7610 was adopted in 1992 for stronger deterrence and special protection of child victims of sexual exploitation and sexual abuse. Article I Section 2 stipulates that it shall be the policy of the State to provide special protection to the children; from all forms of sexual exploitation and sexual abuse; provide sanctions for the commission of same and to carry out a programme for its prevention, and rehabilitate the child victim:

(a) Executive Order 56 directed the DSWD to take into **protective custody** children who are abused and to provide for their rehabilitation. It also enabled the DSWD to call upon any instrumentality of government for assistance in implementing the mandate;

(b) The *Family Courts Act of 1997 (RA 8369)* established **family courts** in the provinces and cities and gave them exclusive jurisdiction over child and family cases. Section 5 stipulates the nature of cases to be covered by the courts, which include sexual exploitation and sexual abuse of children;

(c) Article 266-B of RA 8353 (*Anti-Rape Law of 1997*) Section 2, stipulates the **penalty of death if the crime of rape** is committed with the following aggravating circumstances:

1. When the victim is a child below seven years old;
2. When the victim is under eighteen years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the 3<sup>rd</sup> civil degree;
3. When the offender knows that he is afflicted with Human Immune-Deficiency Virus (HIV) Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmitted disease and the virus is transmitted to the child victim;
4. When the rape is committed in full view of the parent, any of the siblings or other relatives within the third civil degree of consanguinity;
5. When the victim is under the custody of the police or military authorities or any law enforcement or penal institution.

(d) Republic Act 8505 (*Rape Victim Assistance and Protection Act of 1998*) mandates the establishment and operation of a **rape crisis center** in every province and city to be located in a government hospital, health clinic or any other suitable place with the DSWD as the lead agency, for the purpose of:

1. Providing psychological counseling, medical and health services including medico-legal examination of the rape victim;
2. Securing free legal assistance;
3. Assisting the rape victim in the investigation to hasten arrest of the offenders and filing of cases in court;
4. Ensuring privacy and safety of the victim;
5. Adopting and implementing a programme of psychological recovery and social reintegration of the victim; and

6. Developing and undertaking a training programme for law enforcement officers, prosecutors, lawyers, doctors, social workers and *barangay* officials in the handling of the victim.

(e) **Framework of Action Against Commercial Sexual Exploitation of Children** (2000-2004) is the country's response to the World Congress on the Commercial Sexual Exploitation of Children in 1996. It outlines the broad programme objectives and strategies in preventing and/or controlling the growth of Commercial Sexual Exploitation of Children.

293. Sexual exploitation and abuse of children, child prostitution and child pornography are considered criminal offenses and corresponding penalties are stipulated in Article III of RA 7610 **Child Prostitution and Other Sexual Abuse**; Section 6, **Attempt to Commit Prostitution**; Section 9 **Obscene Publications and Indecent Shows** as earlier stated. However, the principle of extra territoriality over cases of sexual exploitation of children committed by Filipino nationals in other countries has not been covered. Cases of alien pedophiles were dealt with through the Bureau of Immigration and Department of Foreign Affairs.

294. Special units have been established to deal with sexually abused or exploited children:

(a) The **Task Force on Child Protection** was created with the appointment of 13 state prosecutors in different parts of the country. Their sole responsibility is to prosecute cases involving children as victims. Efforts to improve the handling of cases through the justice system need to be intensified;

(b) The Philippine National Police (PNP) has established the **Women's Crisis and Child Protection Center** which places under one office police professionals involved in the treatment of children victims. This center was an offshoot of a Memorandum of Agreement jointly signed by the PNP, Philippine General Hospital (PGH) and the Advisory Board Foundation, a Washington-based NGO which is closely working with the PGH in the area of child sexual abuse treatment. Similar one-stop shop police units are being established in other locations;

(c) The **Children/Women's Desks** were established by the PNP in highly urbanized cities and municipalities, to address the rising victimization of children. There are a total of 1,570 Desks, in 98 per cent of all police stations. The Women and Children Concerns Division (WCCD) exercises supervision, monitoring, evaluation, policy direction, and the formulation of strategies and projects geared towards the effective operationalization of the Women and Children's Desk;

(d) The main NGO strategy in combating sexual exploitation of children is information and advocacy. Activities include **ECPAT**-sponsored workshops to conceptualize interventions for children at risk, roundtable discussions on RA 7610, community education in high risk areas and orientation for teachers, students and parents on the prevention and handling of cases of child sexual abuse and exploitation. **Childhope Asia Philippines'** worked on community mobilization for the prevention protection and rehabilitation of sexually abused and prostituted children. Volunteer advocates and counselors were trained to refer victims of incest, rape and prostitution for rehabilitation and protective custody.

295. Executive Order 56 mandates the **DSWD to provide full rehabilitation** and ensure the recovery and social reintegration of the child victim of sexual exploitation or abuse. The multidisciplinary programme includes appreciation of moral values, psychological and/or psychiatric treatment, education and medical treatment on the probable disease contracted or the dangers of unwanted pregnancy, and appropriate training on work skills for a decent living, and social skills in dealing with possible stigma:

(a) The Child Help Intervention and Protective Services (CHIPS) provide immediate action on cases of child sexual abuse. Funds were specifically appropriated for the **Special Project on the Psychosocial Recovery and Social Reintegration of Child Victims of Sexual Abuse and Exploitation**. A **Home for Girls** was established and several private institutions were identified in the different regions to serve as similar facilities providing shelter for girls who have been sexually abused. The Department also works closely with the Child Protection Unit (CPU) of the Philippine General Hospital, a pioneering hospital-based crisis intervention center for abused children;

(b) The CPU provides an **integrated continuum of care** for sexually abused girls, victims of incest included, and sexually exploited children. This starts with a child-sensitive forensic interview and physical examination by the doctor who is a child protection specialist. The child psychiatrist screens possible mental health sequelae of the abusive sexual experience and the social worker conducts home visits to continue the risk assessment. The care continuum organizes the multiple disciplines for the psycho-social recovery of the sexually abused/exploited child, into a unified synergistic approach for a child friendly atmosphere. It includes counseling, art therapy, or psychotherapy, educational assistance, livelihood inputs, residential care.

(c) In 1997, three **DSWD Therapy Centers** were established to respond to the psychological impact of the abuse through the application of specialized treatment approaches and techniques that would facilitate expression of the feelings and modification of the negative effects of the abuse.

296. Relevant bilateral, agreements were undertaken to foster the prevention of all forms of sexual abuse and exploitation and ensure protection of child victims:

(a) A Memorandum of Understanding (MOU) was signed between the Philippine Government and the Government of Australia for a joint action to combat child sexual abuse. Further, the Australian Government through **AUSAID**, funded a short term technical training programme in Adelaide Australia, 1999, for 18 professional social workers from the DSWD, LGU and NGOs on the prevention of child sexual abuse. The 3 weeks training was focused on **Protective Behavior** which has since been adopted in the Philippines;

(b) The **British and French Governments** assisted the Philippine National Police in conducting a course on **Child Protection and Child Abuse Treatment** in 1997-1998. A total of 150 police officers assigned in the Women's and Children's Desk were trained. The training aimed to enhance the skills of the police officers on latest interview techniques, forensic method and how to deal sensitively with the victims;

(c) The DSWD spearheaded an experts meeting on child welfare and the commercial sexual exploitation of children held in London in October 1998 as a result of the **Philippines–United Kingdom** Child Welfare Initiative in the Asia-Europe Summit Meeting (ASEM) on 2-3 April 1998;

(d) Another bilateral agreement between DSWD and Save the Children Sweden and Swedish International Development Agency (SIDA) and the Philippines concerned the provision of funding by SIDA for the conduct of capability building project to upgrade the skills of the Social Workers on Therapy Work which Memorandum of Agreement was signed on June 2000;

(e) The Philippine Government assisted in the investigation by the **Netherlands Government** of the case of Van Empel. The child witnesses, Departments of Justice and Social Welfare and Development officials were interviewed. Evidence gathered and interviews made led to the conviction of Empel.

297. Two United Nations bodies, the ESCAP, and UNICEF, provided assistance and maintained technical cooperation with the Philippines:

(a) In 1997, the **United Nations Economic and Social Commission for Asia and the Pacific** (ESCAP) implemented Commission Resolution 53/14 on the elimination of sexual abuse and exploitation of children in Asia and the Pacific. ESCAP developed a three year project with the Philippine government entitled “**Strengthening National Human Resource Development (HRD) Capabilities of Social and Health Personnel to Combat Sexual Abuse and Exploitation of Children and Youth**”. The first phase of the project yielded a research on the “Elimination of Sexual Abuse and Exploitation of Child and Youth in the Philippines while the second phase of the project was focused on capability building for social workers and health professionals in the management of sexual abuse;

(b) The **UNICEF–Government of the Philippines (GOP)** 4<sup>th</sup> and 5<sup>th</sup> Country Programmes for Children (CPC) included 20 areas with high incidence of sexual abuse and commercial sexual exploitation of children where appropriate measures will be pilot tested;

(c) Another area of technical cooperation is the Project “Children at Risk - Protection, Provision and Participation for the Implementation of the Rights of the Child” between Sweden thru Radda Barnen (Swedish Save the Children) and Board of Investment and Technical Support (BITS) and the Philippines through the Department of Social Welfare and Development. This entailed the training of a total of 25 Philippine delegates (21 Social Workers, a Judge, a Police Officer and two Prosecutors) in Sweden in 1995, on developing support and treatment programs in the work for sexually abused children and their families including the perpetrators. This was followed by the conduct of training for social workers in the Philippine by those trained in Sweden in 1996 as well as the Monitoring and Appraisal Visit of the Swedish experts to the Philippines of the same year.

298. The general principles of the best interests of the child and non-discrimination have been the paramount consideration in all actions concerning the sexual abuse or sexual exploitation of the child. These are enunciated in Article I, Section 2, **Declaration of State Policy** of RA 7610. The principle of survival and development is the main objective of the programme on

psychological recovery and social reintegration of the child. Respect for the views of the child was demonstrated in the advocacy and awareness campaigns on the situation of children victims by the children themselves.

299. Psychological recovery and social reintegration services were provided in 1996 to 2,620 victims of sexual abuse. This number represents an increase of 19 per cent from cases documented in 1995; 1,125 were girls, 14 per cent were between 2-12 years old and the rest were between 12 to 17 years old. In 1999, there were 5,622 children victims of sexual abuse and sexual exploitation or 53 per cent increase from 1996; and 353 or 7 per cent were sexually exploited; 5,269 or 93 per cent were victims of sexual abuse. Based on records of the Department of Justice and the Department of Social Welfare and Development 373 children or 7 per cent were victims of incest and 224 or 4 per cent were victims of pedophilia.

#### 4. Sale, trafficking and abduction (art. 35)

300. Article IV, Section 7 **Child Trafficking** and Section 8 **Attempt to Commit Child Trafficking** of RA 7610 stipulate the protection of children against sale, abduction and trafficking. The penalties for these acts which are considered criminal offenses are likewise prescribed:

(a) Any person who shall engage in trading and dealing of children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of **reclusion temporal** to **reclusion perpetua**. The penalty shall be imposed in its maximum period when the victim is under twelve years of age;

(b) The legislation also provides that anyone who **attempts to commit** child trafficking shall be penalized by two degrees lower than that prescribed for the consummated felony. There is attempt to commit child trafficking under the following situations:

1. When a child travels alone to a foreign country without valid reason and without clearance issued by the Department of Social Welfare and Development or a written permit from the child's parents or legal guardian;
2. When a pregnant mother executes an affidavit of consent to have her child adopted;
3. When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
4. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or
5. When a person engages in the act of looking for children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

(c) Republic Act No. 7658 prohibits the employment of children below fifteen years of age except when the child works directly under the sole responsibility of his parents or legal guardian and where a child's employment or participation in public entertainment or information is essential. This prevents indenture, slavery or bondage, or the act of the parent/guardian, because of poverty or other reasons in committing the child to another for money or other considerations, where the child is bound to work prejudicial to his/her rights;

(d) Article VII Section 21 of RA 8552 stipulates the violations and penalties for the following acts as an attempt to commit sale, abduction and trafficking of children in cases of adoption. The penalty of imprisonment ranging from six years and one day to twelve years and/or a fine not less than fifty thousand pesos (P50,000.00), but not more than two hundred thousand pesos (P200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

1. Obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;
2. Non-compliance with the procedures and safeguards provided by law for the adoption; or
3. Subjecting or exposing the child to be adopted to danger, abuse, or exploitation;
4. Any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by prison mayor in its medium period and a fine not exceeding fifty thousand pesos (P50,000.00).

301. Awareness and information campaigns were undertaken in cooperation with NGOs to prevent the sale, abduction, and trafficking of children:

(a) The Department of Tourism (DOT) in cooperation with the ILO-IPEC has successfully launched a campaign in six regions towards community ownership and responsibility on the advocacy against child labor. The initiative resulted in the attendance of relevant training programmes by stakeholders responsible in combating child trafficking. The campaign also secured commitment from tour operators to create a task force that would monitor the operations of overseas travel agencies which sell the Philippines as a haven for sex tourism;

(b) The DOT maintained continuing linkages with hotel security officers for information sharing and surveillance to identify suspected pimps and traffickers. DOJ also conducted roundtable discussions with members of the local community in some tourist destinations focusing on the ill-effects of commercial exploitation and trafficking of women and children;

(c) The Philippine Overseas Employment Administration conducted anti-illegal recruitment seminars nationwide and distributed anti-illegal recruitment materials. POEA publicized monthly travel advisories in newspapers of general circulation to include awareness

of child trafficking and abduction. The same information campaign was conducted through the job fairs.

302. To prevent and suppress the sale, trafficking and abduction of children, a national strategy was developed starting with Administrative Order 114 which directed the DSWD to screen the purpose of the travel of a child abroad and ensure that his/her best interest is protected before the issuance of a Certificate to Travel:

(a) **Anti-Illegal Recruitment Coordinating Councils** were established. The Council is an inter-agency group concerned with illegal recruitment to serve as a venue at the grassroots level for consultation and sharing of experiences as well as a surveillance mechanism to detect violations of the law;

(b) The implementation of the **National Programme Against Child Labour** (NPACL) also harnessed collective action of individuals and organizations to eliminate the abduction, sale and trafficking of children through child labour. Under this programme the **Sagip Batang Mangagawa** rescued exploited and illegally recruited children bonded in conditions of trafficking;

(c) The Trade Union Congress of the Philippines mobilized their members to monitor and report the existence of child trafficking in their respective workplaces and communities. This initiative gave birth to hundreds of volunteers called **Trade Union Child Labor Advocates (TUCLAS)**;

(d) The Employers Confederation of the Philippines (ECOP) recently launched its nationwide accreditation and recognition system of “**child friendly firms.**” Through this accreditation system, ECOP has found an instrument in persuading its member companies to articulate a pro-child policy, relative to identifying any person dealing with a child for any consideration of employment, and to engage in socially responsible corporate services for neighboring communities. ECOP will intensify promotion of the child friendly program in four industry sectors namely: tourism of garments, footwear and apparel; mining and quarrying; and furniture and handicrafts.

303. Executive Order 220: created an Executive Council to suppress trafficking in persons particularly women and children. The Executive Council initiates the formulation of policies to suppress trafficking. Coordinating and monitoring mechanisms were established by both government and NGOs to respond to issues on the sale, trafficking abduction of children:

(a) Hotlines were in place to facilitate the reporting of cases. **Bantay Bata (Child Watch)**, enabled the public including children to call telephone numbers and report cases of trafficking and exploitation. *Bantay Bata* also mobilized community groups, barangay councils and NGOs as “hotline” outreach. The radio and print media informed the public regarding the reported cases. Guidelines have been drawn for the media to observe confidentiality in dealing with the cases;

(b) The Special Committee for the Protection of Children, composed of nine government agencies and three NGOs, receives reports on a regular basis from the Task Force on **Child Protection** on the disposition of child trafficking and abduction;



(c) The **Inter-Country Adoption Board** acts as the central authority on matters relating to inter-country adoption, for the purpose of, among others, protecting the Filipino child from trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental or prejudicial to the child;

(d) The **Task Force on Illegal Recruitment**, chaired by the Philippine Overseas Employment and Administration (POEA) and composed of the DOJ, PNP and the Presidential Task Force on Anti-Organized Crime, respond to reported cases of illegal recruitment which may include trafficking and sale of children;

(e) The **Task Force on Passport Irregularities**, headed by the Department of Foreign Affairs (DFA), ensured that the passports are regulated and issued only for legitimate purposes. To further ensure the integrity of the Philippine passport and other travel documents, the DFA will implement the machine-readable visa and passport (MRVIP) system year 2001.

304. Executive Order 62: created the **Philippine Center on Transnational Crime (PCTC)** to implement a concerted programme of action of all law enforcement, intelligence and other government agencies for the prevention and control of trafficking in women and children. PCTC is likewise directed to undertake research and data-banking on trafficking. Special units to respond to the sale, trafficking and abduction of children included the following:

(a) **Women and Children's Desk** was set up in every precinct or police station in the country; manned by policewomen who were trained to be sensitive to the behavior of girls and to be able to interview and provide emotional support to the child victim;

(b) The National Bureau of Investigation established the Violence against Women and **Children Division** to investigate relevant cases; and

(c) Authority was granted to the Bureau of Immigration (BI) to issue hold departure orders for persons accused or convicted of trafficking, sale and abduction of children, pursuant to the order of the courts, in relevant cases.

305. Training of police officers, judges, and social workers to handle cases of child trafficking was conducted under the bilateral agreement with the **United Kingdom and Australia**. There is need to get those who were trained to train others.

306. To promote the physical and psychological recovery and social reintegration of child victims, the following programmes were undertaken:

(a) **Home for Girls** were established and several private institutions were identified in different regions to serve as similar facilities, providing shelter and emotional support for girls who were victims of trafficking and prepare them for return to their families and to face court litigation when indicated;

(b) The Visayan Forum Foundation, in collaboration with the Philippine Ports Authority, opened a **half-way home** in the Manila South Harbor to assist, protect women and children stranded at the ports and prevent possibility of trafficking. The half-way home

provides: (1) information to disembarking migrants about travel, employment, and in tracing support networks; (2) a 24 hour hotline assistance and reporting desk for the stranded children; and (3) temporary shelter, food, and recreation activities;

(c) Psychological recovery and social reintegration, especially for the girls involved in sexual slavery in Macau was handled by social workers who had to be trained on the job.

307. In 2000, the Philippines ratified the ILO-Convention 182 particularly relative to trafficking of children as a worst form of child labor which must be eliminated as a matter of urgency. The National Bureau of Investigation in cooperation with police authorities in Macau rescued 50 girls, aged 16-26. The girls were victims of labor recruiters and employers in Macau who used them as sex slaves serving about 20 customers a day.

308. No system of collection and exchange of information on perpetrators of the sale trafficking, and abduction is as yet available. Such data including disaggregation of information by age, gender, rural/urban location, social and ethnic origin have been included in the National Monitoring System which is under consideration for the next Report 2001-2005. To respond to the scarcity of data on the profile of children trafficked for labour and sexual exploitation, studies on the subject were conducted. In 1998, Kamalayan Development Foundation came up with a book entitled **“Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF Experience”** (Annex VIII-G). Three others were completed namely DOLE-Institute for Labor Studies’ **“Local Trafficking of the Filipino-Girl Child,”** Visayan Forum Foundation, Inc.’s **“Women, Children and Internal Trafficking for Child Labor: A Situational Analysis at the Manila Port,”** and Ateneo Human Rights Center’s **“Combating Internal Trafficking in Children in the Philippines.”**:

(a) The studies provided a baseline data on improving the measures to be taken to prevent the victimization of children included in trafficking for exploitative employment and further validated reports of abuse and exploitation in the workplaces;

(b) Relevant indicators on the extent of sale trafficking, and abduction are under study to be included in the monitoring system for CRC to be consistent with the Reporting Guidelines CRC/C/58.

#### **D. Children belonging to a minority or indigenous group**

309. Republic Act 8371, *The Indigenous Peoples Rights Act* embodies the provisions among others to ensure that a child belonging to an ethnic, religious, or linguistic minority, is not denied the right to be in community with other members of his/her group. Chapter VI, Section 9 prescribes that their culture, traditions and institutions shall be preserved and protected. The Department of Education (DepEd) in coordination with concerned NGOs has developed an alternative system of education for the children belonging to indigenous cultural communities:

(a) DepEd accredited and supported non-formal programmes of NGOs that provide a child with practical skills and crafts to propagate and develop the traditional arts, culture, and vocational skills of the indigenous cultural community to which the child belongs;

(b) Whenever practicable, the dialect or language of the community is used as the medium of instruction in school;

(c) Schools and learning centers were empowered to make decisions on what is best for the learners to ensure that the values and aspirations of the community are reflected in the programmes of education.

310. The enactment into law of the Indigenous Peoples Rights Act of 1997 (Republic Act 8371, Annex VIII-H) is an indicator to ensure that the child belonging to an ethnic or cultural group enjoys his/her culture, to practice his/her religion/beliefs and use his/her own language:

(a) Section 2 (c) and (f) R.A. 8371 stipulates that the State shall respect and protect the rights of the indigenous cultural communities (ICC) to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies, especially in the direction of education, health and other services;

(b) On the other hand, Section 30 provides that ICCs shall have equal access to various cultural opportunities through the educational system, cultural entities scholarships, grants and other incentives, without prejudice to their right to control their educational systems by providing education in their own language. Indigenous children shall have the right to all levels and forms of education of the State;

(c) Section 31 eliminates prejudice and discrimination and promotes tolerance, understanding and good relations and cultural diversity among ICCs and all segments of society;

(d) Section 33 promotes their rights to manifest practice, develop, and teach their spiritual and religious traditions, customs and ceremonies to maintain, protect and have access to their religions and cultural sites, burial sites;

(e) Section 34 ensures the right to protection of the indigenous knowledge systems and practices, their science, technologies, traditional medicines, and health practices, oral traditions, literature and performing arts for the benefit of the child.

311. In view of the nomadic life pattern of some of the indigenous cultural groups, their remote locations and proximity to areas of armed conflict, data generation and reporting procedures to reflect the situation of the children of this most disadvantaged group remains a challenge:

(a) Based on the 1995 Census of Population, children in indigenous cultural communities totaled 2,548,587, approximately 14 per cent of the total Philippine population;

(b) Data from NGOs comprising the Citizens' Disaster Response Network indicate that three out of ten families displaced by armed conflict belong to tribal communities. However no data classifying the ICCs into the ethnic, religious, or linguistic groups is available;

(c) The situation of children of indigenous groups has been among the special concerns with regard to the fulfillment by this State Party to its obligations to the Convention. Several consultations were done by the CWC and the UNICEF to assess the situation of children

in indigenous cultural communities. Results show that problems relate to poor health and nutrition, low literacy rate, child labor, children in armed conflict and non – participation in decision making processes. These concerns were addressed through the poverty alleviation programmes under the **Social Reform Agenda** for all children.

312. R.A. 8371 was the basis for a culture-sensitive ICC development strategy by all government agencies and organizations concerned. It promoted the “bottoms-up” process of how the Government should define its thrusts for the ICCs. The National Commission on Indigenous Peoples (NCIP), is the primary agency to formulate plans, programs and projects for the well-being of the Philippine Indigenous cultural communities. The chairman of the Commission or the representative of the Commission chairs the Sub-Task Force on ICC children under the Council for the Welfare of Children which focuses on converging policies, issues, and programmes for these children:

(a) A first major response to the preservation of the identity of the ICC children was the conduct of the National Indigenous Peoples Children and Youth Festival (NIPCYF) held in Sinuda, Kitaotao, Bukidnon on November 25-29, 2000. Anchored on a theme “*Sama-Samang Paglalakbay Tungo sa Pagkakaisa sa Pagtataguyod at Pagtatamasa ng Karapatan ng Kabataang Katutubo*”, the indigenous children drafted policies and proposed programmes for the protection, promotion and enjoyment of their rights as ICCs;

(b) The weeklong celebration was the result of a series of Regional and National consultations with the indigenous elders and children from December 1998 to July 2000. Sponsored by the UNICEF and Children and Youth Foundation of the Philippines (CYFP), the festival was participated in by 412 ICCs indigenous people of which 362 are children and youth coming from the different provinces of Luzon, Visayas and Mindanao. Other coordinating agencies to the NIPCYF were the National Confederation of Indigenous Peoples in the Philippines (NCIPP), Katutubong Samahan ng Pilipinas, (KASAPI), Episcopal Commission on Indigenous Peoples-National Secretariat (ECIP-NS), Assisi Development Foundation, Tabang Mindanaw, Council for the Welfare of Children, Sentro Para sa Ganap na Pamayanan, Inc. and the National Commission on Indigenous Peoples (NCIP).

313. Article IX of R.A. 7610 Special Protection of Children stipulates under Section 17 that ICC children shall be entitled to protection, survival , and development consistent with the customs and traditions of their respective communities:

(a) Section 18 prescribes that the Department of Education shall institute an alternative system of education for ICC children which is culture-specific and relevant to the existing situations of their communities. The DepEd accredited and supported non-formal but functional indigenous education conducted by NGOs;

(b) Sections 19 and 20 ensure that ICC children shall not be subjected to any form of discrimination in the provision of health and nutrition services. Indigenous health practices shall be respected. Any person who discriminates against ICC children shall suffer a penalty of *arresto mayor* in its maximum period and a fine of not less than P5,000 and not more than 10,000. The Third Elementary Education Programme and the Multigrade Teaching Programme focused special attention to the remote rural communities, especially where ICC

children live. The indigenous communities in the Cordillera Administrative Region and in the Autonomous Region of Muslim Mindanao were among the beneficiaries of these educational programmes;

(c) To prevent any form of discrimination, combat prejudice, and ensure equal opportunities for all ethnic groups, the Bureau of Elementary Education of the Department of Education undertook a project on the indigenization of the curriculum at the elementary level. The project is multicultural/multi-ethnic. It integrates the culture of the different ethnic groups in the Philippines across subject areas to provide balance between knowledge and practice as well as knowledge and application to life. The process involves the utilization of available indigenous materials to supplement the existing basic text used in elementary schools. Reading materials were also prepared in the ethnic languages or dialects;

(d) In response to the peculiar needs of different ethnic groups, the Bureau of Secondary Education pursued the project entitled "Indigenization of the Curriculum". The project aims to make the curriculum responsive to the needs of the children at secondary level in various locations in the community by accommodating, accepting and studying the accepted facts, concepts, principles and theories against the broad background of the different culture/subcultures of the ICCs;

(e) UNICEF-assisted Area Based Child Survival and Development Programmes include ICC children. Health and nutrition programmes, early childhood development and basic education programmes are among the priorities in these UNICEF-assisted provinces. However, many more children of indigenous communities need to be reached;

(f) NGOs have likewise established special schools to preserve cultural heritage like the Islamic Studies in Notre Dame School;

(g) Special focus was directed to the needs of the Aeta children, belonging to the Aeta families displaced by the eruption of Mount Pinatubo in 1990. NGOs like the Citizens Disaster and Rehabilitation Centre, the Philippine Rural Reconstruction Movement were provided with funds by international donor agencies not only to conduct relief operations but also support indigenous health and educational programmes. As of 1999 only a few NGOs remained in the resettlement areas where the Aeta children live, i.e. World Vision, Sta. Monica Social Action Centre, Community of Learners Foundation, LAKAS. Much remains to be done to improve and sustain the delivery of basic social services to the Aeta families. There is also a need to assess the approaches to education through the public schools and early childhood education programmes, to ensure that they are truly respectful of the culture of the Aetas;

(h) Another ethnic group that has been receiving considerable attention is the Badjao. DSWD undertook a pilot project named Social Integration for Indigenous Groups (SINING) to empower these ICCs to rediscover and strengthen their indigenous knowledge, systems and practices suitable for the management of development projects. This was pilot tested at the Badjao community of Malamawi Island, Isabela, Province of Basilan. The project includes ethnographic research.

314. To help address the issues of the ICCs regarding their economic, social, political and cultural development, the Office of Northern Cultural Communities (ONCC) and the Office of Southern Cultural Communities (OSCC) were established to formulate plans, programs and projects for the ICCs of the Regions concerned.

315. Disaggregated data, like for all other rights, are not available but the proposed National Monitoring System has taken indicators for the rights of children belonging to indigenous cultural communities into consideration. The following data are indicative of the situation of some ICCs referred to:

(a) The Department of Education, through the UNICEF-assisted Multigrade Demonstration School Project from 1996-97 has served 1,506 indigenous children from Ifugao, Benguet, the Manobos in Agusan who were enrolled in multigrade demonstration schools. A total of 46 teachers from these indigenous communities were also trained. The needs of the Aeta children, belonging to the more than 2,500 Aeta families who were displaced by the eruption of Mount Pinatubo were attended to by DSWD;

(b) However, much remains to be done to improve and sustain the delivery of basic social services to the Aeta families. There is also a need to assess the approaches to the delivery to ensure that they are truly respectful of the culture of the Aetas. Sustaining these programmes is a major concern since many NGOs discontinued their work with the Aetas who have been dislocated by the eruption of Mount Pinatubo after the projects ended in 1995;

(c) With the completion of the ethnographic research in partnership with the University of the Philippines Department of Anthropology, specific needs were identified and a profile was drafted. The DSWD is in the process of developing a needs assessment indicators instrument using ethnographic techniques to identify the needs of children and their families;

(d) The disaggregation of data on the age, gender, language, religion, ethnic origin of the children will be given priority through the operationalization of R.A. 8371 The Indigenous Peoples Rights Act of 1997.

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