



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.1029
26 May 2005

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

SUMMARY RECORD OF THE 1029th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 18 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Philippines

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.05-41915 (E) 230505 260505

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Second periodic report of Philippines (CRC/C/65/Add.31; HRI/CORE/1/Add.37; CRC/C/Q/PHL/2; CRC/C/RESP/84)

1. At the invitation of the Chairperson, Ms. Caraballo, Ms. Domingo, Mr. Gonzaga, Ms. Hidalgo, Ms. Laigo, Ms. Mahilum-West, Mr. Manalo, Ms. Serna, Mr. Villaverde and Ms. Yangco (Philippines) took places at the Committee table.
2. Mr. ZERMATTEN wished to know what measures the Government planned to take to expedite the processing of cases by the courts. The delegation should indicate what proportion of regional trial judges acted as family court judges, since it was important for the latter to receive training in order to try juvenile cases. He wondered whether cooperation among judges, lawyers, law enforcement officials and social workers had been encouraged.
3. He enquired whether any measures had been taken to improve detention conditions for minors, in particular to ensure that minors were separated from adults and that adolescent girls were separated from boys and men. The delegation should explain the practice of isolating juvenile detainees. He asked what measures the Government planned to take in order to ensure that the Department of Social Welfare and Development took rapid and systematic action on behalf of juvenile detainees.
4. He requested an explanation of the procedure for posting bail in the Philippines. He was concerned that bail that was set too high prolonged the detention of juvenile delinquents. He asked what measures had been taken to determine the exact age of juvenile offenders. He wondered whether the Government had considered requesting minors to present a copy of their birth certificate. The delegation should explain the reasons for the high level of juvenile delinquency in the Philippines and describe what measures were being taken to address the problem. It was not clear why deprivation of liberty was used more frequently for juvenile offenders than other types of punishment.
5. Ms. KHATTAB asked what steps the Government was taking to protect young persons from pornographic material and harmful information available on the Internet. She wished to know how the Government protected the rights of pre-school children who accompanied their mothers in prison.
6. She commended the action taken by the Supreme Court of the Philippines to recognize intergenerational equity and the right of children to a healthy environment. She wished to know what steps the Government was taking to protect children from the harmful effects of pollution.
7. Ms. SMITH said that the delegation should comment on the availability of free legal aid for juvenile delinquents, particularly during pre-trial detention. She wished to know what the outcome had been of the Philippine Sports Commission's plans for 2001-2005. The Government should devote more resources to building playgrounds and sports facilities for children and adolescents, particularly in poorer districts.

8. Mr. POLLAR wished to know whether the Philippines had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. If 24 per cent of children rescued from armed conflict had received psychiatric care, he wondered what had become of the remaining children. He requested additional information on the enlistment and participation of children in the Citizen Armed Force Geographical Units; the delegation should provide information on the number, ages and socio-economic backgrounds of the boys and girls concerned. He asked how many children had been demobilized from the Units, how many had been sent back to school, and what the ages of those children were.
9. The delegation should indicate whether any administrative measures had been established to prevent the recruitment of children under age 15. He would appreciate disaggregated data on the beneficiaries of the “corridors of peace” and “days of tranquillity” policy. He urged the Government to take action against the armed rebel groups that had recruited large numbers of children under age 15, which was considered a war crime under the Rome Statute of the International Criminal Court. Bringing the perpetrators to justice would go a long way towards protecting and promoting the rights of children.
10. Ms. ALUOCH said that, with regard to the sharing of parental responsibility, Philippine legislation discriminated against women. She asked how many fathers had completed the programme to enhance the role of fathers in child-rearing and what results had been achieved. She was concerned that no limit had been placed on the amount of time pre-school children could remain with their mothers when the latter were detained or imprisoned.
11. Mr. SIDDIQUI asked why fewer girls had been immunized than boys. The delegation should comment on the influence of the Roman Catholic Church on the practices of family planning and divorce in the Philippines.
12. Ms. LAIGO (Philippines) said that the Philippines had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
13. Ms. DOMINGO (Philippines) said that, although Philippine legislation prohibited corporal punishment, parents continued to use it.
14. The CHAIRPERSON wished to know whether the Government was conducting awareness-raising campaigns in order to discourage the use of corporal punishment.
15. Ms. DOMINGO (Philippines) said that the Government had conducted a number of workshops with a view to informing the public that stricter penalties would be imposed on persons who engaged in corporal punishment. With the exception of newborn babies, children were not allowed to stay with their mothers in prison. Newborn babies could stay with their mothers for one year, after which the Department of Social Welfare and Development intervened to provide alternative care for the child. Other children not born in prison also received alternative care, such as placement with relatives during their mother’s incarceration.
16. Delays in resolving cases were due mainly to the shortage of judges and prosecutors. The Department of Justice and the Supreme Court intended to fill the many vacancies for prosecutors and judges in order to expedite the processing of pending cases. Although there were some 97 family courts throughout the Philippines, the goal of providing at least one family

court for every city and province had still not been met. Training seminars for judges, prosecutors and public attorneys were conducted by various judicial academies on an ongoing basis.

17. There were no separate compounds for juvenile delinquents; however, delinquents between the ages of 18 and 21 were held in separate facilities within a medium-security compound. At the juvenile training centre, juvenile offenders were taught skills that would prepare them for their eventual reintegration in society. Juvenile delinquents deprived of their liberty were registered and their emotional, intellectual and physical states were evaluated in order to enable the Department of Social Welfare and Development to decide whether or not to petition the court to take custody of the minor.

18. The CHAIRPERSON asked whether the Government had considered using separate wings in adult facilities to accommodate juvenile delinquents.

19. Ms. DOMINGO (Philippines) said that the Government recognized that its current laws on pornography were inadequate to protect children's rights, and several bills concerning pornography were currently before the House of Representatives and the Congress.

20. The Public Attorney's Office was responsible for providing legal aid to those who needed it. However, since there were only 1,200 public attorneys for over 2,000 courts, it was difficult to ensure that all persons eligible for legal aid received it.

21. The Government did not recruit child soldiers, and it had taken steps to prevent other groups from recruiting children to participate in armed conflict. Data on child victims of armed conflict were available from the Citizen Armed Force Geographical Units. The Secretary of Justice had issued a directive to all prosecutors instructing them to make an immediate assessment, when presented with a child who had been involved in armed conflict, of whether there was probable cause to take the child into custody. If there was, the relevant information should be filed with the court immediately and the Public Attorney's Office should petition the court to release the child to his or her parents or relatives, or the Department of Social Welfare and Development. Public attorneys had been instructed not to object to such petitions, since the Government regarded children who had been involved in armed conflict as victims, not offenders. The Department of Labour and Employment had launched a programme to provide educational support for Muslim children who had been victims of armed conflict.

22. Mr. FILALI asked whether the instruction to public attorneys not to prosecute children who had been involved in armed conflict applied to all such children, regardless of their actions. It was unclear whether victims who recognized children who had perpetrated criminal acts against them had also been instructed to drop all charges and cooperate with the amnesty for child soldiers.

23. Ms. DOMINGO (Philippines) said that, if there was probable cause to prosecute a child, such information was filed with the courts.

24. Under the Family Code, parents had joint responsibility for their children. If parents were unable to agree, the father's opinion would prevail. In order to protect the best interests of the child, mediation was used extensively before spouses went to court to resolve a dispute.

25. Legislative measures had been taken to deal with the problem of forged birth certificates. Several acts had been passed that made it more difficult for people to pose as a child's biological parents in order to put the child up for adoption. Under Philippine legislation, forging birth certificates was a criminal act.

26. Ms. YANGCO (Philippines) said that most women who went abroad to work left their mothers or sisters in charge of their families. Legal guardianship proceedings were undertaken to ensure that children whose mothers worked overseas received proper care. The Solo Parents Act, which applied to families in which one parent lived abroad, gave the parent in the Philippines access to support services. Under the International Social Service network, the Department of Social Welfare and Development cooperated with social service departments overseas, and sent social workers to countries where there was a significant population of Philippine workers. The interests of workers and their families living overseas, and the links between families in the Philippines and parents living abroad, were therefore safeguarded.

27. The Department of Social Welfare and Development had established the Bantay Bata (Childwatch) initiative with several non-governmental organizations (NGOs). That partnership had set up a dedicated telephone line to receive calls regarding child abuse and neglect. Police stations had been equipped with special desks to handle enquiries about women's and children's issues.

28. Community-based rehabilitation programmes were used to reach children with disabilities who lived in remote areas. A number of measures, including a school feeding programme, had been taken to prevent malnutrition. Initial reports from the National Capital Region had indicated that the dropout rate among children in first and second grades had fallen, and that the weight of children in those grades had increased.

29. Congress was currently considering a bill in which it was proposed that foster care should be managed by an NGO and that foster parents should receive subsidies.

30. Police, social workers and other professionals in the juvenile justice system participated in training sessions to encourage dialogue, clarify their roles and define their responsibilities. Social workers conducted regular visits to juveniles in detention facilities.

31. Legislation prohibiting the employment of children in the tobacco industry had been adopted. The Clean Air Act protected the environment for everyone, including children.

32. Mr. VILLAVERDE (Philippines) said that the Government's main concern regarding children with disabilities was the lack of data on the extent of the disabilities. The most common conditions among such children were cerebral palsy, Down's syndrome, blindness and deafness. Since, in most cases, only minimal medical interventions were possible, children with disabilities received the same health package as other children. The integrated child health package provided immunizations, micronutrient supplementation, dental care and prevention and control of infectious diseases. Legislation had been adopted to introduce screening of newborn babies to test for congenital disorders that could lead to disabilities. A programme was being developed to extend the screening programme. In the light of the decreasing number of mothers who breastfed their babies, the Senate was reviewing legislation on breastfeeding.

33. While the maternal mortality rate in the Philippines had decreased over the past three decades, it had declined even further in other Asian countries. The Government planned to reformulate its policy to ensure that the maternal mortality rate continued to drop in the Philippines.
34. It was true that more girls than boys were immunized. Statistics from field reports had shown that the same was true for most other health-care parameters. There was no particular explanation for that trend. He could not explain why more boys than girls were born in the Philippines. In the Philippines girls were not aborted and infanticide was not practised; moreover, there was no cultural bias in favour of boys.
35. The Department of Health had provided training for traditional birth attendants, and had encouraged women to give birth in accredited health facilities.
36. While coverage of safe drinking water and sanitation had increased, remote indigenous populations remained deprived of such services. The Government was determined to reach all areas of the country.
37. The Health Sector Reform Agenda had consolidated several strategies into a comprehensive programme designed to improve the health system for all. The Agenda focused on mechanisms for financing and sustaining the health system. Most health-care provisions had been decentralized to local government level. Most State-run hospitals currently had 100 per cent income retention, which had improved the physical infrastructure of hospitals and their capacity to acquire technical equipment. Reports that fees were being charged to indigent patients would be investigated and remedial action would be taken to ensure that the most vulnerable social groups had access to health care. Enrolment in the social health insurance system currently stood at about 70 per cent of the population; the target was 85 per cent. The inclusion of the indigent population in the system would require cooperation between national and local governments and the private sector and civil society.
38. Most public health programmes were funded by budgetary allocations. The programmes were designed to increase the financial autonomy of hospitals, decentralize health services and ensure long-term funding for public health-care initiatives.
39. The CHAIRPERSON asked the delegation to comment on the high number of abortions.
40. Mr. LIWSKI asked how the Government intended to finance the implementation of the new laws in the health sector.
41. Ms. SMITH asked why counselling on reproductive health was not being provided.
42. Ms. LAIGO (Philippines) said that the Roman Catholic Church exerted a very strong influence on society since over 80 per cent of the population was Roman Catholic. Although the Government did not have a clear-cut policy on family planning, the President had recently issued a policy statement recommending birth spacing from three to five years. He had also recommended that couples receive information on family planning.
43. A major concern of the reforms in the health sector was to ensure funding for health-care programmes. Although, budget allocations for such programmes had increased in the 1990s,

they had dropped over the past three years. The Government was currently taking steps to increase investment in health care, provide better and more efficient health services, focus on preventive health care and ensure better distribution of resources.

44. Ms. HIDALGO (Philippines) said that measures were being taken to address the needs of children between the ages of 12 and 15 who had dropped out of school. For example, 500 special schools had been set up for such children, mostly in remote areas, conflict zones and areas with large indigenous populations. Under the Alternative Learning System, various programmes were organized at all levels of education for persons who were unable to receive a formal education. Persons wishing to undertake distance learning were supplied with the necessary educational materials. The Education and Livelihood Skills Alliance had been launched in an effort to create school and community-based learning and employment for dropouts. Programmes were evaluated on the basis of special qualitative indicators and by testing students to determine their academic level. The Government was currently taking measures to address the problem of the lack of educational materials and to provide intensive training for teachers.

45. With a view to facilitating access to education and achieving universal school attendance, the Government was decentralizing the school system and setting up local government school boards composed of government officials, members of civil society, students, parents and other interested parties.

46. Some 300 technical and vocational schools existed in the public secondary school system. Their transferral to the Technical Education and Skills Development Authority had been partially completed.

47. Mr. KRAPPMANN asked whether private school curricula were controlled by the State.

48. Ms. HIDALGO (Philippines) said that the Department of Education was responsible for the accreditation of private schools, which generally followed national curricula guidelines.

49. Ms. KHATTAB asked whether Muslim children were afforded special protection in the context of measures to prevent terrorism.

50. Ms. YANGCO (Philippines) said that populations living in areas affected by the violent clashes between government forces and the Moro Islamic Liberation Front were relocated to evacuation centres operated by local government authorities. The children were enrolled in local schools in order to ensure that their education was not interrupted.

51. Ms. LAIGO (Philippines) said that the Philippine Commission on Human Rights had established child rights centres. Efforts were being made to strengthen those centres at the regional level. The lack of recreational and leisure facilities would be addressed more systematically.

52. The CHAIRPERSON asked whether the reporting State had considered extending the National Plan of Action 2000-2005 for the implementation of the Child 21 initiative or whether it would adopt a new plan. He would welcome additional information on child abuse prevention programmes and the practical implementation of juvenile justice legislation. In that connection,

he wished to know the reason for the unusually low number of juvenile offenders. The delegation should provide information on the length of pre-trial detention and the operation of the juvenile probation system.

53. Ms. ORTIZ asked whether the use of children in the pornography industry was a crime under Philippine legislation. The delegation should explain the reasons for the high number of street children and indicate what measures had been taken to address that problem.

54. Ms. LAIGO (Philippines) said that diversion programmes at the local level accounted for the low number of juvenile offenders in detention.

55. Ms. DOMINGO (Philippines) said that the recently adopted juvenile probation system was based on the principle of restorative justice; consequently, imprisonment was considered a last resort. Eligibility criteria for probation included the length of the term of imprisonment for the crime committed. Persons sentenced to life imprisonment or capital punishment were not eligible for probation. An individualized probation programme was designed for eligible applicants; the programme took account of the nature of the offence committed and the personal circumstances of the offender. The Child and Welfare Code provided for the referral of juvenile offenders to the Department of Social Welfare and Development as an alternative to detention. The maximum length of non-custodial pre-trial detention was 36 hours.

56. She said that following their arrest and prior to their trial juvenile offenders were placed in the custody of the Department of Social Welfare and Development or parents or legal guardians. Special detention centres existed for street children whose parents could not be found.

57. Ms. YANGCO (Philippines) said that most of the estimated 100,000 street children continued to live with their families; the street merely served as a playground for want of adequate recreational or leisure facilities. The United Nations Children's Fund (UNICEF) and NGOs operated a number of programmes to address the problem of street children, including parental guidance and counselling. A large number of trained peer educators also worked with street children.

58. Mr. FILALI asked the delegation to comment on reports of targeted killings of street children and on measures that had been taken to protect them. He requested information on the extent of corruption and on measures to combat that practice.

59. Ms. LAIGO (Philippines) said that a growing number of young children were involved in criminal activities, and greater efforts would be made to address that problem. Targeted killings of street children were isolated incidents.

60. The Government had established a special institution to fight corruption. As a result, a large number of individuals had been indicted for corruption.

61. The Child 21 framework plan covered the period from 2000 to 2025; the Government had recently adopted the National Plan of Action 2005-2010. In particular, the infant mortality rate and malnutrition had decreased. Under the National Early Childhood Development Programme, the establishment of additional day-care centres and pre-schools was a priority.

62. Ms. ORTIZ asked whether the Government provided services for street children in need of assistance or special protection.

63. Ms. YANGCO (Philippines) said that each police station had a women and children's desk. At the local level, social workers and the Council for the Protection of Children were responsible for providing assistance to children in need. In cooperation with UNICEF, task forces for street children had been established in 22 cities.

64. Mr. KOTRANE asked whether Philippine legislation provided for the protection of children from sexual exploitation other than prostitution.

65. Ms. DOMINGO (Philippines) said that legislation protected children from all forms of abuse, not only sexual abuse.

66. Mr. SIDDIQUI asked whether there were drop-in centres for street children.

67. Ms. LAIGO (Philippines) said that NGOs ran drop-in centres in the cities.

68. Mr. KOTRANE, Country Rapporteur, said that the Committee welcomed the progress made by the Philippines in implementing the Convention. Increased emphasis should be placed on regions and vulnerable groups that had not yet benefited from measures to protect and ensure the welfare of children. The Government needed to harmonize its legislation on children born out of wedlock, children of migrant families, children in armed conflict, child victims of violence and children in conflict with the law, with the provisions of the Convention.

69. Mr. MANALO (Philippines) said that his Government would endeavour to improve the situation of all children in the Philippines.

The meeting rose at 5.45 p.m.