



# Convention on the Rights of the Child

Distr.: General  
28 February 2020

Original: English  
English, French and Spanish only

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Committee on the Rights of the Child

## Combined fifth and sixth periodic reports submitted by the Philippines under article 44 of the Convention, due in 2017<sup>\*</sup>, <sup>\*\*</sup>, <sup>\*\*\*</sup>


[Date received: 1 March 2019]

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- \* Reissued for technical reasons on 2 March 2020; previously issued under the symbol CRC/C/PHP/5-6.
  - \*\* The present document is being issued without formal editing.
  - \*\*\* The annexes to the present report may be accessed from the web page of the Committee.

GE.20-03099(E)



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## Introduction

1. This report consolidates the 5th and 6th periodic submissions<sup>1</sup> of the Philippines relative to the implementation of the United Nations Convention on the Rights of the Child (CRC), which it ratified on 21 August 1990.

2. The State's Council for the Welfare of Children (CWC) spearheaded the preparation of this combined report pursuant to Administrative Order No. 163, series of 2006. Attached to the Department of Social Welfare and Development (DSWD) by virtue of Executive Order No. 233 signed in 1987, the CWC is mandated to coordinate the implementation and enforcement of all laws, formulate, monitor and evaluate policies, programs and measures for children.

3. The report went through a participatory formulation process. The State, through the CWC, held a series of consultations with government and non-government stakeholders prior to its finalization by the Presidential Human Rights Committee Secretariat (PHRCS) and the Department of Foreign Affairs (DFA). The PHRCS is the CWC's main partner-agency in this undertaking, with the former exercising its mandate to ensure the Executive department's overall compliance with its human rights obligations, and acting as the primary advisory body to the President in effectively addressing all human rights concerns in the country. Among PHRCS' main functions include formulating the National Human Rights Action Plan in accordance with international human rights treaty obligations and adopting a "rights-based approach" in the formulation of the plan; assisting victims of human rights violations and their families; assessing and monitoring all aspects of the human rights situation; ensuring strict adherence by the government to all its obligations under international human rights instruments where the Philippines is a party; and coordinating compliance with human rights instruments, lead agencies and working groups for each international human rights treaty to which the Philippines is a party.<sup>2</sup>

4. The State values the protection and promotion of human rights<sup>3</sup> as a matter of policy accorded by its legal framework, the 1987 Philippine Constitution and all applicable laws and regulations.

5. At the time of drafting the report, the State has commenced the implementation of a long-term vision embodied in the Philippine Development Plan 2017–2022 (PDP). For the next 25 years, the country's development will be guided by "*Ambisyon Natin 2040*" a vision that will encapsulate the Filipinos' aspirations for their personal life and their country by 2040. Earlier in 2016, the National Economic and Development Authority (NEDA) commissioned a nationwide study on the aspirations, values and principles of Filipinos that revealed that 79 per cent aspire for a "simple and comfortable life." This meant owning a medium-sized home, having the capacity to provide college education for their children, earning enough to support everyday needs, owning at least one car/vehicle, and going on local trips for vacation. More specifically, securing a full education for all children was shown to be a universal desire regardless of economic status, region, urban dwelling, or sector.<sup>4</sup>

6. In recent years, the State has made significant strides on the Millennium Development Goals (MDG), through multi-sectoral engagement and institutional collaboration.<sup>5</sup> The State ranked high on MDG indicators of children's well-being, as follows: (a) infant and under-5 mortality; (b) ratio of literate females to males 15–24 years old; (c) ratio of girls to boys in primary education and participation rates. On one hand, the State achieved medium level of success on the following: (a) primary completion rate; (b) proportion of births attended by skilled health personnel; and (c) proportion of 1-year-old children immunized against measles.

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<sup>1</sup> Covering the period September 2009 to September 2017.

<sup>2</sup> Administrative Order No. 163 (2006). This strengthens and increases the membership of the Presidential Human Rights Committee.

<sup>3</sup> More information on the Philippines is found in Annex 1.

<sup>4</sup> National Economic Development Authority, *The Filipino: Public Consultations: Discussions with the Filipino Youth* (2017).

<sup>5</sup> The Philippine MDG Achievements as of 2016 are listed in Annex 2.

7. The State has adopted the new global framework dubbed the “2030 Agenda for Sustainable Development” that is focused on 17 Sustainable Development Goals (SDG) covering economic and social development, and environmental protection. These SDGs have been integrated in the PDP and in sectoral development plans, even as government and non-government organizations (NGOs) have designed appropriate SDG success indicators.

8. The State’s Congress, in its House of Representatives, has a special committee on the SDGs. This committee has jurisdiction over “all matters directly and principally relating to the achievement of the country’s commitment to the MDGs by 2015 including eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS), malaria and other diseases, ensuring environmental sustainability and developing global partnership for development.”<sup>6</sup>

## **General measures of implementation**

### **Legislation**

9. During the reporting period, the State enacted 29 laws that relate to child rights protection<sup>7</sup>: 13 laws on child protection (i.e., cybercrime, anti-pornography, anti-torture, juvenile justice, trafficking, and foster care); 9 laws on education and sports (i.e., basic and early education, scholarships, science and technology); 4 laws on health (i.e., immunization, breastfeeding, and reproductive health); 2 laws on youth involvement; and 1 law on the civil status of children.

10. The State’s Congress created new committees principally concerning child rights protection, namely the (a) Committee on Children in the House of Representatives; and the (b) Committee on Women, Children, Family Relations and Gender Equality in the Senate.

11. The State’s current legislative agenda include the following: (a) strengthening of the CWC; (b) prohibiting corporal punishment and promoting positive and non-violent discipline; (c) increasing the age of statutory rape and acts of sexual abuse; (d) protecting children in situations of armed conflict; (e) protecting children with disabilities; (f) removing discrimination against children born out of wedlock; (g) giving importance to the first 1000 days of a child’s life; and, (h) implementing civil registration and determining vital statistics.<sup>8</sup>

### **Coordination**

12. The CWC, as the focal agency for children’s protection, welfare and development of the State, has sustained coordinative relationship with the PHRCS and other human rights bodies in the promotion, protection and fulfilment of child rights. The PHRCS is an active member of different working groups and committees on child rights promotion and protection.

13. The State has increased the budget for child protection in the past years, with the CWC receiving P38.3 million in 2015; P48.46 million in 2016; and P54.42 million in 2017. The Regional Committees/Sub-Committees for the Welfare of Children (RC/SCWC) were also given additional budget for administrative support staff in at least 6 regions in 2015. While it has no regional offices, the CWC hired technical staff, which acts as the RC/SCWC Secretariat and assists the RC/SCWC perform its functions, most importantly in the implementation of its planned activities.

14. The State has likewise made efforts to mainstream child rights into local development planning and programming for children otherwise known as the “four gifts or legacies on children”, namely: (a) Local Development Plan for Children (LDPC); (b) Local

<sup>6</sup> Section 33(h), Rule IX of the Rules of the House of Representatives.

<sup>7</sup> For new legislation and their highlights, see Annex 3.

<sup>8</sup> See the Council for the Welfare of Children’s (CWC) Agenda in the 17th Congress in Annex 4.

Investment Plan for Children (LIPC); (c) Local Code for Children (LCC); and (d) Local State of Children Report (LSCR).

15. In 2016, the number of established Local Councils for the Protection of Children (LCPC)<sup>9</sup> ranged from 59% to 82%, with cities having the most number of LCPCs. Since September 2009: (a) 57 functional LCPCs in 107 provinces or highly-urbanized cities; (b) 55 functional LCPCs in 87 component cities and independent component cities; (c) 718 functional LCPCs in 1,397 municipalities, and (d) 16,041 functional LCPCs in 39,535 barangays have been established.<sup>10</sup> The LCPCs continue to play the important role of establishing a healthy and protective environment for children. Furthermore, the LCPCs are in charge in the implementation of the National Strategic Framework for Plan Development for Children in the local level.<sup>11</sup>

16. The National Strategy Towards More Effective LCPCs, adopted in 2014, has realized the following measures: (a) establishment of the LCPC Consortium to widen the sharing of resources and to synchronize activities and avoid overlaps; (b) mandatory audit for the Seal of Child-Friendly Local Governance; (c) introduction of the Communities of Practice on Child-Friendly Local Governance.

17. In 2012, the State adopted a mechanism called the Convergence of Councils and Committees on Children or “Four Cs,” composed of 10 councils and/or committees, which serves as a venue to discuss issues on children and a platform for collaboration and cooperation among agencies and organizations in charge of child protection.<sup>12</sup>

### **National Plan of Action**

18. The State implements a 5-year National Plan of Action for Children (NPAC) with the main objective of narrowing the gap between the present situation of Filipino children and the vision the State has for them by 2025, as articulated in the Philippine National Strategic Framework for Plan Development for Children 2000–2025. Also known as Child 21, it provides a framework and roadmap for child protection and development designed to guide and rationalize all efforts for children in the Philippines. Furthermore, the NPAC seeks to incorporate the goals and targets of Child 21 with the MDGs and the United Nations Declaration entitled “A World Fit for Children”.

19. In 2016, the State’s implementation of the 2nd NPAC for the period 2011–2016<sup>13</sup> was concluded with significant achievements such as improvements in child-health, nutrition and education with poverty incidence reduction from 35.2 per cent in 2011 to 31.4 per cent in 2015; implementation of 97.5 per cent of 80 programs and projects; passage of 28 child-focused and child-related laws;<sup>14</sup> embodiment of policy measures on children in sector-specific plans, such as the Food Staples Sufficiency Program, and the Infant and Young Child Feeding Strategic Plan, 2011–2016; a comprehensive national juvenile intervention framework; institutionalization of child protection policies in national government agencies; increase in budgets and investments for children in the social services sector, which had the largest allocation among all sectors with a 37 per cent share of the national budget in 2015; launch of a mandatory audit of local government units termed as Child-Friendly Local Governance Audit by the Department of the Interior and Local Government (DILG) and CWC in 2014; and cash grants and livelihood assistance provided through the “*Pantawid Pamilyang Pilipino Program*” or the Conditional Cash Transfer Program, and the Integrated Livelihood Program of the Department of Labor and Employment (DOLE).

<sup>9</sup> For the mandate of the LCPC, see Presidential Decree 603, Article 87 in Annex 5.

<sup>10</sup> UNICEF. The Filipino Child, *available* at: [https://www.unicef.org/philippines/brief07\\_fnl.pdf](https://www.unicef.org/philippines/brief07_fnl.pdf).

<sup>11</sup> UNICEF. Strengthening Child Protection Systems in the Philippines Child Protection in Emergencies, *available* at: ([https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/strengthening\\_child\\_protection\\_systems\\_in\\_the\\_philippines\\_haiyan\\_0.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/strengthening_child_protection_systems_in_the_philippines_haiyan_0.pdf)).

<sup>12</sup> The list of the members of the 4Cs are found in Annex 6.

<sup>13</sup> The Final Report of the 2nd NPAC is found in Annex 7.

<sup>14</sup> New legislation and highlights can be found in Annex 3.

20. It is also noteworthy to mention that the State has already completed its 3rd NPAC in 2017<sup>15</sup>. The NPAC is a medium-term plan of action for children that lays the foundation and defines the key outcomes in achieving the SDGs by 2030. It includes the Philippine Plan of Action to End Violence Against Children (PPAeVAC) and the National Response Plan Against Child Pornography, among others. The 3rd NPAC is aligned with the advocacy and program framework entitled “Child Friendly Philippines: A Caring and Protective Society for and by Children” that mandates the creation of a recognition and audit system for local government units that exhibit positive results with programs targeted at ensuring children’s well-being. Local government units may qualify for an award system by the national government, called the Presidential Award for Child-Friendly Municipalities and Cities while the program audit is designed to enhance the delivery of social services for children.

21. Among the goals of the 3rd NPAC include:

(a) Reduction of child poverty incidence from 31.4 percent in 2015 to 20.35 percent by 2022;

(b) Increase in birth registration to 95 percent in 2022 from 87.4 percent in 2011;

(c) Reduction in all forms of malnutrition by 2022;

(d) For children under 5 years of age, stunting is reduced to 21.4 percent from 33.4 percent in 2015;

(e) Wasting is reduced to <5 percent from 7.1 percent in 2015;

(f) Prevalence of overweight for the same age group is reduced to <3.9 percent from 3.9 percent in 2015;

(g) It also aims to address the nutritional needs of adolescent girls, pregnant and lactating women; reduce new-born mortality rate; lessen child labor in all its forms; and reduce all forms of violence/exploitation of children, among others.

### **Independent Monitoring**

22. The 1987 Constitution established the Commission on Human Rights of the Philippines (CHRP), an independent national human rights institution that monitors the Philippine government’s compliance with international treaty obligations on human rights.

23. The State has strengthened the capacity of the CHRP by increasing its budget for operations. From 2012–2017, the CHRP’s budget grew by 165 per cent. For 2017 alone, the State almost doubled the CHRP’s budget to P724.9 million from its budget of P439 million in 2016.

### **Allocation of Resources<sup>16</sup>**

24. Data from the General Appropriations Acts from 2010–2016 and the National Expenditure Program for 2017 show a significant increase in total allocation for child-related budget at the national level, from P196.26 billion in 2010 to P684.05 billion by 2017. This translates to an average of 20 percent per annum increase of allocation for child-targeted programs.

25. The State, through the Department of Education (DepEd), has consistently received the largest share of the annual budget for children, specifically for their basic education, registering an annual average increase of 19.23 percent in budget between 2010–2017. A notable budgetary increase was observed in 2013 as part of the preparation and actual implementation of the K-12 program, which added two more years of basic education, beginning school year 2016–2017.

<sup>15</sup> The Executive Summary of the 3rd NPAC is found in Annex 8.

<sup>16</sup> See Annex 9 for Budget Allocation Charts and Tables. *See also* Social Watch Philippines and Save the Children Philippines, Budget for Real Change: Alternative Budget Fiscal Year 2017, 2017, available at ([https://socialwatchphilippines.weebly.com/uploads/2/7/2/0/27203019/2017\\_abi\\_orange\\_book.pdf](https://socialwatchphilippines.weebly.com/uploads/2/7/2/0/27203019/2017_abi_orange_book.pdf)).

26. The DSWD, meanwhile, has been granted the second biggest allocation for child-focused programs during the reporting period. More significantly, the DSWD budget for children increased at an average rate of 40 percent per year, the largest among government agencies with substantial programs for children. This is accounted for in the increased budget allocation for DSWD's Conditional Cash Transfer Program, augmenting the agency's P10.0 billion budget in 2010 to P78.7 billion in 2017. The Department of Health (DOH) registered the third largest allocation for child-focused budget items, showing rapid increments at an average annual rate of 23.1 percent, including the budgets for the National Nutrition Council and the Population Commission.

27. Between 2010–2017, other government agencies with child-related programs registered average budgetary increases per year, specifically: (a) 12.90 percent for DILG; (b) 13.03 percent for Department of Justice (DOJ); and (c) 13.54 percent for DOLE. This is consistent with the policy of allocating more resources for child protection services and other child-related programs.

28. A study on financing for children commissioned by the CWC, covering the period 2007–2012, observed that the State continued to increase its budgetary allocations and spending for children. Total general government spending on children grew by 15 percent yearly on the average from P170.9 billion in 2007 to P341.4 billion in 2012. Expressed as percentage of GDP, total general government spending on children increased from 2.5 percent of GDP in 2007 to 3.2 percent of GDP in 2012. Thus, the real per child general government spending on child-focused/related programs in 2000 prices rose by 9 percent on the average from P3, 483 in 2007 to P5, 440 in 2012. Central government spending on health services for children (basic health services) increased by 90 percent yearly on the average during the same period. DSWD's spending on child-focused/related services increased by 163 percent yearly on the average, from P338 million in 2007 to P42.8 billion in 2012.

29. The years 2016 and 2017 also saw increases in the budget for social services. An allocation of 33.5 percent of the national budget went to social services in 2016. Likewise, the DepEd, DSWD and the DOH were among the ten Executive agencies with the largest budgetary allocations.

30. These show a marked increase from figures presented in the previous report, wherein the share of social services in the total expenditures showed a declining trend from 31.06 percent in 2002 to 28.9 percent in 2004 and then to 27.9 percent in 2006.<sup>17</sup> It should also be noted that debt servicing as a component of the budget was only 17.1 percent from 2011–2016, compared to 25.7 percent from 2001–2010 – reflecting a shift in priorities for spending by the State.

### **Local Government Units**

31. In 2012, the State, through the DILG, directed the increased spending of local government units pursuant to the Juvenile Justice and Welfare Act (JJWA) that mandated the allocation of at least 1 percent of the local government units' budgets for programs and projects of LCPCs. Since 2014, some 19,211 local government units have allocated 1 percent of their internal revenue allotments (IRA) while 2,963 local government units allocated more than 1 percent of their IRA.

32. Local government units expenditures on child-focused and other related programs (i.e. education, health, and social welfare) from 2008 to 2012 averaged 15.76 percent of the total local budget. However, as noted by the study commissioned by the CWC, covering the period 2008–2012, the share of child-focused and other related programs in local government units' total expenditures declined to 15 percent in 2012 after increasing from 14 percent in 2007 to 15.7 percent in 2011. The real local government units spending on child-focused/related programs per child in 2000 prices was boosted by 5 percent on the average in 2007–2011 from P600 in 2007 to P726 in 2011 before it dropped to P695 in

<sup>17</sup> Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties under Article 44 of the Convention: Third and fourth periodic reports of States parties due in 2007: Philippines, March 20, 2009, CRC/C/PHL/3-4.

2012. The decrease can be attributed to a lower internal revenue allocation for 2012. However, it is noteworthy that local government units spending on health and basic services increased during the same period.

33. Other special sources of budgets for children include the following: (a) Special Education Fund Tax, (i.e. 1 percent levy on the assessed value of real properties); and, (b) Philippine Amusement and Gaming Corporation Fund for the implementation of the Early Childhood Care and Development Program.

### **International Organizations**

34. The State maintains its collaboration with international organizations for multi-sectoral technical and financial assistance. In 2014, the United Nations International Children's Emergency Fund (UNICEF) and the Department of Budget and Management entered into a memorandum of agreement to strengthen the monitoring and evaluation (M&E) capacities in government toward establishing a national results-based M&E system for more effective allocation of resources, especially for Filipino children.

### **Data Collection**

35. The State has continuously improved its data collection on children. In 2016, the CWC developed the Harmonized Monitoring and Evaluation System which unified the individual Results-based Monitoring and Evaluation System being used to monitor the implementation of the NPAC and the *Subaybay Bata* (i.e. child monitoring) Macro Monitoring System (SBMS), thereby generating focused information on the implementation of the CRC.

36. The State of the Filipino Children Report (SOFCR) documents the situation of children annually. The SOFCR is prepared annually by the CWC and serves as an advocacy material for all sectors of society working with and for children.

37. The State enacted the Philippine Statistical Act of 2013 with the objective of rationalizing and promoting efficiency and effectiveness in the delivery of statistical services, and maintaining an integrated statistical system characterized by independence, objectivity and integrity so as to enhance responsiveness to the requirements of equitable national development, crucial to local development planning relating to children.

38. Regular collection of child labor data with designated statistics was piloted in the October 2017 Labor Force Survey conducted by the DOLE in coordination with the Philippine Statistics Authority (PSA).

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

39. The State, led by the CWC and its partner agencies, conducted a series of orientation-workshops on the operation of the Monitoring, Reporting and Response System on Grave Child Rights Violations in Situations of Armed Conflict (MRRS-GCRVSAC), and on the CRC.

40. The State also held the following human rights training programs for judges and court personnel as well as law enforcement officers: (a) Competency Enhancement Training for Family Court and Single Sala Judges and Court Personnel Handling Child Sexual Abuse and Commercial Sexual Exploitation Cases, and, (b) Child Forensic Interview Training of Investigators of the National Bureau of Investigation (NBI).

### **Definition of the child**

41. Republic Act No. 7610 (s. 1992), or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act," defines a child as a person below 18 years of age or those over but is unable to fully take care or protect oneself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition. Under the Family Code, as amended by Republic Act No. 6809 (s. 1989), emancipation from parental authority takes place by attaining majority age, which is 18

years of age. Below that age, the person is a minor. Thus, the terms “minor” and “child” are used to refer to persons who are neither qualified nor responsible for all acts of civil life.

## General principles

### Non-discrimination

42. State laws and policies provide for the principle of non-discrimination of children. State recognition of the vital role of the youth in nation-building and protection of their development and well-being is provided in Section 13, Article II of the 1987 Philippine Constitution.

43. Accordingly, the 2016 2nd NPAC documents state that out of the 28 child-focused and child-related laws passed in 2011–2016, 13 involves child protection, further strengthening Republic Act No. 7610 (s.1992) to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, discrimination and other conditions.

44. Republic Act No. 9710 (s. 2009) or the Magna Carta of Women (MCW), is a comprehensive women’s human rights law that seeks to eliminate discrimination through the recognition, protection, fulfillment and promotion of the rights of Filipino women, including girl-children, by providing the following:

(a) Protection from all forms of discrimination against girl-children in education, health and nutrition, and skills development;

(b) Protection from all forms of abuse and exploitation;

(c) Equal access of Muslim and indigenous girl-children in *Madaris*, or Muslim schools, schools of living culture and traditions, and in regular schools; and

(d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in *Madaris* and schools of living culture and traditions.

45. Pursuant to the MCW, the CHRP is the designated gender ombud with the following mandates: Advocating for the promotion and protection of women’s human rights; Strengthening the CHRP’s Human Rights Education Program, and Investigating violations including those committed by State and non-State actors. This is operationalized in all CHRP regional offices with appropriate promotion, protection and policy responses based on protocols for the investigation of cases involving women, girls and persons of diverse sexual orientation and gender identity or expression.

46. The PDP 2017–2022 stresses the development of a multi-sectoral road map for children in the context of enhancing the well-being of children through the major programs implemented by various agencies, such as the Conditional Cash Transfer Program.

47. In 2012, the CWC launched its child protection policy and framework entitled “Child-Friendly Philippines: A Caring and Protective Society for and by Children” as a means to translate the Philippine commitments to the CRC. It promotes non-discrimination by advancing the nurturance and protection of children and the allocation of basic and essential services in health, nutrition and education to all children without discrimination.

### Best interest of the child

48. State jurisprudence<sup>18</sup> upholds the “best interests of the child,” even as the Supreme Court reminds judges to take into consideration the child’s interests not only in decisions, but also in the conduct of proceedings.

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<sup>18</sup> See *Grande v Antonio*, G.R. 206248, February 8, 2014, *Becket v. Oligario*, A.M. RTJ-12-2326, January 30, 2013, *In re Adoption of Stephanie Nathy Astorga Garcia*, G.R. No. 148311, March 31, 2005; *In re Petition for Change of Name and/or Correction/Cancellation of Entry in Civil Registry of Juilian Lin Carulusan Wang*, G.R. No. 159966, March 30, 2005; *Bagtas v. Santos*, G.R. No. 166682, November 27, 2009; *Gualberto v. Gualberto*, G.R. No. 154994, June 28, 2005; and *Bondagjy v. Bondagjy*, G.R. No. 140817, December 7, 2001.



(a) Under the Child Witness Rule of 2000 and reiterated in the Rule on Juveniles in Conflict with the Law enacted in 2009, the State defines the “best interest of the child” as “the totality of the circumstances and conditions that are most congenial to the survival, protection, and feelings of security of the child and most encouraging to his physical, psychological, and emotional development[.]” as well as “the least detrimental available alternative for safeguarding the growth and development of the child.”;

(b) In keeping with the Child Witness Rule, the State provides an environment that will allow children to give reliable and complete evidence, minimize their traumatic stress, encourage them to testify in legal proceedings, and facilitate the ascertainment of truth;

(c) The Rule on Juveniles in Conflict with the Law reiterates the best interest of the child as the paramount consideration in all decisions affecting children including children in conflict with the law (CICL). Among the factors considered in determining the best interests of CICLs include age, sex, mental and physical health, emotional ties with parents and family, living pattern, background and maturity.

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

49. The State implements the National Framework for Children’s Participation, which aims to guide those who work with children by presenting laws that uphold children’s participation in the family, community, and in nation-building. Further, it discusses the evolving definitions of children’s participation, the guiding principles, and venues where children have meaningful participation.<sup>19</sup>

50. According to the 2nd NPAC report, 4 out of the 28 child-focused and child-related laws passed in 2011–2016 involved children and youth participation.

51. Republic Act No. 10742 (s. 2015), or the *Sangguniang Kabataan* (Youth Council) Reform Act of 2015, allows youth 15–30 years old to be part of the *Katipunan ng Kabataan* (Youth Assembly). Youth Development Offices in local government units have likewise been created to assist the Youth Councils in programs related to the youth’s development and well-being in the locality, thus advancing the State objective of encouraging youth involvement in the public and civic affairs of the nation.

52. In 2014, a National Guidebook on Child and Youth Participation in the Philippines was designed to set national standards and provide programmatic, technical, and policy guidance in ensuring consistent, safe, high quality, and meaningful participation for the general population and for children themselves.

53. Other State initiatives ensuring children’s participation include:

(a) Inclusion of children as members in the RC/SCWCs; participation of children in the Legislative Summit of Vice Mayors of the Philippines in 2014; and involvement in *Kabataan* (Youth) News Network, a television show that is written and produced by young people;

(b) Support for the ASEAN Children’s Forum, complementing the work of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children;

(c) Implementation by local government units of their respective Children’s Welfare Code to allow children’s voices in the decision-making process and fully recognizing children as actors of change.

### **Right to life, survival, and development**

54. The State upholds and protects the rights of children to life, survival and development, as enshrined in the 1987 Philippine Constitution and in other related laws.

<sup>19</sup> Council for the Welfare of Children and UNICEF, *The National Framework for Children’s Participation: A guide in promoting and upholding children’s participation in the Philippines* (2005) (<https://www.unicef.org/philippines/downloads/frameworkpdf>).

The Bill of Rights under Article III of the 1987 Philippine Constitution ensures the rule of law and the right to equal protection. Section 11, Article II of the Constitution identifies as a State policy to value the dignity of every human person and to guarantee full respect for human rights. Additional measures have been taken by the State to ensure that these rights, as related to children, are enhanced and protected, such as:

- (a) Foster Care Act of 2012 (Republic Act No. 10165);
  - (b) Mandatory Infants and Children Health Immunization Act of 2011 (Republic Act No. 10152);
  - (c) Early Years Act of 2013 (Republic Act No. 10410);
  - (d) Children’s Emergency Relief and Protection Act (Republic Act No. 10821);
- and
- (e) Universal Access to Quality Tertiary Education Act (Republic Act No. 10931).

55. In 2013, the number of registered infant deaths decreased by more than 1 percent, from 22,254 in 2012 to 21,992 deaths. Since 2006, the State continues its program on Maternal and Neonatal Health with the DOH, UNICEF and United Nations Population Fund.

### **Extrajudicial Killings**

56. In response to the concluding observations and recommendations from the United Nations Committee on the Rights of the Child (UNCRC) that the State should make every effort to reinforce protection of the right to life, survival and development of children, inter alia, by taking all necessary measures to prevent extrajudicial killings (EJK) of children and to thoroughly investigate all alleged cases of killings and bring the perpetrators to justice, the State implements a mechanism created under a presidential directive issued in 2012, Administrative Order No. 35, for the review and resolution of cases of alleged EJKs, enforced disappearances, torture, and other grave violations to the right to life and liberty.

57. In connection with the foregoing, on September 25, 2017, 16 senators filed Senate Resolution No. 516 for the conduct of an inquiry in aid of legislation for the purpose of determining the institutional reasons that give rise to such killings. In relation to the murder case filed against Caloocan City policemen involved in the killing of Kian Lloyd delos Santos, the trial court found the accused guilty beyond reasonable doubt.

58. The State continues to ensure full accountability of all officers involved in cases of drug-related deaths.

## **Civil rights and freedoms**

### **Birth registration, name, and nationality**

59. To address the UNCRC recommendations on birth registration, the State continues to pursue efforts to promote efficient and free birth registration by conducting mobile birth registration in far-flung areas. In 2012, the DSWD-ARMM conducted a free mobile registration drive in the towns of *Talayan, Datu Odin Sinsuat, Shariff Aguak, Datu Blah, Sinsuat*, in Maguindanao in Mindanao with more than 5,000 adults and children availing of the service. In 2013, Muslim Mindanao Autonomy Act No. 293, or “An Act Establishing Free Birth Registration in the Autonomous Region in Muslim Mindanao” was enacted in furtherance of their right to a name, nationality and identity.

60. To ensure every Filipino child’s right to a name and nationality, the State through the PSA holds awareness campaigns on the importance of civil registration. Special focus is given to the registration of children of indigenous peoples/indigent families, and other marginalized groups. The PSA sets up civil registration outlets, otherwise known as “*Serbilis*” outlets near schools, hard-to-reach areas, and indigenous communities. Other service channels are also available, such as online applications through the PSA *Serbilis* website; telephone requests through the PSA Helpline, as well as the Batch Requests Entry

System which is a scheme that taps and authorizes private institutions such as malls to receive requests and issue civil registry documents to the public. A Free Mobile Civil Registration Project has also been initiated for the reconstruction of damaged or lost civil documents in emergency affected areas.

61. The State also facilitates birth registration awareness seminars to beneficiaries of the Conditional Cash Transfer Program in “family development sessions.” Started in 2007, the government expanded the aforesaid program in December 2016 to reach a total of 20 million Filipinos belonging to 4.4 million households. The program benefits about 20 percent of the population, the majority of the nation’s poor.<sup>20</sup>

62. The State, in partnership with the UNICEF, pursued the reconstruction of civil documents and digital birth registration for survivors of Typhoon Haiyan (*Yolanda*) which devastated the country in 2013 by reaching out to 115,028 beneficiaries, including children, thereby facilitating access to claims and benefits.

63. The State implements the Philippine Civil Registration and Vital Statistics (CRVS) Strategic Plan for the years 2014–2018, identifying the priorities and opportunities for government agencies to act upon. The CRVS system is aimed to adapt to the needs of the Filipinos by making the same more accessible, easier to register and use. This addresses the need of every Filipino to be recognized and registered in all vital events in life.

64. In 2015, Civil Proclamation No. 1106 took effect, declaring the years 2015–2024 as the Civil Registration and Vital Statistics Decade. The issuance instructs agencies to design programs to increase civil registration.<sup>21</sup>

65. On the discrimination of children born out of wedlock, the State has responded to such concern by enacting Republic Act No. 9858 (s. 2010) which allows the legitimation of children born to parents below marrying age.

#### **Preservation of identity**

66. In 2017, the State, through the DSWD, facilitated the repatriation of 1,415 undocumented children, mostly from Saudi Arabia, who availed of the General Amnesty Program. This is in keeping with the State policy to provide support services for migrant workers and their dependents.

67. In 2016, the State, through the PSA’s Inter-Agency Committee on Migration Statistics, developed a framework for better data collection, tracking and management of children of migrants.

68. The State continues to extend support in tracking and assisting undocumented Filipino children of migrant workers. In June 2017, the DSWD assessed its International Welfare Services for Filipino Nationals Program in Kuwait and Saudi Arabia. Based on the DSWD database, 734 abandoned and undocumented children were repatriated from Kuwait and Saudi Arabia for the period January–June 2017. Upon their arrival in the Philippines, airport and financial assistance amounting to P5,000 per family were provided by the DSWD. Appropriate interventions and further case management were likewise provided by different DSWD field offices.

<sup>20</sup> World Bank, FAQs about the Pantawid Pamilyang Pilipino Program (4Ps), available at (<https://www.worldbank.org/en/country/philippines/brief/faqs-about-the-pantawid-pamilyang-pilipino-program>).

<sup>21</sup> Prior to the reporting period, other measures pertaining to children’s registration were adopted through Memorandum Circulars (MC) issued by the DILG: MC2005-014 on the Conduct of Birth Registration campaigns in local government units to achieve 100% registration of children pursuant to the National Plan of Action and the Global Campaign for Universal Birth Registration launched by the UN in February 2005, and MC on 2006-086 on the Conduct of Free Birth Registration of Indigent Children in local government units which calls for the active involvement of all local chief executives, DILG field personnel, and other concerned parties, and seeks to guarantee that every child can claim the right to a name and nationality.

69. To further enhance the State's mechanism in tracking and assisting undocumented Filipino children of overseas migrant workers, the PSA and the DFA have been in discussion towards establishing an online birth registration system.

70. Addressing the incessant increase of unreported births abroad, the PSA issued Memorandum Circular 2017-12, which sets certain requirements in the preparation of reports of birth of children born abroad of Filipino parent/s without any foreign documents.

### **Freedom of Expression, Thought, and Association (refer to Respect for the Views of the Child)**

#### **Protection of privacy and protection of image**

71. Under the initiative of the Committee for the Special Protection of Children (CSPC), using a participatory process involving media professionals and practitioners and in keeping with the State policy to uphold and promote the privacy and protection of the image of the child, the guidelines for media practitioners on their coverage and reporting of child abuse cases<sup>22</sup> were revised in 2009. Anchored on relevant provisions of the CRC, the revised media guidelines have contributed to a more sensitive and responsible coverage and reporting of children's cases in both print and broadcast media.

#### **Access to information**

72. The State ensures that every citizen, including children, has the right to access information. Pending the enactment of a Freedom of Information Law, Executive Order No. 2, (s. 2016) was issued. It operationalizes in the Executive branch the people's constitutional right to information and the State policies to full public disclosure and transparency. This complements the Data Privacy Act of 2012 (Republic Act No. 10173) which protects individual personal data in information and communications systems both in government and in the private sector.

#### **Protection from material harmful to child's well-being**

73. The State's Movie and Television Review and Classification Board (MTRCB) is tasked to screen, review and examine all motion pictures, television programs, including publicity materials for theatrical or non-theatrical distribution, for television broadcast or for general viewing. Mindful of child rights, the MTRCB issued Memorandum Circular No. 09-2012 requiring the film industry to release different versions of the same film in order to cater to different age groups. Memorandum Circular 08-2012, on one hand, provided a revised classification of films, which added Strict Parental Guidance (SPG). Shows rated "SPG" are only aired from 9 p.m. onwards.

74. The State continues to pursue initiatives for the protection of children in the day of modern and advanced information technology.

(a) The National Council for Children's Television (NCCT) works with various television networks to develop standards for child-friendly programs. As an example, on October 23, 2016, CBN Asia premiered its children's show entitled "*Oyayi*" at ABS-CBN in partnership with the NCCT. The show was made to create awareness on the environment, culture, family, and the arts among Filipino children while teaching them to be wise citizens at their young age;

(b) The Anti-Child Pornography Act of 2009 (Republic Act No. 9775) protects children from harmful materials and helps prevent victimization of children. As an offshoot, the Cybersecurity Project Against Child Pornography was established in 2014, which facilitated the procurement of equipment for identifying sexual predators online. In 2016, the Department of Justice's Office of the Cybercrime (DOJ-OOC), the focal agency for cases concerning online child pornography, and the NBI-Cybercrime Division reinforced their institutional cooperation through the sharing of digital forensic equipment to aid in

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<sup>22</sup> PNP and Supreme Court data on child abuse cases can be found in Annex 10.

investigations of cases involving Online Sexual Exploitation of Children (OSEC).<sup>23</sup> From 2014–2016, the DOJ-OOC received around 66,000 reports of OSEC from the National Center for Missing and Exploited Children<sup>24</sup>;

(c) In 2014, the National Telecommunications Commission issued Memorandum Circular No. 01-01-2014 providing guidelines for internet service providers regarding the installation of filtering software that will block access to or transmission of any form of child pornography.<sup>25</sup> Under the guidelines, the following are required to be installed: (a) web filtering on various categories for text, images and videos with explicit category on child pornography; (b) membership or affiliation with recognized source of blocked child porn websites, in compliance with the Anti-Pornography Act (Republic Act No. 9775);

(d) The DepEd and Stairway Foundation, a non-government child care organization, initiated a cyber-safe project aimed at making the internet safer for child-users;

(e) The DepEd, the Federation of Broadcasters of the Philippines, and the Philippine Association of National Advertisers entered into a memorandum of agreement on monitoring and handling complaints of undesirable TV programs and commercials/or those that are deemed harmful to children.

## Violence against children

### Government Responses to VAC

75. The State has further strengthened laws to prohibit all forms of violence against children (VAC) with the enactment of the Anti-Bullying Act of 2013, Expanded Anti-Trafficking in Persons Act of 2012, and Cybercrime Prevention Act of 2012.

76. To enhance the capacity of all those who work with and for children, service providers are continuously being trained on the Protocol on Case Management of Child Victims of Abuse, Neglect, and Exploitation. It highlights the roles and responsibilities of government agencies and their partners in the entire process from reporting of a child abuse case until its termination; and ensuring that child victims are dealt with in a child-sensitive and appropriate manner. Child-friendly investigation and interviewing procedures and facilities have also been instituted. The CSPC issued a number of Memorandum Circulars concerning the proper handling of affidavits of desistance in child abuse cases, conduct of autopsy without consent, and non-prosecution of social workers taking protective custody.

77. The Inter-Agency Council Against Child Pornography (IACACP), created in 2010 by virtue of the Anti-Child Pornography Act of 2009 (Republic Act No. 9775) is the body primarily tasked to oversee the implementation of the law. It developed a module on multi-disciplinary teams which serves as guide in training service providers, child duty-bearers, parents/guardians and children to respond to online child sexual abuse and exploitation.

78. In 2017, the State approved the PPAeVAC, which is a multi-sectoral response to the results of the 2015 National Baseline Study on Violence against Children (NBS-VAC)<sup>26</sup> conducted by the State through the CWC, in collaboration with the UNICEF, DOH, Consuelo Zobel de Alger Foundation and the University of the Philippines. The study involved 3,866 children and youth aged 13–24 years from 4,300 household in 172 *barangays* (villages) in the country's 17 regions to determine the prevalence and various forms of VAC. It revealed that 80 percent of Filipino children experienced some form of violence in their respective homes, schools, workplaces or communities. Following the

<sup>23</sup> Department of Justice Office of Cybercrime, *Philippines 2016–2017 Cybercrime Report*, available at (<https://www.thegfce.com/binaries/gfce/documents/reports/2017/10/11/philippine-cybercrime-report-2016-%E2%80%932017/Philippine+Cybercrime+Report+2016+%E2%80%932017.pdf>) at 19.

<sup>24</sup> DSWD, *Inter-Agency Council Against Child Pornography*, June 28, 2017, available at (<https://doj.gov.ph/files/2017/OOC/day2/07%20IACACP.pdf>), at 8.

<sup>25</sup> Department of Justice Office of Cybercrime, *Philippines 2014–2015 Cybercrime Report: The Rule of Law in Cyberspace*, 15 March 2015, available at ([https://www.doj.gov.ph/files/cybercrime\\_office/2014-2015\\_Annual\\_Cybercrime\\_Report.pdf](https://www.doj.gov.ph/files/cybercrime_office/2014-2015_Annual_Cybercrime_Report.pdf)), at 21.

<sup>26</sup> The NBS-VAC results highlights can be found in Annex 11.

conduct of the NBS-VAC Study, the State was selected as a Pathfinder Country within the Global Partnership on VAC. In turn, the PPAeVAC focused on breaking the cycle of violence by addressing its root causes on the demand side, building the capacity of children to protect themselves, improving legislative environment, enhancing integrated services for preventing and responding to violence, and ensuring access to social services.

79. In 2012, the State enacted Republic Act No. 10398 declaring November 25 of every year as National Consciousness Day for the Elimination of Violence against Women and Children.

#### **Measures to promote the physical and psychological recovery and social reintegration of victims**

80. The State, through the DSWD, maintains several facilities for child abuse victims. The Standards and Accreditation Bureau and Field Offices of the DSWD provide technical assistance and monitor the programs and services offered by these centers. Treatment, recovery, and rehabilitation services are provided through multi-disciplinary teams composed of social workers, psychologists, house-parents, and vocational instructors. From 2011 to 2016, these centers have served 2,829 abandoned children, 5,101 neglected children, and 23,086 served in residential care facilities.<sup>27</sup>

81. The families concerned are involved as partners in the healing and recovery of child abuse victims. Social workers have been trained on child-friendly procedures in conducting individual and group counseling, theater or play therapy, leadership training, socio-cultural activities and creative arts sessions.

82. The State, through the DOH, established 79 Women and Children Protection Units in various government hospitals nationwide. Professionally trained medical teams sensitive to children's needs, including medical doctors and mental health professionals, are involved in the protocol for reporting, examination, documentation and assistance given to child victims.

83. Helplines are available for reporting cases of abuse, exploitation and violence, such as the 24-hour crisis intervention units in all DSWD field offices, Philippine National Police's ANGELNET, CWC's MRRS-GCRVSAC, DOLE's Sagip Manggagawa Quick Response Team, DOJ's Quick Response Team, among others. Radio and print media are also used to inform the public where to report cases. Some communities also have task forces against child abuse that conduct surveillance and monitoring of children at risk.

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

84. The Anti-Torture Act of 2009 (Republic Act No. 9745), in compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment remains enforced, criminalizing acts of torture committed by persons in authority or their agents.

85. The State ratified the Optional Protocol to the Convention against Torture (OPCAT) in April 2012, and has allowed the visit of the UN Subcommittee for the Prevention of Torture in June 2015. The National Preventive Mechanism, which is a requirement under the OPCAT, is still under deliberation in Congress.

86. The Anti-Enforced or Involuntary Disappearance Act of 2012 (Republic Act No. 10353) criminalizes enforced disappearances committed by agents of the State, or those acting on orders from said agent. It makes public all detention facilities, and makes the right of access to communication and to immediate release absolute.

87. Administrative Order No. 35 (s. 2012) created an Inter-Agency Committee on Extra Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons. The Committee is chaired by the Secretary of Justice and is composed of various government agencies. Its functions include inventory of

<sup>27</sup> DSWD 2011–2016 Number of Children Served in Annex 12.

cases, investigation of unsolved cases, prosecution of cases, and regular reporting to the President.

88. The Rule on the Writ of Amparo which the Philippine Supreme Court issued on October 2007 remains a remedy readily available to any person whose right to life, liberty and security is violated or threatened by an unlawful act or omission of a public official or employee, or of a private individual or entity. The writ covers extrajudicial killings and enforced disappearances or threats of the same, and supports the Anti-Torture Act and Anti-Enforced or Involuntary Disappearance Act by providing an immediate remedy and protection through the courts.

### **Corporal Punishment and Bullying**

89. Through DepEd DO No. 40 (2012), the State implements a Child Protection Policy, which includes measures to prohibit abuse, violence, exploitation, discrimination and other forms of abuse and address incidents of bullying in schools. In the meantime, several bills encouraging positive discipline and prohibiting corporal punishment are pending in the Philippine Congress.

90. The enactment of the Anti-Bullying Act of 2013 (Republic Act 10627), which outlines mechanisms to deal with bullying incidents in schools, is a significant accomplishment during this review period.

### **Family environment and alternative care**

91. The 1987 Philippine Constitution recognizes the sanctity of family life and the need to protect and strengthen the family, a basic autonomous social institution and considered the foundation of the nation. Specific to children, the State upholds their right to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

92. This Constitutional policy is realized in the government's 10-Point Socioeconomic Agenda that aims to combat generational poverty, improve living standards, and sustain high economic growth by, among others, investing in human capital development and improving social protection programs.

93. The State, through the DSWD, employs a convergence strategy to harmonize the continued implementation of core poverty reduction programs like the Conditional Cash Transfer program, Sustainable Livelihood Program, and *Kapit-Bisig Laban sa Kahirapan* – Comprehensive and Integrated Delivery of Social Services Program (KALAHI-CIDDS).<sup>28</sup>

### **Children and Migrant Workers**

94. The State's Overseas Workers Welfare Administration Act of 2016 (Republic Act No. 10801) further strengthened the Philippine government's support services for Overseas Filipino Workers (OFW) and their dependents. As of 2015, there were 2.4 million OFWs, of whom 1.2 million are male and 1.3 million are female, resulting in an estimated 3 to 6 million children left behind, either by one or both parents. The State continues to rise to the challenge of maintaining an appropriate family environment amid the growing number of OFWs who leave their children behind.

95. The State, through the Overseas Workers Welfare Administration (OWWA) implements repatriation and reintegration programs, scholarships for child-dependents, and livelihood and financial assistance. Between 2013–2016, some 30,000 scholars benefitted from the P30 million educational and training fund for children of OFW parents.

96. In 2016, some 41 Philippine schools overseas were established in 10 countries to address the educational needs of children living abroad with OFW parents. These are duly registered educational institutions implementing the DepEd basic educational curriculum, serving 33,000 enrolled students from pre-elementary to high school.

<sup>28</sup> See the Universal Periodic Review (UPR) of the Human Rights Council.

97. The Commission on Filipinos Overseas (CFO) reported that as of 2015, there were 686,630 registered children who left the Philippines or migrated. In recognition of the diverse issues these children face, the CFO proposed the inclusion of overseas Filipino children in the Philippine Youth Development Plan (2017–2022).

98. A Memorandum of Understanding (MOU) among the DOJ, DSWD, and OWWA was executed to further enhance the State's inter-agency campaign to provide welfare assistance, prevent child abuse and exploitation, and provide remedies for the same, particularly among children left behind by OFWs.

99. The MOU, which complements existing laws on child protection, caused the launching of a program in March 2017 to empower caregivers and program implementers on the rights and responsibilities of children, and to prevent abuses and violence committed against them in the community. The program also sought to heighten public awareness on the concerns of children left behind by their OFW parents, identify appropriate protection interventions for these children, invoke appropriate attitudes and perspectives required in dealing with the issues involved, establish convergences between the OWWA, DSWD, and DOJ on one hand, and local government units on the other, and formulate an action plan to address such issues and problems.

### **Children Deprived of a Family Environment**

100. The passage of the Foster Care Act of 2012 is the State's most substantial contribution to the protection and promotion of the rights of children deprived of a family environment. The law strengthens family and alternative parental care arrangements through an enlightened foster care program, provides incentives for foster care families and simplifies requirements/process on foster child care.

101. As of 2015, there were 1,705 licensed foster parents accredited and assessed by DSWD. From 2011–2016 (1st Quarter), 3,734 children were placed in foster care. From 2012–2015, P41 million (\$804 thousand) was utilized for the implementation of the Foster Care Act.

102. In March 2016, the Philippine Supreme Court decided the landmark case of *Poe-Llamanzares v. COMELEC* (G.R. No. 221697), where it held that “to deny full Filipino citizenship to all foundlings and render them stateless just because there may be a theoretical chance that one among the thousands of these foundlings might be the child of not just one, but two, foreigners is downright discriminatory, irrational, and unjust.” Thus, “[A]s a matter of law, foundlings are as a class, natural-born citizens” considering further that in international human rights treaties, States parties are obligated to “grant nationality from birth and ensure that no child is stateless.”

### **Adoption<sup>29</sup>**

103. To ensure the protection of children in adoption proceedings, Republic Act No. 9523, enacted in 2009, expedites the legal procedure necessary for a child who is abandoned, surrendered or neglected to be declared by the DSWD to be available for adoption through an administrative process, instead of a judicial proceeding. Since its enactment, a total of 979 children were placed for domestic adoption, while 2,854 were qualified for inter-country adoption (ICA).

104. For the period 2009–2016, Filipino children under ICA were placed in the following regions: USA –1,761; Europe – 1,922; Asia-Pacific – 374; Canada – 502. These include children cleared for ICA before 2009, but only placed and matched with adoptive parents within this period.

105. As an additional measure against trafficking and to strengthen legal adoption mechanisms, the State, on 16 March 2016, acceded to the Hague Convention on the Civil Aspects of International Child Abduction. Amendments to the Anti-Trafficking in Persons Act have also made it a crime to traffic persons for purposes of adoption.

<sup>29</sup> See the statistics on Adoption 2011-2016 in Annex 13.



106. The State observes the Adoption Consciousness Week every 1st week of February to educate the public about legal adoption and encourage them to provide a loving and permanent home to a child.

107. In *Poe-Llamanzares v. COMELEC*, the Court held that a person who was legally adopted commits no falsehood when she writes that she was “born to” the adopters in her application for repatriation based on three grounds: (1) as a rule, one of the effects of adoption is “to sever all legal ties between the biological parents and the adoptee”; (2) petitioner was entitled to an amended birth certificate “attesting to the fact that the adoptee is the child of the adopter(s); and (3) that the law requires that all records and papers relating to adoption cases “shall be kept strictly confidential.”

### **Children with Incarcerated Parents**

108. A study has yet to be conducted to provide baseline information on the adverse impact on children with incarcerated parents in order for the State to come up with policies and programs targeted to help and assist children with incarcerated parents.

## **Disability, basic health, and welfare**

### **Disability**

109. As a party to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the State has set out programs to protect the rights of children with disabilities. In 2010, the PSA reported that there were 1.4 million persons with disability, of which 18.9%, or 372,154, were children aged 10–14. The National Council on Disability Affairs (NCDA) also reported in 2011 that the most prevalent types of disabilities are vision/visual impairment, orthopedic, speech, hearing, and mental.

110. To update the PSA data, the 2016 National Disability Prevalence Survey/Model Functioning Survey was conducted, adopting the WHO Model Disability Survey, and exploring disability as an outcome of interactions between a person with a health condition and various environment and personal factors rather than focusing on a person’s health or impairments.

111. In keeping with the WHO Global Disability Action Plan for 2014–2021,<sup>30</sup> the State, through the DOH, revised in 2015 its national policy on Strengthening the Health and Wellness of Persons with Disabilities. Its aim is to improve access to health facilities and services by “removing physical and systemic barriers related to architectural design of healthcare facilities” and strengthen the use of the Philippine Registry for Persons with Disability in order to improve collection of relevant and internationally comparable disability data.

112. Proclamation No. 688, declaring 2013–2022 as the Philippine Decade of “Make the Right Real” adopted the 3rd Asian and the Pacific Decade to Make the Right Real for Persons with Disabilities (2013–2022), to “[E]xpand early intervention and education of children with disabilities.” Pursuant to this, the Philippine Council on Disability Affairs and the CWC supported the development of the Legislative Agenda for Children for the 17th Congress. Among these is a bill on the establishment of inclusive education learning resource centers for children and youth with special needs.<sup>31</sup>

113. A Five-Year Development Plan for Education for Children and Youth Disabilities for 2014–2019 has been formulated by the State.

114. Key pieces of legislation enacted by the State during the reporting period include the following:

<sup>30</sup> ([http://apps.who.int/iris/bitstream/handle/10665/199544/9789241509619\\_eng.pdf?sequence=1&isAllowed=y](http://apps.who.int/iris/bitstream/handle/10665/199544/9789241509619_eng.pdf?sequence=1&isAllowed=y)).

<sup>31</sup> Council for the Welfare of Children, 2016 Accomplishment Report, *available at* ([https://cwc.gov.ph/uploads/Transparency\\_Seal/Agency\\_Accomplishment\\_Reports/Accomplishment\\_Report\\_2016.pdf](https://cwc.gov.ph/uploads/Transparency_Seal/Agency_Accomplishment_Reports/Accomplishment_Report_2016.pdf)).

(a) Republic Act No. 10821 (s. 2016), formulating a comprehensive emergency program for the protection of children, including those with disabilities, during disasters and other emergency situations in line with accepted international humanitarian standards;

(b) Republic Act No. 10754 (s. 2015), providing for a 20 percent discount and exemption from the value-added tax and providing priority lanes for persons with disabilities;

(c) Republic Act No. 10747 (s. 2015), or the “Rare Diseases Act of the Philippines”, requiring government to develop a comprehensive policy in addressing the needs of persons with rare diseases;

(d) Republic Act No. 10372 (s. 2012), allowing the reproduction of copyrighted materials into accessible formats to be used in learning activities for persons with disabilities;

(e) Republic Act No. 10366 (s. 2012), establishing accessible polling places;

(f) Republic Act No. 10410 (s. 2012), or the “Early Years Act”, which, among others, promotes the inclusion of children with special needs; provides reasonable accommodation and accessible environments for children with disabilities; and advocates respect for cultural and linguistic diversity, including the use of Filipino sign language as the visual language of the deaf; and

(g) Republic Act No. 10070 (s. 2009), which amended the Magna Carta for Persons with Disabilities, requiring its improved implementation at the local level and the establishment of Persons with Disabilities Affairs Offices.

115. On November 23, 2017, the Implementing Rules and Regulations for the Rare Diseases Act of the Philippines was approved.

116. In 2013, the State, through the NCDA, enabled 78 local government units in 17 regions to be “friendlier” to persons with disabilities through information seminars and training. For disaster relief, the State, through the NCDA, has worked with the Inter-agency Committee on Disaster Risk Reduction and Management and helped develop a Manual on Disability Inclusive Plan on Disaster Preparedness. Also in 2013, the NCDA established disability sections in six elementary schools, which was revitalized in 2014 through the issuance by the DepEd of the Guidelines on the Implementation of the Alternative Learning System (ALS) for persons with disabilities.

117. The State’s 1st Public Health Convention on the Health and Wellness of persons with disabilities was held in 2014. It strategically aligned and clustered several programs for newborns, infants and young children to encompass child development and disability prevention. These include newborn (metabolic blood spot) screening, newborn hearing screening, early child development, child injury prevention, and rare diseases.

118. The Philippine Health Insurance Corporation (PhilHealth), the State’s national health insurance system, increased the coverage for newborn screenings for detection of disabilities in newborns for early prevention, from 393 in 2004 to 5,620 in 2014. PhilHealth has also provided a benefit package for children with disabilities specifically for hearing, visual, mobility, and developmental impairments. While these packages have yet to be rolled out in hospitals, 3 subnational service delivery points (i.e. children with disabilities hubs) are currently being modeled to address the huge gap in services for children with disabilities.

119. The State currently uses the 2010 Census of Population<sup>32</sup> and Housing Enumerator’s Manual in the census along 6 core categories of functional difficulties: seeing, hearing, walking or climbing steps, remembering/concentrating, self-caring and communicating.

120. One recent measure to comply with the State obligation under the UNCRPD is DepEd’s Five Year Development Plan for Education for Children and Youth Disabilities (2014–2019).

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<sup>32</sup> The 2010 Census Results – Population Aged 0–19 can be found in Annex 14.

121. The State, with the help of NGOs, civil society organizations and international organizations, continues efforts to increase awareness and address the concerns affecting children with disabilities at the national, regional and sub-national levels.

122. There are pending bills in Congress for children with special needs which aim to establish at least one special education (SPED) center in each school division and at least 3 SPED centers in big school divisions.

### **Primary Health Care<sup>33</sup>**

123. The health status of children continues to improve as indicated by the downward trend and steady decline in neonatal, infant, and under-five mortality rates. The State's child mortality rate has dropped to 27.1 deaths per 1,000 live births in 2016 from 33.4 deaths per 1,000 live births in 2008. Among infants, the mortality rate was 21.5 deaths per 1,000 live births in 2016 which fell from 25.9 in 2008. Among neonates, the mortality rate in 2016 was 12.6 per 1,000 live births down from 15 in 2008.<sup>34</sup> While there is more to be done in keeping the numbers lower in the next years, there is marked improvement in this area of health care.

124. As part of the State's commitment to meet the MDGs on maternal and child health, the DOH spearheaded the maternal, neonatal and child health and nutrition (MNCHN) strategy. Local government units have implemented this policy through ordinances that provide incentives for traditional birth attendants who refer pregnant women to health facilities. The MNCHN strategy has been instrumental in the decline in deaths noted, as it addressed causes such as pneumonia, diarrhea and vaccine-preventable diseases. The DOH has likewise instituted comprehensive child and maternal health care and nutrition interventions.

125. Since 2007, the State has been embarking on a reform agenda to reach the poor more effectively, one highlight includes the achievement of universal health care. One of the key programs in this effort is the National Household Targeting System for Poverty Reduction (NHTS-PR) which has been used to enroll the identified poor into the different social protection programs, including PhilHealth. Aside from automatic enrollment into PhilHealth, government health facilities are also required to give their services to those classified as poor with no "co-pay" or "no balance billing." Early results of these reforms show that there has been a sharp increase in the utilization of PhilHealth by the poor.

126. The DOH joined the international community in the first 1000 days campaign to address malnutrition. In relation to this, the State began implementing the National Code of Marketing of Breastmilk Substitute on the strength of Republic Act No. 10028, or the Expanded Promotion of Breastfeeding Act of 2009.

127. To further strengthen primary health care, the National Guidelines on the Management of Acute Malnutrition for Infants and Young Children Under-Five Years Old was published in 2015; capacity development of community and hospital-based health workers was implemented starting 2016; and commodities for the management of moderate and severe acute malnutrition have been procured by the national government for targeted provinces with a high burden of malnutrition.

128. The Philippine Plan of Action for Nutrition (PPAN) (2017–2022) was approved in February 2017. It includes both nutrition-specific programs consisting of programs "planned and designed to produce nutritional outcomes"<sup>35</sup> like infant and young child feeding and micronutrient supplementation, and nutrition-sensitive programs referring to "development projects that were tweaked to produce nutritional outcomes."<sup>36</sup> These incorporate building farm-to-market roads for child nutrition and mainstreaming nutrition in sustainable livelihood.

<sup>33</sup> See the Primary Health Statistics from 1998–2003 in Annex 15.

<sup>34</sup> (<https://knoema.com/search?query=neonate%20mortality%20philippines>).

<sup>35</sup> National Nutrition Council, Philippine Plan of Action for Nutrition (PPAN) (2017–2022), par. 39.

<sup>36</sup> National Nutrition Council, Philippine Plan of Action for Nutrition (PPAN) (2017–2022), par. 40.

129. Various agencies have supplementary feeding programs such as the DSWD's supplementary feeding program for children 24–59 months old, and that of the DepEd's feeding program for school children.<sup>37</sup>

#### **Efforts to address health challenges**

130. The State continues to undertake efforts to address health concerns that specifically affect children. Some of these noteworthy efforts are as follows:

(a) Pursuit of High-Impact Breakthrough Interventions (Hi-5) focusing on 5 critical universal healthcare areas, namely: reducing infant mortality rate, lowering under-five mortality rate; reducing maternal mortality ratio, halting HIV/AIDS; and increasing the service delivery networks in poor communities;

(b) Enactment of the Mandatory Infants and Children Health Immunization Act of 2011 (Republic Act No. 10152) providing free vaccines for various diseases at government hospitals and centers;

(c) Provision of health insurance coverage to children of PhilHealth enrollees. In 2013, some 385,456 children were declared dependents among PhilHealth enrolled parents, mostly coming from family-beneficiaries of the government's conditional cash transfer program; and

(d) Implementation of the Promote Good Nutrition program, as a component of the Accelerated Hunger-Mitigation Program, which aims to enhance people's knowledge on nutrition and to promote breastfeeding as a hunger-mitigation program. The program focused on trainings on Infant and Young Child Feeding and organization of support groups to provide counseling to pregnant women and mothers of children aged 0–23 months.

131. Both chambers of Congress, in an effort to encourage breastfeeding and provide better maternal protection, recently approved a bill called the Expanded Maternity Leave Act providing for 105-days of paid maternity leave to working mothers.

#### **Reproductive health of adolescents**

132. In response to the Concluding Observation on the need to ensure the rights of children and adolescents to programs and services, including counseling, in the area of reproductive health, the Philippine Congress enacted Republic Act No. 10354, or the Responsible Parenthood and Reproductive Health Act of 2012 (RPRH Law). The Supreme Court upheld the constitutionality of the law, including the right of minors to counseling on reproductive health without need for parental consent.

133. The Concluding Observation moreover recommended that the State strengthen sex education focusing on prevention of early pregnancies and sexually transmitted infections. This has been addressed by Republic Act No. 10354, which requires provision of developmentally appropriate sex education in all schools through the DepEd, which is also tasked with the monitoring of its implementation.

134. To facilitate collaboration and resolve operational issues of the RPRH Law, the DOH spearheaded the creation of the National and Regional Implementation Teams through Administrative Order No. 2015-0002. The National and Regional Implementation Teams are composed of members from relevant government agencies and CSOs, who will coordinate, monitor, and assess the implementation of the law.

135. Executive Order No. 12 (s. 2016) was issued, mandating the DOH, the Commission on Population (POPCOM), and the DILG and other government agencies collaborate with local government units for implementation strategies like mapping areas to locate couples and individuals with unmet need for modern family planning, as required under the RPRH Law. Further, the DOH issued an Administrative Order entitled Guidelines in Achieving

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<sup>37</sup> National Nutrition Council, Philippine Plan of Action for Nutrition (PPAN) (2017-2022), ([http://www.nnc.gov.ph/phocadownloadpap/PPAN/18Sept\\_PPAN2017\\_2022Executive%20Summary.pdf](http://www.nnc.gov.ph/phocadownloadpap/PPAN/18Sept_PPAN2017_2022Executive%20Summary.pdf)).

Desired Family Size through Accelerated and Sustained Reduction in Unmet Need for Modern Family Planning Methods to facilitate the Executive Order's implementation.

136. The Adolescent Health and Development Program is one of the key component programs of the Philippine Population Management Program. The overall goal of the Adolescent Health and Development Program is to contribute to the improvement and promotion of the total well-being of young Filipinos ages 10–14; 15–19 and 20–24 through their sexual and reproductive health. Specifically it aims to contribute to the reduction of the incidence of teenage pregnancies and sexually transmitted infections and HIV/AIDS among young people which are aligned with the thrusts of the International Conference on Population and Development Program of Action.

137. “You-for-You” or “U4U Teen Trail Initiative” is the Philippine teen health resource portal. A project of the POPCOM, DOH with development partners, this is an interactive and dynamic website that aims to provide Filipino teens aged 15 to 19 with critical information on delaying sexual debut and preventing sexually transmitted infections.

138. The Philippine Congress is currently deliberating a bill which provides for a national policy in preventing teenage pregnancies and institutionalizing social protection for teenage parents.

### **Healthy Lifestyle Initiatives**

139. The DepEd has integrated physical education and life skills into the Philippine education curriculum to promote healthy lifestyles among young people. In 2017, the DepEd issued Department Order No. 13, which prohibits the selling and distribution of junk food in schools.

140. In 2012, Republic Act No. 10351 or the Sin Tax Law was passed to discourage the general population, including children, from consuming tobacco and alcohol products. The law serves as a revenue-generating and health measure.

141. The World Bank reported that from 2012–2016, P86.1 billion in additional revenues were generated from this law, and this was used to fund government social services such as universal health coverage. Early data suggests a decline in tobacco use due to the law. More recently, graphic health warnings were made mandatory in all cigarette packaging.

142. The DepEd issued Department Order No. 48 in 2016 effectively implementing a comprehensive tobacco control program. In 2017, Executive Order No. 26 was issued to ban smoking in all public places.

143. Republic Act No. 10963 or TRAIN 1, which includes an excise tax on sugar-sweetened beverages has been signed into law. This measure is meant to curb consumption of sugar, especially by children and youth, and to generate additional government income for social services related to health.

### **Mental Health and Substance Abuse**

144. The State is currently consolidating all its policies related to mental health to craft a comprehensive child and adolescent mental health policy. Of tremendous help in this regard is the signing into law of the Philippine Mental Health Act (Republic Act No. 11036) that provides for the rights of persons with mental health needs.

145. The DOH has issued national guidelines on psychosocial support for adults and children with mental deficiencies. The National Program Management Committee and the Program Development and Management Teams were created by DOH to ensure the sustainability of Mental Health programs of the government.

146. In observance of the National Suicide Prevention Awareness Day, the DOH, in partnership with the Natasha Goulbourn Foundation, launched the HOPELINE Project, a 24/7 crisis support hotline for depression and suicide prevention which aims to help people with mental health concerns.

147. Drug use, which significantly affects overall mental health, is also a major concern among children.

148. Based on the most recent survey conducted by the Dangerous Drugs Board (DDB) in 2015, the current prevalence rate of drug use increased to 2.3 percent – representing 1.76 million individuals – from 1.8 percent or 1.3 million drug addicts in 2012. DDB also reported a total of 4,392 admissions in rehabilitation facilities in 2014, while other agencies, including the PNP, report that 184,252 have completed the recovery and wellness program at different rehabilitation centers in the country. Further, according to the Philippine Drug Enforcement Agency (PDEA), there had been 649 minors rescued in drug-related operations as of March 2018.

149. Data from 29 residential and 2 non-residential treatment and rehabilitation facilities showed that the average age of patients was 30 with the youngest at 9 years old. When asked when they first used drugs, the patients disclosed that they started at ages 15–19, which comprised 47.79% of the group. Half of the group (50.30%) had taken drugs 2 to 5 times a week while 21% use daily.

150. In 2017, Executive Order No. 15 created the Inter-Agency Committee on Anti-illegal Drugs (ICAD). Headed by Philippine Drug Enforcement Agency (PDEA), the ICAD is mandated to implement an integrated system of planning, implementation, and enforcement of anti-illegal drug abuse policies, programs, and projects. The State balances its response to the drug problem through comprehensive programs, in recognition of drugs being a community and public health issue. One of the four clusters under the ICAD is Rehabilitation and Reintegration that has overseen the building of treatment centers through private-public partnerships.

151. Child-oriented agencies of the government recognize this problem and are doing all efforts and various interventions to address the same. Studies and assessments, as well as related policies, are in the pipeline. The DSWD recently launched its *Yakap Bayan* (Embrace of the People) Program which aims to turn recovering drug dependents into productive members of the community through medical and psychosocial services, including detoxification, counseling, livelihood skills-training and capacity-building.

#### **HIV/AIDS**

152. The DOH has issued the following Administrative Orders to address concerns on HIV/AIDS:

(a) Administrative Order No. 2009-0016 providing for policies and guidelines to prevent mother to child transmission of HIV;

(b) Administrative Order No. 2014-0031 providing for policies and guidelines on the use of antiretroviral therapy for people living with HIV and HIV-infected infants;

(c) Administrative Order No. 2016-0035 providing for guidelines on the provision of the quality antenatal care in all birthing centers and health facilities providing maternity care service; and

(d) Administrative Order 2017-0019 providing guidelines for informed consent; a licensed social worker can provide consent for HIV test for minors only if consent from parents or nearest of kin cannot be obtained.

153. In 2017, the Committee on Children and HIV/AIDS (ComCHA) of the CWC was revitalized to respond to the increasing prevalence of HIV. To address the current challenge posed by existing legislation which prevents adolescents below 18 from accessing sexual and reproductive health services, including HIV counselling and testing, without parental consent, the ComCHA developed the Protocol on the Provision of Proxy Consent for HIV Testing and Services of Children Vulnerable to and at Risk of HIV which is awaiting approval from the Philippine National AIDS Council.

154. The Concluding Observations called for the need to strengthen the country's HIV/AIDS awareness campaigns and ensure access to age-appropriate HIV/AIDS education to equip children with the life skills that will reduce their vulnerability to HIV and STIs. This is addressed by implementing an AIDS Medium-Term Plan to provide strategic direction for national, regional and local multi-sectoral AIDS response, through

the DOH and the DILG. It is now on its sixth phase since its inception in 2008. The 6th AIDS Medium-Term Plan (2017–2022) targets the following:

- (a) Increased knowledge of HIV transmission, prevention and services among 15 to 24 years old to 90 percent;
- (b) Prevent new HIV infections among 15 to 24 years old;
- (c) Test and treat 90 percent of people living with HIV; and
- (d) Eliminate mother to child transmission of HIV.

### **Environmental Health**

155. In 2009, the State enacted the Climate Change Act (Republic Act No. 9729) that created the Climate Change Commission which serves as the sole policy-making body of the government tasked to coordinate, monitor and evaluate the programs and action plans relating to climate change.

156. In 2012, the Republic Act No. 9729 was amended by Republic Act No. 10174. It established the People’s Survival Fund to finance local government units’ climate change adaptation and mitigation projects, which are crucial considering the vulnerability of the Philippine archipelago and those living in coastal areas to the disastrous effects of climate change.

157. In 2017, the State ratified the Paris Agreement on Climate Change. The Paris Agreement affirms our national laws and policies in addressing climate change as the agreement itself “aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty.”<sup>38</sup>

158. In 2013, Republic Act No. 10620 or the Toy and Game Safety Labeling Act of 2013 was enacted to ensure that children’s products are free from toxic, hazardous, and harmful chemicals. There are pending bills in the Philippine Congress, which seek to enforce the labelling requirements of the materials and chemicals used in consumer products, as well as to ban the importation or manufacture of harmful products. The Philippine government, in partnership with NGOs and the private sector, has also mounted a successful campaign to phase out lead-based paint.

159. The State continues to implement various programs and existing policies promoting environmental health such as the Green Procurement Policy, which promotes purchase of products with minimal adverse environmental impact.

### **Education, leisure, and cultural activities<sup>39</sup>**

160. Education remains as one of the country’s highest priorities in relation to child rights, as reflected in the various accomplishments of the State through the DepEd, Early Childhood Care and Development (ECCD) Council, and the Technical Education and Skills Development Authority (TESDA).

161. In the Concluding Observations, the Committee urged the State to allocate necessary financial, human and technical resources to ensure that primary education is universal, free and accessible to all children particularly those in the most remote *barangays* (villages), and attend to the educational needs of children belonging to vulnerable groups.<sup>40</sup> The Early Years Act of 2013 mandates the ECCD Council to be the focal agency responsible for the education of children aged 0–4.

(a) In 2015 and 2018, more than 200 National Child Development Centers were established in 70 provinces. The *Bulilit* (Little Ones) centers provide quality preparatory learning for children aged 4 and below to support their transition from home to formal

<sup>38</sup> Paris Agreement, 29 January 2016, art. 2, FCCC/CP/2015/10/Add.1.

<sup>39</sup> Data on Education Statistics can be found in Annex 16.

<sup>40</sup> Concluding Observations, p. 18.

education institutions. The centers also serve as sites for the implementation of the Early Learning Program and Family Support Program initiatives of the ECCD Council;<sup>41</sup>

(b) There was a 3 percent increase in the number of child development centers from 51,797 in 2011 to 53,436 in 2013;

(c) DSWD reports reveal that enrollment rate in child development centers increased by 4 percent from 1,699,888 in 2011 to 1,778,274 in 2013. Although gross enrollment rate had declined from 109.20 percent in School Year 2014–2015 to 105.3 percent in School Year 2015–2016, when viewed in the context of the past ten years, this rate had dramatically increased. Likewise, participation rate, which is the ratio between the enrolment in the school-age range to the total population in that age range, has increased from 19.45 percent in 2010 to 38 percent in 2012.

162. The task of developing a comprehensive policy on early childhood education and care and raising awareness as to the benefits of pre-school and early-learning opportunities<sup>42</sup> is also fulfilled by Republic Act No. 10157, wherein kindergarten is institutionalized as part of basic education, and is made mandatory and compulsory for entrance to Grade 1.

(a) There was a 28 percent increase in enrolment since the enactment of Republic Act No. 10157 in 2012. School Year 2011–2012 marked the highest enrolment for kindergarten at 2,106,345 from 1,650,232 in School Year 2010–2011;

(b) There was a 77 percent kindergarten Net Enrolment Rate in School Year 2012–2013. Compare this with School Year 2015–2016, where there was a significant improvement in the gross number of enrollment in kindergarten reaching a 93.43 percent enrollment rate.

163. One major breakthrough in education was the implementation of the Enhanced Basic Education Act of 2013 expanding the basic education cycle from 10 years to 12 years and building a more refined curriculum to equip students with 21st century skills enhanced by the K to 12 Program. DepEd promoted the Mother Tongue-Based Multilingual Education where pupils are taught to read and write in their first language to allow them to easier understand concepts. DepEd rebuilt its organizational structure through the DepEd Rationalization Program in 2013 allowing for better delivery of services. TESDA also identified and developed technical and vocational tracks for senior high school students for better job and skills matching in the workforce.

### **Improved access to education**

164. In addressing the Concluding Observations and Recommendations, the State is mindful that access to elementary and secondary education, as revealed by the Net Enrolment Rate, has fluctuated. Figures dipped in School Year 2005–2006 (elementary – 84.44 percent; secondary – 58.54 percent) and rose in School Year 2010–2013 (elementary – 95.92 percent; secondary – 64.30 percent). For Grade 1, specifically, School Year 2012–2013 registered an 82 percent enrolment rate. This is important to point out as those who have access to early grades also have higher chances to continue to higher grade levels than those who do not have such access at all.

165. Nevertheless, improvements can be seen in the cohort survival rate and completion rate, which stood at 87.07 percent and 83.43 percent, respectively, as of August 2016. This is a considerable increase in the 2009 statistics, which registered an average of 76.41 percent cohort rate and 72.87 percent completion rate. There was likewise a significant downtrend in dropout rate, from 6.24 percent in School Year 2012–2013 to 2.70 percent as of August 2016.

166. The number of graduates has also been steadily increasing, with 1,675,267 and 1,068,479 graduates in elementary and secondary levels respectively in 2008, to 1,971,092

<sup>41</sup> Rizal Raoul Reyes, *Bulilit Centers key to early childhood development*, Business Mirror, April 5, 2015, available at <http://www.businessmirror.com.ph/bulilit-centers-key-to-early-childhood-development/>.

<sup>42</sup> Concluding Observations, p. 18.



and 1,202,111 graduates in elementary and secondary levels respectively in 2015. However, results of the National Achievement Test needs improvement: overall average of 59 percent from School Year 2009 up to School Year 2013 for Grade 3 students, 68.48 percent for Grade 6 students from School Year 2009 to School Year 2014, and 49.51 percent for Secondary Level from School Year 2009 to School Year 2014.

167. With respect to out-of-school youth (OSY), the 2013 Functional Literacy, Education and Mass Media Survey (FLEMMS), which covered around 36 million population aged 6 to 24 years, revealed that one in every ten or about 4 million Filipino children and youth was out-of-school in 2013.

168. DepEd offers financial assistance to students who wish to pursue basic education in non-DepEd schools, by covering a significant portion of the school fees:

(a) Government Assistance for Students and Teachers in Private Education (GASTPE) enables eligible students to pursue secondary schooling in private schools through the provision of a fixed annual subsidy to cover tuition and other school fees. In School Year 2016–2017, DepEd assisted 932,090 students in private schools and by 2015, DepEd managed to increase the subsidy for students to P8, 500 for schools outside the National Capital Region (NCR), and P11, 000 for schools in NCR. In 2016, P21.18 billion of the DepEd overall budget went to GASTPE;

(b) The Voucher program, for senior high school students in non-DepEd schools, amounting to P22, 500, with a total of 615,929 beneficiaries.

169. The CCT program contributed to the increase of school enrollment and attendance, and decrease in drop-out rates. In 2017, the State enacted Republic Act No. 10931, which provides free tertiary education in 112 state universities and colleges.

#### **Education for children in vulnerable groups**

170. To promote equal access among learners, the State, through the DepEd, developed several programs that cater to the needs of children in vulnerable groups. These include children with disabilities, children belonging to minority groups, and out-of-school children and youth.

171. For children with disabilities, the SPED program of the DepEd continues to make significant progress with 54,282 enrollees in elementary and 100,459 in the secondary level for School Year 2015–2016. The DepEd also instituted a Five-Year Development Plan for Education for Children and Youth Disabilities (2014–2019) which provides for a roadmap consistent with the Education for All Goals in the Salamanca Statement, and the Incheon Strategy to Make the Right Real for Persons with Disabilities.

172. According to the 2010 Philippine Census and the estimate of the National Council on Indigenous Peoples, there are approximately 5 million indigenous children, aged 5 to 15 years old, who should be enrolled in Kindergarten to Grade 9. DepEd enacted several policies that address indigenous children's education:

(a) Department Order No. 62 (s. 2011) – Adoption of the National Indigenous Peoples' (IP) Education Policy Framework;

(b) Department Order No. 103 (s. 2011) – Creation of IP Education Office;

(c) Department Order No. 32 (s. 2015) – Adoption of the IP Education Curriculum Framework;

(d) Department Order No. 50 (s. 2016) – Hiring Guidelines for Teacher I Position in Schools Implementing IPs Education Effective School Year 2016–2017; and

(e) Department Order No. 3 (s. 2017) – Multi-Year Implementing Guidelines on the Allocation and Utilization of the IP Education Program Support Fund.

173. In school year 2015–2016, DepEd recorded approximately 1.9 million indigenous children enrolled in Kindergarten to Grade 6 but only around 500,000 indigenous children enrolled in Kindergarten to Grade 11. By School Year 2016–2017 a total of 2,251,765 IP learners enrolled from Kindergarten to Grade 6 including non-graded SPED and 678,072 in

secondary education. While this is a significant part of the population, this number remains to be fraction only of the number of graduates discussed earlier.

174. In 2011, DepEd, in partnership with the Australian Embassy, launched the DepEd's Philippines Response to Indigenous and Muslim Education Program, which addresses the educational needs of these groups.

175. In the aftermath of the Marawi siege, the "*Brigada Eskwela sa Marawi*" was launched following the opening of 12 public schools in Marawi City in September 2017. To ensure learning continuity of children, the initiative assisted the repair and clean-up of schools. It utilized a "paired and twinned system" which connects affected Marawi City schools with ARMM division and regional offices for manpower support and the provision of other resources for rehabilitation. In November 2017, the DepEd-ARMM started to repair seven damaged schools in Marawi City and 54 other schools in various parts of Lanao del Sur.

176. *Madaris*, specifically the standard private *madrasah*, have been harmonized, upgraded and modified as a component of the education system. Pursuant to Department Order No. 51 (2014), the standard curriculum for elementary public schools and private *madaris* are prescribed and all *madrasah* institutions in the country are required to adopt and implement standard curriculum for government accreditation. In public schools, the enriched curriculum which is likewise prescribed, mandates the offering of Arabic language and Islamic values for Muslim students in areas where there is a Muslim population. In School Year 2016–2017, the number of enrollees for Muslim learners has totaled 938,366 from Kindergarten to Grade 6 and 253,393 from Grades 7 to 10.

177. The *Tahderriyah* (preschool/kindergarten for Bangsamoro children) has reached at least 20,482 children from 813 *Tahderriyah* sites. The *Arabic Language and Islamic Values Education* in ALS is designed for the Muslim Migrants to be able to contribute positively to the peace efforts of our government in order to improve the quality of life of Muslim youth. As of School Year 2016–2017, 566,708 students in the elementary level and 4,156 students in the secondary level in public schools have enrolled in the program, with ARMM garnering the most enrollees.

178. In addition, the government has also passed into law the *Integrated History Act* which incorporates Filipino-Muslim and IP's history, culture and identity in the study of Philippine history.

179. In coordination with CHRP, DepEd has organized 2 National Educators' Congress in 2009 and in 2011. However, the issue of human rights is not a mandatory part of the curricula. There are also initiatives to include martial law and human rights violations as part of the educational curricula to avoid historical revisionism.

### **Informal learning and vocational education**

180. The FLEMMS 2013 Report cited that one in every ten, or about 4 million Filipino children and youth, was out-of-school, with marriage as its top reason (1.7 percent comprised of males, 36.2 percent females), followed by insufficient family income to attend school, lack of personal interest (33.1% males, 10.3% females), housekeeping (1.8 percent males, 13.7 percent females) and high cost of education. Based on the Annual Poverty Indicator Survey 2017, about nine percent of the 39.2 million Filipinos aged 6 to 24 years old were out-of-school-children and youth (OSCY). The proportion of OSCY's were higher among females (63.3 percent) than males (36.7 percent). The most common reasons among OSCYs for not attending school were marriage or family matters (57 percent females, 2.5 percent males), lack of personal interest (13.6 percent females, 43.8 percent males), and high cost of education or financial concern (14.3 percent females, 24 percent males).

181. In an effort to address this, DepEd, as mandated by Republic Act 9155, institutionalized its Alternative Learning System (ALS), which is a parallel learning system that provides a practical option to the existing formal instruction and includes both the non-formal and informal sources of knowledge and skills. As for the *Balik Paaralan para sa Out of School Adult*, the DepEd Bureau of ALS managed to gather 5,951 male students and 3,509 female students to participate in the program in 2016.

182. To further provide access to education for all, DepEd implemented its Open High School Program (OHSP), an alternative mode of delivering secondary education for both public and private schools in the country. The program aims to retain in school potential dropouts and encourage OSCYs of high school age to return to school. OHSP focus on independent, self-pacing, and flexible study to reach learners who are unable to start or complete secondary education due to problems on time, distance, physical impairment, financial difficulties, or family problems. It provides learners of high school age access to formal secondary education through an alternative mode of delivery.

183. In response to the Concluding Observations for the State to “take concrete action to reduce the drop-out rates in primary and secondary school, address the reasons behind non-completion of schooling, including cultural traditions and poverty, and increase transition to secondary schools,”<sup>43</sup> the government developed Alternative Delivery Modes for students without formal education, at risk of dropping out, or have difficulty going to school due to social and economic constraints:

(a) The *Abot-Alam* Program, a partnership of DepEd and CSOs, aims to map out-of-school youths to complete their basic education and to organize efforts in integrating various programs for the out-of-school youths and to provide them opportunities for education, employment, and entrepreneurship, with a vision of having a zero out-of-school youths. In 2016, a Senate bill was filed to institutionalize this program with the objectives of creating a data bank of OSYs and ensuring that they have access to programs and services;

(b) The *Kariton Klasrum* program which utilizes push carts containing learning materials, school supplies, hygiene kits, first aid kits and DepEd modules and are used in hard-to-reach areas to teach out-of-school youths and other children. As of 2014, the Dynamic Teen Company has recorded around 43 *kariton* learners in at least two sites in Cavite where this program is in full effect.

184. The Multi-Grade Education Program which offers multi-grade classes in elementary schools located in distant and sparsely populated localities. A multi-grade class normally consists of two or more different grade levels handled by one teacher. Most of its students are learners who belong to isolated and financially challenged communities, IPs, and reside in far-flung areas where schools are apart from each other. This means that children with different skills and abilities, developmental levels, and needs are mixed in a class and work together under the guidance of one teacher.

185. The Technical Vocational Livelihood track in senior high school garnered a significant number of enrollees with 562,572 of the 1,445,107 senior high school enrollees in School Year 2016–2017, or 38.93 percent of the national total. While the TESDA urges students to choose this track, the cornerstone of the track system is still the choice of the student.

### **Training programs**

186. While access to education remains to be a necessary component in upholding child rights, the State ensures that the quality of education is also sustained. This is consistent with the Concluding Observations’ encouragement for the State to “enhance the quality of education through the improvement of the ratio of teachers to students in primary and secondary schools, ensuring at the same time that teachers are well-trained, fully qualified and well paid.”<sup>44</sup> The DepEd regularly holds training programs to strengthen the capabilities of educators. An example is the senior high school training of teachers for the K to 12 Basic Education Program held in 2016, which oriented teachers to get acquainted with the developments of and proper approaches to the senior high school curriculum. Training on DepEd’s Child Protection Policy was also undertaken.

187. The State has established programs that address disaster risk reduction and management. In 2011, pursuant to Republic Act No. 10121, DepEd created a Disaster Risk

<sup>43</sup> Concluding Observations, p. 18.

<sup>44</sup> Id., p. 19.

Reduction and Management Office to initiate and spearhead the establishment of mechanisms which prepare, guarantee protection and increase resiliency of its constituents, particularly the school community.

188. In 2012, Department Order No. 40 or the *Child Protection Policy*, sought to monitor and alleviate VAC cases. In 2015–2016, 29,723 bullying cases and 7,558 child abuse cases in schools were reported. It reiterates prohibitions on child abuse, such as the infliction of corporal punishment, and penalizes such abuses including the incidents of bullying. In this regard, it outline the duties and responsibilities of school officials, creates processes in handling cases of abuses and reporting, and imposes penalties for violations of its provisions and those of other laws. In 2016, DepEd Memorandum No. 131 or the *Training and Designation of DepEd Child Presentation Specialists (CPS)*, was issued to designate CPS and equip them in providing technical advice, referral, and monitoring of child abuse cases.

### **Special protection measures**

189. The State recognizes the vulnerability of many members of society, especially within the setting of a developing country where poverty alleviation and the lack of inclusive economic growth still remain as challenges.

#### **Refugees, asylum seekers, and migrants**

190. In 2011, the State signed the instrument of ratification of the 1954 UN Convention relating to the Status of Stateless Persons. In 2012, the DOJ also issued Department Circular No. 58 or the *Rules on Establishing the Refugee and Stateless Status Determination Procedure* for a more efficient application process for refugees. A database of asylum seekers and refugees is also being developed and maintained by DOJ.

191. The State has also been recognized by the regional executive for United Nations High Commissioner for Refugees for efforts made to protect the rights of refugees. One program which was praised was the Refugee Determination Project headed by DOJ's Refugee and Stateless Persons Processing Unit and the Emergency Transit Mechanism. Another project is the determination and registration of Persons of Indonesian Descent, in cooperation with the Indonesian Consulate in Mindanao.

192. The State has led efforts for Migrants in Countries in Crisis Initiative. It seeks to enhance the State's prevention, preparedness, and response capabilities to address crisis situations involving migrants. Regional consultations were held and resulted in the Principles, Guidelines, and Practices for Migrants in Countries in Crisis.

#### **Economic exploitation and child labor**

193. According to the 2011 Survey on Children conducted by PSA with support from the International Labor Organization (ILO), there were about 2.1 million children engaged in child labor. Of this number: 58.4% were engaged in the agricultural industry (crop and animal production, hunting and related services); 34.6% were in the services sector (retail trade, food service, and information and communication); and 7% were in the mining and quarrying industry.

194. The PDP 2017–2022 supports programs/initiatives to eliminate child labor. The end-of-plan target is to remove 30% (approximately 630,000 children) from the 2.1 million child laborers as determined by a 2011 Survey on Children conducted by the PSA with support from the ILO. These measures to address child labor include:

(a) Department Order No. 149 (s. 2016) or Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons Below 18 Years of Age; Department Order No. 156 (s. 2016) or Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation; and Department Order No. 159 (2016) or Guidelines for the Employment of Migratory Sugarcane Workers;

(b) The *Sagip Batang Manggagawa* (or Rescue the Child Laborers) is an inter-agency quick action mechanism which aims to respond to cases of child laborers in extremely abject conditions by detecting, monitoring and rescuing child laborers. From 2008 to 2016, a total of 153 rescue operations of 857 child laborers were conducted and closure of 51 establishments;

(c) Livelihood assistance to parents of child laborers in the form of *Negokart*, starter kits, or materials needed. Under DOLE's Integrated Livelihood and Emergency Employment Program, livelihood beneficiaries should not allow their children to engage in child labor. From 2008 to 2016, a total of 24,393 parents of former child laborers have been provided assistance;

(d) Campaign for Child Labor-Free Barangays undertaken from 2014 to 2016 by 337 barangays nationwide. They were certified by DOLE and its partners as child labor-free;

(e) 2012 Operational Guidelines on the Issuance of Child Labor-Free Establishment and/or Zone Seal under the Incentivizing Compliance Program to promote compliant and socially responsible business practices. From 2013 to 2016, a total of 213 establishments have been recognized as child labor-free;

(f) HELP ME (Health, Education, Livelihood, Promotion, Protection and Prosecution, Monitoring and Evaluation) Convergence Program to Address Child Labor which engages government agencies from the national to the barangay levels to deliver services to child laborers and their families. In 2016, the Joint Memorandum Circular on the Guidelines in the Implementation of the convergence program was signed to "promote expansion of the alliance towards provision of direct services such as, but not limited to, health, education, welfare and legal assistance to child labor victims and provision of viable economic opportunities to parents of child laborers." Each of the agencies which signed the circular will have specific duties relating to the areas covered by their mandates;

(g) Manual of Procedures in Handling Complaints on Trafficking in Person, Illegal Recruitment and Child Labor to serve as the standard operating procedure to be used by DOLE Regional and Field Offices;

(h) ILO-IPEC provided technical and financial support in the implementation of Country Level Engagement and Assistance to Reduce Child Labor (CLEAR) Project in the areas of legislation, enforcement, monitoring, development and implementation of national action plans, and improved implementation of policies and programs; and Convening Actors to Reduce child labor and improve working conditions in artisanal and small scale gold mining (ASGM) (CARING-Gold) Project to establish a platform for stakeholders to develop strategies to address the problem of child labor and poor working conditions in ASGM;

(i) Ecumenical Institute for Labor Education and Research implemented the European Union-funded project *Bata Balik-Eskwela* Community-Based Approach in Combating Child Labor in Hazardous Industries in Plantations and Mining Project from 2013 to 2016. The Project supported the reintegration of child laborers to formal school and included the formation of *Bata Balik-Eskwela* Learning Centers in plantation and mining communities in six project areas located in Agusan del Sur, Camarines Norte, Compostela Valley, Bukidnon, Negros Occidental and Davao del Norte. According to the European Commission, six (6) *Bata Balik-Eskwela* Learning Centres have been opened in 6 plantation and mining communities and at least 100 children are enrolled in these Learning Centres each year;

(j) World Vision-led ABK3 LEAP (Livelihoods, Education, Advocacy and Protection) Project to Reduce Child Labor in Sugarcane Areas which was implemented from 2012 to 2016 assisted 54,479 children covering 30,412 households; 30,348 household beneficiaries received livelihood support; 53,613 children were given support in formal schooling; and 142 barangays, 37 cities/municipalities and 8 provinces were assisted in developing policies and programs on child rights and child labor reduction;

(k) US Department of Labor cited the Philippines in its 2012 to 2015 reports as having achieved significant advancement in its efforts to eliminate the worst forms of child labor;

(l) Strategic Helpdesks for Information, Education, Livelihood and other Developmental Interventions (SHIELD) program was launched at the beginning of 2017. It will be tested in three priority areas where a high number of children are found working in deep-sea fishing, mining, quarrying and agriculture. SHIELD will establish a local child labor registration system that will identify child laborers in the community and monitor their cases; and a barangay help desk that will offer services for child laborers and their families, as well as facilitate rescue operations when necessary;

(m) An additional module on child labor was created to help educate the families of the long-term effects of allowing their children to work at an early age and will be integrated in the monthly Family Development Sessions of the beneficiaries of the CCT Program.

### **Minority or indigenous groups**

195. There are initiatives within government agencies to fulfill the rights of indigenous children. The DepEd has established the IP Education Office, which helps implement education programs for IPs, and developed education programs that will meet the learning needs of the IP communities; the DSWD has the IP Participation Framework and Modified Conditional Cash Transfer for Indigenous Peoples in Geographically Isolated and Disadvantaged Areas (MCCT-IP-GIDA) under the *Pantawid Pamilyang Pilipino* or the CCT Program; while the DOH has joined with the NCIP and the DILG to address various issues in the provision of basic health services for IP communities.

196. In 2015, there were bills on Anti-Religious and Racial Profiling, an Act for Safeguarding the Traditional Property Rights of Indigenous Peoples, and an Act to Ensure Equal Employment Opportunities to Members of the Indigenous Cultural Communities and Preference in Certain Cases. Another bill filed in 2016 is the Free and Culture-Sensitive IP Civil Registration System Act of 2016. These bills are being deliberated in both Houses of Congress where they have to pass three readings in both houses and signed by the President before they become law.

197. In 2016, the State undertook the implementation of the IP Participation Framework and the Modified CCT for IPs in Geographically Isolated and Disadvantaged Areas, in which around 200,000 IP families benefited. Through the joint efforts of DOH, NCIP, and DILG provision of basic health services for IP communities were undertaken.

198. The protection of indigenous children provided in RA 8371, the *Indigenous People's Rights Act of 1997* (or IPRA) remains a challenge due to the lack of financial and human resources of the NCIP. The lack of accurate data on indigenous children makes it difficult to design evidence- and results- based programs for them.

### **Children at risk on the streets**

199. Efforts are on-going to determine the exact number of children at risk on the streets in the country despite the difficulty because of their mobility and their seasonal stay in the streets. DSWD spearheaded a rapid appraisal of children-at-risk on the streets and street families in the 17 local government units of Metro Manila in 2010 where 3,072 children were counted during the appraisal period. It was also noted that the number increases during the Christmas season as confirmed during the “*2012 Pasko ng Batang Pinoy Survey*” where another 3,703 children were identified as “*occasional children at risk on the streets.*”

200. This rapid appraisal program of children-at-risk was expanded in 2015 to include Regions III, children at risk on the streets, 2,060 street families, and 904 street adults. The majority is in NCR and Region III, and none were reported in Regions VI, VII, and XI. A more recent survey from January to August 2016 in NCR shows that there were 4,367 children at risk on the streets, with 3,191 at-risk on the streets or those who still maintain regular communication with their families, and 1,176 children who are either abandoned/neglected, or children of homeless street families. Regions IV-A

CALABARZON, V, VI, VII and XI, 7,114 children at risk on the streets, 2,060 street families, and 904 street adults were found in these regions. The majority is in NCR and Region III, and none were reported in Regions VI, VII, and XI. A more recent survey from January to August 2016 in NCR shows that there were 4,367 children at risk on the streets, with 3,191 at-risk on the streets or those who still maintain regular communication with their families, and 1,176 children who are either abandoned/neglected, or children of homeless street families.

201. In 2011, the DSWD launched a “zero-incidence” target on children at risk on the streets in the major thoroughfares of Metro Manila. A Protocol on the Conduct of Reach-Out to Children at risk on the streets, a guide to all stakeholders in the conduct of rescue operations was approved by CWC’s Board in 2011 and was further enforced through a Joint Memorandum Circular between DSWD and DILG in 2012. Several operations were undertaken in 2015 and 2016 in priority areas in NCR to remove the children at risk on the streets and their families from dangerous conditions. From January–September 2016, DSWD reported that a total of 14,759 individuals were assisted and taken out of the streets, 53.9 percent of which were children. 7,625 were returned to their families while 7,134 were placed in temporary shelters.

202. In 2015, the DSWD launched the Comprehensive Program for Children and Families At-Risk on the Streets and IP, especially *Sama Bajaus*, an integrated approach in responding to the needs of street children and their families. It provides a package of services, interventions, and opportunities for them to live productively in a safe environment. By 2016, the program has provided, among others, educational assistance to 6,938 children and *Sama Bajaus*, served 15,928 kids in 58 activity centers, birth-registered 78 *Sama Bajaus*, and given 1,015 families with capital assistance and skills training.

203. The State also initiated the Modified CCT scheme for Families in Need of Special Protection, which targets street families and their children in recognition of the fact that poverty is the root cause of their street-dwelling. The conditions will be adjusted to respond to the needs and characteristics of street families and children but in general it will aim to provide opportunities for children at risk on the streets to go or be back to school and avail of health services. DSWD has also increased the number of activity centers for children at risk on the streets and their families, where they can avail of government services and livelihood activities. In real terms, according to the NEDA, in 2017 there were 4,394,813 households receiving cash grants under this system. In fact, there had been a plateau in the trend of the number of beneficiaries mainly due to the graduation of some of its beneficiaries from school.<sup>45</sup>

204. In December 2017, the National Network on Street Children, an inter-agency coordination structure composed of national government agencies, civil society organizations, and international development partners, of the CWC was revitalized primarily to respond to the recent General Comment No. 21 on Children in Street Situations published by the United Nations Committee on the Rights of the Child.

### **Sexual exploitation and sexual abuse**

205. The State recognizes that sexual exploitation and abuse is a continuing problem in the country. DSWD reported that in 2016, there were a total of 1,045 sexually abused children while 149 children were sexually-exploited. Exploitation comes in the form of prostitution, pedophilia, cyber pornography, and sexual harassment. NBS-VAC noted that this form of abuse is common for both girls and boys. Given this situation, the government has sustained and improved its efforts to combat the same.

206. The State became a member of the Global Alliance against Child Sexual Abuse Online in 2012. This allowed the country to be provided with access to private networks and be notified when there are tips relating to child sexual exploitation. In addition to the Anti-Child Pornography Law, the Cybercrime Prevention Act, and Cybersecurity Project Against Child Pornography, other measures include:

<sup>45</sup> See the NEDA Report.

(a) PNP and prosecutors underwent training on Protocol on Case Management of Child Victim of Abuse, Neglect and Exploitation; training on Cybercrime for Prosecutors; and training/orientation on Online Child Abuse;

(b) Optical Media Board conducted 41 information campaigns about child pornography and also seized 76,368 counterfeit optical medical which contains child pornography.

207. The Philippines' IACACP has spearheaded and coordinated various efforts which tackle child pornography. A handbook on the law and its implementing rules, as well as a guide for local government units was created. DSWD created an SMS helpline, which the public can access to report child pornography sites for blocking. In 2014, the DOJ designated cybercrime prosecutors for improved case handling.

208. The PNP Anti Cybercrime Group Special Program ANGELNET created an operation center for coordination among key players of all information and internet based concerns. From January–September 2016, it investigated 136 cases of online child abuse. As of 2016, 322 websites for child pornography that previously could be freely accessed on the internet had been shut down by the PNP. The IACACP developed inter-operable process flow in handling and managing cases of child pornography and a guide for the Therapeutic and Psychosocial Care for Victim-Survivors of Child Pornography.

209. Several conferences and capacity-building events were held: National Conference on Protecting Children in the Cyberage (November 2013); Planning Workshop on Activities for the Global Alliance Against Child Sexual Abuse Online (May 2014); Public and Private Sector Round Table Dialogue on Child Sexual Abuse Online (October 2014); and Stairway Foundation, Inc. conducted 9 Youth Forums covering 600 public school students. The Cyber Safe Initiative was also implemented.

#### **Sale, trafficking and abduction<sup>46</sup>**

210. Eliminating trafficking in persons (TIP) continues to be a priority of the government. According to a DOJ Report in 2012, girls between the ages of 14–17 are usually the victims of child trafficking as they are lured by offers of jobs in households, restaurants, factories, and entertainment agencies only to end up as sex slaves. The government also reported that of the 318 children trafficked in the period of 2001–2011, 90 percent were girls. The Inter-Agency Council Against Trafficking (IACAT) reported that between 2003–2016 there were 2,048 minor victims of trafficking reported and documented. As of 2016, as more cases had been investigated, 9,380 victims had either been rescued or provided services by the IACAT.

211. In June 2016, as recognition for the government's efforts to combat TIP, the US Department of State's Office to Combat and Monitor Trafficking in Persons released their 15th annual TIP report which raised the Philippines from a tier 2 to a tier 1 ranking. The State is the first country in Southeast Asia with a Tier 1 ranking. This ranking has been retained in the 2017 US State Department report.

212. In 2015, the IACAT reported having undertaken the following measures and achieving these accomplishments:

(a) Creation of IACAT 1343 Action line/hotline which has received a total of 30,019 calls from 2011 to 2016. 2 percent of the calls made were verified to be cases of child trafficking and this led to the rescue of 463 victims since 2011, while the rest of the calls could not be verified or were cases of other violations of law. There are also 24 existing anti-trafficking task forces in different areas of the country;

(b) Partnership with the MTRCB for promulgation of awareness campaigns, where the MTRCB issued a memorandum directing all theater operations to air the audio visual presentation of IACAT;

(c) 281 trainings and capacity-building activities for government officials, and NGO staff members were held. IACAT has already organized and supported 841 trainings

<sup>46</sup> The statistics and data on trafficking are in Annex 17.



conducted by partners and member-agencies since 2012. These trainings were participated by 66,312 government and private sector personnel such as secondary and tertiary Students, faculty, academe, hotel managers, hotel staff and security, bus operators and drivers;

(d) Launch of the Manual on the Labor Dimensions of TIP for prosecutors and investigators to have a better understanding of trafficking;

(e) Establishment of IACAT Operation Centers (OPCEN) which serves as a temporary shelter for witnesses and trafficking victims. Since 2013, OPCEN operatives located and persuaded 197 victims/witnesses and escorted them to appear and testify before the Court. It also provided transportation and security assistance to 640 TIP victims/witnesses for their scheduled court hearings and legal briefings. All these efforts contributed to the investigation and prosecution of TIP cases. In July 2016, the Internet Crimes Against Children Section under the Anti-Trafficking in Persons Division of DOJ was also established.

213. State agencies have likewise undertaken steps to contribute to the overall campaign against trafficking:

(a) The DFA also conducted Anti-TIP Regional Workshops for the Philippine Foreign Service Posts to capacitate frontline foreign service personnel in identifying potential victims and in providing assistance. In 2015, DFA published a Handbook on International and National Legal Frameworks in Combatting Human Trafficking. The Philippine Judicial Academy conducted Competency Enhancement Training programs in 2013 and 2015 for more than 120 court judges and court personnel handling TIP cases;

(b) Pursuant to R.A. 10821, upon the declaration of a state of calamity, the PNP and the DSWD, with the assistance of the AFP, have strengthened monitoring measures to prevent child trafficking, labor, and prostitution, including domestic and sexual violence;

(c) The DSWD implements a Recovery and Reintegration Program for Trafficked persons (RRPTP). A total of 10,232 trafficked victims were assisted and served through the RRPTP, 17 percent (1,689) of which were minors. The data shows that females are more vulnerable to be trafficked than males (6,723 v. 2,133).

214. The State has also been pushing for ASEAN stronger cooperation in combating trafficking in persons among ASEAN member-States. There is an existing ASEAN Declaration against Trafficking in Persons Particularly Women and Children signed in 2004, and a Work Programme for the ASEAN Plan of Action to Combat Transnational Crime which was implemented in 2010–2012 to further strengthen regional and international cooperation to combat and prevent trafficking in persons.

215. In February 2017, the State ratified the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which recognizes that human trafficking is “an offense to the dignity of human beings.” The ASEAN action plan on trafficking seeks to strengthen border control among member states, intensify efforts to prosecute trafficking cases, and strengthen regional cooperation. DFA will be leading GPH’s participation in the ASEAN meeting on trafficking-in-persons, and the World Day Against Trafficking in Person, which is promoted by the United Nations every 30th of July.

216. In 2017, the United States and the Philippines signed a new partnership, called the The U.S.-Philippines Child Protection Compact (CPC) Partnership, to enhance efforts to reduce online child sexual exploitation and child labor trafficking in the Philippines. The CPC is a jointly-developed, four-year plan aimed at bolstering current efforts to prosecute and convict child traffickers; provide comprehensive, trauma-informed care for child victims of these crimes; and prevent these crimes from occurring in the future.

#### **In conflict with the law – administration of the juvenile justice system**

217. The State continues its efforts to address the situation of CICL. DSWD reported that between 2011–2016, there were 14,001 reported CICL that were served by the agency, with the numbers decreasing from 3,341 in 2011 to 1778 in 2016. The decrease can be attributed to the validation and cleaning up of PNP records. In 2012–2015, the most common crimes

where children are involved are property related crimes (47 percent) followed by crimes against persons (28 percent).

218. A key accomplishment on CICL is Republic Act No. 10630 (s.2012), strengthening the Juvenile Justice System and amending Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344). The law provides for the creation of the Intensive Juvenile Intervention and Support Center, the allocation of funds for *Bahay Pag-Asa*, and the supervision of DSWD over the Juvenile Justice and Welfare Council (JJWC).

219. In Republic Act No. 10630, CICLs who are below the age of criminal responsibility shall undergo community-based interventions supervised by the local social welfare and development officer, unless the best interest of the child requires the referral of the child to a youth care facility or “Bahay Pag-asa” managed by local government units or licensed and/or accredited NGOs monitored by the DSWD. The law institutionalizes the use of diversion for CICL at the *Katarungang Pambarangay*, police, prosecution, and court levels. From 2013–2016, 2,599 children were in community-based interventions, while 1,821 underwent diversion programs. For children found guilty and whose sentences were not suspended, the Parole and Probation Administration reported that from 2008–2016, 275 children were given probation. The Regional JJWCs established in every region of the country conducts regular inspection of jail facilities to ensure the immediate release of detained children. In 2015 and 2016, 190 and 319 jail facilities, respectively, were visited resulting in the release of 178 children. The Philippines also ensures that children are not detained with adults, if detention is necessary.

220. DSWD reports that from 2011–2016, some 9,194 CICL were served in various facilities, of which 3,647 were discharged and rehabilitated. One of the DSWD facilities, the *Bahay Pag-Asa* (BPA) is a 24-hour child-caring institution funded and managed by local government units and licensed and/or accredited NGOs providing short-term residential care for CICL who are above 15 but below eighteen 18 and are awaiting court disposition of their cases. Part of the features of a BPA is an intensive juvenile intervention and support center. In areas without a BPA, children will be placed in a RRCY. These have resulted in a significant decline in the number of children placed in jail facilities – before the enactment of Republic Act No. 9344 in 2006, the yearly average number of children in jails was 1,976; from 2012–2016, this went down to 400.

221. Measures have been put in place to ensure that CICL are properly treated before and during detention. The JJWC developed a Comprehensive National Juvenile Intervention Framework, to guide all stakeholders, especially local government units, in the delivery of juvenile intervention programs. PNP released in October 2016 a manual in handling cases of children at risk and CICL. It also conducted various trainings for Women and Child Protection Desk officers to improve investigative skills and ensure their success in filing cases, and training in computer-facilitated crimes against children. Other law enforcers also underwent training on case build-up and gender sensitivity. DILG issued Memorandum Circular No. 2016-68, the *Guidelines for Local Government Units on the Development of the Comprehensive Local Juvenile Intervention Program*. As of 2015, 30 provinces, 82 cities, 585 municipalities, and 5,451 barangays have local juvenile intervention programs that were also integrated into local development plans.

222. In 2009, the Supreme Court issued a *Rule on Juveniles in Conflict with the Law*. It provided for various rights for CICL, such as: immediate assistance by a lawyer and social worker; access to family; be informed of the charges and diversion; and confidentiality of medical and dental exams, among others. The Release of Children on Recognizance and for the child’s commitment and transfer to a youth detention facility are also provided.

223. Trainings have also been continuously undertaken for various duty bearers in juvenile justice. JJWC reports that as of 2016, 13,939 personnel from local government units were trained and monitored. The Philippine Judicial Academy (PhilJA) also conducted 11 training programs for more than 450 court judges and personnel handling cases involving children from 2012–2014, with participation from the Public Attorney’s Office. NBI and DOJ conducted personnel training on case management of child victims, prosecution of cybercrimes, and online child abuse. The NBI also established 14 child friendly rooms in its offices nationwide.

224. Other policy issuances from on CICL include:

- (a) DepEd 2015 Guidelines on CAR and CICL Management;
- (b) NYC Resolution No. 6 (2014) on Youth to Youth Guidelines on the Active Involvement of *SK* and Youth Organizations in the Implementation of Republic Act No. 9344 as amended by Republic Act No. 10630;
- (c) 2015 JJWC Guidelines on the Establishment of Regional Juvenile Justice and Welfare Committees and Regional Secretariats;
- (d) JJWC Integrated Care Management Protocol for Duty Bearers; and
- (e) Standard Physical Design/Floor Plan for BPAs.

### **Minimum Age of Criminal Liability**

225. As mentioned, Republic Act No. 10630 provides that a child in custody who is below fifteen years old should immediately be released to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. In comparison, some of the following Asian countries enforce the following punitive measures on children crossing the prescribed age of criminal responsibility:<sup>47</sup> In Japan, Family Courts are permitted to commit children as young as 11 to Juvenile Training Schools under the administration of the Ministry of Justice Correction Bureau; in the Republic of Korea, children can be subject to protection measures from the age of 12, which include placement in child welfare institutions, juvenile protection institutions and juvenile training schools or reformatories; and in Cambodia, children younger than 14 can be subjected to measures of "surveillance, education, protection and assistance"; and in mainland China, children can be held criminally responsible for intentional homicide, intentionally hurting another person so as to cause serious injury of death, rape, robbery, drug-trafficking, arson, explosion or poisoning from the age of 14.

226. There are initiatives to lower the minimum age of criminal liability from fifteen to nine years old. These are bills pending in Congress at the Committee level, and there is as yet no clear indication that it will be passed. A version recently passed by the House of Representatives Subcommittee on Correctional Reforms retained the minimum age of criminal liability at 15. It has also been reported that public and Congressional support for the measures has waned. JJWC continues its lobbying work and direct legislative advocacy to ensure that evidenced-based reports, policy recommendations, and advisory papers are submitted to legislators.

### **Implementation of optional protocols**

#### **Optional Protocol To The Convention On The Rights Of The Child On The Sale Of Children, Child Prostitution And Child Pornography**

227. In 2016, DSWD reported that 61 children were victims of child pornography, 40 were victims of prostitution, and 301 were victims of child trafficking. In order to address these, the State implemented programs such as the CCT, the Comprehensive Program for Children at Risk on the Streets, Street Families and IPs, the Child Protection Policy for Schools, the Child Wise Tourism Program, the SBMS, and the Recovery and Reintegration Program for Trafficked Persons. The Philippines has designed programs focused on the capacity-building for its justice system in implementing Republic Act No. 9344 and its rules and regulations. Judges and security guards are being equipped with the proper skills in handling children involved in cases.

228. The State, through DSWD, likewise provide victims with support under the Recovery and Reintegration Program for Trafficked Persons/Deportees which has shelters, crisis interventions, awareness campaigns and residential facilities. Moreover, a National Referral System, a mechanism that strengthens the referral networks of agencies dealing with trafficked persons enabling case managers to handle trafficking in persons' cases more

<sup>47</sup> <https://www.crin.org/en/home/ages/asia>.

efficiently, has been established. Currently, the DSWD maintains 66 shelters. From April 2014 to January 2015, a total of 1,101 women and girl children were served in 14 Haven for Women and Haven for Women and Girls and 821 girl children in Home for Girls nationwide and Marilac Hills.

229. In order to prevent trafficking of children, the State, through the DSWD, requires travel clearances for minors who are unaccompanied by their parents. Task forces and quick reaction teams have been set up by IACAT to detect traffickers in airports and other strategic locations.

#### **Optional Protocol To The Convention On The Rights Of The Child On The Involvement Of Children In Armed Conflict**

230. Since the last submission in 2007, it was reported that the State has continued to face the problem of children involvement in armed conflict (CIAC) especially in Mindanao. In 2012, the CWC reported that an estimated 30,000 to 50,000 children were displaced by armed conflict annually since 2008. DSWD has reported that a total of 17 children victims of armed conflict in 2016 were served.

231. The minimum age of admission to the Philippine Military Academy (PMA) is 17 years old which is still of minority age, but not older than 22 years upon application for admission. In August of 2016, it was reported that 1,146 examinees composed of 743 males and 403 females were admitted to the selection process of the PMA. The Reserved Officer Training Course (ROTC) is now voluntary, and the government has instead instituted a National Service Training Program under Republic Act No. 9163, where ROTC is only one component.

232. Efforts are being undertaken to assess the number of asylum-seeking and refugee children entering the State party from areas where children may have been recruited or used in hostilities; and the number of children who benefit from physical and psychological recovery and social reintegration measures.

233. Several measures have been undertaken to protect the rights of CIAC. Primary is Executive Order No. 138, signed in 2013, which strengthened the implementation of the CIAC Program Framework and reconstituted the Inter-Agency Committee on CIAC (IAC-CIAC). The IAC-CIAC not only conducts human rights training, advocacy and information campaigns but also implements an MRRS-GCRVSAC in situations of armed conflict which include killing and maiming, recruitment and use of children, attacks on schools and hospitals or health facilities, abduction of children, rape and other gender-based violence and denial of humanitarian access. The CWC, as the lead agency, continues to spearhead trainings for frontline service providers, especially focal agencies, in coordination with the IAC-CIAC. In 2015–2016, trainings on the protection of children in conflict-affected areas involved 105 service providers.

234. The MRRS-GCRVSAC expanded the role of CWC to coordinate with appropriate offices on the national and local level. Some 107 cases are currently being reviewed under the MRRS-GCRVSAC. Related to this is DILG MC No. 2016-67 which enjoined local government units to adopt and utilize the protocol and guidelines for MRRS-GCRVSAC under E.O. No. 138.

235. The major duty-bearers in this program are the Department of National Defense-Armed Forces of the Philippines (DND-AFP) and the DepEd which disseminated circulars (AFP Letter Directive No. 25 and DepEd Memorandum No. 221) for providing guidelines on how DND-AFP should conduct its activities within schools and hospitals in situations of armed conflict. DND-AFP has also coordinated with Barangay Officials, PNP, Local Health Officers, and Local Social Welfare and Development Officers in the handing over of rescued children. DND-AFP's Campaign Plan for 2010–2016 also focused on community support. In addition, the DND-AFP and UNICEF embarked in 2011 on a strategic work plan to prevent GCRVs.

236. On February 2016, the DND-AFP promulgated Circular Number 01, entitled Child Protection During Armed Conflict Situations, prescribing policies that prohibit the commission of GCRVs, and setting the procedures and guidelines in monitoring, reporting,

and responding to GCRVs committed by either state or non-state actors. The guidelines included pertinent provisions on the selection of volunteers to the Citizen Armed Force Geographical Unit (CAFGU), Active Auxiliary Corps, and Special CAFGU Active Auxiliary Corps, the conduct of military activities in schools and hospitals, and the commanders' responsibilities in advocating for this policy.

237. In 2014, the government and the Moro Islamic Liberation Front (MILF) signed a Comprehensive Agreement on the Bangsamoro (CAB), for the creation of the Bangsamoro, a new autonomous region for the Muslim people. However, its passage has been halted and would have to be subject to plebiscite. It is important to note that part of this landmark agreement is the prohibition involving children in armed conflict. On 19 February 2017, the MILF released the first batch of children, numbering about 50, who were previously engaged in armed conflict.

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