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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-second session

SUMMARY RECORD OF THE 1429th MEETING

Held at the Palais Wilson, Geneva,

on Tuesday, 15 September 2009, at 3 p.m.

Chairperson: Ms. LEE

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third and fourth periodic reports of the Philippines (continued)

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

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third and fourth periodic reports of the Philippines (continued) (CRC/C/PHL/3-4, CRC/C/PHL/Q/3-4 and Add.1, HRI/CORE/1/Add.37)

At the invitation of the Chairperson, the members of the delegation of the Philippines resumed their places at the Committee table.

The CHAIRPERSON requested confirmation of reports that there was a proposal to lower the minimum age of criminal responsibility in the Philippines from 15 to 9. She wished to know when the State party planned to submit its initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

It would be useful to learn of any steps the Government had taken to improve the situation of children in circumstances similar to the high-profile case in 2009 involving the child of Filipino parents who were facing deportation from Japan and consequent separation from their daughter.

Ms. CABRAL (Philippines) said that the initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been submitted in August 2009.

Ms. AIDOO commended the State party on the establishment of the National Early Childhood Care and Development Coordinating Council and the slight increase in enrolment of 3- to 5-year-olds in day-care centres and preschool programmes. However, she remained concerned that children from birth to 3 years were not covered by holistic early childhood development programmes. Large numbers of parents were apparently emigrating from the State party, leaving children in the care of relatives who might not be able to provide the fullest care. In that context, a well-organized, State-funded early childhood development programme was essential. The Committee had received reports that poor and marginalized children did not have good access to the existing day-care facilities. The huge dropout rates in grades 1 and 2 of primary school reflected the low preparedness of children for school and the difficult transition from home to school. She asked whether there was currently a national early childhood care and development programme. It would be useful to learn whether the State party planned to expand and improve the quality of early childhood care and development services to ensure that all children could successfully make the transition to primary school. She drew attention to the

many studies that had shown that, out of all age groups, investment in early childhood development yielded the highest social returns.

Ms. CABRAL (Philippines) said that the President had issued a directive in 2008 increasing the powers of the National Early Childhood Care and Development Coordinating Council. About 90 per cent of villages currently complied with legislation requiring them to provide at least one day-care centre, with some 42,000 centres nationwide. Families with sufficient resources tended to use private day-care facilities, leaving places at the village day-care centres available for poorer families. Plans were under way to establish an early childhood care and development programme for children from birth to three years. In order to qualify for the conditional cash transfer programme, families had to ensure that their children aged 3 to 5 attended day-care centres and those aged 6 to 14 attended school at least 85 per cent of the time. The programme currently benefited some 2 million children.

Ms. AIDOO asked whether the staff at the village day-care centres were adequately trained and whether the materials provided a high quality, stimulating environment.

Ms. CABRAL (Philippines) said that continuous efforts were made to train the staff of the centres and to improve the play and educational materials available.

Mr. SALO (Philippines) said that the death penalty had been abolished for all persons in June 2006. His Government had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty in 2007.

Ms. MALENAB-HORNILLA (Philippines) said that the Juvenile Justice and Welfare Act, which had come into force in 2006, recognized all people under the age of 18 as children. The Act provided for the application of restorative, as opposed to retributive, justice for children in conflict with the law. Since the Government recognized the role of children in nation building, it always protected their best interests within the justice system. Children in conflict with the law had the right to legal counsel and to be treated with dignity. They were not subjected to torture, degrading punishment, ill-treatment, life imprisonment or unlawful deprivation of liberty. Children were not liable for perjury, concealment or misrepresentation. They had the right to probation, and there were limitations on the restrictions that could be placed on their personal liberty. Cultural and religious dimensions were taken into account when applying the Act to Muslim children and those from indigenous communities.

Children in conflict with the law were brought before family courts. The relevant age was that at the time the offence was committed. In July 2009, a Supreme Court decision had resulted in an instruction to the Public Attorney's Office and all prosecutors and judges to ensure that all detained persons who had committed an offence when they were minors should be released.

Children under the age of 15 were exempt from criminal, but not civil liability. Those aged 15 to 17 were also exempt from criminal liability unless they had acted with discernment. All children that entered the judicial system were placed within intervention programmes run by the Department of Social Welfare and Development. Juveniles aged 15 to 17 who had acted with discernment were not usually imprisoned, and in any case were not supposedly held with adults. Their trials were kept as short as possible.

In accordance with its provisions, efforts had been made to disseminate and train the relevant authorities on the Juvenile Justice and Welfare Act. To that end, some 40,000 staff had been trained, mostly prosecutors, lawyers, social workers, local government officials, judges and prison staff. The Juvenile Justice and Welfare Council had established a plan of action for juveniles in conflict with the law. The main focus had been to ensure that children in prison were released and the Council was currently striving to set up youth homes for children in conflict with the law nationwide.

Mr. SALO (Philippines) said that, while there was a proposal before the Senate to lower the minimum age of criminal responsibility from 15 to 9, it was a proposal only. It would be thoroughly debated and would be subject to public and governmental scrutiny.

Mr. CITARELLA (Country Rapporteur) asked how many family courts had been established in the State party, and whether they all had sufficient staff and other resources. It would be useful to know how a child of 14 who committed a serious crime was treated.

Mr. KOTRANE asked whether the State party planned to establish separate detention facilities for children nationwide, since it had admitted that such facilities were available only in Metro Manila and Cebu City. He also wished to know whether any steps had been taken to limit pretrial detention for children.

Ms. MALENAB-HORNILLA (Philippines) said that a 14-year-old who committed a serious crime would be arrested by the police, who would place the child with the Department of Social Welfare and Development. The child would be subject to intervention proceedings, and would not be deprived of his or her liberty.

During pretrial detention, efforts were made to detain children separately from adults. Where necessary, they were held in police offices as opposed to cells. In most cases, children were released to their parents or guardians as soon as possible.

Mr. ROSALES (Philippines) said that the Department of Social Welfare and Development provided services for children in conflict with the law at 12 residential care facilities, including regional rehabilitation centres for young people, national training centres for boys, and homes for boys and girls. In 2008, some 1,058 juvenile offenders had attended those facilities. Also in 2008, about 325 children in conflict with the law had been released from detention facilities.

The Government had issued directives on the roles and responsibilities of local government units in handling juvenile offenders. They were instructed to establish juvenile detention centres, assist in providing for the basic needs of juvenile offenders in detention, including protecting them from torture or ill-treatment, and to allocate 1 per cent of their revenue to strengthening their programme for child protection.

The recruitment of children into any armed forces was specifically prohibited by law. Legislation also provided that children should be prioritized in evacuations resulting from armed conflict. Moreover, children arrested for reasons related to armed conflict were

entitled to be detained separately from adults and to be released within 24 hours on identification by the Department of Social Welfare and Development or other responsible entity, as determined by the court.

The CHAIRPERSON asked for the delegation's comments on reports that street children were routinely rounded up and detained, despite having committed no offence.

Mr. CITARELLA (Country Rapporteur) asked whether children who had been recruited into an armed group in a region where the Government had no de facto responsibility were considered as victims or offenders on their release or return to the State party.

Ms. MALENAB-HORNILLA (Philippines) said that such children were considered victims.

Ms. ORTIZ asked whether mechanisms were in place to ensure that children in conflict with the law were heard properly at every stage of the judicial process. She also wished to know how the treatment of indigenous children in conflict with the law differed from that given to non-indigenous children.

Mr. RIVERA (Philippines) said that the Indigenous Peoples Rights Act stipulated that in cases involving only members of indigenous groups, customary law was applicable. In all other cases, the Philippine national law was applicable.

Mr. ROSALES (Philippines) said that the Department of the Interior and Local Government had issued a circular to local government units directing all mayors to conduct an inventory of street children and interventions on their behalf, both by their local governments and by other stakeholders. A multisectoral network carried out activities not only for street children, but also for victims of sexual abuse, commercial sexual exploitation, exploitation of child labour and children in armed conflict. To cite an example, in Baguio City such activities addressed issues such as values formation, spiritual enrichment, sports and recreation, parent-child counselling, financial and educational assistance, sponsoring of child partnerships with businesses, tutorial services, referrals to appropriate agencies, support services for families, adult literacy and value formation for parents, and the inclusion of some families in health insurance schemes.

Mr. BACALZO (Philippines) said that the Philippine National Police were committed to solving the cases of political killings and the killings of media personalities. For the investigation of such cases a specifically appointed task force worked closely with a corresponding task force in the Ministry of Justice, which itself had been established to shed light on cases involving political violence. In the past 10 years, the police had identified or arrested perpetrators in 94 of the 155 validated cases. The police also worked closely with the Philippine Commission on Human Rights and cooperated in all the Commission's investigations into police behaviour. The Commission had recently established a multiagency task force, which included the Philippine National Police, specifically to investigate alleged summary executions in Davao City. The task force's scope had recently been extended to include investigation of alleged vigilante-style killings in Metro Manila. The Commission had concluded that there was no established pattern of killing of children.

The Philippine National Police had set up women and children protection centres, with some 1,800 children's desks throughout the country staffed by about 3,000 police officers specially trained with the help of the United Nations Children's Fund (UNICEF) to deal with women's and children's issues.

Ms. ORTIZ asked what mechanisms existed to ensure that children in conflict with the law could have their voices heard at all stages of the judicial process. What were the differences in the treatment of indigenous and non-indigenous teenagers when they were in conflict with the law?

Ms. AIDOO asked whether the special units for women and children established by the Philippine National Police were staffed by male or female officers, and what kinds of cases were generally received by such units. It was very important to have trained staff available to deal with such complaints in a child-sensitive and gender-sensitive manner.

Ms. VILLARÁN DE LA PUENTE said that the Committee had received a recent, well documented report from Human Rights Watch stating that a high percentage of victims of extrajudicial executions were teenagers, and citing a pattern whereby death squads targeted persons involved in drug trafficking or suspected of criminal activity. It was important to recognize such a pattern if it existed in order to investigate the cases properly and fight impunity.

Mr. BACALZO (Philippines) said that the special units for women and children were staffed by female police officers, and their mandate was to receive complaints of violence. The Philippine National Police, the National Police Commission and UNICEF had recently published a manual on the handling of cases of children in conflict with the law, and a similar manual was currently being drawn up, in cooperation with the National Police Commission, the Office of the Presidential Adviser on the Peace Process and the Armed Forces of the Philippines, for the management of cases involving children in armed conflict. In respect of the alleged extrajudicial executions in Davao City, there was no pattern of targeting children. The Philippine Commission on Human Rights had concluded that children were collateral victims of the violence.

Ms. VILLARÁN DE LA PUENTE pointed out that even if children were collateral victims of violence, they were still victims, and that a pattern nonetheless existed. It was important to recognize that fact in order to combat impunity and to attack a problem which had become chronic. How many extrajudicial executions had been investigated, and how many cases had been resolved? Had the police carried out any administrative investigations concerning people suspected of involvement in such acts?

The CHAIRPERSON asked whether the cases cited in the report of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/4/20/Add.3) had been investigated and solved.

Mr. BACALZO (Philippines) said that in 2007 and 2008 the police had received reports of 124 and 141 children killed in murders or homicides in those two years, and that 65 per cent and 77 per cent of the cases, respectively, had been resolved. The statistics had so far been similar for 2009. The unresolved cases were still under investigation.

Mr. LEPATAN (Philippines) said that as far as he knew, nothing in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions implied that children were specifically targeted in a consistent pattern. Some non-governmental organizations (NGOs) had reported that there was a pattern, but those reports had not been validated. The Government was nevertheless prepared to answer questions regarding specific cases the Committee might wish to raise.

Ms. VILLARÁN DE LA PUENTE said that she had no doubt that everyone, both in the delegation and the Committee, was committed to tackling problems that endangered the lives of children. The report from Human Rights Watch, which enjoyed a good deal of credibility because of the serious investigations that organization normally carried out, referred to a high percentage of killings of children, often in the framework of “social cleansing” operations related to criminal activities.

Mr. LEPATAN (Philippines) said that the delegation would indeed consider the concerns raised in the report issued by Human Rights Watch.

Ms. BALAGTAS-GUPO (Philippines) said that while education, like other social services, had faced serious budgetary constraints, it was still the single biggest expenditure in the State budget, and outlays for education had risen by about 13 per cent between 2008 and 2009. The Constitution stipulated that education should be free of charge at the elementary and secondary levels, and compulsory at the elementary level. The Department of Education had issued memorandums clearly instructing school administrations at all levels to maintain a no-collection policy, which ensured that teachers and school administrations could not charge any fees. Children were not required to wear uniforms to school.

In elementary school, the drop-out rate was about 6 per cent, with particularly high rates in grades 1 and 2, while the drop-out rate in secondary education was approximately 7.5 per cent. A recent study conducted for UNICEF by the University of the Philippines College of Education on child-friendly education had cited five main causes for children dropping out of school: poverty, distance from school, health problems, parents’ attitudes and peer influence. The Government carried out poverty and hunger mitigation programmes and health activities to encourage children to remain in school.

Mr. CITARELLA (Country Rapporteur) asked whether books and equipment were provided to students free of charge.

The CHAIRPERSON, noting the high level of drop-out in grades 1 and 2, asked whether the authorities had ascertained why so many children left school at that age.

Ms. BALAGTAS-GUPO (Philippines) said that among students in grades 1 and 2, fear of teachers was one of the main reasons for children to leave school.

Ms. CABRAL (Philippines) said that by far the main reason for children to leave school, including in grades 1 and 2, was poverty. The Government implemented conditional cash and goods transfer programmes whereby money or rice were provided when children attended day care and initial grades at least 85 per cent of the time. In the areas where those programmes had been implemented, they had greatly increased enrolment and reduced the drop-out rates.

Ms. HERCZOG asked whether schools also provided free meals to encourage enrolment and combat hunger.

The CHAIRPERSON asked whether the monitoring of the 85 per cent attendance rate was successful.

Ms. CABRAL (Philippines) said that in areas not covered by the Food for School Programme or conditional cash transfer programmes, a Healthy Start feeding programme provided support for some 500,000 day-care and elementary school pupils, ensuring they received hot meals. For the most part, the conditional transfer programmes were quite recent. In families participating for a year the monitoring had shown that school enrolment had risen from 80 per cent to about 95 per cent, while the drop-out rate had fallen.

Ms. AIDOO asked whether inspections were carried out to ensure that no fees were charged in relation to the feeding programmes and that no food provided for such programmes was diverted. Noting that when programmes were successful, the influx of new students could place an additional burden on the teaching staff, she said it was important to ensure that the quantity and quality of teachers increased during implementation.

Ms. CABRAL (Philippines) said that the feeding programmes were managed by students’ families, which were encouraged to buy foods locally, and were responsible for the preparation of meals. In practice, participants did not divert food or money, but tended instead to add their own resources to the programme in order to improve the quality of meals. The conditional cash transfer programme and the Food for School Programme included monitoring mechanisms to ensure that the cash was given to the most responsible family member, usually a woman, and that the rice was in fact distributed to the children.

Ms. HERCZOG asked whether parents cooked the hot meals at the day centres and schools, and whether grandparents could also participate in the programme, given that many of the children’s parents worked abroad.

Ms. CABRAL (Philippines) said that the meals were cooked on site and that grandparents could participate in the programme; however, she noted also that most children of migrant workers abroad did not attend the nurseries targeted by the scheme, as their parents often sought work abroad precisely so that they could afford to send their children to private nurseries and schools.

Ms. VILLARÁN DE LA PUENTE asked what anti-corruption policies were in place to protect the budget set aside for child-related services. In that connection, she drew attention to a recent World Bank report on the Philippine economy, which had recorded a high level of corruption.

Ms. CABRAL (Philippines) noted that the report referred to did not indicate a high level of corruption in the Departments of Health,

Education and Social Welfare and Development, which she represented.

Ms. BALAGTAS-GUPO (Philippines) said that, while a smaller percentage of the State budget had been allocated to social services, the budget for those services nevertheless remained one of the highest for Government agencies.

Ms. CABRAL (Philippines) said that, while each year there was only a limited increase in the budget for social services, current budget increases were nevertheless the most sizeable ever. In recent years, the budget of the Department of Social Welfare and Development had increased by 125 per cent, the budget of the Department of Health by 15 per cent and the Department of Education by some 13 per cent. Nevertheless, such factors as the increase in the number of children attending school, population growth and demand for health and social services all had an impact on the budget.

Ms. BALAGTAS-GUPO (Philippines) said that, since the Government was aware of the need for increased educational resources, private stakeholders were being encouraged to support education under the Adapa school programme. Under Act No. 8525, private business persons and companies donating to schools enjoyed 100 per cent tax relief on donations. Under the Adapa programme, over 6 billion pesos' worth of resources had been donated to education by the private sector in 2008, with a further 1 billion donated in the first half of 2009 alone.

Mr. GAKO (Philippines) said that the country had faced difficulties during the initial implementation of the Milk Code and the number of mothers breastfeeding their children remained low. A campaign to raise awareness of the benefits of breastfeeding was therefore ongoing and several medical societies and practitioners had backed the Milk Code.

The High Court had recently ruled that the Department of Health could regulate, screen and decide on advertisements and promotional materials for milk products, while a national policy on infant feeding had been in place since 2005. Baby-friendly initiatives had to be implemented by all hospitals and birthing centres before they could be licensed and breastfeeding stations had been installed in shopping centres, city halls and workplaces to encourage mothers to continue breastfeeding even at work. The Government currently allowed 9-10 weeks of maternity leave - to which unmarried women were also entitled - for up to four children.

The Philippines was committed to achieving the millennium development goal on maternal mortality. The baseline for that goal was determined according to the 2006 Family Planning Survey, which gave child, infant and maternal mortality rates.

Ms. ORTIZ said that allowing mothers maternity leave for only four children was not a child-based approach: all children required breastfeeding. She was concerned at reports that women working in private firms needed to work with a company for two years before they were entitled to maternity leave.

Ms. HERCZOG said that the World Health Organization recommended exclusive breastfeeding for six months after birth, yet the maternity leave provided in the Philippines could mean that mothers were not able to breastfeed for that long. She asked whether infants whose mothers worked were cared for in crèches set up in the workplace.

Mr. GAKO (Philippines) said that, to encourage breastfeeding by working mothers, the establishment of breastfeeding stations was being promoted. The children of working mothers were cared for in child-minding centres and breast milk was expressed by the mothers in the workplace and then frozen and stored for their children's use.

Maternal mortality rate in the Philippines had declined slowly over the previous 20 years: in 1990, it stood at 209 per 100,000 live births and by 2006 it had fallen to 162 per 100,000. The country was seeking to halve the maternal mortality rate again by 2015. With that aim, the Government provided numerous reproductive health services to women. It was seeking to improve the care of newborns by upgrading facilities and ensuring that maternity care was covered by health insurance.

The CHAIRPERSON asked for further information on the current status of the Reproductive Health Bill.

Mr. GAKO (Philippines) noted that the power in the Philippines was divided between the executive, legislative and judicial branches; therefore, while the Government could advocate the adoption of the bill, it needed to be passed by the legislative branch. Nevertheless, the Government had convened focus groups and conducted a campaign to raise awareness of the bill. As a result, surveys had shown that many people were in favour of its adoption.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

Mr. GAKO (Philippines) said that the Newborn Screening Act of 2004 was intended to ensure early detection of several congenital conditions which, left untreated, could lead to disorders or the death of a child. As part of that policy, screening of newborns for deafness had been introduced recently. That screening could now be reimbursed under health insurance, while hospitals could not be licensed if they did not conduct newborn screening. The first week of October each year was designated as the National Newborn Screening Week.

Ms. HERCZOG asked for clarification of whether only insured mothers had access to the newborn screening programme. She noted that those individuals without insurance were often among the poorest and asked what schemes were in place to ensure that they had access to screening.

Mr. GAKO (Philippines) said that, while those who were not insured had to pay for the screening, the Government was campaigning for universal health coverage. It was seeking to cover the costs of insurance for the poorest people using subsidies from the more affluent. Local authorities also subsidized between 10 and 20 per cent of the poorest individuals' health insurance premiums. Health insurance coverage had been expanded to cover more services, without any corresponding increase in insurance premiums.

While Filipino health-care professionals who migrated to work abroad sometimes left children behind, once abroad those

professionals provided valuable remittances that supported the country's economy. Scholarships were currently being offered for medical studies and "stepladder" scholarships were offered to the children of village health workers to train as midwives, then nurses and later doctors. Once qualified, those trained under the scholarships were required to work for the Government for a set amount of time. A pool of doctors had also been established to provide temporary staff for up to two years, pending recruitment of permanent staff.

Local authorities provided health care and were being encouraged to increase their preventive activities. The Government was also helping the local authorities to improve health facilities so that they could offer hospital services. Only once the referral system improved would the health service delivery become more effective.

The CHAIRPERSON noted that the State party's narrow categorization of disabilities, which excluded learning difficulties and autism, for example, meant that the prevalence of disabilities in the Philippines appeared to be lower than the 10 per cent worldwide prevalence recorded by the World Health Organization. She further noted that the high number of teenage pregnancies in the Philippines had led to high maternal mortality for that age group.

Mr. GAKO (Philippines) said that the Register of Disabled Persons was still being compiled and the number of disabled persons in the Philippines could therefore not be determined yet. Nevertheless, certain health facilities and hospitals were already able to provide services for persons with disabilities.

Ms. HERCZOG, referring to the high proportion of unsafe abortions in the Philippines, which often led to maternal mortality or problems in infants, asked what work was being done to ensure effective reproductive health education in schools and raise public awareness.

Ms. CABRAL said that, as abortion was prohibited by the Constitution, it was all the more important to ensure that contraception was used effectively.

The CHAIRPERSON recalled that the Committee did not advocate abortion.

Mr. GAKO (Philippines) said that the Government favoured informed choice with regard to methods of contraception for couples. Appropriate information to enable such choices to be made was provided in every village, with the help of the local authorities. The Department of Health had also created the Adolescent and Youth Health and Development Programme, which was an expanded version of the Adolescent Reproductive Health programme and which sought to integrate services for young people within the health-care system. Adolescents' understanding of reproductive health should also improve once the Reproductive Health Bill was passed.

Ms. TRASMONTE (Philippines), in response to the questions raised on labour issues, said that the Central Bank of the Philippines had reported that, despite the global economic crisis, remittances from overseas Filipino workers had increased significantly. The Government believed that sustained growth of remittances was a result of the high demand for highly skilled Filipino workers and professionals and wider access for overseas Filipino workers and their dependents to banks. A large proportion of those remittances were invested in education, health and food for overseas Filipino workers' children and families.

The Government provided broad support to overseas workers and their beneficiaries in the form of financial assistance and scholarships, training in how to use basic Internet applications and resettlement activities such as psychosocial counselling. Overseas workers also benefited from support provided by a family circles organization, a children's activities programme and the Church, which offered spiritual development. She stressed that female migrant workers were absolutely not encouraged to have free sex or pregnancies and that the Government provided pre-employment seminars to inform them of the employer-employee relationship, as well as pre-departure orientation seminars to prepare them for the challenges and risks they could expect in the host countries.

Ms. ORTIZ noted that the children of overseas workers should ideally live with their parents and that measures should be taken to make that possible. She requested figures relating to the number of children of overseas workers that had been placed in institutions and adoption data broken down by national and international adoption figures. She wished to know the Philippines' experience with the deinstitutionalization of children and what steps the Government had taken to minimize that tendency.

The CHAIRPERSON asked whether the State party had a national mental health programme for children of overseas workers and requested information on birth registration, particularly of children of Muslim and indigenous origin.

Ms. TRAMONTE (Philippines) said that it was not government policy to send Filipino workers abroad, but because it was not possible to generate more employment opportunities at home, it was necessary to apply a "stop-gap" policy to help them find jobs overseas. Efforts were under way to determine how best to attract overseas workers back to the Philippines so that society could benefit from the skills they had acquired in the host countries and how to encourage them to invest their earnings in the Philippines to generate more jobs.

She was not aware of any figures relating to the adoption of children of overseas workers, as they were generally not necessary: parents working abroad usually had the financial means to support their children, and if left in the Philippines, those children received the necessary care and support from family members and schools. In response to the query on government mental health programmes, she said psychosocial counselling was given to children left behind by overseas workers and to beneficiaries of pre-departure orientation programmes.

Mr. KOOMPRAHANT (County Rapporteur) wished to know what legal protection was afforded to child victims of abuse or violations.

Ms. MALENAB-HORNILLA (Philippines) said that when a case of child victimization was reported, the victim received assistance from the Department of Social Welfare and Development, the public attorney's office, guardians and local government officials. Those in contact with child victims, such as social workers, police or prosecutors, followed protocols contained in a manual on how

to deal with child victims. Based on a rule established by the Supreme Court, child witnesses, whether they were victims, perpetrators or witnesses to a crime, had to tell their story only once, which avoided additional trauma. After testifying, they were generally returned to their parents, or, if that was not possible, the Department of Social Welfare and Development placed them in institutions where they received protection. At the local level, centres for the protection of children received training to assist child victims.

Mr. KOOMPRAHANT (Country Rapporteur) and the CHAIRPERSON sought clarification on parental responsibilities in case of child victimization.

Ms. CABAL (Philippines) said that parents, along with other agents, were responsible for the rehabilitation of their children when victims of abuse. If parents were deemed unfit to take care of their children, the children were taken into State custody and returned to their parents only if it was proved that they could provide for their children. Parents could be tried in court, but that was not common practice because the siblings of child victims would stand to suffer from their parents' absence. Moreover, the rehabilitation of parents was as important as that of the children.

Ms. MALENAB-HORNILLA (Philippines) said that most laws required confidentiality in all procedures involving child victims and in police blotters, in order to protect the identity of the children, their parents and the names of their schools.

Ms. ORTIZ reiterated her previous questions and asked whether there were rules and regulations in place to monitor care provided by foster homes. What had been the impact of the recent foster care and adoption bills?

Ms. CABRAL (Philippines) said that residential or institutional care of children was considered to be a last resort. The Government practised a policy of deinstitutionalizing foster children whenever possible, but such centres had been established because some children had no families to return to. The Department of Social Welfare and Development operated 40 centres for some 8,000 children who had been abandoned, neglected or abused; each year about 2,000 of those were adopted, two thirds in the Philippines and one third in other countries. As foster care was not part of the Filipino culture, there were only a limited number of licensed foster parents. The Department of Social Welfare and Development accredited, supervised and monitored centres run by private organizations. Accreditation was renewed every three years.

Ms. HERCZOG wished to know how the Government ensured that child victims were not adversely affected by the confidentiality policy and how the needs of children placed in centres or residential settings were being met.

Ms. ORTIZ asked whether parents could voluntarily surrender their children to an institution merely upon request, or whether there were legal requirements, such as a court order, followed by an evaluation of the case. She suggested that it was sometimes more expensive to institutionalize children than to provide support to needy families.

Ms. MALENAB-HORNILLA (Philippines) said that when cases involving children as perpetrators of a crime, witnesses or victims were reported, the first step was to inform the children's parents or guardians or the Department of Social Welfare and Development, which would then decide upon voluntary commitment - when parents chose to give up their children - or involuntary commitment, if parents were abusers and the Department of Social Welfare and Development deemed it necessary to remove the children from their care. Confidentiality was observed throughout all proceedings in connection with child abuse. The best interests of children were always taken into consideration.

Ms. CABRAL (Philippines) said that in most cases parents surrendered their children voluntarily to institutional care on a temporary basis because they were unable to look after them on account of illness or lack of financial means. When parents did not return for their children, efforts were made to locate the mother, who often used a false name if she did not intend to come back. If so, the children would stay in the centre until placed for adoption.

Birth registration was free of charge in the Philippines, although a fee was charged by the local government unit or the national statistics office for the issue of birth certificates or passports. The fee was waived for legally declared indigents.

Mr. RIVERA said that all indigenous people's births were registered. A memorandum of agreement issued in 2004 facilitated the free registration of indigenous people and contained regulations governing the registration of acts and events relating to their civil status.

Mr. KOOMPRAHANT (Country Rapporteur) said that the Committee had learned more about the situation of children and their families in the Philippines and the difficulties facing the State party, such as natural disasters, poverty and lack of resources. The Committee appreciated the State party's efforts to revise legislation concerning children, in particular with regard to the training of law enforcement officials and judges and the establishment of State bodies to protect children. That reflected the State party's firm commitment to implement the Convention. However, the Committee was concerned about many points, including the definition of "child", resources to support children and their families, measures to protect children involved in armed conflict from torture, murder and sexual abuse, the protection of children at home, in institutions and in the community, and the lack of access of many children to government services such as health care and legal protection. On behalf of the Committee, he recommended that the State party make available more resources to implement the Convention, including by seeking support from the international community, in order to ensure that all Filipino children lived and developed in a safe family environment.

Ms. CABRAL (Philippines) said that the discussion had been helpful, but that many challenges remained. A plan of action would be developed to enhance the implementation of the Convention and steps would be taken to comply with the Committee's recommendations and to engage civil society in the campaign to promote children's welfare.

The CHAIRPERSON said that the Committee was likely to reiterate concluding observations made in regard to previous reports of the State party. It was sure that progress would be achieved, as the Committee and the State party shared a common goal, that of bringing children's rights to the forefront of all political spheres.

The meeting rose at 5.55 p.m.

