



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/15/Add.259  
21 September 2005

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-ninth session**

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

**Concluding observations: Philippines**

1. The Committee considered the second periodic report of Philippines (CRC/C/65/Add.31) at its 1028th and 1029th meetings (see CRC/C/SR.1028 and 1029) held on 18 May 2005, and adopted at the 1052nd meeting, held on 3 June 2005, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the second periodic report, which followed the established reporting guidelines, submitted by the State party, as well as the written replies to its list of issues. The Committee is encouraged by the constructive dialogue it had with the State party and acknowledges that the presence of an inter-ministerial delegation involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee takes note of the adoption during recent years of several laws aimed at protecting and promoting the rights of children, inter alia:

(a) The adoption, in 2003, of the Anti-Trafficking in Persons Act (Republic Act 9208), which institutes policies to eliminate trafficking in persons, in particular women and children, establishes institutional mechanisms for the protection and support of trafficked persons, provides penalties for traffickers and also prohibits the recruitment, transport or adoption of children for engagement in armed activities in the Philippines or abroad;

(b) The adoption, in 2003, of the Republic Act No. 9231, which amends the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610) providing for the elimination of the worst forms of child labour and affording stronger protection for the working child;

(c) The adoption, in 2004, of the Republic Act No. 9255, which allows illegitimate children to use the surname of their father, amending the Family Code of the Philippines (article 176 of Executive Order No. 209);

(d) The adoption, in 2004, of the Anti-Violence against Women and Their Children Act (Republic Act No. 9262) which defines violence against women and their children, providing for protective measures for victims and penalties for the perpetrators of this violence;

(e) The adoption of other legal or administrative measures to promote the implementation of the Convention, such as the ratification of international conventions and protocols referred to throughout these concluding observations.

### **C. Factors and difficulties impeding the implementation of the Convention**

4. The Committee acknowledges the particular nature of the geographical configuration of the State party, which is comprised of over 7,100 islands, and the challenges faced by the State party in implementing adequate programmes and services for children living in rural and remote areas of the country which are in many instances isolated and very difficult to reach.

5. The Committee also acknowledges that the natural disasters caused by tropical storms and several destructive typhoons at the end of 2004 have devastated the infrastructure of several provinces of the country giving rise to a growing number of economic and social difficulties. Domestic instability caused by, inter alia, political uncertainties and rebel movements, has adversely impacted overall human rights development in the State party.

### **D. Principal subjects of concern and recommendations**

#### **1. General measures of implementation**

#### **Committee's previous recommendations**

6. The Committee notes with satisfaction that various concerns and recommendations included in the concluding observations (CRC/C/15/Add.29) made upon the consideration of the State party's initial report (CRC/C/3/Add.23) have been addressed through legislative measures and policies. However, some of the concerns expressed and recommendations made by the Committee regarding, inter alia, the minimum age of criminal responsibility and sexual consent, discrimination against children born out of wedlock, the lack of a comprehensive juvenile justice system, the lack of a monitoring system for the Convention and the prohibition of torture, etc., have not been sufficiently addressed.

7. **The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report that have not yet been implemented and address the list of concerns contained in the present concluding observations on the second periodic report.**

## Legislation

8. The Committee takes note of the relatively advanced legal framework and it is encouraged by many legislative initiatives, new laws enacted and legislative amendments adopted which aim to better protect and promote the rights of the child. The Committee is deeply concerned, however, about the insufficient implementation of laws, particularly at the local level. The Committee also notes that domestic legislation does not fully conform to all provisions and principles of the Convention.

9. **The Committee recommends that the State party take all necessary measures to ensure the full and effective implementation of its domestic laws in order to better protect the rights of the child and harmonize its legislation fully with the provisions and principles of the Convention, for example with regard to the existing minimum age of criminal responsibility and children in conflict with the law.**

## National Plan of Action

10. The Committee welcomes the launching of a National Strategic Framework Plan for the Development of Children 2001-2025, known as Child 21, and the holistic approach adopted to address child rights issues and related progress and shortcomings. The Committee is concerned that the existing monitoring mechanisms are insufficient to monitor and evaluate the implementation of the Plan in a coherent way. Furthermore, the Committee is concerned about the limited awareness of the Plan and its objectives at the local level.

11. **The Committee recommends that the State party take all necessary measures, inter alia, by providing adequate human, financial and technical resources, for the full implementation of the National Strategic Framework Plan for the Development of Children 2001-2025 and ensure a rights-based, open, consultative and participatory process for the implementation of the Plan, paying particular attention to the implementation of the Plan at the local level. In this regard the Committee recommends that the State party fully support the National Council for the Welfare of Children by providing it with the necessary resources to enable it to effectively coordinate the activities related to the implementation of the Plan and monitor and evaluate this implementation process. In addition, the State party is urged to promote as much as possible the establishment of local councils for the protection of children, particularly in the cities, municipalities and *barangays* (smallest unit of local government), provided with adequate resources to be important instruments in the implementation of the Plan, in particular, and the Convention on the Rights of the Child, in general. The Committee also recommends that the State party seek technical assistance from, among others, the United Nations Children's Fund (UNICEF), in the course of the implementation process.**

## Independent monitoring

12. The Committee welcomes the establishment of the Philippines Commission on Human Rights (PCHR) in 1997, with the mandate to independently promote and monitor the implementation of human rights and notes that some other bodies are also given a monitoring

role regarding the implementation of children's rights. The Committee acknowledges PCHR's activities regarding children's rights, however is concerned at its limited mandate and resources.

**13. The Committee recommends to the State party, with reference to the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, that it consider broadening the mandate of PCHR regarding the monitoring of children's rights and providing PCHR with adequate resources in order to strengthen the investigation of individual complaints filed by children in a child-sensitive manner.**

#### **Allocation of resources**

14. The Committee notes the slight increase in budgetary allocations for children's social services, the State party's efforts to implement the 20/20 initiative for budgeting and the priority given to low-income families and combating poverty, for example through the creation of a Poverty Alleviation Fund. The Committee also notes with deep concern that the State party's debt servicing takes up more than 30 per cent of its national budget and that insufficient attention has been paid to sufficient budgetary allocations for children and to article 4 of the Convention regarding budgetary allocations to the implementation of the economic, social and cultural rights of children to the maximum extent of available resources.

**15. The Committee recommends that the State party strengthen its efforts to reduce its level of debt servicing in order to, inter alia, allow an increase of budgetary allocations to the realization of children's rights and, in particular, the implementation of the economic, social and cultural rights of children. In order to be able to evaluate the impact of expenditures on children, the Committee recommends that the State party establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights and identify the yearly budgetary amount and proportion spent on persons under 18 years of age.**

#### **Data collection**

16. The Committee welcomes the various efforts to improve data collection but it remains concerned that in some areas covered by the Convention, including children with disabilities, migrant children, children living in extreme poverty, abused and neglected children, children within the justice system and children belonging to minorities and indigenous children, data are lacking or insufficient.

**17. The Committee recommends that the State party strengthen its existing mechanisms for data collection and develop indicators consistent with the Convention and, where necessary, establish additional mechanisms for data collection, in order to ensure that data are collected on all areas of the Convention and that these are disaggregated, inter alia, by age for all persons under 18 years, gender, urban and rural areas and by those groups of children who are in need of special protection. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention.**

## Dissemination of the Convention

18. The Committee notes with appreciation the establishment of a Task Force for Popularizing the Convention and it is encouraged by the efforts of the State party, in collaboration with UNICEF, other international agencies and national and international non-governmental organizations, in disseminating information about the principles and provisions of the Convention, for example through publications, broadcast media and the training of professionals. Nevertheless, the Committee is concerned that the Convention is not disseminated at all levels of society. In addition, the Committee notes that the training and retraining of professionals working with, and for, children is not systematic but more on an ad hoc basis.

19. **The Committee recommends that the State party continue to develop creative and child-friendly methods of promoting the Convention. It further encourages the State party to raise awareness of the Convention among children and adults in remote areas and to make the Convention available in at least the major languages and as much as possible in other indigenous and minority languages. The Committee further recommends systematic training of professional groups working with, and for, children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. With regard to the dissemination of the Convention, the Committee also recommends that the State party seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.**

## 2. General principles

### Non-discrimination

20. Notwithstanding the measures taken by the State party to eliminate discrimination against children, inter alia, through the implementation of the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603), the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act and several programmes, such as the Third Elementary Education Programme, the Committee is concerned about discrimination faced by many children, in particular children living in poverty, children with disabilities, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in areas of conflict, as regards their access, inter alia, to social and health services and education. The Committee is particularly concerned about the de facto discrimination faced by girls in everyday life, which is often multiple discrimination based on their gender. The Committee finally reiterates its concern about the unequal status of children born out of wedlock, particularly with regard to their right to inherit and their discriminatory classification as “illegitimate”.

21. **In the light of article 2 of the Convention, the Committee recommends that the State party increase its efforts to ensure effective implementation of existing laws guaranteeing the principle of non-discrimination and adopt a proactive and comprehensive strategy to eliminate all forms of discrimination, including forms of multiple discrimination, against all vulnerable groups of children. The Committee recommends that the State party pay particular attention to the equal status and full enjoyment of all human rights and fundamental freedoms by girls. As regards children born out of wedlock, the Committee**

**requests the State party to review its domestic legislation in order to secure their right to equal treatment, including their right to equal inheritance and abolish the discriminatory classification of those children as “illegitimate”.**

**22. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee’s general comment No. 1 (2001) on the aims of education.**

### **Right to life**

23. The Committee expresses its serious concern about violations of the right to life of children, inter alia, due to the internal armed conflict. The alleged cases of extrajudicial killings of children by military soldiers in Bulan, Sorsogon, in 2004 and by so-called death squads in Davao and Digos cities during recent years give cause for very serious concern.

24. While noting that the provisions of the Revised Penal Code (Republic Act No. 3815) and the Act to Impose the Death Penalty on Certain Heinous Crimes, which amended the Revised Penal Code (Republic Act No. 7659), explicitly prohibit the imposition of the death penalty on persons below the age of 18 years at the time the crime was committed, the Committee expresses its deep concern at the cases where children, that is persons below the age of 18, have been placed on death row without definite proof of their age.

25. The Committee also notes with concern the deficiencies in the reporting system of newborn deaths and stillbirths due to limited access to civil registrars.

**26. Referring to article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children, inter alia, by taking effective measures to prevent extrajudicial killings of children and to investigate thoroughly all alleged cases of killing and bring perpetrators to justice.**

**27. The Committee also urges the State party to take all necessary steps to prevent the execution of children sentenced to death and replace their death sentences with sanctions which are in compliance with the Convention and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33). The State party should also take immediate legislative and other measures to oblige authorities, such as police, prosecutors, defence, judges and social workers, to present evidence in courts regarding the precise age of an accused person, or if failing to do so give a person the benefit of the doubt, in order to ensure that persons under 18 years of age are not sentenced to death or another adult punishment.**

**28. As regards reporting of newborn deaths and stillbirths, the Committee recommends that the State party facilitate access to civil registrars, particularly in the remote areas of the country.**

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

29. The Committee notes that some of the State party's domestic laws, rules and regulations explicitly respect the consent and views of the child, for example in judicial and administrative proceedings and that the State party has promoted the participation of children, inter alia, through the National Youth Parliament (Republic Act No. 8044) and student councils. Despite these positive steps, the Committee is of the view that children's right to participation and free expression of their views is still limited in the State party, partly due to traditional attitudes in society.

30. **In the light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of the child and facilitate their interactive participation in all matters affecting them, inter alia, through children's and youth councils, forums, parliaments, etc., while paying special attention to vulnerable groups of children;**

(b) **Undertake awareness-raising campaigns on children's right to be heard and participate by encouraging children and their parents, caregivers and professionals working with and for children to seek and increase children's opportunities to influence issues concerning them.**

31. The Committee notes with appreciation the activities of the child helpline "Bantay Bata 163", which is an important instrument for children to express their concerns and views and seek help and advice. However, the Committee is concerned at the fact that the helpline is only accessible to children living in the capital region and its expansion to the rural areas of the country lacks core funding.

32. **The Committee recommends that the State party support the expansion of "Bantay Bata 163" child helpline by making it nationally accessible and toll-free and providing it with adequate human, technical and financial resources. As regards awareness of the helpline among children, the Committee recommends that the State party include information about the helpline in its child-related programmes.**

### **3. Civil rights and freedoms**

#### **Birth registration**

33. While noting the estimated increase in the birth registration rate and the measures taken by the State party in this respect, including the Unregistered Children Project conducted in collaboration with PLAN International and the National Statistics Office, the Committee remains concerned at the difficulties in ensuring timely birth registration of children, in particular children belonging to religious or other minority groups or indigenous peoples and children living in the remote areas of the country and at the fact that birth registration is not free of charge and not equally accessible to all parents in the entire territory of the State party. The Committee also expresses its concern about the simulation of birth certificates.

34. **In order to secure the full enjoyment of all human rights and fundamental freedoms by children and to achieve 100 per cent birth registration, the Committee recommends that the State party strengthen its efforts to develop an efficient and at all stages free of charge birth registration system, which covers its territory fully, including through using more effectively mobile birth registration units to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to improved access to an early birth registration for parents whose children were born out of wedlock and parents belonging to religious or other minorities or indigenous peoples.**

35. **The Committee recommends to the State party that it introduce awareness-raising campaigns aimed at changing public attitudes and sensitizing parents, maternity clinics and hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country. In addition, the Committee recommends that the State party deepen its cooperation with the international agencies and non-governmental institutions in this respect. The Committee recommends that the State party take effective measures against simulation of birth certificates, inter alia, by assigning a governmental body, such as the Department of Social Welfare and Development, to monitor the implementation of relevant provisions and file all simulation cases. The Committee also recommends to the State party that it launch an information campaign, particularly at the local level, on the child's right to identity at birth and on growing up in a family.**

#### **Name, nationality and identity**

36. With reference to the high number of overseas Philippine workers, the Committee is concerned about children born abroad to Philippine migrant workers. Due to the non-registration of these children, they are deprived of their right to name, nationality and identity as well as basic services.

37. **The Committee recommends to the State party that it encourage and facilitate parents, irrespective of their residence status, to register their children born abroad. The Committee also recommends that the State party ensure that unregistered children without official documentation are allowed access to basic services, such as health and education, while waiting to be properly registered. In addition, the Committee recommends to the State party that it raise awareness among parents about the need and value of birth registration.**

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

38. The Committee notes that the Constitution of the Philippines prohibits torture and that the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603) provide protection for children against torture and ill-treatment and that all hospitals, clinics, related institutions and private physicians are obliged to report in writing all cases of torture and ill-treatment of children. Nevertheless, the Committee is deeply concerned at a number of reported cases of torture, inhuman and degrading treatment of children, particularly for children in detention. The Committee reiterates its previous recommendation on prohibiting and criminalizing torture by law and it is of the view that existing legislation does not provide children with an adequate level of protection against torture and ill-treatment.



39. **As regards torture and other cruel, inhuman or degrading treatment or punishment, the Committee urges the State party to review its legislation in order to provide children with better protection against torture and ill-treatment in the home and in all public and private institutions and to criminalize torture by law. The Committee recommends that the State party investigate and prosecute all cases of torture and ill-treatment of children, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected. The State party should ensure that child victims are provided with appropriate services for care, recovery and reintegration. The Committee recommends that the State party continue its efforts in training professionals working with and for children, including teachers, law enforcement officials, care providers, judges and health personnel in the identification, reporting and management of cases of ill-treatment.**

40. **The Committee requests the State party to include in its next periodic report information about the number of cases of torture, inhuman and/or degrading treatment of children reported to the authorities or relevant agencies, the number of perpetrators of such acts who have been sentenced by the courts and the nature of these sentences.**

#### **Corporal punishment**

41. While noting the State party's efforts to prohibit the use of corporal punishment in schools, prisons, institutions and forms of childcare by implementing various relevant provisions, the prevalence of corporal punishment in society gives cause for serious concern. The Committee is concerned that a provision for corporal punishment is not included in the Child and Youth Welfare Code and regrets that corporal punishment in the home is not explicitly prohibited by law.

42. **In the light of its general comment No. 1 (2001) on the aims of education and the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), the Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and it is inconsistent with the requirement of respect for the child's dignity, as specifically required by article 28, paragraph 2, of the Convention. Therefore, the Committee recommends that the State party prohibit by law all forms of corporal punishment in the home, in schools and in private and public institutions, in the juvenile justice system and the alternative care system.**

43. **The Committee recommends to the State party that it conduct a comprehensive study to assess the nature and extent of corporal punishment in different settings, including the home environment. Furthermore, the Committee recommends that the State party sensitize and educate parents, guardians and professionals working with and for children by carrying out public education campaigns about the harmful impact of violent forms of "discipline" and promote positive, non-violent forms of discipline as an alternative to corporal punishment.**

#### 4. Family environment and alternative care

##### Parental responsibilities

44. As regards parental responsibilities for the upbringing and development of the child, the Committee is concerned about many Philippine children living with loose family ties due to the fact that at least one parent is working overseas.

45. **The Committee calls for effective implementation of the Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes (Republic Act No. 8042) and recommends to the State party that it take all necessary measures to ensure that overseas Philippine workers, equally women and men, are able to meet their parental responsibilities, including through concluding bilateral agreements with the countries of destination, and facilitate family reunification and a stable family environment for the upbringing of children. In addition, the Committee recommends that the State party continue its efforts to develop and provide child-sensitive family counselling services for overseas Philippine workers and their children.**

##### Recovery of maintenance

46. While noting the high number of Philippine children with a parent or both parents working overseas, the increasing number of Philippine children born abroad during overseas migration and the cases where paternity has not been established, the Committee is concerned that the State party has not sufficiently ensured the recovery of maintenance in practice. The Committee is concerned about the insufficient implementation of domestic laws, for example the relevant provisions of the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and the enforcement of court orders in this respect. In addition, the Committee is concerned at the actual implementation of, and in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders.

47. **The Committee recommends that the State party secure in practice the recovery of maintenance for the child. As regards parent(s) working abroad, the Committee encourages the State party to conclude bilateral agreements for reciprocal enforcement of maintenance orders and consider establishing a fund to secure the payment of maintenance in those cases where the recovery of maintenance fails.**

##### Foster care and adoption

48. The Committee welcomes the ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and notes with appreciation the provisions of the Intercountry Adoption Law (Republic Act No. 8043) and the Domestic Adoption Law (Republic Act No. 8552). The Committee takes note with concern that the Government bill on the Foster Care Act has been pending in Congress for several years. The Committee is concerned that the lengthy process of declaring a child for adoption results in a prolonged stay in an institution. The Committee also notes with concern that intercountry adoption is not used as a last resort.

49. **The Committee recommends that the State party make every effort to ensure that all adoptions fully comply with the principles and provisions of the Convention as well as with other relevant international standards and are conducted in the best interests of the child and that intercountry adoption is used as a last resort. The Committee encourages the State party to adopt and implement as a matter of priority the Foster Care Act. The Committee recommends to the State party that it identify the factors in the adoption process which result in children's prolonged stay in institutions. Furthermore, the Committee recommends that the State party provide foster parents and foster children with adequate psychosocial services.**

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

50. The Committee is deeply concerned about the increasing reports of cases of child abuse and neglect in the State party and the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse. In addition, the Committee deeply regrets the alleged cases of sexual abuse of children in the framework of religious institutions.

51. **The Committee urges the State party to review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to clearly define these crimes against children, including incest. The Committee recommends to the State party that it take effective measures to prevent and protect children from sexual abuse and exploitation in the framework of religious institutions, including by investigating the magnitude of such cases and by ensuring that the perpetrators of such abuse are brought to justice and that officials of religious institutions are held accountable in these cases of sexual abuse and the exploitation of minors.**

52. **The Committee urges the State party to conduct timely and adequate investigations of all cases of child abuse and violence with full practice of the rights of the child victim in legal proceedings, for example by allowing videotaped evidence, in order to bring perpetrators to justice and to ensure that child victims of violence and abuse have access to adequate counselling and multidisciplinary assistance with recovery and reintegration.**

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

53. As regards children living in prison with their mothers, the Committee is concerned about access to adequate social and health services for these children and particularly, about their living conditions, which are often poor and fall short of international standards.

54. **The Committee recommends that the State party ensure that living conditions and health services in prison are adequate for the child's early development in accordance with article 27 of the Convention and that the principle of the best interests of the child (article 3 of the Convention) is carefully and independently considered by competent child professionals prior to and during their stays with their detained mothers. The Committee recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, the Committee recommends that the State party ensure**

**that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.**

## **5. Basic health and welfare**

### **Children with disabilities**

55. Welcoming the State party's efforts to eliminate discrimination against children with disabilities and to promote their integration into society with equal opportunities, inter alia, by implementing the Programme on Community-based Rehabilitation, the Committee is concerned about the de facto discrimination faced by children with disabilities and their invisible role in society. The Committee notes with concern the inadequate implementation of domestic disability legislation, for example, the Magna Charta for Disabled Persons (Republic Act No. 7277 enacted in 1992) and the relevant provisions of the Child and Youth Welfare Code, particularly at the local level. The Committee is concerned that many children with disabilities live in poverty and their access to social and health services and education is limited. Furthermore, deeply rooted misbeliefs and prevailing prejudices against children with disabilities in Philippine society give cause for concern.

56. **In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), the Committee recommends that the State party take all necessary measures to:**

**(a) Prevent and prohibit all forms of discrimination against children with disabilities and ensure equal opportunities for their full participation in all spheres of life by implementing the domestic disability legislation and the national Community-based Rehabilitation Programme and by including disability aspects in all relevant policymaking and national planning;**

**(b) Collect adequate statistical data on children with disabilities and use such disaggregated data in developing policies and programmes to promote their equal opportunities in society paying particular attention to children with disabilities living in the most remote areas of the country;**

**(c) Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;**

**(d) Provide children with disabilities with access to adequate social and health services and the physical environment, information and communication;**

(e) **Strengthen its efforts to raise awareness on children with disabilities, including their rights, special needs and potential, in order to change negative attitudes, misbeliefs and prevailing prejudices against children with disabilities by initiating and supporting public information campaigns;**

(f) **Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained;**

(g) **Strengthen the functioning and activities of the National Council on the Welfare of Disabled Persons and cooperation with the National Federation of Organizations of Persons with Disabilities in the Philippines and the non-governmental organizations working in the field of disability issues;**

(h) **Seek technical cooperation with, among others, UNICEF and the World Health Organization (WHO).**

57. **Furthermore, the Committee encourages the State party to pay particular attention to the rights and status of children with disabilities in the context of the Philippine Decade of Persons with Disabilities 2003-2012 declared by Presidential Proclamation No. 240 in 2003.**

#### **Health and health services**

58. The Committee is encouraged by the progress achieved by the State party in the field of health and health services, particularly with regard to immunization, such as polio eradication and the elimination of neonatal tetanus and it notes with appreciation the Health Sector Reform Agenda. Noting that 8 out of 10 births in rural areas are delivered without professional health facilities and that infant, under-five and maternal mortality rates are relatively high, the Committee expresses its deep concern about insufficient prenatal and post-natal health care, particularly in the rural areas of the country. The low prevalence of breastfeeding, malnutrition among children, including micronutrient malnutrition problems among schoolchildren and in general, children's limited access to quality health services in the remote areas of the country give cause for serious concern. The Committee finally expresses its concern at the risk that free trade agreements currently being negotiated with other countries may negatively affect access to affordable medicines.

59. **The Committee recommends that the State party:**

(a) **Adopt necessary legislative, administrative and budgetary measures in order to fully implement the Health Sector Reform Agenda and ensure that the reform process is carried out by giving primary consideration to the best interests of the child and to the full enjoyment of their rights;**

(b) **Ensure that appropriate resources are allocated for the health sector and develop and implement comprehensive policies and programmes for improving the health situation of children, so as to fully implement the Convention, in particular articles 4, 6 and 24;**

**(c) Implement measures to guarantee access to quality prenatal and post-natal health services and facilities, including training programmes for midwives and traditional birth attendants, by paying particular attention to the rural areas of the country;**

**(d) Take all necessary measures to lower infant, under-five and maternal mortality rates;**

**(e) Strengthen existing efforts to immunize as many children and mothers as possible by effectively implementing immunization programmes;**

**(f) Encourage exclusive breastfeeding for six months after birth with modifications for an appropriate infant diet thereafter and take measures to improve the nutritional status of children through education and promotion of healthy feeding practices;**

**(g) Make use - in the negotiations of free trade agreements - of all the flexibilities reaffirmed by the Declaration on the Agreement on Trade-related Aspects of Intellectual Property Rights and Public Health adopted at the Fourth Ministerial Conference of the World Trade Organization in Doha and the mechanisms at its disposal to ensure access to affordable medicines in particular for the poor and most vulnerable children and their parents;**

**(h) Continue to cooperate and seek technical assistance in this matter with, inter alia, WHO, UNICEF and the United Nations Population Fund (UNFPA).**

#### **Environmental health**

60. The Committee is concerned, despite the legislative and other measures taken by the State party, about environmental problems, such as air and water pollution and environmental degradation which have serious consequences for children's health and development. As regards access to safe drinking water and sanitation, the Committee is concerned about the regional disparities. Furthermore, poor knowledge of hygienic practices both among children and their parents give cause for concern.

61. **The Committee recommends that the State party:**

**(a) Continue to strengthen its efforts to reduce pollution and environmental degradation by strengthening the implementation of domestic environmental laws, including Ecological Solid Waste Management Act (Republic Act No. 9003) and the Clean Air Act (Republic Act No. 8749);**

**(b) Increase children's knowledge of environmental health issues by introducing environmental health education programmes in schools;**

**(c) Take effective measures to improve access to safe drinking water and sanitation facilities, particularly in the remote areas of the country, as well as raise awareness on hygiene among children and their parents.**

## **Adolescent health**

62. The Committee notes with appreciation the State party's efforts to promote adolescent health, including through implementation of the Reproductive Health Programme and a joint project on adolescent health in collaboration with the Population Commission and UNFPA. The Committee is concerned about alcohol, tobacco and drug abuse among adolescents, early pregnancies and in this respect adolescents' limited access to reproductive health counselling and accurate and objective information about, for example contraception. The lack of legislation establishing a minimum age for purchasing and consuming alcohol gives cause for concern. The Committee also shares the State party's concern about the lack of measures to prevent suicide among adolescents.

63. **The Committee recommends to the State party that it:**

(a) **Implement national policies and plans on adolescent health, such as the Reproductive Health Programme and develop new policies and plans to cover all fields of adolescent health by taking into account general comment No. 4 (2003) on adolescent health and development;**

(b) **Ensure access to reproductive health counselling and provide all adolescents with accurate and objective information and services in order to prevent teenage pregnancies and related abortions;**

(c) **Strengthen formal and informal education on sexuality, HIV/AIDS, sexually transmitted diseases and family planning;**

(d) **Establish by law the minimum age for purchasing and consuming alcohol;**

(e) **Provide adolescents with information on the harmful consequences of alcohol, drug and tobacco use;**

(f) **Establish adequate mental health services tailored for adolescents;**

(g) **Seek technical cooperation with, among others, WHO, the Joint United Nations Programme on HIV/AIDS and UNFPA.**

## **HIV/AIDS**

64. The Committee notes the relatively low HIV prevalence rate in the country and welcomes the various efforts being made to address the prevention of transmission and the reduction of HIV/AIDS, including through the implementation of the AIDS Prevention and Control Act (Republic Act No. 8504), adopted in 1998, and the establishment of the National AIDS Prevention and Control Programme in 1998, the Committee is concerned about the presence of risk factors predisposing HIV-infection, such as the high number of sex workers. While noting that the AIDS Prevention and Control Act guarantees access to complete HIV/AIDS information in schools, the Committee expresses its concern about the inadequate level of HIV/AIDS awareness among Philippine adolescents.

65. **In the light of the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), the Committee recommends that the State party continue to:**

(a) **Strengthen its efforts to implement the AIDS Prevention and Control Act in order to prevent and treat the effects of HIV/AIDS;**

(b) **Prevent discrimination against children infected with and affected by HIV/AIDS, for example by implementing the Philippine AIDS Prevention and Control Act of 1998 prohibiting any form of discriminatory act, and ensure these children have access to adequate social and health services;**

(c) **Provide adolescents with accurate and comprehensive information about HIV/AIDS, including condom use, in schools;**

(d) **Ensure access to child-sensitive and confidential HIV/AIDS counselling without parental consent when required by a child;**

(e) **Seek technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS.**

### **Standard of living**

66. The Committee notes with concern the high number of children living in households below the national poverty line and the wide disparities in wealth between different regions. The Committee is deeply concerned about difficulties faced by children living in poverty, as to the enjoyment of their human rights, including access to social and health services and education. The Committee is also concerned about the poor housing situation in the State party and families living, for example in urban slums and squatter communities without adequate infrastructure.

67. **In accordance with article 27 of the Convention, the Committee recommends that the State party take urgent efforts to raise the standard of living among its rural and urban population living in poverty, inter alia, through implementing a poverty reduction strategy and community development, including the participation of children. The Committee requests the State party to increase its efforts to provide material assistance and support to economically disadvantaged children and their families. Moreover, the State party should ensure that children living in poverty are provided with access to social and health services, education and adequate housing.**

## **6. Education, leisure and cultural activities**

### **Education**

68. The Committee takes note of the State party's efforts to improve the standard and aims of education, including by implementing the new school curricula for elementary and secondary schools, and the curriculum for early childhood, the Education for All Programme of Action and the Child-friendly School System, in collaboration with UNICEF. Notwithstanding these positive steps taken, the Committee remains gravely concerned that there still remain *barangays* which are not able to provide children with elementary education and there are several



vulnerable groups of children, such as children living in poverty, children with disabilities, child labourers, children in armed conflict, indigenous children, children infected with, or affected by, HIV/AIDS and street children, without equal access to elementary education. The Committee is concerned that the costs of schooling, such as meals, transportation, school uniforms and supplies, cause financial obstacles to many children from poor families and deny their equal access to education. The high rate of children not completing primary education gives cause for serious concern as well as the high drop-out rates in secondary education. The Committee also notes a low number of children enjoying early learning in preschools.

69. The Committee is encouraged by the State party's efforts to promote indigenous, minority and local languages in education including, inter alia, through the Lingua Franca Project. The Committee is concerned about poor schooling facilities, particularly in the remote *barangays*, including the insufficient number of classroom seats, textbooks and other schooling supplies. It reiterates its concern about the low rate of enrolment in secondary education and that children living in the remote *barangays* have very limited access to secondary education. The Committee notes with appreciation that the State party has made intense efforts to improve the quality of education by increasing the time spent on task and teaching methods that encourage children's participation. It also welcomes the expansion and improvement of pre-service and in-service teacher training. The Committee also recognizes the attempts to regularly monitor and evaluate the quality of education.

70. **In the light of articles 28 and 29 of the Convention and the Committee's general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party allocate adequate financial, human and technical resources in order to:**

(a) **Increase budgetary allocations, governmental subsidies and assistance programmes for children from low-income families in order to secure their equal access to education of all levels;**

(b) **Urgently take all necessary measures to ensure universal and free primary education for all and pay particular attention to the schooling opportunities in the most remote *barangays* and to the educational needs of children belonging to vulnerable groups, such as children living in poverty, children with disabilities, indigenous children, child labourers, children in armed conflict, children infected with or affected by HIV/AIDS and street children, in order to fulfil their right to education;**

(c) **Adopt effective measures to rapidly decrease the drop-out rate in primary and secondary school;**

(d) **Provide access to early childhood education for every child making it affordable for poor families and raise awareness of the benefits of preschools and early-learning opportunities among parents;**

(e) **Develop and upgrade the infrastructure of the educational system by building new schools and classrooms, developing textbooks and other school supplies, enhancing teacher training and adopting innovative and interactive learning methods tailored for children with different learning prerequisites;**

**(f) Provide indigenous children and children belonging to minority groups with equal access to quality education which respects their distinct cultural patterns and uses local indigenous and minority languages in education through, inter alia, the Lingua Franca Project;**

**(g) Continue its efforts to offer more facilities for informal learning and vocational training, including for children who have not completed primary and secondary education;**

**(h) Continue its efforts to reduce the number of dropouts and increase the number of children completing secondary education;**

**(i) Establish vocational schools that systematically prepare children in school for the requirements of the labour market and civic responsibilities;**

**(j) Mainstream human rights, including children's rights, into the school curricula;**

**(k) Cooperate with, among others, UNESCO, UNICEF and non-governmental organizations to improve the education sector;**

**(l) Continue to expand pre-service and in-service teacher training.**

### **Leisure, recreation and cultural activities**

71. Notwithstanding the State party's efforts to develop and organize sports and cultural activities for children, the Committee notes with concern the insufficient number of recreational and cultural activities and facilities for children and the discrepancies between *barangays* in this respect. The Committee is concerned that there are several groups of children, such as children not involved in primary education, child labourers and street children, who neither have equal right to enjoy their right to rest and leisure nor to engage in play, sport, recreational and cultural activities.

72. **In the light of article 31 of the Convention, the Committee recommends that the State party make all necessary efforts to protect the right of the child to rest, leisure, cultural and recreational activities. The Committee recommends that the State party strengthen its efforts to promote the right of the child to engage in play by providing children with creative play facilities. It requests the allocation of adequate human and financial resources to the implementation of this right and the payment of particular attention to vulnerable groups of children, such as children outside of the educational system, child labourers and street children.**

## **7. Special protection measures**

### **Refugee children**

73. Notwithstanding the fact that the treatment of refugee children and the implementation of their rights have been viewed in the light of laws generally applicable to Philippine children, the Committee is concerned about the lack of domestic legislation addressing the specific needs of

asylum-seeking and refugee children. The Committee notes that, for example, the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act on children in emergency situations are limited to children in situations of armed conflict.

**74. The Committee recommends to the State party that it introduce specific laws and administrative regulations that address the needs of asylum-seeking and refugee children and provide unaccompanied and separated asylum-seeking and refugee children with special procedures. In this respect, the Committee recommends that the State party continue its cooperation with UNHCR.**

#### **Children in armed conflict**

75. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by the State party in August 2003 and the setting of minimum age of 18 years for recruitment into the national Armed Forces, however, with exception for training purposes. The Committee also takes note with appreciation of the adoption of a Comprehensive Programme Framework for Children in Armed Conflict of 2001 (Presidential Executive Order No. 56) which promotes rescue, recovery and reintegration of children involved in armed conflict. Notwithstanding these positive steps taken by the State party, the Committee expresses its deep concern about children, sometimes as young as 11 years old, being recruited by armed rebel movements, such as the New People's Army, the Moro Islamic Liberation Front, and the Abu Sayyaf Group, to serve as combatants, spies, guards, cooks or medics.

76. The Committee is concerned that the State party is able to provide only the arrested child soldiers with physical and psychological recovery and social reintegration services, but the majority of children involved in and affected by armed conflict is never reached. Furthermore, the Committee is concerned about the continuing displacement of children and their limited access to social and health services, education and, above all, to development due to the adverse effects of internal armed conflict. In addition, the Committee is concerned at the impact of internal armed conflict on children not involved in hostilities, particularly Muslim children living in the Mindanao region.

**77. The Committee recalls that the State party has undertaken to respect and ensure all the rights set forth in the Convention for all children within its jurisdiction at all times. In the light of articles 38, 39 and other relevant articles of the Convention, the Committee urges the State party to continue its peace efforts with armed rebel movements in order to urge them to immediately cease the recruitment for and involvement of children in armed conflicts, and to ensure protection of all children who have been involved in armed conflict. The Committee recommends to the State party that it provide children involved in and traumatized by armed conflict with adequate assistance and counselling for their physical and psychological recovery and social reintegration into society in cooperation with national and international non-governmental organizations and United Nations bodies, such as UNICEF. The Committee recommends that the State party provide girl child soldiers with adequate gender-specific rehabilitation and reintegration services.**

78. **The Committee also recommends that the State party pay particular attention to the implementation of guidelines for Philippine Armed Forces on the treatment of children in armed conflict and ensure that children who are arrested are released from military custody within the prescribed time limits and that children are provided with adequate medical treatment and informed about their rights. As regards displaced children and children living in conflict areas, the Committee urges the State party to take effective measures to secure their access to basic services, including adequate social and health services and education and development. Finally, the Committee recommends that the State party ensure that all children living in areas affected by armed hostilities enjoy their human rights on equal footing without any discrimination.**

### **Economic exploitation**

79. The Committee welcomes the ratification of the Minimum Age Convention, 1973 (No. 138) in June 1998 and the Worst Forms of Child Labour Convention, 1999 (No. 182) in November 2000. The Committee notes with appreciation the State party's efforts to combat child labour, for example through implementing the National Programme against Child Labour, the Omnibus Rules implementing the Labour Code, the establishment of local-level Programme Implementation Committees on Child Labour and the fruitful cooperation with the International Labour Organization and its International Programme on the Elimination of Child Labour. Despite these positive efforts, the Committee is deeply concerned at the high number of child workers (3.7 million working children) in the State party. The Committee is concerned about cultural attitudes and practices as regards child labour and the weak enforcement of labour laws.

80. **The Committee recommends to the State party that it:**

**(a) Effectively implement its domestic labour laws and the National Programme against Child Labour as well as its subprogrammes, for example the Elimination of Child Labour in the Tobacco Industry Project and ensure that child workers participate in discussions about the solution to this problem;**

**(b) Improve the labour inspection system in order to safeguard that work performed by children is light work and not exploitative and, in particular, empower the system to monitor and report on the practice of domestic and rural labour by children;**

**(c) Provide former child workers with appropriate recovery and educational opportunities;**

**(d) Continue to seek technical assistance from the International Labour Organization/International Programme on the Elimination of Child Labour.**

### **Drug and substance abuse**

81. While noting the State party's efforts to combat drug trafficking and drug and substance abuse, inter alia, through implementing the Comprehensive Dangerous Drugs Act of 2002 (Republic Act No. 9165), and the increased number of treatment and social reintegration services for children, the Committee is deeply concerned at the massive narcotic trade in the Philippines and its adverse effects on children and adolescents. It shares the State party's concern about the

high incidence of drug and substance abuse, including glue and solvent sniffing among street children. Furthermore, the Committee is concerned about the fact that children, who voluntarily seek treatment in drug recovery and reintegration centres, are often asked to pay for treatment causing insurmountable obstacles to children of limited means and denying their access to treatment and reintegration.

**82. The Committee recommends that the State party continue to strengthen its efforts to:**

**(a) Combat drug and substance abuse among children and adolescents, for example by effectively implementing the Comprehensive Dangerous Drugs Act of 2002 and secure due process of the law;**

**(b) Provide children and adolescents with accurate and objective information about drug and substance use, including hard drugs, glue and solvent sniffing, through public school programmes and media campaigns and protect children from harmful misinformation and models;**

**(c) Develop free and easily accessible drug abuse treatment and social reintegration services for children who are victims of drug and substance abuse;**

**(d) Tailor specific drug abuse, including glue and solvent sniffing, recovery and social reintegration programmes and centres for street children and cooperate with non-governmental organizations in this respect;**

**(e) Allocate adequate budgetary funds to existing drug recovery and reintegration centres;**

**(f) Seek technical assistance from, among others, the United Nations Office on Drugs and Crime and WHO.**

### **Street children**

83. The Committee reiterates its grave concern at the high number of children living in the streets and their special vulnerability to various forms of violence and abuse, including sexual abuse and exploitation, economic exploitation and substance abuse. The Committee notes the lack of a systematic and comprehensive strategy to address the situation and protect children living in the streets. The Committee emphasizes that unlawful arrest and detention of street children are serious violations of the provisions and principles of the Convention. Notwithstanding the efforts taken by the State party and, in particular, many non-governmental organizations working with and for street children, for example ChildHope Asia Philippines, the Committee is concerned about street children's limited access to adequate nutrition, clothing, housing, social and health services and education. Furthermore, the Committee is concerned about health risks faced by street children, including environmental health risks, such as toxic and hazardous wastes and air pollution.

84. **The Committee recommends that the State party:**

(a) **Develop a comprehensive strategy with active participation of street children, non-governmental organizations and relevant professionals to address the high number of street children, with the aim of reducing and preventing this phenomenon;**

(b) **Ensure that children living in the streets are not unlawfully arrested and detained, protect them from police brutality and where needed, secure their access to adequate legal services;**

(c) **Ensure that street children are reached through trained street educators and counsellors and provided with adequate nutrition, clothing and shelter as well as with social and health services and educational opportunities, including vocational and life skills training, in order to support their full development and provide them with adequate protection and assistance;**

(d) **Provide street children with adequate recovery and social reintegration services for physical, sexual and substance abuse and promote reunification with their families, when feasible;**

(e) **Reduce and prevent the environmental health risks faced by children living in the streets, inter alia, through raising awareness about environmental health risks among these children and instructing appropriate behaviours which protect them from these risks;**

(f) **Support the efforts of street children to organize themselves in order to enhance their self-esteem;**

(g) **Collaborate with and support non-governmental organizations working with and for street children.**

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

85. The Committee expresses its grave concern about the sexual exploitation of children, including growing child prostitution, and the reported cases of child pornography in the State party. The Committee notes with concern that the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act are mainly related to child prostitution and do not adequately protect victims of other forms of sexual exploitation. Furthermore, the Committee notes with concern that the minimum age of sexual consent is not clearly enough established in the State party's domestic legislation and that the Revised Penal Code (Republic Act No. 3815) imposes maximum penalties for sexual offences when the victim is under 12 years of age but imposes lower penalties for sexual offences against minors over 12 years of age.

86. The Committee welcomes the adoption of, in 2003, the new Anti-Trafficking in Persons law and other measures taken by the State party in the areas of prevention of trafficking and protection of victims, such as the establishment of Anti-Illegal Recruitment Coordination Councils, the Trade Union Child Labour Advocate initiative and the establishment of an Executive Council to suppress trafficking in persons particularly women and children. But the Committee is gravely concerned about trafficked Philippine children both within the country and

across borders. The Committee expresses its concern about existing risk factors contributing to trafficking activities, such as persistent poverty, temporary overseas migration, growing sex tourism and weak law enforcement in the State party.

**87. The Committee urges the State party to:**

**(a) Review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection, inter alia, by including in the law equal sanctions to all perpetrators of sexual offences against children;**

**(b) Set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law;**

**(c) Conduct a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation and trafficking of children;**

**(d) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children;**

**(e) Pay particular attention to existing risk factors, such as the growing sex tourism in the region and continue to collaborate with the Department of Tourism and tourism service providers in this respect;**

**(f) Launch awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and sensitize officials working with and for victims of trafficking.**

**88. With regard to the trafficking of children in the Philippines, within the country and across its borders, the Committee endorses the recommendation adopted by the Human Rights Committee at its seventy-ninth session in 2003 (CCPR/CO/79/PHL, para. 13) on taking appropriate measures to combat trafficking in all its forms, by ensuring effective enforcement of the relevant legislation and imposing sanctions on those found responsible.**

**Administration of juvenile justice**

89. The Committee is seriously alarmed at the high level of crime and the high number of persons below 18 years of age in detention in the State party, the persistent violations of the rights of children in conflict with the law, the alleged cases of torture, abuse, including sexual abuse and other forms of degrading treatment of persons below 18 years of age in detention, and the overall deficiencies in the administration of the Philippine juvenile justice system. The Committee notes with deep concern that adequate legislation governing juvenile justice is lacking and that a proposed bill on the Comprehensive Juvenile Justice System and Delinquency Prevention Programme has been pending in Congress since 1999. While noting that an Administrative Order issued in February 2000 designated Regional Trial Courts as Family Courts, the Committee is concerned about the lack of child-sensitive and adequately trained juvenile courts.

90. Furthermore, the Committee is concerned about the very low minimum age of criminal responsibility (9 years). Referring to the provisions on youth detention homes of the Child and Youth Welfare Code and the Rules and Regulations on the Apprehension, Investigation, Prosecution and Rehabilitation of Youth Offenders (Presidential Decree No. 603), the Committee is concerned about the inadequate implementation of these provisions and the placement of persons below 18 years of age together with adults in detention. Unlawful detention of children, street children for instance, for the extended period of time and limited, or lacking access to appropriate legal aid and assistance and adequate social and health services give cause for serious concern. In addition, the Committee is concerned about unreasonable amounts requested for bail, which cause insurmountable financial obstacles for children and their parents, limitations as regards the suspension of sentences and poor detention conditions, including so-called secret cells.

91. **The Committee urges the State party to ensure that its legislation and practice concerning juvenile justice is in full compliance with the provisions of the Convention, in particular articles 37, 39 and 40, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113) and the Guidelines for Action on Children in the Criminal Justice System (annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In this regard, the Committee recommends to the State party in particular that it:**

**(a) Adopt, as a matter of urgency, a proposed bill on Comprehensive Juvenile Justice System and Delinquency Prevention Programme and raise the minimum age of criminal responsibility to an internationally acceptable level;**

**(b) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest possible time and in appropriate conditions, and that persons below 18 years of age are not detained with adults;**

**(c) Establish juvenile courts staffed with sufficient, appropriately trained professional personnel;**

**(d) Ensure that persons below 18 years of age have access to legal aid and independent and effective complaints mechanisms;**

**(e) Implement alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;**

**(f) Train professionals in the area of recovery and social reintegration of children;**



(g) **Continue to seek technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and UNICEF.**

### **Children belonging to minorities and indigenous peoples**

92. While noting the provisions of the Indigenous Peoples Rights Act (Republic Act No. 8371) as well as programmes and projects for children belonging to minorities and indigenous peoples, such as an alternative system of education for children belonging to indigenous cultural communities, the Childcare Development Programme and the Lingua Franca Project, the Committee is concerned about the widespread poverty among minorities and indigenous peoples and the limited enjoyment of their human rights, in particular, concerning their access to social and health services and education. The Committee shares the State party's concern about arranged early marriage in the indigenous communities. In addition, the Committee notes with concern more pronounced discrimination against Muslims.

93. **The Committee recalls the obligations of the State party under articles 2 and 30 of the Convention and recommends that the State party ensure that indigenous children and children belonging to minorities fully enjoy all of their human rights equally and without discrimination. In this respect the Committee recommends that the State party strengthen its efforts to implement the Indigenous Peoples Rights Act (Republic Act No. 8371) and develop and implement policies and programmes in order to ensure equal access for indigenous and minority children to culturally appropriate services, including social and health services and education. Furthermore, the Committee recommends that the State party strengthen its mechanisms for data collection on minority and indigenous children so as to identify existing gaps and barriers to the enjoyment of their human rights and with a view to developing legislation, policies and programmes to address such gaps and barriers.**

94. **As regards the child's right to use his/her own language, the Committee encourages the State party to continue its efforts to address the linguistic needs of indigenous and minority children. In addition, the Committee recommends that the State party seek, in close collaboration with indigenous and minority communities and their respective leaders, effective measures to abolish traditional practices prejudicial to the health and well-being of indigenous and minority children, such as early marriage.**

### **8. Optional Protocols to the Convention on the Rights of the Child**

95. The Committee welcomes the ratification in May 2002 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the ratification in August 2003 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

96. **In order to be able to examine the implementation of the Optional Protocols, the Committee underlines the importance of a regular and timely reporting practice. The Committee recommends that the State party fully meet its reporting obligations under the reporting provisions of the Optional Protocols and the Convention.**

## **9. Follow-up and dissemination**

### **Follow-up**

97. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

98. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

99. In the light of the recommendation on reporting periodicity adopted by the Committee and described in the report of its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports in one consolidated report by 19 September 2007, the due date for the submission of the fourth periodic report. The report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

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