



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF THE PHILIPPINES  
TO THE LIST OF ISSUES (CRC/C/PHL/Q/3-4) PREPARED BY THE  
COMMITTEE ON THE RIGHTS OF THE CHILD IN CONNECTION  
WITH THE CONSIDERATION OF THE THIRD AND FOURTH  
PERIODIC REPORTS OF THE PHILIPPINES (CRC/C/PHL/3-4)\* \*\***

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

\*\* Annexes may be consulted in the files of the Secretariat.

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**List of issues to be taken up in connection with the consideration of the third and fourth periodic reports of the Philippines (CRC/C/PHL/3-4)**

**PART I**

**Question 1.** *Please clarify which institution is responsible for coordinating the implementation of the rights of the child at the national level (former Council for the Welfare of Children, CWC) and the tasks incumbent upon the Local Councils for the Protection of Children (LCPC) at barangay, municipal, city and provincial levels, as well as the Regional Sub-Committees for the Welfare of Children (RCWC). Kindly indicate their respective budgetary allocations as well as territorial coverage by regions (please specify the number per regions and their names).*

1. The Council for the Welfare of Children is the focal inter-agency body of the Philippine Government for children. It continues to have the mandate to coordinate the implementation and enforcement of all laws; formulate, monitor and evaluate policies, programmes and measures for children. This affirmation of the Council's existence and mandate is based on Executive Order 806, signed on 8 June 2009.

**Task of local councils for the protection of children (LCPC)**

2. The Local Council for the Protection of Children (LCPC) is a council organized at the provincial, city, municipal and barangay level that is responsible for planning and spearheading programmes for children. These councils are CWC's enabling mechanisms responsible for the formulation of local policies, plans and programmes for children consistent with national policies and assisting LGUs in making the locality child-sensitive and child-friendly.

**Regional Committee/Sub-Committee for the Welfare of Children (RC/SCWC) budgetary allocations and coverage**

3. There are 17 organized and highly functional RC/SCWCs: either a separate committee under the Regional Development Council or a sub-committee of the Regional Social Development Committee. In year 2000, four RSCWCs were elevated as special committees of the Regional Development Councils (through RDC resolutions): CARAGA, IX, IV-A and X while NCR was recognized as a special committee under the Metro Manila Mayors' Council. The DSWD Regional Director chairs the RSCWC.

4. RC/SCWCs being inter-agency bodies, do not have regular funds for operations. Instead, CWC provided in 2004 to 2008 an average of PhP 800,000.00 per annum or 16,666.66 US\$ directly to DSWD Regional Offices (covered by MOA) to support RC/SCWC operations using the Early Childhood Care and Development-Philippine Amusement and Gaming Corporation (ECCD-PAGCOR) funds.

5. The funds cover the following expenses of the RC/SCWC: Support to Operations such as Directors' Meetings conducted twice a year and RC/SCWC Meetings held quarterly; Advocacies on Children; Celebrations such as Children's Month; and salaries of the RC/SCWC technical staff and Regional ECCD Coordinator.

**Table 1**

**Regional Committees/Sub-Committees for the Welfare of Children  
and their respective territorial coverage**

<b>Region</b>	<b>Name of RC/SCWC</b>	<b>No. of LGUs</b>	<b>Provinces/Cities</b>
1	Ilocos Region	4 provinces 8 cities	Ilocos Norte, Ilocos Sur, La Union and Pangasinan / Alaminos, Candon, Dagupan, Laoag, San Carlos, San Fernando, Urdaneta and Vigan
2	Cagayan Valley Region	5 provinces 3 cities	Nueva Viscaya, Isabela, Cagayan, Quirino and Batanes/Cauayan, Santiago and Tuguegarao
3	Central Luzon	7 provinces 14 cities	Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, Zambales/ Olongapo, Angeles, Balanga, Cabanatuan, Gapan, Palayan, San Fernando, San Jose, San Jose Del Monte, Muñoz, Tarlac, Malolos and Meycauayan
4A	CALABARZON*	5 provinces 11 cities	Cavite, Laguna, Batangas, Rizal, Quezon / Lucena, Antipolo, Batangas, Calamba, Cavite, Lipa, San Pablo, Tagaytay, Tanauan, Trece Martirez and Tayabas
4B	MIMAROPA	5 provinces 2 cities	Mindoro Oriental, Mindoro Occidental, Romblon, Palawan and Marinduque/ Puerto Princesa and Calapan
5	Bicol Region	6 provinces 7 cities	Albay, Camarines Norte, Camarines Sur, Catanduanes, Sorsogon and Masbate / Naga, Iriga, Legaspi, Ligao, Masbate, Sorsogon and Tabaco
6	Western Visayas	6 provinces 16 cities	Aklan, Antique, Capiz, Guimaras, Iloilo and Negros Occidental / Iloilo, Bacolod, Bago, Cadiz, Escalante, Himamaylan, Kabankalan, La Carlota, Passi, Roxas, Sagay, San Carlos, Silay, Sibalay, Talisay and Victorias

<b>Region</b>	<b>Name of RC/SCWC</b>	<b>No. of LGUs</b>	<b>Provinces/Cities</b>
7	Central Visayas	4 provinces 13 cities	Bohol, Cebu, Negros Oriental and Siquijor/ Mandaue, Cebu, Bais, Bayawan, Canlaon, Danao, Dumaguete, Lapu-lapu, Tagbilaran, Talisay, Tanjay, Toledo and Naga
8	Eastern Visayas	6 provinces 4 cities	Biliran, Leyte, Southern Leyte, Western Samar, Northern Samar and Eastern Samar/ Ormoc, Calbayog, Maasin and Tacloban
9	Western Mindanao*	3 provinces 5 cities	Zamboanga del Norte, Zamboanga del Sur and Zamboanga Sibugay/ Zamboanga, Dapitan, Dipolog, Isabela and Pagadian
10	Northern Mindanao*	5 provinces 8 cities	Bukidnon, Camiguin, Misamis Occidental, Misamis Oriental and Lanao del Norte / Iligan, Cagayan de Oro, Gingoog, Oroquieta, Ozamis, Tangub, Malaybalay and Valencia
11	Davao Region	4 provinces 5 cities	Davao del Sur, Davao del Norte, Davao Oriental and Compostela Valley/ Davao, Digos, Samal, Panabo and Tagum
12	SOCCSKSARGEN	4 provinces 5 cities	South Cotabato, Cotabato, Sultan Kudarat and Sarangani / General Santos, Cotabato, Kidapawan, Tacurong and Koronadal
13	CARAGA*	5 provinces 3 cities	Dinagat Island, Surigao del Norte, Surigao del Sur, Agusan del Norte and Agusan del Sur / Butuan, Bislig and Surigao
ARMM	Autonomous Region in Muslim Mindanao	5 provinces 1 city	Maguindanao, Lanao del Sur, Basilan, Sulu and Tawi-Tawi / Marawi
CAR	Cordillera Administrative Region	6 provinces 1 city	Abra, Apayao, Benguet, Ifugao, Mountain Province and Kalinga / Baguio City
NCR	National Capital Region	16 Cities	Caloocan, Las Piñas, Makati, Malabon, Mandaluyong, Manila, Marikina, Muntinlupa, Navotas, Parañaque, Pasay, Pasig, Quezon, San Juan, Taguig and Valenzuela
TOTAL		80 Provinces 123 Cities	80 Provinces 123 cities ( 27 Highly Urbanized Cities; 4 independent component cities and 92 component cities )

\* RCWC.

**Question 2.** *Please outline the content of the National Plan of Action for Children (NPAC) for the periods 2005-2010 and 2011-2015 and the sixth and seventh Country Programmes for Children for the periods 2005-2009 and 2010-2014. Could you please provide examples of their local implementation, namely the local development plans, annual investment plans and local codes for children, as well as an update on the number and percentage of provinces, cities and municipalities having adopted such plans?*

#### **National Plan of Action for Children (NPAC)**

6. The National Plan of Action for Children (NPAC) 2005-2010 is the translation of the country's roadmap (Child 21) into clear, actionable and time-bound plans within a definite time frame. It addresses and facilitates the fulfilment of goals and targets of the Millennium Development Goals and the World Fit for Children and eventually attains the vision for Filipino Children. The outline of the NPAC 2005-2010 is as follows:

- (a) Introduction (*Historical Perspective and Overview*);
- (b) Tomorrow's Dream (*Our Shared Vision for the Filipino Child*);
- (c) Today's Reality (*Current Situation of Children, Past Interventions, Priority Issues*);
- (d) Our Commitment to the Filipino Child (*Goals, Targets and Interventions*);
- (e) Mobilizing for Action (*Strategies Addressed to Stakeholders*);
- (f) Financing (*Financing Strategies*);
- (g) Monitoring and Evaluation (*Addressing the Challenge of Implementation*).

7. The second NPAC 2011-2015 is still in its planning stage as the rapid assessment of the first NPAC 2005-2010 is being completed. The rapid assessment aims to look at how the NPAC and its companion plans Early Childhood Care and Development Directional Plan and the Comprehensive Programme for Child Protection (CPCP) are implemented at the national and regional levels; review progress made in implementing the proposed interventions per life stage; and, come up with recommendations on how to fast-track the implementation of the NPAC in the remaining time including possible adjustments in its goals and targets.

#### *NPAC local implementation*

8. The efforts to mainstream and localize Child 21, NPAC, ECCD and CPCP and other frameworks on children focus on the provision of technical assistance to enable local government units to deliver the four (4) Legacies on Children: Local Development Plan for Children (LDPC), Local Investment Plan for Children (LIPC), Local Code for Children (LCC) and Local State of Children Report (LSCR). (Sample LDPC/LIPC will be presented during the dialogue.)

9. Mainstreaming workshops were coordinated and facilitated through the support of the RC/RSCWC enabling the Provinces, Cities and Municipalities adopt their local development plans and annual investment plans for children by 67 per cent (54) of 80 provinces, 42 per cent (48) of 115 cities, and 29 per cent (434) of 1,150 municipalities nationwide.

10. On the other hand, enactment of local codes which facilitate review and enhance local laws on children accounted 42 per cent (34) of provinces, 37 per cent (43) of cities and 14 per cent (215) of municipalities while delivery of local state of children reports which account the situation on children and accomplishments of the local governments delivered by the Local Chief Executives during Children's Month celebration in October of every year were: 39 per cent (31) of provinces, 17 per cent (20) of cities and 10 per cent (156) of municipalities. The table below shows the status of compliance by local government units (LGUs) with the four Legacies for Children as of December 2007.

**Table 2**

**The status of compliance by local government units with the four Legacies for Children as of December 2007**

LGUs	LDPC/LIPC	LCC	LSCR
Provinces	54/80 (67%)	34/80 (42%)	31/80 (39%)
Cities	48/115 (42%)	43/115 (37%)	20/115 (17%)
Municipalities	434/1150 (29%)	215/1150 (14%)	156/1150 (10%)

11. In March 2008, Joint Memorandum Circular (JMC) No.1 Series of 2007 ( DILG, NEDA, DBM and DOF) synchronizing the planning, budgeting and fiscal administration for local government units was issued. JMC 1 entitled "Harmonization of Local Planning, Investment Programming, Revenue Administration, Budgeting and Expenditure Management" mandates that only two plans: (a) Comprehensive Development Plans (CDP) and (b) Comprehensive Land Use Plan (CLUP) shall be prepared by all LGUs. In pursuance with the new guidelines, the DILG conducted massive nationwide advocacy and orientation session/s thereby occupying much of the attention of LGUs, hence, there were no updated reports for that year.

12. The efforts to establish Local Councils for the Protection of Children (LCPCs) continued with 72.6 per cent (53) of the 73 provinces assessed, 72 per cent (81) of the 119 cities, 48 per cent (618) of the 1,397 municipalities assessed and 33 per cent (11,059) of the 38,898 barangays assessed are reported to have functional LCPCs as of December 2008.

**Country Programme for children (CPC) 6 and 7**

13. CPC 6 (2004-2009) aims to reduce the disparities between the basic indicators in 24 focus areas (consisting of 19 provinces and five cities) and the national data for health, nutrition, education, ECCD and protection, by at least 50 per cent by the end of 2009 from 2003 levels. This also intends to contribute to improving the national data and to achieving the MDGs.



14. The overall Programme strategies built on those developed in the previous programme, CPC 5, and consists of: (a) a human rights-based approach to policy and programme development; (b) capacity building with priority given to institutions, systems and duty bearers in the most disadvantaged 30 per cent of barangays in the focus areas; (c) expanding partnerships and alliances to scale up Child Friendly Movement (CFM) and reach more under-served children and mothers; (d) leveraging resources for children; (e) providing support to targeted and convergent policies and basic services; (f) developing and implementing joint programming initiatives with sister United Nations agencies; (g) strengthening programme communication and young people's participation; (h) advocacy and political mobilization at all administrative levels; and, (i) scaling up CFM through child-friendly governance in a rights-based context.

15. The Programme has six sectoral components with 18 projects, as well as a programme of cross sectoral support:

#### Communication

- Child Rights Advocacy and Participation
- Media Advocacy and Mobilization
- Communication for Behaviour Change
- Goals Monitoring and Advocacy

#### Local Policy and Institutional Development (now Social Policy and Local Development)

- Local Law, Planning and Policy Advocacy
- Local Institutions for Child-Friendly Governance
- Local Accountability for Children

#### Health and Nutrition

- Adolescent and Maternal Health
- Child Health and Sanitation
- Under-Nutrition and Micronutrients Deficiency Control

#### Education

- Early Childhood Care and Development
- Basic Education for All
- Support System for Child-Friendly School System

Children in Need of Special Protection (now Child Protection)

- Protective Services for Children Affected by Abuse, Exploitation and Trafficking
- Upholding the Rights and Well-being of Children Affected by Armed Conflict
- Legal Protection and Justice System for Children
- Networks and Systems for Child Protection

HIV/AIDS

- HIV/AIDS Prevention

**Cross-sectoral Support**

16. CPC 6 covers 24 areas - 19 provinces and 5 cities - from the three main island groups of the country:

Luzon (Mountain Province, Isabela, Aurora, Camarines Norte, and Masbate provinces and Pasay City, Quezon City, and the City of Manila)

Visayas (Antique, Guimaras, Capiz, Negros Oriental, Eastern Samar, Northern Samar provinces and Cebu City)

Mindanao (Zamboanga del Sur, Bukidnon, Sarangani, Sultan Kudarat, North Cotabato, Agusan del Sur, Maguindanao and Sulu provinces and Davao City)

17. CPC 6 has been extended until 2011 with 2010-2011 serving as bridging years where LGU coverage has been reduced to five provinces and two) cities. The programme for CPC 7 is still to be developed by the Philippine Government and UNICEF.

**Question 3. *Please provide information on the mandate, composition, main activities, financial and human resources of the Child Rights Center, the Child Rights Units as well as on the Focal Person on Children, created within the Philippine Commission on Human Rights (PCHR) and its regional offices.***

18. The Child Rights Center is a unit of PCHR that ensures that the status, rights and interests of children are upheld in accordance with the Philippine Constitution and international instruments on human rights.

19. It was established in 1994 through two Memoranda issued by the President of the Philippines. The first Memorandum of Undertaking tasked the CHRP to operate a Child Rights Center, which will inter alia,

*“spearhead the investigation and initiate legal action for and in behalf of child victims of human rights violations, formulate policies, develop standards and indicators,*

*conceptualize projects and programs that will ensure the protection and promotion of the rights of children in the Philippines, and to monitor government compliance with specific provisions of the Convention on the Rights of the Child.”*

20. A year later, the President issued the second Memorandum Order mandating the CHRP to continue the operation of the Center.

21. Although there is no specific law creating the Center, the Juvenile Justice Welfare Act of 2006 recognizes its role in ensuring the rights of the child as articulated in the Philippine Constitution and international treaties through monitoring. In 2007, CHRP also issued a Resolution declaring itself as Ombudsman for Children. Both instruments lead to further strengthening the mandates of the Center.

22. As the Ombudsman for Children, the Child Rights Center functions as follows:

- (a) Represent the rights and interest of children;
- (b) Monitor and assess the Philippine Government’s implementation of the Convention on the Rights of the Child;
- (c) Promote awareness of the various conventions on children’s rights;
- (d) Advise and propose to the Government the adoption or amendments of laws, programmes and policies or measures in consonance with the Convention on the Rights of the Child;
- (e) Regularly prepare and submit a supplemental report to the Committee on the Rights of the Child on the status of children’s rights in the Philippines;
- (f) Promote child participation in all its programmes and undertakings;
- (g) Work in collaboration and coordination with other stakeholders of children’s rights;
- (h) Establish structures to increase the knowledge of children of their rights and to facilitate regular consultation with them on issues concerning the realization of children’s rights;
- (i) Undertake, promote or publish research into any matter relating to the rights and welfare of children;
- (j) Assess the impact on children of different policy options and to devise specific strategies in order to promote and protect the rights of children;
- (k) Initiate and/or implement analogous activities, programmes and policy directions that will safeguard the rights and interests of children.

23. Other functions of the Center include:

- (a) Provide legal assistance to children victims of human rights violations;

- (b) Conduct education on the rights of the child;
- (c) Conduct jail and institution visitations to ensure protection of the rights of children;
- (d) Monitor Government's compliance with its obligation in the Convention on the Rights of the Child;
- (e) Conduct advocacy and lobbying activities;
- (f) Prepare position papers relative to pending bills in the Congress that have implications on children, and propose amendments to existing legislations to become consistent;
- (g) Provide financial assistance to children who are victims of violations.

### **Composition, human and financial resources**

24. Based on the plantilla position, the Center is composed of two permanent staff, one Director III and one Executive Assistant. The CHRP Regional Offices have focal persons in-charge of child rights. Due to limited resources the regional offices still do not have functional child rights units.

25. The budget for the Center in 2009 is USD 14,539 (or Php 700,000). This amount comprises 0.3 per cent of the total budget allocation of CHRP for 2009.

26. Some examples of activities of the Center are organizing conferences on children's rights; organizing for a e.g. a forum was conducted to advocate for the passage of the Juvenile Justice Welfare Act of 2006; conducting children participation projects e.g. drawing contests for children and including their drawings as designs for the 2009 calendar; providing legal assistance to children e.g. writing affidavit of complaints, giving legal advice to inquiries.

***Question 4. Please explain what measures are being taken to assess the impact of the economic and financial crisis on children, including a possible decrease in migrant workers' remittances, to ensure that gains on child and maternal health, nutrition, education and well-being are being protected and that allocations to child-related budget lines/key indicators/classifiers are maintained or increased.***

27. The social sector is prioritized in the budget. As stipulated in the National Budget Memorandum for 2009, the budget preparation will be guided by the following priority sectors: infrastructure, basic education, health services, social welfare, agriculture and environmental protection.

28. Significant increase in the budgets of the Departments of Education, Health, and Social Welfare and Development as well as the National Nutrition Council (NNC) was noted from 2008 to 2009. The budget of the NNC posted the highest increase of 709.47 per cent in the budget from Php471 million in 2008 to Php3. 9 billion in 2009. About Php3. 3 billion has been allocated for the Malusog na Simula, Yaman ng Bansa (Healthy Start, Wealth of the Nation)

Nutrition Program. There was also an increase of 121.72 per cent in the budget of the Department of Social Welfare and Development (DSWD) from PhP4.8 billion in 2008 to PhP10.6 billion in 2009. One key factor in the significant increase in the budget of DSWD is the appropriations for the Pantawid Pamilyang Pilipino Program or 4Ps (PhP5 billion) and the National Household Targeting System (PhP650 million). The budget of the Department of Health (DOH) posted a 25.14 per cent increase from the 2008 budget of PhP18.9 billion to PhP23.7 billion in 2009. Meanwhile, the Department of Education (DepEd) posted a 13.67 per cent increase from the 2008 budget of PhP140.2 billion to PhP160.2 billion in 2009. (Source: 2009 General Appropriations Act.)

29. The Pantawid Pamilyang Pilipino Program or (4Ps) is a poverty alleviation strategy that provides grants to extremely poor households to improve their health, nutrition and education particularly of children aged 0-14. The (4Ps) has dual objectives, (a) to provide cash assistance to the poor to alleviate their needs (short term poverty alleviation), and (b) to break the intergenerational poverty cycle through investments in human capital. To achieve these objectives, (4Ps) provides conditional cash grants to the beneficiaries such as PhP6,000 a year or PhP500 per month per household for health and nutrition expenses and PhP3000 for one school year or 10 months of PhP300 per month per child for educational expenses. A maximum of three children per household is allowed to be covered as beneficiaries. Meanwhile, the National Household Targeting System ensures that the qualified poor household beneficiaries are targeted to receive the cash transfer provided by the (4Ps) as well as other social protection services of the agencies of government.

30. To address hunger in the medium and long term, the Government is implementing the Accelerated Hunger Mitigation Program (AHMP). The AHMP intervenes in both the supply side or the production of food; and the demand side, or the means of people to obtain sufficient food.

31. Strategic ongoing programmes on the Millennium Development Goals (MDGs) which aim to enhance economic productivity and social equity in the country in the aftermath of the global economic slowdown will also be prioritized in the budget. The local government units (LGUs) are also encouraged to allocate funding for programmes and projects supportive of the MDGs. The Municipal Development Fund Office (MDFO) of the Department of Finance (DOF) and the Department of Interior and Local Government (DILG), initiated the establishment of the Millennium Development Goal Fund (MDG-Fund) to assist the LGUs in implementing and financing MDG-related programmes and projects. Likewise, the implementation of the programmes of the Local Councils for the Protection of Children (LCPC) is mainstreamed in the LGU budgets.

32. To mitigate the impact of the global financial crisis, the Philippine Government has drawn up the Economic Resiliency Plan (ERP). The ERP is a stimulus package that aims to ensure stable growth, create jobs, ensure low and stable prices, and provide assistance to the most vulnerable sectors. To achieve these objectives, the following strategies have been adopted, among others (a) implement budget interventions; (b) accelerate spending for small infrastructure projects; and (c) expand social protection programmes such as the conditional cash transfer (Pantawid Pamilyang Pilipino Program).

33. Under the ERP, additional budget allocation has been provided for the following: (a) expansion of the implementation of (4Ps) to double the targeted 321,000 poor households to about 700,000 poor households; (b) National Health Insurance Program for the indigent which includes the maternal and child care package; (c) Health Facilities Enhancement Program for the upgrading of primary hospitals to secondary hospitals; (d) Nurses Assigned in Rural Service (NARS) for the short-term deployment of nurses in underserved areas; and (e) School Building Program for the construction of classrooms and other facilities including sanitary toilets.

34. The Government is also implementing the Comprehensive Livelihood and Emergency Employment Program (CLEEP) under the ERP. The Program has a general objective of protecting the most vulnerable sectors - the poor, hungry, returning expatriates, workers in the export industry, and out-of-school youth - from threats and consequences of reduced or lost income as a consequence of the global economic crisis. The strategy is for government agencies to (a) provide additional emergency employment or jobs that are immediate, requires little or no skill or education, engages worker only part-time or short time or allows workers to obtain more than one job, and (b) provide livelihood programmes and projects, geared towards the provision of work or activities that will generate reliable income/earnings.

35. The possible decrease in migrant workers' remittances did not materialize. Instead an increase of 2-3 per cent in remittances, month on month was observed.

***Question 5. Please indicate how the effect of likely reductions in foreign aid is being mitigated in the social sectors and whether there is a systematic effort to protect these sectors with public investment, especially for pro-poor policies and programmes.***

36. The total cumulative Official Development Assistance (ODA) loans which financed 119 programmes and projects for Calendar Year (CY) 2008 reached US\$ 10.04 billion, consisting of US\$7.906 billion (79 per cent) project loans and US\$ 2.131 billion (21 per cent) programme loans. A diminishing trend in the amount of ODA loans was observed from CY 2000 until CY 2006. However, starting CY 2007 the amount of ODA loans increased slightly by two per cent. Also, a three per cent growth in cumulative ODA loans was recorded in CY 2008. In terms of loan distribution, 19 loans valued at US\$ 954 million were channelled to the Social Reform and Development Sector. A loan from the World Bank which amounts to US\$ 405 million is expected to be approved this year to finance the National Social Welfare Reform Program including the implementation of the (4Ps).

37. In terms of grants, the ODA grant-assisted projects for CY 2008 reached 314 projects (44 new, 171 ongoing and 99 completed within the year) which amounted to US\$ 1.289 billion. The Social Reform and Community Development Sector had a share of US\$ 285 million or 22 per cent of the portfolio (74 projects). This is a decrease from the 89 ODA grant-assisted projects (6 new, 71 ongoing and 12 completed projects) in CY 2007. The Social Reform and Community Development Sector received the highest share of the ODA grants portfolio in CY 2007 which amounted to US\$ 291 million or 40 per cent of the portfolio (22 projects).

38. The Philippines has also been selected as one of the countries to be assisted by the Government of Spain and the UNDP MDG Achievement Fund (MDG-F). The MDG-F aims to

accelerate attainment of the MDGs by supporting policies and programmes that would have impact on selected MDGs focusing on the following seven key areas: (a) democratic governance; (b) gender equality and women's empowerment; (c) youth employment and migration; (d) economic development; (e) environment and climate change; (f) conflict prevention and peace building; and (g) cultural diversity and development.

39. The joint programme documents on the following thematic windows have already been approved: (a) youth, migration and employment (US\$ 6 million), and (b) economic governance (US\$5.4 million). Likewise, the concept note on the thematic window on children, food security and nutrition (with an indicative budget of US\$ 3.5 million) has been approved with its joint programme document still awaiting approval from the MDG-F United Nations Steering Committee. These programmes are expected to contribute to the promotion and protection of children's rights.

40. The joint programme on youth, employment and migration envisages two key programme outcomes, namely (a) improved policy coherence and implementation on youth, employment and migration through full stakeholder participation; and (b) increased access to decent work for poor young women and men through public-private partnerships, more inclusive basic education and life skills, career guidance including on safe migration, vocational training and entrepreneurship.

41. The joint programme on economic governance will support policy reform and community-based initiatives to enhance the sustainable delivery of clean/potable water to about 122,000 households in depressed communities.

42. The concept note on children, food security and nutrition seeks to (a) increase exclusive breastfeeding rate by at least 20 per cent annually; (b) reduce prevalence of undernutrition by at least 3 per cent in children 6-24 months old by 2011; and (c) improve capacities of national and local government and stakeholders to formulate, promote and implement policies and programmes on infant and young child feeding.

**Question 6.** *Please indicate whether the Convention on the Rights of the Child has been directly invoked or referred to in domestic courts, and if so, please provide examples of such cases.*

43. The Supreme Court applied significant provisions of the Convention on the Rights of the Child in the following cases, to wit:

Article 3, CRC - "The best interest of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principles of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life."

- *Pharmaceutical and Health Care Association of the Philippines v. Health Secretary Francisco T. Duque III, et al.*, G.R. No. 173034, 9 October 2007;

- *Michael John Z. Malto v. People of the Philippines*, G.R. No. 164733, 21 September 2007; and
- *Agnes Gamboa-Hirsch v. Court of Appeals, et.al.*, G.R. No. 174485, 11 July 2007;
- *Joycelyn Pablo-Gualberto v. Crisanto Rafaelito Gualberto*, G.R. No. 154994, 28 June 2005.
- *Crisanto Rafaelito Gualberto v. Court of Appeals, et. al.*, G.R. No. 156254, 28 June 2005

Article 8, CRC - “The State as *parens patriae* affords special protection to children from abuse, exploitation and other conditions prejudicial to their development. It is mandated to provide protection to those of tender years. Through its law, the State safeguards them from everyone, even their own parents, to the end that their eventual development as responsible citizens and members of society shall not be impeded, distracted or impaired by family acrimony. This is especially significant where, as in this case, the issue concerns their filiation as it strikes at their very identity and lineage”

- *Gerardo B. Concepcion v. Court of Appeals, et. al.*, G.R. No. 123450, 31 August 2005;

Article 19, CRC - “Thus, a child is deemed subjected to other sexual abuse when the child indulges in lascivious conduct under the coercion or influence of any adult. xxx As expressly provided in Section 3 (b) of R.A. 7610, the abuse may be habitual or not. It must be observed that Article III of R.A. 7610 is captioned as “Child Prostitution and Other Sexual Abuse” because Congress really intended to cover a situation where the minor may have been coerced or intimidated into lascivious conduct, not necessarily for money or profit. The law covers not only child prostitution but also other forms of sexual abuse.

- *Isidro Olivarez v. Court of Appeals, et al.*, G.R. No. 163866, 29 July 2005;

Article 2, CRC - “The Convention on the Rights of the Child was adopted by the General Assembly of the United Nations on November 20, 1989. The Philippines was the 31st state to ratify the Convention in July 1990 by virtue of Senate Resolution 109. The Convention entered into force on 2 September 2, 1990. A milestone treaty, it abolished all discriminations against children including discriminations on account of “birth or other status”. . . . The Convention protects in the most comprehensive way all rights of children: political rights, civil rights, social rights, economic rights and cultural rights. It adopted the principle of interdependence and indivisibility of children’s rights. A violation of one right is considered a violation of the other rights. It also embraced the rule that all actions of a State concerning the child should consider the “best interests” of the child. Pursuant to Article VII, Section 21 of the 1987 Constitution, this Convention on the Rights of the Child became valid and effective on us in July 1990 upon concurrence by the Senate. We shall be violating the Convention if we disqualify respondent Poe just because he happened to be an illegitimate child. It is our bounden duty to comply with our treaty obligation pursuant to the principle of *pacta sunt servanda*.”



- *Maria Jeanette C. Tecson, et al., v. the Commission on Election, et. al.*, G.R. No. 161434, 3 March 2004.
- *Zoilo Antonio Velez v. Ronald Allan Kelley Poe*, G.R. No. 161634. 3 March 2004;
- *Victorinox X. Fornier v. Hon. Commission on Elections, et al.*, G.R. No. 161824. 3 March 2004.

“Language is rarely so free from ambiguity as to be incapable of being used in more than one sense. Sometimes, what the legislature actually had in mind is not accurately reflected in the language of a statute, and its literal interpretation may render it meaningless, lead to absurdity, injustice or contradiction. In the case at bar, a literal interpretation of the word ‘exclusive’ will result in grave injustice and negate the policy ‘to protect the rights and promote the welfare of children’ under the Constitution and the United Nations Convention on the Rights of the Child. This mandate must prevail over legal technicalities and serve as the guiding principle in construing the provisions of RA 8369.”

- In the Matter of Application for the Issuance of a Writ of Habeas Corpus Richard Brian Thornton for and in behalf of the minor child *Sequeira Jennifer Delle Francisco Thornton v. Adelfa Francisco Thornton*, G.R. No. 154598, 16 August 2004.

**Question 7.** *Please provide information on the content of training curricula for judges, prosecutors and law enforcement officials, including training on the provisions of the Convention, its two Optional Protocols as well as on new national legislation implementing them.*

44. The following are the training curricula for Judges, Prosecutors and Law Enforcement Officials on the Convention on the Rights of the child and its two Optional Protocols as well as on new legislation implementing them.

**Table 3**

**Trainings for judges**

	<b>Training title</b>	<b>Topics</b>
1	Seminar-Workshop for Judges on Extra-Judicial Killings and Enforced Disappearances (2007)	<ul style="list-style-type: none"> <li>– Theory of State Responsibility-An Overview</li> <li>– Doctrine of Command Responsibility and Government Accountability</li> <li>– Applicable Standards: International Human Rights Law</li> <li>– Determination of Crimes Involving Extrajudicial Killings and Enforced Disappearances</li> <li>– Applicable Standards: International Humanitarian Law</li> </ul>

	<b>Training title</b>	<b>Topics</b>
2	Series of Multi-Sectoral and Skills-Building Seminar Workshops on Extralegal Killings and Enforced Disappearances (February 2008- ongoing-18 batches )	<ul style="list-style-type: none"> <li>– Government of the Republic of the Philippines (GRP) Technical Working Group Report on Extralegal Killings</li> <li>– Constitutional Framework</li> <li>– Theory of State Responsibility</li> <li>– Updates on Human Rights and International Humanitarian Law</li> <li>– Determination of Crimes Involving Extralegal Killings and Enforced Disappearances</li> <li>– Forensic Anthropology Involving Extralegal Killings and Enforced Disappearances: The International Perspective</li> <li>– Forensic Evidence Involving Extralegal Killings and Enforced Disappearances: The Philippine Perspective</li> <li>– Doctrine of Command Responsibility</li> <li>– Rules Promulgated by the Supreme Court in Relation to Extrajudicial Killings and Enforced Disappearances</li> <li>– The Rule on the Writ of Amparo</li> <li>– The Rule on the Writ of Habeas Data</li> <li>– Panel Discussion on the Problems in Investigating and Prosecuting Cases of Extralegal Killings and Enforced Disappearances</li> <li>– Thematic Problem Solving Workshop</li> <li>– Multi-Sectoral Dialogue</li> </ul>
3	Seminar-Workshop on Access to Justice and Laws on Women and Children for Judges and Court Personnel of First Level Courts (2007) (3 batches)	<ul style="list-style-type: none"> <li>– Access to Justice Project-Overview and Expectations</li> <li>– The Judiciary’s Challenge of Promoting Access to Justice</li> <li>– Code of Conduct for Court Personnel</li> <li>– Access to Justice, Courts and the Barangay Justice</li> <li>– Laws and Procedures Concerning Women</li> </ul>
4	7th International Society on the Prevention of Child Abuse and Neglect (ISPCAN), Asian Regional Conference (September 2007) and Workshop on the use of the Competency Enhancement Training Modules, consisting of six (6) trigger videos, for the handling of child abuse and exploitation cases.	<p>To enhance the competency of Asian Judges and Judicial Institutes on the following themes:</p> <ul style="list-style-type: none"> <li>– Child physical and sexual abuse;</li> <li>– Children in conflict with the law;</li> <li>– Children in natural disasters; and</li> <li>– Child sex tourism and trafficking.</li> </ul>

<b>Training title</b>		<b>Topics</b>
5	Seminar-Workshop on Discernment (2007)	<ul style="list-style-type: none"> <li>– Why Do Children Come in Conflict With the Law: Concept of Discernment</li> <li>– Highlight of R.R. 9344 and Its Implementing Rules and Regulations</li> <li>– Discernment: Viewpoints of the Social Worker, the Prosecutor; the PAO Lawyer, and the Judge</li> <li>– Jurisprudence of Legal Discernment</li> </ul>
6	Series of Competency Enhancement Training for Judges and Court Personnel, 2008- ongoing. 8 batches	<ul style="list-style-type: none"> <li>– Child Abuse Sensitivity Inventory</li> <li>– The Phenomenon of Child Abuse in the Philippines</li> <li>– The Developing Child: What the Courts Should Know</li> <li>– The Rule on Examination of a Child Witness</li> <li>– How to Communicate with a Child Witness</li> <li>– The Role of Guardian Ad Litem in Child Abuses Cases</li> <li>– Salient Features of RA 9208</li> <li>– Limits of the Medico Legal Examination</li> <li>– Putting It All Together-Prosecuting Child Abuse</li> </ul>
<b>Other related trainings</b>		
1	7-Day Course on International Criminal Law for Philippine Justices and Judges in the Netherlands from 18 February to 1 March 2007	<ul style="list-style-type: none"> <li>– Introduction to International Criminal Law and the Crimes- International Law in the service of human rights: a frame for the course</li> <li>– Crimes against Humanity and Genocide</li> <li>– State Responsibility for International Crimes</li> <li>– International Humanitarian Law within the Philippine context</li> <li>– War Crimes</li> <li>– Individual Criminal Responsibility: Superior Criminal Responsibility</li> <li>– Role of National Courts</li> <li>– Procedural International Criminal Law</li> <li>– Combating Sexual Exploitation of Women and Children</li> <li>– International Courts</li> </ul>

	<b>Training title</b>	<b>Topics</b>
2	<p>Forum on the Rule on Writ of Amparo (15 October 2007)</p> <p>Video Conference on the Rule on Writ of Amparo for Judges and Clerks of Court of the 3rd, 4th, 5th and 11th Judicial Regions ( Manila, Davao, Cebu- 12 November 2007)</p> <p>Third Distinguished Lecture Series of 2007 on the Writ of Amparo: An International Perspective</p> <p>Fourth Distinguished Lecture Series of 2008 on the “Customary International Humanitarian Law (IHL): Issues on State and Command Responsibility (13 August 2008)</p> <p>Series of Multi-Sectoral and Skills-Building Seminar Workshops on Extralegal Killings and Enforced Disappearances (February 2008-ongoing- 18 batches)</p>	<ul style="list-style-type: none"> <li>– Government of the Republic of the Philippines (GRP) Technical Working Group Report on Extralegal Killings</li> <li>– Constitutional Framework</li> <li>– Theory of State Responsibility</li> <li>– Updates on Human Rights and International Humanitarian Law</li> <li>– Determination of Crimes Involving Extralegal Killings and Enforced Disappearances</li> <li>– Forensic Anthropology Involving Extralegal Killings and Enforced Disappearances: The International Perspective</li> <li>– Doctrine of Command Responsibility</li> <li>– Rules Promulgated by the Supreme Court in Relation to Extrajudicial Killings and Enforced Disappearances</li> <li>– The Rule of the Writ of Amparo</li> <li>– The Rule of Writ of Habeas Data</li> <li>– Panel Discussion on the Problems in Investigating and Prosecuting Cases of Extralegal Killings and Enforced Disappearances</li> <li>– Thematic Problem Solving Workshop</li> <li>– Multi-Sectoral Dialogue</li> </ul>

**Table 4****Trainings for prosecutors**

	<b>Training title</b>	<b>Topics</b>
1	Enhancing Capacities of Prosecutors in Handling Child-Related Cases	<ul style="list-style-type: none"> <li>– Convention on the Rights of the Child and its Optional Protocols</li> <li>– Situational Analysis of Children in the Philippines</li> <li>– Laws derived from the CRC <ul style="list-style-type: none"> <li>– Anti-Child Abuse and Discrimination Act (RA 7610)</li> <li>– Juvenile Justice and Welfare Act (RA 9344)</li> </ul> </li> <li>– Other laws relating to children <ul style="list-style-type: none"> <li>– Anti-Human Trafficking Act (RA 9208)</li> <li>– Law on Violence Against Women and their Children (RA 9262)</li> </ul> </li> </ul>

	<b>Training title</b>	<b>Topics</b>
		<ul style="list-style-type: none"> <li>– Other laws discussed               <ul style="list-style-type: none"> <li>– Anti-Rape Law (RA 8353) and</li> <li>– RA 9231 (Elimination of the Worst Forms of Child Labour and Affording Stronger Protection for the Working Child)</li> </ul> </li> <li>– Issues and Problems in the Prosecution of Child Abuse Cases including the Medico-Legal Framework of Child Abuse Cases</li> <li>– Survey of Applicable Jurisprudence on Child Abuse and Exploitation</li> <li>– Preparation of Resolution and Information of the Case</li> <li>– Case Study</li> <li>– Evidence in Child Abuse Cases and the Applicable Rules and Procedural Safeguards</li> </ul>
2	Training on the Investigation and Prosecution of Trafficking in Persons Cases	<ul style="list-style-type: none"> <li>– Global and National Dimensions of Trafficking in Persons</li> <li>– Philippine Guidelines for the Protection of Trafficked Children</li> <li>– Updates on the Implementation of RA 9208</li> <li>– Salient Features of RA 9208 and Role of Prosecutors in Prosecution of Trafficking in Persons Cases</li> <li>– Use of Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases</li> </ul>
3	Training Workshop for Gender-Sensitive Prosecution	<ul style="list-style-type: none"> <li>– Input on Salient Features of the following laws:               <ul style="list-style-type: none"> <li>– Anti-Rape Law (RA 8353) and (RA 8505) Rape Victim Assistance and Prevention Act</li> <li>– Anti-Trafficking in Persons Act (RA 9208)</li> <li>– Violence Against Women and their Children Act (RA 9262)</li> </ul> </li> <li>– Basic Gender Concepts</li> <li>– Cycle of Violence</li> <li>– Continuum of Violence</li> <li>– Gender, Law, the Legal System and Transformative Justice</li> </ul>

Training title		Topics
		<ul style="list-style-type: none"> <li>- Policy Trail</li> <li>- Universal Declaration of Human Rights</li> <li>- Convention on the Elimination of Discrimination Against Women</li> <li>- United Nations Convention on the Rights of the Child</li> <li>- 1987 Philippine Constitution</li> <li>- RA 7192</li> <li>- RA 7877 and its Salient Features</li> <li>- RA 9344</li> <li>- EO 273</li> <li>- DBM, NEDA, NCRFW Circular 2004-1</li> <li>- Gender Equality</li> <li>- Power Theory</li> <li>- Legal System-Transformative Justice</li> <li>- Performance Standards for Prosecutors on Handling Cases of Violence Against Women and their Children</li> </ul>

**Table 5****Trainings for the Armed Forces of the Philippines**

Training title		Topics
1	Pre-entry Courses/Module on Human Rights (HR) and International Humanitarian Law (IHL)	<ul style="list-style-type: none"> <li>- Intro to HR Definition of terms</li> <li>- Philosophical Basis of HR</li> <li>- Basic principle of HR</li> <li>- Different Rights</li> <li>- ICRC movement</li> <li>- Principle of ICRC</li> <li>- Status of Rules</li> </ul>
2	Basic Courses/Module on HR/IHL	<ul style="list-style-type: none"> <li>- Introduction to HR</li> <li>- Role of HR</li> <li>- HR violations</li> <li>- During Custodial Investigation and RA 7610</li> <li>- IHL/LOAC</li> <li>- Rules of Engagement</li> <li>- Geneva Conventions</li> <li>- Protocols I and II</li> <li>- Control of Armed Conflict</li> </ul>
3	Advance Course/Module on HR/IHL	<ul style="list-style-type: none"> <li>- IHL/LAC</li> <li>- Geneva Conventions</li> <li>- Protocols I and II</li> <li>- Control of Armed Conflict</li> </ul>

**Table 6****Trainings for the Philippine National Police**

<b>No.</b>	<b>Training title</b>	<b>Number of participants</b>
1	Evaluation Workshop on the Investigative Techniques on Child Abuse and Sexual Exploitation (16-17 January 2006)	16
2	Training on the Investigative Techniques of Trafficking in Person through the support of UNICEF (21-23 February 2006)	90
3	Training on Investigative Techniques on Child Sexual Abuse and Exploitation conducted by DOJ-UK and CPU in coordination with WCCD-DIDM (27-29 March 2006)	46
4	Training on School Violent Incident Plan in coordination with Chicago Police and funded by UNICEF (19 April 2006)	112
5	Second Level Training of Trainers on the Investigation of Crimes Involving Women and Children in coordination with Child Protection Network and through the support of UNICEF (24-26 April 1 2006)	33
6	Workshop for Police Officers in Handling Women and Children needing Special Protection 4 May 2006)	60
7	Bali Process Regional Workshop on Child Sex Tourism (26-28 June 2006)	21
8	Child Pornography Investigations (4 May 2006)	60
9	Gender Awareness in Building a Culture of Peace at Eastern Police District, Pasig City (14 July 2006)	69
10	PNP Summit on Women and Children's Concerns supported by UNICEF and PNP (1-3 August 2006)	246
11	Child-sensitive Investigation supported by DC and DHRDD (5-7 September 2006)	59
12	Training Workshop on Gender Sensitive Handling of Violence against Women Cases for PNP Women and Children's Desk Officers (14-17 November 2006)	35
13	Training on the Investigation of Crimes Involving Women and Children (10-12 , 16-18 December 2006)	99
14	Training on the Investigation on Trafficking in Persons Cases supported by UNICEF (14 July 2006)	59
15	International Law Enforcement training Initiative (ILETI) Computer Facilitated Crimes against Children (16-19 July 2007)	100
16	ARTIP Pilot Human Trafficking Course for Frontline Law Enforcement Officials (7-9 August 2007)	28
17	Training of Trainers on Human Trafficking Course for Frontline Law Enforcement Officials funded by ARTIP (24-26 October 2007)	25
18	Training on Handling Children in Conflict with the Law supported by UNICEF (24-26 October , 2007)	42

No.	Training title	Number of participants
19	Training on Child Investigation for Police Investigators and Women In-charge of WCPDs (3-5 March 2008)	58
20	Orientation Workshop on the Investigative Techniques of Trafficking in Person (28 April 2008)	67
21	Specialized Training for DAR Central and Regional Women's Desk on Women and Children Concerns (17-20 June 2008)	29
22	Training on the Investigative Techniques of Trafficking in Person (9-11 July 2008; 19-21 August 2008)	106
23	Training Workshop for Patrol 117 in addressing Violence against Children (18-19 September 2008; 2-3 October 2008)	113
24	Training on the Investigative Techniques of Trafficking in Person (7-9 October 2008; 18-20 October 2008; 16-18 December 2008; 4-6 February 2009)	236
25	One Day Orientation Seminar on Sexual Abuse and Exploitation against Children (9 February 2009)	49
26	Training on the Investigative Techniques of Trafficking in Person (17-19 February 2009)	61
27	Training on the Investigation of Crimes Involving Women and Children (11-13 March 2009)	54
28	Orientation Workshop on Women and Children Cases (5-6 May 2009)	6
29	Orientation Workshop on Anti-trafficking in Person (20 June 2009)	82
	Total number of trainees as of 2009	2,061

**Question 8.** *With regard to non-discrimination, please inform the Committee on:*

(a) *Progress made in redressing prejudices and addressing discrimination against the girl child and in updating and mainstreaming the Girl Child Plan;*

45. A document entitled, Harmonized Gender and Development Guidelines was developed in 2004 which aimed to help various organizations integrate gender concerns into development programmes and projects, achieve gender equality and empower women through projects and programmes. The following GAD checklist for designing and evaluating programme and projects were included in said guidelines:

- (a) Agricultural and agrarian reform;
- (b) Natural management;
- (c) Private sector development;
- (d) Education;
- (e) Health;



- (f) Housing and settlement;
- (g) Areas under armed conflict.

46. The Guidelines was further enriched in 2007 to include GAD checklists in three more areas: justice-related projects, ICT projects, and microfinance projects.

47. As far as children's sector is concerned, the handbook on "Guidelines for Integrating the Girl-Child Plan in Your Organization" was developed following the Medium Term Framework on the Girl Child. It provides techniques on ensuring that girls concerns are responded to by various agencies, government or non-government. The challenge remains however in monitoring how both Guidelines mentioned above are being utilized.

- (b) *The measures adopted to address discrimination against Muslim children and children belonging to minorities and indigenous peoples, in particular on the Medium-Term Philippine Development Plan for Indigenous Peoples (MTPDP-IP) 2004-2008. What follow-up to the MTPDP-IP is envisaged?*

48. At the policy level, the enactment into law of the Indigenous Peoples Rights Act of 1997 (IPRA) otherwise known as Republic Act 8371 was dubbed as a landmark legislation that recognizes the rights of IPs. The IPRA has also been referred to as a fundamental law that seeks to correct a historical injustice accruing to IPs as shown in their decades-long and continuing struggle for self-determination and self-governance. Generally, the IPRA provides the four bundles of rights of indigenous peoples. These are (a) right to ancestral lands/domains (b) right to cultural integrity (c) right to self-governance and empowerment (d) social justice and human rights. It also created the National Commission on Indigenous Peoples (NCIP) as the primary government agency mandated to promote and protect the well-being of IPs considering their customs, traditions, beliefs and unique life and practices.

49. Another policy measure is the Medium Term Philippine Development Plan (MTPDP) 2004-2010 with provisions to address discrimination against IPs. The MTPDP-IP 2004-2010 is in itself a major breakthrough in putting to fore concerns of IPs. History attests to the fact that for the past decades, indigenous peoples have never been considered in the Philippines' national development plans such as the MTPDP. The MTPDP-IP is a catalyst and makes the IP sector visible for the first time in the Philippines' national development agenda. It serves as the basic framework by which IP stakeholders can design interventions to address the social, economic, political, cultural and spiritual well-being of IPs considering their customs, traditions and practices.

50. The following are strategic interventions and corresponding actions undertaken:

**1. Macroeconomic stability and equitable growth**

A. Five policies approved by the Commission affecting IPs;

- (a) NCIP Administrative Order (A.O.) No. 1, Series of 2002,' Guidelines for the Review and Verification of Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT) approved by the First Commission;

- (b) NCIP A.O. No. 2, Series of 2002, 'Revised Guidelines for the Conversion of Ancestral Domain/Land to CADT/CALT delineated prior to IPRA;
- (c) NCIP A.O. 1, Series of 2006 - Guidelines for the Free and Prior Informed Consent of 2006;
- (d) Joint DENR-NCIP Series of 2003 - Harmonization of the Implementation of IPRA and Environment and Natural Resources (ENR) laws and policies;
- (e) Joint DAO of DENR-DA-PCSD-NCIP Series of 2005, 'Guideline for Bioprospecting Activities in the Philippines.

B. Support to international treaties and human rights instruments - Ratification of ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, Convention on Biological Diversity, United Nations Declaration on the Rights of Indigenous Peoples and other human rights instruments such as the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, social and Cultural Rights.

## **2. Agricultural modernization with social equity**

- NCIP A.O. 1, Series of 2004 approved, "Guidelines in the Formulation of Ancestral Domains Sustainable Development and Protection Plan (ADSDPP)"
  - 44 ADSDPPs formulated
  - 42 ADSDPP currently being facilitated
- 145 CADTs issued covering 3,316,538.1251 hectares with 756,888 IP beneficiaries
- 312 CALTs issued covering 12,229.56 hectares with 6,410 beneficiaries
- 770 various livelihood and entrepreneurship projects implemented
- 137 Traditional Craft Production Projects implemented
- 221 Infrastructure Development Projects implemented

## **3. Comprehensive human development and protecting the vulnerable**

- 25,637 IP grantees assisted through the NCIP Educational Assistance Programs from School Year 2001 to 2007 (11,495 graduates and 14,142 current grantees)
- 31 grantee trained for Call Center Agents
- 1 national IP Core Curriculum for Alternative Learning Strategy (ALS) developed with Department of Education (Dep Ed)

- 8 indigenized curricula developed
- 52 learning materials developed
- Pilot tested learning materials in 4 pilot areas
- 368 medical missions conducted benefitting 85,503 IPs
- 1,887 IPs enrolled on PhilHealth
- Emergency for epidemics and calamity crisis occurrences extended

**4. Good and effective governance covers policy development; IP participation in governance; preservation and promotion of cultural heritage**

- 1 guideline approved (NCIP A.O. 1, Series of 2003 on the Constitution, Operationalization of the Consultative Body per Section 50, IPRA)
- 2 guidelines drafted - (1) confirmation of tribal membership for several purposes (2) accreditation of NGOs and Indigenous Peoples Organizations (IPOs)
- 66 Provincial Consultative Bodies (PCB) constituted
- 16 IP mandatory representations in local legislative councils at municipal (13), city (1), province (2) constituted
- 137 activities conducted in support to cultural festivals
- 41 workshops and documentation of Indigenous Knowledge Systems and Practices (IKSP) conducted (39 IKSP documentation activities; 2 workshops)
- 7 documentation and 1 workshop on customary laws conducted
- 12 Regional Hearing Officers installed
- 6,096 legal cases/legal assistance extended
- 256 certificates of compliance to FPIC
- 3,199 Certificates without Overlap
- Adjudicated conflicts through customary practices

51. Ultimately, the participation and consultation of IP communities in the processes of the Agency is a measure that is central to ensuring non-discrimination of IPs. These measures have helped significantly in ensuring that IP rights has been recognized and protected. Participatory

and consultative processes with IPs has been done in keeping with the basic tenet that plans and programmes for IPs should be prepared, planned and implemented in partnership with the IP communities themselves.

52. The NCIP has likewise established measures to indigenous communities torn and affected by armed conflict. The Documentation of Indigenous Children Involved in Armed Conflict (IP-CIAC) Program with the NCIP at the helm is being implemented. The Program was in place in compliance to Executive Order Number 56 dated 26 November 2001 entitled, "Adopting the Comprehensive Program Framework for Children Involved in Armed Conflict, Directing All Agencies and Local Government Units to Implement the Same, and Creating an Inter-Agency Committee (IAC-CIAC) to Address CIAC. The Office of the Presidential Adviser on the Peace Process (OPAPP) is the Lead Coordinating Agency with this Commission as member.

53. NCIP's programme interventions are consist of administrative or institutional level interventions and operations or implementation level interventions. Accomplishments on institutional level interventions covered the conduct of colloquial and training workshops on IP rights and human rights based on international human rights instruments in armed conflict. At least 80 national and field personnel were capacitated.

54. On the operations level, using the fundamental strategy of protecting the rights of IP-CIAC and indigenous children in general, at least 20 multi-stakeholder fora including IP children were held. Participants included local governments, indigenous traditional leaders, military, police and non-governmental organizations. More than 200 participated in these activities including at least 50 indigenous children. The Commission documented 24 IP-CIAC affiliated with the New Peoples' Army (NPA) and the Moro Islamic Liberation Front (MILF) and facilitated intervention for three NPA-affiliated CIAC with one locally employed and two were assisted to continue elementary education. Currently, those affiliated with MILF are attending school.

55. Admittedly, a call to strengthened action and follow up to the MTPDP-IP has been resounding especially from IP communities. Even if armed conflict is just one of the many issues concerning IPs, it should not be left unattended. The call elaborates on the strengthening of efforts among government and non-government organizations, indigenous leadership and indigenous peoples to address IP-CIAC issues by consistently including the IPs in the national development agenda. Moreover, the call also underscores the support for inclusion of ethnicity for the census of indigenous peoples to be included in the Philippine Census by 2010 has been also a priority. This can serve as the basis for planning and programming for IPs in general and indigenous women and children in particular.

***(c) The steps undertaken to abolish discriminatory and harmful traditional practices, in particular early marriage, affecting primarily indigenous children and children belonging to minorities;***

56. A Regional GAD (Gender and Development) Act for the Autonomous Region in Muslim Mindanao (ARMM) is being crafted. A Technical Working Group (TWG) which shall be working on the development of the GAD Act composed of different groups in ARMM was already convened. Researches on gender in the context of Islam have been undertaken. Leading

the initiative is the Regional Sub-Committee on Gender and Development (RSCGAD), a sub-committee of the Regional Social and Development Committee (RSDC) of the Regional Economic and Development Planning Board (REDPB), composed of different line agencies in the ARMM. The GAD Act is seen as a stepping stone for future revision of the Code of Muslim Personal Laws (CMPL) where early marriage for Moro girls is allowed.

- (d) *The measures envisaged to ensure children born out of wedlock the right to equal treatment, including the right to equal inheritance and the abolition of the discriminatory classification of these children as “illegitimate”.*

57. The following laws were enacted to bolster the rights of “illegitimate” children to inheritance and parentage:

- R.A. No. 9255, entitled: “An Act Allowing RA 9255 An Act Allowing Illegitimate Children to Use the Surname of their Father, Amending for the Purpose Article 176 of Executive Order No. 209, otherwise known as -the Family Code of the Philippines,-” to quote:

“Section 1. Article 176 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows: “Article 176. Illegitimate children shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. However, illegitimate children may use the surname of their father if their filiation has been expressly recognized by the father through the record of birth appearing in the civil register, or when an admission in a public document or private handwritten instrument is made by the father. *Provided*, the father has the right to institute an action before the regular courts to prove non-filiation during his lifetime. The legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child.”

Art. 887 of the Philippine New Civil Code, to quote: “The following are compulsory heirs:

- (1) Legitimate children and descendants, with respect to their legitimate parents and ascendants;

xxx xxx xxx

- (5) Other illegitimate children referred to in article 287;  
Compulsory heirs mentioned in Nos. 3, 4 and 5 are not excluded by those in Nos. 1 and 2; neither do they exclude one another.

In all cases of illegitimate children, their filiation must be duly proved.

The father or mother of illegitimate children of the three classes mentioned, shall inherit from them in the manner and to the extent established by this Code.”

**Question 9.** *Please indicate what steps have been taken to investigate and to prosecute acts of torture, ill-treatment and extrajudicial killings against children. Please indicate the number of cases which have resulted in a conviction and what protection is provided to witnesses of such crimes, including in the framework of the Witness Protection Programme. Please also indicate what measures are taken to prevent similar incidents from occurring in the future?*

58. To address this issue on extrajudicial killings, which the State refers to as “unexplained killings,” the following are the efforts the State party pursued to confront the case of unexplained killings:

(a) Task Force “Usig” was established by the Department of Interior and Local Government on 13 May 2006 initially to look into the spate of unexplained killings;

(b) Administrative Order No. 157 entitled “Creating an Independent Commission to Address Media and Activist Killings.” The Commission aimed at eradicating the root causes of the extrajudicial killings. Its recommendations resulted to further State efforts in addressing the issue, many of which the State accepted and acted on:

- (i) *Created special teams of prosecutors and special courts to try human rights cases:* The Supreme Court in a Circular of 16 October 2007 ordering judges of the lower courts with pending cases involving extra-judicial killings to submit status of cases filed before them;
- (ii) *Enhanced the witness protection program:* House of Representatives and the Senate are currently considering key human rights legislation on the issue. The President has also urged Congress to pass bills to impose the highest penalty on rogue elements in the military that commit killings of activists and media and to strengthen the witness protection programme;
- (iii) *Extended legal and technical assistance to victims- families:* Creation of a Task Force of Prosecutors on Human Rights and Extra-Judicial Killings that will handle the inquest, preliminary investigation and prosecution of cases of alleged political killings under DOJ Department Order 257 will speed-up the resolution of these cases at the prosecutors- level;
- (iv) Upgraded the technical, forensic and investigative capacities of the Philippine National Police (PNP) and the National Bureau of Investigation (NBI): Training program for investigators and prosecutors by the US; Australian assistance of A\$250,000; EU Needs Assessment Mission and EU Justice Assistance Mission is being awaited; and
- (v) *Instilled human rights awareness among military and police security forces through training and orientation:* SC PHILJA in partnership with the CHR and sponsored by Australian and US Government is conducting seminar on Extra-Legal Killings and Enforced Disappearance to educate various judges, prosecutors, CHR investigators, AFP, PNP, and NGOs.

(c) Allocated an additional P 25 million pesos to the budget of the Commission on Human Rights of the Philippines;

(d) Administrative Order No. 181 - 2007 directing the cooperation and coordination between the National Prosecution Service (NPS) and other concerned agencies of Government for the successful investigation and prosecution of political and media killings. In this issuance, the NPS of the Department of Justice (DOJ) is directed to work closely with the Philippine National Police (PNP) and the National Bureau of Investigation (NBI) from the beginning of a criminal investigation until the termination of cases in court. The PNP and NBI will among others consult with public prosecutors at all stages of the criminal investigation and ensure that their personnel are available to testify, gather or submit additional evidence when required by the public prosecutor. This applies to all such cases regardless of the age of the victim;

(e) The Task Force Against Political Violence, more popularly known as Task Force 211 was also created by virtue of Administrative Order 211 signed by President Gloria Macapagal Arroyo on 26 November 2007. The Task Force was specifically mandated “to harness and mobilize government agencies, political groups, the religious, civil society and sectoral organizations and the public” for the following purposes:

- (i) The prevention, investigation, prosecution and punishment of political violence;
- (ii) The care and protection of people and communities victimized and threatened with violence; and
- (iii) The promotion of a culture opposed to violence and for the advancement of reconciliation and peace.

59. The Task Force has made significant accomplishments, among others, garnering three) convictions of the accused in cases of violence and extra legal killings. It has facilitated the speedy resolution of four other cases.

60. Of the 200 cases the Task Force handles, only one case involves a minor. The victim, Reagan Ibabao y Sibayan was only 17 years old when he died in the hands of barangay police and police officers. Records reveal that the minor victim was apprehended for an offence but was never officially booked nor charged and thereafter brought to the police station. Accused in this case are two police officers and a barangay police, although only one of them is undergoing trial as the other two are both at-large.

61. The Task Force facilitated the expeditious resolution of the case and has been assisting the family of the victim in terms of apprising them of the developments of the case, explaining to them their rights as private complainants and answering their legal queries. It continuously and closely monitors the progress of this case.

(f) In another effort to address the issue of bringing justice to victims of extrajudicial killings, the Department of Justice has come up with the Bantay Katarungan Program (Justice Watch) outlining a programme for investigating and prosecuting extra-judicial killings. This

includes lifting stringent rules in the admission of witnesses to the Government's Witness Protection and Benefit Program (WPSBP). Under the framework of the WPSBP, the government seeks to encourage a person who has witnessed or has knowledge of the commission of a crime to testify before a court or quasi-judicial body, or an investigating authority, by protecting him/her from reprisals and from economic dislocation;

(g) Another effort is to enhance capacity of prosecutors to handle crimes of violence such as extra-judicial killings. Included in the Orientation Seminar-Workshop for New Prosecutors are the subjects Reviewing Pieces of Evidence for Violations of Special Laws and Sifting through Forensic Evidence. These particular subject matters are essential in appreciating other evidence in the absence of testimonial evidence of witnesses. In most cases of extra-judicial killings, witnesses either refrain from testifying or recant their earlier testimonies due to fear of reprisal.

***Question 10. Please briefly describe the findings of the studies conducted by the CWC on violence against children in the home and in school? Please provide further information on the mandate of the Inter-agency Council on Violence Against Women and Children (IAC-VAWC) and on cases it has dealt with. Please also specify the conditions required to benefit from the provisions of Republic Act 7309 creating a Board of Claims under the Department of Justice for victims of violent crimes, and indicate whether children victims of such crimes have been granted compensation.***

62. The dearth of information on violence against children (VAC) in schools, vis-à-vis the commitments of the Philippine government to protect, promote and fulfil children's human rights against violence is the impetus behind the study, "Towards A Child-Friendly Education Environment: A Baseline Study on Violence Against Children in Public Schools". The study is a collaborative endeavour among UNICEF, PLAN Philippines, the Council for the Welfare of Children, and the Philippine Women's University-Philippine School of Social Work. It is also a contribution to the country's follow-up actions to the launching of the World Report on Violence Against Children in 2006.

63. The study aims to map in broad strokes the definition of VAC in the public school setting and the perception of children and adult stakeholders on the issue. Its specific objectives are to describe the issue of VAC in schools from the point of view of children, parents, school management and school personnel (teaching or non-teaching) in the selected research sites; identify factors that support or deter violence against children in schools in the selected research sites; and recommend policy and programme interventions to address VAC in schools, towards making schools more child-friendly.

64. The key findings of the study are as follows:

(a) At least four out of ten children in Grades 1-3 and 7 out of 10 in both Grades 4-6 and high school have experienced some kind of violence in school;

(b) Verbal abuse is the most prevalent form of violence experienced by children at all school levels. This includes being shouted at and being cursed, ridiculed, teased, or humiliated;



(c) The degree or gravity as well as the incidence of abuse increases as the child graduates from one level to another;

(d) Children experience violence both from their peers in school and from school personnel. While more forms of violence are experienced by older children from their peers, younger children more commonly experience certain physical and verbal forms of violence from adults;

(e) Male children are more likely to experience physical violence than female children;

(f) Verbal sexual harassment is experienced equally by both female and male children;

(g) There are more incidents of violence experienced by children in urban schools than children in rural schools;

(h) Physical and verbal forms of violence are accepted by children as part of discipline and seen as appropriate in certain situations. Adults condone corporal punishment of children as a disciplinary measure as long as it does not “leave a mark” (e.g. bruises, wounds) on children;

(i) Children generally prefer a more positive form of discipline such as being talked to and corrected or guided/counselled in response to offences or violations committed in school;

(j) Most public schools do not follow a standard way of addressing complaints on violence against children. Thus the process of handling complaints is vulnerable to the personal biases and arbitrary judgment of people in charge, resulting in children’s distrust of the process.

65. In the light of these findings, several recommendations were identified, to wit:

(a) Promoting child participation;

(b) Capacity building:

(i) Build the capacities of school personnel and parents to understand and deal with violence against children;

(ii) Develop modules on handling bullying;

(c) Standardization of structures and procedures to address violence in schools:

(i) Employ a Guidance Counsellor in every elementary and secondary School;

(ii) Develop a standard protocol in addressing reported cases of violence against children in schools;

(iii) Mobilize the cooperation of parents, local government and other community stakeholders to address VAC in schools;

- (d) Documentation and Research:
  - (i) Create a database of VAC cases
  - (ii) Undertake more in-depth studies on violence in schools;
- (e) Community Education and Advocacy to combat all forms of violence against children;
- (f) Policy Development and Implementation:
  - (i) Strengthen implementation of existing national and local legislations protecting children's human rights;
  - (ii) Prohibit all forms of VAC, particularly corporal punishment;
- (g) Mobilization of children to monitor and report cases of violence, as well as to participate in researching VAC issues in schools.

## **IACVAWC**

66. The Inter-Agency Council on Violence Against Women and Their Children (IACVAWC) was created by virtue of Republic Act 9262 to ensure the effective implementation of the Anti-Violence Against Women and Their Children Law. The Council is composed of twelve (12) agencies which includes the Department of Social Welfare and Development (DSWD) as Chair, Department of the Interior and Local Government (DILG) as Co-Chair, National Commission on the Role of Filipino Women (NCRFW), Department of Justice (DOJ), Department of Health (DOH), Department of Education (DEPED), Department of Labor and Employment (DOLE), Civil Service Commission (CSC), Commission on Human Rights (CHR), Council for the Welfare of Children (CWC), Philippine National Police (PNP) and the National Bureau of Investigation (NBI).

67. Member agencies are tasked to formulate programmes and projects to eliminate Violence Against Women and their Children (VAWC) based on their mandates, as well as develop capacity building programmes for their employees to become more gender sensitive to the needs of their clients. The Council also serves as the monitoring body as regards VAWC initiatives.

68. The number of VAW cases reported to the police rose by 21 per cent, from 5,729 cases in 2007 to 6,905 cases in 2008. This could be due to the heightened information dissemination, improved services of the police women and children protection desks (WCPD) resulting in women having more courage to report their cases.

69. DILG's National Barangay Operation Office report on compliance monitoring of RA 9262 cases shows that 8 regions in 2007 (Regions 1, 3, 4B, 8, 9, 11, 12 and NCR) and 2008 (Regions 3, 4A, 6, 8, 9, 11, CAR and NCR) have submitted their reports. Of the total VAWC cases of 3,157 (Regions 3, 8, 9, 11 and NCR only) reported in 2007, a total of 563 Barangay

Protection Orders (BPO) were issued. For 2008, 236 BPOs were issued of the total 1,709 cases reported from the regions (Regions 3, 8, 9, 11 and NCR only). This shows the downward trend of the issuance of BPOs from the year 2007 with 17% to 13% as of 2008.

70. Under RA 7309 otherwise known as An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes, the following may file claims for compensation before the Board:

(a) Any person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;

(b) Any person who was unjustly detained and released without being charged;

(c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and

(d) Any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offences committed with malice which resulted in death or serious physical and/or psychological injuries, permanent capacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

71. For the year 2008, 807 minors who were victims of rape were given compensation by the state under the Victims Compensation Program.

***Question 11. With respect to children in armed conflict, please provide an update on measures taken:***

(a) ***To implement the Comprehensive Programme for Children Involved in Armed Conflict (CP-CIAC) and on the work of the Inter-Agency Committee on Children Involved in Armed Conflict (IAC-CIAC);***

72. The Office of the Presidential Adviser on the Peace Process (OPAPP) chairs the Inter-agency Committee on the Children Involved in Armed Conflict (IAC-CIAC). The IAC-CIAC Program accomplished the following, based on the Three) Program goals:

**CIAC rehabilitated and reintegrated into the family and community**

73. In 2007, a total of 14 CIAC cases were reported. Of these reported cases, fifty per cent per were served by the DSWD.

74. In 2008, a total of three cases were served by the Department of Social Welfare and Development (DSWD) for the period of January to December 2008. Two are carry over cases from 2007 who are still in protective custody in the residential care facilities of DSWD particularly in Home for Girls and Regional Rehabilitation Center for Youth (RRCY) of Field Office VIII as the reintegration to their respective families and communities is still being worked out. One was served by DSWD Field Office IX after being reported to be a member of

Abu Sayyaf group and accused of kidnapping a journalist and her team in Sulu. The said minor was provided legal assistance and was reintegrated with his family on that same month and was cleared of the said offence on account of his being a minor.

75. As of 2008 a total of 269 CIAC cases have been reported since 1989. Based on the reported figure, the IAC-CIAC prepared the CIAC profile by region, year, sex and educational attainment. These reported cases are being verified by the DSWD.

### **Monitoring and Reporting System (MRS) established**

76. A database on children in need of special protection (CNSP) is being developed in the Department of Social Welfare and Development (DSWD) which includes data on children in armed conflict (CIAC). To date, the child intake sheet which will be used to gather data from the field has been pre-tested and is being finalized. Output tables have been finalized and the variables and indicators needed for the development of the system have been approved.

77. The above database is linked with IAC-CIAC Strategic Plan (2007-2010) which will be lodged with the DSWD. This entails the use of a CIAC common template and reporting flowchart, as well as the establishment of operational database monitoring systems of concerned agencies to improve feedback and response mechanisms for CIAC. The reporting format was adopted and cascaded to the ground.

78. In partnership with the CWC, UNICEF is trying a system for regular data collection and consolidation of reported and verified cases to address the issue of gathering data and reporting on six (6) grave child rights violations. A database/information management system will also be developed to serve as an electronic repository of these reports.

### **Institutional coordination and service delivery to realize the rights of the child improved and enhanced**

79. The national or nationwide programmes that significantly impact on the lives of children in conflict-affected areas include:

- Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHI-CIDSS), one of the Government's flagship poverty-alleviation programme. This programme is at the core of the prevention component of the Comprehensive Program for CIAC.
- Days of Peace (DoP) Campaign, a joint initiative of the OPAPP, DOH, DILG and DepEd, under the auspices of the UNICEF, seeks to provide basic social services for children and women in conflict-affected areas in Mindanao. The first phase, which was launched in April 2007, involved the provision of essential health services (e.g., immunization, micronutrient supplementation, de-worming, breastfeeding counseling). The succeeding phases shall include services such as early childhood care and development (ECCD) and birth registration. As a rolling campaign, it shall expand its areas of coverage to other peace agreement areas and GOP-UNICEF's CPC-6 areas in Luzon and Visayas.

- Kalayaan Barangays Program of the Armed forces of the Philippines (AFP), involving the provision of basic infrastructures and social services in 600 communities affected by the communist insurgency.
- Social Integration Program (SIP) of the OPAPP, is the Government's enhanced reintegration effort for former rebels involving the DDR processes.

80. The Mindanao-focused programmes serving conflict-affected areas include, among others, the following:

- Regular Programs for internally displaced persons, which involve interventions for children such as supplemental feeding, play therapy sessions, and immunization.
- Emergency Operation Philippines-Assistance to Conflict-affected Mindanao (EMOP-ACAM), a joint initiative of the DSWD and the World Food Programme (WFP) to address the food security and special needs of conflict-affected communities, particularly children, women and IDPs in Mindanao.
- Health, Education and Livelihood Progress (HELP) Project, undertaken since 2007 in response to the armed conflict in Basilan, Sulu and other areas of the ARMM.

81. The CIAC advocacy initiatives include the following:

- Orientation-Seminar on the Task Force Kasangga (TFK) for Region VIII held on 1-2 April 2008 in Tacloban City and Region VII held on 8-9 April 2008 in Iloilo City. These activities aimed to establish inter-agency mechanisms at the regional and sub-regional levels that will address Human Rights (HR) and International Humanitarian Law (IHL) violations victimizing vulnerable and affected sectors in conflict areas.
- Dialogue-workshop with frontline service providers of Samar on 10-11 June 2008 in Palo, Leyte. The dialogue-workshop aimed to establish links between national policy and local action in addressing the CIAC issue.
- CIAC Program orientation-meeting among Local Chief Executives (LCEs) of Western Samar on 10 October 2008 in Catbalogan City. It is a follow-through of the Samar Dialogue in light of the crucial role of LGUs in implementing the CIAC Program on the ground as well as to ensure delivery of services for children in conflict-affected communities. During the said meeting, the An Waray Partylist through Congressman Florencio Noel committed Two Million Pesos (Php 2,000,000.00) cash assistance to each LGU to further implement the CIAC Program in their respective locality.
- The South East Asia Coalition to Stop the Use of Child Soldiers (SEACSUCS) in partnership with the CHR and OPAPP conducted a regional workshop entitled, Children as Zones of Peace, aimed to mainstream the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict on 27-29 November 2007. Said workshop

was attended by representatives from the ministries of social welfare and development, national human rights institutions, ministries of foreign affairs, and child protection institutions from Southeast Asian countries. The Philippines was represented by the CWC and DSWD.

- The NCIP spearheaded a series of orientation-workshops on the CIAC Program among its IP-CIAC service providers in Kalinga, Samar and Basilan.
- Produced and aired a TV episode about CIAC on OPAPP's TV Program, "Kapayapaan ... Atin -to!" on 25 October 2008

82. On the other hand, the CWC SC CAACD in partnership with UNICEF, the Evaluation on the Implementation of Executive Order No. 56 (series of 2001) and the Comprehensive Program Framework for Children Involved in Armed Conflict, is currently in process.

83. Executive Order No. 56 (s. 2001) directed national government agencies and local government units to implement the "comprehensive programme framework for children involved in armed conflict" and laid down a blueprint for Government to address the issue of recruitment of minors by armed forces and armed groups. The said Executive Order (EO) and the programme framework have been cited as among the positive developments in the protection of children involved in armed conflict in the Philippines.

84. This assessment aims to identify the lessons learned and put together a set of recommendations that will guide further action for the protection of children involved in armed conflict. The result of the assessment is intended to serve as a basis for future programming on child protection by government agencies. The evaluation will cover the entire programme framework, its objectives and components, and would look into the relevant work done by the 17 government agencies involved in the programme from 2001 to the present.

***(b) To protect internally displaced children, in particular regarding access to basic services, and the work of the National Disaster Coordinating Council and the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC-CAACD);***

85. Per report of the Department of Social Welfare and Development (DSWD) to the National Disaster Coordinating Council (NDCC), the internally displaced persons (IDP) in the Philippines are in the three regions in Mindanao, namely Regions X, XII and ARMM. For the last 12 months August 2008 to July 2009 there are still 66,028 IDP- families (with children estimated to be 30 per cent of total IDPs). The increase in the number of IDP- families specifically in Regions XII and ARMM are due to the sporadic hostilities. A total of PhP993.7 Million or 20.7M USD was the cost of Humanitarian Assistance provided under three components namely: Early Recovery (PhP 38.97M), Rehabilitation (PhP124.30M) and Relief (PhP830.44M).

86. Some details of the activities are: Early Recovery Activities including "Pabaon" or Take Home Relief Package which costs Php700.00-750.00/package/family or 14.58-15.6USD; Construction of Temporary Shelters which is approximately at PhP2,550.00/unit or 53USD; and,

Construction of Latrines for PhP5,000.00/latrine or 104 USD. Rehabilitation Projects which includes Cash-for-work (CFW) which is 75 per cent of the daily minimum wage rate of the covered areas; Shelter Assistance - SEA-K (Region X - PhP5,493.00/beneficiary for seed capital (PhP5,000.00) and for Basic management Training (MBBMT); Region XII - PhP5,000.00 each for 700 beneficiaries for seed capital (PhP5,000.00) and PhP5,450.00 each for 975 beneficiaries for seed capital (PhP5,000.00) and BMBT (PhP450.00); and, ARMM - PhP5,000.00 each for seed capital). Other Services includes Construction of Day Care Centers (DCCs) for PhP175,000/unit; Construction of Artesian Wells - PhP50,000.00 each; and, Medical Assistance for the Injured - PhP3,000.00 each.

87. To provide guidance on the principles and interventions necessary to protect children in situations of emergencies, capacity building activities on Child Protection in Emergencies (CPIE) have been implemented by the SC CAACD in partnership with UNICEF since August 2008. To date, more than 200 frontline service providers and non-government partners have been trained on CPIE and were guided on the integration of child protection activities in local disaster management plans. The localised CPIE Manual, which is set to be published, has been formally endorsed by the DSWD, OCD-NDCC and CWC.

88. Also in partnership with UNICEF, the sub-committee has undertaken efforts to initiate the systematic recording of data on grave child rights violations in situations of armed conflict. Standard documentation and reporting forms for the MRM were developed after completing an exhaustive resource mapping of existing documentation systems globally and in the Philippines. An orientation module on the use of the MRM forms has likewise been developed, to promote the use of these reporting forms among government and non-government partners.

89. Orientation on the monitoring, reporting and response mechanism for grave child rights violations have been conducted with key government and non-government partners. The full roll-out of MRM orientation activities is set in the following months to ensure the immediate reporting and response to these grave child rights violations.

90. The Commission on Human Rights of the Philippines (CHRP), one of the key members of the CWC SC CAACD, is also being assisted by UNICEF to integrate a child rights module in its existing human rights violation documentation and monitoring database.

***(c) To address the lack of prosecution for recruitment or use of children in armed conflict.***

91. The lack of prosecution for recruitment or use of children in armed conflict is due to the ambiguity of RA 7610, article 10, Sec. 22 (b) prohibiting the recruitment of children to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies. Said provision does not provide for punitive sanctions for the violations. This is one area for legislative action.

92. In partnership with UNICEF, the CWC Sub- Committee on Children Affected by Armed Conflict and Displacement (SC CAACD) has undertaken preparatory steps to draft and advocate for the passage of a CAAC- specific law, for the upcoming Fifteenth Congress in 2010. This proposed law is also anticipated to support and legalize the requirements of Security Council resolution 1612.

**Question 12. Which policies and programmes are being implemented to address the situation of the nearly 250 000 street children, including assessment of their situation and root causes. Please specify the work of the Local Government Units (LGUs) and the National Network for Street Children (NNSC) in this regard.**

93. The National Network for Street Children (NNSC) is a focal inter-agency group chaired by CWC to coordinate initiatives of different government agencies and non-government organizations implementing programmes and services for street children.

94. With the devolution of services for street children to the LGUs, the local task forces became directly responsible for coordinating and monitoring programmes and services for street children at the city and barangay levels. The Local Social Welfare Offices and member agencies are continuously implementing preventive and protective interventions and support services to street children such as:

- Alternative learning sessions (ALS)
- Life skills trainings
- Vocational skills training
- Job placement
- Medical and psychosocial care
- Counselling
- Family re-integration
- Prevention of drug and substance abuse
- Prevention of sexually transmitted infection (STI) and HIV-AIDS infection
- Paralegal services

95. For 2008, the DSWD at the national level spearheaded the development of a Standard for Community-Based Services for Street Children as a policy guideline for LGUs and NGOs in their implementation of programmes and services for street children.

96. In the same year, four street children congresses were held in Luzon, Visayas, Mindanao and NCR. Issues and concerns of these children basically to improve their situations were raised during the workshops. NNSC is presently coordinating with other agencies relative to actions needed on the issues raised. Moreover, NNSC continues to coordinate implementation of the three-pronged strategies to respond to the unique needs and circumstances of the street children. The three-pronged strategies include: (a) community-based preventive action, (b) centre-based services and (c) street-based interventions. Moreover, NNSC initiated the development of a BCPC Community Organizing Module to help the community in organizing their people and efforts for their development.



97. CWC, on the other hand, conducted series of workshops on the Barangay Council for the Protection of Children (BCPC) for child welfare and development focal persons in the different areas of Luzon, Visayas, Mindanao and NCR to help institutionalize this mechanism to protect children from abuse/ violence including street children.

**Question 13. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.**

98. The issues that are considered as priorities and on which details will be provided during the dialogue are as follows:

- Children in emergencies particularly in armed conflict areas
- Sale of children for purposes of adoption
- Trafficking of children for sexual purposes

## **PART II**

**Question 1. Under this section, the State party is to briefly update (three pages maximum) the information provided in its report with regard to:**

### **New bills or enacted legislation**

#### *Enacted legislation*

99. Republic Act No. 9523, entitled An Act Requiring the Certification of the Department of Social Welfare and Development (DSWD) to Declare a “Child Legally Available for Adoption” as a Prerequisite for Adoption Proceeding, Amending for This Purpose Certain Provisions of Republic Act no. 8552, Otherwise Known as The Domestic Adoption Act of 1998, Republic Act No. 8443, Otherwise Known as the Inter-Country Adoption Act of 1995, Presidential Decree No. 603, Otherwise Known as the Child and Youth Welfare Code, and for Other Purposes, was enacted on 12 March 2009. Its Implementing Rules and Regulation was signed and approved on 1 June 2009. Effectivity was on 18 June 2009. At present, the DSWD is formulating operational guidelines in collaboration with partner agencies and organizations.

*RA 9442 - An Act Amending RA 7277 Otherwise known as the “Magna Carta for Persons with Disability as amended and for Other Purposes” Granting Additional Privileges and Incentives and Prohibitions on Verbal, Non- Verbal Ridicule and Vilification Against Persons with Disability. It was enacted on 30 April 2007.*

100. The amendment includes the provisions of twenty per cent (20 per cent) discount for the exclusive use or enjoyment of persons with disabilities on the following:

- All services in hotels and similar lodging establishments; restaurants and recreation centres

- Admission fees on theaters, cinema houses, concert halls and other similar places of culture, leisure and amusement
- Purchase of medicines in all drugstores
- Medical and dental services including diagnostic and laboratory fees and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PHILHEALTH
- Fare for domestic air, land and sea travel
- Educational assistance to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, In both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified persons with disability, including support for books, learning materials, and uniform allowance to the extent feasible: *provided*, that persons with disability shall meet minimum admission requirements
- The Government may grant special discounts in special programmes for persons with disability on purchase of basic commodities, subject to guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA)
- Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them

*Republic Act 9255 - (February 2004) An Act Allowing Illegitimate Children to Use the Surname of their Father, Amending for the Purpose, Article 176 of Executive Order No. 209, Otherwise Known as the "Family Code of the Philippines."*

#### *Bills filed*

101. The Magna Carta of Women, already approved by the Congress, is about to be signed into law by the President. Under Section 32- Protection of Girl-Children, the following provisions have been included:

- (a) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development;
- (b) Girl- children shall be protected from all forms of abuse and exploitation;
- (c) Equal access of Moro and indigenous girl-children in the Madaris, schools of living culture and traditions, and the regular schools shall be ensured;
- (d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in the Madaris and school of living culture and tradition shall be developed; and

(e) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the Month of Ramadan, choice of clothing (including the wearing of *hijab*), and availability of *halal* food shall be ensured.

102. Moreover, Section 19 of the Magna Carta of Women under Equal Rights in All Matters Relating to Marriage and Family Relations item B states that, “the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect.” In the Magna Carta of Women, “children” is defined as those who are below eighteen (18) years of age or over 18 but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

*Legitimation of Children born to Underage Parents*

(approved at both Houses - SB 3111 and HB 5279; for bicameral committee approval)

*Bill No. 11455 - An Act Amending Title VI of EO No. 209, as Amended, Otherwise known as the Family Code by Removing and/or Erasing Distinctions Between Legitimate, Illegitimate and Legitimated Filiation, and for Other Purposes*

**New institutions**

*Presidential Human Rights Committee*

103. The Presidential Human Rights Committee, formerly “Human Rights Committee (HRC)”, was created by virtue of Administrative Order No. 101 on 13 December 1988. Its Secretariat, which provides the necessary support to the Committee, was located in the Department of Justice.

104. On 14 October 1992, Administrative Order No. 15 amended A.O. 101 and expanded the membership of the HR Committee. On 27 January 2002, President Gloria Macapagal-Arroyo issued Administrative Order No. 29 renaming the HRC to Presidential Human Rights Committee and expanded its functions to include civil, political, economic, social and cultural rights.

105. On 8 December 2006, President Arroyo signed Administrative Order No. 163 strengthening the Presidential Human Rights Committee (PHRC) and expanding further its functions, while also transferring its Chairmanship from the Secretary of Justice to the Executive Secretary, directly under the Office of the President.

106. Another significant change in the PHRC structure is the identification of Lead Agencies to monitor compliance to the eight core international covenants and treaties.

107. The PHRC is the primary advisory body to the President in effectively addressing all human rights concerns/issues in the country. It is composed of agencies from the Executive branch and it has a Secretariat lodged at the Office of the President.

108. The main functions and duties of the committee include the formulation of the National Human Rights Action Plan in accordance with international human rights treaty obligations and to adopt a “rights-based approach” in the formulation of the plan; assist victims of human rights violations and their families; assess and monitor all aspects of the human rights situation; ensure compliance with and strict adherence by the Government to all its obligations under international human rights instruments where the Philippines is a party ; coordinate compliance with human rights instruments, Lead Agencies and Working groups for each international human rights treaty to which the Philippines is a party ; and to engage the participation of non-government organizations and other civil society representatives involved in human rights advocacy.

#### *Early Childhood Care and Development (ECCD) Council*

109. The Early Childhood Care and Development (ECCD) Council was created by virtue of Executive Order Number 778, Series of 2009 to support the implementation of the full range of health, nutrition, early education and social services programmes that provide for the basic holistic needs of young children from birth to age six and to promote their optimum growth and development.

#### **Newly implemented policies**

(a) Administrative Order 249, Series of 2008 entitled, “Further Strengthening Government Policies, Plans and Programs for the Effective Promotion and Protection of Human Rights on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights”;

110. Administrative Order 249 was signed and issued by President Gloriam Macapagal Arroyo on 10 December 2009, the date that marked the sixtieth anniversary of the United Nations General Assembly’s adoption and proclamation of the Universal Declaration of Human Rights. It directs all concerned departments, agencies, bodies, and instrumentalities of the Executive branch of the Government, including all local government units, to strengthen and to ensure their compliance to the existing policies, plans, and programmes as they would boost Government’s overall effort in the promotion and protection of human rights. Particular provisions of the Administrative Order take into account specific applicable rights and freedoms embodied in the Universal Declaration. This is to manifest the Philippine Government’s full commitment and compliance to the tenets of the Declaration.

111. More specifically, for the promotion and protection of children, Administrative Order 249, section m, wherein the Council for the Welfare of Children, in partnership with the Office of the Presidential Adviser on the Peace Process, to advance and implement a more effective framework that will further guarantee the protection of children in situations of armed conflict and, in partnership with the Department of Justice to ensure proper treatment of children in conflict with the law.

112. Today, the PHRC is in the process of consolidating and publishing the action plan of all concerned agencies in fulfilment of Administrative Order 249. It is entitled “HR Agenda 249”.

(a) Executive Order 685, Series of 2008 entitled, “Expanding the Pre-school Coverage to Include Children Enrolled in Day Care Centers”;

113. It directs the Department of Education (Dep Ed) to expand its pre-school programme coverage to include pre-school children (five year olds) enrolled in day care centers.

(b) DSWD Memorandum Circular No. 29 Series of 2005; Guidelines in the Implementation of Support Service on Birth Registration of Children In Need of Special Protection (CNSP).

### **Newly implemented programmes and projects and their scope**

#### *Pantawid Pamilyang Pilipino Program (4Ps)*

114. *Pantawid Pamilyang Pilipino Program (4Ps)* is a poverty reduction and social development strategy of the national Government that provides cash grant to extremely poor households to allow them to meet certain human development goals in exchange for compliance with their responsibilities. It invests in human capital, primarily focusing on the improvement of health, nutrition and education particularly of the growing members of the family, children aged 0-14.

115. (4Ps) helps to fulfil the country's commitment to meet the Millennium Development Goals, namely:

- (a) Eradicate extreme poverty and hunger;
- (b) Achieve universal primary education;
- (c) Reduce child mortality;
- (d) Improve maternal health;
- (e) Promote gender equality.

116. The objectives of (4Ps) are: Social Assistance - to provide cash assistance to the poor to alleviate their immediate needs (short term poverty alleviation); and Social Development - to break the intergenerational poverty cycle through investments in human capital.

117. The poorest households in the poorest municipalities were selected through a Proxy-Means Test. This test determines the socio-economic category of the families by looking at certain proxy variables such as ownership of assets, type of housing, education of the household head, livelihood of the family and access to water and sanitation facilities.

118. To ensure that the programme's objectives are met, conditionalities are formulated for compliance of (4Ps) beneficiaries. These conditionalities are:

- (a) Pregnant women must avail of pre- and post natal care and be attended during childbirth by a skilled/trained birth attendant;

- (b) Parents must attend responsible parenthood sessions, mother's classes and parent effectiveness seminars;
- (c) 0-5 year old children must receive regular preventive health check-ups and vaccines;
- (d) 3-5 year old children must attend day care or pre-school classes at least 85% of the time;
- (e) 6-14 year old children must attend elementary or high school at least 85% of the time;
- (f) 6-14 years old must receive deworming pills twice a year;

119. (4Ps) programme package consist of the provision of cash grants to the beneficiaries such as:

- (a) P6,000 a year or P500 per month per household for health and nutrition expenses; and
- (b) P3000 for one school year or 10 months or P300 /month per child for educational expenses. A maximum of three children per household is allowed.

120. A household with three qualified children can receive a subsidy of P1,400/month or P15,000 annually as long as they comply with the conditionalities. The monthly cash grants shall be received by the most responsible person in the household, usually the mother, through a Land Bank cash card.

121. As of July 2009, 1,407,597 households have been surveyed in 15 key cities and 255 municipalities in 45 provinces nationwide. 700,000 of these households were found eligible beneficiaries, the first 350,000 of which started receiving cash transfer in 2008 and the second 350,000 of which started receiving their cash grants on 15 July 2009. The yearly budget for this programme is PhP10 B or 208M USD.

***Please provide specific information on:***

- (a) ***Progress made towards reaching the enactment of pending bills No. 5846 criminalizing torture, No. 4110 on Reproductive Health Care, No. 682 on Anti-Corporal Punishment, No. 2317 on Child Pornography, and No. 2172 on the Age of Statutory Rape and Acts of Sexual Abuse;***

***Anti -Torture Bills***

122. The anti-torture bills pending both in House of Representatives (HOR) and the Senate have been consolidated in substitute bills, namely, House Bill No. 5709 and Senate Bill No. 1978, respectively. Both bills were approved in the 3rd and final reading on 5 March 2009 and on 1 June 2009, also respectively. The same bills are now awaiting a bicameral conference which is scheduled on the second week of August 2009.

*Reproductive Health Bill*

123. The Health Bill 4110 on reproductive health was filed during the 12th Congress but the same was never reported out by the Committee on Health to which it was referred. Similar bills were filed during the 13th Congress Health Bills 16, 2029 and 2550) which were later consolidated into the Health Bill 3773. The bill was sponsored for plenary deliberations on 12 December 2005, but was overtaken by events.

124. In the 14th Congress, the bills on reproductive health were consolidated into respective substitute bills (House Bill No. 5043 and Senate Bill No. 3122). Both bills are pending for 2nd reading, and are in the period of interpellation in both houses.

*Anti-Corporal Punishment Bills*

125. House Bill No. 682 prohibits all forms of corporal punishment and amends Republic Act No. 7610. The bill is yet to be reported by the Committee on Revision of laws and the Committee on the Welfare of Children as it was only approved by the Committee on Appropriations on 2 June 2009.

126. Corresponding Senate Bills Nos. 1812 and 3167 have been filed in the Senate. The Committee on Women, Youth and Family Relations, to which the bills were referred, has committed that public hearings will be conducted by August 2009.

*Anti-Child Pornography Bills*

127. The Anti-Child Pornography Bills in the HOR were consolidated in substitute bill, House Bill No. 6440. It is now pending for 2nd reading as it was already approved by Committee on Rules and the Committee on Appropriations and reported out as approved by the Committee on Revision of Laws and the Committee on the Welfare of Children.

128. Senate Bill No. 2317, the substitute and consolidated Senate version, was approved on 3rd and final reading in the Senate on 21 May 2008.

*Increasing the age of statutory Rape Bills*

House Bill No. 683 was approved by the Committees on Revision of Laws and the Welfare of Children at the HOR. Senate Bills Nos. 2151 and 2172 are pending in the corresponding committees.

**(b) *The Foster Care Bill No. 263 and Republic Act 9523 on Adoption;***

129. The Foster Care Bills in the HOR was approved in the third and final reading through a consolidated and substitute bill, House Bill No. 683.

130. Senate Bills Nos. 111, 697, 1488, 1853 and 2346 are yet to be initially discussed in a public hearing by the Senate's Committee on Women, Youth and Family Relations

131. RA 9523 has been discussed in the enacted legislation portion.

**(c) *Progress made towards amending the Child Protection Act of 1992 (Republic Act 7610) in order to penalise all forms of child abuse.***

132. House Bill No. 267 was filed at the HOR to amend Republic Act No. 7610 by providing stiffer penalties for child prostitution and other child sexual abuse. The bill was referred to the Committee on the Revision of Laws.

133. House Bill No. 682 is proposing to amend RA 7610 by adding provisions on prohibiting all forms of corporal punishment against children. However, the content of the Bill is for amendments to substitute its main provisions with the ones defining the acts of all forms of corporal punishment and its penalties and providing the institutionalization of positive discipline.

134. HB1901 which seeks to establish a children's welfare fund for the protection and rehabilitation of abandoned, abused and sexually exploited children, is still pending with the Committee on the Welfare of Children.

135. HB 6436 which seeks to penalize any act that prevents the child from using the language of his/her family in basic education, is still pending in Committee level.

136. Meanwhile, SB 1817 on the special protection of children against child abuse is still pending with the Senate Committee on Youth, Women and Family Relations.

### **PART III**

#### **Data and statistics, if available**

***Question 1. In the light of article 4 of the Convention, please provide updated data on budget allocations and trends (in absolute figures and percentages of the national and regional budgets) for the years 2007, 2008 and 2009 regarding the implementation of the Convention, notably in the areas of education and health.***

137. Significant increase in the budgets of the Departments of Education, Health, and Social Welfare and Development as well as the National Nutrition Council (NNC) was noted from 2008 to 2009. The budget of the NNC posted the highest increase of 709.47 per cent in the budget from PhP471 million in 2008 to PhP3. 9 billion in 2009. About PhP3. 3 billion has been allocated for the Malusog na Simula, Yaman ng Bansa (Healthy Start, Wealth of the Nation) Nutrition Program. There was also an increase of 121.72 per cent in the budget of the Department of Social Welfare and Development (DSWD) from PhP4.8 billion in 2008 to PhP10.6 billion in 2009. One key factor in the significant increase in the budget of DSWD is the appropriations for the Pantawid Pamilyang Pilipino Program or (4Ps) (PhP5 billion) and the National Household Targeting System (PhP650 million). The budget of the Department of Health (DOH) posted a 25.14 per cent increase from the 2008 budget of PhP18. 9 billion to PhP23.7 billion in 2009. Meanwhile, the Department of Education (DepEd) posted a 13.67 per cent increase from the 2008 budget of PhP140.2 billion to PhP160.2 billion in 2009. (Source: 2009 General Appropriations Act).



**Question 2.** *Please provide disaggregated data for the last three years (by age, sex, professional activity) on the number of persons below eighteen involved in child labour, formal and informal sectors.*

### **Working children and the informal sector**

138. Available data from the Department of Labor and Employment (DOLE) on working children are taken from the LABOR STATISTICS (LABSTATS) Updates of the DOLE's Bureau of Labor and Employment Statistics (BLES) on the Working Children, a special compilation of data. The data on working children are not part of the regular releases of the NSO and have to be sourced from the Labor Force Survey public use files, the latest of which is for January 2005. These statistics are not comparable with those from the 1995 and 2001 Surveys of Children which used past 12 months as reference since the LFS uses a shorter reference period of past week. In working children, work is defined in terms of economic activity which encompasses paid and unpaid work of children including illegal work, whether in the formal or informal sectors. Some data are based on 1995 Census population projections while other data are based on 2000 Census population projections.

139. The data on the informal sector are taken from the LABSTAT Updates of the BLES on the Profile of Workers in the Informal Sector (IS), 2001-2006. This LABSTAT Updates focuses on the profile of workers in the IS as estimated by DOLE. Specifically, their demographic profile from 2001-2006 were presented based on the "crude" estimates made by the DOLE as culled from the public use files (PUFs) of the Labor Force Survey (LFS) of the National Statistics Office (NSO). For the purpose of planning and programme development for the sector, the DOLE determines its clients in the IS by simply adding the number of self-employed persons and unpaid family workers under the class of worker category of employed persons in the LFS.

140. Data from the LFS of the NSO revealed that on the average, the number of IS workers or those self-employed workers and unpaid family members accounted for almost half (44.6 per cent) of total employed persons from 2001 to 2006. The shares did not vary much over the years, ranging from a low 42.8 per cent in 2004 to 45.7 per cent in 2002. For 2006, workers in the IS chunked 44.6 per cent of the total 32.96 million employed persons during the year. In terms of growth rate, workers in the IS grew at an average of 2.3 per cent during the period under review. Specifically, it surged during the period 2004-2005 (6.9 per cent) and 2001-2002 (4.4 per cent), while their magnitude dropped in 2003-2004 (1.0 per cent) and 2002-2003 (0.5 per cent).

141. On the average, almost 4 out of 11 (35.2 per cent) of IS workers from 2001 to 2006 were composed of farmers, forestry workers and fishermen which confirmed earlier findings that majority of them worked in the agricultural sector. Next in size were those who worked as labourers and unskilled workers accounting for around 29 per cent of the total. Those categorized as general managers or managing proprietors shared 16.6 per cent of the total.

142. On the average, six out of ten workers (58.7 per cent) from 2001 to 2006 were males while the remaining share of 41.3 per cent were females. The male-female composition of workers employed in the informal sector generally followed the same pattern during the six-year period with males always outnumbering the females.

143. Classified by age group, the bulk of IS workers (almost two-thirds or 63.5 per cent) belonged to the prime working age of 25-54 years old. This share gradually but consistently increased over the six-year period from 62.4 per cent in 2001 to 64.4 per cent in 2006. Meanwhile, those belonging to more senior years of 55 and above, which generally declined over the years, accounted for one-fifth (20.0 per cent) of the total, while those belonging to younger age bracket of 15-24 made up for almost 16.5 per cent of the total. In terms of growth rate, however, IS workers belonging to 25-34 years of age posted the largest increment of 35.1 per cent from 2,860 in 2001 to 3,239 in 2006.

144. However, focusing on the male and female working children tables derived from the informal sector LABSTATs, these statistics show a decreasing number of working children from 2004-2005 up to 2007. Majority of the working children aged 5-17 years old are males whose jobs belong to the labourers and unskilled workers occupation group. Female working children are mostly into labourers and unskilled workers followed closely by service workers, shop and market sales workers. There are still almost a million 5-14 year-old children engaged in the informal sector where seven in ten children are males. The task of reaching these children and their families is a continuing challenge within the child protection working groups. ( annexes A and B)

**Question 3.** *Please provide data covering the last three years on the number of children subjected to sexual exploitation, including prostitution, pornography and trafficking, and the number of children who were provided access to recovery and reintegration services, specifying the type of services. Please kindly indicate the number of cases dealt with by the Inter-agency Council Against Trafficking (IACAT) as well as the percentage of cases which resulted in a prosecution and conviction.*

145. The data on cases of trafficked children who received rehabilitation services is as follows:

**Table 7**

**Matrix of victims with regard to cases of trafficking who received rehabilitation services**

Years	Sex		Total No. of Victims
	Male	Female	
2003 - 2006	274	1,175	1, 449
2007	25	334	359
2008	188	448	632
Total	487	1, 982	2, 469

Age Group 2003 -2006							
Year	Below 12	13 - 17	18 - 22	23 - 28	29 - 33	34 - 42	Total
2003	10	37	39	32	1	3	122
2004	42	7	69	38	4	4	164
2005	208	104	105	41	12	4	474
2006	24	109	30	20	4	2	189
NCR 03-06	27	392	22	25	24	10	500
Total	311	649	265	156	45	23	1,449

*Status of trafficking in persons; cases filed with the DOJ National Prosecution Service from 2003 to 31 May 2009:*

Total cases received . . . . .	709
Pending for resolution with prosecution offices . . . . .	217
Filed in court . . . . .	299
Filed for violation of other penal laws . . . . .	17
Provisionally dismissed . . . . .	1
Archived . . . . .	5
Acquitted . . . . .	1
Convicted . . . . .	14

**Question 4.** *With reference to child abuse, please provide disaggregated data (by age, sex, and types of violations reported) for the years 2006, 2007 and 2008 on the number of child abuse cases reported, the number and percentage which have resulted in either a court decision or other types of follow-up and the number and proportion of victims who have received counselling and assistance for recovery.*

146. Since 2006, a total of 18,065 cases of child abuse were referred to DSWD centres which decreased from 7,606 in 2006 to 3,231 in 2008. However, most cases of child abuse are experienced by female children (i.e. 5,278 in 2006; 4,831 in 2007; 2,243 in 2008) compared to male children (i.e. 2,326 in 2006; 2,397 in 2007; 988 in 2008).

147. Of the types of abuses referred across the years indicated, the four most reported cases are: sexual abuse (32-38 per cent); neglect (25-31 per cent) abandonment (12-20 per cent); and physical abuse (4-10 per cent). Victims of emotional abuse have not been included in the statistics until only recently (i.e. CY 2008) and comprise less than one per cent of the total cases. In all types of abuse except for being victims of armed conflict, females are more subjected to such treatment than males.

**Question 5. Since the adoption in April 2006 of the Juvenile Justice and Welfare Act (JJWA), please provide updated information on the number of persons below eighteen:**

**(a) Who have allegedly committed a crime, reported to the police;**

**Table 8**

**Cases of children in conflict with the law: the Philippine National Police report**

	2006	2007	2008	2009 (1 <sup>st</sup> Semester)
Number of persons above fifteen but below eighteen who have allegedly committed a crime (reported to police)	1955	1825	2158	1153

148. The report notes that: (a) from 2006 to 2007, there was a decrease of 6.65 per cent and (b) from 2007 to 2008, there was an increase of 18.27 per cent in the number of children in conflict with the law.

**(b) Who have been convicted for a criminal offence and the sanction the offender has been sentenced to;**

149. JJWC is in the process of collating data at the Office of the Court Administrator. Data will be provided during the dialogue.

**(c) Referred to intervention or diversion programmes and type of programme;**

150. For 2008, the DSWD served a total of 1,304 children in conflict with the law (CICL) through community-based programmes and 1,058 CICL through centre-based programmes. Majority of CICL served are male in both community-based (89.80 per cent) and centre-based (92.44 per cent) programmes.

**(d) Detained in adult facilities, released from custody and transferred to rehabilitation centres;**

151. DSWD data from 2006-2008 indicates that a total 1,471 CICL were transferred from jail to the DSWD Regional Rehabilitation Centers for Youth (RRCY). It can be noted that there is a decrease on the number of CICL transferred to DSWD-RRCYs from jail for the period covered. One factor that can be cited for the continued presence of CICL in jails is the absence of the local Youth Homes. However, the Bureau of Jail Management and Penology (BJMP) ensures that the CICL is separated from the adult offender until the CICL is committed by the court to DSWD Centers.

**Table 9**  
**Number of children in conflict with the law referred to regional rehabilitation centres for youth from jail**

<b>FO</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>Total</b>
III	29	27	21	77
IV-A	99	18	19	136
V	8	10	12	30
VIII	127	177	28	332
IX	113	61	57	231
X	80	35	32	147
XI	234	151	135	520
Total	690	479	304	1,473

152. 903 CICL were committed since 16 February 2006. As of 15 June 2008, 78 were committed to CRADLE and then transferred to various facilities whereas 825 were released.

153. National data on CICL by the Bureau of Jail Management and Penology (BJMP) show that there were a total of 753 committed and 948 released in 2007. Aggregating the data submitted from the BJMP, there were a total of 616 committed and 703 released in 2008. As of June 2009, there have been 29 committed and 34 released.

*(e) In pre-trial detention and the average length of their detention;*

154. Gathering data on these remains to be a challenge especially for the Philippine National Police (PNP) and the Bureau of Jail Management and Penology (BJMP). PNP is taking steps in monitoring this concern.

*(f) Who have reported abuse and ill-treatment during their arrest and detention and the action taken as a result.*

155. The JJWC discovered in its inspections of police stations that: (a) in fourteen visits to police stations in 2007, a total of 15 CICL were detained along with adults; (b) in three visits to police stations in 2008, a total of nine CICL were detained in the adult jails; and (c) in two visits to police stations in 2009, a total of 33 CICL were detained in the adult jails. Appropriate actions were then done to release or place the CICL in appropriate facilities.

156. Interviews conducted by the JJWC with children in conflict with the law at youth homes revealed that some among them experienced maltreatment in the hands of police officers at precincts. Moreover, two incident reports revealed that a total of three CICL experienced maltreatment at the Center for Restorative Activities, Development, and Learning experiences (CRADLE). Administrative actions were then taken against the officers involved in these incidents.

157. Through its Child Rights Center (CRC), the Commission on Human Rights (CHR) has a Jail Visitation Team that conducts unannounced jail visits to monitor the proper implementation of the Juvenile Justice and Welfare Act and of other laws for children.

158. The CRC documented in its Jail Visitation Report (from hereon, referred to as the CHR-JVR) of a response to a supposed riot that erupted at the Pasay City Youth Home (note: Pasay City belongs to Metro Manila), a separate detention facility for children in conflict with the law under the administration of the Pasay City Social Welfare and Development Office.

159. Based on this report, two concerns arise:

- First, as regards the intent of the CHR to investigate the supposed riot, a security guard of the said Youth Home is found “to have exceeded the bound of his authority when he sprayed tear gas on Nicolas and Crisini” (CHR-JVR) and to be “unwarranted arrest-a prohibited act under Section 61 of Republic Act No. 9344” (CHR-JVR) wherein such an act is “considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral, and physical health and well-being of the child in conflict with the law.”
- Second, as an indirect outcome of the said jail visit, the Pasay City Youth Home was observed as a facility that looks like an ordinary jail wherein there are issues with the water supply and the absence of proper lighting and ventilation. Moreover, the said youth home has very limited programmes.

160. The Child Rights Center has also documented its response to a complaint from a non-governmental organization (NGO) on a certain police precinct in Tondo, Manila. The Commission on Human Rights verified the complaint to be true: two children, aged 12 and 16, were illegally detained at the said police precinct. The CHR immediately instructed the law enforcement officers in the said precinct to immediately release the children. Through the CHR, the children were released to a youth home run by the Educational, Research, and Development Assistance (ERDA) Foundation, Inc., a non-government organization and member of the Juvenile Justice and Welfare Council.

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