



ngo group for the crc

## STATE PARTY EXAMINATION OF THE PHILIPPINES'S SECOND PERIODIC REPORT

### 39<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 MAY – 3 JUNE 2005

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*On Wednesday 18 May, the Committee examined the second periodic report of The Philippines. This summary highlights the main issues discussed by the government delegation and members of the Committee; it is produced by the NGO Group for the Convention on the Rights of the Child.*

*The Philippines ratified the Convention on the Rights of the Child (CRC) in 1990, the Optional Protocol on the sale of children, child prostitution, and child pornography in 2002, and the Optional Protocol on the involvement of children in armed conflict in 2003. The Committee on the Rights of the Child (the Committee) met with State Party representatives on 18 May 2005 to review the Philippines' second report on the implementation of the CRC.*

#### Opening Comments

The Head of the Philippines Delegation, the Honourable Ms. Lafgo informed the Committee that the State made substantial progress in harmonizing its legislation with the CRC. The Juvenile Justice Act (JJA) was undecleared, but the Delegation indicated that it would soon be passed.

Ms. Lafgo stated that the Government was working to strengthen local Governments and local service providers. Programmes involving children were initiated in partnership with local groups and Non-Government Organisations (NGOs) and were developed in accordance with the Millennium Development Goals (MDGs) and 'A World Fit for Children'. There were improvements in Early Childhood Development (ECD), but high dropout rates were still an issue.

Mr. Kotrane, the Country Rapporteur, recognized the progress made, especially at village (Barangay) level. He highlighted that the geography of the Philippines (lots of small islands) made it difficult to implement health and education programmes in the entire country. He also recognized that the numerous migrant works separated from their children made the implementation of the CRC more complicated. The recent typhoon and armed conflict continued to challenge coordination efforts.

While Mr. Kotrane noted the considerable efforts in legislative development, he was concerned about the effective implementation of the legislation, in particular the protection of children from all forms of abuse. Poverty and sex tourism continued and laws were not effectively implemented at local level. Mr. Kotrane referred to the on-going discrimination against girls and asked how the State intended to combat patriarchy society.

## **Legislation**

The Committee acknowledged the new Anti-Trafficking in Persons Act, the Act Prohibiting Employment of Children in Hazardous Areas, the Anti- Violence against Women and their Children, the New-born Screening Act, the Dangerous Drugs Act and the Act Providing Illegitimate Children the Right to Use the Surname of their Father.

## **Definition of the Child**

The Committee noted that the age for criminal responsibility was 9 years old contrary to the CRC and the age of sexual consent was unclear. The proposed JJA would increase the age for criminal responsibility to 12.

## **Budget**

The Committee asked the Delegation if it would consider reducing debt servicing to provide more funding for social programmes. The Committee was concerned about the effects of the State's Free Trade Agreement (FTA) negotiations on access to cheaper medicines. The Committee asked if it would condemn the imposed requirements by certain FTA partners. The Committee also wanted to be informed about poverty reduction. The Committee noted that 42% of the population was under 18 and that this section of the population did not benefit from a complimentary budget allocation.

The Delegation responded that the entire budget, not just the budget for children, had been reduced due to natural disasters. They noted that the local budget data that was specifically allocated to children had increased over the last two years. Part of the budget came from the National Government and local taxes. In regard to the debt servicing, the State was looking to improve it, but it also involved the creditors. The Philippines was a strong supporter of generic medicines which underlined the negotiations in the FTA. However, in negotiations, concessions sometimes had to be made.

## **Data Collection**

The Committee noted that the report was generally good, although there were inconsistency in some data. The latter went up to 19 years of age, which made it difficult to disaggregate the under 18 data. There was missing data on children with disabilities, as well as those who were migrants, in residential care, in extreme poverty, minorities, indigenous, and in conflict with the law.

## **Birth Registration**

The Committee expressed concern about unregistered children and the costs for getting them registered. The Delegation provided an example of a partnership with NGOs in the southern Philippines where they were working to document migrant families. Children's Participation

The Committee asked about the process for selecting members of the children's parliament. It asked about the student councils which were reportedly inactive and whether the councils were mandatory.

The Committee asked about the Youth Councils in communities which were reported as being mostly inactive and misused by local political leaders to further their interests.

## **Discrimination**

The Committee was concerned about the discrimination against children born out of wedlock. The Committee queried the circumstances required for a child to use his father's name under the new legislation and asked if the State would provide free DNA testing. It recommended that the term 'illegitimate' be changed to 'born out of wedlock' and asked about inheritance rights of these children, the age at which a child could represent himself to change his name. The Committee asked who else could apply to have their name changed. The Delegation responded that it was not happy with the limitations of the new legislation requiring the father's consent and only allowing 50% inheritance. DNA testing was not provided due to cost.

The Committee noted disparities in income (in 2002) with certain areas having nearly 10 times that of the poorest region. The Committee asked about the measures taken to eliminate disparities and to ensure the war on terror did not affect Muslim children. Migrant Workers

The Committee described the instability that overseas work created for families, given that 73% were women. This led to a feminisation of poverty leaving the children without parents. It asked about maintenance issues and whether the State has bilateral agreements to cover board overseas and the level of Government support. The Delegation agreed with the feminisation of poverty as mothers went to work overseas and their mothers or sisters took care of their families. This was done through legal guardianship and kinship care. The Philippines had an International Social Service Network with Social Workers throughout the world to assist women and their children. Embassies had Welfare Officers to assist workers overseas as well as their Employment Bureaus.

## **Health**

The Committee enquired about data showing the higher number of males and the better health of females. The Delegation confirmed that female children received more medical services, but it could not explain the higher numbers of male children. Abortion and infanticide were not practiced in the Philippines and both sexes were valued.

The Committee queried the low rate of HIV data, as there were many street children, sex workers and premarital sex. The Delegation responded that the narcotics used were rarely injected and that the statistics indicated that there was a low level of infection. The Committee enquired about the State's strategy for disabled children and adolescents. It noted that the Government's data showed that 14% of children were disabled. The Committee asked about the complications for children living in remote areas and the State's experience in reaching out to these communities. The Delegation said that there was insufficient data on disabled children. The most common problems were cerebral palsy, blindness and deafness. Most services were provided by education and public health.

The Delegation replied that family planning was promoted as both a health and a responsible parenthood issue and there were attempts to get support from the Catholic Church. Since the decentralisation of health services (15 years earlier), local governments managed health. Preventive health stations in rural areas were linked to bigger centres. The Health Budget had increased and focused on prevention rather than hospital care. The Government had a plan to reduce the cost of medicines by 50%, especially for the poorer sections of society. Breastfeeding legislation was being reviewed due to a decline in breastfeeding. The infant mortality rate had decreased over the past two decades and pre-natal care was higher. Safe water and sanitation was increasing, but it was still difficult to reach the indigenous population. The Government was assessing the process of charging hospital fees, as it wanted the poorest people to have free access.

## **Education**

The Committee noted that the end of compulsory education was 12, while the minimum age of employment was 15. They asked about the opportunities (e.g. vocational training) for children between 12 and 15. The Committee asked that the hidden costs of education be abolished. It also enquired about the number of children benefiting from the new programmes, their supervision and the evaluation process. They noted that only 2/3 complete primary and 1/2 secondary school and asked about the Government's plans to achieve universal completion of primary and secondary education. The Committee commented on the out-dated teaching techniques and the high student to teacher ratio. They noted that 4% of Barangays had no access to education and asked if they were indigenous people.

The Delegation responded that basic education took 10 years. Most children were multi-lingual. The Lingua Franca pilot programme indicated that there was a significant positive relationship to students' levels of achievement.

## **Juvenile Justice**

The Committee was concerned that the JJA was not passed. The Committee had disturbing information about children being tortured by the police and inmates in prisons and detention centres. The Committee enquired about the training received by the police to deal with youth and the measures taken against perpetrators of torture. It also asked whether the JJA would deal with torture.

The Committee presented information about the lack of a clear assessment of the age of people charged with committing crimes. This resulted in some minors being detained on death row. The Committee sought clarification on the death penalty and declared that if those under 18 could receive the death penalties, the law should be changed. The Delegation responded that minors sentenced to death were errors, as their ages were not determined when they were sentenced. To prevent the reoccurrence of such incidents, all courts determine the age in order to reduce penalties. The Delegation guaranteed that minors would never be executed.

The Delegation noted improvements for children in conflict with the law. There were separate detention centres and homes close to their communities. Dialogue and training were initiated in communities with a high incidence of criminal activity. The training was for the police, social workers, judges, children and community. The proposed JJA would rise the age of criminal responsibility from 9 to 12. Restorative Justice Diversion Programmes were provided at the Barangay.

## **Corporal Punishment**

The Committee was concerned that corporal punishment, especially in the home, was still carried out. The Delegation responded that there were several acts in place against corporal punishment, and workshops had been organised to disseminate information about the laws and stricter penalties.

## **Adoption**

The Committee noted that only 34% of births took place in hospital. This contributed to the falsification of birth registrations and illegal adoptions. It impacts on the rights of children to have an identity. An additional concern in the area of adoption was that birth registration could be amended to suit adoptive parents, thus creating a situation where children lost their original history.

## **Street Children**

The Committee wanted to know if there were many children living on the street.

## **Child Soldiers**

The Committee asked about plans for children in armed conflict. The Delegation said that there were programmes for demobilization and for children who were not reintegrated. Child soldiers were viewed as victims rather than offenders. The public attorney's office was directed to file in the court for the child's release on his own recognizance, providing the child had a family.

## **Sexual Exploitation of Children**

The Committee queried whether pornography was considered a crime and the Delegation responded that exploiting children through pornography and the Internet were being filed in congress to make them punishable. There was also an anti-trafficking blueprint for action in the areas of protection, prevention, recovery, reintegration, and law enforcement. The blueprint was established in response to growing incidents of child abuse and trafficking. Witness protection was available for victims willing to testify.

## **Indigenous Children**

Indigenous communities made up 14% of the population. The Delegation indicated that the Government had established a council for indigenous people's claims. There was an on-going project in Mindanao addressing health and education.

## **Concluding Remarks**

The Country Rapporteur thanked the Delegation for its participation and the fruitful and constructive dialogue. He noted the progress by the State Party over the last few years in law, education and health. The main concerns were in the application of laws and certain categories of children, most importantly those born out of wedlock, in armed conflict, in conflict with the law as well as victims of sexual exploitation.