



**Universal Periodic Review  
13<sup>th</sup> Session (2012)**

**Joint Statement**

**Situation on the Rights of the Child in The Philippines**

**Submitted by:**

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## A. INTRODUCTION

1. The following report is a *joint submission* of the abovementioned organizations. While acknowledging the significant advances achieved by the Philippines to improve the citizens' quality of life and guarantee the full enjoyment of their rights, this report seeks to focus on the major issues affecting children living in urban zones (specifically the city of Manila), as well as children belonging to indigenous groups. Each section of the report conveys recommendations to the Government of the Philippines.

2. This report is a result of an intensive consultation process that took place over the course of four months. Ascribing to a methodology of empirical investigation, the data and information reflect the field experience of 951 operators, including professors, professional educators, volunteers and other actors involved in the formal and informal education for a total of 16,891 children and youth in the age range of 4-18 years. An open-ended questionnaire was sent to collect all pertinent information considering the report that resulted from the 1<sup>st</sup> cycle of Universal Periodic Review.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.

4. **VIDES International** is an international NGO in special consultative status with Economic and Social Council, which is present in 38 countries worldwide. Founded in 1987, VIDES promotes volunteer service at the local and international levels and protects children and women's rights.

## B. MOST VULNERABLES GROUPS

5. IIMA and VIDES International note with particular concern that children suffer most as a consequence of inadequate implementation of human rights in Philippines. Among them, the most vulnerable groups of children are identified as follows:

- **Street children** living in "squatter" areas (i.e. living in poverty with informal housing). These children are very exposed to physical, sexual and other abuses due to the almost complete lack of adult supervision and dysfunctionality of the educational system.
- **Children with disabilities** are very vulnerable because of the lack of opportunities for them to find adequate training and education. It is also difficult for them to receive adequate, if any, medical care for their disability.
- **Child laborers** are forced to work to provide financial support for their families, which very often hampers their ability to attend school.
- **Children belonging to indigenous groups**. Indigenous people live in remote areas and have very limited access to basic services, including education. Of the total 12 million indigenous people, approximately 5.1 million are under 18 years old.

6. Most children belonging to these groups live in poverty worsening their already difficult situation and endangering their future. The lack of State facilities to combat poverty and support families with low income hinders their capacity to provide for their basic needs.

7. We recognize the efforts of the government to ensure consistency between human rights international obligations and national legislation. Nevertheless, we note with concern that there is still need for a systematic review of existing domestic laws such as the Magna Carta for Persons with Disabilities, the Revised Penal Code, the Family Code of the Philippines, the Anti-Child Abuse and Exploitation Act and the Muslim Personal Laws to ensure that the legal framework for child protection is consistent with the principles on the UN Convention on the Rights of the Child.

**8. In this regard, we urge the government of The Philippines to:**

- a) systematically review existing domestic legislation in order to ensure consistency with international human rights obligations, especially the UN Convention on the Rights of the Child;**
- b) meaningfully involve in this review process civil society as well as children and youth affected by the issues.**

## **NON-DISCRIMINATION**

9. While acknowledging the positive steps taken by the government to combat discrimination, the NGO coalition remains concerned that a high percentage of people belonging to the most vulnerable groups continue to suffer from *de facto* discrimination in the enjoyment of their fundamental rights, especially children belonging to indigenous groups and children with disabilities.

10. This NGO coalition takes note of the growing attention in the last years brought by the government to major issues affecting indigenous people in the Philippines. However, additional efforts are needed to reach total eradication of discrimination against these members of the population and to ensure them full enjoyment of their rights.

11. In spite of the established legal framework and political developments, the indigenous people are still suffering discrimination and neglect, especially in respect to education, health, and employment. In fact, they live in remote areas usually accessible only by foot and, as a result, they have very limited access to basic services.

12. With respect to children with disabilities, they also suffer from serious forms of discrimination, in particular in relation to their right to education. Due to lack of facilities and adequate support, these children remain very often excluded from schooling. Those who are able to attend school have very low self-esteem and, if not adequately encouraged, frequently drop out of school. In many cases, poverty represents a serious obstacle: children with disabilities need special attention and support to fully enjoy their rights, which is often denied because of financial strain on the family. We note with concern the lack of any type of financial support from the government to these families.

**13. Consequently, this coalition of NGOs recommends the Philippines to:**

- a) adopt all necessary measures to guarantee all the basic services to the indigenous communities;**

- b) put in action sensitization campaigns through mass communication and educational structures, with the goal of promoting multiculturalism and valuing of cultural differences in the country;*
- c) provide families of children with disabilities with adequate support, including financial, in order to respond adequately to the special needs of these children.*

## **C. BIRTH REGISTRATION**

14. We acknowledge with much satisfaction the measures taken by the government to ensure registration at birth. Among them, the adoption of R.A. 9048<sup>1</sup>, the establishment of Barangay Civil Registration System (BCRS), and the second phase of the Unregistered Children Project known as the “Birth Registration Project”.

15. Nevertheless, IIMA and VIDES International note with concern that 2.6 million children are still unregistered, majority of whom belongs to indigenous groups or live in rural areas. As a result, they are being excluded from basic services, including access to education. Among the difficulties hampering birth registration, we highlight the distance between the most remote areas and the competent offices, as well as the cost of the registration. Furthermore, mobile aid units reach the removed zones with very little frequency.

*16. This coalition of NGOs recommends the Philippines to:*

- a) assure free birth registration for all children, including those belonging to the indigenous communities;*
- b) continue improving initiatives for birth registration in remote areas by supplying mobile aid units to reach zones of difficult access.*
- c) carry out awareness raising campaigns in the most remote indigenous communities to promote civil knowledge of the birth registration obligation and the procedure to complete it.*

## **D. THE RIGHT TO EDUCATION**

### **Access to education**

17. *Free primary education.* We recognize the efforts made by the government to ensure free primary education and eliminate extra school fees for families. However, we highlight that the transportation and extra school supplies required by the teachers still represent an extra cost for families. Moreover, we register that in public schools, the teachers also are known to ask children for money when they are late or break a rule, or in other similar situations. Those children who do

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<sup>1</sup> Passage of R.A. 9048 Act authorizing the city of municipal civil registrar or the consul general to correct a clerical or typographical error in an entry and/or change of first name or nickname in the civil register without need of a judicial order, amending for this purpose articles 376 and 412 of the Civil Code of the Philippines.

not pay will be punished (e.g. corporal punishment or staying after school late). To avoid such extra punishments, children are required to bring extra money.

18. In reference to the indigenous people, this NGO coalition remains concerned for shortages of educational establishments that force students and teachers to cover long distances to arrive at the school. The combination of these factors hampers access to education for indigenous children.

19. Children with disabilities suffer particularly from discrimination in education due to the lack of opportunities for them to find adequate training and education. Those who attend school usually have very low self-esteem, which consequently drives many of them to drop out of school. IIMA and VIDES express their deep concern for the lack of adequate facilities and psychological support to encourage these children to access or complete schooling.

### **School dropout**

20. **Poverty.** Regrettably, many children coming from poor families leave school to work to provide financial support to their families. Furthermore, we report that in many cases the parents are not aware of the importance of schooling and do not provide their children with adequate support to complete their studies. Children whose parents are uneducated are much more likely to drop out of school or have to repeat grades. In particular, many street children lack support from their families to finish their studies. As a result, the rates of completion of primary and secondary school, especially for indigenous children and street children, are below the national average.

21. With respect to girls, school dropout rates increase due to **early pregnancies**. Children or adolescents who abandon school often start families or get married very young. Yet, they are not economically independent and therefore they add more financial pressure on their families.

22. **Access to labor market.** The children who drop out school are unable to get stable jobs. Their lack of qualification and professional skills force them to live in very precarious situations, daily struggling for survival: they are on the street scavenging for things or collecting plastic and scrap metal to be resold. Frequently they turn to illegal activities.

### **The quality of education**

23. **Overpopulation and budget allocation.** IIMA and VIDES express their deepest concern for the lack of quality education nationwide. In particular, we register a problem of overpopulation in the cities combined with the lack of sufficient budget allocation. Only 2.6% of GDP was spent on education expenditures in 2007, which is the 162 highest among all countries in the world. In 2009 the percentage of GDP allocated for the Department of Education and Department of Social Welfare and Development (DSWD) was only 1.95%.<sup>2</sup> This is a significant problem as to the lack of quality education and facilities for public school students. The public schooling system also lacks funding in the areas of arts, sports, and culture.

24. Consequently, we note that public schools in urban zones, especially in Manila, present conditions that prevent learning, such as large class size and shortage of **teaching staff**. In fact, there is only one teacher for each level, which is composed of 70 to 80 students. At times there is

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<sup>2</sup> Written replies by the Government of the Philippines, Committee on the Rights of the Child. CRC/C/PHL/Q/3-4/Add.1, 13.

not a sufficient number of rooms for each grade level so children from two different grades are taught in the same classroom. The low number of teachers compared to the extremely high amount of children make it impossible to respond adequately to the educational needs of each student. Children with disabilities are the ones to suffer the most because of these circumstances: the public educational system does not provide enough psychological and educational support, tools and specialized teachers for the children with special needs.

### **Human rights education and freedom of expression**

25. This coalition of NGOs notes with deep concern that the Philippine population (including children) does not have sufficient knowledge and understanding of human rights. The majority of interventions aimed at disseminating relevant information and promoting human rights are carried out by NGOs and civil society in general.

26. Regrettably, human rights education is not sufficiently disseminated in school programs. Moreover, we register serious shortages in the training of teaching staff. In addition to the lack of material distribution, there is not an institutionalized program and a solid structured formation for teachers covering human rights.

*27. Accordingly, this coalition of NGOs recommends the Philippines to:*

- a) adopt all necessary measures to guarantee full access to education for all children, especially those belonging to the most vulnerable groups;*
- b) generate investigation to detect and correct the gaps in the education system in respect to the quality of the education;*
- c) adopt concrete measures to guarantee a quality education in public schools providing the children with improved learning environments;*
- d) provide first and secondary school structures and teaching staff with sufficient preparation to ensure a quality education for children;*
- e) promote sensitization campaigns so parents understand the importance for their children to complete compulsory education (until 15 years of age);*
- f) effectively reduce school dropout rates, in particular for children with disabilities and children belonging to poor families;*
- g) include human rights education in all levels of studies and translate respect for human rights to daily life;*
- h) guarantee capacity building courses for professors, including human rights formation.*

### **E. CHILDREN IN STREET SITUATION**

28. We register the presence of 22,556 street children in the 22 major cities of the Philippines, of whom 11,346 only in Manila. They live mainly in “squatter” areas (i.e. living in poverty with

informal housing). Due to the almost complete lack of adult supervision, these children live most of the day on the streets where they are exposed to physical, sexual and other abuses. The lack of clothing, which forces some of them to walk around their community with little or no clothes, exposes them even more to predators and other abusers. They are born into communities teaching them to break the law. In these cases, the failure of the educational system in assuring adequate attendance has particularly serious consequences on the lives of these children: being deprived of any opportunity to learn how to use their time and energies otherwise, the street becomes their home, their life school, the source of their income, the place where they fight for their survival.

29. Street children get also very easily involved in drug consumption and traffic, as well as other illegal activities carried out in gangs. As a result, in a large number of cases, these children experience prison when they are still very young.

**30. In this regard, we urge the government of the Philippines to:**

- a. adopt all necessary measures to provide children living in the streets with specific attention in order to get them away from the situation of neglect wherein they live;***
- b. provide street children with appropriate educational interventions aiming to include them in the educational system;***
- c. punish those responsible of abuse or exploitation of street children.***

## **CHILDREN WITH DISABILITIES**

31. We estimate that a total of 942,098 persons with disability live in the Philippines, whose 70% were found in rural and remote areas. 191,680 of this population are children (103,435 males and 88,245 females). The brackets of 10–14 age has the highest disability prevalence rate per 100,000 population. The most common forms of impairment are hearing and visual impairment.

32. We recognize that the Philippine ratification of the Convention on the Rights of Persons with Disabilities and the enactment of the Magna Carta for Disabled Person are positive steps in promoting the rights and welfare of persons with disabilities. However, at present, the domestic legislation does not specifically address the rights of children with disabilities to be protected from abuse and exploitation, and to be heard.

33. We report that two-thirds of over 200 cases of deaf people, among these children, experience gender-based violence. Cases of children with disabilities who experience gender-based violence are not fully documented. Many cases filed are not resolved in favor of victims because often court decisions do not consider the age and disability of the victims. The perspectives of the victims are also not heard because of the absence of court-appointed sign language interpreters and/or CASAGALS (Court Appointed Special Advocates Guardian Ad Litem). An existing Supreme Court policy providing for free sign language interpretation (Supreme Court Office of the Court Administrator Order No. 59-2004 and 104-2007) has not been implemented because of lack of budget and administrative procedures.

**34. Accordingly, this coalition of NGOs recommends the Philippines to:**

- a. enact a bill institutionalizing sign language interpreting for all court proceedings and other public hearings (House Bill 4631);*
- b. implement the National Plan of Action on Persons with Disabilities;*
- c. ensure that National and local government agencies and units implement the mandated budget allocation (1% in the General Appropriations Act for all national government and line agencies; 5% in the internal revenue allotment for all local government units [LGUs]) for persons with disabilities.*

## **CHILD LABOUR**

35. We estimate that 25.308 million children aged 5-17 years old are child laborers in the Philippines. 39.7 % of the total population of working children is elementary undergraduate. 4 out of every 10 have not finished elementary. A majority of time children are working to help support the economic needs of their household. Some of the children go to work after attending school, others abandon school to exclusively dedicate their time to work. In the city of Manila, most commonly the children work in the street as taxi/transportation callers and street vendors.

**36. Consequently, this coalition of NGOs recommends the Philippines to:**

- a) ensure families the minimum standards of living so that children are not forced to work;*
- b) invest in a complete and quality education system to put an end to school dropouts and child labour.*

## **ILL-TREATMENT AND VIOLENCE AGAINST CHILDREN**

37. IIMA and VIDES express their deepest concern for the high number of cases of ill treatment and violence against children, including sexual abuse. The authors of such violence, especially against girls, are often their own family members and neighbors. There is also an observed increase in reported cases of incest particularly among children who are left behind by their mothers who have gone abroad to work. These cases are usually resolved through mediation, without any remedies or further protection for child victims.

38. Street children and, in general, children who drop out of school are the most affected by abuses. Roughly 30 – 40 % of children living or working in the streets are victims of sexual violence. The incidents usually go unnoticed and the violators undetected. The children are too embarrassed to talk about incidents that have happened to them. While recognizing the assistance offered to the victims by the Department of Social Welfare and Development (DSWD), we note that children victims of such abuses are not encouraged to speak up. This is due, on one hand, to the traditional education they received, which teaches them a reverential respect for the elders. On the other hand, the lack of trust in public authorities and fear of retaliation discourage victims to report violations.

39. With regard to legislative measures, we note with much satisfaction that the Philippine Congress enacted the Anti-Child Pornography Act, the Magna Carta of Women and the Anti-Torture Act in 2009. However, the Anti-Statutory Rape bill that will raise the age for statutory rape



from 12 years old (as stated in the Revised Penal Code and the Anti-Rape Law) to 16 years old has not yet been passed in Congress. Equally, the Anti-Corporal Punishment Bill, which bans the physical and humiliating or degrading punishment of children particularly in the home, has not yet been passed. This bill will remove legal defenses for corporal punishment in the Revised Penal Code, which exempts parents and guardians who physically assault their children if done as a form of “excessive chastisement,” and in the Anti-Child Abuse and Exploitation Act, which exempts parents and guardians who use corporal punishment as long as these are “reasonable in manner and moderate in degree.”

**40. Accordingly, this IIMA and VIDES recommend the Philippines to:**

- a. Immediately adopt the anti-statutory rape bill and the anti-corporal punishment bill in order to address the legislative gaps highlighted in the CRC concluding observations.**
- b. Undertake more effective measures to address violence against children by:**
  - (1) intensifying the training of service providers and the pillars of justice (law enforcement, prosecution, courts, jails, community) in gender-sensitive and child-friendly procedures in handling cases of violence against women and children ;**
  - (2) implementing the Supreme Court Rules on the Examination of a Child Witness, specifically the activation of CASAGALS to support all child victims and children in conflict with the law ;**
  - (3) establishing functional and well-resourced LCPCs that will serve as mechanisms for raising awareness on children’s rights and issues, and laws on children; providing information regarding prevention, monitoring and reporting, and responding to cases of violence against children.**

## **JUVENILE JUSTICE**

41. We report that there are proposals within Congress to suspend the implementation of the Juvenile Justice and Welfare Act (JJWA) enacted in 2006 and to lower the Minimum Age of Criminal Responsibility from 15 to 11 or 9 years old. Since its enactment, many provisions of the law have not been implemented. Juvenile justice intervention programs, especially the prevention and rehabilitation aspects, are absent in many areas. There is a low level of knowledge and a lack of capacity to implement the law among local officials, law enforcers and service providers. While the mandated local structures for implementation (local councils for the protection of children, or LCPCs) have been established in 84% of barangays<sup>3</sup> or villages in the country, most of these LCPCs are also not allocated the mandated budget of 1% of the total local government budget. The Juvenile Justice Welfare Council, the national inter-agency body tasked to oversee and monitor the implementation of JJWA, is also poorly resourced.

**42. In this regard, we urge the government of the Philippines to:**

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<sup>3</sup> Each neighborhood within the city is a *barangay*. Each one has a leader who monitors the communities, oversees, and provides assistance for its residents.

- a. *Maintain the minimum age of criminal responsibility at the current level stated in the JJWA in order to ensure the consistency of domestic laws to international human rights standards.*
- b. *Take several steps to enhance its implementation, as follows:*
  - (1) *by providing for a comprehensive education and training program for parents, caregivers and service providers on nonviolent discipline and child rearing;*
  - (2) *by allocating and releasing the mandated budget for LCPCs, and ensuring that this budget will be used to implement juvenile justice intervention programs in communities;*
  - (3) *by assisting local government units in implementing the law;*
  - (4) *by promoting the diversion and reintegration of children who have offended;*  
*and*
  - (5) *by assisting victims.*

## **F. THE RIGHT TO HEALTH**

43. ***Drug addiction.*** Children and adolescents in the Philippines are deeply involved in drug consumption. The average age at which children acquire addictive habits is 10-11 years of age. In particular, children are addicted to rugby (rubber cement), which can be bought at local convenient stores. The drug curbs their hunger and it is cheaper than buying food. Most commonly, children are seen all over the city sniffing while working or walking the streets. The consumption of drug affects children's ability to focus and study at school. While recognizing that the penalty for having drugs is very strict, we note with concern that it has not helped to diminish the rugby addiction.

44. ***Early pregnancy.*** Despite the governmental efforts and public campaigns aimed at reducing early pregnancies in the country, this NGO coalition is concerned by the high rates of early pregnancy that mainly affect the socially underprivileged segments of the society. Very often these girls have dropped out school and lack any qualification to access the labor market. They are deprived of any possibility for a better future. Differing conditions that explain this data includes: the low educational levels deprive these children of any hope for a successful future; the one/two-room housing situation allows for early exposure to parents and older siblings during sexual intercourse; lack of adequate health training.

45. ***Consequently, this coalition of NGOs recommends the Philippines to:***

- a) *plan and develop awareness campaigns addressed to youth, teachers, health care workers, educators in order to sensitize young girls on health and social risk linked to early pregnancy;*
- b) *adopt all necessary measures to eliminate the serious problem of drug addiction, especially among children.*