

NGO Group for the Convention on the Rights of the Child
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We are hereby submitting to the Committee a supplemental report and commentary on the first report of the Philippine government on "The **Implementation of** the Convention on the Rights of the Child." This report was prepared by **the National Coalition** of NGOs for Monitoring the CRC. It has been approved for **submission to the** Committee by the undersigned Philippine NGOs and NGO networks.

In submitting, this report, we would like to express our continuing commitment to **work for** the protection of the rights of all Filipino children in partnership with **all Filipinos and partners from** other parts of the world who share our vision of a **society that is** genuinely caring and respectful of its children. As non-government **organisations, we are** convinced that we can engage in meaningful partnership and collaboration **with the** government while still retaining our autonomy and separate identities as **non-government** organisations. We view this process of reporting on the implementation of the **Convention on the** Rights of the Child as a valuable opportunity to carefully assess and **reflect upon our own** work as NGOs as well as that of the government.

We will be pleased to provide the Committee with any additional **information it may need** in order to clarify the issues that we have raised in this **supplemental report**. We can be reached through the Coordinator of the NGO Group for the **Convention on the Rights of the Child** (Ms. Laura Theytaz-Bergman) or through the fax **numbers below**. If **the Committee** wishes to have a representative from the NGO Coalition **at the pre-session**al meeting, we would respond positively to such an invitation.

We look forward to the Committee's dialogue with the Philippine government as a **chance** to renew our commitment to the protection of the rights of **all Filipino children**.

Sincerely yours, NATIONAL COALITION OF NGOS for Monitoring the Convention on the Rights of the Child

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ABSTRACT

The NGO Coalition for Monitoring the CRC is submitting this eighteen (18) **page paper** as a supplement to the government report. This document draws attention to **the situation of** Filipino children as an indication of the **quality of implementation of the Convention**. The paper starts with three general comments on the report: **the report as an exhaustive review** of legislative measures already put in place; the **need for more qualitative and** quantitative information to demonstrate the quality of **implementation of the Convention**; the nature of NGO participation in monitoring the CRC **and recommendations** for GO-NGO collaboration in the future. Then there **are specific sections of** the report for which the NGO Coalition has provided **comments and recommendations**.

The NGO Coalition underscores the government's conclusion that **whilst the legislative foundation** upholding children's rights are well in place, consistent with **most of the articles** of the Convention, there is a big gap between enactment of **laws and policies and their actual enforcement**. The report focuses on seven (7) main Sections **of the government** report to highlight these gaps between policy and implementation. **There is a need to** carefully assess the consistency between constitutional and legislative **foundations that are in** place relative to the emerging economic and development **policies in the Philippines as** there may be inconsistencies as pointed out in specific sections. It is **clear that there are** still major issues and problems pertaining to child survival, **development, protection and** participation that require urgent responses for today's **generation of Filipino children especially** infants and very young children and the increasing **numbers who are in especially** difficult circumstances.

In its conclusion, the NGO Coalition draws attention to the absence of a **discussion** on the relationship between children and the environment which cuts **across many articles** of the Convention.

Introduction

In 1990, the Philippines ratified the United Nations Convention on the Rights of the Child (CRC). In January 1995, the UN Committee on the CRC will officially review the first country report of the Philippine government.

In the last two decades, NGOs in the Philippines have played a significant role in addressing the needs of children. A vibrant and dynamic NGO community has actively worked for the promotion and protection of the rights of children through direct

programmes and services, information, advocacy and organizing efforts. Renewed efforts to strengthen the NGOs -- as organisations and in terms of improving the quality of programmes -- are underway. A newly organised national coalition of child-focused NGOs and networks of NGOs in the Philippines is submitting this paper as a supplement to the government report. It is called the NGO Coalition for Monitoring the CRC.

This NGO commentary wishes to draw attention to the situation of Filipino children as an indication of the quality of implementation of the Convention within the Philippine context. The Coalition hopes to encourage government to confront key issues involved in monitoring the implementation of the CRC by: presenting added information, highlighting key issues, and making recommendations that the NGO community considers not only essential but critical in the process of implementing the Convention. It is hoped that in so doing the Philippine government will be open to discourse which may require a healthy measure of self-criticism; and hence, set the tone in signifying the government's intention to positively push forward the ideals of the Convention.

Any information provided herein has been sourced from: international development agencies like UNICEF, government and legislative reports, reports from fact-finding missions, case studies, and documentation of NGO work in specific areas of the Philippines.

General Comments

1. The Philippine Government has committed itself to undertake all appropriate measures for the implementation of the Convention. The Report presented by the government is an exhaustive review of national legislative and administrative measures that specifically relate to the implementation of the Convention provisions.

The NGO Coalition fully agrees with one of the conclusions of the government -- that whilst a legislative foundation upholding children's rights are well in place, there is a vast distance between enactment of laws and the actual realization of children's rights. Hence, despite the legislative groundwork already put in place for children, there is still a very big gap between enactment and enforcement.

Recommendation: The style of reporting by the government, i.e. by describing at length all the laws and policies, programmes and services it has developed has a tendency to mislead by giving the impression that all these provisions are fully operational. The government should be more forthright at identifying specific limitations and obstacles to the full enforcement of these legislative measures and national policies.

2. The Report is inadequate in providing indicators both qualitative and quantitative to show magnitudes of how far the Philippine Plan of Action for Children (PPAC) has made a reality of the Convention, (PPAC being a comprehensive framework, consistent with the Convention, upon which the goals for Filipino children have been set). In general, the use of statistical data is incomplete.

While an enumeration of basic services for children is given, the Report does not provide the necessary information to present an accurate picture of *how many children are actually reached, and, how well they are served* as concrete evidence of the impact of these government laws, policies and services. The lack of these qualitative and quantitative information is indicative of an urgent need to improve information systems countrywide.

Recommendations: Both government and NGOs should be more thorough at gathering and presenting statistical information. NGOs also have to improve their own monitoring, documentation and reporting systems in order to arrive at an accurate and comprehensive picture of child-focused NGO work in all areas.

NGOs, together with academic centres, research institutions and International NGOs, could play a major role in upgrading the quality of research and information gathering on children's rights by providing technical and other support. NGOs in the Philippines have to work in closer coordination with each other.

3. Whilst it is provided that "the Council for the Welfare of Children (CWC) will coordinate

with all agencies, both government and non-government, towards ensuring implementation of the Convention and monitoring progress thereof," the consultation process with NGOs has been very limited. Only one NGO-network, the NCSD, is a member of the Council for the Welfare of Children. While there are individuals who are representing the private sector and there is one youth representative, the selection of the representatives to the CWC did not involve a democratic consultation process involving as many active child-focused NGOs as possible.

On the whole, the NGOs regard their participation in the monitoring process as superficial on the one hand, and sometimes confusing and taxing on the other, as there are several government agencies to coordinate with. The general sentiment is, they have been called to participate in a limited way and only to comply with the provisions of the Convention. There have been limited efforts to involve NGOs in any substantive way.

Recommendations: There is a need to define the meaning of participation by both the government and the NGOs especially as far as monitoring of the implementation of the Convention is concerned. Genuine and meaningful participation must involve setting-up a consultation process that is thorough and truly representative of the broad spectrum of NGOs in the Philippines.

Prior to this, however, the government should give due recognition that the NGOs have an independent role to play as far as children's rights are concerned. Hence, while it is important to collaborate with NGOs, government should also appreciate that NGOs need to be recognised as autonomous bodies that may serve as active partners, of government in working for the best interests of Filipino children.

I. GENERAL MEASURES OF IMPLEMENTATION

D. Mechanisms for coordinating and monitoring Convention implementation

The government report describes a monitoring system that may very well be in place on paper but is not fully operational in real terms. While the Local Government Code is a significant law that is designed to encourage NGO participation at the barangay (village), municipal and provincial levels, NGOs with direct work in communities in different parts of the country encounter difficulty in accreditation, representation and active participation in local development councils. Thus the mechanisms for representation and participation are not yet fully operational. So a monitoring system that is heavily dependent on the full activation of the local development councils, as stated in the report, may be theoretically sound and efficient.

Recommendations: The Committee should ask the Government to provide concrete evidence of how this monitoring system has been put in place and made operational. There is a need to study the different monitoring systems that the government has set-up e.g. the CWC vis a vis the newly established Centre for Children's Rights under the Commission on Human Rights as there may be unnecessary and costly duplication of functions. These two monitoring agencies further expect coordination with the same NGO networks.

A more efficient and truly operational monitoring system that is based also on active implementation of children's programmes and services by both government and NGO will be possible only if there is an effort to clearly define the meaning of partnership at all levels. The Local Child Welfare Councils (LCWC) at the *barangay* (village) level should be organised and mobilized as autonomous units who are the community's advocates for their children. The Council for the Welfare of Children should be given the appropriate support and resources in order to carry out the responsibility for the organisation of LCWCs. Priority areas should be identified, especially with reference to incidence of child abuse and trafficking.

E. Measures taken to make the principles and provisions of the Convention known

Education and information campaigns, social mobilisation and advocacy efforts remain limited. Only a few government agencies (e.g. DSWD) and the Council for the Welfare of Children in cooperation with UNICEF have taken concrete steps in disseminating information about the Convention. The government report does not reflect NGO participation in children's rights education. The lack of in-depth consultation with NGOs and familiarity with their activities is evident.

Recommendations: In order to intensify children's rights education at all levels and maximize all possible strategies applicable to the Philippine setting, **there** must be effective partnership between and among the different government agencies. NGO participation in this specific area should also be recognised and maximized.

I. GENERAL PRINCIPLES

D. Respect for the views of the child (Article 12)

The government report does not mention whether and how the views of the child are respected within the social institutions of Philippine society within which children are expected to be integral members. Foremost among these social institutions are the family and the school system. It is in the daily interaction with other individuals within these institutions that there can be evidence of whether the views of the child are respected or not.

Recommendations: The government and the NGO community should initiate and undertake a serious and in-depth study on how this particular provision is implemented within the context of children's daily lives and within the social/cultural context of Philippine society. It is only by attempting to understand the full meaning of this article of the Convention in terms of the experiences of Filipino children within the family and the school system that it can be translated into concrete terms.

IV. CIVIL RIGHTS AND FREEDOM

G. Access to Appropriate Information (Article 17)

The country report does not provide a comprehensive picture of mass media in relation to Filipino children. Despite the fact that the varied forms of mass media are readily available in most parts of the country: with radio reaching 80% **of the** population and television available to 45% of the national population and 50% of the population in the urban centres, there is no systematic approach to addressing children and youth as consumers of different forms of mass media.

Most of the television programmes for children are imported from other countries and use the English language. Out of the 85 children's television programmes currently aired in Philippine television only 13 are locally produced. (PCTVF,1994) There are very few quality children's programmes on television and radio. The government report only mentions the MTRCB which is limited in its functions. Moreover, it is not a child-focused agency and more importantly, does not proactively assist in the efforts to develop and sustain current efforts to provide quality programmes for children.

Print materials in Filipino and other local languages remain very limited. Publishing is left primarily to the private sector and there is still an obvious trend to import print materials rather than to invest in the production of local children's literature and other print materials.

There is no specific legislative plan nor national policy that fulfill **the** responsibility of government to provide children with access to appropriate information through varied forms of mass media or to protect children from the ill-effects of a poorly regulated, commercial broadcast industry.

Example: A several-year old boy quarrelled with a household helper over the choice of television channel. The young boy wanted to watch a television series entitled "Robocop". In his anger and frustration, he took his father's gun and shot the household

helper who died.

Three young boys paid P10.00 to view X-rated video tapes in a neighbour's house. A few days later, they engaged in sexual acts with a young girl, also a playmate, re-enacting what they viewed in the videotape.

Recommendations: The government must actively support, promote and sustain current efforts to develop quality educational programmes and materials for children through varied forms of mass media. The government should not simply leave this **undertaking** to the private sector which tends to be guided by what is profitable rather than what is truly in the best interests of children. Neither should the government attempt to take over this function.

There is no legislative foundation that will compel the government and the private sector to translate this article of the Convention into reality. A Children's **Television** Act is currently pending in the Philippine Congress. It needs support and similar legislation must be developed for other forms of mass media. There are positive examples of work done by the nongovernment sector which should be sustained and expanded (e.g the Philippine Children's Television Foundation, Philippine Association of Media Educators, FLOW.)

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Articles S and 18: Parental Guidance and responsibilities

1. "Family life remains the single most significant social force for the survival, protection and development of the child." (PPAC)

The fact that 20% of the estimated 1.5 million working and street children lead extremely difficult lives separated from their parents and families indicates that a significant number of Filipino families are unable to provide for the basic needs of their children.

The government actively promotes the export of Filipino labour as overseas contract workers, presently, the country's largest foreign currency earner. This policy has resulted in the separation of parents and children. In recent years there has also been a significant increase in the numbers of women OCWs -- 1.6 million in 1991. (OWWA, 1991). This implies that the assumption that most Filipino mothers, who traditionally assume the primary caregiving function, is no longer valid for a significant number of families.

There is a need to seriously study and respond to the situation of children who are now growing up in single-parent households or in the care of surrogate parents. The social costs of promoting overseas employment as a solution -- whether short or long term -- to the national economic crisis is already taking its toll on the children.

Recommendations: There is a need for both government agencies and NGOs committed to implementing programmes for street children to address the very basic need to support parents and to enable them to fulfill their responsibilities to their children.

The impact of government programmes on responsible parenthood and family life that are described (items 152-154) must also be carefully assessed. It is important to fully integrate the issues related to sexuality, responsible parenthood within the formal and non-formal educational system in order to address the issues on a long-term and proactive basis rather than at a later stage when the problems have already surfaced.

The Committee should inquire into the government's programme for children of overseas contract workers. Impact on the actual increase in the living conditions and real incomes of these families in relation to the effects of family separation should be evaluated to justify the present government policy.

The large sum of money repatriated by the OCWs, a portion of which goes to the funds of the Overseas Workers Welfare Administration, should be evaluated if indeed there is any allocation set aside for alternative support and other needs of the children of OCWs.

2. Existing implementation of programmes and services by the government have not been fully quantified and qualified in the report. For instance, Table 6 (page 26) enumerates the kinds of services and numbers served. It is not clear whether the

numbers are overlapping, which means the same beneficiaries avail of a number of programmes; and hence, the actual reach of such programmes may after all not be as widespread as Table 6 seems to imply. Moreover, the report does not elaborate on the impact of these programmes on the quality of life of the families served.

Recommendation: A thorough evaluation of programmes and services is called for. These statistical claims should be clarified.

B. Children deprived of family environment, adoption and periodic review of placement (Articles 20, 21 and 25)

1. While local adoption of children is encouraged by the government and NGOs, until it becomes a popular option for childless Filipino couples, alternatives will have to be found for abandoned children. At present, foreign adoption is the preferred alternative despite its prohibition (except in certain cases), as stated in the Family Code of the Philippines. Inter-country adoptions are being facilitated by government, NGOs and other private agencies. In an attempt to police the situation, the DSWD (as the lead government agency concerned with adoption) has taken measures to eliminate financial profit and illegal matching/selection of babies by itself facilitating the process of inter-country adoption. The DSWD is supporting a bill on inter-country adoption currently pending in the Philippine Congress.

Recommendation: In considering the best interest of the child, careful study is necessary and should be reflected in national policies and procedures pertaining to inter-country adoption. In spite of the fact that legal adoption has a long history in the Philippines, there is no clear and systematic programme for promoting local adoption. A programme that actively promotes local adoption and takes a clear stand on inter-country adoption must be put in place. A gradual phase out of foreign adoption except in certain cases where it is clearly proven to be in the child's best interests should be considered. Moreover, seriously improving parental capability to care for and educate their children should be an integral part of the government's approach to addressing the situation of children deprived of family environment.

VII. Basic Health, Nutrition and Welfare

A. Survival and Development (Article 6)

"The Philippine Constitution upholds the right of Filipino children to health and nutritional well-being... All appropriate measures shall be taken to ensure total development of the child. The Code further states that it shall be the responsibility of health, welfare and educational entities to assist the parents in looking after the health of the child." The status of health in the Philippines, in spite of improvements in certain sectors, has essentially remained the same for the past twenty years. With a very small improvement, the infant mortality rate (IMR) at 61 per 1000 live births (UNICEF, 1990) is considered high by Asian standards. In 1980 this IMR figure was 63.2 deaths per 1000 live births, only a 2.2 improvement within a period of 10 years. The leading causes of infant deaths are still communicable diseases which claim 7 out of 10 infant lives due to pneumonia, diarrhoea, respiratory diseases and measles. The incidence of pneumonia and measles among children are on the upward trend despite high immunization coverage. Over 75 percent of all infants suffer from iron deficiency anaemia (FNRI Survey 1987). Water-borne and water-related diseases are particularly high among the rural population.

There is scarce data on the nutritional status of Filipino children. Chronic dietary deficiency among pre-schoolers is 65 percent of daily requirements. Associated with the high risk in infant and child mortality and malnutrition, is the high birth rate (2.3 per annum) which has not declined as fast as neighbouring Southeast Asian countries.

Most surveys conducted in the last 10 years show that as much as 70 percent of pre-schoolers are under-nourished, while official data is pegged at 19 percent

(DOH, 1989) for moderately and severely malnourished. The Department of Education (1989) reported that out of 8 million elementary children weighed, only 41 percent were found to be of normal weight. All these have significant implications regarding the physical and mental well-being of large numbers of Filipino children.

Six years after the Milk Code was enacted into law, NGOs have documented violations and reported these to the Department of Health. Yet there have been no efforts to prosecute the violators. Advertisements for infant formulas continue to be rampant with products repositioned as "follow-on" milk formulas for older infants. The relationship between medical institutions and practitioners and the multi-million peso infant formula industry continues to be a major obstacle to the full implementation of the Milk Code. Prof. Esteban Bautista, director of government law reform of U.P. Law Center, questioned the DOH's failure to prosecute milk firms despite the existence of evidence such as the lists of Code Violations from 1988 to 1990. (IBON Phil. Databank & Research Centre, 1992)

The Philippine health situation is characterized by a shortage of funds, and an inadequate, fragmented delivery system. Although WHO recommends that 5 percent of gross national product (GNP) be used for health if "health for all" is to be achieved by the year 2000; the government's expenditures for health have averaged less than 0.5 percent of GNP in the last thirty years. Only approximately 4 percent of total government budget goes to the public health sector, as opposed to approximately 40 percent for servicing international debt. Moreover, 65 to 70 percent of the health budget is spent on curative care with 10 to 15 percent allocated for preventive health (the rest goes to administration). It is in the area of primary health care where services for children are mostly needed and will have the greater impact.

Recommendation: It may be good to ask the government how its policies in the health sector may be made to give more priority to the health needs of children.

The integration of health programmes with other social services and educational programmes (already in place or designed to be in place) at the community level is a cost-effective, viable approach to health care that should be a government priority. The full implementation and the strict enforcement of the Milk Code must be a priority measure in order to address infant health and nutrition. Furthermore, support systems at home, in the communities and in the workplace should be set up by government and NGOs to enable more women to breastfeed successfully. This is also closely related to the lack of early childhood care and development programmes especially for infants and very young children.

B. Social Security and Child Care Services and Facilities (Articles 26 and 27)

"The Barangay-Level Total Protection and Development Act states that the Filipino child up to six years of age deserves the best care at the family and the community levels. The Act provides for the establishment of a day care centre in every barangay (village) which will have a total programme for children protection and development. "

There are practically no substantive initiatives for the care of 0-2 year old children both among the government-initiated ECCD programmes and private sector programmes. The concrete efforts are few and far between. In the Philippines, "day care" commonly refers to the supervision of 3-6 year olds in a daily, three-hour programme. The provisions for day care are identified in Item 208 but the question of whether these are all fully operational remains.

Recommendation: With reference to item 209, there is a need to **systematize** information gathering regarding: the number of centres established with a **distinction made on those** currently operational, dormant, or foreclosed/abandoned; **whether these** are government-run (i.e. DSWD or DECS) or NGO/private-run; numbers of **children** actually reached; and, the location/spread of these centres within the country.

Increased collaboration between all government agencies involved in providing or promoting varied forms of ECCD programmes must be a priority. Substantive work has been put in by the DSWD in cooperation with UNICEF. Other government agencies

should be encouraged to collaborate with the DSWD rather **than initiate "new"** or competitive programmes that will only be costly and confusing. **Strengthening** advocacy efforts among local government officials is a priority. **Sustaining and** expanding GO and NGO partnerships at all levels from the national to the **village level** will be critical to the full implementation of the Barangay Day Care law.

C. Disabled Children (Article 23)

Despite all the laws and other measures enacted for disabled persons, in reality not much is provided for their development and rehabilitation. This is evidenced by the gross lack of information on the disabled. There continues to be reliable comprehensive information on the disabled -- how many, age, gender, **where they are**, what kind of disabilities, etc. Most sources can only give very **scarce and through** estimated Programmes and services for differently-abled children **who have special** needs are severely limited and accessible primarily only to those who can **afford to pay for** private services. While there are two government health institutions (**Philippine** General Hospital, Philippine Children's Medical Centre) that collaborate with some private schools, their coverage remains limited and certainly does not respond to the increasing need.

"The gifted or talented, the disabled and impaired, and members of other cultural communities require modifications of the curricula, special services and physical facilities. Special Education (SPED) centres for special learners, however, are concentrated in Metro Manila, Cebu and Davao."

"The lack of SPED centres is worsened by such problems as lack of **qualified SPED** teachers and professionals, lack of special technical equipment, learning aids and other support materials and lack of funds." (Congressional Commission on Education Report 1990/1991)

Recommendations: It may be best to encourage the government to make a comprehensive survey on the disabled in the country which should also be child-focused and specific.

Beyond the creation of the Commission on the Disabled and the celebration of National Disability week, what is needed are clearer directions for the **integration of** disabled persons into society. It is especially important to achieve a **more systematic** coordination of services (health and nutrition, education) for children with **special** needs. Investing in human resource development so that more trained educators and health professionals can work with disabled children in varied settings should be a priority.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance/aims of education (Articles 28 and 29)

Early Childhood Education (ECE). There are over 13 million Filipino children 0-6 years of age. Presently, only 19 percent of these children avail of any form of ECE programmes and services.

"Early childhood care and development programmes are limited and structured. Preschool education prepares the child for entry into formal schooling. But preschools and **day care centres have a highly structured curriculum and a formal classroom style.**" (Congressional Commission on Education, 1991).

Recommendations: There is an urgent need to address the basic issues of access and quality as far as ECCD efforts are concerned. While it is encouraging to note that there are successful programmes in place, these programmes are not able to provide for the needs of a significant number of Filipino children from 0 to 6 years. At the same time the issue of quality of programmes -- whether government-run and private or NGO-run -- should be a priority concern as these programmes may actually **do** more harm than good for very young children. It is especially important to emphasize parent education

efforts within the context of varied ECCD programmes and in general, to raise parental awareness about the importance of early childhood development. Strengthening existing inter-agency structures and expanding NGO participation at all levels from the national to the village level in order to set-up viable support systems and improve access to and quality of ECCD programmes is possible with the firm commitment of national and local governments to provide the economic and political support.

Basic Education. One out of four *barangays* (village) are without elementary schools. This deprives 1.6 million children (17 percent of children aged 7 to 12) of basic elementary education.

"Drop-out rates in both elementary and secondary schools are highest in rural and less developed regions, poor communities and among poor students. Although the educational system can bring the children into the classroom, they are not around long enough to be educated. Only 66 out of every 100 children reach grade 6, and slightly less finish elementary education. Most of those who drop-out are children of the poor in rural and depressed communities." (Congressional Commission on Education, 1991)

One-third of the country's *barangays* (villages) do not have complete elementary schools, i.e. they do not offer the required six years of elementary education. Moreover, with only 32,630 public schools for School Year 1993-94 (DECS), this means that more than 9,000 *barangays* do not have public elementary schools. Many elementary schools are inaccessible to pupils. Forty-eight percent of the country's elementary schools do not have safe water and 61 percent do not have electricity. (PRODED Completion Report, DECS 1990)

In 1992, education received only 12.8 percent of the national budget, while debt service was allocated over 37 percent. This allocation does not adequately provide for the Constitutional mandate of free elementary and secondary education. The Congressional Commission on Education cites the following problems of the Philippine educational system: shortage of classrooms and schools, teachers and books, low teacher salaries; poor teacher training and high drop-out rates.

"Muslim and cultural communities suffer from benign neglect. The public schools hardly meet the needs of tribal Filipinos for three reasons: inaccessible schools, inflexible schedules which fail to accommodate the economic activities of tribal learners, and, curriculum and instructional materials which are irrelevant to the needs or cultural characteristics of the people. Their teachers, generally from the low lands unfamiliar with the ways of the tribal groups. The requirements for DECS to O-VII all school sites prevents the building of schools on ancestral lands." (Congressional Commission on Education Report I 990).

Moreover, the leaders of indigenous people's groups have explicitly stated that the schools do in fact discriminate against the children of tribal communities. They also state that their experiences with the school system show that the students who graduate are alienated from their cultural communities because of this failure to consider and truly respect their culture and lifestyles. (Salinlahi, 1994)

Recommendations: While the problems of the Philippine educational system have long been identified and external funding has been provided in the past, the political will to undertake substantial, significant and long-lasting reforms has not been demonstrated. The Congressional Commission on Education has outlined valid and viable recommendations that need to be refined but nevertheless provide a good starting **point for introducing** changes in the educational system.

The government should take these seriously and address the urgent needs of basic education as well as non-formal education especially for children in the rural communities and the poor urban communities. It must be clear that a real commitment to early childhood education and basic education must be demonstrated in the form of a clear political and economic commitment. It should also be recognised that only real and lasting reforms in the educational system can sustain this avowed commitment to

prioritize the education of Filipino children.

IX. SPECIAL PROTECTION MEASURES

A. Article 38: Children situations of emergency

2. Children ill situations of armed conflict (CSAC). While the government report describes all the laws and provisions it has to safeguard children in situations of armed conflict, there is no statistical data that supports these claims, i.e. no data on what has been implemented and how these have benefited children. In 1991, 31,862 families or 173,362 individuals became internal refugees as a result of armed conflict. Children comprise 56 percent of this figure. (CDRC) More than 350 children (15-17 years old) suffered from human rights violations committed by government forces. These violations involved illegal arrests and detention, threats and harassment, salvaging, strafing, rape and killing. (TFDP, 1991)

Barangay Sinuda, Kitaotao, Bukidnon: Military operations (intense bombings on Sept. 2, 3, 17 and 27, 1993) required the forced evacuation of 853 families belonging to the Matigsalog tribe. Among the displaced families were 1,500 children. Datu Gawilan, ex-mayor and tribal chieftain, contested the military's claim that their community was a stronghold of the New People's Army. He explains that they are aware of mining operations in their ancestral lands and a development plan called the "Second Summer Capital Tourism Project" which a group of private investors plan to set-up. Today, the families live in small makeshift grass-thatched dwellings and survive on relief goods provided by the DSWD and NGOs. These food rations are few and far between. As of November 1993, 82 children had died at the evacuation centre due to diseases like measles, dysentery and severe diarrhoea. The children did not receive any form of assistance from the local government. (*DCI-Philippines: Report on Evacuation Mission, 1994*)

Recommendations: A just and peaceful solution to the internal armed conflict is the ideal and should continue to be the goal of both government and the NGO community in adequately addressing the issues of special protection for children in situations of emergency.

A thorough investigation on the extent to which the Commission on Human Rights is actually implementing the provisions regarding the indemnification of children who are victims of armed conflict between the government and insurgents is necessary at this point.

Closer coordination between the line agencies that facilitate the implementation of emergency and evacuation procedures is necessary. The DSWD has been responsive to NGO requests for assistance but coordination with and cooperation of defense agencies have been limited. "Children as Zones of Peace" must become a reality and the full implementation of this provision in Republic Act 7610 can only be a reality if all government agencies at all levels are fully committed to enacting the law to its full extent.

B. Children in Conflict with the Law (Article 40)

To a large extent, the Child and Youth Welfare Code's Articles 184-204 are the only provisions that ensure the rights and welfare of children in conflict with the law. This law may be considered weak in as much as it does not provide for comprehensive protection and is no longer reflective of the current realities of youthful offenders (now more commonly categorized as CEDC). The law still labels these children youthful offenders and juvenile delinquents as they continue to be classified "enemies" of the state and violators of the law.

However, the following international instruments are in force in the Philippines with relevance to special protection measures for children: United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), Protection of Juveniles Deprived of their Liberty, and the United Nations Guidelines for the Prevention of Juvenile

Delinquency.

In 1989, a total of 8,176 children and youth entered the juvenile justice system as follows: 933 were detained by the police; 546 were in drug rehabilitation centres; 6147 were under non-institutional treatment; 550 were under institutional treatment. (DSWD, Bureau of Child and Youth Welfare, Quarter Ending Report, **June 1991**)

Between 1990 and 1992, DSWD figures state that there were **12,878 youthful** offenders served by the Agency. The majority (11,183) were under non-institutional treatment. 1,695 were placed in institutions. These figures are **indicative of an** alarming increase in the numbers of youth in conflict with the law. **The root causes** of the youth's problems that lead to conflicts with the law must **be studied and** addressed more deeply and thoroughly.

The Bureau of Jail Management and Penology provides the **following information:**

As of August 1993, there were 1,007 "minor offenders" registered **nationwide, among** whom were:

- Minor, sentenced male 141
- minor, sentenced female 12
- detained male, case on trial 805
- detained female, case on trial 49

Further, the Bureau of Jail Management's Report shows that **only 498 out of the total** number of 1,454 jails nationwide have separate detention cells **for youth offenders.** (Survey on Camp Sampaguita, DSWI), 1991)

In attempt to begin to understand the real situation of youth in conflict with the law, DCI-Phil, has undertaken case studies on 8 youthful offenders from **different regions of the** country. DCI has conducted visits to Correctional Centres and interviewed youth in these centres.

As of July 1992, there were 46 male youth detained in **Camp Sampaguita which is the** Medium Security Unit of the National Penitentiary in Muntinlupa. There were five female youth offenders at the Women's Correctional Institute.

On February 2, 1994, there were sixty-three female youth offenders at the same medium security camp. But at the Maximum Security Compound (which is for those **whose sentences is** 20 years and above), there are 184 youth aged 16 to 20.

Camp Sampaguita is a correctional centre, not a rehabilitation centre. It is not a place for youth offenders but because of the lack of sufficient rehabilitation centres **and the many** inadequacies of the juvenile justice system, these youth offenders are **interacting with "hardened** adult criminals" in correctional centres or jails without an operational rehabilitation programme.

-DCI- Philippines, 1994

The government identifies shortage of funds for its inability **to comply with the existing law** on segregating children from adult criminals. These **children are thereby further indoctrinated to criminality** with their continued exposure **to hardened adult** criminals. But it is more than a shortage of funds; the **weaknesses in the juvenile justice system** are also due to a lack of political will. The resistance **to the passage of a law to** create a special court only for children and youth has caused a **great number to be found** languishing in jails and detention centres. This **situation is further aggravated** by poor legal services and slow **court proceedings.**

The case of Elmer de Guzman, 16 years old: Elmer was detained for **a case involving robbery at a** Police Station in Quezon City (Araneta, Cubao), in November **of 1993 and was transferred to** the Molave Youth Home on November 24, 1993. That **same day, Elmer complained** severe abdominal pains and had difficulty breathing so he **was rushed to a nearby government** hospital. The attending physician immediately

scheduled **emergency surgery upon suspicion of** internal bleeding due to a ruptured spleen. Surgery was conducted **on November 25**. Elmer died a few days later. DCI-Phil. has interviewed witnesses who **reported that before Elmer** was transferred to the Molave Youth Home from the police station, he was beaten-up by a **policeman and co-detainees**. DCI-Phil. through the Department of Social Welfare **and Development has written the** local government officials who directly supervise the **police to ask for an** immediate investigation. There has been no response to date. (DCI-Philippines, 1993)

Recommendations: The Committee should inquire about the **political will of the government** to implement the law by allocating appropriate funds **and resources for the identified** targets and programmes of the DSWD. The **government should be encouraged** to provide a more appropriate and responsive rehabilitation **programme that will genuinely** assist these youth to rebuild their lives and reintegrate **within society**. The **government** should be asked to act on specific law reforms, such as **Presidential Decree Nos. 1179 and 1210**, i.e. to move for automatic suspension of **sentences for** convicted children. Moreover, there is also an urgent need to **look into police procedures** in handling children. Government agencies like the **DSWD and NGOs who have continuously** attempted to influence them have not been **very successful in decreasing** the incidence of police brutality.

C. Children in situations of exploitation, including physical and psychological recovery and social integration (Articles 32 to 37)

1. Economic exploitation, including child labour. In 1991, 1.5 million children **age** 10-14 were employed in hazardous condition in the **plantations, sweat shops and** the streets. Over 1.3 million 15-17 year olds were reported **as employed in 1989** (UNICEF 1992). The Department of Labour reports a national **labour force** participation rate of 32 percent among the 4.3 million 15-17 year old population. (DOLE 1992) The programmes for working children initiated by the government, **through the Department** of labour and Employment (DOLE) and the Department of **Social Welfare and Development** (DSWD) in collaboration with UNICEF remain **limited as these are palliative** measures at best. It is necessary to develop integrated **programmes that address the** structural and cultural factors that are at the root of **child exploitation particularly** bonded labour and prostitution.

Example: Non-government organisations who have independently been **integrating and organizing** working children have uncovered a pattern of systematic sale and **trafficking of child labour from** the rural to the urban cities. A raiding team spearheaded by **the Kamalayan Development** Centre (KDC) in 1992, together with the National Bureau of **Investigation (NBI) and the DOLE** rescued children from bonded labour and slavery in three Metro **Manila factories (sardines, cooking oil packaging and plastics factories)**.

Further investigation pointed out that this form of exploitation is **facilitated by recruitment** agencies who take advantage of poor families in the rural **areas offering false promises** of good employment in the city. The recruitment agencies **are involved in deceiving** children into clandestine labour in the factories. The **employers impose** maximum exploitation and the gross violation of their rights as **children and as workers**. Furthermore, the clandestine character of these **operations implies the severing** of ties between parents/family and the recruited children.

Recommendations: Economic and social development policies **that motivate families** to remain in the rural communities are badly needed to address **the imbalanced** and haphazard rural-urban migration. The government should be **asked how it may** compel government regulatory agencies to limit the flow of children -- **either with their families, on** their own or through active recruitment -- for purposes of **working in Metro Manila**. For working children in the urban **centres, intensified efforts to improve the** quality of their lives within their families or in their **communities is called for**. Immediate protection is necessary and should also be a priority **but so are longer-term solutions** that address the future of the working children. **Education,**

health and social services and programmes that will be compatible with their **chosen or current way of life** which involves working for survival must be seriously addressed.

Moreover, the Committee should ask how the capacity of the **DOLE to monitor labour standards** can be improved especially with regard to children. **Serious gaps in the child** protection system need to be addressed by policy makers and **government line agencies**. At the same time, efforts at exposing and litigating cases on **bonded labour, prostitution** and other highly exploitative forms of child labour have to **be given due focus by** the concerned government agencies such as DOLE, local **government units and the community** to prevent further exploitation of the children. **Rehabilitation and support systems** for rescued children have yet to be developed or clarified.

2. Drug Abuse. Unless the government treats drug or **substance abuse in Filipino children** as a symptom of a larger problem -- extensive poverty, **lack of basic services** and government inability to apprehend the drug **traffickers, substantial solutions** may not be in sight within the near future.

Recommendation: The Committee should question the **government's culpability in tolerating** its own military officials and police who are involved in the **trafficking of drugs, which** has become a major stumbling block to genuine efforts of **government and NGOs** to solve the worsening problems related to drug abuse.

An effective and relevant educational programme on substance **abuse must be developed** and actively implemented through the schools, through **mass media and youth organisations**.

3. Sexual exploitation and abuse. A 1986 estimate placed **the number of sexually exploited** children in the country at 20,000. This **number does not include children** who have been sexually abused by members of their families or **neighbours**. NGO estimates in 1992 place the number of sexually exploited or prostituted children around 40,000. End Child Prostitution in Asian Tourism (ECPAT-Philippines) estimates the number to be 60,000 in 1993.

Recommendations The Philippine government has identified the tourism industry as a major thrust in its efforts to achieve NIC (newly industrialized country) status by the year 2000. While there is nothing wrong with tourism or promoting tourism per se as it can indeed open up opportunities for many, there must be a **very** careful and cautious approach. The government itself has admitted that there are increased health and social costs arising from uncontrolled forms of tourism e.g. sex tourism. (Tourism Master Plan, 1993) There is a clear and definite relationship between the inflow of tourists and the sexual exploitation of Filipino children as the documentation of cases of child prostitution in places **like Ermita, Manila; Pagsanjan, Laguna; Olongapo City; Angeles, Pampanga and Cebu City** have shown.

Filipino women and children have been victims of sex to tourism **which has continued** unabated. To date, despite vigilant and persistent efforts by NGOs **like** ECPAT, STOP Trafficking and women's organisations like GABRIELA, in cooperation with government agencies like DSWD, there have been no pedophiles convicted in Philippine courts. The government must demonstrate its **concern for sexually exploited** children through its justice system, and its social and **economic development** policies. NGOs are willing to work in partnership with the **tourism agencies as well** as continually working with the social welfare and justice departments in **order to** address these urgent issues.

4. Sale, Trafficking and abduction. Monitoring the sale and **trafficking of children** is an important area of concern that the government agencies and NGOs should systematically address.

The Committee should inquire into the ability of the government to **monitor local or domestic** trafficking of children for various purposes such as employment in hazardous and- exploitative conditions (e.g. as domestic helper, bonded labour, **for** prostitution).

"An Agusan Child Labour syndicate has falsified Department of Labour employment papers of 21 missing teenagers traded for P200-300 each to Metro Manila with fake addresses." (Philippine Daily Inquire/February 21, 1994)

There has been a rising trend in criminality specifically the abduction, rape and **murder of** female youth, as well as abduction for ransom. From January to **December of 1993**, a total of 33 Filipino children, 24 Filipino-Chinese children and youth **were abducted for ransom**. Two were killed. (Movement for the Restoration of Peace and Order/CACC, 1993) Another controversy that the government has failed to address **adequately** has been the implication of several members of the military and the **police** in many of these abductions.

Recommendation: The government should undertake concrete **measures that will** drastically reduce these incidents that traumatize and put children at risk.

D. Children belonging to indigenous groups (Article 30)

The government identified the creation of distinct offices: Offices of Muslim Affairs, Office of Northern Cultural Communities, and the **Office of Southern Cultural** Affairs; and, the passage of the Special Protection Act which it **claims as highlights of the** government's commitment for children of indigenous groups.

Children of indigenous peoples have little or no access to educational, health services, safe water, etc. due to their geographical location and discrimination. Half of **the child** Victims of the armed conflict are children of indigenous **peoples**. While international development agencies like UNICEF and local NGOs **have initiated** programmes that specifically address the needs of children **in some cultural** communities, these have not been expanded by the government.

NGOs, like Salinlahi, in consultation with tribal leaders **have revealed that** pressures put upon tribal families result in family break-ups due to economic hardships and the gradual disintegration of their culture. The incursion of so-called "development" projects into their communities, infringing on their ancestral domain, rudely disrupts their lives by causing dislocation of hundreds of families. For the small number of children who could avail of public education (by walking long distances to school everyday) they still have to contend with discrimination by lowlanders. The kind of education they receive is usually culturally inappropriate. Moreover, the vigorous marketing of junk food, cigarettes and other lowland commercial products, the reduction in the use of herbal medicine due to the proliferation of western medicine and destruction of forests which is their source of food and **herbal medicine**, have aggravated the already deteriorating health situation of indigenous children (February 24, 1994, Consultation with Council of Leaders of KAMP, Salinlahi).

Recommendations: It is only by enabling the surviving and continuing growth of indigenous peoples, respecting their rights to self-determination and to their ancestral domain that children of indigenous peoples will truly be protected. The government should seriously address the provision of basic social services to the children of indigenous peoples in ways that generally respect their own culture and **way of life** while working towards a determination of "what is in the best interests of the children."

X. Conclusions and Directions:

It is significant to note that the government report did not mention the significant relationship between **children and the environment**. **The NGO Coalition would like to draw the attention of the government to the alarming effects of environmental degradation** and neglect on **the lives of Filipino children**. **They have been victims of natural calamities which have been directly linked to the destruction of the natural environment all responsible use of the country's natural resources.** **Children in urban centres are daily victims of all forms of pollution -- land, water, air. Concerted efforts by government agencies and non-governmental organisations are urgently needed to strengthen the level of public awareness**

and the ill-effects of severe environmental problems on our children's health, safety and development.

The government's commitment to environmental protection **is an important** indicator of its commitment to take care of our country's most **precious resources -- our children and youth**.

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