

UNICEF

UNIVERSAL PERIODIC REVIEW - PHILIPPINES

(a) An assessment undertaken in an objective and transparent manner of the human rights situation in the country under review, including positive developments and the challenges faced by the country;

The current development context in the country presents complex and difficult issues. As of 2007, the country's population is estimated at 88,461,700. Of this number, 44,482,800 are male and 43,978,900 are female. 43.3 percent or 38.3 million are 18 years old and below. Growing annually at 2.11 percent, the population is projected to reach 94.3 million by 2010 and 102.8 million by 2015.¹

The latest data (2003) on poverty incidence in the Philippines show that 30 percent of the population was considered poor compared to 33 percent in 2000. In terms of magnitude, this ratio signifies that close to 24.4 million Filipinos subsist below the poverty line. In 2003, around 3.4 million children ages 0-5 were underweight; 1.1 million children were not immunized for childhood diseases; 9.3 million people were eating below the required food intake for proper nutrition; 1.4 million children of elementary school age were not enrolled, and there were 2,800 reported maternal deaths. To date, 36 out of 100 new elementary school children do not finish elementary schooling and 65 do not complete high school. Almost 50 percent of Filipino couples are not practicing family planning or responsible parenthood.² About 3.1 million pregnancies occur each year in the Philippines and nearly half of these pregnancies are unintended. Annual abortion cases are estimated at 473,000 with an estimated 800 women dying per year due to complications of unsafe abortion (2004 Study on Unintended Pregnancy and Induced Abortion in the Philippines).³ Filipino teenage mothers account for 20 percent of all maternal deaths in the country and 17 percent of fatal deaths are attributed to teenage mothers.⁴

There are 2.6 million unregistered children in the country. Majority are Muslim and Indigenous People (IP) children.⁵

Income distribution in the Philippines remains largely unequal as measured by the Gini ratio (i.e., a measure of income inequality with a range from 0 to 1, the closer to 1 the more unequal). Compared to other Asian countries, the situation in the Philippines shows wider disparity in terms of income distribution (i.e., the income gap between the higher and lower income groups is larger).⁶ Unemployment rate remained high at 10.9 percent in October 2004 notwithstanding the

¹ Para. 4, Consolidated Third and Fourth Periodic Reports of the Philippines to the Committee on the Rights of the Child (2007), hereinafter referred to as the "Report to the CRC".

² Para 5, Report to the CRC.

³ Para. 164, Report to the CRC.

⁴ Para. 182, Report to the CRC.

⁵ Para. 101, Report to the CRC.

⁶ Para. 6, Report to the CRC.

3.2 million jobs generated from 2001 to 2004. Unemployment rate further increased to 11.3 in January 2005 but started to decrease to 8.1 in January 2006. Other serious problems in the country involve the provision of water and sanitation, destruction of natural resources, and growing instances of violations of civil and political rights including extra-judicial killings, particularly of journalists, social activists, and militant leaders of the peasants and workers. Extra-judicial killings have posed dangers to minors and young people as well.⁷

The human rights situation has become a serious concern such that the UN Human Rights Council sent the Special Rapporteur on extra-judicial killings, Professor Philip Alston, to the Philippines in 2007 to look into the situation. Likewise, the President, despite an already existing Philippine Commission on Human Rights, issued in 2006 Administrative Order No. 157 creating an independent commission, popularly known as the Melo Commission, to probe the killings of media workers and activists.⁸ During the period 2001-2006, the NGO, Karapatan, had recorded 724 extra-judicial killings; Amnesty International, 244; and Task Force Usig of the Philippine National Police, 136.⁹ A report from an NGO called Karapatan (which literally means rights) showed that out of 185 cases of extra-judicial killings from January to November 2006, seventeen (17) were minors, students, and youth.¹⁰

There were 36 children (at the time of the commission of the offence) who were meted the death sentence since Republic Act 7659 or the Death Penalty Law of 1993 took effect. Fortunately, none of them were executed before Republic Act 9346, which prohibited the imposition of the death penalty, was enacted in 2006.¹¹

The number of children displaced by armed conflict every year during the last four years is estimated at around 30,000 to 50,000. These children have lost the security of their normal family and community relationships, the familiarity of their surroundings, suffer serious psychosocial stress, experience school disruption, and have to seek refuge in overcrowded evacuation centers without adequate health and water and sanitation services.¹² Children living in conflict areas also experience the threat of human rights violations, particularly those who are suspected of giving support to armed groups and whose parents and siblings are suspected members of insurgent or rebel groups. Involvement of children in armed conflict is still being reported despite denials of the state and non-state armed forces. Both the government forces and the non-state entities maintain a policy of non-recruitment of children for direct hostilities; however, children have been involved in non-combat duties and mobilization for “self-defence” and “jihad”. There has been no evidence of systematic or forcible recruitment of children by the New Peoples Army (NPA) of the Communist Party of the Philippines (CPP) and the Moro Islamic Liberation Front (MILF), yet the children volunteer their support mainly because of the influence of family, peers, and community members. Based on reports from government and

⁷ Para. 7. Report to the CRC.

⁸ Para. 8, Report to the CRC.

⁹ Para. 89, Report to the CRC.

¹⁰ Para. 88. Report to the CRC.

¹¹ Para. 93, Report to the CRC.

¹² Para. 39, Sixth Country Programme for Children, Mid-term Review Philippines (2007), hereinafter referred to as the “MTR Report”.

NGOs, there were 186 documented cases of children involved in armed conflict (CIAC) for the period 2001-2006. Of this number, 174 children have been demobilized and reunited with their families and brought back to school.¹³

A study commissioned by UNICEF in 2001 estimated the number of street children at 246,000 in the major Philippine cities¹⁴ with Metro Manila, Metro Cebu and Metro Davao having the largest numbers. Out of this number, about 50,000 were considered “highly visible street children” who spend most of their time on the streets, have little or no family contacts, and are highly vulnerable to various risks such as substance abuse, accidents, hazardous work, sexual abuse and commercial sexual exploitation, sexually transmitted infections (STI) and HIV/AIDS, and involvement in organized crime, among others.

The 2001 survey on working children reported that there were 4.0 million working children, of which about 2.4 million working children or 59.4 percent were exposed to hazardous environment¹⁵. In the Philippines, the following have been classified as among the worst forms of child labour: (a) mining and quarrying, (b) deep sea fishing, (c) commercial agriculture particularly sugarcane plantations, (d) domestic work, (e) pyrotechnics, and (f) commercial sexual exploitation.¹⁶

The Philippines is recognized as a source, transit and destination country for cross-border trafficking of women and children for the purpose of sexual exploitation and forced labour. Due to the clandestine nature of trafficking, pornography and prostitution, and the lack of strong data collection mechanism, it is difficult to determine the number of child victims although the concerned government and non-government organizations have estimated the number of prostituted children between 60,000 to 100,000.¹⁷

Children in conflict with the law (CICL) are likewise vulnerable to abuse and violence and other instances of human rights violations. Based on reports of the Department of Social Welfare and Development (DSWD), there are approximately 10,000 CICL who are provided services by the department annually.

The Concluding Observations issued on 21 September 2005 by the Committee on the Rights of the Child regarding the Philippine second periodic report highlighted a number of legislative gaps and issues that need review, reform or enactment. These legislative gaps include (a) minimum age of criminal responsibility, (b) minimum age of sexual consent, (c) prohibition of torture, (d) lack of a comprehensive juvenile justice system, (e) discrimination against children born out of wedlock, (f) use of children for pornography, and (g) corporal punishment, among others. The State party seriously looked into the existing legislative gaps and prepared a legislative advocacy agenda on children under the coordination of the Council for the Welfare of Children (CWC). The legislative agenda included, among others, the following: comprehensive juvenile justice

¹³ Para. 245, Report to the CRC.

¹⁴ - Our to Protect and Nurture, the Case of Children Needing Special Protection

¹⁵ - Framework of Action against Commercial Sexual Exploitation of Children in the Philippines (2000-2004)

¹⁶ - Ibid .

¹⁷ Para. 265, Report to the CRC.

system, foster care, child pornography, and proposed amendments to RA 7610 or the Child Protection Act of 1992. One of these was finally enacted into law on 23 April 2006, the Juvenile Justice and Welfare Act or Republic Act 9344.

A number of laws had been passed which addresses discrimination and violence against children. These are the (a) Anti-Trafficking in Persons Act of 2003, (b) Elimination of the Worst Forms of Child Labour Act of 2003, and (c) Anti-Domestic Violence Act of 2004. Despite these laws, however, children and women victims often face difficulties in seeking justice for discriminatory practices and crimes committed against them because of tedious litigation procedures, gender-insensitive court procedures, and anti-victim attitudes of some court personnel (these factors and difficulties persist despite ongoing efforts to make the legal and judicial system gender-sensitive and child-friendly).¹⁸ The Philippine report to the UN Study on Violence Against Children (VAC) underscored the need to address the issue of physical abuse, including corporal punishment, in the home, in school, and other institutional settings like detention facilities, rehabilitation centers, and child-caring and placement agencies, among others.¹⁹ Based on DSWD reports, the number of reported cases of child abuse has been declining from 9,197 in 2004 to 8,336 in 2005 and 7,606 in 2006. The downward trend may not necessarily indicate a decrease in the number of child abuse cases. In the past two years, about 40 percent of the reported cases were sexual abuse (rape, incest, acts of lasciviousness) and sexual exploitation (child prostitution, paedophilia, and pornography). Child trafficking and violence against children still remain largely unreported. The nature of other forms of child abuse and exploitation such as child pornography and corporal punishment is likewise little understood.

Muslim children, indigenous and minority children, children living in poverty such as street children, children with disabilities and children in armed conflict areas, among others, continue to have poor access to and ineffective utilization of services in health, nutrition, education and other basic social services.²⁰

(b) Sharing of best practices;

The passage in 2006 of Republic Act 9344, “An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefore and For Other Purposes” otherwise known as the Juvenile Justice and Welfare Act (JJWA) has raised the minimum age of criminal responsibility in the country from nine (9) to fifteen (15) years. It also: (a) prohibits torture and other cruel, inhuman or degrading treatment or punishment; (b) introduces restorative justice; (c) provides for diversion programmes for children in conflict with the law; and (d) prohibits detention of children in jails. The new law provides for detention as a last resort and for the shortest time possible and requires that a child deprived of liberty shall be separated from adult offenders at all times.

Soon after the passage of the Juvenile Justice and Welfare Act (JJWA), the Juvenile Justice and Welfare Council (JJWC) formulated and issued the JJWA Implementing Rules and Regulations (IRR) on 15 August 2006. The JJWC likewise has formulated a Comprehensive Juvenile

¹⁸ Para. 82, Report to the CRC.

¹⁹ Para. 112, Report to the CRC.

²⁰ Para. 83, Report to the CRC.

Intervention Programme as required by law. The enforcement of the law and its IRR is expected to benefit close to 10,000 children in conflict with the law annually. As an immediate result of the enactment of the law, children who were 15 years old and below were released from jail. The number of children in detention centers managed by the Bureau of Jail Management and Penology was immediately reduced by around 50 percent from more than 2,000 to just around 1,000. Separating children from adults in detention centers has also started but has not yet been completed in all centers.²¹

Law enforcement agencies have established systems and structures to address violence against women and children. A total of 1,570 Women and Children's Desks (WCDs) set up in 98 percent of all major police stations around the country are staffed by women police officers who have been trained on child-sensitive and child-friendly investigation procedures. More than 60 percent of police officers assigned to WCDs in UNICEF-assisted areas (see below) were trained on the proper investigation of crimes involving women and children, and on investigation procedures for cases of child trafficking and on-line child pornography. The Violence against Women and Children Division (VAWCD) and the Anti-Human Trafficking Division (AHTRAD) within the National Bureau of Investigation (NBI) are also tasked to investigate cases involving women and children including trafficking, prostitution and pornography. The NBI has fourteen (14) "one-stop-shop" woman and child-friendly investigation studios in selected cities and regions in the country. NGOs like the International Justice Mission (IJM), the Child Justice League (CJL) and Women LEAD help in the prosecution of trafficking cases.²²

(c) An emphasis on enhancing cooperation for the promotion and protection of human rights;

The Government of the Philippines-UNICEF Sixth Country Programme for Children (CPC 6), covering the period 2005-2009, aims to reduce disparities in the indicators of children's rights and well-being in selected twenty four (24) focus geographic areas (consisting of 19 provinces and five cities). Specific interventions are in six areas, which are: Communication, Local Policy and Institutional Development (LPID), Health and Nutrition, Education, Children in Need of Special Protection (CNSP), and HIV/AIDS. The International Labor Organization (ILO), with financial contribution from the US Department of Labor, has likewise continued its support to the National Programme against Child Labour (NPCL) and the Philippine Time-Bound Programme on the Elimination of the Worst Forms of Child Labour being implemented by the Department of Labor and Employment (DOLE) in partnership with other national government agencies, NGOs, and local government units.²³ Other projects funded by foreign partners included:

- (a) Educational facilities improvement project (JICA);
- (b) Measles control project (JICA);
- (c) Integrated family planning and maternal and child health programme (USAID);
- (d) Philippines-Australia Basic Education Assistance in Mindanao (AusAID);

²¹ Para. 16, Report to the CRC.

²² Para. 268(d), Report to the CRC.

²³ Para. 52, Report to the CRC.

- (e) Philippines-Australia Quality Technical and Vocational Education and Training (AusAID);
- (f) Early Childhood Care and Development (Asian Development Bank and World Bank); and
- (g) Third Elementary Education Project (World Bank and JBIC).²⁴

(d) The provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned;

In 2006, UNICEF supported several capacity-building activities in partnership with government. Some 349 judges, clerks of court, prosecutors, public defenders, jail officers and social workers becoming more familiar with national laws and special court procedures for the protection of children and women. An additional 672 police officers were trained on the proper investigation of crimes involving children and women and another 240 were trained on proper investigation procedures for child trafficking cases and on-line child pornography. Over 30 State Prosecutors who are assigned in trafficking in persons “hotspots” have undergone skills upgrading on investigation and prosecution using the Anti-Trafficking in Persons Act of 2003. In addition, almost 3,000 local government and barangay (township) officials and 84 public defenders, police officers and social worker were oriented in juvenile justice in the UNICEF-assisted areas. A total of 265 social workers, health officials, local government officers and leaders of indigenous communities in the focus areas were oriented on the Action for the Rights of Children (ARC). Over 60 social workers were provided specialised training on case management for the recovery and healing of child survivors of sexual abuse and exploitation and 472 teachers deployed in schools in conflict-affected communities. In another effort to support the peace and reconciliation process, 702 public school principals, district supervisors and teachers from seven (7) Department of Education Regional Offices were trained as facilitators to orient teachers on the use of the peace education exemplars. An important element of child protection is to have functioning Barangay (village) Councils for the Protection of Children (BCPCs). UNICEF provided support for the training of 775 officials from these barangays on the roles and functions of the BCPCs.²⁵

(e) Voluntary commitments and pledges made by the country under review.

In the Commitments of the Philippines in the Human Rights Council, it is stated that “the Philippines will continue to play an active role in upholding the rights and welfare of the disadvantaged and vulnerable groups, including women, children, indigenous peoples, migrants and persons with disabilities.”²⁶ It shall also actively pursue its task as the ASEAN focal point in

²⁴ Para. 53, Report to the CRC.

²⁵ UNICEF-Philippines, 2006 Country Office Annual Report, p. 26.

²⁶ Para. 2, Annex to the note verbale dated 18 April 2007 from the Permanent Mission of the Philippines to the United Nations addressed to the President of the General Assembly (A/61/82), hereinafter referred to as the “Annex to the Note Verbale”.

efforts to fight human trafficking and in promoting women's and children's rights.²⁷ It will also enhance training programmes, particularly on women's and children's rights, for judges, public defenders and military and police personnel.²⁸

²⁷ Para. 14, Annex to the Note Verbale.

²⁸ Para. 21, Annex to the Note Verbale.